

1744 Survey of the Manor of Draycot Cerne

Wiltshire and Swindon History Centre Reference: 970/2

Title: 'Survey. Leaseholders and Copyholders at Sutton Benger and Draycot Cerne, Wilts.'

Calling this the '1744 Survey' is a misnomer. The WSHC Archive refers to it as 'c. 1820'. The date of the first entry is 1744; but later dates suggest the document dates from later than the early 1800s; the document has been updated regularly up to 1828, but one pencil note was done in or after 1865. There are several columns of information, as shown below. This seems to be a legal document, possibly maintained by a solicitor; it probably was not associated with a map of the estate. Contractual information is generally quite detailed. Not all the contractual information is included here. For Lifeholds there are details of subsidiary lives. Although there are about 50 entries for Sutton Benger, there are only two for Draycot Cerne.

See Dictionary ref 'Quit Rents' and 'Herriot' etc. All entries in *italic* are notes added by the transcriber - they are not in the original

Page	Dates	Lessees Names		Owners Names		Parcels	Lives	Age	Years of Death	Quit Rents £ s d	Land Tax £ s d	Herriot £ s d	Transcription Notes (Reference Original)
1		Ann	Maynard	George	Chivers	Leaseholders	Toft where a Messuage	99 Years					<i>A 'Toft' was another word for a Homestead, including the land; or simply the land, or the plot of land for a building.</i>
						where a Messuage formerly stood with a Garden & Orchard containing 1 Acre (more or less)	George Chivers	36					
										0.5.0	In Hand		
													<i>Mary and George bracketed together as 'his children'</i>
						Freehold Lease	Messuage, and Close of Meadow 3 quarters of an Acre	Edward Giddings (lessee)	47	Dead			
		Edward C	Giddings	Edward C	Giddings			Edward his Son	3	Dead	0.1.0	0.2.0	
								Ruth his Daughter	7	Dead			

Dictionary

Copyhold	<p>Copyhold tenure was a form of customary tenure of land common in England from the Middle Ages. The land was held according to the custom of the manor, and the mode of landholding took its name from the fact that the "title deed" received by the tenant was a copy of the relevant entry in the manorial court roll. A tenant – or mesne lord – who held land in this way was legally known as a copyholder</p> <p>The privileges granted to each tenant, and the exact services he was to render to the lord of the manor and/or Lord Paramount in return for them, were described in the roll or book kept by the steward, who gave a copy of the relevant entry to the tenant. Consequently, these tenants were afterwards called copyholders, in contrast to freeholders.[3] The actual term "copyhold" is first recorded in 1483, and "copyholder" in 1511–1512.[4] The specific rights and duties of copyholders varied greatly from one manor to another and many were established by custom. Initially, some works and services to the lord were required of copyholders (four days' work per year for example), but these were commuted later to a rent equivalent. Each manor custom laid out rights to use various resources of the land such as wood and pasture, and numbers of animals allowed on the common. Copyholds very commonly required the payment of a type of death duty called an heriot to the lord of the manor upon the decease of the copyholder.</p>
Two main kinds of copyhold tenure developed:	<p>Copyhold of inheritance: with one main tenant landholder who paid rent and undertook duties to the Lord. When he died, the holding normally passed to his next heir(s) – who might be the eldest son or, if no son existed, the eldest daughter (primogeniture); the youngest son or, if no son existed, the youngest daughter ("Borough English" or ultimogeniture); or all sons or all children in equal or otherwise prescribed shares (partible inheritance or "gavelkind"), depending upon the custom of that particular manor. In practice, local rules of inheritance were often applied with considerable flexibility. During their life the tenant could usually 'sell' the holding to another person by formally surrendering it to the lord of the manor on the condition that the lord regrant it to the 'buyer'. This three-party transaction was recorded in the manorial roll and formed the new 'copyhold' for the purchaser.</p> <p>Copyhold for lives: where several (usually three) named persons held the premises for the duration of their lives. The first-named life tenant acted as tenant and paid rent and heriots; while the other two were said to be "in reversion and remainder" and effectively formed a queue. When the first life died, the second-named inherited the property and nominated a new third life for the end of the new queue. These were recorded in the court rolls as the "copyhold" for this type of tenant. It was possible to exchange the reversion and remainder lives with different ones during a lifetime upon payment of a fine to the lord. However, it was not usually possible for these holdings to be sold, as there were three lives with an entitlement. Copyhold for lives is therefore regarded as a less secure tenancy than copyhold of inheritance.</p> <p>(OED) A kind of tenure in England of ancient origin: tenure of lands being parcel of a manor, 'at the will of the lord according to the custom of the manor', by copy of the manorial court-roll (see copy n. 5). (By Part V of the Law of Property Act 1922, all copyhold land was enfranchised).</p>
Lifehold	<p>In common law and statutory law, a life estate (or life tenancy) is the ownership of immovable property for the duration of a person's life. In legal terms, it is an estate in real property that ends at death when ownership of the property may revert to the original owner, or it may pass to another person. The owner of a life estate is called a "life tenant".</p>

Leasehold	<p>Leasehold is a form of land tenure or property tenure where one party buys the right to occupy land or a building for a given length of time. As lease is a legal estate, leasehold estate can be bought and sold on the open market. A leasehold thus differs from a freehold or fee simple where the ownership of a property is purchased outright and thereafter held for an indeterminate length of time, and also differs from a tenancy where a property is let (rented) on a periodic basis such as weekly or monthly.</p> <p>Typical given lengths of time were 7, 14 or 21 years.</p>
Heriot	<p>A feudal duty or tribute due under English law to a lord on the death of a tenant.</p> <p>(OED) <i>English Law</i>. A feudal service, originally consisting of weapons, horses, and other military equipments, restored to a lord on the death of his tenant; afterwards a render of the best live beast or dead chattel of a deceased tenant due by legal custom to the lord of whom he held.</p>
Quit-rent	<p>A rent, typically a small one, paid by a freeholder or copyholder in lieu of services which might be required of them.</p> <p>(OED) A (usually small) rent paid by a freeholder or copyholder in lieu of services which might otherwise be required; a nominal rent paid (esp. in former British colonial territories to the Crown) as an acknowledgement of tenure. Now chiefly historical.</p>
Messuage	<p>(OED) Originally: a portion of land occupied, or intended to be occupied, as the site for a dwelling house and its appurtenances. In later use (chiefly Law): a dwelling house together with its outbuildings and the adjacent land assigned to its use.</p>
Tenement	<p>(OED) A building or house to dwell in; a dwelling-place, a habitation, residence, abode.</p>
Toft	<p>(OED). Originally, a homestead, the site of a house and its out-buildings; a house site. Often in the expression <i>toft and croft</i>, denoting the whole holding, consisting of the homestead and attached piece of arable land.</p>