CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information

# EASTER TERM

IN THE

NINETEENTH YEAR OF THE REIGN OF

KING EDWARD THE THIRD

AFTER THE CONQUEST.



© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information

# EASTER TERM IN THE NINETEENTH YEAR OF THE REIGN OF KING EDWARD THE THIRD AFTER THE CONQUEST.

## No. 1.

A.D. 1345. *Monstraverunt.*

(1.) § Walter Blake and several others,[1] as tenants of Ancient Demesne of the manor of Eynsham, brought a *Monstraverunt* against the Abbot of Eynsham, containing a statement that the Abbot demanded of them customs and services other than those which they ought to perform or were wont to perform in the time during which the said manor was in the hands of the progenitors of our lord the King, and tortiously so, because, whereas when the said manor was in the hand of King William the Conqueror, one A.,[1] cousin of the aforesaid Walter, in the time of the said William the Conqueror, held so many acres of land by the service of so much rent *per annum*, and of doubling his rent after the death of each tenant, in lieu of all services, and so in the case of each particular tenant,[1] the present Abbot came and demanded of them other customs and services, that is to say, sowing, hoeing,

[1] For the names, *see* p. 3, note 2.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information

# DE TERMINO PASCHÆ ANNO REGNI REGIS EDWARDI TERTII A CONQUESTU DECIMO NONO.[1]

## No. 1.

(1.)[2] § Wauter Blake et plusours autres, comme tenantz del aunciene demene del maner de E.[3] porterent *Monstraverunt* vers Labbe[4] de Eynesham, contenant coment Labbe les demande autres custumes et services qe faire[5] ne deivent ou faire[6] soleint en temps qe le dit[7] maner estoit en meyns des progenitours nostre seignur le Roi, et pur ceo atort qe, par la quant le dit maner fuit en la meyn le Roi William le Conquerour, un A. cosyn lavantdit[8] Wauter, en temps le dit William le Conquerour, tient taunt des acres de terre[9] par taunt de rente par an, et pur doubler sa rente apres la mort de chesqun[10] tenant, pur touz[11] services, *et sic de singulis*, la vint[12] Labbe qore est et les demande autres custumes et services, saver, semer, sarcher,[13] sier des

A.D. 1345. *Monstraverunt.* [Fitz., *Monstraverunt*, 5.]

[1] The reports of this Term are from the Lincoln's Inn MS. (called L.), the Harleian MS., No. 741 (called H.), the Cambridge MS. Hh. 2, 3 (called C.), and the Cambridge MS. Hh. 2, 4 (called D.).

[2] From H., L., and C., but corrected by the record, *Placita de Banco*, 19 Edw. III., R° 91. It there appears that the action was brought by Walter Blake, Robert Revesone, John Cryps, Richard "The Loder," Robert Hankyn, Alan Gybone, William "The Herte," Richard Walters, John Streen, Robert Leovon, and Adam le Blake, "homines et tenentes "Abbatis de Eynesham, de manerio "suo de Eynesham," against the Abbot of Eynsham.

[3] MSS. of Y.B., B.

[4] Labbe is omitted from C.

[5] C., fere.

[6] faire is from L. alone.

[7] dit is omitted from C.

[8] H., le dit.

[9] L., and C., des terres, instead of de terre.

[10] H., chescun mort de, instead of la mort de chesqun.

[11] L., and C., toux.

[12] The words la vint are omitted from H.

[13] So in all the MSS.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information



No. 1.

A.D. 1345. cutting corn, threshing, ploughing, and harrowing, and the right to tallage them high and low, and ransom of flesh and blood, whereupon they delivered to him the King's Prohibition, forbidding him, &c., and he, on that account, did not desist, tortiously, and to their

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information



## No. 1.

blees,[1] bater, arrer,[2] et hercer, et les tailler haut et bas,[3] rechat de char et saunk, sur quei, &c., ils livererunt[4] la Prohibicion le Roi, &c., defendant,[5] &c., et il par taunt ne lessa point,[6] atort,[7] et a lour damage.[8]— A.D. 1345

[1] H., bleds.
[2] C., arrere.
[3] H., baas.
[4] H., livererent.
[5] H., defendaunt.
[6] H., and C., &c.
[7] L., attort.
[8] The declaration was, according to the record, "quod quidam "Willelmus le Blake, consanguineus prædicti Walteri Blake. "tenuit unam mesuagium et "duas virgatas terræ, cum pertinentiis, in . . . . manerio "de Eynesham, quod est de "antiquo dominico coronæ Regis, "&c., tempore Willelmi Regis "Conquæstoris, &c., progenitoris "domini Regis nunc, per fidelitatem, et servitium decem solidorum per annum, et post mortem "cujuslibet tenentis duplicandi "redditum prædictum, pro omni "servitio et consuetudine, et quidam Willelmus Bodde tenuit "unum mesuagium et duas virgatas "terræ, cum pertinentiis, in eodem "manerio de Eynesham, tempore "ejusdem Regis, per consimilia "servitia, et quidam Johannes "Revesone, consanguineus prædicti "Roberti Revesone, tenuit unum "mesuagium et duas virgatas "terræ, cum pertinentiis, in præ"dicto manerio, per consimilia "servitia, et quidam Walterus "Cryps, consanguineus prædicti "Johannis Cryps, tenuit unum "mesuagium et duas virgatas "terræ, in eodem manerio, per "consimilia servitia, &c., et "quidam Willelmus The Loder, "consanguineus prædicti Ricardi "The Loder, tenuit unum mesua"gium et duas virgatas terræ, cum "pertinentiis, in eodem manerio, "per consimilia servitia, &c., et "quidam Robertus Hankyn, con"sanguineus prædicti Roberti "Hankyn, tenuit unum mesuagium "et unam virgatam terræ, cum "pertinentiis, per fidelitatem, et "servitium quinque solidorum per "annum, et post mortem cujuslibet "tenentis duplicandi redditum "nomine relevii, &c. Et quidam "Gilbertus Giboun, consanguineus "prædicti Alani Gyboun, tenuit "unum mesuagium et unam "virgatam terræ, cum pertinentiis, "in eodem manerio, per consimilia "servitia, &c., et quidam Philippus "The Herte, consanguineus præ"dicti Willelmi The Herte, tenuit "unum mesuagium et unam "virgatam terræ, cum pertinentiis, "in eodem manerio, per consimilia "servitia, &c., et quidam Johannes "Walters, consanguineus prædicti "Ricardi Walters, tenuit unum "mesuagium et unam virgatam "terræ, cum pertinentiis, in eodem "manerio per consimilia servi"tia, &c., et quidam Ricardus "Streen, consanguineus prædicti "Johannis Streen, tenuit unum "mesuagium et unam virgatam "terræ, cum pertinentiis, in eodem "manerio, per consimilia servitia, "&c., et quidam Adam Leovon, "consanguineus prædicti Roberti "Leovon, tenuit unum mesuagium "et unam virgatam terræ, cum "pertinentiis, in eodem manerio,

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information



No. 1.

A.D. 1345. damage.—*Huse* denied tort and force, and, as to three, he said that they were the Abbot's villeins, to be tallaged high and low, &c., and that the Abbot was seised of them, &c.; judgment whether they ought to be answered. And, as to three others, he denied the damages, and demanded judgment of the count, because they had counted for those three in common,

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information



## No. 1.

*Husc*[1] defendi[2] tort et force, et, quant a iij, il[3] dit qils sount les villeins Labbe, a[4] tailler en haut et bas, &c., et il seisi de eux,[5] &c.; jugement sil deivent estre respondu. Et, quant as autres iij, il defendi[2] les damages, et demanda jugement de count, de ceo qils avoint counte pur eux[6] en comune, la A.D. 1345.

" per consimilia servitia, &c., " idem Abbas exigit ab eis alia " servitia et alias consuetudines, " videlicet, de quolibet tenentium " prædictorum tenente unum " mesuagium et unam virgatam " terræ, de arando terram ipsius " Abbatis cum una caruca et octo " bobus, vel octo affris, ter in " septimana, et de seminando et " herciando eandem terram, et " facit eos compostare totam " terram dicti manerii cum " carectis ipsorum tenentium, et " falcare omnia prata ipsius " Abbatis, et fena levare, et unire, " et ad domum dicti Abbatis " cariare, et blada sua sarculare, " metere, et unire, et ad manerium " ipsius Abbatis de Eynesham " cariare, et facit eos eadem " blada triturare, tam in diebus " Natalis domini, Paschæ, et " omnibus aliis dupplicibus festis, " quam in aliis diebus ferialibus, " ubicumque eos assignare voluerit " cariare et affragium facere, ita " quod redire possint eodem die, " et post vacationem cujuslibet " tenementorum prædictorum capit " finem de tenente eorundem " tenementorum ad voluntatem " ejusdem Abbatis, et capit " redemptiones carnis et sanguinis " de eisdem tenentibus et eorum " exitibus, et plures alias extor- " siones, fines, tallagia, et diversa " servitia innumerabilia per graves " districtiones et intolerabiles ab " eisdem hominibus extorquendo " talliat alto et basso ad voluntа- " tem suam, et præpositos suos de " eis facit, per quod iidem homines, " taliter indebite prægravati, Pro- " hibitionem domini Regis, die " dominica proxima ante festum " Sancti Augustini, anno regni " Regis nunc decimo octavo in " præsentia Johannis le Peyntour, " Hugonis de Loughtebourghe, et " Willelmi Jonesman the Peyntour, " et aliorum, apud Eynesham, " liberarunt eidem Abbati, inhi- " bendo ne idem Abbas alias " consuetudines vel alia servitia " ab eis exigeret quam facere " deberent, et ipsi et antecessores " sui facere consueverunt, &c., " idem Abbas, spreta prohibitione " domini Regis prædicta, ipsos " homines ad faciendum con- " suetudines et servitia supradicta " graviter, et intolerabiliter, ac per " extorsiones innumerabiles, dis- " trinxit, contra prohibitionem, " &c., unde dicunt quod deteriorati " sunt et damnum habent ad " valentiam mille librarum. Et " inde producunt sectam, &c."

[1] H., *Husee*.

[2] H., defend.

[3] H., vous, instead of quant a iij, il.

[4] C., au.

[5] L., and H., deux, instead of de eux.

[6] H., eaux.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information



No. 1.

A.D. 1345. whereas one of them, to wit A., was dead at the time at which the count was counted.—*Grene.* You shall not be admitted to that, because you have denied the damages of him, as well as of the others, and have so accepted him as being one entitled to an answer.—Hillary. Do you think that he shall not be admitted to allege the death of any one after having denied damage? As meaning to say that he would. But even though the exception be to the abatement of the count, that affects only the one who is dead, so that it is necessary to answer the others.—*Blaykeston.* The defect in this bad count is not that of the one who is dead, but that of the other two who are parties; and if the count is to abate by reason of their mistake it should rightly abate in its entirety.—*Seton, ad idem.* If several persons bring a writ, and one be dead on the day on which the writ is purchased, the writ will abate with regard to them all; for the same reason the count will abate when it is counted for one who is dead on the day on which the count is counted.—Stonore. It is a special case on this writ of *Monstraverunt*, that one person can sue on behalf of himself and of all the other persons of the vill, even though they be not named; and, even though they be not named in the writ, yet all the others shall have advantage through the suit of one; and the one who appears may be admitted, and shall answer by attorney for all the others, although that attorney was never admitted as theirs, so that this suit and this writ are not like any others.—*Seton.* That, Sir, is true; but one who appears is not, on that account, entitled to count on behalf of a person who is dead, and, if he do so, it is right that the count do abate.—*Thorpe.* And if

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information



No. 1.

ou un[1] de eux,[2] saver A.,[3] al temps del count counte fuit mort.—*Grene.* A ceo ne serretz resceu, qar vous avetz[4] defendu les damages de luy[5] si bien come de les[6] autres, et issint accepte luy estre responable.—HILLARY. Quidetz vous qe apres defens il[7] ne serra pas resceu dallegger[8] sa mort? *quasi diceret sic.* Mes, tut soit il[9] al abatement de count, ceo nest forqe a luy qest mort, issint qil covient respondre a les autres.—*Blayk.* En celuy qest mort nest pas la defaut de ceo malveis count, mes en[10] les autres deux[11] qe sount parties; et si[12] le count abate par[13] lour mesprissioun[14] il est resoun qil abate en tut.—*Setone,*[15] *ad idem.* Si plusours portent un brief, et un soit mort jour du brief purchace, le brief abatra vers touz[16]; par mesme la resoun le count quant il est counte pur un qest mort jour de count counte.—STON. Cest un cas a per luy en cest brief de *Monstraverunt*, qun purra suir pur luy et touz[16] les autres de la ville, tut ne soient[17] il pas nomes[18]; et coment qils ne soient pas nomes el brief et par la suite dun touz[16] les autres averount avantage; et cestuy qe vient purra estre resceu, et respoundra par attourne pur touz[16] les autres, coment qe unqes ne fuit resceu lour attourne, issint qe ceste[19] suite ne[20] brief est semblable a nulle autre.—*Setone.* Sire, il est verite; mes celuy qe vint par taunt ne deit pas counter pur mort persone, et sil face, il est resoun qe le count abat.—*Thorpe.* A.D. 1345.

[1] un is omitted from H.
[2] L., and H., deux, instead of de eux.
[3] H., A., et B.
[4] L., and C., avietz.
[5] L., and C., lun.
[6] H., des, instead of de les.
[7] H., qils.
[8] C., de allegger.
[9] il is omitted from C.
[10] en is omitted from H.
[11] deux is omitted from C.
[12] H., issi.
[13] H., pur.
[14] C., mespressioun.
[15] L., and C., STON.
[16] L., toux.
[17] H., suent.
[18] nomes is omitted from H.
[19] H., en cesty.
[20] H., le.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-108-04801-9 - Year Books of the Reign of King Edward the Third Year XIX
Edited and Translated by Luke Owen Pike
Excerpt
More information



No. 1.

A.D. 1345. the count abates, according to your contention, with regard to one who is dead, it therefore abates with regard to all the plaintiffs, and consequently with regard to those in whose persons you allege villenage, and, therefore, if you hold to your exception, you waive the villenage.—*Blaykeston.* As to the villeins we do not say anything but that they ought not to be answered; but as to the persons of free condition we say that they have counted badly. And suppose three persons bring a writ of Trespass against me, and I say, as to one, that he is my villein, and therefore shall not be answered, and, as to the others, I plead to their count, I shall be admitted to do so; so in the matter before us.—*Pole.* In the case which you give an exception of villenage alleged against one abates writ and action against all.—*Quære.*—And, in this case, if you abate the count as to the other three, it cannot stand good with regard to the villeins.—HILLARY. In that case issue can be taken on the villenage without affirming the count with regard to those in whom villenage is alleged; and if, while the inquest is pending, the count abates, on such cause, with regard to all those who are of free condition, it will abate with regard to the villeins also, but not otherwise.—Afterwards *Huse* took exception only as to the death, having regard to the person who was dead; and, as to the two others, he prayed that they should produce the record to certify the Court that the manor whereof, &c., is Ancient Demesne.—And the COURT was of opinion that nothing could be done until they were apprised by record that the manor was Ancient Demesne.—Afterwards the plaintiffs *non pros.*

© in this web service Cambridge University Press www.cambridge.org