

FRAGMENT OF FOLIO M.S. OF ARCHDEACONRY
COURTS, 1491—1495.

PAPER III.

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INTRODUCTION.

Through exigencies caused by the increased expense of printing it has been considered needful to curtail the presentation of the remainder of this Record. The simple question has been, therefore, how to carry it on in a manner, and with a continuity worthy of a publication such as the Records of Buckinghamshire is. Translation only has been suggested, but this is somewhat against my instinct. The mass of the text ought to be continued to the end. By various little means, however, space and expense can be saved, though they do afflict one's taste. I have done this, and now explain. First the tedious repetition in its full pomposity of the holding of the Visitation or the Judicial Court has been somewhat reduced, but where any unusual word in this occurs that word is kept. Next the date is printed in Arabic, not Roman numerals ; and again the portion which seemed to give most trouble to the printer, the amounts of fines and ameracements in Roman numerals in the M.S., are also given in Arabic. All this saves space, much correcting, and, therefore, cost. But I have given in the Introductions to the former papers and in the translations such explanations as may furnish a key to the remainder for those interested—and there is very much repetition in the kinds of cases. Where notes seemed needful I have added them.

Some of the cases brought up are for neglect to pay mortuaries. These payments were due at burials, but they were not burial fees. They were payments parallel to, or analagous to those which were called heriots, or reliefs, but the origin and reason of reliefs and heriots is easier to understand than that of mortuaries. With the exception of the Supreme Lord,

the Sovereign (and in his case I think he also when the actual owner, like the mesne lord of a tenancy), the superior lord or the mesne lord or the under lord provided the beasts, horses, or cattle, and stock upon a tenancy; the tenant had them, and worked and gained profit from them, and at the end of his tenancy, that is, of his life, an equivalent of the original stock on his freehold was returned to the providing owner. This was the idea, worked out in different ways. It thus represented the supply which made the tenancy what it was as a maintenance or profit for the tenant of the freehold. The heriot and relief were to be paid by the heir succeeding. What did the mortuary represent? What had the Church supplied for which it was a return? Not the services of masses for the man's soul—we find these in the wills provided for in another way. To get back to the original idea one must work historically. The first mention I find is in Athelstane's laws, but this only tells us that church dues, *i.e.*, tithes and "sawl sceattas" (mortuaries) are to be paid at the place (*i.e.*, for the place) to which they belong; which only implies that some times they had been given to places to which they did not belong. Edgar's laws require that tithes were to be given to the Old Minster to which the place of the burial belongs; that is, to the Cathedral of the diocese in which it is situate, and to be given both from demesne land and land held in tenancy; and there is added that if any thane (*i.e.*, landowner) accordingly has a church on his freehold which has a cemetery, he is to give a third of his dues (tithes) to that church: if the church on his freehold has no cemetery, then out of his nine parts of the issues (*i.e.*, his revenue with the tithe deducted), he may give what he chooses to the priest, and all the tithe dues go to the "Old Minster" from every freeman's hearth and holding. If a thane refused to pay the tithes, then, as I understand the matter, the King's reeve, the bishop's reeve, and the Minster's mass priest were to take possession of the tithe belonging to the Minster, and deal with the other nine portions thus: One portion goes to the owner, eight portions are divided in two, and of these one-half goes to the

bishop and the other to the owner. Thus the recusant owner is mulcted of four-ninths of his revenues besides having to give the tithe.

The laws of Ethelred state that mortuaries are rightly due at the open grave, and that if anyone takes a corpse to be buried outside of the region of the "Scriftscire," that is, outside of the bounds assigned to his confessor's parochial action, then the mortuary is all the same to be paid to the Minster to which it belongs. The laws of Canute repeat this. It is not all very clear, and one would like to ask of someone living in those days how the accounts were settled between the Old Minster and the Parish Church. But reasoning on the analogy of the relief and the heriot, the mortuary was for some actual benefit or purpose granted—a death duty with a reason other than simple fleecing, like modern death and succession duties. And one can dimly begin to realise, taking what the laws say into consideration, that the benefit was the assurance of a grave which the Minster's bishop and his clergy of the Minster would look after and keep undesecrated. One development from this, much later was the special faculty granted to have vaults, though these later were often inside of a church; but the wider and more general idea would seem to be the separation, consecration, and supervision of the parish churchyard by the authorities connected with the Cathedral. Hence the supervision became part of the work of the Archdeaconry Courts and Visitations.

One point I must leave till the next paper—the last. It is the devising of land as shown in some of the wills: a matter too long to be discussed properly in this. I will only allude to the fact, that between the middle of the thirteenth century and the nineteenth only burgage tenements could be devised by will except in some quite exceptional way.

Folio CCXLXVIII.

Stone Johannes Draper ad instanciam Johannis Colles de
Stratford Steveeley* in causa fidei lesionis et perjurii. Partes
comparuere; rea fatetur 6s. 8d. Injungitur ad sol-

* Stewkley.

- vendum citra festum Sti Johannis Bapt. jam proximum futurum, sub pena excom. Satisfecit et dimissus est.
 Capitulum in ecclesia parochiali de Rysburgh 28 Martii 1493.
- Hampden parva Johannes Holt et Robertus Hill executores Johannis Holt nuper defuncti in causa subtractionis mortuarii. Partes comparuere: rea allegavit quod Magister Hampden* habuit mortuarium. Injunctus est dictis executoribus quod solvant dictum mortuarium citra proximum nisi potuerint inde habere exonerationem a dicto Magistro Hampden, sub pena excom.—Pax est et dimissi.
- Bledlow Thomas Humfray ad instanciam Willi. Smyth de Water Stoke in causa fidei lesionis et perjuri. Partes comparuere, rea fatetur 3s. 8d. Injungitur ad solvendum erga proximum sub pena excom. Pax est et dimisse. Capitulum in ecclesia parochiali de Magna Wycombe 21 Martii 1493.
- West Wycombe Testamentum nuncupativum Willmi. Long probatur. Committitur administratio bonorum ipsius Willi Isabelle relicte sue et dimittitur in forma pauperis salvo jure cujuscunque.
- Chalfont Sti. Petri Henricus Paltok et Johna [] de Goldhill. Pax est et dimisse (partes). Agnes Swayn relicta Rogeri Swayn defuncti. Pax est et dimissa. Visitacio Magistri Johnis Bourghcier Archidiaconi in decanatu de Wodesdon in Capella de Brehill per officialem Mag. Nich. Treble. die lune post dominicam in Albis† 1493.

* From about 1440 the rectory of Hampden parva, held with that of Hertwell, belonged to the Hampdens of Kimble, a younger branch of the Hampdens of Hampden Magna. The incumbent here mentioned—for the appellation Magister implies that he was in Orders—was no doubt one of the Kimble branch. We see him mentioned a little later, though not by name as rector of Hertwell. Apparently a curate in charge was put in to carry on the duties, sometimes, if not systematically, for a little later we see a Canon; that is, a member of the monastery placed there who was required to show his letters of orders. This shows that he had not been so placed by the Bishop, who would have required these in the first instance before being appointed.

† dominica in Albis (white) was the name for Whitsunday, and for the first Sunday after Easter. This latter was the date given here, since Easter in 1493 was on April 7, and the date of a later court below is given as 19 April.

- Crendon** Agnes Ing pro adulterio commisso ut dicitur cum diversis viris. Comparuit et negavit articulum et purgavit se et dimissa est.
- ***Hesyngdon** Thomas Sauder ad instanciam Abbatis de Notley in causa subtractionis decimarum et mortuarii. —Pax est et dimisse.
- Ludgarsale** Johannes Smyth ad instanciam Willi Canon de Crendon. Pax est et dimisse.
- Chilton** Thomas Pede et Ricardus Chapman yconomi ibidem quia non fecerunt certas res injunctas eisdem per reverendum in Christo patrem Lincoln. Episcopum—impositas de bonis ecclesie. Pax est et dimissi.
- Crendon** Henricus Nagour ad instanciam Roberti Smyth. Pax est et dimisse.
- Brehill** Symon Mascall et Ricardus Verdour ad instanciam yconomorum de Dorton. Pax est et dimisse. Visitacio in decanatu de Buckingham, in capella Sti Laurencii juxta Buckingham die martis proximo post dominicam in Albis per Magrum. Nicholaum Treble, officialem 1493.
- Hillesden** Cancellus ibidem est ruinosus in diversis suis partibus in tectura in fenestrarum vitris. Altare ibidem est fractum sic quod canonicus non potest celebrare ob defectu tecture†. Abbas de Notley habet emendare ista enormia.—qui quidem defectus jam emendantur ut dicitur, et dimissus est (Abbas).
- Westbury** Cimiterium ibidem jacet apertum in defectu Roberti Hyns. Emendatur et dimissus est.
- Adyngton** Cimiterium ibidem jacet similiter apertum in defectu yconomorum ibidem. Postea comparuerunt et allegant reparacionem, et dimissi sunt.

* Now Easington in Chilton, where was a Chapel of Ease before Lyson's time. Hesintona in Domesday.

† The chancel ruinous, the roof bad, the windows needing glass, the altar broken, and celebration not possible because of the condition of the roof. This chancel belonged to Notley Abbey, responsible for repairs. Brown Willis evidently saw this Visitation report and remarks on it. But he appears to have thought that the result was that Notley rebuilt practically the church. I think not. The Abbey, especially at that date, would do no more than its share and the statement that the requirements were met in this report does not give time for such restoration or re-building.

- Caversfeld Ecclesia ibidem caret portiforiis* vexillis candelabris, et cimiterium ibidem jacet apertum. Johanna Campyon ibidem, quia communis diffamatrix vicinorum, ac favet et recepit in domum suam suspectas personas. Thomas Sawle, Thomas Hale, Williamus Campyon et Johannes Clerk non veniunt ad ecclesiam parochialem de Caversfeld ad divina diebus dominicis et aliis festis. Injungitur quod de cetero veniant ad ecclesiam parochialem sicut de jure debeant sub pena excom.
- Visitatio in decanatu de Mursley in ecclesia parochiali de Whitchurch die Mercurii proximo post dominicam in Albis per officialem (anno supra).
- Rysburgh Testamentum domini Ricardi Cowper defuncti probatur; committitur administratio domine Christofero principis Willy, capellano, et dimiss. est de salvo jure cujuscunque.
- Parva Cancellus minatur ruinam in defectu rectoris de Hampden Hertwell. Emendatur et dimissus est. Capitulum Archidiaconi predicti celebratum in ecclesia parochiali de Bekynsfeld 19 Aprilis (anno supra).
- †Evere Thomas Cooke non recepit sacramentum eucharistie tempore pasche ultime.—Pax est et dimissus.
- Langley Robertus Long, super certis articulis—pax et dimiss.
- Horton Johannes Dane ad instanciam Johannis Davy de Iver. Pax est et dimiss.
- Hedesore Rolandus [] ad instanciam dompni§ Johannis Waterpole monachi ordinis Cistercien. Pax—et dimisse.
- CXLXIX. Testamentum nuncupativum Ricardi Harves defuncti probatur: Commissa est administratio Marlowe Dionisie relicte ejusdem Ricardi et dimittitur in forma pauperis salvo jure cujuscunque.
- Wycombe Collet Cokkis (?) vidua fatetur se debere rectori de Bladon pro debito mariti sui defuncti 13s. 4d. de quibus dicit quod solvit Roberto Botell servienti cum M'Hampden 8s.

* Now in Oxfordshire. The church had no breviary (service-book), no banners, no candlesticks, and the churchyard no fence.

† Iver as later on. The form here, as well as that of "dompni," seems to show the hand of a different clerk.

§ Dompni, not an extraordinary variant of domini, but extraordinary in the style of this M.S.

- Ludgarsale** dominus Willmus Brodehede canonicus parochialis ibidem publice diffamatus ut asserit quod esset latro et etiam quod supportaret* latrones, die et loco supradictis comparuit cum Mro. Leonardo Eglisfeld, domino Johanne Codmor et domino Thoma Cowley canonicis. Facta primitus proclamacione in debita moris forma; et quia nullus comparuit legitimus contradictor in genere nec in specie, idcirco Judex admisit eum ad suam purgationem et restituit eum ad suam pristinam bonam famam, injungens quod nullus de cetero publicet hujusmodi criminationem sub pena excom. Testamentum nuncupativum Agnetis Nasshe defuncte probatur: commissa est administracio Johanni Nassh marito sui, et dimittitur in forma pauperis salvo jure, &c.
- Wotton** Robertus Nele ad instanciam Johannis Carter de North Merston.—Pax et dimiss. Capitulum antedicti Archidiaconi celebratum in ecclesia parochiali de Magna Horwode 21 May (anno supra).
- Steveckley** Johannes Smyth ad instanciam Willmi Wodeward. Partes comparuere: Actrix habet terminum ad probandum in proximo. Compromiserunt in Vicarium ibidem Williamum Colles et Ricardum Stokke ad standum eorum laudo sub pena 20s., proviso quod laudum feratur citra festum Sti Thome Martyri. Pax et dimiss.
- Drayton** Alicia Jenkins ad instanciam dicti Willmi Wodeward. Partes comparuere, compromiserunt ut supra.—Pax et dimiss.
- Paslew**
- Crowley** Nell Purveour ad instanciam Thome Newman de Whavenden.—Pax et dimiss.
- North** Testamentum nuncupativum Willi Hadilsey defuncti probatur. Commissa est administracio Elene relicte sue, et dimittitur in forma pauperis, salvo jure, &c. Capitulum domini Archidiaconi Buck celebratum in ecclesia parochiali de Haddenham 22 May 1493.
- Merston**
- Rysburgh** Henricus Bolter et Robertus Adams quia non reddiderunt compotum de bonis Isabelle Gom defuncte. Cituntur et non comparuere, idcirco excommunicentur. Postea obtulerunt satisfacionem: et similiter quia non solverunt pro contumacione†. Pax et dimiss Thomas Haws ad instanciam Johannis Darell. Pax et dimiss.

* The accusation was that he was himself a thief and encouraged other thieves.

† Contempt of Court, for which he had not paid the fine.

- Rysburgh dominus Willmus [] canonicus regularis ibidem. Pax et dimiss.
- Parva
Hampden Canonicus ibidem ad exhibendum literas ordinum. Habet ad exhibendum in proximo. Exhibuit et dimiss. Johannes Holt et Robertus Hill executores Johannis Holt defuncti. Partes comparuere: injungitur Johanni Holt et Roberta Hill quod solvant mortuarium rectori de Hertwell erga proximum sub pena 20s. Pax et dimiss.
Dominus Ricardus Gollande canonicus parochialis ibidem. Pax et dimiss.
- Hertwell Robertus Jenyn ad instanciam rectoris ibidem in quadam causa diffamationis. Actrix comparuit, rea non. Idcirco excom. Postea obtulit satisfactionem et dimiss. Capitulum antedicti Archidiaconi in ecclesia parochiali de Bekynsfeld 22 May (anno supra.).
- Burnham Johannes Hill ad instanciam Johannis Kener de Dchet in quadam causa impedimenti ultime voluntatis Johannis Bedill defuncti. Partes comparuere, rea fatetur quod debuit certum debitum, quodquidem debitum dicit quod solvit. Habet terminum ad probandum solutionem in proximo. Pax et dimiss.
- Upton Edwardus Inwode ad instanciam Johannis Syms de Dchet in quadam causa subtractionis decimarum. Partes comparuerunt et compromiserunt* causam in Vicarios de Dchet et Langley ad expectandum eorum laudum sub pena 20s. parti parenti solvendos. Pax et dimiss.
- Wyrardes-
bury Johannes Ogburn ad instanciam domini Alexandri curati ibidem in quadam causa subtractionis decimarum. Partes comparuere; rea fatetur 12s. 6d. Ad solvendum infra octo dies nisi potuerit aliter concordari cum parte sub pena excommunicationis. Pax et dimiss. Capitulum ejusdem Archidiaconi celebratum in ecclesia parochiali de Wycombe Magna 24 May (anno supra).
- Hutchendon Willmus Bunse ad instanciam Thome Tyler de eadem in causa fidei lesionis et perjurii. Partes comparuere; rea negat.† Actrix ad probandum in proximo.

* Agreed to put arbitration into the hands of the Vicars of Dchet and Langley, and to await their award under penalty of 20s. to be paid by the side defaulting to the side adhering to the agreement.

† The accused denied the debt; to the complainant was conceded the chance of proving the debt in the next Court held.

- CCLX. Capitulum Archidiaconi Buck. celebratum in ecclesia parochiali de Wodesdon 17 June 1493.
- Brehill Thomas Burgweny ad instanciam Willi Hope in causa fidei lesionis et perjurii. Partes comparuere, rea fatetur 12s. Habet diem ad concordandum cum parte (actrici) infra octo dies sub pena excom. Pax et dimiss.
- Est Wills. Stephyns ad instanciam Johannis Bonfeld. Actrix comparuit per Thomam Carter, rea non. Idcirco excom.—Postea obtulit satisfactionem et dimiss.
- Claydon
- Wotton Robertus Nele ad instanciam Johannis Carter de North Merston. Actrix comparuit, rea non. Idcirco excommun. Obtulit satisfactionem et dimiss.
- Worming- Galfridus Flynt ad instanciam Johannis South-
hale worth. Partes comparuere; rea fatetur 4 marcas. Injungitur ad solvendum citra festum Omnium Sanctorum jam proxime futurum sub pena excom. Pax et dimiss.
- Ludgarsale Johannes Smyth ad instanciam Willi Casson de Crendon. Causa com* [] usque ad festum Natalis Domini proxime jam futurum. Pax et dimiss. Capitulum Antedict. Archidiaconi in Capella Ste Marie Magdalene de Stony Stratford 18 Jun (anno supra).
- Newport Robertus Smyth ad instanciam Thome Jubnall (?) de Sheryngton.—Pax et dimiss.
- North Testamentum Johanne Brigge relicte Thome Brigge
Merston probatur: administracio committitur eidem Thome et dimittitur in forma pauperis salva jure, &c. Capitulum celebratum in ecclesia parochiali de Donyngton 20 June (anno supra).
- Haddenham Testamentum Agnetis Jekyn.
In Dei nomine Amen 20 die Junii AD 1492 Ego Agnes Jenkyn compos mentis condo testamentum meum in hunc modum. In primis lego animam meam Deo omnipotenti, beate Marie et omnibus sanctis corpusque meum sepeliendum in cimiterio ecclesie beate Marie de Haddenham. Item lego Mat-

* A word is wanted here to express adjournment. The only one I can think of beginning with com. is commoratur. But this verb is deponent except in Plautus, therefore I hesitate, only mentioning that I have a distinct impression from working at Mediæval Latin, that Plautus was known in the middle ages better than in modern times.

rici ecclesie Lincolnensi 6d. Item volo quod Agnes filia mea habebit totum tenementum meum cum per finentiis in Haddenham predicti sub has condiciones; quod solvet decem marcas ad invenendum unum capellanum ad celebrandum pro anima mea immediate post decessum meum unum annum integrum in ecclesia de Haddenham predicta. Sin autem [recuset] presens legacia stet vacua. Residuum omnium bonorum meorum do et lego Willo Jekyn et Johanni Bernard quos ordino facio et constituo meos executores per presentes ut presens testamentum meum, fideliter exequatur et cum effectu perimpleatur, ac dominum Christoferum supervisorem. His testibus: domino Christofero capellano ibidem, Henrico Kempe et Johne Kempe, et aliis. Dat. die et anno supradicto. Capitulum celebratum in ecclesia parochiali de Bekynsfeld 21 Junii 1493.

Abstract of provisions: My soul to Almighty God, the blessed S. Mary, and all the Saints. My body to be buried in the churchyard of St. Mary of Haddenham. To the Mother Church of Lincoln I leave 6d. It is my will that my daughter Agnes have my whole tenement in Haddenham on these conditions, that she pays 10 marks to find a chaplain to celebrate (masses) for my soul from immediately after my decease for a whole year in Haddenham Church. Should she refuse this legacy is void. The residue of all my goods I give to William Jekyn and John Bernard, whom I make my executors, and Sir Christofer supervisor. Witnesses, Sir Christofer, chaplain of Haddenham, Henry Kempe and John Kempe and others.
20 June, 1492.

- Stoke Williamus Tanner ad instanciam rectoris de Wexham in causa subtractionis decimarum*. Partes comparuere; pax et dimiss.
- Upton Matilda Hamerton ad instanciam dicti rectoris. Pax et dimiss.
- Langley Isabella Aylewyn ad instanciam Johannis Symes de Dachet. Actrix comparuit, rea non. Idcirco excom. Non solvit† feod suspencionis neque procurationis. Ret(inetur).
- Iver Johannes Dary ad instanciam Vicarii de Langley. Rea comparuit. Injungitur ad solvendum decimas dicto vicario infra mensem sub pena excom. Pax et dimiss.

* Withholding tithes.

† The fees for adjournment of the case and for a proctor to represent the party had not been paid.

- Chesham Johannes Gate et Thomas Gate ad instanciam Margarete Gate. Partes comparuere, rea fatetur 47s. 8d. Injungitur ad solvendum.—Pax et dimiss.
- Colbroke Johannes Capper ad instanciam Willi. Herbert in causa fidei lesionis et perjurii. Partes comparuere, prefatus Willus Herbert habet terminum ad probandum sufficienter certum debitum viz 12d. de quo habet (terminum) in proximo (capitulo) quo die proximi veniente viz 15 Julii anno suprascripto dictus Willmus Herbert non comparuit neque probavit. Idecirco pars rea dimittitur ob officiali una cum refusione* expensarum.
- Iver Johannes Apleward ad instanciam Willi Tubbe in causa diffamacionis. Pax et dimiss. Juliana Tubbe ibidem quia communis diffamatrix vicinorum. Comparuit et negavit articulum. Purgat se et dimissa est.
- Dachet Johanna Burges ibidem quia communis proneba.† Non comparuit, idecirco excom. Obtulit satisfactionem et dimissa est.
- Stow Thomas Colles ad instanciam Thome Tyge de London. Pax et dimiss.
- Chesham Robertus Wedon et Johannes Heynow ibidem. Partes comparuerunt. Vicarius habet ad dirigendum causam inter partes. Pax et dimiss.
- Burnham Rawlyn Vincent habet injunctionem quod adherat uxori sue de cetero sicut debeat sub pena excom. Memorandum quod Vicarius de Iver debet profeodis litterarum administracionis et aliarum litterarum sequestracionis, &c.—Solvit feoda et dimittitur ob officiali.
- Wycombe Williamus Fayreman ad instanciam Thome Pym. Partes comparuere; rea fatetur 2s. 6d. Injungitur ad solvendum erga proximum sub pena excom. Pax et dimiss.
- Iver Injunctum est Johanni Dary quod solvat decimas Vicario de Langley infra mensem sub pena excom. Satisfecit et dimissus est.

CCLXI.

(The Will of) Wats Collard.

In the name of God. Amen. Ye 21 day of Aprill the yere of our Lord God 1491. I Watr Collard of Wycombe being in my right mynde make my testament in this manner wise. Furst I bequeth my

* Did not allow the expenses.

† Bad character.

sowle to God almightie, to his moder Sanct Marye the virgyn and to alle the Saynts of hevyn, my body to be beried wt in the Chirche of Al Hallowys in Wycombe. Also I woll that John my son have all my lands and tenements rents reversions and serveyce yat I have wt in the burgh of Wycombe, to hym fre to geve and sell. Also I woll that John my son have my copyholds medys, Jewys mede and denymede, they yeldeth by the yere 13s. 4d., and ye tenant to kepe all reparacons of heggynge yrof. I pay to the Chapell fee of Wallynghford for ye saide two medys and on aker mede called chapel aker in the neder Kyngs mede, paying by the yere for alle to the chapel fee of Wallynghford 4s. Also I woll that John my Son have all ye tenements lands rents reversions and serveyce that I have in ye marssh next to Wycombe longyng yrto wthin the forens of Wycombe lands meds wods tenements rents reversions and serveyces to him and to his assignes. Also I woll that John my son have my shoppe in grete Marlow standinge in ye Market place, of frehold for terme of his life, and after his decease I woll that my doughter Marget Todde have the saide tenement to her and hir heyres of hir body lawfully begotyn. And I make John my son and John Todde my son in law my executours and John Pym and John Blakpoll overseers of this my testament. Thise be witnesse—Maister Thomas Boteler, Vicar of Wycombe, Maister Thomas Codbury notary, Thomas Pym, Water Cary, John Blakpol and other.

(To be continued.)