

Copyhold Transactions

Copyhold was a tenure originally based upon custom and upon the will of the lord of the manor. In the earlier middle ages the tenant occupied lands within the manor in return for rendering various labour services to the lord of that manor. These tasks included the requirement to work for so many days a week on the lord's demesne land, and perform tasks appropriate to the local agrarian economy and the season, such as ploughing, harrowing, sowing, harvesting and carrying. The volume and variety of such tasks was fixed by local manorial custom, and although it was not impossible for the lord to alter these conditions custom had, in effect, almost the force of law. From as early as the 12th century there is evidence that some lords found it to their advantage to commute labour services into a money rent, and this process was speeded up by the labour shortages caused by the Black Death in 1349. By the end of the 14th century labour services had mostly disappeared, and had been replaced by what was known as copyhold tenure. Such land was similar to freehold in that it could be bought, sold and mortgaged, but the title to the holding was an entry in the manor court rolls, of which the tenant had a copy, hence the term 'copyhold'. Any transaction concerning copyhold land had to go through the manor court and be recorded on the court rolls. By the early or mid-17th century, with the decay of other functions of the manor, copyhold transactions are often the only matters found recorded in the rolls. In the next century the steady decline in the number of copyholders reduced the volume of business concerning this tenure in the manor courts. It was not until 1922 that copyhold tenure was statutorily abolished.

Local variations in procedure are common but typically the copyhold transaction as recorded in a manor court roll is as follows. After the title of the court comes the name of the lord, his Christian name and rank; this is followed by the date expressed as a day and month in the regnal year. Next comes the steward of the lord of the manor before whom the court is held. The names of persons essoining themselves are then listed; these often include gentlemen and others living outside the manor but who have copyhold lands within the manor. The names of 12 or sometimes more men to act as the homage – the body of tenants acting as a jury at the court - are then listed and shown as 'sworn'. Then follows the record of the particular transaction involving copyhold land, usually a sale or an heir seeking to succeed to the holding:

- The occupant came into court in his own person, claimed that he held the title and with the lord's permission surrendered all his title to the holding to another named person. The surrender was often couched in words which attempted to close all possible legal loopholes, including all present, past or possible future rights of the previous holder. This was often reinforced by a warranty clause in which the holder renounced for himself and his heirs any possibility of future legal claim to the title. Legally the copyhold was surrendered into the hands of the lord. The person to whom it was surrendered also appeared at the same court and received from the lord who, through his steward, granted him seisin or possession. In some manors the rolls record the symbolic handing over of a stick to mark the change of occupant. The incoming copyholder paid a fine to the lord at his entry, did any fealty and was admitted tenant. The fine payable by a new tenant who was not an heir was called a relief. Its level was normally fixed by local custom. It could be determined arbitrarily by the lord though the common law courts had held that the fine must be reasonable.

It was the duty of the homage to report on oath when a customary tenant had died since the last court having been in possession of a tenement. They then stated who was the heir of the deceased and whether a heriot or its customary financial equivalent fell due to the lord.

Denis Stuart, 'Manorial Records', Phillimore 1992.