

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

CAMBRIDGE LIBRARY COLLECTION

Books of enduring scholarly value

Rolls Series

Rerum Britannicarum Medii Aevi Scriptores, or The Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, usually referred to as the 'Rolls Series', was an ambitious project first proposed to the British Treasury in 1857 by Sir John Romilly, the Master of the Rolls, and quickly approved for public funding. Its purpose was to publish historical source material covering the period from the arrival of the Romans to the reign of Henry VIII, 'without mutilation or abridgement', starting with the 'most scarce and valuable' texts. A 'correct text' of each work would be established by collating 'the best manuscripts', and information was to be included in every case about the manuscripts used, the life and times of the author, and the work's 'historical credibility', but there would be no additional annotation. The first books were published in 1858, and by the time it was completed in 1896 the series contained 99 titles and 255 volumes. Although many of the works have since been re-edited by modern scholars, the enterprise as a whole stands as a testament to the Victorian revival of interest in the middle ages.

Year Books of the Reign of King Edward the Third

The records of the medieval English courts were compiled into manuscript 'year books', organised by regnal year of the monarch, and further subdivided into the four law terms. The year books of the reign of Edward III (1312–77), beginning at the eleventh year (1337) and continuing to the twentieth (1346), were to have been edited for the Rolls Series by Alfred Horwood (1821–81), who had previously edited the year books of Edward I, but he died while the first volume was in proof. The work was taken over by L.O. Pike (1835–1915), the set of fifteen books being published between 1883 and 1911. (Horwood chose his start date because the year books of Edward II and the first part of the reign of Edward III already existed in modern editions.) This volume contains reports from Michaelmas Term, 17 Edward III, to Hilary Term, 18 Edward III.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Cambridge University Press has long been a pioneer in the reissuing of out-of-print titles from its own backlist, producing digital reprints of books that are still sought after by scholars and students but could not be reprinted economically using traditional technology. The Cambridge Library Collection extends this activity to a wider range of books which are still of importance to researchers and professionals, either for the source material they contain, or as landmarks in the history of their academic discipline.

Drawing from the world-renowned collections in the Cambridge University Library and other partner libraries, and guided by the advice of experts in each subject area, Cambridge University Press is using state-of-the-art scanning machines in its own Printing House to capture the content of each book selected for inclusion. The files are processed to give a consistently clear, crisp image, and the books finished to the high quality standard for which the Press is recognised around the world. The latest print-on-demand technology ensures that the books will remain available indefinitely, and that orders for single or multiple copies can quickly be supplied.

The Cambridge Library Collection brings back to life books of enduring scholarly value (including out-of-copyright works originally issued by other publishers) across a wide range of disciplines in the humanities and social sciences and in science and technology.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Year Books of the Reign of King Edward the Third

Years XVII and XVIII

EDITED AND TRANSLATED BY
LUKE OWEN PIKE



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Mexico City

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9781108047982

© in this compilation Cambridge University Press 2012

This edition first published 1903

This digitally printed version 2012

ISBN 978-1-108-04798-2 Paperback

This book reproduces the text of the original edition. The content and language reflect the beliefs, practices and terminology of their time, and have not been updated.

Cambridge University Press wishes to make clear that the book, unless originally published by Cambridge, is not being republished by, in association or collaboration with, or with the endorsement or approval of, the original publisher or its successors in title.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

RERUM BRITANNICARUM MEDII ÆVI
SCRIPTORES,

OR

CHRONICLES AND MEMORIALS OF GREAT BRITAIN
AND IRELAND

DURING

THE MIDDLE AGES.

A 858. Wt. 18141.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

THE CHRONICLES AND MEMORIALS
OF
GREAT BRITAIN AND IRELAND
DURING THE MIDDLE AGES.

PUBLISHED BY THE AUTHORITY OF HER MAJESTY'S TREASURY, UNDER
THE DIRECTION OF THE MASTER OF THE ROLLS.

ON the 26th of January 1857, the Master of the Rolls submitted to the Treasury a proposal for the publication of materials for the History of this Country from the Invasion of the Romans to the reign of Henry VIII.

The Master of the Rolls suggested that these materials should be selected for publication under competent editors without reference to periodical or chronological arrangement, without mutilation or abridgment, preference being given, in the first instance, to such materials as were most scarce and valuable.

He proposed that each chronicle or historical document to be edited should be treated in the same way as if the editor were engaged on an *Editio Princeps*; and for this purpose the most correct text should be formed from an accurate collation of the best MSS.

To render the work more generally useful, the Master of the Rolls suggested that the editor should give an account of the MSS. employed by him, of their age and their peculiarities; that he should add to the work a brief account of the life and times of the author, and any remarks necessary to explain the chronology; but no other note or comment was to be allowed, except what might be necessary to establish the correctness of the text.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

(iv)

The works to be published in octavo, separately, as they were finished ; the whole responsibility of the task resting upon the editors, who were to be chosen by the Master of the Rolls with the sanction of the Treasury.

The Lords of Her Majesty's Treasury, after a careful consideration of the subject, expressed their opinion in a Treasury Minute, dated February 9, 1857, that the plan recommended by the Master of the Rolls "was well calculated for the accomplishment of this important national object, in an effectual and satisfactory manner, within a reasonable time, and provided proper attention be paid to economy, in making the detailed arrangements, without unnecessary expense."

They expressed their approbation of the proposal that each Chronicle and historical document should be edited in such a manner as to represent with all possible correctness the text of each writer, derived from a collation of the best MSS., and that no notes should be added, except such as were illustrative of the various readings. They suggested, however, that the preface to each work should contain, in addition to the particulars proposed by the Master of the Rolls, a biographical account of the author, so far as authentic materials existed for that purpose, and an estimate of his historical credibility and value.

Rolls House,
December 1857.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Year Books

OF THE REIGN OF

KING EDWARD THE THIRD.

YEARS XVII. AND XVIII.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Year Books

OF THE REIGN OF

KING EDWARD THE THIRD.

YEARS XVII. AND XVIII.

EDITED AND TRANSLATED

BY

LUKE OWEN PIKE,

OF BRASENOSE COLLEGE, OXFORD, M.A., AND OF LINCOLN'S INN, BARRISTER-AT-LAW ;

AUTHOR OF "A HISTORY OF CRIME IN ENGLAND,"

"A CONSTITUTIONAL HISTORY OF THE HOUSE OF LORDS," ETC.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF HIS MAJESTY'S
TREASURY, UNDER THE DIRECTION OF THE MASTER OF THE ROLLS.

LONDON

PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
BY MACKIE & CO. LD.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C. ; or
OLIVER AND BOYD, EDINBURGH ; or
EDWARD PONSONEY, 116, GRAFTON STREET, DUBLIN.

1903.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

(ix)

CONTENTS.

	Page
INTRODUCTION:—	
The old editions of years 17 and 18 Edward III. -	xv
Transpositions in the present edition where there are two independent reports of the same case, and where different cases have hitherto been confused -	xvi
Discovery of reports not printed in the old editions of the Year Books - - - -	xviii
The MSS. used : rapid degeneration after 36 Edward III. - - - - -	xviii
Records compared with the reports - -	xx
Fitzherbert's <i>Abridgment</i> compared throughout	xx
The <i>Liber Assisarum</i> also compared - -	xxi
<hr/>	
Variety of matters in the volume : instances	xxi
All classes of society represented - -	xxiii
Corodies : laymen in the monasteries : past members of Royal Households - - - -	xxiii
Deceit : fraudulent attorney examined in Court, and committed to the Fleet - - -	xxv
<hr/>	
The beginning of the Sheriff's Turn in the County of Lancaster, and of the Turn in Furness - -	xxvi
Grant of the Turn in Furness to the Earl of Lancaster, and by the Earl of Lancaster to the Abbot of Fur- ness - - - - -	xxvii
Action of Trespass brought by the Abbot against the Bailiff of the Wapentake of Lonsdale - -	xxviii
The claim to the Serjeanty of the Bailiwick -	xxviii
The lands of Furness alleged by the Bailiff to be within the Wapentake - - - -	xxx
Question whether bloodshed should be presented at the Sheriff's Turn belonging to the Abbot or in the County Court - - - -	xxx
<hr/>	
Voucher and Warranty	xxxii
The call of the tenant named in the Original Writ to the " <i>warantus</i> " or " <i>garraunt</i> " - - - -	xxxii
How the vouchee or " <i>warantus</i> " became " <i>tenant</i> by his warranty" - - - -	xxxii

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

x

CONTENTS.

	Page
Case in which the "warantus" (the Earl of Lancaster), after warranting, disputed the extent to which he had become tenant by his warranty - - -	xxxiii
The use of the terms "voucher to warranty" and "warrantor" - - -	xxxiii
"Vouchement de garant" in Normandy - - -	xxxiv
Case in which a tenant vouched himself with the object of saving an estate tail - - -	xxxv
Law touching the prerogatives of the Queen Consort	xxxvi

The "Round Table" of Edward III. mentioned in one of the MSS. of the Year Books - - -	xxxvi
Early stories of Round Tables - - -	xxxvi
Effect of the stories of King Arthur's Round Table in the 14th century - - -	xxxvii
Different accounts of the Round Table of Edward III., with different dates - - -	xxxvii
The true date determined by the MS. of Year Books -	xxxix

TABLE OF CASES IN THE PRESENT VOLUME	xli
TABLE OF REFERENCES TO THE LIBER ASSISARUM	xliii
TABLE OF REFERENCES TO FITZHERBERT'S ABRIDGMENT	xliii
TABLE OF REFERENCES TO THE FOLIOS OF THE OLD EDITIONS -	xlvi
THE CHANCELLOR, JUSTICES OF THE TWO BENCHES, TREASURER, AND BARONS OF THE EXCHEQUER, DURING THE PERIOD OF THE REPORTS -	xlviii
NAMES OF THE "NARRATOIRES," COUNTORS, OR COUNSEL -	xlix
CORRECTIONS - - - - -	1
REPORTS OF CASES IN MICHAELMAS TERM 17 EDWARD III.	2

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

CONTENTS.		xi
		Page
REPORTS OF CASES IN HILARY TERM 18 EDWARD III.		414
APPENDIX - - - - -		643
INDEX OF MATTERS - - - - -		653
INDEX OF PERSONS AND PLACES	-	675

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

INTRODUCTION.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

(xv)

INTRODUCTION.

THE various old editions of reports of the year 17 Edward III. have been described in the previous volume of Year Books containing the first three terms of that year. The old editions of reports of the year 18 Edward III. are of like character. The old editions of years 17 and 18 Edw. III.

There is an undated edition which may be attributed to John Rastell, and was, therefore, printed not later than the year 1533, and which is precisely similar to his edition of the Year Books of 17 Edward III.¹ Like that, it was originally published by itself, as it contains at the end the statement that "the prisce of thys boke ys xii d. un bounde." The folios of text are numbered i. to lix., and there is a "table" occupying the back of fol. lix. and the front of a fol. lx.

As in the case of the preceding year's reports there are two undated editions which appear to have been printed by Tothill, one in or about the year 1561, and one in or about the year 1584.²

There are also two dated editions of this as of the preceding year, those of 1619 and 1679.³

The remarks already made on these editions of reports of the seventeenth year of the reign apply in every respect except one to those of the eighteenth. They have all been printed in such a manner that a

¹ For a description of this edition see Y.B., Hil.-Trin., 17 Edw. III., Introd. pp. xii.-xiii.

² For a description of the two editions of 17 Edw. III. attributed to Tothill, see Y.B., Hil.-Trin.,

17 Edw. III., Introd. pp. xiii.-xvi. It is equally applicable to the two editions of 18 Edw. III.

³ See Introd. to Y.B., as above, pp. xvii.-xx.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

xvi

INTRODUCTION.

reference by folio to one is a reference to all. There are errors and imperfections in them all, but that of 1679 again appears to be the worst. There are, however, in the old editions of Michaelmas Term in the 17th year (as in those of Hilary and Easter Terms) some reports for which no manuscript authority now appears to be in existence. Almost all of these seem to have been unknown to Fitzherbert, or disregarded by him, as he makes no mention of them in his *Abridgment*; and most of them are merely different accounts of the cases found in the known manuscripts. There is no reason to doubt that they did at one time exist in contemporary manuscript form, because they are commonly found to agree with the record quite as well as the others. As no edition of the Year Books of 17 Edward III. was published earlier than the first edition of Fitzherbert's *Abridgment*, it follows that the MSS. must have been in existence when he wrote, but that, if he was acquainted with them, he did not see fit to make any use of them.

Transposi-
tions in
the pre-
sent
edition
where
there are
two inde-
pendent
reports of
the same
case, and
where
different
cases have
hitherto
been con-
fused.

The reports for which no manuscript authority has been found have in this volume been treated in the same manner as in the volume which immediately precedes. The text has been corrected, when possible, by the aid of the parallel reports of which contemporary manuscripts are still in existence, and by the records of the cases. The abbreviations have been extended in accordance with the mode or modes prevailing at the time at which the causes were heard. Where there are two different reports of the same case in the same Term separated by a long interval in the old editions they have been brought together, and no longer appear as different cases. Where different cases have obviously been confused through the carelessness of the editors or printers, transpositions have been made, so as to complete some of the reports, and relieve others of matter which does not belong to them, and is unintelligible until restored to its proper place.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

INTRODUCTION.

xvii

In one instance the transposition may, at first sight, appear to have been somewhat arbitrarily made. A passage standing in the old editions as the conclusion of No. 112 of Michaelmas Term 17 Edward III. (which is in fact a second report of No. 25) has now been transferred to the end of the second report of No. 21, which appears in the old editions as No. 108 (*bis*). It relates to the interval allowed for an adjournment, in cases of *Quare impedit*, by the Statute of Marlborough, c. 12. As No. 25 is a case of *Quare impedit*, and No. 21 is a *Quare incumbravit*, it may, perhaps, be asked why the passage should not be regarded as belonging really to No. 25 rather than to No. 21. The answer is that it is absolutely inconsistent with the pleadings in No. 25. In that case there was no pleading to issue on the facts, and no jury called, or to be called. In No. 21, however, there was an issue, and the county from which the jurors had to be summoned was Cornwall, as the church of Kilkhampton, to which the *Quare incumbravit* has reference, is in that county. Counsel is represented as complaining that the day which had been given, according to the entry of the clerk upon the roll, was at a shorter interval than was allowed by the Act; and to enforce his argument he said "the place from which the jury will come to try that issue is in the most foreign county in England." By the expression "most foreign" he, no doubt, meant the county which is the most remote from Westminster, and from his point of view it was not an unapt description of the county which includes the Land's End.

Another objection to the transfer might, perhaps, be raised on the ground that in this passage Counsel is made to mention the Act as if it were applicable to the particular case in which he is engaged, whereas in other places we find a decision that it was not applicable to cases of *Quare incumbravit*. That objection vanishes, however, as soon as the words are carefully

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

xviii

INTRODUCTION.

regarded, for Hillary, J. said that a longer time had been given than the longest time allowed by the Statute. Had the case really been one of *Quare impedit* there would have been no power under the Act to extend the time, and it thus becomes manifest, in another way, that the passage does not belong to the *Quare impedit* No. 25, or to any other *Quare impedit*. There is, in fact, no case in the Term to which the passage could belong except the *Quare incumbavit*, and, although the matter is very differently put elsewhere¹ (the Counsel on the other side praying for a shorter instead of a longer interval), the result is precisely the same.

Discovery
of reports
not
printed in
the old
editions of
the Year
Books.

Though, however, there are some forms of reports, for which there is now no known manuscript authority, in the old editions of three of the Terms of the seventh year of the reign, the position is reversed when we come to the eighteenth year. There we find reports of cases previously unknown. There also we find Fitzherbert making use of forms of reports which have no place in the old printed editions, and neglecting those which the printers of the Year Books gave to the public. Fortunately there is one (though only one) known MS. which contains Fitzherbert's forms, and which, though not contemporary, was written long before Fitzherbert's time.² Had this perished with others, we might, indeed, have believed that he was acquainted with some such manuscript authority, but we should have had to take upon trust that which we now know with certainty.

The MSS.
used:
rapid de-
generation
after 36
Edw. III.

The MSS. used to settle the text have all been described in previous volumes, viz., the Lincoln's Inn MS., the Harleian MS., No. 741, the Additional MS. in the British Museum numbered 25,184, and the MS.

¹ Y.B., Easter, 17 Edw. III., No. 3, p. 232, and below, Hil., 18 Edw. III., No. 43, pp. 424-426.

² See below, p. xix.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

INTRODUCTION.

xix

in the University Library at Cambridge numbered Hh. II. 4, or 1632.

The Harleian volume, however, appears to require some further notice. As already mentioned,¹ it contains one folio (110) of reports of Hilary, 18 Edward III., in a hand approximately contemporaneous, but these end abruptly with case No. 9,² which is left unfinished. Reference to this folio is made in the footnotes as "Harl. (No. 1)." At folio 111 commences another set of reports of the same Hilary Term written in a later hand, reference to which is made in the footnotes as "Harl. (No. 2)." The greater part of these are different accounts of cases which are in the other MSS. (including folio 110 of the same Harleian volume) and printed in the old editions, but in several instances they introduce new cases. None of them are to be found in the old editions. Those among them which were used by Fitzherbert for his *Abridgment* were used almost to the exclusion of those found in the old printed Year Books. He could not, however, have taken his notes of them from this particular MS. He must have had before him some earlier copy which has now disappeared, but this at any rate shows the reports in the form upon which he relied.

The Harleian reports are continued in the same hand as far as Michaelmas Term in the 18th year, and the difference between this MS. and those which are more nearly contemporaneous is of some importance in the history of reporting. It must have been written after (probably about a generation after) the commencement of the Act 36 Edward III., c. 15, according to which the pleadings in the Courts were, from and after the following Hilary Term, to be no longer in French but in English. It shows that French was not thoroughly understood by the scribe who copied from some earlier MS. He evidently wrote mechanically

¹ Y.B., Mich., 13—Hil., 14 Edw. III., Introd. pp. xviii.-xix. | ² See below, p. 443, note 6.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

XX

INTRODUCTION.

without comprehending many of the passages. Like the early printers of the Year Books, he sometimes makes two words into one, at others makes one word into two or three. Thus in one instance in which I have silently made the correction in the text, he converts "lestatut" (the Statute) into "lest a t^o,"¹ under the impression apparently that "lest" was a verb, and had some relation to a tenant. We thus learn that the faults of the earliest prints were, to some extent, at any rate, caused by the faults in the later manuscripts, and that the value of manuscripts which came into existence even a short time after the Act is in no way comparable with that of the contemporary manuscripts of reports of cases of earlier date.

Records compared with the reports.

As usual, I have compared the reports with the records, searching every roll of the *Placita coram Rege* and the *Placita de Banco*, as well as various Assise Rolls, skin by skin, from end to end. I have also made an examination of certain Public Record Office Lists and Calendars in the hope of finding other matters elsewhere. I believe I have identified among the records every case which is susceptible of identification by inspection of the records of each Term, in juxtaposition with the reports of the same Term. It is nevertheless possible and even probable that there may be cases reported as of one Term, when the record might be found in another, not necessarily either the next preceding or the next succeeding. In the absence of any Calendar of the Rolls, and of any Index to them, it is impossible to have any certainty on this point, though in a few instances records have been found and identified in Terms other than those in which the cases have been reported.

Fitzherbert's *Abridgment* compared throughout.

As before, every case which occurs in Fitzherbert's *Abridgment* has been traced and noted. Some, though not all, of the cases in his *Abridgment* have been noted also in the old editions, but many even of those which

¹ p. 429, line 10.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

INTRODUCTION.

xxi

have been so noted in Hilary Term, 18 Edward III., are not in the form in which they were known to him. As already explained the form of report on which he relied for that Term has been found in one MS. only, and is quite different from the form which alone was printed in those editions. The references are now placed in the margin of the report as it was known to and used by him, and not of the report of which he was ignorant or which he did not use.

The *Liber Assisarum* of this period shows some confusion in the printed editions, many cases which belong to the 18th year of the reign being placed under the head of the 17th, though followed by a substantive heading for the 18th year. It has, however, been carefully compared with the reports of the two Terms included in the present volume, and the cases have, as before, been noted by me in the margin, though they are not shown in the margin of any of the old editions of the Year Books.

The *Liber Assisarum* also compared.

A table of references to the folios of the old editions has also been prepared on the principles explained in the last preceding volume.¹

In this, as in every previous volume of the series, technical points relating to the abatement of writs² abound. They were, no doubt, much studied by the lawyers of the time, but their chief interest now lies not so much in the points themselves as in the historical fact that they were once regarded as of great importance. As usual, there are many actions of Replevin, some of which reveal incidentally not a little of the lives of our forefathers, including details of the assessment and collection of taxes.³ In an action

Variety of matters in the volume: instances.

¹ Y.B., Hil.—Trin., 17 Edw. III.,
Introduct., p. xxiii.

² See the Index of Matters.

³ Hil. 18, No. 39, pp. 612-620.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

of Waste¹ we see something of disputes relating to the repair of sea-walls. Wager of Law is not infrequently mentioned.² We are told that the law of relief was to be learned in the Exchequer, and what it was in certain cases.³ Of fines of lands and their various forms there are many instances. Cases relating to Ancient Demesne, and the jurisdiction of Courts of Ancient Demesne are not wanting.⁴ We are told a little of the limitation of the jurisdiction of Justices at *Nisi prius*.⁵ We are made acquainted with some proceedings in the Court of Hustings in London,⁶ and with proceedings in Error thereupon, by Commission, at St. Martin's le Grand, when the Recorder has recorded by word of mouth.⁷ The King's Roll, as distinguished from the Roll of the Justices of the Court of Common Pleas, which has been described in another volume,⁸ is again brought into notice.⁹ We see that the *Secta* or suit, the plaintiff's followers who came to support their friend, and, if necessary, speak for him, in the olden time, had now become a mere form of words in the count or declaration. A proposal made by the defendant's counsel in an action of Debt that the plaintiff's *Secta* should be examined, was promptly negatived by the Court, which ruled that the producing of Suit was a mere formality as well in personal as in real actions.¹⁰ A writ of Formedon in the reverter was held to be good when the gift had been in the curious form to a man and his sister, and the heirs issuing from their two bodies, or as it is expressed in a second report of the same case, to the heirs of their two bodies begotten.¹¹

¹ Mich. 17, No. 72, pp. 336-340.

² Hil. 18, No. 12, p. 466; No. 19, p. 512 and p. 518; No. 41, p. 622.

³ Mich. 17, No. 67, p. 324.

⁴ Mich. 17, No. 28, pp. 140-148; No. 89, p. 380; Hil. 18, No. 10, pp. 452-460.

⁵ Mich. 17, No. 35, pp. 204-208.

⁶ Hil. 18, No. 5, pp. 420-430.

⁷ Hil. 18, No. 25, pp. 552-564.

⁸ See Vol. Y.B., 16 Edw. III., Part 2, Introd. pp. xxv.-xxix.

⁹ Hil. 18, No. 4., p. 420.

¹⁰ Mich. 17, No. 14, p. 72.

¹¹ Mich. 17, No. 24, p. 122 and p. 124.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

INTRODUCTION.

xxiii

We see the life led not by the men of one class alone, but by the men of all classes in the Kingdom. The villein, the poor freeman, the attorney, the parson, the great land-owner with his rights of wardship and marriage, the Earl, the Bishop, the Abbot, and the alien Prior, all, as it were, pass in review before us. We catch glimpses of Queen Philippa the King's consort, and of Queen Isabella his mother, and we see Queen Isabella's Sergeant-Butler, William Pitte, pensioned off, and living comfortably in Pershore Abbey as an esquire with his groom, both well clad and well fed.

All classes of society represented.

The death of this butler led to a dispute between the King and the Abbot of Pershore of a kind which was not uncommon in the days of abbeys and corodies. The King maintained that he had a right to a corody in Pershore Abbey, nominated a successor to Pitte, and commanded the Abbot to receive him into the House, and treat him in all respects as Pitte had been treated. The Abbot disregarded the command, and, when action was taken to enforce it, he set up the usual defence that Pitte had been received by courtesy on the King's request, and not because the King had any right of corody in the Abbey. According to an Exchequer roll cited by Fitzherbert,¹ Pershore was one of the Abbeys in which the King had this right, but nevertheless a jury found against it, and the Abbot had judgment in his favour in the King's Bench.

Corodies: laymen in the monasteries: past members of Royal Households.

Though the case does not present any very unusual features, it may be worthy of attention as showing the class to which the persons nominated by the King ordinarily belonged, and the difficulties which sometimes arose in the attempt to provide for his servants. The nominee was one Thomas de Mussendene.² The name of Thomas Colley is substituted in the report,³ possibly because Colley had served in the King's buttery⁴ as Pitte had served in Queen Isabella's. This was not, however, the first time that Mussendene

¹ F.N.B., 529.² Appendix, p. 643.³ Hil. 18, No. 8, p. 437.⁴ Pat. 19 Edw. III., p. 1, m. 16.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

had in vain sought a home in a monastery. In the 14th year of the reign, when he was described as the King's "dilectus valectus," he met with a similar disappointment at Colchester, where the Abbot declined to admit him, and like the Abbot of Pershore, succeeded in keeping him out.¹

He, no doubt, had served the King, as it may be seen that most other nominees had done, in some capacity in the royal household. We know that Nicholas de la Garderobe had died, not long before, in the Priory of Merton,² and that the King nominated another old and faithful servant to take his place there. There it was the King's Wardrobe which supplied the corody-man. In the record printed in the present volume we find it alleged on the King's behalf that in the reign of Henry III., Peter Lewere, who was probably Master or other officer of the King's Ewry, had had a corody in Pershore Abbey. So also it was said had Gilbert le Hauberger, who, no doubt, had charge of the King's coats of mail, in the reign of Edward I., and before him in the same reign Edmund de la Panetrie, the Master or other officer of the King's Pantry. Pitte's immediate predecessor in the reign of Edward III. was, according to the statement made on the King's behalf, "John de Kekynwyche, Fauconer," or the King's Falconer.

From one point of view it is immaterial whether these past members of the household really had corodies in the Abbey or not. They were certainly representatives of the class from which the King's nominees came, whenever he was successful in providing for them in a monastery, and such men must have had an appreciable effect upon the society in which they lived, and upon the general mode of monastic life. They were connoisseurs in all matters relating to the table and to the cellar, and in all the sports of the field. Every monastery appears to have

¹ Y.B., Trin., 14 Edw. III., p. 314,
note 1.

² Y.B., Mich., 15 Edw. III., p. 347,
note 5.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

INTRODUCTION.

XXV

had some esquires of its own, as well as corody-men who were received into the House for various considerations as distinguished from those whom the King could nominate. There was thus a body of laymen living in or frequenting the Religious Houses, which almost certainly took its tone from the officers of the Royal Household who brought with them their recollections of the Court.

A case which throws light at once upon the manners and customs of the time, and upon the practice of the Courts in particular circumstances, is one of Deceit in Michaelmas Term.¹ One William de Frodeswalle, who is described in the report as a poor man, found himself deprived of his two acres of arable land, and one acre of meadow, by force of a writ of seisin in favour of one Richard, son of John Elys. The writ was supposed to be for the execution of a recovery by Elys, on the default of Frodeswalle and his wife and others, in an action brought against them. No such action had in fact ever been brought, and Frodeswalle sued his writ of Deceit against Elys and the Sheriff of the county in which the writ of seisin had been executed, alleging that Elys had caused it to be forged and placed on the Sheriff's files among the King's genuine writs.

Deceit :
fraudulent
attorney
examined
in Court,
and com-
mitted to
the Fleet.

Elys, who is described in the report as an attorney, appeared in Court, and was sworn and examined by the Justices. He then confessed that he and one John de Neuton, as the Sheriff's bailiff, had made out a precept in the Sheriff's name, without the Sheriff's knowledge, reciting that he had recovered his seisin in the King's Court, and directing Neuton to give him seisin, in virtue of which he had seisin, and Frodeswalle was turned out.

Upon this the Court gave judgment that Frodeswalle should recover damages assessed by the Justices at ten marks, and that Elys should be committed to the Fleet Prison.

¹ Mich. 17, No. 27, pp. 138-141.

Cambridge University Press

978-1-108-04798-2 - Year Books of the Reign of King Edward the Third: Years XVII and XVIII

Edited and Translated by Luke Owen Pike

Frontmatter

[More information](#)

In the following year Elys was released, after having been brought before the Justices, who commanded him to depart from the Court, and forbade him thenceforth to sue any writ or business there for any one. In short, he was deprived of the power of acting as attorney.

The beginning of the Sheriff's Turn in the County of Lancaster and of the Turn in Furness.

The rival jurisdictions of the County Court of the county of Lancaster and the Sheriff's Turn held in Furness have some light thrown upon them by a report and the corresponding record. The matters in dispute take us back to the first origin of two Courts. Certain claims of the Abbot of Furness appear to have been founded in the first instance upon a charter from King Stephen,¹ which was confirmed in subsequent reigns.² The successors of the first grantee seem to have believed that they had thus acquired a right to some kind of Turn within their lands of Furness, until the Justices in Eyre visited the County of Lancaster in the 20th year of the reign of Edward I., when the existing Abbot had to answer to a *Quo Waranto*.³ It was then found by the jury that there had been no Sheriff's Turn in the County of Lancaster at large before the time when Mathew de Redeman was Sheriff in the reign of Henry III., or, as elsewhere expressed, about the 31st year of that reign.⁴ The Sheriff then began to hold his Turn twice a year, according to the custom of the realm, throughout the Hundreds and Wapentakes of the County. Then also the Coroner of the County began to hold a Turn in

¹ A charter from Stephen, while he was Count or Earl of Boulogne and Moreton, is printed from an *Inspecimus* of Hen. IV. in Dugdale's *Monasticon*, Vol. V., p. 247.

² An *Inspecimus* of the previous charters with confirmation in the year 21 Richard II. is set out in Beck's *Annales Furnesienses* (1844), p. xlvij. And see Baines, History

of the County Palatine and Duchy of Lancaster (Ed. Harland), Vol. II., p. 630 and p. 632.

³ Eyre Roll, County of Lancaster, 20 Edw. I. The portion relating to this *Quo Waranto* has been printed in the *Placita de Quo Waranto* published by the Record Commissioners in 1818, pp. 369-371.

⁴ Below, p. 223, note 3.