Continuity and Change (2020), **35**, 139–162
doi:10.1017/S0268416020000181

CAMBRIDGE
UNIVERSITY PRESS

RESEARCH ARTICLE

The transfer of land in medieval England from 1246 to 1430: the language of acquisition

William S. Deller*

Independent Scholar
*Corresponding author. Email: todellers@btopenworld.com

Abstract

Records of proof-of-age hearings from 1246 to 1430 which mention land transfer are analysed by techniques aimed at overcoming the legal conventionality of the texts and the widespread plagiarism of the records of previous hearings. References are examined decade by decade, initially in terms of the numbers of testimonies mentioning land and, most importantly, in terms of their changing syntax, vocabulary and choice of detail. This approach gives clues to the state of the land market itself and to the mentalities of those involved. Particular attention is paid to the effects on the market of the economic and demographic shocks of the fourteenth century.

1. Background

In medieval England, the relationship between the king and those who held their lands directly from the Crown (*a capite*), as opposed to holding them from another nobleman or senior member of the clergy, was of vital importance to both parties. The designation 'tenant-in-chief' brought great prestige, but also carried heavy responsibilities since these landholders were originally responsible for providing knights and soldiers from their own dependents for the king's feudal army. Even as the system became increasingly one of mutual financial obligation, these men remained the king's natural counsellors.[1]

Both tenants-in-chief and monarch had a crucial interest in the smooth operation of the system of the tenure, especially when such a tenant died, at which point the landowning family would be anxious for the rightful heir to inherit smoothly and the king keen to obtain his feudal dues and secure a dependable ally. A careful, bureaucratic and well-recorded procedure was, therefore, established. On the tenant's death, an *inquisition post mortem* was held in each county in which he or she held land to establish the value of the holdings; meanwhile, the land would temporarily revert to the Crown (*escheat*) until the heir paid a sum of money (*relief*) and could then take possession (*seisin*) of the estates.

If, however, the heir was under age (under 21 for a male heir, under 16 for an unmarried heiress and 14 for a married one), he or she would be subject to a wardship under which the custody and income of their lands and the right to arrange their marriage passed to the monarch until they came of age. The wardship and

marriage were not usually kept in Crown hands, but were sold, often simply to the highest bidder, unless outbid by the next of kin. When an heir did come of age, he or she passed out of wardship but could not enter upon their inheritance until they had sought a royal writ to initiate a separate procedure by which a group of jurors was summoned and required to swear that the heir was truly of age.

Unusually, the procedure required individual jurors to justify their knowledge of an heir's age by reference to some other personally remembered event. After he had sworn to the heir's age, each juror was asked how he knew of the birth (*qualiter hoc sciit*). In response, jurors offered a variety of justificatory testimonies which referred to events in their own lives. In this sense, the jurors were treated as individual witnesses as well as corporate oath takers. Between 1246 and 1430, 10,181 proof-of-age testimonies were recorded from at least 10,036 individual jurors. (Some names were not recorded.) Of these, 858 jurors specifically mentioned a land transaction in their testimony. Typical were two Northampton jurors at the proof of John Mares in 1297. One testified to the age of the heir on the ground that 'Hugh his father died at the feast of St. Michael before the birth of the said John, and he paid relief for his land (*terram suam relevavit*) at Christmas following, which relief was 21 years ago last Christmas'. The other juror agreed, 'because at the feast of St. Andrew before the birth of the aforesaid John he acquired a virgate of land in Ashby from John the father for a term of years'.[2]

The land transactions mentioned by jurors refer overwhelmingly to acquisitions – inheritances, leases and conveyances. Only five land references specifically mentioned the loss of land and a further 11 contained indication of a dispute of some kind where the outcome was not always clear. Whether by the convention of the record or by the inclination of jurors, the picture gained from land mentions is, therefore, a positive one from the jurors' point of view, mirroring the nature of the hearing itself, whose purpose was of course to facilitate the heirs' acquisition of their inheritance.

2. The records

Records of proof-of-age hearings for tenants-in-chief of the Crown are extant from all English and some Welsh counties, starting from the late thirteenth century and continuing into the sixteenth.[3] They are to be found in bundles in roughly chronological order in The National Archives, classes C 132–42 (one file per monarch, Henry III–Henry VII), E 149 (covering Henry III–Richard III) and E 150 (Henry VII). Such records continued to be taken, though latterly in stereotypical form, until the establishment of the Court of Wards in 1540; they had been finally rendered obsolete in 1538 when Thomas Cromwell ordered the universal entry of dates of birth in parish registers.

Proofs of age began to be translated and published in calendared volumes by the (then) Public Record Office along with inquisitions post mortem at the end of the nineteenth century, beginning in 1898 with those of the reign of Henry VII. At about the same time, a start was made on the earliest inquisitions post mortem – those of the reign of Henry III, the first volume of which was published in 1904. These two series were published at intervals: the Second Series, inquisitions and proofs from Henry VII's reign, was completed in 1954, while the First Series came to an end with volume 21, covering the years 6–10 of the reign of Henry

V (1418–1422).[4] It is with these 'proof-of-age' records that this article is concerned.[5] It covers the period from the start of the records in 1246 to the end of the reign of Henry V, an almost two-century span which includes the major demographic shocks of the fourteenth century.

3. Proofs and the transfer of land

What, then, can the records of proof-of-age hearings add to our knowledge of the late medieval peasant land market? Since the publication of a fourteenth-century Peterborough cartulary in 1960, historians have been aware that unfree villeins, who of course had, in theory, no access to courts of law other than the manor court of their lord, were buying and selling land – often very small plots and often by charter.[6] Moreover, many manor court records of the surrender of customary land and entry of a new tenant may have been, in fact, actual sales, particularly where the record states that the land was surrendered to the use (*ad opus*) of a named person.[7] Subsequent studies of particular regions or manors discovered similar phenomena: the fragmentation of standard virgate holdings in some places under 'market' pressure and their replacement by a pattern of some large, some small holdings; wide regional variety in the strength of the market because of differing environmental pressures, historical traditions and lordly attitudes; significant changes in the peasant land market over time, especially those associated with the demographic shocks of the famine conditions between 1315 and 1322 and the Black Death beginning in 1348.[8] Work on the market in free land specifically is more limited.[9] Some trends are apparent, however: both Mike Davis and Jonathon Kissock, and Margaret Yates, for example, in their analyses of feet of fines discerned increased levels of land transfer in the famine of 1315–1322.[10]

The evidence from proof hearings can be used to compliment the sort of evidence mentioned above and as a source, it has strengths as well as weaknesses: firstly, it is a national source covering, albeit intermittently, the whole country; secondly, it gives evidence on a wide range of participants, but especially those of great interest in any analysis of the whole land market – prosperous peasants; thirdly, proof testimony refers to the memory of all types of land transfer, customary and free, thus contributing to an overall picture of the market; and fourthly, as we shall see, it preserves, however imperfectly, something of the subjectivity of the jurors. Using these strengths, the rest of this article will analyse the relative frequencies of the mention of land transfers to examine the possible effects of successive demographic and economic shocks on land transfer in the fourteenth century. More importantly, it will also scrutinize the changing language of land testimonies to uncover aspects of the land market, especially the development of what may be called an individualistic, commercial sense in the minds of participants, traditionally said by historians to be characteristic of early modern capitalism, but seen now as originating much earlier.[11]

4. The Jurors

Jurors summoned to a proof hearing were typically established members of a local community who could be expected to recall the birth of the heir who was claiming

https://doi.org/10.1017/S0268416020000181 Published online by Cambridge University Press

to be of age. The most common marker of status recorded of jurors was that of 'knight', but only 158 were so designated, which amounts to only about 1.5 per cent of the total number of jurors (10,036). A further 13 were designated as 'esquire'. As for the rest, their status was left unrecorded apart from nine who were described as of 'free condition', and a handful of clerics. These figures tend to confirm Christine Carpenter's conclusion that juries for inquisitions post mortem in the fifteenth century were mostly of only 'village status', despite the presence of the occasional knight or member of the gentry.[12]

This impression is also confirmed for an earlier period by comparison of the surnames of proof jurors with the holders of manors in fourteenth-century Gloucestershire, as identified by Nigel Saul.[13] Four hundred and twenty-nine Gloucestershire jurors were identified in the fourteenth-century proof-of-age records, of whom the surnames of only 12 (2.8 per cent) coincided with one of the manor-holding families. Similar results were found for Derbyshire and Nottinghamshire.[14] The significance for our purposes is that many people of this middling sort were likely to be involved in land transfer activity, there is no reason to suppose that jurors recalling land transfers were untypical of proof or inquisition jurors as a whole.

In about 7 per cent of testimonies, a juror's employment or occupation was explicitly mentioned in the record.[15] Of these, almost a third were described as servants, usually of the land-owning family whose heir was the subject of the hearing. Within this group were 78 bailiffs, 46 clerks, 28 stewards, 15 butlers and 13 esquires, but only three carpenters, two carters and one thresher which confirm a picture of important but local responsibility. A few jurors attained such relatively high-status positions as warden of the local castle, but far more were associated with humbler roles like the warden of the parish funds, or the local guild. Three jurors reached the height of a coroner's position, but considerably more were merely called as his witnesses when he was conducting an inquiry. Similarly, jurors' involvement with the king's justice tended to be as low-level litigants, witnesses or court officers.[16]

5. Problems and possibilities

Before turning in detail to the records, however, mention must be made of some long recognised problems with these testimonies.[17] Firstly, jurors were remembering events that took place over 20 years previously (for male heirs) with all the problems of memory that entailed; secondly, the records were medieval legal texts typical in their conventional range and stereotypical vocabulary; and thirdly, the copying of previous testimonies by jurors or their recorders both from within and between hearings was commonplace, and such widespread plagiarism has been seen as an insuperable barrier to their systematic use.

On the question of memory, for a juror's testimony to be legally valid it had at the very least to be plausible – to fellow jurors, the family of the heir, the court officials and the system itself, so that even if a memory was inaccurate or even invented, it had to be something that might have happened to real people. For the purposes of the following analysis, the accuracy of memory or the intentions of the juror is not crucial. Given a sufficiently wide range of possible testimonies, those chosen for the

record can still give genuine cumulative insight into the minds and preoccupations of the participants, whatever their veracity in particular cases.[18]

It is possible also to underestimate the importance of memory to the medieval mind. Michael Clanchy has pointed to the weight that continued to be placed on the value of oral recollection long after the common use of writing had percolated down to freemen and villeins – an occurrence which he places around 1300. Years after writing was widespread, 'the living memory voiced by wise men of age and experience' continued to be valued, even preferred, to the 'artificial memory of written record'.[19] This was particularly true in the conservative legal arena. Indeed, the testimonies themselves bear witness to the very slow adoption of writing over memory and the reluctance to trust written documentation alone.[20] That jurors took their testimonies seriously is also evidenced by those testimonies that refer to an incident that can be independently checked. 148 testimonies – about 1.4 per cent of the whole (10,181) mention a datable event. Of these, only 6 per cent appear to be misdated, and in only a handful of cases was there any likelihood of deliberate deceit.[21]

Such examples do not fully address the problem of simple, even honest, inaccuracy. The proof hearing was from the start rather circular: a juror swore that a birth was on such-and-such a date and that he remembered because some personal event took place at the same time, but this is no proof of the accuracy of either date. Against this, J.C. Russell compared the ages of under-age heirs given in inquisitions post mortem with those recorded for the same heirs in their proof-of-age hearings and found the ages given tallied within plus or minus three years in 181 out of 190 hearings.[22] Moreover, we know that one reason for the popularity of land transfer in the repertoire of legal acceptability was the fact that it often attracted dated written evidence that some recorders would actually examine during the hearing.[23] For the jurors, the attraction would also have been the semi-public nature of a land transfer – the local witnesses, the ceremony of homage and the long village memory – which would have assured and reinforced the individual's recollection.[24]

By their nature, the records imply that jurors simply uttered their contribution off the top of their heads, but occasionally, we glimpse the preparation that went on before the hearing itself. For example, a note attached to the proof of Laurence de Paveli, the firstborn of twins, refers to a meeting of the family and the jurors which took place before the official hearing. The note reads, 'the brothers are twin sons born on the same day but Laurence being the firstborn is his next heir; all of which the said Philip (the other twin) in the presence of his mother and the jurors, and also on Thursday the morrow in the presence of the escheator, acknowledged to be true'.[25] Some recorders, too, often showed a commendable concern for veracity. Witness, for instance, the clerk's evident exasperation at this rambling testimony: 'Thomas de Northwode, knight, says the said Emery was 21 in Mid Lent last, for he was born at Melebrok in the same year in which the tournament was at Bedeford, when Sir Reginald de Grey and Sir Emery, the father, led an ass between Bedeford and Elvestowe where the king then was, and then he was with the said Emery; the tournament was twenty-one years ago at Shrovetide last but he cannot tell how he knows of the lapse of so much time and he has no other knowledge of the age but by report of the county'.[26] (The clerk could see that the string of circumstantial detail and 'the report of the county' hardly contributed to a legally

water-tight testimony.) It is also likely that jurors were questioned much more closely than the extant records suggest.[27]

On the other hand, some recorders were quite content to 'recyle' testimony from previous hearings, particularly if they were from the same or nearby counties and had been heard recently, and so were more likely to be conveniently to hand. The priority was always to produce an effective legal document rather than an accurate record of real experience. Such plagiarism is systemic and ranges from similar phrasing of individual testimonies to the wholesale copying of virtually complete texts.[28]

As far as the stereotypical nature of the records is concerned, it is true that the need to produce an effective legal document that would trigger the inheritance of the heir meant that testimonies recorded were quickly limited by convention to a 'safe' set of about 15 common types. Of these types, by far the most common was a reference to a birth, death or marriage in a juror's family, which together make up over a third of all testimonies. Similarly, a group of testimonies referred to land transfer directly (just under 10 per cent of all testimony), or more obliquely by the mention of the writing that a land transfer often generated or the legal or quasi-legal activity it involved (over 14 per cent of all jurors mentioned a written document, predominantly land charters, lease agreements, contracts or wills; almost 5 per cent of jurors referred to a legal matter, often involving land). By contrast, the mention of less common events like crime or violence (under 5 per cent), or travel (just over 5 per cent) never matched the major preferred evidential groups in popularity. These 'vivid' testimonies themselves sometimes show a frequency pattern that mirrors those concerning land transfer. References to crime and violence, for example, peaked between 1360 and 1389, remembering events around the first and subsequent outbreaks of the plague, at the same time that jurors were recalling the highest proportions of land transactions. It seems possible that testimonies were reflecting, however imperfectly, actual increases in the incidence of both crime and land transfer during the same period.

Nevertheless, recorded testimonies cannot normally be read as direct accounts of a juror's experience. At the very least they were filtered through the legal conventions of the hearing. This is shown by the fact that over the whole corpus of testimony between 1246 and 1430, only about 9 per cent are unique to an individual juror in the sense that the wording and content are not echoed in any other testimony. Moreover, traumatic events which one might expect to be recalled, like the recurrent outbreaks of plague from 1348 to 1349 onwards, received scant mention in the record – only 13 testimonies explicitly recalled the 'plague' or 'pestilence'. The distance between jurors' experience and the requirement for a formal stereotypical testimony – recorded, of course, in Latin – is clear on the rare occasions when these conventions were bent if not broken. Three Devon jurors, for example, told the following rambling and exceptional story, faithfully and unusually transcribed more or less verbatim by the clerk. The record states that 'they remembered meeting Lady Katharine proposing to ride to Shute and expecting to be the godmother of William (the heir). There she met Edward Dygher, a servant whom she reproached for being merry and talkative. He asked her where she was going. To which she replied quickly that she was going to Shute to make her nephew a Christian. Grinning he answered in his mother tongue, '"Kate, Kate ther to by

myn pate comyst ow to late" because the baptism is (already) performed. Mounting her horse again she rode home very angry, not seeing the child's mother for six months'.[29]

It also seems that reference to land acquisition more often gave an accurate representation of an individual's own experience than more vivid references did. Land testimony is much less likely to echo the exact content or wording from other hearings and so be 'borrowed' by recorders to complete their legal document.[30] Similarly, jurors offering land testimony were less likely to be influenced by other jurors in the same hearing into repeating virtually the same testimony. Conversely, 'vivid' testimonies like those referring to accidents, crime or violence much more often come in strings with very similar wording, and one juror echoing another. Land testimony was not generally like this; it was, in this sense, a gold standard and, with recollections of birth, marriage or death, a systemically preferred option. (Together, such references – birth, marriage and death, land transactions and their often associated legal ramifications – make up almost half of the total number of testimonies.)

Yet, even here land testimony had its own conventions: it was overwhelmingly concerned with the acquisition, not the alienation, of land. If they were not witnesses to a land transaction, jurors were likely to be buyers not sellers, inheritors not dispossessed and gainers not losers.[31] It is easy to account for such a bias. Jurors were picked because they were substantial members of at least a village community and so were more likely to have been involved in successful land acquisition. The hearing itself was also a significant step on the legal path to an heir coming into his or her inheritance. Village jurors, many of whom might owe allegiance to the heir's family, would be likely to want to contribute positively to a happy, if anxious, occasion.[32]

The elements within each category of testimony varied significantly over time. In some decades, for example, references to death outstripped those to birth or marriage. The mention of writing increased tenfold in the first half of the fourteenth century. References to land transfer, as we shall see, fluctuated in ways that accord with evidence from other sources. The wording and form of individual testimonies also show significant variation over time – details mentioned, the order of statements, the vocabulary used. For example, the words used to describe an inheritance or a purchase did not remain static – nor did the details mentioned in crime references, or the way a wife was referred to in a marriage. This changing language can throw an oblique light into the minds of those who produced the texts, whatever their intentions at the time.[33]

6. Frequencies of mention

Turning first to the simple frequencies with which land transfers were recorded in proof-of-age hearings, the rate of recall decade by decade appears in Table 1. It seems to have remained relatively stable from 1270 to 1330 when between about 5 and 10 per cent of testimonies contained a reference to land transfer, and the number and proportion of jurors making such reference remained broadly similar from decade to decade. In the 1330s, both the number and proportion of land remembrances rose. The decade's peak years for both the number and proportion

https://doi.org/10.1017/S0268416020000181 Published online by Cambridge University Press

Table 1. References to land transactions in relation to all testimonies

Year	Number of land references	% of all testimonies	Year	Number of land references	% of all testimonies
Pre-1300	31	8.1	1360–1369	130	9.4
1300–1309	35	6.9	1370–1379	175	16.4
1310–1319	38	7.9	1380–1389	43	7.7
1320–1329	28	6.9	1390–1399	11	3.3
1330–1339	54	8.2	1400–1409	53	6.0
1340–1349	38	12.7	1410–1419	37	5.1
1350–1359	112	10.0	1420–1429	51	4.5

Sources: All tables sourced from the author's proof-of-age data set (see text).

of land transfer memories were 1335 and 1336. This trend continued into the 1340s, introducing a period down to 1380 when land transactions of every kind occupied the recorded memories of a rather higher number and proportion of jurors. After 1380, they fell away to levels not unlike, or even below, those of the early decades of the fourteenth century. The most active decades in terms of the proportion of juror mentions were the 1340s and 1370s. In terms of raw numbers, the period between 1350 and 1380 contains almost half the total recorded remembrances. These figures suggest a significant surge in land transfer activity about 20 years before, both during the time of Great Famine of 1315–1322 and the onset of plague outbreaks from 1348.

Given the nature of proof testimonies, their stereotypical form, the 'recyling' of testimony material both within and across hearings and the fact that jurors' recollections of events that happened 20 years previously may reflect their current concerns as much as what actually occurred two decades previously – as well as unknowable changes of fashion in the conventions of legal recording – it would be unwise to assert a direct statistical link between the land market and the rate of mention in the proofs. Suffice it to say that the bulges in the number and proportion of remembered land transfers from the 1330s onwards, recalling land transfers roughly 20 years before, broadly accord with evidence from manor rolls and feet of fines as to the effect of the great demographic shocks round 1315–1322 and from 1348 onwards on the availability of both customary and freehold land for the survivors.[34]

One other simple statistic may give a clue to the nature of that impact. Table 2 gives an average figure for each decade of jurors' ages at the time when they acquired land, calculated by subtracting 21 years from their age given at the hearing. In this way, we can have a rough indication of a juror's age when he acquired his land. On this basis, in the 1330s, jurors remembered leasing land (roughly 21 years previously) when they were aged on average 24 years. In the following decade, they recalled purchasing land when they were on average 23 years old. It seems possible, therefore, that an estimated national mortality of perhaps about 10 per cent did open the way for younger men to acquire land during and after the famine period

https://doi.org/10.1017/S0268416020000181 Published online by Cambridge University Press

Table 2. Ages when jurors remembered buying or leasing land

Year	Average age at purchase	Average age at lease	Year	Average age at purchase	Average age at lease
Pre-1300	22.0	23.4	1360–1369	32.8	36.7
1300–1309	33.0	37.5	1370–1379	31.4	24.5
1310–1319	29.3	31.8	1380–1389	36.2	27.4
1320–1329	39.0	32.0	1390–1399	35.0	25.0
1330–1339	33.8	24.3	1400–1409	29.9	29.0
1340–1349	23.0	29.4	1410–1419	28.0	39.0
1350–1359	28.5	35.7	1420–1430	30.0	27.8

Note: 'Year' refers to dates of hearings by decade. The 'average age at purchase' and 'average age at lease' columns indicate average ages of jurors at the time of the remembered acquisition of land – usually about 21 years before the hearing.
Source: See Table 1.

between 1315 and 1322.[35] By contrast, in the decades from 1370 to the end of the century, there was an increase in the average age of jurors at the time of the recalled land transactions, which in this case were those of the plague period, beginning in 1348 and running through to the 1360s and beyond. By the 1380s, the average age of jurors at the time of the remembered land purchases climbed to just over 36 years, lending some weight to the notion of a 'consolidation of a peasant aristocracy' as the landholdings of the already landed increased and the gap between prosperous village families and the rest grew wider.[36] Again, numbers are too few for definitive conclusions and doubts exist over the accuracy of the age recording of jurors – ages are often rounded up or down to whole decade approximations (30, 40, 50, etc.) and the record commonly places the Latin phrase *et amplius* (and more) after the stated age, emphasizing further the estimated nature of the given age. In some cases, ages are even seemingly copied in sequence from previous hearings. All these factors should make us doubly cautious while noting the confirmatory evidence from other sources.[37]

7. Changing language

An examination of the changing language of jurors' memories reinforces and extends the impression of the effects of these demographic shocks. Within the testimonial language of land acquisition, it is possible to distinguish three broad categories of transaction. The first was testimonies which mentioned the inheritance of land, often as a result of a death in the family, most commonly a father (34 mentions, or 55 per cent of all death/land testimonies), but including that of a brother (13 per cent), a mother (7 per cent) or more distant relatives, such as grandparents, uncles and named people who may or may not have been relatives. Where a juror did not specifically mention a death followed by a land transfer, he may sometimes have implied it by the use of the word 'inherit' or 'inheritance'. A similar process, though made in the lifetime of a donor, is also implied by the use of the word 'gave'

https://doi.org/10.1017/S0268416020000181 Published online by Cambridge University Press

or 'grant'. Taken all together, these variations refer to the generational transfer of land through inheritance or gift.

The wording of the typical testimony of this type at the turn of the fourteenth century seemingly reflected an orderly process of land transfer by inheritance. Adam Willoughby's uncle died, for example, 'without heir of himself, and his lands etc. descended to the said Adam as his nephew and next heir'.[38] It was depicted as an unproblematical and straightforward process, as in the case of Henry de Copshull's grandmother whose 'inheritance' he simply 'received'.[39] This is not to say that the actual process of transfer was without delay. Indeed, it was probably remembered as an anxious time: Hugh de Wyluby, for example, had to wait almost three months from the death of his father in September before paying relief for his land the following Christmas.[40] The transfer process itself was face-to-face: one typical juror's testimony described seeing the infant heir while in the act of paying homage for land to his lord.[41] Though not without stress, the transfer was also comparatively stately: after the death of his father, it took Simon de Caldewelle over a month to visit the landowner's family to pay homage – the record itself expresses the process as 'to do for the meadow what was due'.[42] In a less straightforward case, however – the juror was inherited through his mother on the death of his father-in-law – the homage took place just over a fortnight from the death.[43] The process could be quite elaborate, particularly when higher-status participants were involved. Both Nicholas de Lytleton and the sheriff of Dorset, for example, were representing others when the former gave homage to the latter, as mentioned in a testimony of 1301.[44] Reference to writing as part of the process of land transfer was growing but was still only mentioned in a small minority of land testimonies (14 per cent) and there were signs of hesitancy in its use.[45]

Both the other broad categories of testimony referred to the operation of a commercial market in land.[46] The second type is where a juror uses the words 'bought' or 'purchased' to signal the direct acquisition of land for money or service. The third category is where the land is obtained for an agreed period of time, a process commonly indicated by the use of such a vocabulary as 'farm' or 'term'. The figures for both are given in Table 3. In the early years of the fourteenth century, the outright purchase of land was mentioned in a comparatively small proportion of testimonies – the figure was roughly between 5 and 10 per cent of land testimonies. Leasing was mentioned by between 10 and 30 per cent of jurors.

The language of acquisition in the testimonies during this period tended to stress the grantor of land rather than the receiver. The typical juror at this date remembered when he acquired land but placed stress in the testimony on the grantor or lord from whom he received it. The ceremony of homage or fealty was often central in the testimony. This formal and public acknowledgement of allegiance to a lord during which the receiver swore to be the lord's man, foregrounded the relative dependency and inferiority of the former to the latter. In only a minority of early fourteenth-century testimonies were their hints of a brisker, even commercial, tone: in these (fewer) cases, the process of homage on entry into a tenancy was mentioned proportionately less often and in briefer terms, and, instead, the typical wording stressed the process of acquisition – 'took land of', 'took land for a term', 'held his inheritance', 'gained a messuage' and 'acquired to himself a tenement'.

Table 3. Inherited, purchased and leased land transaction memories

Year	Land + Death	Gave	Inherit	Total	% of all references	Bought	Purchased	Total	% of all references	'Farm' or 'term'	% of all references
Pre-1300	5	3	1	9	**29.0**	3	0	3	**9.7**	10	**32.3**
1300–1309	7	1	1	9	**25.7**	1	1	2	**5.7**	4	**11.4**
1310–1319	10	2	3	15	**39.5**	3	1	4	**10.5**	6	**15.8**
1320–1329	4	5	1	10	**35.7**	1	1	2	**7.1**	3	**10.7**
1330–1339	4	2	4	10	**18.5**	3	3	6	**11.1**	3	**5.6**
1340–1349	3	3	1	7	**18.4**	2	–	2	**5.3**	6	**15.8**
1350–1359	5	9	3	17	**15.2**	6	22	28	**25.0**	4	**3.6**
1360–1369	1	11	1	13	**10.0**	2	18	20	**15.4**	4	**3.1**
1370–1379	2	2	3	7	**4.0**	7	12	19	**10.9**	6	**3.4**
1380–1389	4	–	0	4	**9.3**	2	3	5	**11.6**	4	**9.3**
1390–1399	2	–	1	3	**27.3**	1	–	1	**9.1**	1	**9.1**
1400–1409	4	1	3	8	**15.1**	9	3	12	**22.6**	8	**15.1**
1410–1419	–	1	0	1	**2.7**	5	–	5	**13.5**	9	**24.3**
1420–1430	9	3	8	20	**39.2**	7	7	14	**27.5**	5	**9.8**

Notes: Dates refer to proof-of-age hearings. The first percentage figure (from left) indicates the proportion of land testimonies that mention a death or contain the words 'gave' or 'inherit', that is, land transfer by inheritance. The second percentage column refers to those testimonies that contain the words 'bought' or 'purchased'. The third percentage indicates those containing the words 'term' or 'farm', that is, a lease.
Source: see Table 1.

The remembrances from around the mid-century onwards saw a sustained departure from early fourteenth-century patterns. The proportion of jurors referring to their inheritance from family members fell, though the actual number doing so almost tripled. But the biggest change was in the number and proportion of jurors who remembered buying land – an increase of more than ten times the number and almost five times the proportion. Crucially, the details mentioned in many testimonies also shifted. In nearly half, for example, jurors now referred to written documentation, which was becoming increasingly common even for small transactions.[47] The typical testimony now tended to place the acting, acquiring, even litigating, individual in the foreground of the record.[48] From the 1330s, the word 'acquire' (*adipiscor*) became a regular feature of land testimony. In that decade, for example, it already appeared in almost a quarter of such testimonies. Homage, when mentioned, became part of a more personal anecdote. As early as the 1330s, for example, on a rare occasion when the process of homage-giving was described most fully, it was as part of the drama of a difficult childbirth – that being the focus of the remembrance, not the homage itself. When Simon de Seyles made 'his fealty to Peter del Hay for certain lands he held of him', Peter came out of his house to receive his homage because he 'dared not enter the house for the cries of the said John's mother in child birth'.[49]

More subtly, John Lexnham may have been seeking to assert a vicarious status by placing stress on his association with a man of knightly standing, as well as showing a keen awareness of the power of dated written evidence, when he recalled that 'Walter Fitzwalter, knight, father of Walter, granted a tenement in Great Tey to Richard Abraham his villein by his charter sealed under his armorial seal, dated that day and shown in evidence'.[50]

More details of common procedures come to light. For instance, where land was sold or leased by charter at this time, the number of witnesses named on the document varied from two to four, though more might be called upon if the matter were contentious.[51] Jurors employed a range of legal and extra-legal devices in their land dealings. Private arrangements were often meticulously even-handed. In one case, fairness went as far as splitting expenses – one party to the transaction paying the clerk who dictated the agreement and the other rewarding the scribe who wrote it.[52]

Between 1350 and 1380 testimonies mentioned more land changing hands in bigger acreages, and jurors were much more likely to specify how much land was transferred or how much a lease or purchase cost them in cash. The old vocabulary of 'enfeoffment' and 'fealty' either disappeared almost entirely or was hedged around with written manoeuvring or confirmation. John de Bruera, for example, foregrounded his preparatory letter to get a good deal for his land when he testified that 'before the birth he did fealty to Sir William de Roos for certain lands in Freston, and at the same time the lady of Huntyngfeld, who was then pregnant, prayed Sir Roger de Huntyngfeld his lord, for a letter to Sir William de Roos, that he might be gracious and favourable to the said John de Bruera in the matter of his relief when receiving his fealty'.[53] For many jurors, a 'feoffment' simply meant their charter,[54] and the terms 'charter of feoffment' and 'charter of acquisition' were often used interchangeably.

Some testimonies seem to preserve the excitement of the acquisition. William Wormele from Essex in 1369, for example, recalled the manor of Navestock

which he 'newly acquired' (*de novo perquisivit*) 21 years previously, that is, in 1348.[55] In some of the testimonies, there was an air of speed and impatience. William Faxceus complained that he was in wardship 'for a long time' before he could recover his lands.[56] The use of possessive adjectives became much more pervasive: land or tenement was typically described as 'his'; land was bought 'to' or 'for himself'.

Underlying many transfers after the first outbreak of the plague was a concern for the security of title or payment. When four Northamptonshire jurors bought a grange from the abbot of 'James without Northampton', he 'for security made them a writing obligatory sealed with the common seal of his house'.[57] Sometimes that security was ensured by recourse to the legal profession, as when a juror bought a 'messuage and garden' for which 'seisin was delivered to him by letter of attorney'.[58] But mostly jurors relied on witnesses for their transactions – the period 1350–1380 saw 73 per cent of the total number of witness references for the whole of the period, reflecting that heightened concern. Similarly, 40 per cent of the references to legal dealings during land transfer occurred in the same 30-year period. Occasionally, there was a glimpse of a less orderly world beneath due process: for instance, in the hearing of Phillipa Percy (nee Strabolgi), William Clerc recalled 'that on the day of her birth Walter Cachow seized a plot in Gaynesburgh [Gainsborough] called "Chanonplace", and fled therefrom for fear'.[59]

From the mid-century, jurors were anxious to emphasize their contractual rights; they continued to buy and sell land, often in groups; and the note of personal acquisition was maintained. A new phrase entered the record during the 1380s. In the testimonies of several jurors, family land 'descended to him (the juror) by hereditary right', a wording not found in the first half of the century. It stresses legal, personal ownership in a manner not emphasized in the earlier period. This is not to say, however, that old ways of expression and practice did not persist in some places. When three Welsh jurors took a manor to the farm from the prior of Chirbury for £10 a year in 1382, for example, they did so 'by common assent', which seemingly foregrounds community approval rather than any written contract – if any such existed.[60] During the whole of the 1380s, only two jurors expressed themselves in traditional style and 'did homage' or 'fealty' for their land; instead, the majority chose to foreground their charter and their acquisition, not their service.

Around the start of the fifteenth century, many jurors' testimonies reverted to a more balanced style. Where testimonies referred to an acquisition, sellers or grantors were mentioned more frequently alongside buyers and the active voice of acquisition was moderated by a passive one of reception. Thus, the word 'grant' or 'granted' was used in eight testimonies in the first decade of the new century (15 per cent) compared with its use from 1350 to 1380 in less than 1 per cent of the total land testimony. In each case, it is noted that the seller 'grants' the buyer or lessee the rights to the land as opposed to the expression of the same transaction as the buyer 'taking' or 'acquiring' the land.[61] Only three jurors specified the sums paid for land acquisition or lease and only one of these was an outright purchase.[62] This more traditional usage continued into the second and third decades of the fifteenth century. Buyers continued to be reticent about sums paid: only a single case of the specified purchase price was recorded between 1410 and 1419.[63] The amount

of land purchased was typically in small plots, one acre being the most frequently mentioned area.

The last full decade of our period, 1420–1430, saw an upturn in remembered land transfers and with it an increase in recalled purchases. Half of the purchasers now detailed the sums paid, but amounts were perhaps stereotypical: two jurors from Leicestershire and Northamptonshire, for example, were recorded as buying 'three messuages' each for £20 in 1428 and 1429; four jurors purchased woods at 40 shillings an acre in testimonies between 1427 and 1429, all from ecclesiastical proprietors accompanied 'by an indenture sealed with the common seal of the house'.[64]

Altogether, after the immediate demographic shocks, the record hints at the partial recovery of some traditional aspects of land transfer. Inheritance returned to its early fourteenth-century dominance in the record as the key method of land transfer – in the 1420s, nearly 40 per cent of land memories specifically mentioned inheritance. Even the old vocabulary of 'doing homage' or 'fealty' made a slight comeback after a complete absence in the middle of the century. In the remembrances of the 1420s, these terms were repeated five times, though on most occasions their use was accompanied by reference to 'a letter of homage', the acquisition of which served as a document of title. The same applies to the terms 'enfeoff' or 'feoff': of the 64 testimonies, in which it was employed, 48 referred to accompanying written documentation. In these cases, the old vocabulary was being pressed to new requirements and sensibilities.

8. Prices and acreage

Unfortunately for the historian, proof records are often tantalisingly indefinite about the amount of land involved in any particular land transaction, or about the price paid for a purchase or lease.[65] This may be because the recorder did not feel it necessary for his record or that fellow jurors would know the land mentioned without being told. The records are equally vague about the types of land transferred.[66] As for the size of land transactions, 124 jurors (15 per cent of all 'land' testimony) specified the acreage that they remembered changing hands.[67] The figures are presented in Table 4 where it will be seen that only in the peak decades of the 1350s and 1420s was the proportion of jurors mentioning acreage over 20 per cent of all land testimonies. Even so, it is clear that throughout the fourteenth century, many land transfers recalled by jurors were certainly below 10 acres and very often below five.

Beginning at the end of the 1340s, these types of transactions were joined in the remembrances of jurors by a minority of bigger transactions of up to 100 acres, recalling acquisitions which took place uniquely in the three decades from 1330 to 1360. After 1380, the largest remembered transfer was 60 acres of which there was only one – in 1382 from Surrey, referring to a transaction in 1361. The typical early fifteenth-century memory, as in the previous century, involved lease or purchase of land of 5 acres or less. Almost half were 3 acres or below, a lower average than at any other time in the fourteenth century. Only in remembrances of the 1420s did average acreages mentioned begin to climb. Whether these changes

Table 4. Acreage mentioned in land transactions

Year	Acre references	Range in acres	Average acreage	% of all land references
Pre-1300	1	–	3.5	3.2
1300–1309	2	17–24	20.5	5.7
1310–1319	4	2–12	8.3	10.5
1320–1329	3	1–16	6.3	10.7
1330–1339	5	2–24	12.6	9.3
1340–1349	6	3–70	42.2	15.8
1350–1359	23	2–100	40.0	20.5
1360–1369	16	6–76	19.3	12.3
1370–1379	20	1–60	15.5	11.4
1380–1389	3	5–60	23.7	7.1
1390–1399	1	–	20.0	9.1
1400–1409	10	2–20	5.3	18.9
1410–1419	6	1–20	5.2	16.2
1420–1430	12	1–40	10.5	23.5

Note: 'Years' refer to the dates of hearings, not recalled transactions.
Source: See Table 1.

reflected a changing status of men serving on proof juries or whether they point to real changes in the land market, it is not possible to determine.

Even fewer jurors' testimonies recorded the price paid for a lease or purchase and it was not until the fifteenth century that such a detail became more common.[68] Again, it is not possible to establish whether this shift in the detail recorded marked a change in jurors' willingness to mention cash, or was simply a change in the recording convention – or a mixture of both. Whatever the case, only 12 jurors between 1409 and 1431 remembered the sums paid for land, too few for statistical significance.[69] They were slightly more forthcoming about the price paid for leases – 20 mentioned the sum involved – but again too few for meaningful analysis.[70] Several jurors remembered buying a named sum in yearly rent for a single purchase price, but either the land or property generating the rent or the sum necessary to buy it was left unspecified in the records. A sort of advance on land security, it was the single most commonly mentioned rental transaction. Not only land was involved: Richard Bakester in 1376 remembered holding a 20-year lease on an oven for 40 shillings annually.[71]

9. The role of writing

If jurors' records are reticent about the sums involved in land transactions, some of the processes involved are much more easily understood, notably the place of writing in the transfer process. Four hundred and fifty (53 per cent) jurors mentioning land transfer also referred to written documentation of some kind. The number and

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Table 5. References to writing in land transactions

Year	Number of land references mentioning writing	Writing as a % of all land references	Year	Number of land references mentioning writing	Writing as a % of all land references
Pre-1300	2	6.4	1360–1369	96	73.8
1300–1309	5	14.3	1370–1379	134	76.6
1310–1319	8	21.1	1380–1389	15	34.9
1320–1329	11	39.3	1390–1399	8	72.7
1330–1339	22	40.7	1400–1409	24	45.3
1340–1349	21	55.3	1410–1419	15	40.5
1350–1359	69	61.6	1420–1430	12	23.5

Source: See Table 1.

proportion of 'land' jurors making mention of writing over time are given in Table 5. For the period before 1300 and the first 80 years of the fourteenth century, the growth in the reference to writing can be seen with gratifying clarity: both the number and proportion of references to writing steadily, and sometimes sharply, increased decade by decade. After that, references to writing eased back to numbers more commonly seen in the early part of the century. Small numbers mean large fluctuations, but it is not to be supposed that the drop in writing references after that time indicates a retreat from the written word. It is surely more likely that the use of writing in land transactions became so commonplace as to pass unremarked in many fifteenth-century jurors' memories.[72]

What is clear is that by the time of the first proof-of-age records in the late thirteenth century, the use of writing in order to document land transactions was a familiar feature of the process in all parts of the country. Even in the far northern counties, where reference to writing was rare or virtually non-existent, the few instances that do occur show familiarity with the usual literate processes seen elsewhere. Cumberland, for example, had only two land/writing references, but the first was from a testimony of 1314 and mentioned a '*chirograph*' recording a lease, and the second 'a writ for *mort d'ancestour*' again from the early years of the century.[73] Northumberland recorded a lease for a 'chamber' in Newcastle and an indenture for 'certain parcels of land'.[74]

Initially, the vocabulary used to describe such documents was unspecific in nature: in the earliest example, from Dorset in 1291, the term used was *certum scriptum* ('certain writing'). An instance from Westminster six years later expanded this somewhat: a lease was described as *scriptum de eadem firma* ('writing of the said farm').[75] In remembrances of the first ten years of the fourteenth century, the wording became more specialised, with the introduction of *carta feoffamenti* (charter of enfeoffment) and *serographum* (chirograph), as well as more widespread, with examples from Cambridge, Derby, Suffolk and York.[76] Yet, despite this common usage, the process was occasionally accompanied by some hesitancy, especially in the early years of the century. Nicholas Gamyl, for example, had to

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'seek advice' about 'the form of the charter of feoffment' even though the transaction was between him and his father,[77] while Wymund de la Grave sought aural confirmation of his charter by having it read out in church.[78] Such documents were often dated, which is why they were so useful in proof hearings.[79] They were sometimes written in the form of indentures, both parties keeping one half.[80]

Charters were the most common form of transaction record mentioned by jurors – between 1270 and 1430, 109 jurors recalled an heir's birth by reference to a land charter (and a further 27 mentioned an indenture). This is not to say that the process of land transfer was ever completely written. As well as public reading, the actual writing of a charter or indenture was often a witnessed affair, calling, especially from the mid-century, for professional support. In a Somerset testimony from 1347, for example, the parties called in two specialists to compose the document – 'the said Peter dictated the indenture and the said Walter wrote it'.[81] For run-of-the-mill transactions, the parish clerk more commonly did the actual writing.[82] As well as being witnessed in the writing, the finished document was often sealed in a public place, commonly the local church.[83]

Not content with merely referring to documentation, progressively more jurors were recorded as bringing their paperwork to the proof hearing itself to reinforce their memories. John Budel, for example, was accompanied by no fewer than six witnesses to his purchase of a 'messuage and a carucate of land', but he also brought his charter 'which John showed to the escheator'.[84] The public nature of the process was reinforced by the face-to-face nature of land transfer itself. Seisin itself was, of course, a physical process. When Walter Saleman received a 'messuage and 10 acres' from his father, he was not untypical in bringing 'several others' along with him when he took seisin.[85] However freely land was bought and sold, the approval of the lord was always necessary and often explicitly sought. When Roger Alfer bought a messuage and carucate of land from Walter Foliet they went 'on the same day' to Elias de Godele who 'indited [i.e. composed] a charter of enfeoffment of the said land'; it is not suggested that either the purchaser or buyer sought Elias's permission for the sale, but both wanted his involvement.[86] By the 1420s, this procedure was usually accompanied by a written record in the form of 'a letter of homage'.[87]

10. The law

Finally, on the involvement of the law in land transfer at this level, 64 jurors explicitly referred to legal procedures undertaken with regard to their land transactions. Of these, a small minority (eight) had recourse to the King's Bench in Westminster.[88] Three jurors remembered losing land as a result of legal action,[89] and another was obviously remembering a dispute the outcome of which is unclear.[90] Most of the others seemed to have used a court to register, for a fee, an already agreed transaction, sometimes within the family.[91] Eight jurors remembered the use of writs in their land dealings: seven specify the writ of *novel disseisin* and one *mort d'ancestor*. The use of such writs was mentioned much more widely than attendance at the King's Bench; instances came from Cumberland, York, Stafford and Dorset, as well as the Home Counties. Among jurors who gave such testimonies, knowledge of the use of particular writs was common, and several distinguished, for example, between a writ of entry and a writ of right.[92]

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However, while some jurors used legal procedure, more settled their transfers by agreement and public record. As a sort of half-way house, some used the opportunity of a 'love-day' (*dies amoris*) to settle disputes.[93] 'Love days' where quarrels would be publicly resolved, were a popular institution: they were mentioned three times as frequently in land transfer disputes as the most commonly mentioned legal action, *novel disseisin*. They seemed to have been especially useful when the dispute involved a comparatively small amount of money or land.[94] Others took advantage of a happy occasion like a baptism or purification to come to a friendly settlement. Many showed considerable forethought in their land dealings: a father might transfer land to a son in return for a yearly rent to maintain him.[95] A landholder going on a potentially perilous journey might demise his land to the local chaplain for the use of his family.[96] Yet another might, towards the end of his life, transfer land to a wife or son.[97] Depending on the size and sophistication of such arrangements, a juror might testify to them having been ratified by a witnessed and possibly publicly read charter; they might in addition be recorded in a seigniorial court or by the witness of the local lord or his steward as well as neighbours.[98] Although a small minority of all land transfer testimonies (about 8 per cent of the whole), these legally aware records depict a scene of considerable legal and quasi-legal sophistication and confidence.

11. Conclusion

To conclude, in terms of rates of mention, peak decades for land transfer memories were the 1330s and the decades between 1350 and 1380, many recalling events 20 years previously during the famine from 1315 and the first outbreak of the plague from 1348. For survivors, the chances to lease or purchase vacant land increased, alongside the probability of earlier than expected inheritance. It seems probable that the mortality following the famine of 1315 may have provided opportunities at first for comparatively young men to inherit or acquire land. The conditions after the onset of the plague in 1348 seem somewhat different in that there is some evidence that larger blocks of land became available and the purchasers or lessees tended to be older men who had already inherited or acquired some land.

In terms of lived experience, testimonial vocabulary increasingly foregrounded individual acquisition, a degree of anxiety over possession and careful documentation and witnessing of transactions. With greater opportunities in the land market came a greater emphasis on personal initiative and a more commercial tone in remembrances. The typical language of testimony became more active and individualistic: the active voice of 'taking' or 'buying' tended to supplant the passive one of 'granting' or 'receiving'. The record more commonly included prices paid or acreage acquired. Literacy, documentation and the law permeated the market, supplementing if not supplanting older, communal mentalities like giving and receiving homage, oral pledges and the witness of the community. Where traditional language like 'enfeoffment' continued to be used the emphasis was on the letter recording the transaction not the face-to-face ceremonial nature of the transfer itself. Possession was foregrounded not deference. While inheritance continued as the bedrock of land acquisition, the legal right of ownership became a key feature of the record rather than unproblematic descent.

After 1380, both frequencies and vocabulary settled back into a more balanced mode and the transfer of land resumed some of its more traditional aspects, as opportunities for acquisition presumably became less frequent than in times of heavy mortality. But there was no complete going back to the old ways. The theme of personal aggrandisement was here to stay. What is hinted at in these tantalising testimonies is that the agrarian and mortality shocks of the fourteenth century marked a decisive and permanent development, both in attitudes to the acquisition of land and in the emergence of a prosperous and ambitious stratum of village land-owners.

Notes

1 As early as the eleventh century English tenants-in-chief were commuting military obligation by payment of scutage and progressively thereafter the emphasis in 'feudal' lordship shifted away from military service to income for the Crown provided by feudal 'incidents' of which wardship was one. T. K. Keefe, *Feudal assessments and the political community under Henry II and his sons* (Berkeley, 1983), 15–9; F. Pollock and F. W. Maitland, *The history of English law before the time of Edward I*, 2 vols. (Cambridge, 1968), i, 307; S. L. Waugh, *The lordship of England: wardships and marriage in English society and politics 1217–1327* (Princeton, 1988), 3–15.

2 *Calendar of inquisitions post mortem and other analogous documents preserved in the Public record Office, Henry III-Henry V*, 21 vols. (London, 1904–2002) [hereafter *CIPM*], iii, no. 429 (1297). References to particular testimonies given in this article indicate the volume and number of the hearing in the published calendars. The date of the hearing is given in brackets. The transactions referred to, of course, typically took place 21 years previously.

3 The first recorded proof of age was that for Roger Bertram which was undated but referred to an alleged majority on 4 December 1245. London, The National Archives [hereafter TNA], C 132/47/27, (*CIPM*, ii, no. 848). The end of the reign of Henry V in 1422 is a convenient end point for this study, though for statistical purposes the sequence has been continued to the end of the decade (1430) since most of the data is presented in ten-year aggregations. It is hoped that later fifteenth century proofs will be the subject of a further separate study.

4 A new series, covering the gap in the fifteenth century, followed its predecessor numerically, but was financed by the (then) Arts and Humanities Research Board (with additional assistance from Trevelyan Fund of the Faculty of History, University of Cambridge) and with Christine Carpenter as Academic Director and General Editor. Up to the present, five volumes have been published, which take the *Calendar of inquisitions post mortem and other analogous documents* to 1447.

5 Original records for the thirteenth century have been used; for subsequent proofs, the printed calendar versions have been consulted, supplemented by reference to originals where appropriate to check translations. All translations follow the printed versions.

6 C. N. L. Brooke and M. M. Postan eds., *Carte nativorum: a Peterborough cartulary of the fourteenth century* (Northamptonshire Record Soc., 1960), vol. 20, xxviii.

7 Brooke and Postan eds., *Carte nativorum*, xivi; C. Howell, *Land, family and inheritance in transition: Kibworth Harcourt 1280–1700* (Cambridge, 1983), 245–8.

8 B. Harvey, *Westminster Abbey and it estates in the middle ages* (Oxford, 1977), 293–330; Z. Razi, *Life, marriage and death in a medieval parish: economy, society and demography in Halesowen 1270–140* (Cambridge, 1980), 76–97; P. D. A. Harvey ed., *The peasant land market in medieval England* (Oxford, 1984); R. M. Smith ed., *Land, kinship and life-cycle* (Cambridge, 1984); L. A. Slota, 'Law, land transfer and lordship on the estates of St Alban's Abbey in the thirteenth and fourteenth centuries', *Law and History Review* **6** (1988), 121–38; G. Sreenivasan, 'The land-family bond at Earl's Colne (Essex) 1550–1650', *Past and Present* **131** (1991), 3–37; J. Whittle, 'Individualism and the family land-bond: a reassessment of land transfer patterns among the English peasantry c. 1270–1580', *Past and Present* **160** (1998), 25–62; J. Mullan and R. Britnell, *Land and family: trends and local variations in the peasant land market on the Winchester bishopric estates, 1263–1315* (Hatfield, 2010).

9 C. Briggs, 'Credit and the freehold land market in England, c. 1200–1350: possibilities and problems for research', in P. R. Schofield and T. Lambrecht eds., *Credit and the rural economy in north-western Europe, c. 1200–1800* (Turnhout, 2009), 109–27; P. R. Schofield, 'The market in free land on the estates of Bury St Edmunds: sources and issues', in L. Feller and C. Wickham eds., *Le marché de la terre au Moyen Âge* (École Française de Rome, 2005), 273–95.

10 M. Davis and J. Kissock, 'The feet of fines, the land market and the English agricultural crisis of 1315–1322', *Journal of Historical Geography* **30** (2004), 215–30; M. Yates, 'The market in freehold land, 1300–1509: the evidence of feet of fines', *Economic History Review* **66** (2012), 579–600.

11 C. Dyer, *An age of transition? Economy and society in England in the later Middle Ages* (Oxford 2005), 244.

12 C. Carpenter, 'Introduction', in K. Parkin ed., *Calendar of inquisitions post mortem and other analogous documents preserved in the Public Record Office, Vol. XXII: Henry VI (1422–27)* (London, 2003), 19.

13 N. Saul, *Knights and esquires: the Gloucestershire gentry in the fourteenth century* (Oxford, 1981).

14 S. Wright, *The Derbyshire gentry in the fifteenth century* (Derbyshire Record Society, 1983), 196; S. Payling, *Political society in Lancastrian England: the greater gentry of Nottinghamshire* (Oxford, 1991), 221. Most had incomes round the £10 mark.

15 'Testimonies' can be used interchangeably with 'jurors' since in only in a handful of cases did a juror submit more than one testimony, notably when, in a very few cases, the hearings of sisters of similar age were held together or within a short time of each other. An example is provided by the proofs of Elizabeth Stabolgi and her sister Philippa, who had married a member of the Percy family, heard in Lincoln in May 1376 and in April the following year, respectively. Six of the jurors were used on both occasions: *CIPM*, xiv, nos. 317 and 346. For the overwhelming majority of jurors, however, their testimony was a unique occasion in their lives.

16 918 jurors mention some contact with the legal system, often using an eyre or other court hearing as a remembrance aid for the birth date. When closer contact is mentioned, a typical juror was a clerk, bailff or other court officer. For example, *CIPM*, v, no. 421 (1312).

17 R. C. Fowler, 'Legal proofs of age', *English Historical Review* **22** (1907), 101–3; R. F. Hunnisett, 'The reliability of inquisitions as historical evidence', in D. A. Bullough and R. L. Storey eds., *The study of medieval records: essays in honour of Kathleen Major* (Oxford, 1971), 206–36; J. Bedell, 'Memory and proof of age in England, 1272–1327', *Past and Present* **162** (1999), 3–27; J. T. Rosenthal, *Telling tales: sources and narration in late medieval England* (University Park, PA, 2003), 1–57.

18 For an extended discussion of the veracity of proofs, see W. S. Deller, 'Proofs of age 1246 to 1430: their nature, veracity and use as sources', in M. Hicks ed., *The later medieval inquisitions post mortem: mapping the medieval countyside and rural society* (Woodbridge, 2016), 136–60.

19 M. T. Clanchy, *From memory to written record: England 1066–1307* (London, 1979), 191.

20 W. S. Deller, 'The texture of literacy in the testimonies of late-medieval English proof-of-age jurors, 1270 to 1430', *Journal of Medieval History* **38** (2012), 207–24.

21 W. S. Deller, 'Proofs of age 1246 to 1430', 141.

22 J. C. Russell, *British medieval population* (Alberquerque, 1948), 92–112.

23 One group of jurors at a hearing, for example, brought along the charter they claimed to have witnessed on the day of the heir's birth, 'which Walter showed to the escheator': *CIPM*, xiv, no. 163 (1375).

24 To allow for possible inaccuracy, the data have been analysed using ten-year intervals to smooth out, as far as possible, individual lapses of memory.

25 *CIPM*, ii, no. 686 (1288).

26 *CIPM*, ii, no. 739 (1289).

27 For a fuller account of juror questioning, see W. S. Deller, 'Thirteenth-century proofs of age: the development of a hybrid legal form', *Journal of Legal History* **31** (2010), 245–72.

28 Two blatant examples of almost word-for-word copies of a previous proof are *CIPM*, ix, nos. 590 and 591 from Essex, 24 March 1350 and Kent, 19 May 1350; and *CIPM*, ix, nos. 9672 and 9670 from Surrey, 14 February 1351 and Sussex, 28 March 1351.

29 *CIPM*, xx, no. 130 (1413).

30 About 4 per cent of land testimonies directly echoed the content or wording of testimonies from other hearings. Over twice as many 'crime' testimonies did so.

31 See note 45.

32 Jurors were nominally chosen by the sheriff to whom the writ was sent. It is likely, however, that heirs or their families had the local knowledge to suggest suitable men.

33 Examples of this approach, using similar methodology, include B. R. Lee, 'A company of women and men: men's recollection of childbirth in medieval England', *Journal of Family History* **27** (2002), 92–100; B. Gregory Bailey et al., 'Coming of age and the family in medieval England', *Journal of Family History* **33** (2008), 41–60; W. S. Deller, 'The first rite of passage: baptism in medieval memory', *Journal of Family History* **36** (2011), 3–14; Deller, 'Texture of literacy'.

34 The most extensive recent study of the transfer of customary land concluded that periods of high mortality were associated with peaks in the number of land transfers: Mullan and Britnell, *Land and family*, 71–4. As for freehold land, in a recent analysis of nearly 25,000 feet of fines records from 21 counties, the authors concluded that both the Great Famine and the plague caused increases in market activity, though of differing natures. Adrian R. Bell, Chris Brooks and Helen Killick, 'A reappraisal of the freehold property market in late medieval England', *Continuity and Change* **34** (2019), 287–313.

35 Gerald Harriss, *Shaping the nation: England 1360–1461* (Oxford, 2005), 217.

36 Harriss, *Shaping the nation*, 240.

37 Adrian R. Bell, Chris Brooks and Helen Killick found that the Black Death 'resulted in a new market for large properties such as those involving manors' and that 'war and commerce produced newly wealthy individuals and groups (the buyers) who were able to capitalise on this opportunity': Bell et al., 'A reappraisal', 307.

38 *CIPM*, iii, no. 435 (1297).

39 *CIPM*, ii, no. 37 (1273).

40 *CIPM*, iii, no. 429 (1297).

41 For example, *CIPM*, iii, no. 621 (1301).

42 *CIPM*, iii, no. 620 (1300).

43 *CIPM*, iv, no. 165 (1303).

44 Nicholas was an attorney and the sheriff was standing in for the landowner: *CIPM*, iii, no. 621 (1301).

45 For example, Nicholas Gamyl 'went to William Folejaumb to seek his advice on the form of the charter of feoffment': *CIPM*, iv, no. 49 (1301).

46 Historians have traditionally used the term 'market' in differing ways in the context of peasant land transfer. For example, in his critique of M.M. Postan's argument for the existence of a peasant land market in the twelfth century, P.R. Hyams used the term to denote a substantial and sustained volume of transactions, having its origin in the thirteenth century's growth of population and the resulting land shortage, whereas Postan had in mind the transfer of often small plots that peasants had always exchanged to meet the problems of growing family or old age. Brooke and Postan eds., *Carte nativorum*; P. R. Hyams, 'The origins of a peasant land market in England', *Economic History Review* **23** (1970), 19.

47 Nicholas Bulloc, for example, saw the heir while in church 'to seek the clerk to make him a charter of a cottage': *CIPM*, vii, no. 480 (1332).

48 I can find only a handful of testimonies (7) which directly mention the loss of land. Examples are *CIPM*, iii, no. 484 (1298); ix, no. 591 (1350); xii, no. 550 (1363).

49 *CIPM*, vii, no. 485 (1332).

50 *CIPM*, xxii, no. 189 (1423).

51 When John de Clyvedon and John de Acton quarelled over a manor in Somerset, there were no fewer than six named witnesses to their eventual agreement, including three knights. The document was indentured, each party keeping half: *CIPM*, ix, no. 60 (1347).

52 *CIPM*, ix, no. 60 (1347).

53 This is the only specific mention of the word 'fealty' during the whole decade: *CIPM*, ix, no. 592 (1350).

54 For Thomas de Alford, for example, his feoffment was his marriage contract: *CIPM*, ix, no. 451 (1350).

55 See also, for example, *CIPM*, xii, no. 386 (1369).

56 *CIPM*, xii, no. 376 (1369).

57 The jurors' testimony was recorded in 1371 recalling a transaction made in 1350: *CIPM*, xiii, no. 141 (1371). Similarly, Richard Bakester took along three witnesses to mark the payment of his half yearly rent for an oven and got a receipt for good measure: *CIPM*, xiv, no. 299 (1376).

58 *CIPM*, xiii, no. 223 (1372).

59 We are not told why he fled. *CIPM*, xiv, no. 346 (1377).

60 *CIPM*, xv, no. 659 (1382).

61 For example, *CIPM*, xviii, nos. 858 (1403), 999 (1403) and 1148 (1405); xix, nos. 343 (1407) and 664 (1409).

62 In 1409, Philip Smyth of Wiltshire paid 20s. in two installments for a messuage and 20 acres: *CIPM*, xix, no. 786 (1409).
63 In 1416, Thomas Banastre bought an acre of land in Staffordshire for five marks: *CIPM*, xxi, no. 671 (1416).
64 *CIPM*, xxiii, nos. 139, 149, 308 and 316.
65 Twenty-four jurors mentioned a 'virgate' in their remembrance, of whom four remembered a half virgate, two remembered two virgates, and one three virgates. The usage was mainly southern and western – occurring as far north as Lincolnshire and as far west as Somerset. Half of those mentioning a virgate also specified a 'messuage', so they had a complete holding in mind. One hundred and one jurors used the word 'tenement' (*tenamentum*) to describe their land memory, roughly equal to those (103) who employed the term 'messuage' (*mesuagium*). Plural use of the terms, signifying a larger transaction, was comparatively uncommon: of the 36 jurors who recalled several tenements, six occurred in the 1330s and ten in the 1420s.
66 On types of land transferred, throughout the fourteenth century only a few testimonies distinguished between *terra* and *pratum* (arable land and meadow). After 1350, the term *arabilis* (arable) began to be used in the record. The only other commonly mentioned type of land was *lignum* (wood), where the intention often seemed to be to cut the timber as a crop. Sometimes a wood was sold to a consortium, presumably set up for that purpose. The comparatively high price paid per acre for woods – 20 shillings – in Lincoln, Leicester and Northampton (all purchased from religious proprietors) make the intention clear. Where *terra* and *pratum* were distinguished, the transferred meadow was always smaller in area than the arable land involved and seemed to form a unit with it. In all, 21 jurors testified to an exchange of meadow, 13 of whom also specified its size, which in most cases was less than five acres. The references date from 1291 to 1429 and are distributed evenly throughout the period. Sometimes the transfer was not a whole meadow but 'a piece'. Nine out of the ten instances of the use of the term 'arable' came from the first 20 years of the fifteenth century and again referred to mainly small plots – over half recalled a single acre.
67 This section refers only to those jurors specifically mentioning acreages. (See notes above for the use of the terms 'virgate', 'tenement' and 'messuage'). Other terms for blocks of land include 'bovate' which had a northerly distribution, occurring ten times in an area northwards from Nottinghamshire, and 'carucate' which was more popular than either virgate or bovate, with 27 mentions and was the most widely distributed, occurring throughout the southern counties and as far north as York and as far west as Cornwall. About half (13) occurred with 'messuage'. Its use in the record was concentrated mainly in the 1330s (5 times), the 1350s (7) and the 1360s (6). It ceased to be recorded in 1405. It is never clear whether testimony mentioning acreage had statutory or customary acres in mind.
68 In the fourteenth century, only two records mentioned a purchase price. William Hoetete from Berkshire recalled in 1319 that he sold a tenement for 20 marks but had not been paid for it: *CIPM*, vi, no. 191; and Henry Pearson from Dorset bought a tenement in 1376 for 100 shillings 'to hold for life': *CIPM*, xiv, no. 296.
69 All the examples were from the south and east of the country, as far north as Lincoln and as far west as Hereford. There are three instances of woodland changing hands at 40 shillings an acre, two from Lincoln and one from Northamptonshire: *CIPM*, xxii, no. 139; xxiii, no. 419; xxiii, no. 316. In Wiltshire, a testimony in 1409 mentioned that a messuage and 20 acres cost £1 (referring to a transaction in 1388): *CIPM*, xix, no. 786; in Hereford, a remembrance of 1428 said a messuage and 40 acres sold for 20 marks (i.e. in 1407): *CIPM*, xxiii, no. 140; three messuages with an unspecified amount of land in Leicester went for £20 in the same year: *CIPM*, xxiii, no. 308; and in the following year, a similar three messuages cost 20 marks in Northamptonshire: *CIPM*, xxiii, no. 316; in 1431, a single messuage was purchased for 20 marks in Suffolk: *CIPM*, xxiii, no. 596. Single acres changed hands in Stafford and Norfolk for five marks in 1416: *CIPM*, xxi, nos. 671 and 673; and on a larger scale, ten tofts and six cottages cost £40 in Lincolnshire: *CIPM*, xxiii, no. 139. It is unwise to draw any conclusion from such a small sample, though the sums mentioned were likely to have seemed plausible to contemporaries.
70 The first record to do so was that of John Potel of Sussex in 1326, who paid 6d. a year for one acre in 1305: *CIPM*, i, no. 536. In 1308, a virgate in Northampton for 25 years cost 12 shillings a year: *CIPM*, vii, no. 253. In 1270, 'certain lands' in Lincolnshire were let for 20 years at 100 shillings per annum: *CIPM*, ix, no. 451. In 1351, three similar cases from Surrey and Sussex recalled 100 acres going for 60 shillings a year for a lease of between 16 and 22 years (i.e. in 1330): *CIPM*, ix, nos. 670, 672 and 673.
71 *CIPM*, xiv, no. 299. Two groups of jurors in the Welsh Marches and Shropshire testified to leasing a whole manor for £10 in 1361 and another for 30 marks per annum in the same year: *CIPM*, xv, nos.

659 and 894. John Savage paid 6s. 8d. a year for six acres in Dorset in 1388, and William Geny acquired a messuage and 20 acres in Abergavenny for ten shillings a year in 1389: *CIPM*, xix, nos. 664 and 778.
72 For a more general discussion of the development of literacy during this period, as evidenced by proofs of age, see Deller, 'Texture of literacy'.
73 *CIPM*, v, no. 543 (1314); viii, no. 76 (1343).
74 *CIPM*, ix, no. 61 (1347); xiv, no. 162 (1375).
75 *CIPM*, ii, no. 817 (1291); iii, no. 432 (1297).
76 *CIPM*, iii, no. 622 (1300); iv, nos. 49 (1301) and 240 (1304); v, nos. 67 (1308) and 152 (1309).
77 *CIPM*, iv, no. 49 (1301).
78 Not that it did him much good. He lost his land anyway: *CIPM*, v, no. 67 (1308). The practice of publicly reading written charters concerning quite small transactions was common: for example, *CIPM*, v, no. 357 (1311).
79 In 1316, for example, two jurors in the proof of Robert Belet, in Norfolk, referred to the date of their charters, for example, 'Alan de Swafham of Marham, says the like, and knows it because he bought lands in Marham the same year, and knows the truth by the date of his charters': *CIPM*, vi, no. 762. The first mention of a dated charter is from Westminster in 1300 (*CIPM*, iii, no. 62) and reference to dated documentation is common thereafter.
80 The first reference to an indenture is from Devon in 1316: *CIPM*, vi, no. 62. Sometimes a witness kept a copy: *CIPM*, xiv, no. 299 (1376).
81 *CIPM*, ix, no. 60 (1347).
82 For example, *CIPM*, vii, no. 480 (1332).
83 Albinus Alcock was in church for that very purpose when he witnessed the heir's baptism: *CIPM*, xiv, no. 305 (1376).
84 *CIPM*, xiii, no. 287 (1373).
85 *CIPM*, x, no. 118 (1353).
86 *CIPM*, viii, no. 68 (1336).
87 For example, *CIPM*, xxiii, nos. 139 (1427), 308 (1428), 316 (1429) and 596 (1431).
88 From this (scanty) evidence, it seems that access to the court was dominated by those near to it: five of the references were from jurors living in London and the neighbouring counties of Middlesex, Essex and Surrey; the only other counties represented were Lincoln and Northamptonshire.
89 For one group of jurors, involvement in the law meant loss of liberty. 'Simon de Asfordeby, Robert Poper, Robert son of Robert, Robert de Kele, William son of Eudo, and Richard son of John, each 50 years of age or more, say the like, and know it because on Saturday next after St. James the Apostle in the same year the said Simon, Robert Paper, and Robert son of Robert, recovered seisin of tenements in Burton Stather, by assise of novel disseisin, before the justices of King Edward II, at the assizes at Lincoln, against the aforesaid Robert de Kele, William, and Richard, and others, and because that disseisin was made by force and arms the said Robert de Kele, William, Richard, and a certain Henry Godknave, were adjudged to the king's prison, to make a fine to the king for that cause, and by this they well know that 21 years have elapsed': *CIPM*, viii, no. 65 (1336).
90 *CIPM*, x, no. 194 (1354).
91 *CIPM*, xi, no. 378 (1362).
92 *CIPM*, iii, no. 484 (1298); iv, no. 239 (1304).
93 For example, *CIPM*, ix, no. 125 (1348).
94 Simon Jacob and William Stacey, for example, were in dispute over 'two marks of yearly rent': *CIPM*, ix, no. 125 (1348).
95 For example, *CIPM*, ix, no. 451 (1350).
96 For example, *CIPM*, ix, no. 451 (1350).
97 For example, *CIPM*, xi, no. 378 (1362).
98 For example, *CIPM*, xi, no. 381 (1362); xii, no. 85 (1366).

Acknowledgements. Dr Margaret Andrews Deller and Dr Philip Dixon Phillips read – or listened to – earlier versions of what follows, thereby improving the learning and heartening the learner. At various times, Professor Michael Hicks and Professor Chris Woolgar offered encouragement and rigour: both were models of academic excellence.

French Abstract

Le transfert de terre dans l'Angleterre médiévale de 1246 à 1430: le langage de l'acquisition

En Angleterre, pour la période médiévale de 1246 à 1430, un corpus de minutes d'audiences, mentionnant un transfert de terre, a été analysé, au sein des nombreuses procédures destinées à définir l'âge d'un individu. L'auteur fit appel à des techniques visant à surmonter le langage juridique conventionnel de ces textes ainsi que le plagiat systématique des formulations d'une audience à l'autre. Les actes sont examinés décennie par décennie, d'abord en comptant le nombre de témoignages mentionnant la terre et ensuite en notant tout changement de syntaxe, de vocabulaire et de choix des détails. Cette approche donne ainsi des indices-clefs sur l'état du marché foncier lui-même et sur les mentalités des acteurs concernés. L'auteur accorde une attention particulière aux effets sur le marché des chocs économiques et démographiques advenus au cours du XIVe siècle.

German Abstract

Landübertragung im mittelalterlichen England von 1246 bis 1430: die Sprache der Aneignung

Aufzeichnungen über Anhörungen zum Altersnachweis, in denen Landübertragungen erwähnt werden, werden für den Zeitraum von 1246 bis 1430 analysiert. Dabei werden Techniken verwendet, die darauf abzielen, die Rechtskonventionen der Texte und die weitverbreiteten Plagiate der Aufzeichnungen aus früheren Anhörungen zu überwinden. Die Belege werden jahrzehnteweise ausgewertet, zunächst nach Anzahl der Zeugenaussagen, in denen Land erwähnt wird, und dann vor allem im Hinblick auf Veränderungen in der Syntax, im Vokabular und in der Wahl der mitgeteilten Einzelheiten. Durch diesen Ansatz ergeben sich Hinweise auf den Entwicklungsstand des Landmarktes selbst und auf die Mentalität der Beteiligten. Besondere Aufmerksamkeit gilt der Frage, wie sich die ökonomischen und demographischen Schocks des 14. Jahrhunderts auf den Markt auswirkten.