

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

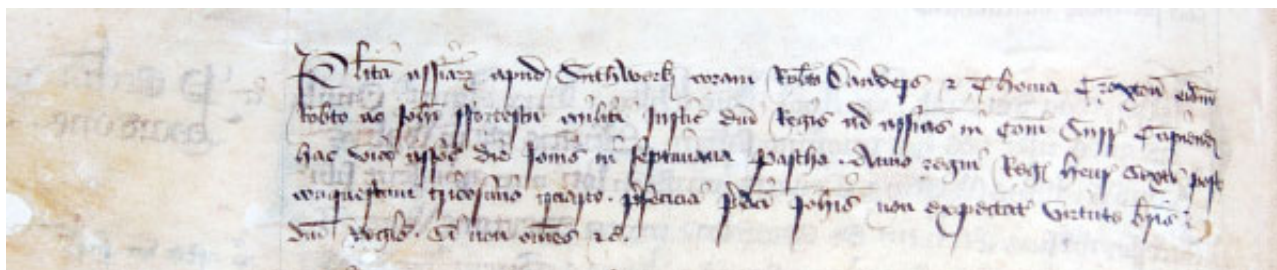
Land at Ewell called Quedekepes, subject of a dispute of the Abbat of Westminster against Richard Benton

[cf WAM 19961C]

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, 4s 8d, 4 cocks and 80 hens. And the aforesaid Richard Denton is *in misericordia*.



WD fo. 173b

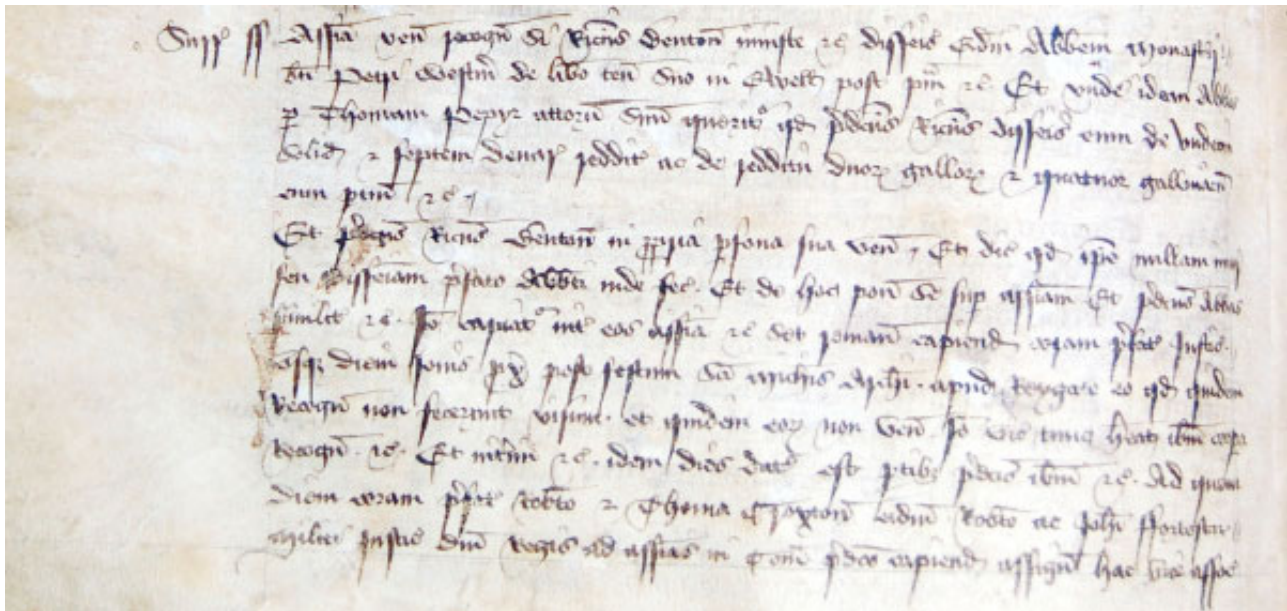
Placita assisiarum apud Suthwerk coram Roberto Danvers et Thoma Croxton eidem (1)/
The plea of assizes at Southwark before Robert Danvers and Thomas Croxton, the same

Roberto ac Johanni Fortescu militi justicii domini Regis ad assisas in comitatu Surrey capiendis(2)/
Robert and John Fortescu, knights justices of the lord king for taking assizes in the county of Surrey,

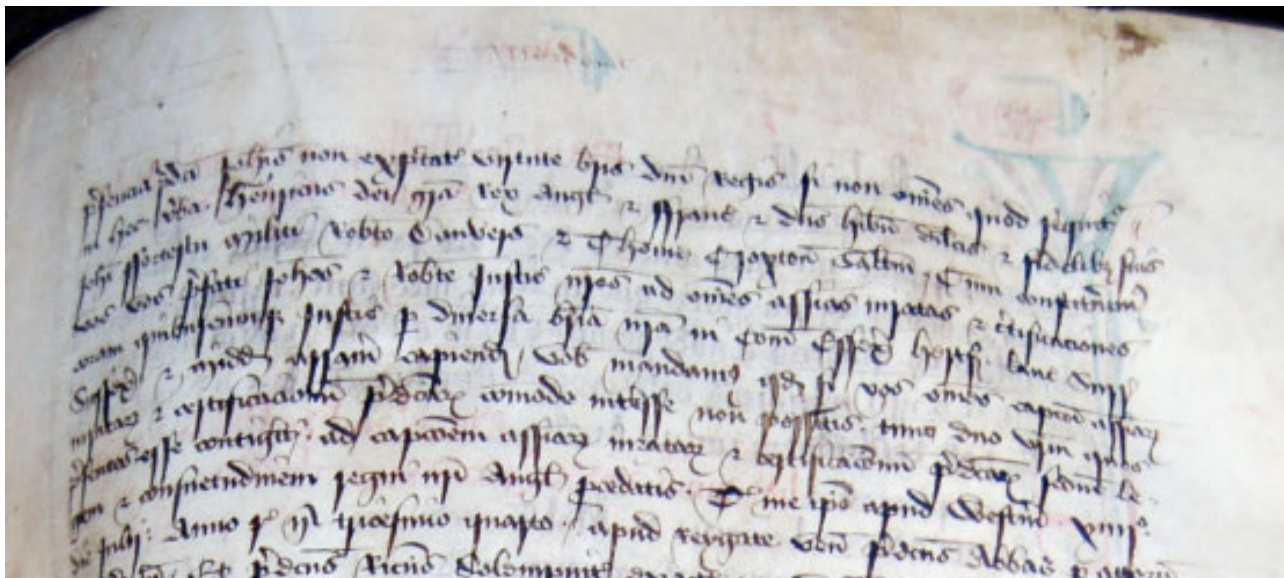
hac vice associatione die jovis in septimana Pasche, Anno Regni Regis Henrici sexti post (3)/
on this occasion of association on the Thursday in Easter week, in the 34th year of the reign of King Henry VI after

conquestionum tricesimo quarto. Presencias predicti Johannis non expectatur virtute brevis (4)/
the Conquest. The aforesaid John is not expected in person by virtue of the brief

domini Regis. Si non omnes etcetera (5)/
of the lord King - "If not all" etc.



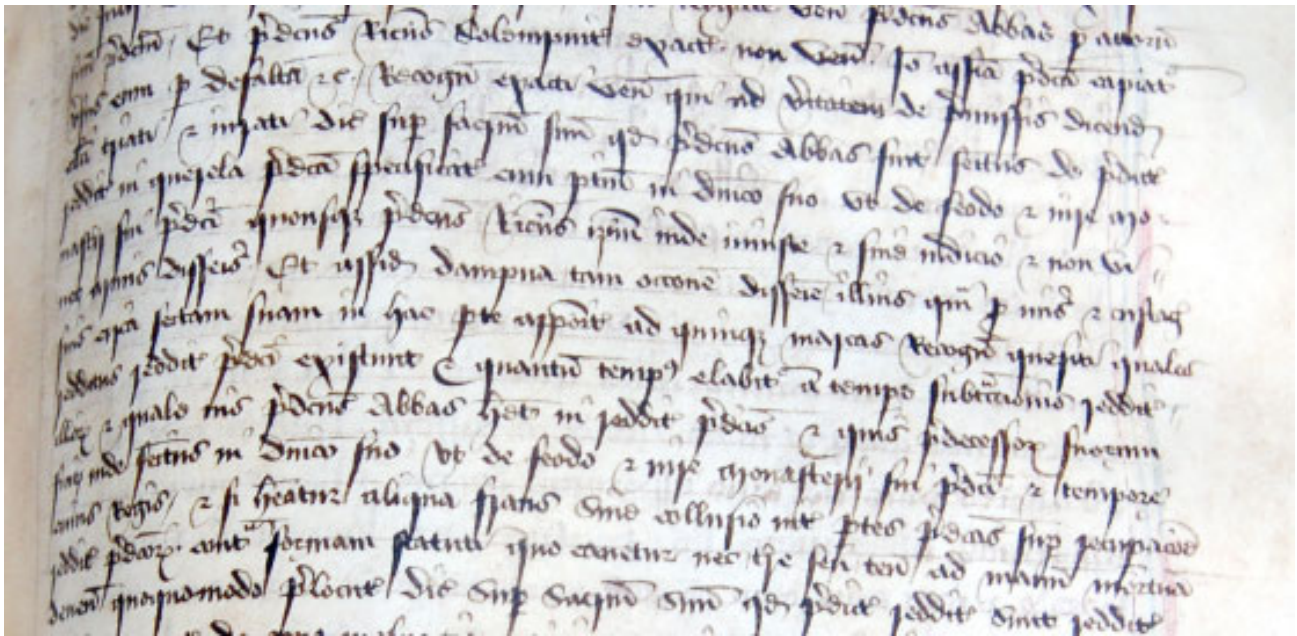
Surrey: Assisa veniterunt recognoscere si Ricardus Benton injustie etcetera disseis Edmund Abbatem monasterii (6)/
 Surrey: The assize came to recognise whether Richard Benton unjustly etc. disseisined Edmund Abbot of the monastery
beati Petri Westmonasterii de libero tenemento suo in Ewelle post partem etcetera. Et unde idem Abbas (7)/
 of blessed Peter of Westminster of his free tenement in Ewell according to the counsel etc. And in respect thereof the same Abbot
per Thomam Pepyr attornatum suum quaeritare quod predictus Ricardus disseisit eum de undecim (8)/
 through Thomas Pepyr his attorney complained that the aforesaid Richard disseisined him of eleven
solidos et septem denarios redditus ac de redditum duorum gallorum et quatuor gallinarum (9)/
 shillings and seven pence of rent and of the render of two cocks and four hens
cum pertinentibus etcetera (10)/
 with pertinences etc.
Et predictus Ricardus Benton in propria persona sua veniat et dicat quod ipse nullam iniuriam (11)/
 And the aforesaid Richard Benton in his own person came and said that he made no injury
seu disseisiam prefato Abbati inde fecit. Et de hac ponet de super assisiam et predictus Abbas (12)/
 or disseise to the aforementioned Abbot. And concerning this, he should submit to the assize and the aforesaid Abbot
similiter etcetera. Ideo capiat inter eos assisia etcetera seu remanet capiend[os] coram prefatos justicios (13)/
 similarly etc. Therefore the assize should be held between them etc. but it [the assize] was stayed to be held before the
usque diem jovis proxima post festum Sancti Michael Archangeli apud Reygate eo quod quidem (14)/
 aforementioned justices until the Thursday nearest after Michaelmas at Reigate because certain
recogn[ere] non fecerunt visum et quidem eorum non venit. Ideo vicecomes tunc habeat ibidem corpora (15)/
 examinations were not made to view and certain of them did not come. Therefore the sheriff then is to have there the body
recogn[ere] etcetera. Et interim etcetera. Idem dies datum est partibus predictis ibidem etcetera. Ad quem (16)/
 to examine etc. And meanwhile etc. The same are given a day for the aforesaid parties at the same place etc. At which
diem coram prefato Roberto et Thoma Croxton eidem, et Roberto ac Johanni Fortescu (17)/
 day before the aforementioned Robert and Thomas Croxton, the same Robert and John Fortescu,
militi justicii domini Regis ad assisas in comitos predictos capiendas assignant hac vicem associationis.
 knights, justices of the lord King at the assizes held in the aforesaid counties assigned on this occasion of association.



Presentia predicti Johanno non expectato virtute brevis domini regis si non omnes quod sequentur (1)/
 The presence of the aforesaid John is not expected by virtue of a writ of the lord king, "If not all" that follows
in haec verba. Henricus die gracia rex Anglie et Francie et Dominus Hibernia dilectis et fidelibus suis (2)/
 in these words: "Henry, by the grace of God, King of England and France and lord of Ireland to his beloved and faithful,
Johanni Fortescue militi, Roberto Danvers et Thomas Croxton salutem. Cum constituerimus (3)/
 John Fortescu, knight, Robert Danvers and Thomas Croxton, greetings. Whereas we have appointed you,
vos vos [sic] prefati Johannes et Roberte justicies nostros ad omnes assisas iuratas et certificationes (4)/
 you the aforementioned John and Robert our justices, to take all assizes, juries and certifications
coram quibuscumque justicii per diversa brevia nostra in comitis Essex, Hert., Kant., Surrey (5)/
 arraigned before any justices whomsoever by divers of our writs in the counties of Essex, Hertfordshire, Kent, Surrey,
Sussex et Middx arramatas capiendas vobis mandamus quod si vos omnes captioni assisarum (6)/
 Sussex and Middlesex, we command you, that if you all, at the taking of the assizes,
iuratarum et certificationum predictarum comode interesse non possitis tunc duo vestrum quos (7)/
 juries and certifications aforesaid, cannot conveniently be present, then two of you
presentes esse contingerit ad captionem assisarum iuratarum et certificationum predictarum secunum legem (8)/
 who shall happen to be present do proceed to the taking of the aforesaid assizes, juries and certifications, according to the
et consuetudinem regni nostri Anglica procedatis. Teste me ipso apud Westmonasterium xiiij (9)/
 law and custom of our realm of England. Witness myself at Westminster the 14th
die Julii, anno regni nostri tricesimo quarto, apud Reygate veniens predictus Abbas per attornatos (10)/
 day of July in the 34th year of our reign". At Reigate, the aforesaid Abbot came by his aforesaid attorneys,

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.



suos predictos et predicus Ricardus solempnit exactionem non venit. Io assisa predicta capiat (11)/
and the aforesaid Richard solemnly charged, did not come. Therefore the aforesaid assize found

versus eum per defaultam etcetera. Recognere exactionem venire quam ad veritatem de remissis dicendis (12)/
against him by default etc. Those charged to examine came to verify the statements mentioned before

clerici triatio et iurati dicit super sacram suam quod predictus Abbas sint seisis de predictis (13)/
of the trial clerk, and sworn, said upon their oaths that the aforesaid Abbot was seized of the aforesaid

redditis in querela predicta specificata cum pertinentibus in dominico suo ut de feodo et iure (14)/
renders in the aforesaid specified plea with pertinences in his domain as of the fee and right

monasterii suis predicti quousque predicens Ricardum ipsum inde iniuste et sine iudicio et non vi (15)/
of his aforesaid monastery until the aforesaid Richard himself thence unjustly and without permission and not with force

nec armis disseisit. Et assisa dampna tam occasione disseise illius quam pro ius' et custag' (16)/
or arms disseised. And the damages are assessed, both by reason of that disseise and for right and his costs

suis circa sectam suam in hac parte apposit' ad quinque marcas recognere que sua qualis (17)/
with regard to his suit in this regard, fixed at five marks, to seek to examine what kind of

redditus redditur predicti existunt cum quantum temporum elabitum a tempus subtractionis rediit (18)/
aforesaid renders are being rendered, and how much time has elapsed from the time that render was withdrawn

illorum et qualis jus predicitus Abbatis habet in redditis predictis et quis praedececessorum suorum (19)/
and what kind of right the aforesaid Abbot has in the aforesaid renders and which of his predecessors

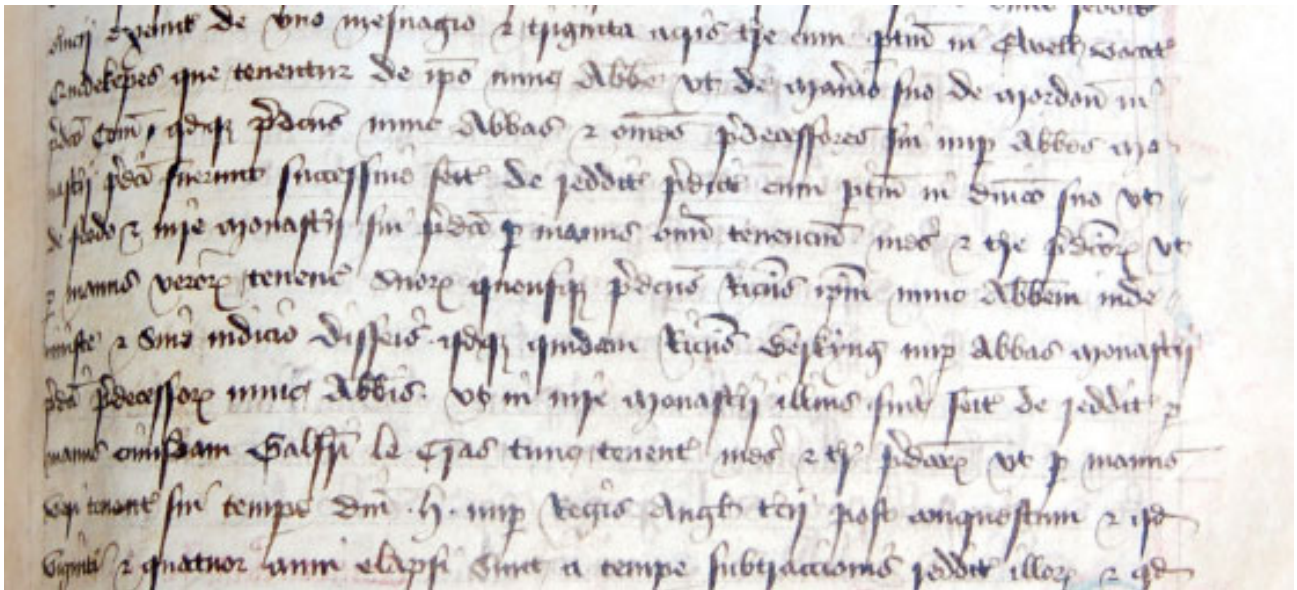
sint inde seisis in dominico suo ut de feodo et iure monasterii sui predicti et tempore (20)/
in respect thereof were seized in their domain as of the fee and right of their aforesaid monastery and in the time

cuius Regis et si habeatur aliqua fraus sive collusio inter partes predictos super recuperationem (21)/
of which king and if is had any fraud or collusion between the aforesaid parties over the recovery

redditionum predictorum contra formam statuti quo conetur nec terrae seu tenementio ad manum mortuam (22)/
of the aforesaid renders contrary to the form of the statute by which it should be undertaken, lest the land or tenement

deveniat quoquomodo prelocutus dicitur super sacram suam quod predicti redditi sunt redditiones (23)/
should fall into mortmain howsoever. The aforesaid say upon their oath, that the aforesaid are rendered. The renders

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servicii exeunt de uno messuagio et triginta acris terrae cum pertinentibus in Ewell vocat (24)/
of service arise from one messuage and thirty acres of land with pertinences in Ewell called

Quedekepes quae tenentur de ipso nunc Abbati ut de manerio suo de Morden in (25)/
Quedekepes, which are held from the present Abbot himself, as from his manor of Morden in

predicto comito quodque predicens nunc Abbas et omnes predecessores sui nuper Abbes (26)/
the aforesaid county. Also the aforesaid present Abbot and all his predecessors, former Abbots of the aforesaid monastery,

monasterii predicti fuerunt successive seisiti de redditionibus predictis cum pertinentibus in dominico suo ut (27)/
were successively seised of the aforesaid rents with the pertinences in their domain as

de feodo et iure monastii sui predicto per manus omnis tenenando messuagii et terrae predictorum ut (28)/
of the fee and right of his monastery aforesaid by the hand* of all the tenants of the aforesaid messuages and lands as

per manus verorum tenentum suorum quousque, predicens Ricardus ipsum nunc Abbatem inde (29)/
by the hand of his true tenants until the aforesaid Richard disseised the present Abbot himself thereof

injustie et sine indicio disseiserit quodque quidam Ricardus Berkyng, nuper Abbatem monasterii (30)/
unjustly and without permission, and also a certain Richard Berkyng, late Abbot of the monastery

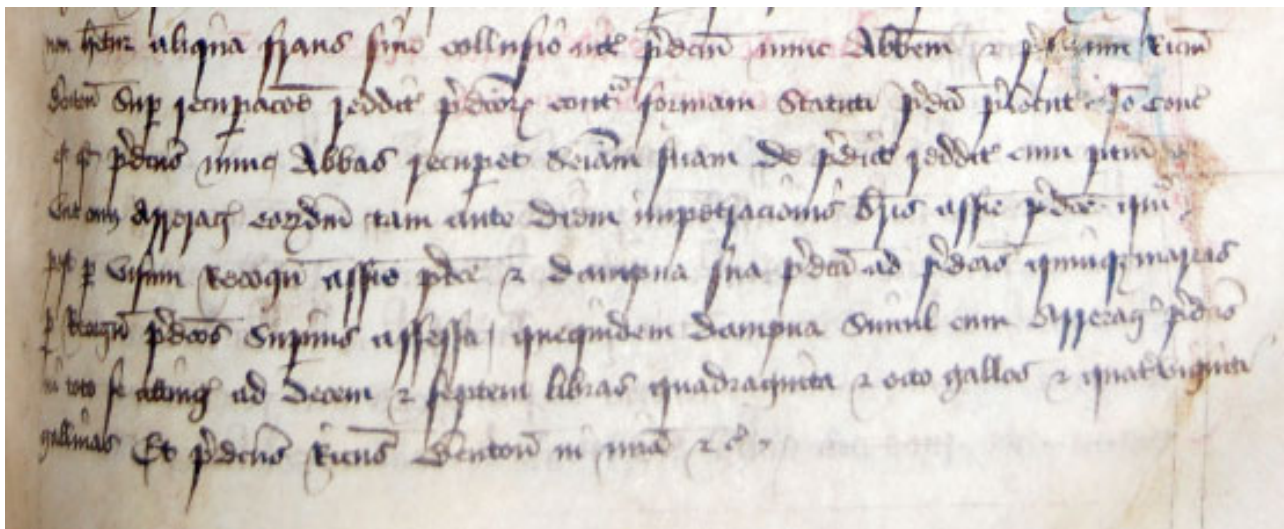
predicti predecessorum nunc Abbatis ut in iure monasterii illius sint seititi de redditibus pro (31)/
aforesaid, one of the predecessors of the present Abbot as in the right of the monastery was seised of the renders by

manus eiusdem Galfridi le Cras tunc tenentus messuagii et terrae predictorum ut per manus (32)/
the hands of the same Geoffrey Le Cras, then tenant of the messuage and the lands aforesaid, as by the hands

veri tenenti sui tempore domini Henrici nuper Regis Anglica, trecii post conquestum et quod (33)/
of his true tenants since the time of lord Henry late King of England, the third after the Conquest. And that

viginti et quatuor anni elapsi sunt a tempore subtracionis redditionum illorum et quod (34)/
twenty four years are elapsed from the time of the withdrawal of those renders. And that

* ie the rents were given by



non habetur aliqua fraus sine collusio inter predictum nunc Abbatem et prefatum Ricardum (35)/

no other fraud or collusion is had between the aforesaid present Abbot and the aforementioned Richard

Benton super recuperacionem redditionum predictorum contra formam statuti predicti, praelocutus. Ideo concessio (36)/

Benton over the restoration of the aforesaid renders against the form of the aforesaid statute, aforesaid. Therefore it is

est quod predictus nunc Abbas recuperat seisiā suam de predictis redditionibus cum pertinentibus (37)/

granted that the aforesaid present Abbot shall recover his siesin of the aforesaid returns with pertinences,

una cum arreragiis eorundem tam ante dierum impetracionis breve assisiae predicti quam (38)/

together with the arrears of the same, both before the days of petition of the writ at the aforesaid assize, and

post per visum recognatum assisiae praedictae et dampna sua predicta ad predictas quinque marcas (39)/

after, through the view of examination of the aforesaid assize and his aforesaid damages to the aforesaid five marks

per recognatos predictos superius assisia quaequidem dampna simul cum arreragiis predictis (40)/

through the aforesaid examination at the above assize, the which damages together with the aforesaid arrears,

in toto se attingit ad decem et septem libras, quadraginta et octo gallos et quatraviginta (41)/

in total therefore attain to seventeen pounds, forty eight cocks and eighty

gallinas. Et predicto Ricardo Benton in misericordia etcetera.

hens. And the aforesaid Richard Benton is in mercy etc.

NOTES:

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).

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