

## Westminster Abbey Muniments Book 11: 'The Westminster Domesday', fo. 173b-174

### *Land at Ewell called Quedekepes, subject of a dispute of the Abbat of Westminster against Richard Benton*

- fo.173b Pleas of Assizes at Suthwerk before Robert Danvers and Thomas Croxton (associated with John Fortescu, miles) Justices of the King for taking Assizes in Co. Surrey on Thursday in Easter week 34 Henry VI (1 April 1456):
- Surrey: The assize came to recognise whether Richard Denton [*sic*] unjustly disseisined Edmund (Kyrton) Abbat of Westminster of his free tenement in Ewelle. And whereof the Abbat complains by Thomas Pepyur his Attorney that Richard disseisined him of 1 ls 7d of rent and of a rent of 2 cocks and 4 hens.
- fo.174 By a Royal writ dat. at Westminster 14 July 34 Henry (VI 1456) and quoted in full, the presence of all three justices may if necessary be limited to two, and therefore Sir John Fortescu is not waited for. The said Richard not answering to his summons judgement was given against him by default, and the damages for the disseisin were fixed at 5 marks. To further questions as to the extent and date of the loss of the rents, it was answered that they issue from one messuage and 30 acres of land in Ewelle called Quedekepes held of the present Abbat as of his manor of Mordon, Co. Surrey, and that a certain Richard Berkynge, late Abbat as in the right of Westminster Monastery, was seised of the rents by the hands of Geoffrey le Cras then tenant of the messuage and lands temp. Henry III, and that 24 years have elapsed from the date of the withholding of those rents, and there are no fraud or collusion between the parties touching the recovery of the rents. Therefore it is concluded that the present Abbat may recover his seisin of the said rents together with arrears of the same, and his damages assessed as above at 5 marks, which damages and arrears together amount to £17, 48 cocks and 80 hens. And the aforesaid Richard Denton is *in misericordia*.

### **The plea of assizes at Southwark before Robert Danvers and Thomas Croxton,**

the same Robert and John Fortescu, knights justices of the lord king for taking assizes in the county of Surrey, on this occasion of association on the Thursday in Easter week, in the 34th year of the reign of King Henry VI after the Conquest. The aforesaid John is not expected in person by virtue of the brief of the lord King - "If not all" etc.

Surrey: The assize came to recognise whether Richard Benton unjustly etc. disseisined Edmund Abbot of the monastery of blessed Peter of Westminster of his free tenement in Ewell according to the counsel etc. And in respect thereof the same Abbot through Thomas Pepyur his attorney complained that the aforesaid Richard disseisined him of eleven shillings and seven pence of rent and of the render of two cocks and four hens with pertinences etc. And the aforesaid Richard Benton in his own person came and said that he made no injury or disseise to the aforementioned Abbot. And concerning this, he should submit to the assize and the aforesaid Abbot similarly etc. Therefore the assize should be held between them etc. but it [the assize] was stayed to be held before the aforementioned justices until the Thursday nearest after Michaelmas at Reigate because certain examinations were not made to view and certain of them did not come. Therefore the sheriff then is to have there the body to examine etc. And meanwhile etc. The same are given a day for the aforesaid parties at the same place etc. At which day before the aforementioned Robert and Thomas Croxton, the same Robert and John Fortescu, knights, justices of the lord King at the assizes held in the aforesaid counties assigned on this occasion of association.

The presence of the aforesaid John is not expected by virtue of a writ of the lord king, "If not all" that follows in these words: "Henry, by the grace of God, King of England and France and lord of Ireland to his beloved and faithful, John Fortescu, knight, Robert Danvers and Thomas Croxton, greetings. Whereas we have appointed you, you the aforementioned John and Robert our justices, to take all assizes, juries and certifications arraigned before any justices whomsoever by divers of our writs in the counties of Essex, Hertfordshire, Kent, Surrey, Sussex and Middlesex, we command you, that if you all, at the taking of the assizes, juries and certifications aforesaid, cannot conveniently be present, then two of you who shall happen to be present do proceed to the taking of the aforesaid assizes, juries and certifications, according to the law and custom of our realm of England. Witness myself at Westminster the 14th day of July in the 34th year of our reign".

*(continued overleaf)*

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(continued)

At Reigate, the aforesaid Abbot came by his aforesaid attorneys, and the aforesaid Richard solemnly charged, did not come. Therefore the aforesaid assize found against him by default etc. Those charged to examine came to verify the statements mentioned before of the trial clerk, and sworn, said upon their oaths that the aforesaid Abbot was seised of the aforesaid renders in the aforesaid specified plea with pertinences in his domain as of the fee and right of his aforesaid monastery until the aforesaid Richard himself thence unjustly and without permission and not with force or arms disseised. And the damages are assessed, both by reason of that disseise and for right and his costs with regard to his suit in this regard, fixed at five marks, to seek to examine what kind of aforesaid renders are being rendered, and how much time has elapsed from the time that render was withdrawn and what kind of right the aforesaid Abbot has in the aforesaid renders and which of his predecessors in respect thereof were seised in their domain as of the fee and right of their aforesaid monastery and in the time of which king and if is had any fraud or collusion between the aforesaid parties over the recovery of the aforesaid renders contrary to the form of the statute by which it should be undertaken, lest the land or tenement should fall into mortmain howsoever. The aforesaid say upon their oath, that the aforesaid are rendered. The renders of service arise from one messuage and thirty acres of land with pertinences in Ewell called Quedekepes, which are held from the present Abbot himself, as from his manor of Morden in the aforesaid county. Also the aforesaid present Abbot and all his predecessors, former Abbots of the aforesaid monastery, were successively seised of the aforesaid rents with the pertinences in their domain as of the fee and right of his monastery aforesaid by the hand\* of all the tenants of the aforesaid messuages and lands as by the hand of his true tenants until the aforesaid Richard disseised the present Abbot himself thereof unjustly and without permission, and also a certain Richard Berkyng, late Abbot of the monastery aforesaid, one of the predecessors of the present Abbot as in the right of the monastery was seised of the renders by the hands of the same Geoffrey Le Cras, then tenant of the messuage and the lands aforesaid, as by the hands of his true tenants since the time of lord Henry late King of England, the third after the Conquest. And that twenty four years are elapsed from the time of the withdrawal of those renders. And that no other fraud or collusion is had between the aforesaid present Abbot and the aforementioned Richard Benton over the restoration of the aforesaid renders against the form of the aforesaid statute, aforesaid. Therefore it is granted that the aforesaid present Abbot shall recover his siesin of the aforesaid returns with pertinences, together with the arrears of the same, both before the days of petition of the writ at the aforesaid assize, and after, through the view of examination of the aforesaid assize and his aforesaid damages to the aforesaid five marks through the aforesaid examination at the above assize, the which damages together with the aforesaid arrears, in total therefore attain to seventeen pounds, forty eight cocks and eighty hens. And the aforesaid Richard Benton is in mercy etc.

\* ie the rents were given by

**NOTES:**

The form of words used for a writ of *Si non omnes* remained virtually unchanged for centuries. A *Calendar of Assize Records: Introduction* (1986) edited by J S Cockburn to accompany his volumes covering the South-Eastern circuit in the reigns of Elizabeth I and James I, includes photographs, transcripts and translations of 16th-century examples.

**cf WAM 19961                      Parchment roll - in four sections labelled A-D**

C:- Expences incurred about the pleas of rent in Ewell (Co. Surr.) against Richard Benton, tailor, of London, in the Assises taken at Southwark on Thursday in Easter week 34 Hen VI (1 April 1456) and on Thursday the Morrow of Michaelmas 35 Hen VI (30 September 1456).

(WAM 19961 has been read but not not copied or translated)