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Scripting justice

Legal practice and communication in the late medieval law courts of Utrecht, York and Paris

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Appendix two

York

2.1 Cause papers (fourteenth century)

The 254 fourteenth century cause papers can be divided into seven main categories according to their subject matter: matrimonial, tithes, defamation, benefices, testamentary, church rights and breach of faith. Each category contains both cases heard in first instance and on appeal. Table 1 distinguishes between first instance and appealed cases, while table 2 takes both together. Table 3 shows the number and percentage of cases originating in each of the ten decades between 1300 and 1400. Each of the three tables furthermore shows the number and percentage of surviving depositions and sentences among these cause papers. The 'Depositions' row gives the depositions of each category or decade both as percentage of all cause papers from that category or decade (DP) and as percentage of the total number of surviving depositions (PD). The 'Sentences' row does the same for the sentences, indicating both their weight among all cause papers from that category or decade (SP) and among the total number of surviving sentences (PS).

Table 1: First instance/appeal

			<u>Depositions</u>				<u>Sentences</u>			
			Yes	No	DP	PD	Yes	No	SP	PS
Matrimonial	48	19%	37	11	77%	24%	22	26	46%	25%
Matrimonial app.	40	16%	31	9	78%	20%	30	10	75%	34%
Tithes	22	9%	15	7	68%	10%	4	18	18%	5%
Tithes appeal	12	5%	8	4	67%	5%	7	5	58%	8%
Defamation	15	6%	8	7	53%	5%	3	12	20%	3%
Defamation app.	5	2%	4	1	80%	3%	2	3	40%	2%
Benefice	12	5%	6	6	50%	4%	1	11	8%	1%
Benefice appeal	23	9%	10	13	43%	7%	1	22	4%	1%
Testamentary	16	6%	6	10	38%	4%	1	15	6%	1%
Testament. app.	7	3%	6	1	86%	4%	6	1	86%	7%
Church rights	12	5%	5	7	42%	3%	2	10	17%	2%
Church r. app.	18	7%	8	10	44%	5%	2	16	11%	2%
Breach of faith	10	4%	3	7	30%	2%	2	8	20%	2%
Breach of f. app.	4	2%	2	2	50%	1%	4	0	100%	5%
Appeal other	6	2%	3	3	50%	2%	0	6	0%	0%
Undefined	4	2%	0	4	0%	0%	0	4	0%	0%
Total	254	100%	152	102	60%	100%	87	167	34%	100%

Table 2: First instance + appeal

			<u>Depositions</u>				<u>Sentences</u>			
			Yes	No	DP	PD	Yes	No	SP	PS
Matrimonial	88	35%	68	20	77%	45%	52	36	59%	60%
Tithes	34	13%	23	11	68%	15%	11	23	32%	13%
Defamation	20	8%	12	8	60%	8%	5	15	25%	6%
Benefice	35	14%	16	19	46%	11%	2	33	6%	2%
Testamentary	23	9%	12	11	52%	8%	7	16	30%	8%
Church rights	30	12%	13	17	43%	9%	4	26	13%	5%
Breach of faith	14	6%	5	9	36%	3%	6	8	43%	7%
Other/Undefined	10	4%	3	7	30%	2%	0	10	0%	0%
Total	254	100%	152	102	60%	100%	87	167	34%	100%

Table 3: Cause papers per decade

			<u>Depositions</u>				<u>Sentences</u>			
			Yes	No	DP	PD	Yes	No	SP	PS
1300-1309	4	2%	3	1	75%	2%	3	1	75%	3%
1310-1319	9	4%	3	6	33%	2%	1	8	11%	1%
1320-1329	9	4%	4	5	44%	3%	4	5	44%	5%
1330-1339	18	7%	16	2	89%	11%	4	14	22%	5%
1340-1349	23	9%	16	7	70%	11%	2	21	9%	2%
1350-1359	24	9%	18	6	75%	12%	9	15	38%	10%
1360-1369	32	13%	25	7	78%	16%	13	19	41%	15%
1370-1379	20	8%	13	7	65%	9%	12	8	60%	14%
1380-1389	36	14%	18	18	50%	12%	7	29	19%	8%
1390-1399	79	31%	36	43	46%	24%	32	47	41%	37%
Total	254	100%	152	102	60%	100%	87	167	34%	100%

2.2 Oath of the Consistory Court advocates

The following oath, allegedly taken by the advocates of the Consistory Court of York, was included in the court statutes drawn up under archbishop William Greenfield in 1311. They were published by David Wilkins in the second volume of his *Consilia magnae britanniae et hiberniae ab anno MDXLVI ad annum MDCCXVII* (1737) 409-415. Wilkins based his edition on two surviving manuscripts: Cotton MS. Vitellius D V¹ and MS. penes Tho. episc. Assaven.²

Ego N. juro ad haec sancta Dei evangelia quod in omnibus causis, quarum patronus sum et ero in hoc consistorio, vel coram domino archiepiscopo, vel ipsius spiritualibus commissariis, fidele patrocinium praestabo. Quodque omni opere ac diligentia id, quod justum et verum aestimavero, meis clientibus in suis causis et negotiis procurabo, et circa hoc, quatenus est mihi possibile, fideliter laborabo. Nec aliquid dicam, proponam, vel faciam, seu per alium dici, proponi, vel fieri, quantum in me est, scienter et malitiose permittam, ad partis alterius justitiam auferendam, vel etiam indebite differendam. Nec etiam contra Eborum ecclesiae jurisdictionem, aut Eborum curiae consuetudines, vel statua. Ita quod si in quacunque parte judicii mihi innotuerit clientulos meos malam, seu injustam causam fovere, seu defendere, quae mihi visa fuerit desperata, amplius non patrocinabor eidem, nec in eadem praestabo consilium, vel auxilium clam vel palam. Sic me Deus adjuvet, et haec sancta Dei evangelia.

¹ This manuscript was reported lost after the fire that hit the Cotton Library on 23 Octobre 1731. Still, some remnants seem to have survived. They were later split between: British Library (BL) Cotton MS. Vitellius D V, BL Cotton MS. Vespasian D XIII and Corpus Christi College, Oxford, MS. 155.

² This is assumedly manuscript number 365 of the Lansdowne manuscript collection of the British Museum.