

# MANORIAL TITLE REGISTER

## FEUDAL BARONIES and [Tenures Abolition Act 1660](#)

### Abolition and surviving vestiges

The power of the feudal barons to control their landholding was considerably weakened in 1290 by the statute of [Quia Emptores](#). This prohibited land from being the subject of a feudal grant, and allowed its transfer without the feudal lord's permission.

Feudal baronies became perhaps obsolete (but not extinct) on the abolition of feudal tenure during the [Civil War](#), as confirmed by the [Tenures Abolition Act 1660](#) passed under the [Restoration](#) which took away knights service and other legal rights.

Under the Tenures Abolition Act 1660, many baronies by tenure were converted into [baronies by writ](#). **The rest ceased to exist as feudal baronies by tenure, becoming baronies in *free socage*, that is to say under a "free" (hereditary) contract requiring payment of monetary rents.** Thus, baronies could no longer be held by military service. Parliamentary titles of honour had been limited since the 15th century by the *Modus Tenenda Parliamenta* [act](#), and could thenceforth only be created by [writ of summons](#) or [letters patent](#).

Tenure by [knight-service](#) was abolished and discharged and the lands covered by such tenures, including once-feudal baronies, were henceforth held by [socage](#) (i.e. in exchange for monetary rents). The English *Fitzwalter Case* in 1670 ruled that barony by tenure had been discontinued for many years and any claims to a [peerage](#) on such basis, meaning a right to sit in the [House of Lords](#), were not to be revived, nor any right of succession based on them. <sup>[8]</sup> In

the *Berkeley Case* in 1861, an attempt was made to claim a seat in the House of Lords by right of a barony by tenure, but the [House of Lords](#) ruled that whatever might have been the case in the past, baronies by tenure no longer existed, meaning that a barony could not be held "by tenure", and confirmed the Tenures Abolition Act 1660.<sup>[9]</sup>

**Three Redesdale Committee Reports in the early 19th century reached the same conclusion. There has been at least one legal opinion which asserts the continuing legal existence of the feudal barony in England and Wales, namely that from 1996 of A W & C Barsby, Barristers of Grays's Inn.**<sup>[10]</sup>

8. [Collins's Peerage Claims, P287](#) "the nature of a Barony by tenure being discoursed, it was found to have been discontinued for many ages, and not in being, and not fit to be revived, or to admit any pretence of right of succession thereupon: And that the pretence of a barony by tenure being declared for weighty reasons not to be one to be insisted upon"

9. <sup>^</sup> ["1861 English Reports Decisions: The Berkeley Peerage"](#) (PDF). Commonwealth Legal Information Institute. 1861. 8 H.L.C. 21 at 74

10. <sup>^</sup> Barsby, A W; Barsby, C (1996). *Manorial Law*. Barsby Ltd. [ISBN 9780952162520](#).