

Court Depositions of South West England, 1500-1700

Case 11: Payment for Pasturing in Exeter

Case type: Tithes

Summary: March v Michael Jones: a dispute is raised over whether Michael has been correctly paying tithes for the animals pasturing on his land below Exe Bridge in Exeter.

Source: Devon Heritage Centre, Chanter 866

Original Spelling Transcription

March con Joanes¹

Quarto Novembris 1634. Sup[er] 3 ar[ticu]lo li[bel]li et sched ex parte Mr Marsh dat.

Deposition 1

Testis 1

Joh[n]is Haysome Civi[ta]te Exon ubi mora[m] ferit p[er] 34 annos ant ultra etate sue Lii annoru[m] ant cir[citer] testis p[ro]ductus admiss iuratus &c.

Ad Tertiu[m] ar[ticu]lu[m] Li[bel]li r[esp]ondet et ad sc[he]d[ulu]m et 3 ar[ticu]los sched deponit et dicit That the ar[ticu]lat Michael Joanes all the tyme ar[ticu]lat and Longe before hath had and held to pasture The Shillowes belowe Exe bridge, conteyninge about 4 Acres of Land and hath yerely kepte thereon sometymes horsse and sometymes Kine³ Feedinge and depasturinge, thereon and some horsse he taketh yn to pasture of other mens², And this deponent saith That in his Iudgement the Pasture there eaten up by the horsse and Kine³ of the said Joanes and such as he taketh yn to pasture was well worth yeerely the said yeeres six pounds at the Least, and this depon[en]t saith also that he hath seene at some tymes the said servants or servant of the said Joanes to milke some kyne³ in the said Grownde w[hi]ch have there depastured. but how often or what the milke or

whitsoele⁴ is worth he cannott ludge ut dicit. Reddens rac[i]o[n]em deponis sive for that this deponent dwelleth very neire the said Grownds and well knoweth that the said Joanes hath had the said Grownde many yeres and, the said Joanes hath kepte a horse to pasture for this deponent w[~~whi]ch~~ and for divers others w[hi]ch divers often tymes pasture in the said Shillowes. And saith also that the said Shilowes is reputed to be w[i]thin the p[ar]ish of St Mary Steps ar[ticu]lat all or most parte thereof, and whither all of it be in that p[ar]ish or part in some other p[ar]ish this deponent doth not Certenly knowe⁵ ut dicit. et al[ite]r nescit deponere ut dicit

John Haysome⁶

Deposition 2

March con Joanes¹

Sexto novembris Anno d[omin]i 1634

Testis 2.

Joh[n]es Underhill p[ar]o[chi]e S[anc]te Trinitate Exon ubi mora[m] ferit p[er] xiiii annos ant Cir[citer] etate sue Lvi annoru[m] ant cir[citer] testis p[ro]ductus &c

Ad 3 ar[ticu]lu[m] li[be]li ad 2 et 3. ar[ticu]los sched annex deponit et dicit That the ar[ticu]lat Michaell Joanes hath had and kept to pasture Certen growndes called the Shillowes lyeinge below Ex Bridge all the tyme li[be]lled. and saith That at sometymes he keepeth thereon some horsses & other beasts of his owne and some of other mens w[hi]ch he tooke yn to pasture, and saith That he iudgeth the pasture of the said groundes yerely soe eaten up there is worth xxs⁹ and better, And saith That part of the said Shillowes are accompted and reputed to be Lyinge w[i]thin the p[ar]ish of St Mary Steps ar[ticu]lat but how much this deponent knoweth not⁵ ut dicit. Et p[re]misse deponit ex p[ro]pria sua scien this deponent havinge at divers tymes a horse to pasture w[i]th the said Joanes² w[hi]ch he hath at sometymes also knowne to pasture w[i]th this the said Joanes his horsses in the said Shillowes ut dicit. et al[ite]r nescit deponere ut dicit

Signu[m] Joh[n]is underhill ^his mark⁶

Deposition 3

March con Joanes¹

25. novembris 1634.

Testis 3.

Alicia hingston de Civitate Exon ubi mora[m] fecit p[er] xxvi. annos ant cir[citer] etate sue 40 annorum ant cir[citer] testis p[ro]ducta &c

Ad tertiu[m] ar[ticu]lu[m] li[bel]li et 2. et 3 ar[ticu]los sched deponit et dicit That this deponent did lyve with Mr Streete Late of St Edmundes three yeres and halfe or thereabout⁷ ended now about a yere synce. and in that tyme the said Mr Streete did keepe three mylch kyne³ w[hi]ch com[m]only all the som[m]er tyme did pasture upon the groundes of the ar[ticu]lat Joanes in ev[er]y the said yeres, and saith that sometymes they did pasture belowe the bridge in the groundes called the Shillowes and sometymes in the Bonay & sometymes in other groundes adioyning there called the shootinge marsh w[hi]ch lieth all at com[m]on w[i]thin what p[ar]ish this deponent knoweth not.⁵ and saith That this deponent hath divers tymes in the said yeeres mylked the said⁸ kyne³ in the groundes called the Shillowes, and saith that the said Joanes did contynually most com[m]onlie all the tyme aforesaid, keepe horses and kyne³ of his owne and some other he tooke in to pasture upon the foresaid groundes but what the pasture was yerely worth or the milke she knoweth not ut dicit

Signu[m] ~ Alicia huigston ^her mark⁶

Modernized Spelling Transcription

March against Jones¹

4 November 1634. On Article 3 of the libel and schedule on the part of Mr Marsh.

Deposition 1

Witness 1

John Haysome of the city of Exeter where he has lived for 34 years, age 52, witness produced, admitted and sworn etc.

To the third article of the libel and schedule responds and to Article 3 of the schedule he deposes and says that the articulated Michael Jones all the time articulated and long before has had and held to pasture the Shillows below Exe bridge, containing about four acres of land. And has yearly kept thereon sometimes horses and sometimes kine³ feeding and depasturing thereon. And some horses he takes in to pasture of other mens.² And this deponent says that in his judgement the pasture there eaten up by the horses and kine³ of the said Jones' and such as he takes in

to pasture was well worth yearly the said years six pounds at the least. And this deponent says also that he has seen at some times the said servants or servant of the said Jones to milk some kine³ in the said ground which have there depastured. But how often or what the milk or whitesole⁴ is worth, he cannot judge. The reason he deposes this is for that this deponent dwells very near the said grounds and well knows that the said Jones has had the said ground many years and the said Jones has kept a horse to pasture for this deponent ~~which~~ and for divers others which diverse often times pasture in the said Shillows. And says also that the said Shillows is reputed to be within the parish of St Mary Steps articulated all or most part thereof, and whether all of it be in that parish or part in some other parish this deponent does not certainly know.⁵ And otherwise he cannot depose.

John Haysome⁶

Deposition 2

March v Jones¹

Sixth November 1634.

Witness 2

John Underhill of the parish of St Trinity Exeter where he has lived for 14 years, around 56 years old. Witness produced etc.

To Article 3 of the libel and Articles 2 and 3 of the annexed schedule he deposes and says that the articulate Michael Jones has had and kept to pasture certain grounds called the Shillows lying below Exe Bridge all the time libelled. And says that at sometimes he keeps thereon some horses and other beasts of his own and some of other men's which he took in to pasture. And says that he judges the pasture of the said grounds yearly so eaten up there is worth 20s⁹ and better. And says that part of the said Shillows are accounted and reputed to be lying within the parish of St Mary Steps articulated but how much this deponent knows not⁵. And he deposes this from personal experience, this deponent having at diverse times a horse to pasture with the said Jones² which he has at sometimes also known to pasture with this the said Jones his horses in the said Shillows. And otherwise he cannot depose or say.

Signed John Underhill ^his mark⁶

Deposition 3

March v Jones¹

25 November 1634.

Witness 3

Alice Hingston of the city of Exeter where she has lived for 26 years, around 40 years old. Witness produced etc.

To the third article of the libel and Articles 2 and 3 of the schedule she deposes and says that this deponent did live with Mr Street, late of St Edmonds, three years and half or thereabout⁷ ended now about a year since. And in that time the said Mr Street did keep three milk kine³ which commonly all the Summer time did pasture upon the grounds of the articulated Jones in every the said years. And says that sometimes they did pasture below the bridge in the grounds called the Shillows and sometimes in the Bonhay and sometimes in other grounds adjoining there called the Shooting Marsh, which lies all at common within, what parish this deponent knows not.⁵ And says that this deponent has diverse times in the said years milked the said⁸ kine³ in the grounds called the Shillows. And says that the said Jones did continually most commonly all the time aforesaid keep horses and kine³ of his own and some other he took in to pasture upon the foresaid grounds but what the pasture was yearly worth or the milk she knows not.

Signed ~ Alicia Kingston ^her mark⁶

Notes

¹ (technicalities of the court) This is a dispute between private parties, known in the church courts as an instance suit.

² (interpretation) Other parishioners use Michael Jones' land to pasture their horses, presumably at a cost.

³ (gloss) A kine is a milk cow.

⁴ (gloss) White sole was milk turned into cheese.

⁵ (technicalities of the court) Tithes were a form of clerical income paid to the parish vicar. In tithe disputes, it is important to establish which parish the ground lies in, and where animals were grazing or pasturing to establish which parish vicar was entitled to the income.

⁶ (technicalities of the court) Witnesses were asked to sign their depositions: signatures range from full names to simply initials or marks (sometimes images linked with trades).

⁷ (interpretation) Alice may have been a servant to Mr Street; however, this is not specified in the deposition.

⁸ (interpretation) Evidence of women's work activity: milking cows.

⁹ (gloss) 's' used after a number refers to shillings (e.g. 20 shillings).

Prepared as part of the Womens Work in Rural England project.