

the floor of that part of the building was raised so that the bases of the adjoining pillars were buried to a considerable depth; the present floor has been lowered, (as have also the sedilia to a corresponding extent,) but it is still at a higher level than was contemplated at the time the church was built, and hides an important part of the bases.

R. C. H.

ON CERTAIN OBSCURE WORDS IN CHARTERS, RENTALS, ACCOUNTS, &c., OF PROPERTY IN THE WEST OF ENGLAND.

No one, who has had occasion to look into early court rolls or muniments of title, can have failed to meet with words and phrases of which he has sought in vain for an explanation in the printed glossaries. Having myself met with many such expressions in instruments relating to property in a part of England with which I happen to be acquainted, I have thought that it may not be uninteresting to some readers to communicate the substance of a few of the notes which I have preserved, although I am well aware that in offering explanations I shall often assume to teach those who are already at least as well informed as myself. Nor will I undertake to say that the use of the words, which I shall select for illustration, is entirely confined to one part of England, or that they have not, possibly, been noticed and satisfactorily elucidated in some of the voluminous topographical works, or in manuscript glossaries, which I have not had the good fortune to read. If I have found persons of intelligence, generally familiar with palæology, unable to furnish me with an explanation of any particular word, I consider myself warranted in presuming that an attempt to explain it will be acceptable.

HUTIBANNUM.—This word has been noticed, but not explained, by Ducange and Cowel. It is also adverted to (with no other observation than the short one inserted by the author on my responsibility) in Dr. Oliver's recent *Monasticon Exoniense*. It occurs in printed charters in the form of *hutilan*, *utiban*, *uthban*, and *hutiban*. The first is only a corrupt reading of the second form.

The first charter cited by Cowel is a grant of lands, "quietas ab omni hutilan," and of other land "quæ tantum hutilan reddit." It is a grant of lands in Cornwall in the twelfth century, and is more correctly printed in Oliver's Monasticon, p. 37.

Another charter, cited by the same author from the Plympton register, contains a grant of four ferlings of land, rendering 4s. &c., and provides "quod si murdrum, danegeldis, vel quodlibet *alium* utibannum super manerium evenerit, de istis 4 solidis quicquid de utibannis super prædictos 4 ferlingos evenerit, acquietabitur."

The charter, referred to by Ducange, discharges certain lands from scutage, hydage, cavage (caruage?) cornage, summage, uthban, shires, hundreds, &c.

A charter of Robert Fitz William, printed in the Monasticon Exoniense, p. 39, purports to grant lands "solutas et quietas ab omni hutiban" . . . and "ab omni servitio et hutibanno."

Another charter, printed in the same work, p. 227, contains a grant in the twelfth century by Walter de Clavile, of three ferlings of land in Cadwell, Devon, free from all service "excepto hutiban."

There is also a charter by Robert de Cardinham of land in Cornwall, to hold "per legale servitium et hutiban, quando evenerit." It is printed in the appendix to vol. ii. of Domesday de Rebus gestis Glastoniensibus.

I have met with the same word in other charters, but the above will suffice as fair specimens of the use of it, and from them we may draw the following inferences :

1. It describes a charge upon land, or persons in respect of land.

2. The charge was, or might be, a casual, and not a permanent or regular one. This is indicated by the words "si evenerit," and "quando evenerit."

3. The Plympton charter shews that *murdrum* and *dane-geld* both come under the description of utiban.

The etymon of the word itself, as well as the above examples of its use, seem to import a charge extrinsic and foreign to the relation existing between the donor and the grantee : something not dependent on the will of the grantor, and which required to be excepted out of a general grant of freedom from feudal obligations unless the donor intended to indemnify the favoured grantee from its operation.

Now this definition applies to a similar technical expression frequently inserted, by way of exception, in contemporaneous charters, namely, "extrinsecum" or "forinsecum servitium," or "regale servitium;" and I believe the *utiban*, or *out-ban* of the above charters, to be a mere Saxon synonym of the Latin "extrinsecum servitium."

Bracton (lib. ii. c. 16) very fully explains the sort of obligations called "servitia forinseca." They belong "ad dominum regem, et non ad dominum capitalem," and he particularly mentions caruage, hidage, and cornage. But these taxes were not the only extrinsic services or burdens which came under the same description. He specifies others which are due to the king "pro justitiâ vel pace; sicut sectæ ad comitatum vel hundredum, sectæ ad curias, auxilia vicecomitis, fines communes et misericordias." Against these, he says, the lord of the fee is not bound to warrant his feoffee, unless he has specially agreed to do so by his charter. Some of these are specified in nearly similar terms in a charter of Ralph, son of Geoffry, to the monks of Kirkstall, in which scutage, fines of the county, wapentakes, and common fines are enumerated among the subjects of foreign service; 5 Dugd. Monast., p. 550, note, No. X: and in a charter of the twelfth century printed in 3 Dugd. Monast., p. 21, No. XLIX., land is granted free from all service except danegeld and murdrum. So, a charter of the same century, 4 Dugd. Monast., p. 185, No. III., imports freedom from all service "except the king's army and danegeld." Other examples occur in the rolls of the Curia Regis temp. Joh., as abridged in the Placitorum Abbrevisatio, pp. 25, 93, 194^a.

Comparing these and other charters of the same period with the Cornish and Devonshire charters which contain provisions respecting *utiban*, I think it may be safely assumed that the term includes every species of public tax, and all those legal burdens or liabilities, personal or pecuniary, which were due to the king, *quâ talis*, or his grantee, and were exacted from the tenant of land. Whether it did not also extend to the legal claims of *any* lord paramount is a point open to question^b. An anonymous case in Moor's Reports, p. 42, would seem to shew that it did, and consequently, that

^a Land subject to this servitude is said "exterius servire," or "forinsecus servire." See Cart. Simonis filii Roberti, 4 Dugd. Monast., p. 179, 180.

^b In a grant by the constable of Ches-

ter to the abbey of Stanlawe, he warrants the land free from all foreign service as against both the king and the earl of Chester. 5 Dugd. Monast., p. 641, No. 1.

servitium regale was only one sort of extrinsecum servitium, or utban.

Whenever the donor of property conveyed it free and discharged from all utiban, the only operation of his grant, unless confirmed by the crown, would be to oblige him to indemnify the grantee. The Plympton charter, cited by Cowel, enables the grantee to reimburse himself out of the reserved quit rent.

I think the word will not be found in any original charters much later than the twelfth century, although it may have found its way into some royal charters of general exemption in the following century.

LANDBOTE.—This word occurs in grants, court rolls, and rentals in Devonshire. It is noticed in the glossary at the end of Dr. Oliver's *Monasticon*, but without citing the instrument in which it occurs, so that I am unable to say whether his explanation is founded on conjecture, or is warranted by the tenor and purport of the document itself. If, as is stated by the learned author of that work, it is ever used in the sense of *lamp-bote* or a contribution to the supply of the lamps or lights of a church, then it is used in a different sense, and is, in fact, a different word, from that which I propose to explain.

In a grant, of which my friend Mr. Pitman Jones, of Exeter, has kindly supplied me with a copy, and which was found by Dr. Oliver in Grandisson's Register, (vol. ii. fol. 101 b.) dated 11th December, 2 Edw. III., that prelate granted "Edwardo Atte Water, nativo nostro, quod ipse habeat et teneat in villenagio totum illud tenementum cum landebotis adjacentibus, quod Ricardus Atte Water, pater ipsius Edwardi et nativus noster, quondam tenuit in manerio nostro de Asperton, tenendum in villenagio secundum consuetudinem manerii nostri ibidem ad totam vitam suam."

In the rental of Sidmouth manor, contained in the Otterton Custumal, a MS. of the 13th century, (fol. 31,) there is a distinct head of "Lambote de Sydemue," followed by a list of tenures at small rents, there explained to be "parvæ augmentationes ad voluntatem domini." They were evidently small customary tenements in the manor of Sidmouth taken in augmentation of old tenures in that manor.

In another manor in the same county the nature of landbote tenements is still more satisfactorily explained. New grants of land, parcel of the demesne of Lidford and forest of

Dartmore, have been immemorially made to be holden by copy of court roll, by the name of landbote; and such grants continued to be so made until the latter part of the last century. In a computus of this manor, anno 18 Henry VII., under the head "novus redditus," we have this entry:—

"De 3^a de novo redditu 2 acrarum terræ moræ de forestâ domini, sic dimissæ Laurentio Hanneworth, tenend' nomine *Laundebote* secundum consuetudinem forestæ, ut patet in rotulo curiæ, 9 Hen. VI."

It appears from presentments made by the homage of Lidford manor, that the tenants claimed, as of right, to have such new grants made to them on every occasion of death or alienation, in addition to their old customary tenements. As a *right*, such a claim is of course untenable in point of law, but the practice certainly was to make such grants, and we are therefore enabled to infer, with some confidence, that the landbotes mentioned in the Sidmouth rental, and in the above grant of the villenage at Ashburton, were in their origin small new takes of manorial waste or demesne, granted to existing customary tenants.

I suspect, but am unable at present to adduce any proof of the fact, that the small tenements called *Landeake*, which occur in the rental of Plympton Priory, 9 Hen. IV., (Harl. MSS. No. 4765-6,) under the manor of Nyweton Sancti Cirici (Newton St. Cyres), are of the same nature as landbote tenements.

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