

### Caput III. Pacta sunt servanda

**Scriba tyrannidis verba sunt.** The clerk's tyranny are words

**A gift of a vill in Tudor England.** It's *not* Classical Latin, *it's* English...*that's the trouble!* Latin verbs appear at the end of multiple phrases, **defendemus** is the ending verb on text line 18. This is the nature of a Tudor legal document

**William Paret de Fylinghull and Elizabeth,** his wife, are giving to **Thomas Wyghtman** the property described as: **unum messuagium et dimidiam virgatam terre cum omnibus pertinentiis suis iacentia in villa et in campis de Fylinghull** one messuage & half a virgate of land with all its appurtenances lying in the vill and in the fields of Fylinghull. From the Latin verb **manere, to remain** or **stay**, by way of the Normand French verb **manere, to dwell** (and if you're dwelling, you're obviously staying) devolves to the Tudor noun **messuage**, defined as *a dwelling house with outbuildings and land assigned to its use*. In addition to the house, Thomas receives a **dimidiam virgatam** of land. From Latin, a **virga** is a **rod** used to measure land. Poor Thomas, he receives a **half** quantity, **dimidiam** of the **virgatam**, not 30 acres but, 15; located in the **vill**, a Norman French noun indicating a settlement no larger than a country parish, such as Fylinghull

The Tudor era still uses Latinized Norman French vocabulary, particularly words referring to land and its usage. Language adopts to meet the circumstance. In particular, the Latin gerund and gerundive have crept in English syntax. Of the two, the gerundive will be briefly examined

### The Medieval Lawyer and the Gerundive

The Medieval lawyer exploited the gerundive's assertiveness. The gerundive is a **passive verbal adjective**, it declines in gender and case, **pecuniā solvendā est, Money is to be paid**. The gerundive with the **neuter ending -um** (not to be confused with the gerund) is often paired with the verb **to be** to form an **impersonal verb, memorandum est, It is to-be-remembered**. Below are four Latin gerundives cited by current era English (dropping the verb). Exemplum:

<b>memorandum</b> [singular]	<b>A thing to be remembered</b>	<b>agenda</b> [plural]	<b>Things to be done</b>
<b>corrigenum</b> [singular]	<b>A thing to be corrected</b>	<b>addenda</b> [plural]	<b>Things to be added</b>

**Nota bene:** But, if you *have many things to remember*, expressed impersonally, then, **memoranda sunt**

A selection of Medieval legal motions and pleadings, demonstrating the gerundive. Exemplum:

<b>Ego Robertus dedi terras <u>habendas et tenendas</u> Johanni</b>	<b>I, Robert, have given lands <u>to-be-had and to-be-held</u> to John</b> [In everyday English this would read 'to be had and held by John', the Latin idiom used the dative (the indirect object), and it is always translated as such]
<b>Viginti solidi <u>solvendi sunt</u> ad quattuor anni terminos</b>	<b>Twenty shillings <u>are to-be-paid</u> at the four terms of the year</b>
<b><u>Sciendum est</u> quod ego, Alicia dedi terras meas Roberto filio meo</b> [The subject of <i>sciendum est</i> is, 'it']	<b><u>Be it known</u> that I, Alice, have given my lands to my son Robert</b>
<b><u>Notandum est</u> preterea quod mulier nichil potest disponere circa dotem suam in vita sui mariti</b>	<b><u>It is to-be-noted</u> moreover that a woman can dispose of nothing as regards her dower in her husband's lifetime</b>
<b><u>Summonendus erit</u> ad curiam auditorus loquelam istam</b>	<b><u>He is to-be-summoned</u> to the court to hear this plea</b>
<b>Sed quid <u>faciendum erit</u> de clerico qui falso dixit se esse personam eiusdem ecclesie?</b>	<b>But what <u>is to-be-done</u> about the clerk who falsely said he is the parson of the same church?</b>

### Final Words

The Norman conquest of **Anglia** was brutal

King Harold died on the battlefield, with no known grave. Countess Godiva, though long dead; her estate and descendants were subjected to punitive taxation. She was a pious Saxon-Christian woman; during the 13<sup>th</sup> Century she was the subject of salacious stories of "her riding naked" through Coventry. At the same time, legends of Robin Hood were first circulated

May the Countess Godiva and Robin Hood stories be rumour and counter-rumour against Norman rule?

The last word goes to **Hugo**. He is a serf, of the 13<sup>th</sup> Century. He asserted his freeman's status at the lord Abbot's court

**Hugo dicit quod habuit cartam manumissionis domini Abbatis et clamat se esse liberum hominem**  
**Hugo says that he had a charter of manumission of the lord Abbot, and claims that he is a free man**