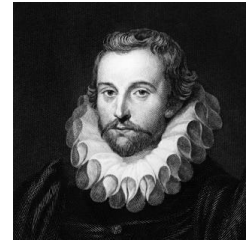


Sir Edward Coke (1552 – 1634), British jurist and politician and **Greneley's Case** in British Common Law 1610.

**Sir Edward Coke**, (born February 1, 1552, Mileham, Norfolk, England—died September 3, 1634, Stoke Poges, Buckinghamshire), British jurist and politician whose defence of the supremacy of the **common law** against Stuart claims of royal prerogative had a profound influence on the development of English law and the English constitution. Coke was educated at Norwich School. One of the school's current house names is named after him.



**Common law** is the body of customary law, based upon judicial decisions and embodied in reports of decided cases, that has been administered by the common-law courts of England since the Middle Ages.

Coke recorded many cases that he judged over many years and this record of cases and their judicial decisions still stand today and provide the common 'law' for such events as inheritance on lands etc.

### One of the cases he heard was Greneley's case of 1610.

The Greneley family (today Greenly) are an ancient family that settled in Herefordshire for many centuries from the 12<sup>th</sup> Century. They settled primarily around the villages of Staunton on Arrow and Titley. One these ancient Greneleys was called Phillip who owned land which the family farmed. The 'case' that was bought before Coke for a judicial ruling was bought by Owen Greneley who disputed that his brother Phillip Greneley the Younger should not inherit the land even though that was the will of his father who died in 1578.

### Will of Phillip Greneleye 1578

**GRENELYE**, Phillip - yeoman, of Staunton on Arrow, 12 Jun 1578 [20 Eliz I] YEOMAN A freeholder, the next class down from gentry.

"my body to be buried in the church of Staunton aforesaid".

each of (1) my sons John GREENLYE and Phillip GREENLYE; (2) grandson Stephen GREENLYE (my sones child - son not named); (3) the children of my daughter Elinor BYRD; and (4) the children of son Thomas GREENLYE - to have the tythe corn and all othe grayne of Stockelowe and Stuanton for one yeare, the Lords rente (fortye shillings and foure pence) to be paid half in April and half in October; to John GREENLYE (my sone Richards sone) - all my wayne, plowes, yawkes, chaynes with all my tools of husbandrye; to the five children of the said John - 5£ to be equally devyded; the same John to have half of "the field now plowed" with half of the "dong" to put on it on condition he plow the other half of the said fallow.

**Appraisers:** my sone Rychard GREENLYE and my sone in law Henry STEEDE.

**The rest to sone Phillip GREENELEYE, also sole executor.**

**Overseer:** my sone in law James YAYDEN.

**Debts owing to me:** Hugh FLATCHER / 28s.4d.; William LAWRRANCE / 28s.4d.; Thomas CARPYNTER / 15s.; Phillipp WYLLOTT / 6s.8d.; Peto MORYS / 26s.8d.; Christopher JONYS / £40. Ales DEYKYNS?.

**Debts owed by me:** Harry STEADE / £20; to Thomas GRENELEY / £19 6s.2d.; to William BROME / £13 6s.8d.

**Witnesses:** Thomas CHARLYS clerke; Thomas GRENELEYE; Hary STEDE; John GODWYN; Thomas PATER with others.

## Pasch. 7 Jacobi Regis.

### GRENELEY'S Case.

1 Brownl. 211. **I**N an Ejectione firma between Owen Greneley Plaintiff, and Philip Greneley and others Defendants on a Demise made by Stephen Greneley of three Acres of Land in St. Super Arrow in Com' Hereford, and on Not Guilty pleaded, the Jury gave a special Verdict to this Effect: William Woodhouse and John Badland were seised of the said three Acres in Fee, and Octob. 20. 38 Hen. 8. did thereof enfeof Philip Greneley the Elder, and Isabel his Wife, To have and to hold to the said Philip and Isabel, and to the Heirs of their two Bodies lawfully begotten: The said Philip the Elder, 1 Decemb. 17 Eliz. did enfeof Philip Greneley the Younger of the said three Acres in Fee; and afterwards 20 Eliz. Philip the Elder died, and Isabel survived him; and afterwards the said Isabel (before any Entry made by her, viz. 26 Eliz.) died; and the said Stephen Greneley the Lessor of the Plaintiff was Heir of their two Bodies begotten, &c. And the only Question in this Case was, whether the said Feoffment of Philip the Elder to Philip the Younger, had tolled the Entry of the said Stephen, or that the Entry of Stephen was lawful or not. 1. It was resolved, That at the Common Law this (a) Feoffment was a Discontinuance to the Issue, for the Issue ought to claim as Heir of their two Bodies individually, and as Heir to one only he cannot inherit, and by Consequence cannot enter; for his Entry ought to ensue his Title and his Action, and the Formedon in the Descender in such Case is, Quod C. dedit D. & E. uxori ejus & heredibus de corporibus ipsorum D. & E. excentibus, & quod post mortem prædicti D. & E. præfato K. filio & hered. eorundem D. & E. descendere debet per formam donationis prædicti, &c. Regi's Orig' 238. b. By which it appears that in his Formedon

(a) 1 Roll. 634. Co. Lit. 126. a. b. Frowd. 112. b.