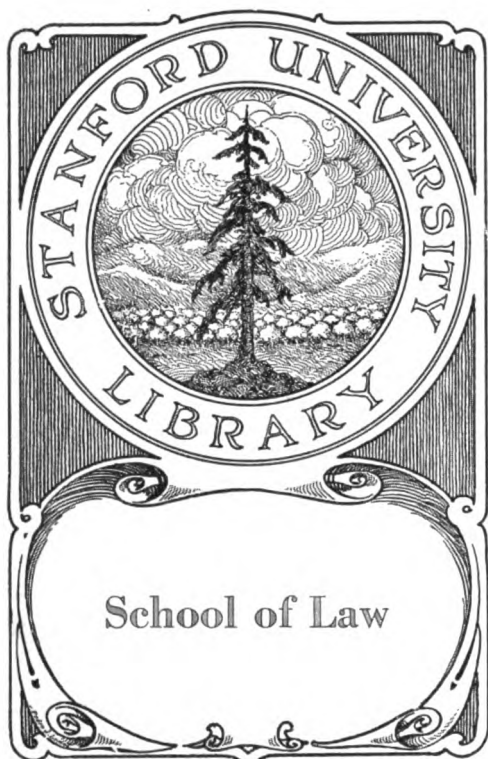

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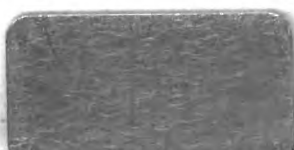
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Statutes at Large,

VOL. I.

From MAGNA CHARTA
TO
The 14th Year of K. EDWARD III. inclusive.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

THE HISTORY OF THE

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THE
Statutes at Large,

FROM
MAGNA CHARTA

To the END of the
Eleventh Parliament of GREAT BRITAIN,
Anno 1761.

Carefully Collated and Revised,

WITH
REFERENCES, a PREFACE, and a New and
Accurate INDEX to the Whole;

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
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Anno 10 Ed. 3. Stat. 3.

Statutum de Cibariis utendis, editum apud Nottingham.

Anno 11 Ed. 3.

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Anno 14 Edw. 3. Stat. 3.

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Anno 14 Edw. 3. Stat. 4.

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That the Subjects of *England* shall not be subject to *France*.

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STATUTES at Large, &c.

MAGNA CHARTA.

The GREAT CHARTER,

Made in the Ninth Year of King Henry the Third, and confirmed by King Edward the First in the Five and twentieth Year of his Reign.

EDWARDUS Dei gratia Rex Angl' Dominus Hibernie & Dux Aquit' Omnibus ad quos presentes littere pervenerint salutem. Inspeximus Magnam Cartam domini H. quondam regis Angl' patris nostri de Libertatibus Angl' in hec verba. HENRICUS Dei gratia Rex Ang' Dominus Hibern' Dux Norman' Aquit' & Comes Andegav' Archiepis' Ep'is' Abbatibus Prioribus Comitibus Baronibus Vicecomitibus Prepositis Ministris & omnibus ballivis & fidelibus suis presentem cartam inspectur' salutem. Sciatis quod nos intuitu Dei & pro salute anime nostre & animarum antecessorum & successorum nostrorum ad exaltationem sancte ecclesie & emendationem regni nostri spontanea & bona voluntate nostra dedimus & concessimus Archiepiscopis Ep'is' Abbatibus Prioribus Comitibus Baronibus & omnibus de regno nostro has libertates subscriptas tenendas in regno nostro Angl' imperpetuum.

EDWARD by the grace of God King of England, Lord of Ireland, and Duke of Guyan, to all Archbishops, Bishops, &c. We have seen the Great Charter of the Lord Henry, sometime King of England, our Father, of the Liberties of England, in these words: HENRY by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Guyan, and Earl of Anjou, to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, Sheriffs, Provofts, Officers, and to all Bailiffs, and other our faithful Subjects, which shall see this present Charter, greeting. Know ye that we, unto the Honour of Almighty God, and for the salvation of the souls of our progenitors and successors Kings of England, to the advancement of holy Church, and amendment of our Realm, of our meer and free will, have given and granted to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, and to all free-men of this our realm, these liberties following, to be kept in our kingdom of England for ever.

Co. Lit. 31;
2 Inst. in Proem.
Thirty-two several Statutes of Confirmation.
52 H. 3. c. 5.
25 Ed. 1. c. 1, 2, 3, & 4.
28 Ed. 1. stat. 3. c. 1.
1 Ed. 3. stat. 2. c. 1.
2 Ed. 3. c. 1.
4 Ed. 3. c. 1.
5 Ed. 3. c. 1. 9.
10 Ed. 3. stat. 1. c. 1.
14 Ed. 3. stat. 1. c. 1.
15 Ed. 3. c. 1.
28 Ed. 3. c. 1.
31 Ed. 3. stat. 1. c. 1.
36 Ed. 3. c. 1.
37 Ed. 3. c. 1.
38 Ed. 3. stat. 1. c. 1.

42 Ed. 3. c. 1. 45 Ed. 3. c. 1. 50 Ed. 3. c. 1. 1 Rich. 2. c. 1. 2 Rich. 2. c. 1. 5 Rich. 2. c. 1.
6 Rich. 2. c. 1. 7 Rich. 2. c. 2. 8 Rich. 2. c. 1. 12 Rich. 2. c. 1. 1 Hen. 4. c. 1. 2 Hen. 4. c. 1.
4 Hen. 4. c. 1. 7 Hen. 4. c. 1. 9 Hen. 4. c. 1. 13 Hen. 4. c. 1. 4 Hen. 5. c. 1.

CAP. I.

A Confirmation of Liberties.

2 Inf. 1. 1. 3. 4.

FIRST, we have granted to God, and by this our present Charter have confirmed, for us and our Heirs for ever, That the Church of *England* shall be free, and shall have all her whole rights and liberties inviolable. (2) We have granted also, and given to all the free-men of our realm, for us and our Heirs for ever, these liberties under-written, to have and to hold to them and their Heirs, of us and our Heirs for ever.

54 H. 3. c. 5. &
42 Ed. 3. c. 1.

IN primis concessimus Deo & hac presenti carta nostra confirmavimus pro nobis & heredibus nostris imperpetuum quod ecclesia Anglicana libera sit & habeat omnia jura sua integra & libertates suas illesas. Concessimus etiam & dedimus omnibus liberis hominibus regni nostri pro nobis & heredibus nostris imperpetuum has libertates subscriptas habendas & tenendas eis & heredibus suis de nobis & heredibus nostris imperpetuum.

CAP. II.

*The Relief of the King's Tenant of full Age.*Wright's Tenures, 97. to 105.
Stat. 12 Car. 2.
. 24.

IF any of our Earls or Barons, or any other which hold of Us in chief by Knight's Service, die, and at the time of his death his heir be of full age, and oweth to us Relief, he shall have his inheritance by the old Relief; that is to say, the heir or heirs of an Earl, for a whole Earldom, by one hundred pound; the heir or heirs of a Baron, for an whole Barony, by one hundred marks; the heir or heirs of a Knight, for one whole Knight's fee, one hundred shillings at the most; and he that hath less, shall give less, according to the old custom of the fees.

SI quis Comitum vel Baronum nostrorum sive aliorum tenentium de nobis in capite per servitium militare mortuus fuerit & cum decesserit heres ejus plene etatis fuerit & relevium debeat habeat hereditatem suam per antiquum relevium scilicet heres vel heredes Comitum de Comitatu integro per centum libras heres vel heredes Baronis de Baronia integra per Centum marcas heres vel heredes militis de feodo Militis integro per Centum solidos ad plus & qui minus habuerit minus det secundum antiquam consuetudinem feodorum.

CAP. III.

The Wardship of an Heir within Age. The Heir a Knight.

Wright's Tenures, 86, to 92.

BUT if the heir of any such be within age, his Lord shall not have the ward of him, nor of his land, before that he hath taken of him homage. (2) And after that such an heir hath been in ward (when he is come to full age) that is to say, to the age of one and twenty years, he shall

SI autem heres alicujus talium infra etatem fuerit dominus ejus non habeat custodiam ejus nec terre sue antequam homagium ejus ceperit & postquam talis heres fuerit in custodia cum ad etatem pervenerit scilicet viginti & unius anni habeat hereditatem suam sine relevio & sine fine

fine Ita tamen quod si ipse dum infra etatem fuerit fiat Miles nichilominus terra remaneat in custodia dominorum suorum usque ad terminum predictum.

shall have his inheritance without Relief, and without Fine : so that if such an heir, being within age, be made Knight, yet nevertheless his land shall remain in the keeping of his Lord unto the term aforesaid.

Altered by 12
Car. 2. c. 24.

CAP. IV.

No Waste shall be made by a Guardian in Wards Lands.

CUSTOS terre hujusmodi heredis qui infra etatem fuerit non capiat de terra heredis nisi rationabiles exitus & rationabiles consuetudines & rationabilia servicia & hoc sine destructione & vasto hominum & rerum. Et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus terre illius nobis debeat respondere & ille de custodia destructionem vel vastum fecerit nos ab eo capiemus emendam & terra committatur duobus legalibus & discretis hominibus de feodo illo qui de exitibus terre illius nobis respondeant vel illi cui illos assignaverimus. Et si dederimus vel vendiderimus alicui custodiam alicujus talis terre & ille inde destructionem fecerit vel vastum amittat illam custodiam & tradatur duobus legalibus & discretis hominibus de feodo illo qui similiter nobis respondeant sicut predictum est.

THE keeper of the land of such an heir, being within age, shall not take of the lands of the heir, but reasonable issues, reasonable customs, and reasonable services, and that without destruction and waste of his men and his goods. (2) And if we commit the custody of any such land to the Sheriff, or to any other, which is answerable unto us for the issues of the same land, and he make destruction or waste of those things that he hath in custody, we will take of him amends and recompence therefore, (3) and the land shall be committed to two lawful and discreet men of that fee, which shall answer unto us for the issues of the same land, or unto him whom we will assign. (4) And if we give or sell to any man the custody of any such land, and he therein do make destruction or waste, he shall lose the same custody ; and it shall be assigned to two

A Guardian shall make no Waste in the Ward's Lands, 2 Inlt. 12.

lawful and discreet men of that fee, which also in like manner shall be answerable to us, as afore is said.

CAP. V.

Guardians shall maintain the Inheritance of their Wards: and of Bishopricks, &c.

CUSTOS autem quamdiu custodiam terre hujusmodi habuerit sustentet domos parcos vivaria stagna Molendina & cetera ad terram illam pertinentia de exitibus terre ejusdem & reddat heredi cum ad plenam etatem

THE keeper, so long as he hath the custody of the land of such an heir, shall keep up the houses, parks, warrens, ponds, mills, and other things pertaining to the same land, with the issues of the said land ;

2 Inlt. 14, 15. No Waste shall be committed in Wards' Lands.

B 2 and

and he shall deliver to the Heir, when he cometh to his full age, all his land stored with ploughs, and all other things, at the least as hereceived it. All these things shall be observed in the custodies of Archbishopricks, Bishopricks, Abbeys, Priories, Churches, and Dignities vacant, which appertain to us; except this, that such custody shall not be sold.

3 Ed. 1. c. 21.
36 Ed. 3. c. 13.

tem pervenerit terram suam totam instauratam de carucis & de omnibus aliis rebus ad minus sicut illam recepit. Hec omnia observentur de custodiis Archiepiscopatuum Episcopatuum Abbatiarum Prioratuum ecclesiarum & dignitatum vacantium que ad nos pertinent excepto quod custodie hujusmodi vendi non debent.

CAP. VI.

Heirs shall be married without Disparagement.

HEIRS shall be married without Disparagement.

Heredes maritentur absque disparagatione.

Co. Lit. 80.
2 Inst. 15.
20 H. 3. c. 6.
Wright's Tenures, 93. to 97.

CAP. VII.

A Widow shall have her Marriage, Inheritance, and Quarentine. The King's Widow, &c.

A Widow, after the death of her husband, incontinent, and without any difficulty, shall have her marriage, and her inheritance (2) and shall give nothing for her dower, her marriage, or her inheritance, which her husband and she held the day of the death of her husband, (3) and she shall tarry in the chief house of her husband by forty days after the death of her husband, within which days her dower shall be assigned her (if it were not assigned her before) or that the house be a castle; (4) and if she depart from the castle, then a competent house shall be forthwith provided for her, in the which she may honestly dwell, until her dower be to her assigned, as it is aforesaid; and she shall have in the mean time her reasonable estovers of the common; (5) and for her dower shall be assigned unto her the third part of all the lands of her husband, which were his during coverture, except she were endowed of less at the Church-door. (6) No widow shall be distrained

Vidua post mortem mariti sui statim & sine difficultate aliqua habeat maritajum suum & hereditatem suam nec aliquid det pro dote sua nec pro maritajo suo vel pro hereditate sua quam hereditatem maritus suus & ipsa tenuerunt simul die obitus ipsius mariti sui & maneat in capitali Mesuagio mariti sui per quadraginta dies post obitum mariti sui infra quos dies assignetur ei dos sua nisi prius fuerit ei assignata vel nisi domus illa sit Castrum & si de castro recesserit domus ei competens statim provideatur in qua possit honeste morari quousque dos sua ei assignetur secundum quod predictum est & habeat rationabile estoverium suum interim de communi Assignetur autem ei pro dote sua tertia pars totius terre mariti sui que sua fuit in vita sua nisi de minori fuerit dotata ad Hostium ecclesie. Nulla vidua distringatur ad se maritandam dum voluerit vivere sine marito Ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro si de nobis tenuerit

Dyer, f. 76. b.
Hob. 153.
Co. Lit. 30. b.
Salk. 253.
3 Lev. 401.

Regist. fol. 175.
Co. Lit. 32. b.
2 Inst. 16.

17 Ed. 2. c. 4.

tenuerit vel sine assensu domini sui si de alio tenuerit.

distrained to marry herself; nevertheless she shall find surety, that she shall not marry without

our licence and assent (if she hold of us) nor without the assent of the Lord, if she hold of another.

20 H. 3. c. 1.

CAP. VIII.

How Sureties shall be charged to the King.

NOS vero vel Ballivi nostri non seisiemus terram aliquam vel redditum pro debito aliquo quamdiu catalla debitoris presentia sufficiunt ad debitum reddend' & ipse debitor paratus sit inde satisfacere. Nec plegii ipsius debitoris distringantur quamdiu ipse capitalis debitor sufficiat ad solutionem ipsius debiti & si capitalis debitor defecerit in solutione debiti non habens unde reddat aut redere nolit cum possit plegii dederit respondeant & si voluerint habeant terras & redditus debitoris quousque sit eis satisfactum de debito quod ante pro eo solverunt nisi capital' debitor monstraverit se inde esse quietum versus eisdem plegios.

WE or our Bailiffs shall not seise any land or rent for any debt, as long as the present Goods and chattles of the debtor do suffice to pay the debt, and the debtor himself be ready to satisfy therefore. (2) Neither shall the pledges of the debtor be distrained, as long as the principal debtor is sufficient for the payment of the debt. (3) And if the principal debtor fail in payment of the debt, having nothing wherewith to pay, or will not pay where he is able, the pledges shall answer for the debt. (4) And if they will, they shall have the lands and rents of the debtor, until they be satisfied of that which they before payed for him, except that the

Plow. 440.
2 Inst. 18. 19.
Wright's Ten.
170. 200.

debtor can shew himself to be acquitted against the said sureties.

Infra, c. 18.
33 H. 8. c. 39.

CAP. IX.

The Liberties of London, and other Cities and Towns confirmed.

Civitas London' habeat omnes libertates suas antiquas & consuetudines suas, Preterea volumus & concedimus quod omnes Civitates alie & Burgi & ville & Barones de quinque portibus & omnes portus habeant omnes libertates & liberas consuetudines suas.

THE city of London shall have all the old liberties and customs, which it hath been used to have. Moreover we will and grant, that all other Cities, Boroughs, Towns, and the Barons of the Five Ports, and all other Ports, shall have all their liberties and free customs.

2 Inst. 20.
4 Mod. 52. 53.
Case of Quo Warranto against the City of London.

CAP. X.

None shall distrain for more Service than is due.

Nullus distringatur ad faciendum majus servitium de feodo Militis nec de alio libero tenemento quam inde debetur,

NO man shall be distrained to do more service for a Knight's fee, nor any freehold, than therefore is due.

2 Inst. 211.

CAP. XI.

Common Pleas shall not follow the King's Court.

2 Inst. 21. 22.
4 Inst. 99.
Madox Hist.
Exch. 26. 27.
Hale's Hist.
Com. Law,
142. 149. 151.
156. 159.
28 Ed. 1. c. 4.

COMMON Pleas shall not follow our Court, but shall be holden in some place certain.

COMMUNIA placita non sequantur Curiam nostram set teneantur in aliquo loco certo.

CAP. XII.

Where and before whom Assises shall be taken. Adjournment for Difficulty.

2 Inst. 24.

ASSISES of novel disseisin, and of Mortdancer, shall not be taken but in the shires, and after this manner: If we be out of this realm, our chief Justicer shall send our Justicers through every County once in the year, which, with the Knights of the shires, shall take the said Assises in those Counties; (2) and those things that at the coming of our foresaid Justicers, being sent to take thole Assises in the Counties, cannot be determined, shall be ended by them in some other place in their circuit; (3) and those things, which for difficulty of some articles cannot be determined by them, shall be referred to our Justicers of the Bench, and there shall be ended.

13 Ed. 1. stat. 1.
c. 30.

RECOGNITIONES de nova disseisina & de morte antecessoris non capiantur nisi in suis Comitatibus & hoc modo: Nos vel si extra regnum fuerimus capitalis Justic' noster mittemus Justic' nostros per unumquemque Comitatum semel in anno qui cum militibus Comitatum capiant in Comitatibus assisas predictas & illa que in illo adventu suo in Comitatus per Justic' nostros predictos ad dictas assisas capiendas missos terminari non possunt per eisdem terminentur alibi in itinere suo & ea que per eisdem propter difficultatem aliquorum articulorum terminari non possunt referantur ad Justic' nostros de Banco & ibi terminentur.

CAP. XIII.

Assises of Darrein Presentment.

2 Inst. 27.
13 Ed. 1. stat. 1.
c. 5. c. 30.

ASSISES of Darrein Presentment shall be always taken before our Justices of the Bench, and there shall be determined.

ASSISE de ultima presentatione semper capiantur coram Justiciar' de Banco & ibi terminentur.

CAP. XIV.

How Men of all Sorts shall be amerced, and by whom.

Madox. Hist.
Exch. 678. 679.
Hale's Hist.
Com. Law,
1 co. 151.
Gilb. Histor.
View of Exch.
7. 80. 82. 99.
135. 136.
2 Inst. 27. 28.
8 Co. 38. 39. 40.
59.

AFREE-MAN shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his contenment; (2) and a Merchant likewise, saving to him his merchandise; (3) and any other's villain than ours shall be

LIBER homo non amercietur pro parvo delicto nisi secundum modum ipsius delicti & pro magno delicto secundum magnitudinem delicti salvo contenmento suo & mercator eodem modo salva mercandisa sua & villanus alterius quam noster eodem modo amercietur salvo wanagio

wanagio suo si incidit in manum nostram. Et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum & leg' hominum de visneto. Comites & Barones non amercientur nisi per pares suos & non nisi secundum modum delicti. Nulla ecclesiastica persona amercietur secundum quantitatem beneficii sui ecclesiastici sed secundum laicum tenementum suum & secundum quantitatem delicti.

be likewise amerced, saving his wainage, if he fall into our mercy. (4) And none of the said Amerciaments shall be assessed, but by the oath of honest and lawful men of the vicinage. (5) Earls and Barons shall not be amerced but by their Peers, and after the manner of their offence. (6) No man of the Church shall be amerced after the quantity of his spiritual Benefice, but after his Lay-tenement, and after the quantity of his offence.

CAP. XV.

Making of Bridges and Banks.

NEC villa nec Liber homo distringatur facere pontes ad riparias nisi qui ab antiquo & de jure facere debent.

in the time of King *Henry* our Grandfather.

NO Town or Freeman shall be distrained to make Bridges nor Banks, but such as of old time and of right have been accustomed to make them

CAP. XVI.

Defending of Banks.

Nulle riparie defendantur de cetero nisi ille que fuerunt in defenso tempore H. Regis Avi nostri per eadem loca & eodem terminos sicut esse consueverunt tempore suo.

NO Banks shall be defended from henceforth, but such as were in defence in the time of King *HENRY* our Grandfather, by the same places, and the same bounds, as they were wont to be in his time.

CAP. XVII.

Holding Pleas of the Crown.

Nullus Vicecomes Constabularius Coronator vel alii Ballivi nostri teneant placita corone nostre.

NO Sheriff, Constable, Escheator, Coroner, nor any other our Bailiffs, shall hold Pleas of our Crown.

CAP. XVIII.

The King's Debtor dying, the King shall be first paid.

SI aliquis tenens de nobis laicum feodum moriatur & Vicecomes vel Ballivus noster ostendat litteras nostras patentes de summonitione nostra de debito quod defunctus nobis debuit liceat Vicecomiti vel Ballivo nostro attachiare & imbrevia

IF any that holdeth of us Lay-fee do die, and our Sheriff or Bailiff do shew our Letters Patents of our summon for Debt, which the dead man did owe to us; it shall be lawful to our Sheriff or Bailiff to attach and inroll all the goods and chattles of the

dead, being found in the said fee, to the Value of the same debt, by the sight and testimony of lawful men, so that nothing thereof shall be taken away, until we be clearly paid off the debt; (2) and the residue shall remain to the Executors to perform the testament of the dead; (3) and if nothing be owing unto us, all the chattles shall go to the use of the dead (saving to his wife and children their reasonable parts.)

2 Inst. 32. 33.
Supra, cap. 8.

Selden's Tit.
Honour, 742,
743. mentions
an additional
Clause in some
Copies.

33 H. 8. c. 39.

are omnia bona & catalla defuncti inventa in laico feodo ad valentiam illius debiti per visum legalium hominum Ita tamen quod nichil inde amoveatur donec persolvatur nobis debitum quod clarum fuerit & residuum relinquatur executoribus ad faciendum testamentum defuncti & si nichil nobis debeatur ab ipsa omnia catalla cedant defuncto salvis uxori ejus & pueris ipsius rationabilibus partibus suis.

CAP. XIX.

Purveyance for a Castle.

2 Inst. 33.

NO Constable, nor his Bailiff, shall take corn or other chattles of any man, if the man be not of the Town where the Castle is, but he shall forthwith pay for the same, unless that the will of the seller was to respite the payment; (2) and if he be of the same Town, the price shall be paid unto him within forty days,

3 Ed. 1. c. 7.
Altered by
23 Car. 2. stat.
1. c. 8.

NULLUS Constabularius vel ejus ballivus capiat blada vel alia catalla alicujus qui non sit de villa ubi castrum situm est nisi statim reddat denarios inde aut respectum inde habere possit de voluntate venditoris Si autem de ipsa villa fuerit infra quadraginta dies precium reddat.

CAP. XX.

Doing of Castle-ward.

2 Inst. 34.
Co. Lit. 70. a.

NO Constable shall distrain any Knight for to give money for keeping of his Castle, if he himself will do it in his proper person, or cause it to be done by another sufficient man, if he may not do it himself for a reasonable cause. (2) And if we do lead or send him in an army, he shall be free from Castleward for the time that he shall be with us in fee in our host, for the which he hath done service in our wars,

Altered by
32 Car. 2. c. 24.

NULLUS Constabularius distringat aliquem Militem ad dand' denar' pro custodia castri si ipse eam facere voluerit in propria persona sua vel per alium probum hominem fac' si ipse eam facere non possit propter rationabilem causam. Et si nos adduxerimus vel miserimus eum in exercitum sit quietus de custodia secundum quantitatem temporis quo per nos fuerit in exercitu de feodo pro quo fecit servicium in exercitu.

CAP. XXI.

Taking of Horses, Carts, and Wood.

2 Inst. 34. 35.

NO Sheriff nor Bailiff of ours, or any other, shall take the Horses or Carts of any man to make carriage, except he pay the old

NULLUS vicecomes vel ballivus noster vel aliquis alius capiat equos vel caretas alicujus pro cariagio faciundo nisi reddat

dat liberationem antiquitus statutam scilicet pro una caretta ad duos equos decem denar' per diem & pro caretta ad tres equos quatuordecim denar' per diem. Nulla caretta dominica alicujus ecclesiastice persone vel Militis vel alicujus domini per ballivos nostros capiatur. Nec nos nec Ballivi nostri nec alii capiemus boscum alienum ad castra vel ad alia agenda nostra nisi per voluntatem illius cujus boscus ille fuerit.

old price limited, that is to say, for carriage with two horse, x. d. a day; for three horse, xiv. d. a day. (2) No demefne Cart of any Spiritual person or Knight, or any Lord, shall be taken by our Bailiffs; (3) nor we, nor our Bailiffs, nor any other, shall take any man's wood for our Castles, or other our necessaries to be done, but by the licence of him whose the wood is.

3 1st d. r. c. 32.
14 Ed. 3. stat. 2.
c. 19.
25 Ed. 3. stat. 5.
c. 6.
13 Car. 2. stat.
1. c. 8.

CAP. XXII.

How long Felons Lands shall be bolden by the King.

NOS non tenebimus terras illorum qui convicti fuerint de feloniam nisi per unum annum & unum diem & tunc reddantur terre ille dominis feodorum.

WE will not hold the lands of them that be convict of Felony but one year and one day, and then those Lands shall be delivered to the Lords of the fee.

2 Inst. 36. 37.
Wright's Ten.
119. 120. 146.
Law of Forfeiture, 57.
17 Ed. 2. c. 16.

CAP. XXIII.

In what Places Wears shall be put down.

OMnes kidelli deponantur de cetero penitus per Tamisiam & Medweyam & per totam Angl' nisi per costeram maris.

ALL Wears from henceforth shall be utterly put down by Thames and Medway, and through all England, but only by the Sea-coasts.

Ante, c. 16.
2 Inst. 38.
10 Co. 138.
25 Ed. 3. c. 4.
1 H. 4. c. 12.
12 Ed. 4. c. 7.

CAP. XXIV.

In what Case a Præcipe in Capite is not grantable.

BReve quod vocatur Præcipe de cetero non fiat alicui de aliquo libero tenemento unde liber homo perdat Curiam suam.

THE Writ that is called Præcipe in capite shall be from henceforth granted to no person of any freehold, whereby any freeman may lose his Court.

2 Inst. 39. 40.
F. N. B. 5. B.
39. H.

CAP. XXV.

There shall be but one Measure throughout the Realm.

UNA Mensura vini sit per totum regnum nostrum & una mensura cervisie & una mensura bladi scilicet quarter' London' & una latitudo pannorum tinctorum Russietorum & haubergettorum scilicet due ulne infra Listas. De ponderibus vero sit sicut de mensuris.

ONE Measure of Wine shall be through our Realm, and one measure of Ale, and one measure of Corn, that is to say, the Quarter of London; and one breadth of dyed Cloth, Russets, and Habersjects, that is to say, two Yards within the lists. (2) And it shall be of Weights as it is of Measures,

2 Inst. 41.
14 Ed. 3. stat. 1.
c. 12.
27 Ed. 3. stat. 1.
c. 10.
8 H. 6. c. 5.
11 H. 7. c. 4.
16 Car. 1. c. 19.

C A P. XXVI.

Inquisition of Life and Member.

2 Inst. 42.
3 Ed. 1. c. 11.
13 Ed. 1. stat. 1.
c. 29.

NOthing from henceforth shall be given for a Writ of Inquisition, nor taken of him that prayeth Inquisition of Life, or of Member, but it shall be granted freely, and not denied.

Nichil de cetero detur pro brevi inquisitionis ab eo qui inquisitionem petit de vita vel de membris set gratis concedatur & non negetur.

C A P. XXVII.

Tenure of the King in Socage, and of another by Knights Service. Petit Serjeanty.

IF any do hold of us by Fee-ferm, or by Socage, or Burgage, and he holdeth Lands of another by Knights Service, we will not have the Custody of his Heir, nor of his Land, which is holden of the Fee of another, by reason of that Fee-ferm, Socage, or Burgage. (2) Neither will we have the custody of such Fee-ferm, or Socage, or Burgage, except Knights Service be due unto us out of the same Fee-ferm. (3) We will not have the custody of the Heir, or of any Land which he holds of another by Knights Service, by occasion of any Petit Serjeanty, that any man holdeth of us by Service to pay a Knife, an Arrow, or the like.

Saliqui teneant de nobis per feodi-firmam vel per socagium vel burgagium & de alio teneant terram per servicium militar' nos non habebimus custodiam heredis nec terre sue que est de feodo alterius occasione illius feodi-firme vel socagii vel burgagii nec habebimus custodiam illius feodi-firme vel socagii vel burgagii nisi ipsa feodi-firme debeat servicium militare. Nos non habebimus custodiam heredis vel alicujus terre quam tenet de aliquo alio per servicium militare occasione alicujus parve serjantie quam tenet de nobis per servicium reddendi nobis cultellos vel sagittas vel hujusmodi.

2 Inst. 43. 44.
Altered by
stat. 12 Car. 2.
c. 24.

C A P. XXVIII.

Wager of Law shall not be without Witnesses.

Co. Lit. 168. b.
2 Inst. 44. 45.

NO Bailiff from henceforth shall put any man to his open Law, nor to an Oath, upon his own bare saying, without faithful Witnesses brought in for the same.

Nullus Ballivus de cetero ponat aliquem ad legem manifestam nec ad juramentum simplici loquela sua sine testibus fidelibus ad hoc inductis.

C A P. XXIX.

None shall be condemned without Trial. Justice shall not be sold or deferred.

2 Inst. 45—57.
3 Inst. 30.

NO Freeman shall be taken, or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed,

Nullus liber homo capiatur vel imprisonetur aut discefiatur de libero tenemento suo vel libertatibus vel liberis consuetudinibus

suetudinibus suis aut utlagetur aut exulet aut aliquo modo destruat nec super eum ibimus nec super eum mittemus nisi per legale iudicium parium suorum vel per legem terre. Nulli vendemus nulli negabimus aut differemus rectum vel iustitiam.

lawed, or exiled, or any otherwise destroyed; nor we will not pass upon him nor condemn him, but by lawful Judgement of his Peers, or by (a) the Law of the Land. (2) We will sell to no man, (b) we will not deny or defer to any man either Justice or Right.

(a) Hale's Hist. Com. Law, 53.
2 Hale's H. P. C. 156.
5 Mod. 459.
(b) Hale's Hist. Com. Law, 151, 152. Madox Hist. Exch. c. 13.

2 Ed. 3. c. 8. 5 Ed. 3. c. 9. 14 Ed. 3. stat. 2. c. 14. 25 Ed. 3. stat. 5. c. 4. 28 Ed. 3. c. 3.
42 Ed. 3. c. 3. 11 Rich. 2. c. 10. 37 Ed. 3. c. 18. 4 H. 7. c. 12. 3 Car. 1. c. 1. 16 Car. 1. c. 10.

C A P. XXX.

Merchants Strangers coming into this Realm shall be well used.

OMnes mercatores nisi publice antea prohibiti fuerint habeant saluum & securum conductum exire de Angl' & venire in Angl' & morari & ire per Angl' tam per terram quam per aquam ad emend' & vendend' sine omnibus tollis malis per antiquas & rectas consuetudines preterquam in tempore guerre & si sint de terra contra nos guerrina & tales inveniuntur in terra nostra in principio guerre attachentur sine dampno corporum vel rerum donec sciatur a nobis vel a capitali Justic' nostro quomodo Mercatores terre nostre tractentur qui tunc inveniuntur in terra illa contra nos guerrina & si nostri salvi sint ibi alii salvi sint in terra nostra.

ALL Merchants (if they were not openly prohibited before) shall have their safe and sure Conduct to depart out of England, to come into England, to tarry in, and go through England, as well by Land as by Water, to buy and sell without any manner of evil Tolts, by the old and rightful Customs, except in time of War. (2) And if they be of a land making War against us, and be found in our Realm at the beginning of the Wars, they shall be attached without harm of body or goods, until it be known unto us, or our Chief Justice, how our Merchants be intreated there in the land making War against us; (3) and if our Merchants be well intreated there, theirs shall be likewise with us.

2 Inst. 57. 63.
741.

3 Ed. 1. c. 31.
9 Ed. 3. stat. 1.
c. 1.
14 Ed. 3. stat. 1.
c. 2.
25 Ed. 3. stat. 4.
c. 2.
2 R. 2. stat. 1.
c. 1.
11 R. 2. c. 7.

C A P. XXXI.

Tenure of a Barony coming into the King's Hands by Eschete.

SI quis tenuerit de aliqua escaeta sicut de honore Wallingford' Bolonie Nottingh' Lancaster' vel aliis escaetis que sunt in manu nostra & sint Baronie & obierit heres ejus non det aliud relevium nec faciat nobis aliud servitium quam faceret Baroni si illa esset in manu Baronis & nos eodem modo eam tenebimus quo Baro eam tenuit Nec nos occasione talis Baronie vel

IF any man hold of any Eschete, as of the honour of Wallingford, Nottingham, Boloin, or of any other Eschetes which be in our hands, and are Baronies, and die, his Heir shall give none other Relief, nor do none other Service to us, than he should to the Baron, if it were in the Baron's hand. (2) And we in the same wise shall hold it as the Baron held it; neither

2 Inst. 64.
Wright's Ten.
115—120.
162—167.

shall we have, by occasion of any Barony or Eschete, any Eschete or keeping of any of our men, unless he that held the Barony or Eschete elsewhere held of us in chief.

1 Ed. 3. stat. 2.
c 13.
1 Ed. 6. c. 4.

vel escaete habebimus aliquam escaetam vel custodiam aliquorum nostrorum hominum nisi de nobis alibi tenuerit in capite ille qui tenuit baroniam vel escaetam.

CAP. XXXII.

Lands shall not be aliened to the Prejudice of the Lord's Service.

Co. Lit. 43. a.
2 Inst. 65. 500.
Wright's Len.
29. 30. 154—
174.

NO Freeman from henceforth shall give or sell any more of his Land, but so that of the residue of the Lands the Lord of the Fee may have the Service due to him, which belongeth to the Fee.

18 Ed. 1. stat. 1.
c. 2.

NULLUS liber homo det decetero amplius alicui vel vendat de terra sua quam ut de residuo terre sue sufficienter possit fieri domino feodi servitium ei debitum quod pertinet ad feodum illud.

CAP. XXXIII.

Patrons of Abbies shall have the Custody of them in the time of Vacation.

1 Inst. 68.

ALL Patrons of Abbies, which have the King's Charters of *England* of Advowson, or have old Tenure or Possession in the same, shall have the Custody of them when they fall void, as it hath been accustomed, and as it is afore declared.

25 Ed. 3. stat. 3.
c. 1.

OMNES patroni Abbathiarum qui habent cartas regum Anglie de advocacione vel antiquam tenuram vel possessionem habeant earum custodiam cum vacaverint sicut habere debent & sicut superius declaratum est.

CAP. XXXIV.

In what only Case a Woman shall have an Appeal of Death.

1 Inst. 68.
2 Hawk. Pl. Cr.
162, 163, 164.

NO Man shall be taken or imprisoned upon the Appeal of a Woman for the Death of any other, than of her husband.

NULLUS capiatur aut imprisonetur propter appellum femine de morte alterius quam viri sui,

CAP. XXXV.

At what Time shall be kept a County Court, Sheriff's Turn, and a Leet.

1 Inst. 69—74.
2 Hawk. Pl. Cr.
55, 56.

NO Courty Court from henceforth shall be holden, but from Month to Month; and where greater time hath been used, there shall be greater: (2) Nor any Sheriff, or his Bailiff, shall keep his Turn in the Hundred but twice in the Year; and no where but in due place, and accustomed; that is to say, once after *Easter*, and again after the Feast of Saint *Michael*.

NULLUS Comitatus de cetero teneatur nisi de mense in mensum & ubi major terminus esse solebat major sit. Nec aliquis Vicecomes vel Ballivus suus faciat turnum suum per Hundredum nisi bis in anno & non nisi in loco debito & consueto videlicet semel post Pasch' & iterum post festum sancti Michaelis. Et visus de franco plegio tunc fiat ad illum terminum sancti Michaelis
sine

fine occasione Ita scilicet quod quilibet habeat libertates suas quas habuit vel habere consuevit tempore H. Regis Avi nostri vel quas postea perquisivit fiat autem visus de franco plegio sic videlicet quod pax nostra teneatur & quod theotinga teneatur integra sicut esse consuevit & quod Vicecomes non querat occasiones & quod contentus sit de eo quod Vic' habere consuevit de visu suo faciendo tempore H. Regis Avi nostri.

that he be content with so much as the Sheriff was wont to have for his View-making in the time of King HENRY our Grandfather.

Michael. (3) And the View of *Frankpledge* shall be likewise at the Feast of Saint *Michael* without occasion; so that every man may have his Liberties which he had, or used to have, in the time of King HENRY our Grandfather, or which he hath purchased since. (4) The View of *Frankpledge* shall be so done, that our Peace may be kept; (5) and that the Tything be wholly kept as it hath been accustomed; (6) and that the Sheriff seek no Occasions, and

as the Sheriff was wont to have for his View-making in the time of King HENRY our Grandfather.

C A P. XXXVI.

No Land shall be given in Mortmain.

NEC liceat de cetero alicui dare terram suam domui religiose ita quod illam resumat de eadem domo tenendam. Nec liceat alicui domui religiose terram alicujus sic accipere quod tradat illam illi a quo eam recepit tenendam. Si quis autem de cetero terram suam alicui domui religiose sic dederit & super hoc convincatur donum suum penitus cassetur & terra illa domino illius feodi incurrat.

23 H. 8. c. 10. 1 & 2 Ph. & M. c. 8. 13 & 14 Car. 2. c. 12. 17 Car. 2. c. 3.

IT shall not be lawful from henceforth to any to give his Lands to any Religious House, and to take the same Land again to hold of the same House. Nor shall it be lawful to any House of Religion to take the Lands of any, and to lease the same to him of whom he received it. If any from henceforth give his Lands to any Religious house, and thereupon be convicted, the Gift shall be utterly void, and the Land shall accrue to the Lord of the Fee.

29 Eliz. c. 7. 39 Eliz. c. 5. 43 Eliz. c. 4. 21 Jac. 1. c. 1. 29 Car. 2. c. 8. 7 & 8 W. 3. c. 37. 9 Geo. 2. c. 36.

C A P. XXXVII.

A Subsidy in respect of this Charter, and the Charter of the Forest, granted to the King.

SCutagium de cetero capiatur sicut capi consuevit tempore H. Regis Avi nostri. Et salve sint Archiepis' Epis' Abbatibus Prioribus Templar' Hospitellar' Comitibus Baronibus & omnibus aliis tam ecclesiasticis personis quam secularibus omnes libertates

EScuage from henceforth shall be taken like as it was wont to be in the time of King Henry our Grandfather; reserving to all Archbishops, Bishops, Abbots, Priors, Templers, Hospitallers, Earls, Barons, and all persons as well Spiritual as Temporal,

poral, all their free Liberties and free Customs, which they have had in time passed. (2) And all these Customs and Liberties aforesaid, which we have granted to be holden within this our Realm, as much as appertaineth to us and our Heirs, we shall observe; (3) and all Men of this our Realm, as well Spiritual as Temporal (as much as in them is) shall observe the same against all persons in like wise. (4) And for this our Gift and Grant of these Liberties, and of other contained in our Charter of Liberties of our Forest, the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and other our Subjects, have given unto us the Fifteenth Part of all their Moveables. (5) And we have granted unto them on the other part, that neither we, nor our Heirs, shall procure or do any thing whereby the Liberties in this Charter contained shall be infringed or broken; (6) and if any thing be procured by any person contrary to the premises, it shall be had of no force nor effect. These being Witnesses; Lord S. Archbishop of *Canterbury*, E. Bishop of *London*, J. Bishop of *Bathe*, P. of *Winchester*, H. of *Lincoln*, R. of *Salisbury*, W. of *Rocheſter*, W. of *Worceſter*, J. of *Ely*, H. of *Hereford*, R. of *Chicheſter*, W. of *Exeter*, Bishops; the Abbot of *St. Edmonds*, the Abbot of *St. Albans*, the Abbot of *Bello*, the Abbot of *St. Auguſtines* in *Canterbury*, the Abbot of *Eveſbam*, the Abbot of *Westmiſter*, the Abbot of *Bourgh St. Peter*, the Abbot of *Reding*, the Abbot of *Abindon*, the Abbot of *Malmſbury*, the Abbot of *Winchcomb*, the Abbot of *Hyde*, the Abbot of *Certeſey*, the Abbot of *Sherburn*, the Abbot of *Cerne*, the Abbot of

bertates & libere conſuetudines quas prius habuerunt. Omnes autem conſuetudines & libertates predictas quas conceſſimus in regno noſtro tenendas quantum ad nos pertinet erga noſtros Omnes de regno noſtro tam clerici quam laici obſervent quantum ad ſe pertinet erga ſuos. Pro hac autem donatione & conceſſione libertatum iſtarum & aliarum contentarum in carta noſtra de libertatibus foreſte Archiepiſcopi Episcopi Abbates Priores Comites Barones Milites libere tenentes & omnes de regno noſtro dederunt nobis quintamdecimam partem omnium mobilium ſuorum. Conceſſimus etiam eiſdem pro nobis & heredibus noſtris quod nec nos nec heredes noſtri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur. Et ſi ab aliquo contra hoc aliquid perquiſitum fuerit nichil valeat & pro nullo habeatur. Hiis teſtibus domino S. Cantuar' Archiep'o E. London' Ep'o J. Bathon' Ep'o P. Wynton' H. Lincoln' R. Sarum W. Roff' W. Wygorn' J. Elien' H. Hereforden' R. Ciceſtr' W. Exon' Episcopis. Abbate ſancti Edmundi Abbate ſancti Albani Abbate de Bello Abbate ſancti Auguſtini Cantuar' Abbate de Eveſham Abbate de Weſtm' Abbate de Burgo ſancti Petri Abbate de Reding Abbate de Abyndon' Abbate de Malmſbur' Abbate de Wynchecumbe Abbate de Hida Abbate de Certeseye Abbate de Shirburn' Abbate de Cerne Abbate de Abbotebir' Abbate de Middleton' Abbate de Seleby Abbate de Cirenceſtr' H. de Burgo Juſticiario H. Comite Ceſtr' & Lincoln' W. Comite Sarum W. Comite Warren' G. de Clare Comite Glouceſtr' & Hertford' W. de Ferrar' Comite

Comite Derb' W. de Mandevill Comite Effex' H. de Bigod Comite Norff' W. Comite Albemarle H. Comite Hereford' J. Constabular' Cestr' R. de Ros R. filio Walteri R. de Veteri Ponte W. de Bruer' R. de Muntfichet P. filio Herberti W. de Aubeny F. Gressly F. de Breus' J. de Monemue J. filio Alani H. de Mortuo Mari W. de Bello Campo W. de Sancto Johanne P. de Malo Lacu Briano de Infula Thoma de Multon R. de Argentein G. de Nevill W. Mauduit J. de Balun & aliis. Dat' apud Westm' xj. die Febr' anno regni nostri nono.

Nos autem donationes & concessionis predictas ratas habentes & gratas eas pro nobis & heredibus nostris concedimus & confirmamus easque tenore presentium innovamus volentes & concedentes pro nobis & heredibus nostris quod carta predicta in omnibus & singulis suis articulis imperpetuum firmiter & inviolabiliter observetur etiam si aliqui articuli in eadem carta contenti hucusque forsitan non fuerint observati. In cujus rei testimonium has litteras nostras fieri fecimus patentes. T. EDWARDO filio nostro apud Westm' duodecimo die Octobr' anno regni nostri vicesimo quinto,

ture hath not been kept, we will, and by Authority Royal command, from henceforth firmly they be observed. In witness whereof we have caused these our Letters Patents to be made. T. EDWARDOUR Son at *Westminster*, the Twenty-eighth Day of *March*, in the Twenty-eighth Year of our Reign.

Abbotbir, the Abbot of *Middleton*, the Abbot of *Selby*, the Abbot of *Cirencester*; *H. de Burgh* Justice, *H. Earl of Chester* and *Lincoln*, *W. Earl of Salisbury*, *W. Earl of Warren*, *G. de Clare* Earl of *Gloucester* and *Hereford*, *W. de Ferrars* Earl of *Derby*, *W. de Mandeville* Earl of *Effex*, *H. de Bygod* Earl of *Norfolk*, *W. Earl of Albemarle*, *H. Earl of Hereford*, *J. Constable of Chester*, *R. de Ros*, *R. Fitzwalter*, *R. de Vy-ponte*, *W. de Bruer*, *R. de Muntfichet*, *P. Fitzherbert*, *W. de Aubeny*, *F. Gressly*, *F. de Breus*, *J. de Monemue*, *J. Fitzallen*, *H. de Mortimer*, *W. de Beuchamp*, *W. de St. John*, *P. de Mauli*, *Brian de Lisle*, *Thomas de Multon*, *R. de Argentein*, *G. de Nevil*, *W. de Mauduit*, *J. de Balun*, and others. Given at *Westm'* the 11th day of *Febr'* the 9th year of our Reign.

II. We, ratifying and approving these Gifts and Grants aforesaid, confirm and make strong all the same for us and our Heirs perpetually, and by the Tenour of these Presents, do renew the same; willing and granting for us and our Heirs, that this Charter, and all and singular his Articles, for ever shall be stedfastly, firmly, and inviolably observed; and if any Article in the same Charter contained, yet hitherto peradventure

A Confirmation of the aforesaid Liberties made by K. Edw. I.

CHAR-

CHARTA FORESTÆ,

Made at *Westminster* 10 Feb. Anno 9. HEN. III. and
A. D. 1225. and confirmed Anno 28. EDW. I.
and A. D. 1299.

4 Inft. 303.

EDWARD, by the Grace of
God, King of *England*, Lord
of *Ireland*, and Duke of *Guyan*,
to all to whom these Presents
shall come, sendeth Greeting.

42 Ed. 3. c. 1.

We have seen the Charter of the
Lord HENRY our Father, some-
time King of *England*, concern-
ing the Forest, in these Words:

HENRY, by the Grace of
God, King of *England*, Lord of
Ireland, Duke of *Normandy* and
of *Guyan*, &c. [as in the beginning
of the Great Charter.]

EDWARDUS Dei gratia
Rex Angl' Dominus Hi-
bernie & Dux Aquit' Omnibus
ad quos presentes littere perve-
nerint salutem. Inspeximus car-
tam domini H. quondam Regis
Anglie patris nostri de foresta in
hec verba :

HENRICUS Dei gratia Rex
Angl' Dominus Hibern' Dux
Normann' Aquit' & Comes An-
degav' Archiepis' Epis' Abbati-
bus Prioribus Comitibus Baro-
nibus Justiciariis Forestar' Vice-
comitibus Prepositis Ministris &

omnibus Ballivis & fidelibus suis presentem cartam inspecturis sa-
lutem. Sciatis quod nos intuitu Dei & pro salute anime nostre
& animarum antecessorum & successorum nostrorum ad exaltati-
onem sancte ecclesie & emendationem regni nostri spontanea &
bona voluntate nostra dedimus & concessimus Archiepis' Epis'
Comitibus Baronibus & omnibus de regno nostro has libertates
subscriptas tenendas in regno nostro Angl' imperpetuum.

CAP. I.

Certain Grounds shall be disafforested.

FIRST, We will that all
Forests which King HEN-
RY our Grandfather afforested,
shall be viewed by good and
lawful men ; (2) and if he have
made Forest of any other Wood
more than of his own demesne,
whereby the Owner of the
Wood hath hurt, forthwith it
shall be disafforested ; (3) and
if he have made Forest of his
own Wood, then it shall re-
main Forest ; (4) saving the
Common of Herbage, and of
other things in the same Forest,
to them which before were ac-
customed to have the same,

4 Inft. 300, 301,
318.
Hardr. 437,
438.

1 Ed. 3. stat. 2.
c. 1.

IN primis omnes foreste quas
HENRICUS Rex Avus noster
afforestavit videantur per bonos
& legales homines & si boscum
aliquem alium quam suum do-
minicum afforestaverit ad damp-
num illius cujus boscus ille fue-
rit deafforestetur & si boscum
suum proprium afforestaverit re-
maneat foresta salva communa
de herbagio & aliis in eadem fo-
resta illis qui prius eam habere
confueverunt.

to them which before were ac-

C A P. II.

Who are bound to the Summons of the Forest.

HOmnes vero qui manent extra forestam non veniant de cetero coram Justic' nostris de foresta per communes summonitiones nisi sint in placito vel pleji alicujus vel aliorum qui attachiati sunt propter forestam.

MEN that dwell out of the Forest, from henceforth shall not come before the Justicers of our Forest by common Summons, unless they be impleaded there, or be Sureties for some others that were attached to the Forest. 4 Inst. 310. W. Jones, 267.

C A P. III.

Certain Woods made Forest shall be disafforested.

OMnes autem bosci qui fuerunt afforestati per Regem RICARDUM Avunculum nostrum vel per Regem JOHANNEM patrem nostrum usque ad primam coronationem nostram statim deafforestentur nisi sit dominicus boscus noster.

ALL Woods which have been made Forest by King RICHARD our Uncle, or by King JOHN our Father, until our first Coronation, shall be forthwith disafforested, unless it be our demefne Wood.

C A P. IV.

No Purpresture, Waste, or Assert, shall be made in Forests.

ARchiepiscopi Episcopi Abates Priores Comites Barones Milites libere tenentes qui habent boscos suos in forestis habeant boscos suos sicut eos habuerunt tempore prime coronationis Regis HENRICI AVI nostri Ita quod quieti sint imperpetuum de omnibus purpresturis vastis & assartis factis in illis boscis post illud tempus usque ad principium secundi anni coronationis nostre. Et qui de cetero vastum purpresturam vel assartum sine licentia nostra in ill' fecerint de vastis purpresturis & assartis respondeant.

ALL Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, and other our Freeholders, which have their Woods in forests, shall have their Woods as they had them at the first Coronation of King HENRY our Grandfather, so that they shall be quit for ever of all Purprestures, Wastes, and Asserts, made in those Woods after that Time, until the beginning of the second Year of our Coronation; and those that from henceforth do make Purpresture without our licence, or Waste or Assert in the same, shall answer unto us for the

same Wastes, Purprestures, and Asserts.

C A P. V.

When Rangers shall make their Range in the Forest.

Regardatores nostri eant per forestas ad faciendum regardum sicut fieri consuevit tempore prime coronationis

OUR Rangers shall go through the Forest to make Range, as it hath been accustomed at the time of the first

first Coronation of King HENRY our Grandfather, and not otherwise. Reg' HENRICI AVI nostri & non aliter.

CAP. VI.

Lawing of Dogs in Forests.

4 Inst. 289. 294.
308.
W. Jones, 271.

THE enquiry or view for Lawing of Dogs within our Forest shall be made from henceforth when the Range is made, that is to say, from three year to three year; and then it shall be done by the view and testimony of lawful men, and not otherwise; (2) and he whose Dog is not lawed, and so found, shall pay for his Amerciament iij. s. (3) And from henceforth no Ox shall be taken for Lawing of Dogs; (4) and such Lawing shall be done by the Assise commonly used, that is to say, that three Claws of the Fore-foot shall be cut off by the Skin. (5) But from henceforth such Lawing of Dogs shall not be, but in Places where it hath been accustomed from the time of the first Coronation of the foresaid King HENRY our Grandfather.

INquisitio vel visus de expeditione canum existentium in foresta de cetero fiat quando fieri debet regardari scilicet de tertio anno in testium annum & tunc fiat per visum & testimonium legitimum hominum & non aliter & ille cujus canis inventus fuerit tunc non expeditatus det pro misericordia tres solidos. Et de cetero nullus bos capiatur pro expeditione Tal' autem fiat expeditione per assisam communiter usitatam quod tres cotelli abscondantur sine pelota de pede anteriori. Nec expeditentur canes de cetero nisi in locis ubi consueverunt expeditari tempore prime coronationis predicti Regis HENRICI avi nostri.

CAP. VII.

In what only Cases Gathering shall be in Forests.

NO Forester or Bedel from henceforth shall make Scotall, or gather Garb, or Oats, or any Corn, Lamb, or Pig, nor shall make any Gathering, but by the sight and upon the view of the twelve Rangers, when they shall make their Range. (2) So many Foresters shall be assigned to the keeping of the Forests, as reasonably shall seem sufficient for the keeping of the same.

23 Ed. 3. stat. 5.
c. 7.

NULLUS forestarius vel Bedellus de cetero faciat scotallas vel colligat garbas vel avenam vel bladum aliquod vel agnos vel porcellos nec aliquam collectam. faciat & per visum & sacramentum duodecim regardatorum quando facient regardum. Tot forestarii ponantur ad forestas custodiendas quot ad illas custodiendas rationabiliter viderint sufficere.

CAP. VIII.

When Swanimotes shall be kept, and who shall repair to them.

NO Swanimote from henceforth shall be kept within this our Realm, but thrice in the

NULLUM swanimotum de cetero teneatur in regno nostro nisi ter in anno videlicet in

4 Inst. 289.

in principio quindecim dierum ante festum sancti Michaelis quando Agistatores nostri conveniunt ad agistand' dominicos boscos nostros & circa festum sancti Martini quando agistatores nostri debent recipere pannagium nostrum & ad ista duo swanimota convenient forestarii viridarii & agistatores & non alii per districtiōnem & tertium swanimotum teneatur in initio quindecim dierum ante festum sancti Johannis Baptiste pro feonatione bestiarum nostrarum & ad illud swanimotum tenendum convenient forestarii viridarii & non alii per districtiōnem. Preterea singulis quadraginta diebus per totum annum convenient forestarii & viridarii ad vidend' attachiamenta de foresta tam de viridi quam de venatione per presentationem forestariorum ipsorum & coram ipsis attachiatis. Predicta autem swanimota non teneantur nisi in Comitatus in quibus teneri consueverunt.

the said Swanimotes shall not be kept but within the Counties in which they have used to be kept.

C A P. IX.

Who may take Agistment and Pawnage in Forests.

UNusquisque liber homo agistet boscum suum in foresta pro voluntate sua & habeat pannagium suum. Concedimus etiam quod unusquisque liber homo ducere possit porcos suos per dominicum boscum nostrum libere & sine impedimento ad agistand' eos in boscis suis propriis vel alibi ubi voluerit. Et si porci alicujus liberi hominis una nocte pernoctaverint in foresta nostra non inde occasionetur unde aliquid de suo perdat.

the year, *videlicet*, the beginning of Fifteen Days afore *Michaelmas*, when that our Gest-takers, or Walkers of our Woods, come together to take Agestment in our demesne Woods, and about the Feast of *St. Martin* in the Winter, when that our Gest-takers shall receive our Pawnage: (2) And to these two Swanimotes shall come together our Foresters, Vierders, Gesttakers, and none other, by distres. (3) And the third Swanimote shall be kept in the beginning of fifteen days before the Feast of *St. John Baptist*, when that our Gest-takers do meet to hunt our Deer; and at this Swanimote shall meet our Foresters, Vierders, and none other, by distres. (4) Moreover, every forty days through the year our Foresters and Vierders shall meet to see the Attachments of the Forest, as well for Greenhue, as for Hunting, by the Presentment of the same Foresters, and before them attached. (5) And

kept but within the Counties

EVery Freeman may agist his own Wood within our Forest at his pleasure, and shall take his Pawnage. (2) Also we do grant, that every Freeman may drive his Swine freely without Impediment through our demesne Woods, for to agist them in their own Woods, or else where they will. (3) And if the Swine of any Freeman lie one night within our Forest, there shall be no occasion taken thereof, whereby he may lose any thing of his own.

CAP. X.

The Punishment for killing the King's Deer.

4 Inft. 313.

NO man from henceforth shall lose either Life or Member for killing of our Deer: (2) But if any man be taken, and convict for taking of our Venifon, he shall make a grievous Fine, if he have any thing whereof; (3) and if he have nothing to lose, he shall be imprisoned a Year and a Day: (4) and after the Year and Day expired, if he can find sufficient sureties, he shall be delivered; and if not, he shall abjure the Realm of *England*.

3 Wms. 1. 38,

39.

1 Ed. 3. stat. 1.

c. 8.

3 Ed. 1. c. 10.

1 Hen. 7. c. 7.

NULLUS de cetero amittat vitam vel membra pro venatione nostra set si quis captus fuerit & convictus de captione venationis graviter redimatur si habeat unde redimi possit si autem non habeat unde redimi possit jaceat in prisona nostra per unum annum & unum diem & si post unum annum & unum diem plegios invenire possit exeat de prisona sin autem abjuret regnum Anglie.

CAP. XI.

*A Nobleman may kill a Deer in the Forest.*4 Inft. 308.
309.

WHATsoever Archbishop, Bishop, Earl or Baron, coming to us at our commandment, passing by our Forest, it shall be lawful for him to take and kill one or two of our Deer, by view of our Forester, if he be present; or else he shall cause one to blow an horn for him, that he seem not to steal our Deer; and likewise they shall do returning from us, as it is afore said.

QUICUMQUE Archiepiscopus Episcopus Comes vel Baro veniens ad nos ad mandatum nostrum transierit per forestam nostram liceat ei capere unam bestiam vel duas per visum forestarii si presens fuerit sin autem faciat cornari ne videatur furtive hoc facere Idem liceat eis in redeundo facere sicut predictum est.

CAP. XII.

*How a Freeman may use his Land in the Forest.*W. Jones, 267.
269, &c.

EVERY Freeman from henceforth, without danger, shall make in his own Wood, or in his Land, or in his Water, which he hath within our Forest, Mills, Springs, Pools, Marlpits, Dikes, or arable ground, without inclosing that arable ground, so that it be not to the Annoyance of any of his neighbours.

UNUSQUISQUE liber homo de cetero sine occasione faciat in bosco suo vel in terra sua quam habet in foresta Molendinum vivarium stagnum Marleram fossatum vel terram arabilem extra coopertum in terra arabili ita quod non sit ad nocumentum alicujus vicini.

CAP. XIII.

How a Freeman may use his Land in the Forest.

UNusquisque liber homo habeat in boscis suis acrias accipitrum esparvariorum falconum aquilarum & heironum habeat similiter mel quod inventum fuerit in boscis suis.

EVery Freeman shall have, within his own Woods, Ayries of Hawks, Sparrow-hawks, Faulcons, Eagles, and Herons; and shall have also the Honey that is found within his Woods.

CAP. XIV.

Who may take Chiminage or Toll in a Forest, for what cause, and how much.

NULLUS forestarius de cetero qui non sit forestarius de feodo firmam nobis reddens pro balliva sua capiat cheminagium aliquod in balliva sua forestarius autem de feodo firmam nobis reddens pro balliva sua capiat cheminagium videlicet pro carecta per dimidium annum duos denarios & per alium dimidium annum duos denarios pro equo qui portat summagium per dimidium annum obolum & per alium dimidium annum obolum & non nisi de illis qui extra ballivam suam tamquam mercatores veniunt per licentiam suam in ballivam suam ad buscam maeremium corticem vel carbonem emendum & alias ducendum ad vendendum ubi voluerint & de nulla alia carecta vel summagio aliquo cheminagium capiatur & non capiatur cheminagium nisi in locis in quibus antiquitus capi solebat & debuit. Illi autem qui portant super dorsum suum buscam Corticem vel carbonem ad vendend' quamvis inde vivant nullum de cetero dent cheminagium.

NO Forester from henceforth, which is not Forester in fee, paying to us ferm for his Bailiwick, shall take any Chiminage or Toll within his Bailiwick; (2) But a Forester in fee, paying us ferm for his Bailiwick, shall take Chiminage; that is to say, for Carriage by Cart the half year, ij. d. and for another half year, ij. d. for an horse that beareth loads, every half year, an halfpeny, and by another half year, half a peny; and but of those only that come as Merchants through his Bailiwick by licence to buy Bushes, Timber, Bark, Coal, and to sell it again at their pleasure; but for none other Carriage by Cart Chiminage shall be taken; (3) nor Chiminage shall not be taken, but in such places only where it hath been used to be. (4) Those which bear upon their backs Brushment, Bark, or Coal, to sell, though it be their living, shall pay no Chiminage to our Foresters, except they take it within our demesne Woods.

⁴ Inst. 306.
W. Jones, 269.

CAP. XV.

A Pardon of Outlaws of Trespas within the Forest.

OMnes utlagati pro foresta tantum a tempore Reg' HENRICI Avi nostri usque ad primam

ALL that be outlawed for the Forest only, since the time of King HENRY our Grand

Grandfather, until our first Coronation, shall come to our peace without let, and shall find to us Sureties, that from henceforth they shall not trespass unto us within our Forest.

primam coronationem nostram veniant ad pacem nostram sine impedimento & salvos plegios inveniant quod non de cetero forisfacient nobis de foresta nostra.

CAP. XVI.

How Plea of the Forest shall be bolden.

1 Ed. 3. stat. 1.
c. 8.
7 R. 2. c. 3. 4.

NO Constable, Castellan, or Bailiff, shall hold Plea of Forest, neither for Greenhue nor Hunting; (2) but every Forester in fee shall make attachments for Pleas of Forest, as well for Greenhue as Hunting, and shall present them to the Vierders of the Provinces; (3) and when they be enrolled and enclosed under the Seals of the Vierders, they shall be presented to our chief Justicers of our Forest, when they shall come into those Parts to hold the Pleas of the Forest, and before them they shall be determined. (4) And these Liberties of the Forest we have granted to all men, saving to Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, and to other Persons, as well spiritual as temporal, Templers, Hospitallers, their Liberties and free Customs, as well within the Forest as without, and in Warrens and other places, which they have had. (5) All these Liberties and Customs, we, &c. as it followeth in the end of the Great Charter. And we do confirm and ratify these Gifts, &c. as in the end of the Great Charter specified, &c.

4 Inf. 289. 291.
315.

4 Inf. 303.

NULLUS Constabularius Castellanus vel alius teneat placita de foresta sive de viridi sive de venatione set quilibet forestarius de feodo attachiet placita de foresta tam de viridi quam de venatione & ea presentet viridariis provinciarum & cum inrotulata fuerint & sub sigillo viridariorum inclusa presententur capitali forestario nostro cum in partes illas venerit ad tenendum placita foreste & coram eo terminentur. Has autem libertates de forestis concessimus omnibus salvis Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Militibus & aliis tam personis ecclesiasticis quam secularibus Templariis & Hospitalariis libertatibus & liberis consuetudinibus in forestis & extra in warennis & aliis quas prius habuerunt. Omnes autem istas consuetudines predictas & libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros Omnes de regno nostro tam clerici quam laici observent quantum ad se pertinet erga suos. Pro hac autem concessione & donatione libertatum istarum & aliarum libertatum contentarum in ma-

jori carta nostra de aliis libertatibus Archiepiscopi Episcopi Abbates Priores Comites Barones Milites libere tenentes & omnes de regno nostro dederunt nobis quintamdecimam partem omnium mobilium suorum. Concessimus eisdem pro nobis & heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infrigantur vel infirmentur. Et si ab aliquo aliquod contra hoc perquisitum fuerit

nichil

nichil valeat & pro nullo habeatur. Hiis testibus domino S. Cantuar' Archiep'o E. London' Ep'o J. Bathon' P. Wynton' H. Lincolnien' R. Sarum B. Roff' W. Wygorn' J. Elien' H. Hereforden' R. Ciceftren' W. Exon' Episcopis. Abbate Sancti Edmundi Abbate Sancti Albani Abbate de Bello Abbate Sancti Augustini Cantuar' Abbate de Evesham Abbate de Westm' Abbate de Burgo Sancti Petri Abbate de Reding Abbate de Abyndon Abbate de Malmesbur' Abbate de Wynchecumbe Abbate de Hida Abbate de Certeseye Abbate de Shireburn Abbate de Cerne Abbate de Abbotesbir' Abbate de Middleton Abbate de Seleby Abbate de Whyteby Abbate de Cirencester H. de Burgo Justiciar' R. Comite Cestr' & Lincoln' W. Comite Sarum W. Comite Warren' G. de Clare Comite Gloucestr' & Hertford' W. de Ferrar' Comite Derb' W. de Maundevill Comite Essex H. le Bygod Comite Norff' W. Comite Aubemarl H. Comite Hereford' Johanne Constabulario Cestr' Roberto de Ros Roberto filio Walteri Roberto de Veteri Ponte Will'o Bygwerr' Ricardo de Muntfichet Petro filio Herberti Matheo filio Herberti Willielmo de Albiniaco Roberto Gress' Reginaldo de Breus' Johanne de Monemue Johanne filio Alani Hugone de Mortuo Mari Waltero de Bello Campo Will'o de Sancto Johanne Petro de Malo Lacu Briano de Infula Thoma de Multon Ric'o de Argenteym Galfrido de Nevill' Willielmo Maudut & Johanne de Balun' & aliis. Dat' apud Westm' undecimo die Febr' anno regni nostri nono. Nos autem donationes & concessionibus predictas ratas habentes & gratas eas pro nobis & heredibus nostris concedimus & confirmamus eaque tenore presentium-innovamus volentes & concedentes pro nobis & heredibus nostris quod carta predicta in omnibus & singulis suis articulis imperpetuum firmiter & inviolabiliter observetur etiam si aliqui articuli in eadem carta contenti hucusque forsitan non fuerint observati. In cujus rei testimonium has litteras nostras fieri fecimus patentes. Teste Edwardo filio nostro apud Westm' duodecimo die Octobris anno regni nostri vicesimo quinto.

Statutum Hiberniæ de coheredibus *made at West-*
minster 9 Febr' & 14 HEN. III. & A. D. 1229.

How Lands holden by Knights Service, descending to Copar-
teners within Age, shall be divided.

HENRY, by the Grace of God, King of England, Lord of Ireland, Duke of Guyan and Normandy, Earl of Anjou, To his trusty and well beloved Gerard, son of Maurice Justicer of Ireland, Greeting. Whereas certain Knights of the parties of Ireland, lately coming to Us, have informed Us, that when any Land doth descend unto sisters within our Dominion of Ireland, our Justices Errant in those parties are in doubt whether the younger sisters ought to hold of the eldest sister, and do homage unto her for

52 Hen. 3. c. 9
17 Ed. 2. c. 5.

their portions, or of the chief Lord, and do homage unto him. And forasmuch as the said Knights have requested to be certified how it hath been used heretofore within our Realm of *England* in like case: (2) at their instance we do you to wit, that such a Law and Custom is in *England* in this case, That if any, holding of us in chief, happen to die, having daughters to his heirs, our ancestors and we, after the death of the Father, have always had and received homage of all such daughters, and every of them in this case do hold of us in chief: (3) And if they happened to be within age, we have always had the ward and marriage of every of them: (4) And if he be tenant unto another Lord, and not to us (the sisters being within age) the Lord shall have the ward and marriage of them all, and the eldest only shall do homage for herself and all her sisters. (5) And when the other sisters come to full age, they shall do their service to the Lords of the Fee by the hands of the eldest sister: yet shall not the eldest by this occasion exact of her younger sisters, homage, ward, or any other subjection, for they be all sisters, and in manner as one heir to one inheritance. (6) If the eldest should have homage of the other sisters, and demand wardship, then the inheritance should be divided, so that the eldest sister should be seigniores and tenant of inheritance [*simul & semel*] that is to say, heir of her own part, and seigniores to her sisters, which could not stand well together in this case, for the elder can demand no more than her sisters, but the chief meafe by reason of her ancienty. (7) Moreover, if the elder sister should take homage of the younger, she should be as a seigniores to them all, and should have the ward of them and their heirs; which should be no other but to cast the Lamb to the Wolf to be devoured. (8) And therefore we command you, that you cause the aforesaid Customs that be used within our Realm of *England* in this case, to be proclaimed throughout our Dominion of *Ireland*, and to be straightly kept and observed. In testimony whereof, &c. I witness myself at *Westminster*, the ix. day of *February*, in the xiv. year of our Reign.

Statutum de Hibernia is said not to be a *Statute* in the old Abridgement, Tit. Homage, but is inserted as one in the English Editions.

PROVISIONES DE MERTON.

Statutes made at Merton in Crastino Sancti Vincentii (scil. 23 Jan.) Anno 20 HEN. III. and Ann. Dom. 1235.

2 Inst. 79.

IT was provided in the Court of our Lord the King, holden at Merton on Wednesday the morrow after the Feast of St. Vincent, the 20th Year of the Reign of King HENRY the Son of King JOHN,

Cotton MS. Claudius D. 2.
 P R ovifum est in Curia domini Regis, die Mercurii in crastino sancti Vincencii, Anno regni Regis HENRICI filii Regis JOHANNIS vicefimo, apud Merton, coram Archiepiscopo

piscopo Cantuariensi, & Episcopis Suffraganeis, coram majori parte Comitum & Baronum Anglie ibidem existentium, pro coronatione ipsius domini Regis & Alianore Regine, pro qua omnes vocati fuerunt Cum tractatum esset de communi utilitate regni super articulis subscriptis Ita provisum fuit, & concessum, tam a predictis Archiepiscopis, Episcopis, Comitibus, Baronibus, quam ab ipso Rege & aliis.

JOHN, before William Archbishop of Canterbury, and other his Bishops and Suffragans, and before the greater part of the Earls and Barons of England, there being assembled for the Coronation of the said King, and Heliianor the Queen, about which they were all called, where it was treated for the Commonwealth of the Realm upon the Articles underwritten, thus it was provided and granted, as well of the foresaid Archbishopps, Bishops, Earls, and Barons, as of the King himself and others.

CAP. I.

A Woman shall recover Damages in a Writ of Dower.

DE viduis vero I. que post mortem virorum suorum expelluntur de dotibus suis & dotes suas, vel quarentenam habere non possunt sine placito Videlicet quod quicumque deforciaverit eis dotes suas vel quarentenam suam de teneamentis de quibus viri sui obierunt seifiti & ipse vidue postea per placitum recuperaverint ipsi qui de injusto deforcamento convicti fuerint reddant eisdem viduis dampna sua videlicet valorem totius dotis eis contingentis a tempore mortis virorum suorum usque ad diem quo ipse vidue per judicium curie seifinam suam inde recuperaverint nichilominus ipsi deforciatores sint in misericordia domini regis.

First, Of Widows which after the Death of their Husbands are deforced of their Dowers, and cannot have their Dowers or Quarentine without Plea, whosoever deforce them of their Dowers or Quarentine of the Lands, whereof their Husbands died seifed, and that the same Widows after shall recover by Plea; (2) they that be convict of such wrongful Deforcement shall yield Damages to the same Widows; that is to say, the Value of the whole Dower to them belonging, from the time of the Death of their Husbands unto the Day that the said Widows, by Judgment of our Court, have recovered Seifin of their Dower, &c.

Co. Lit. 32. b.
33. a.
2 Inst. 80.
4 Co. 30. b.
9 Hen. 3. c. 7.
9 Trin. 14 & 15
Geo. 2.
Doe v. Roe in
B. R. Hill.
7 Geo. 2.
Kent v. Kent.
in B. R.
Carth. 134. 135.
9 Hen. 3. c. 7.

(3) and the Deforcers nevertheless shall be amerced at the King's pleasure.

CAP. II.

Widows may bequeath the Crop of their Lands.

Item, omnes vidue de cetero possunt legare blada sua de terra sua, tam de dotibus suis, quam de aliis terris & teneamentis suis: salvis servitiis dominorum, que de dotibus &

Also from henceforth all Widows may bequeath the Crop of their Ground, as well of their Dowers, as of other their Lands and Teneaments, saving to the Lords of the

2 Inst. 80. 81.

the Fee, all fuch Services as be due for their Dowens and other Tenements.

& aliis tenementis fuis debentur.

C A P. III.

Enquiry and Punifhment of Rediffeifin.

Co.Lit. 154.a.
b.
2 Inft. 81.83.
52 H. 3. c.8.
13 Ed. 1. ftat. 1.
c. 25, 26.

ALfo if any be diffeifed of their Freehold, and before the Juftices in Eyre have recovered Seifin by Affife of *Novel diffeifin*, or by Confeflion of them which did the Diffeifin, and the Diffeifee hath had Seifin delivered by the Sheriff, if the fame Diffeifors, after the Circuit of the Juftices, or in the mean time, have diffeifed the fame Plaintiff of the fame Freehold, and thereof be convicted, they fhall be forthwith taken and committed, and kept in the King's Prifon, until the King hath difcharged them by Fine, or by fome other mean.

(2) And this is the Form how fuch convicted Perfons fhall be punished; when the Plaintiffs come into the Court of our Lord the King, they fhall have the King's Writ directed to the Sheriff, in which muft be contained the Plaint of Diffeifin framed upon the Diffeifin. (3) And then it fhall be commanded to the Sheriff, that he, taking with him the Keepers of the Pleas of the King's Crown, and other lawful Knights, in his proper Perfon, fhall go unto the Land or Pature, whereof the Plaint hath been made, and that he make before them, by the firft Jurors, and other Neighbourous and lawful Men, diligent Inquifition thereof; and if they find him diffeifed again (as before is faid) then let him do according to the Provision aforementioned; but if it be found otherwife, the Plaintiff fhall be amerced, and the

ITEM, fi quis fuerit diffeifitus de libero tenemento fuo, & coram Jufticiariis itinerantibus feifinam fuam recuperaverit per affifam nove diffeifine, vel per recognitionem eorum, qui fecerint diffeifinam, & ipfe diffeifitus per Vic' feifinam fuam habuerit. Si iidem diffeifitatores poftea, poft iter Jufticiariorum, de eodem tenemento interum eundem conquerentem diffeifiverint, & inde convicti fuerint, ftatim capiantur, & in prifona domini Regis detineantur, quoufque per dominum Regem, per redemptionem, vel aliquo alio modo, deliberentur. Et hæc eft forma qualiter tales convicti puniri debeant, Videlicet, cum conquerentes ad Curiam venerint, habeant breve domini Regis vicecomiti directum, in quo contineatur eorum narratio de diffeifina facta fuper diffeifinam. Et ideo mandetur Vicecomiti, quod affumptis fecum custodibus placitorum Corone, & aliis legalibus Militibus, in propria perfona fua accedat ad tenementum illud, vel paturam illam, de quibus facta fuerit querela [*loquela*] & coram eis per primos Juratores, & per alios vicinos & legales homines, diligentem inde faciat inquifitionem; & fi ipfum iterum invenerit diffeifitum, ficut predictum eft, faciat tunc fecundum provisionem predictam; fin autem, tunc fit conquerens in misericordia domini regis, & alius quietus recedat Nec debet Vicecomes, fine

sine speciali precepto domini Regis, hujusmodi loquelam prosequi. Eodem modo fiat de illis, qui feifinam recuperaverint per assifam mortis antecessoris et de omnibus terris et tenementis recuperatis per juratas in Curia domini Regis, si postea disseifiti fuerint a prioribus deforciatoribus, versus quos recuperaverint per juratam quoquo modo.

the other shall go quit; (4) neither shall the Sheriff execute any such Plaint without special Commandment of the King. (5) In the same manner shall be done to them that have recovered their Seifin by Assife of *Mortdauncefor*; (6) and so shall it be of all Lands and Tenements recovered in the King's Court by Enquests, if they be disseifed after by the first Deforceors, against whom they have recovered any wise by Enquest.

C A P. IV.

In vobat Cases Lords may approve against their Tenants.

IV. **I**tem, quia multi Mag-nates Anglie, qui feoffaverunt Milites & libere tenentes suos de parvis tenementis in magnis Maneriis suis, questi sunt, quod commodum suum facere non potuerunt de residuo Maneriorum suorum, sicut de vastis, boscis, & pasturis, Cum ipsi feoffati habeant sufficientem pasturam, quantum pertinet ad tenementa sua; Ita provifum est & concessum, quod quicumque hujusmodi feoffati assifam Nove disseifine deferant de communa pasture sue, et coram Justiciariis recognitum fuerit, quod tantam pasturam habeant quantum sufficerit ad tenementa sua, & quod habeant liberum ingressum & egressum de tenementis suis usque ad pasturam suam, tunc inde sint contenti; & illi, de quibus conquesti fuerint, recedant quieti de hoc quod commodum suum de terris, vastis, boscis, & pasturis fecerint; Si autem dixerint quod sufficientem pasturam non habeant, vel sufficientem ingressum vel egressum, quantum pertinet ad tenementa sua, tunc inquiratur veritas per assifam;

Et si per
assifam

Also because many great men of England (which have infeoffed Knights and their Freeholders of small Tenements in their great Manors) have complained that they cannot make their Profit of the residue of their Manors, as of Wastes, Woods, and Pastures, whereas the same Feoffees have sufficient Pasture, as much as belongeth to their Tenements; (2) it is provided and granted, That whenever such Feoffees do bring an Assife of *Novel disseifin* for their Common of Pasture, and it is knowledged before the Justicers, that they have as much Pasture as sufficeth to their Tenements, and that they have free Egress and Regress from their Tenement unto the Pasture, then let them be contented there with; and they on whom it was complained shall go quit of as much as they have made their Profits of their Lands, Wastes, Woods, and Pastures; (3) and if they alledge that they have not sufficient Pasture, or sufficient Ingress and Egress according to their Hold, then let the Truth be inquired by Assife; (4) and if it be found by the Assife, that

the

² Inst. 84, &c.
² Vern. 301.
356.
¹³ Ed. 1. stat. 1.
c. 46.
³ & ⁴ Ed. 6.
c. 3.

the same Deforceors have disturbed them of their Ingress and Egress, or that they had not sufficient Pasture (as before is said) then shall they recover their Seisin by view of the Inquest : so that by their Discretion and Oath the Plaintiffs shall have sufficient Pasture, and sufficient Ingress and Egress in Form aforesaid; (5) and the Disseisors shall be amerced, and shall yield Damages, as they were wont before this Provision. (6) And if it be certified by the Assise, that the Plaintiffs have sufficient Pasture, with Ingress and Egress, as before is said, let the other make their Profit of the residue, and go quit of that Assise.

predictum est, tunc licite faciant alii commodum suum de residuo, & recedant de illa assisa quieti.

C A P. V.

Usury shall not run against any within Age.

Co. Lit. 246. b.
2 Inst. 88, 89.

Likewise it is provided and granted by the King, that from henceforth Usuries shall not run against any being within Age, from the time of the Death of his Ancestor (whose Heir he is) unto his lawful Age; so nevertheless, that the Payment of the principal Debt, with the Usury that was before the Death of his Ancestor (whose Heir he is) shall not remain.

37 H. 8. c. 9.

V. Similiter provisum est, & concessum a domino Rege, quod de cetero non curant usure contra aliquem infra etatem existentem, a tempore mortis antecessoris sui, cujus heres ipse est, usque ad legitimam etatem suam; Ita tamen quod propter hoc non remaneat solutio debiti principalis, simul cum usura ante mortem antecessoris sui, cujus heres ipse est.

C A P. VI.

The Penalties for Ravishment of a Ward, Forfeiture of Marriage, or Disparagement of a Ward.

Co. Lit. 76. a.
80. a. 81. b.
2 Inst. 89, &c.
92.
Wright's Ten.
93 to 97.

OF Heirs that be led away, and with-holden, or married by their Parents, or by other, with Force against our Peace, thus it is provided, That whatsoever Layman be convicted thereof, that he so hath with-holden any Child, led away, or mar-

VI. DE heredibus per parentes, vel per alios, vi abductis, vel detentis, ita provisum est, quod quicumque laicus inde convictus fuerit, quod puerum sic maritaverit, reddat peridenti valorem maritagii Et pro delicto corpus ejus ca-

capiatur & imprifonetur, donec peridenti emendaverit delictum, fi puer maritetur Et preterea donec domino Regi fatisfecerit pro transgreffione. Et hoc fiat de herede infra quatuordecim annos existente. De herede autem, [qui] cum fit quatuordecim annorum, vel ultra, ufque ad plenam etatem, fi fe marita-verit fine licencia domini fui, ut ei auferat maritagium fuum, & Dominus offerat ei rationabile maritagium, ubi non difpargetur, dominus fuus tunc teneat terram ejus ultra terminum etatis fue, fcilicet viginti & unius anni pertantum tempus, quod poffit inde duplicem valorem maritaggi recipere, fecundum estimationem legalium hominum, vel fecundum quod ei pro eodem maritaggio prius fuerit oblatum fine fraude & malicia, & fecundum quod probari poterit in Curia domini Regis. De dominis qui marita-verint illos quos habent in custodia [fua] villanis, vel aliis, ficut burgenfibus, ubi difparagentur; [tunc] fi talis heres fuerit infra quatuordecim annos, & talis etatis, quod confentire non poffit, tunc fi parentes conquerantur, dominus ille amittat custodiam ufque ad legitimam etatem heredis & omne commodum, quod inde perceptum fuerit, convertatur in commodum ipfius qui infra etatem est, fecundum difpoficionem & provisionem parentum contra dedecus ei factum; Si autem fuerit quatuordecim annorum, & ultra, quod confentire poterit, & tali maritaggio confenferit, nulla fequatur pena.

married, he fhall yield to the Loser the Value of the Marriage; and for the Offence his Body fhall be taken and imprifoned until he hath recom-penfed the Loser, if the Child be married; and further, until he hath fatisfied the King for the Trefpafs. And this muft be done of an Heir being within the Age of Fourteen Years.

(2) And touching an Heir being fourteen Years old, or above unto his full Age, if he marry without Licence of his Lord to defraud him of the Marriage, and his Lord offer him reafonable and convenient Marriage (without Difparagement) then his Lord fhall hold his Land beyond the Term of his Age, that is to fay, of One and Twenty Years, fo long that he may receive the double Value of the Marriage after the Estimation of lawful men, or after as it hath been offered before without Fraud or Collu-fion, and after as it may be proved in the King's Court.

(3) And as touching Lords, which marry thofe that they have in ward to Villains, or other, as Burgefles, where they be difparaged, if any fuch an Heir be within the Age of Fourteen Years, and of fuch Age, that he cannot confent to marriage, then if his Friends complain of the fame Lord, the Lord fhall lofe the Ward-ship unto the Age of the Heir; and all the Profit, that thereof fhall be taken, fhall be converted to the Ufe of the Heir being within Age, after the Difpofition and Provision of his Friends, for the Shame done to him; but if he be Fourteen

9 Hen. 3. c.6.
3 Ed. 1. c.22.
13 Ed. 1. ftat. 1.
c.35.

Years, and above, fo that he may confent, and do confent to fuch Marriage, no Pain fhall follow.

C A P.

CAP. VII.

In what case the Ward shall pay to his Lord the Value of his Marriage.

² Inst. 92, 93.
Wright's Ten.
93 to 97.

IF an Heir (of what Age so ever he be) will not marry at the Request of his Lord, he shall not be compelled thereunto; but when he cometh to full Age, he shall give to his Lord, and pay him as much as any would have given him for the Marriage before the Receipt of his Land, and that whether he will marry himself, or not; for the Marriage of him that is within Age of meer Right pertaineth to the Lord of the Fee.

SI quis. heres, cujuscunque fuerit etatis, pro domino suo se noluerit maritare, non compellatur hoc facere, sed cum ad etatem pervenerit, det domino suo, & satisfaciat ei de tanto, quantum percipere possit ab aliquo pro maritagio, antequam terram suam recipiat, & hoc sive voluerit se maritare, sive non; Quia maritadium ejus, qui infra etatem est, mero jure pertinet ad dominum feodi.

CAP. VIII.

Several Limitations of Prescription in several Writs.

Co. Lit. 114,

115.

² Inst. 94, &c.

Hale's Hist.

Com. Law,

2, 3. 122, 123,

124, 129, 130.

143.

TOUCHING Conveyance of Descent in a Writ of Right from any Ancestor from the time of King HENRY the elder, the Year and Day, it is provided, That from henceforth there be no mention made of so long time, but from the time of King HENRY our Grandfather; (2) and this Act shall take effect at *Pentecost*, the One and twentieth Year of our Reign, and not afore, and the Writs before purchased shall proceed. (3) Writs of *Mortdauncestor*, of *Nativis*, and *Entre*, shall not pass the last Return of King JOHN from *Ireland* into *England*; and this Act shall take effect as before is declared. (4) Writs of *Novel disseisin* shall not pass the first Voyage of our Sovereign Lord the King, that now is, into *Gascoine*. And this Provision shall take his effect from the time aforesaid; and all

³ Ed. 1. c. 39.

³² H. 8. c. 2.

²¹ Jac. 1. c. 16.

VII. DE narratione descensus in brevi de recto ab antecessore a tempore H. Regis senioris, anno & die; provisum est, quod de cetero non fiat mencio de tam longinquo tempore, set a tempore H. Regis Avi nostri; & locum habeat ista provisio ad *Pentecosten*, anno vicesimo primo, & non ante; & brevia prius impetrata procedant. Brevia mortis antecessoris, de nativis, & de ingressu, non excedant ultimum reditum domini Regis JOHANNIS [Patris nostri] in Angliam. Brevia Nove disseisine non excedant primam transfretacionem domini Regis HENRICI, qui nunc est in *Vasconiam*: Et locum habeat ista provisio a tempore predicto; & brevia prius impetrata procedant.

Writs purchased before shall

CAP.

C A P. IX.

He is a Bastard that is born before the Marriage of his Parents.

VIII. **A**D breve [domini] R. de Bastardia, utrum aliquis natus ante matrimonium habere poterit hereditatem, sicut ille qui natus est post, Responderunt omnes Episcopi, quod nolunt, nec possunt, ad istud respondere; quia hoc esset contra communem formam ecclesie. Ac rogaverunt omnes Episcopi Magnates, ut consentirent, quod nati ante matrimonium essent legitimi, sicut illi qui nati sunt post matrimonium, quantum ad successionem hereditariam, quia ecclesia tales habet pro legitimis. Et omnes Comites & Barones una voce responderunt, quod nolunt leges Anglie mutare, que usitate sunt, & approbate.

TO the King's Writ of Bastardy, Whether one being born before Matrimony may inherit in like manner as he that is born after matrimony, all the Bishops answered, That they would not, nor could not, answer to it; because it was directly against the common Order of the Church. (2) And all the Bishops instanted the Lords, that they would consent, that all such as were born afore Matrimony should be legitimate, as well as they that be born within Matrimony, as to the Succession of Inheritance, forsomuch as the Church accepteth such for legitimate. And all the Earls and Barons with one voice answered, that they would not change the Laws of the Realm, which hitherto have been used and approved.

C A P. X.

Attornies allowed to make Suit to several Courts.

IX. **P**rovifum est insuper, quod quilibet liber homo, qui sectam debet ad Comitatum, [Trithingum,] Hundredum, & Wapentachium, vel ad Curiam domini sui, libere possit facere attornatum suum, ad sectas illas pro eo faciend.

Moreover it is provided, That every Freeman, which oweth Suit to the County, Tything, Hundred, and Wapentake, or to the Court of his Lord, may freely make his Attorney to do those Suits for him.

C A P. XI.

Lords shall not imprison Offenders at their own Wills for Trespasses in their Parks and Ponds.

X. **D**E malefactoribus in parcis & vivariis non est discussum; quia Magnates petierunt propriam prisonam suam de illis quos ceperant in parcis & vivariis suis; quod quidem dominus Rex contradixit; & ideo differtur.

Concerning Trespasses in Parks and Ponds it is not yet discussed; for the Lords demanded the proper imprisonment of such as they should take in their Parks and Ponds, which the King denied; wherefore it was deferred.

The

The Statute De ANNO BISSEXTILI made
at *Westminster*, Anno 21 HEN. III. and *Anno*
Dom. 1236.

*The Day of the Leap-Year, and the Day before, shall be bolden
for one Day.*

Bract. 359.

THE King unto his Justices
of the Bench, Greeting.
Know ye, that where within our
Realm of England, it was doubt-
ed of the Year and Day that were
wont to be assigned unto sick Per-
sons being impleaded, when and
from what Day in the Year going
before unto another Day of the Year
following, the Year and Day in a
Leap-Year ought to be taken and
reckoned how long it was :

II. We therefore, willing
that a Conformity be observed
in this behalf every where with-
in our Realm, and to avoid all
Danger from such as be in Plea,
have provided, and by the Coun-
sel of our faithful Subjects have
ordained, That, to take away
from henceforth all Doubt and
Ambiguity that might arise
hereupon, the Day increasing in
the Leap-Year shall be ac-
counted for one Year, so that
because of that Day none shall
be prejudiced that is implead-
ed, but it shall be taken and
reckoned of the same month
wherein it groweth ; and that
Day, and the Day next going
before, shall be accounted for
one Day. And therefore we
do command you, that from
henceforth you do cause this to
be published afore you, and be
observed. Witness my self at
Westminster, &c.

Cotton MS. Claudius, D. 2.

REX Justiciariis suis de Ban-
co, salutem. Sciatis quod
cum in regno nostro Anglie
de Anno & Die, qui languidis
[per breve nostrum] implacitatis
perfigi consueverunt, quando
&, [quomodo, scilicet,] a quo die
anni precedentis in alium diem
anni subsequens, debuit an-
nus ille & dies in anno bissex-
tili accipi & computari, diu ex-
titerit dubitatum :

II. Nos volentes conformita-
tem [uniformitatem] ubique in
regno nostro super hoc observa-
ri, & periculis litigancium pre-
caveri, providimus, & de con-
silio fidelium nostrorum statui-
mus, quod ad delendum de
cetero communem super hoc
ambiguitatem, computetur dies
excrefcens in anno bissextili in
ipso anno, Ita quod propter
diem illum non occasionentur
aliqui implacitati, set sit, & ha-
beat de mense illo in quo ex-
crefcit ; & contineatur dies [il-
le] excrefcens in integritate anni
predicti, & computetur dies il-
le, & dies proxime precedens
pro unico die. Et ideo vobis
mandamus, quod hoc coram
vobis publicari, & de cetero fa-
ciatis observari. Teste me ip-
so apud *Westm.* Anno regni
regis H. quadragesimo quarto.

The sentence of curse given by the Bishops, against the breakers of the great Charter.

THE year of our Lord a thousand. CC.liiii. the third day of May, in the great Hall of the King at Westminster, in the presence and by the assent of the Lord *Henry* by the grace of God, King of England, and the Lord *Richard* Earle of Cornewall his Brother, *Roger Bigot* Earle of Norfolk and Suffolke, *Marshall* of England, *Humsfrey* Earle of Herford, *Henry* Earle of Oxford, *Iohn* Earle Warren, and other estates of the Realme of England: *We Boniface*, by the mercy of God Archbishop of Canterbury, Primate of all England, F. of London, H. of Elye, S. of Worcester, E. of Lincolne, W. of Norwiche, P. of Herford, W. of Salisbury, W. of Durham, R. of Excester. M. of Carlyle. W. of Bathe, E. of Rochester. T. of Saint Davids, Bishops apparelled in pontificals, with tapers burning, against the breakers of the Churches liberties, and of the liberties or other customes of the Realm of England; and namely of those which are contained in the Charter of the common liberties of England, and Charter of the Forest, haue denounced the sentence of excommunication in this forme: By the authoritie of Almighty God, the Father, the Sonne, and the holy Ghost, and of the glorious Mother of God, and perpetuall Virgine Mary, of the blessed Apostles Peter and Paul; and of all Apostles, and of all Martyrs, of blessed *Edward* King of England, and of all the Saints of heauen: we excommunicate, accurse, and from the Benefits of our holy Mother the Church, we sequester all those that heereafter willingly and maliciously depriue or spoile the Church of her right. And all those that by any craft or wyliness doe violate, breake, diminish, or change the Churches liberties and free customes, contained in the Charters of the common liberties and of the Forest, granted by our Lord the King, to Archbishops, Bishops, and other Prelates of England: and likewise to the Earles, Barons, Knights, and other freeholders of the Realmé. And all that secretly, or openly by Deede, Word or Councell doe make Statutes, or obserue them being made, and that bring in Customes, or keepe them when they bee brought in against the said Liberties, or any of them, the Writers, Law makers, Councillours, and the Executours of them, and all those that shall presume to iudge against them. All and every which persons before mentioned, that wittingly shall commit any thing of the Premisses, let them well know that they incurre the foresaid sentence *Ipso facto* vpon the deede done. And those that commit ought ignorantly, and be admonished, except they reforme themselues within xv. dayes after the time of the admonition, and make full satisfaction for that they haue done, at the will of the Ordinarie, shall be from that time forth wrapped in the same sentence. And with the same sentence we burden all those that presume to perturb the peace of our Soueraigne Lord the King, and of the Realm. To the perpetuall memorie of which thing, we the foresaid Prelates haue put our Seales to these presents.

The Sentence of Curse given by the Bishops against the Breakers of the Great Charter, 38 H. 3. Rastal's Stat. vol. 1. p. 15.

The Statute, intituled, *Affisa Panis & Cervisice*,
made Anno 51 HEN. III. Stat. 1. and *Anno Dom.*
1266.

*The Prices of Bread and Ale shall be according to the Prices
of Corn.*

Repealed as to
the Affise of
Bread, by 8
Annæ, c. 18.
stat. 1.

The Weight of
Bread shall be
according to
the Price of
Corn.

THE King to all to whom
these Presents shall come,
Greeting. We have seen cer-
tain Ordinances of the Affise of
Bread and Ale, and of the mak-
ing of Money and Measures,
made in the Times of our Pro-
genitors, sometime Kings of
England, in these Words:
When a Quarter of Wheat is
sold for xii. d. then Wastel
Bread of a Farthing shall weigh
vi l. and xvi s. But Bread
Cocket of a Farthing of the
same Corn and Bultel, shall
weigh more than Wastel by
ii s. (2) And Cocket Bread
made of Corn of lower Price,
shall weigh more than Wastel
by v s. (3) Bread made into a
Simnel shall weigh ii s. less
than Wastel. (4) Bread made
of the whole Wheat shall weigh
a Cocket and an half, so that
a Cocket shall weigh more than
a Wastel by v s. (5) Bread of
Treet shall weigh ii Wastels.
(6) And Bread of common
Wheat shall weigh two great
Cockets. (7) When a Quar-
ter of Wheat is sold for xviii d.
then Wastel Bread of a Far-
thing white and well baked
shall weigh iv l. x s. viii d.
When for ii s. lxxviii s.
When for ii s. vi d. liv s. iv d.
ob. q.
When for iii s. xlviij s.
When for iii s. vi d. xlii s.
When for iv s. xxxvi s.
When for iv s. vi d. xxx s.
When for v s. xxviii s. ii d. ob.
When

Cetton MS. Claudius, D. 2.
Quando quarterium fru-
menti venditur pro xii. d.
tunc panis quadrantis de Wa-
stello ponderabit sex libras &
sexdecim solidos; Panis de Co-
ket de eodem blado, & de eo-
dem bultello, ponderabit plus-
quam Wastellum de duobus so-
lidis; De blado minoris precii
ponderabit plusquam Wastel-
lum de quinque; panis vero
de siminello ponderabit minus
de Wastello de duobus solidis,
quia bis coctus est; Panis in-
teger de quadrante de frumen-
to ponderabit Coket & dimidi-
um; Panis vero de trait [*trete*]
ponderabit duos Wastellos; Et
panis de omni blado ponderabit
duos Coketos. Quando quar-
terium frumenti venditur pro
xviii d. tunc panis albus & bene
coctus de quadrante de Wastel-
lo ponderabit quatuor libras,
decem solidos, & octo denari-
os: Quando pro duobus soli-
dis, tunc ponderabit lxxviii. s.
Quando pro duobus solidis vi d.
tunc ponderabit liiij s. iiij d.
ob. & q. Quando pro tribus so-
lidis, tunc ponderabit xlviij s.
Quando pro tribus solidis sex
denariis, tunc ponderabit qua-
draginta duos solidos: Quando
pro quatuor solidis, tunc pon-
derabit triginta sex solidos:
Quando pro quatuor solidis sex
denaris, tunc ponderabit tri-
ginta solidos. Quando pro quin-
que solidis, tunc ponderabit vi-
ginti septem solidos duos denar.
ob. Quando pro quinque solidis
vi d.

vi d. tunc ponderabit xxiii s.	When for v s. vi d.	xxiv s.
viii d. q. Quando pro sex solidis,	viii d. q.	
tunc ponderabit xxii s.	When for vi s.	xxii s. viii d.
viii d. Quando pro sex solidis &	When for vi s. vi d.	xx s. xi d.
sex denariis, tunc ponderabit	When for vii s.	xix s. i d.
viginti solidos undecim denar.	When for vii s. vi d.	xviii s. ob-
Quando pro septem solidis tunc	ol.	
ponderabit xix s. i d. Quando	When for viii s.	xvii s.
pro septem solidis sex denar.	When for viii s. vi d.	xvi s.
tunc ponderabit octodecim soli-	When for ix s.	xv s. q.
dos ob. Quando pro octo	When for ix s. vi d.	xiv s. iv d.
solidis tunc ponderabit xviii s.	ob.	
Quando pro octo solidis sex	When for xs.	xiii s. viii d.
denar. tunc ponderabit xvi s.	q.	
Quando pro novem solidis	When for xs. vi d.	xii s. xi d.
tunc ponderabit quindecim soli-	q.	
dos q. Quando pro novem soli-	When for xis.	xii s. iv d. q.
dos sex denar. tunc pondera-	When for xis. vi d.	xi s. x d.
bit xiiii s. iiii d. ob. Quando	When for xii s.	xi s. iv d.
pro decem solidis, tunc pondera-		
bit xiii s. viii d. q. Quando pro decem solidis sex denar. tunc		
ponderabit xii s. xi d. q. Quando pro undecim solidis, tunc pondera-		
bit xii s. iiii d. q. Quando pro xi s. sex denar. tunc pondera-		
bit xi s. x d. Quando pro xii s. tunc ponderabit xi s. iiii d.		

[Quando pro xii s. vi d. tunc ponderabit xi s. Quando pro xiii s. tunc ponderabit x s. i d. ob. Quando pro xiiii s. tunc ponderabit ix s. vi d. Quando pro xiiii s. vi d. tunc ponderabit ix s. ii d. ob. q. Quando pro xv s. tunc ponderabit ix s. ob. q. Quando pro xv s. vi d. tunc ponderabit viii s. ix d. Quando pro xvi s. tunc ponderabit viii s. vi d. Quando pro xvi s. vi d. tunc ponderabit viii s. iiii d. Quando pro xvii s. tunc ponderabit viii s. Quando pro xvii s. vi d. tunc ponderabit vii s. x d. ob. Quando pro xviii s. tunc ponderabit vii s. vi d. q. Quando pro xviii s. vi d. tunc ponderabit vii s. iv d. ob. Quando pro xix s. tunc ponderabit vii s. ii d. q. Quando pro xix s. vi d. tunc ponderabit vi s. x d. Quando pro xx s. tunc ponderabit vi s. iiii d.]

II. Et sciendum est quod pistor potest lucrari in quolibet quarterio frumenti, ut probatum est per pistores domini Regis, quatuor denarios & furfur, & duos panes ad furnagium; tribus servientibus unum denarium & obolum; duobus garconibus obolum; in sale obolum in gesto obolum in candelis q. in bosco ii d. [ob. q.] in bultello habendo denar. & ob. Quando quarterium frumenti venditur pro tribus solidis, vel quadraginta denariis, & ordeum

II. And it is to be known, Bakers that then a Baker in every Quarter of Wheat (as it is proved by the King's Bakers) may gain iv. d. and the Bran, and two Loaves for Advantage, for three Servants i d. ob. for two Lads ob. in Salt ob. for Kneading ob. for Candle q. for Wood i d. for his Bultel ob. (2) When a Quarter of Wheat Brewer's is sold for iiis. or iiis. ivd. and a Quarter of Barley for xx d. or ii s. and a Quarter of Oats for xvi d. then Brewers in Cities

Cities ought and may well afford to sell two Gallons of Beer or Ale for a Penny, and out of Cities to sell iii or iv Gallons for a Penny. And when in a Town iii Gallons is sold for a Penny, out of a Town they ought and may sell four. And this Assise ought to be holden throughout all *England*. (3) The Assise of Bread (as it is contained in a Writing of the Marshalsey of our Lord the King delivered unto them) may be holden according to the Price of Wheat, that is to say, as well Wastel, as other Bread of the better, second, or third sort, shall be weighed, as is aforesaid, by the middle Price of Wheat; and the Assise or Weight of Bread shall not be changed but by Six Pence increasing or decreasing in the Sale of a Quarter.

III. By the Consent of the whole Realm of *England*, the Measure of our Lord the King was made; that is to say, That an *English* Penny, called a *Sterling*, round and without any clipping, shall weigh xxxii Wheat Corns in the midst of the Ear, and xx d. do make an Ounce, and xii Ounces one Pound, and viii Pound do make a Gallon of Wine, and viii Gallons of Wine do make a *London* Bushel, which is the Eighth Part of a Quarter. Forasmuch as in our Parliament holden at *Westminster*, in the first Year of our Reign, we have granted that all good Statutes and Ordinances made in the Times of our Progenitors aforesaid, and not revoked, shall be still held, we have caused, at the Request of the Bakers of our Town of *Coventry*, that the Ordinances aforesaid, by tenor of these Presents, shall be exemplified. In Witness whereof, &c. Witness the King at *Westminster*, the xxii Day of *March*.

ordeum pro viginti denar. vel duobus solidis & quarterium avene pro quindecim denariis, tunc bene possunt braciatores vendere in civitatibus duas lagenas cervisie ad denarium, & extra debent vendere tres lagenas ad denarium. Et quando in Burgo venduntur tres lagene ad denarium, extra debent vendi quatuor, & bene possunt. Et ista assisa debet teneri per totam Angliam [ex provisione domini H. regis tercii].

Et sciendum quod si pistor vel braciatrix convicti fuerint, quod predictas assisas non servaverunt, primo, secundo, tercio, amercentur secundum quantitatem delicti sui; & hoc quotiescunque pistor defecerit in pondere panis quadrantis citra duos solidos, quod tunc amerietur, ut predictum est; set si excedat ii s. debet subire iudicium pillorie, sine aliqua redemptione pecunie: Eodem modo fiat, si pluries deliquerit, & castigari noluerit, tunc pacietur iudicium corporis, scilicet collistrigium, si defecerit in pondere panis quadrantis citra ii s. ut predictum est; simili modo braciatrix fubeat trebuchetum vel castigatorium, si pluries deliquerit, & castigari noluerit.

31 Ed. 1. p. 68.
25 Ed. 3. stat. 5.
C. 13.
Fleta 2. c. 12.
p. 72.

11 H. 7. c. 4.

The Statute made Anno 51 HEN. III. Stat. 2. and
A. D. 1266.

Dies communes in Banco.

Concerning general Days in Bank in real Actions.

SI breve venerit in Octabis sancti Michaelis, tunc dabitur dies in Octabis sancti Hilarii; Si in quindena sancti Michaelis, in quindena sancti Hilarii; Si in tres septimanas sancti Michaelis in octabis [*crastino*] Purificacionis beate Marie; Si in *crastino* Animarum, in quindena Pasche; Si in *Crastino* sancti Martini, in tres septimanas Pasche; Si in Octabis sancti Martini, in mensem Pasche; Si in quindena sancti Martini, in quinque septimanas Pasche. Et est quidam dies specialiter datus in *crastino* Ascensionis Domini, & tantum valet, quantum quinque septimanas Pasche; Si in quindena sancti Hilarii, in octabis sancte Trinitatis, & aliquando in *crastino* sancti Johannis Baptiste; Si in *Crastino* Purificacionis, in octabis sancti Johannis; Si in Octabis Purificacionis, in quindena sancti Johannis; Si in quindena Pasche, in octabis sancti Michaelis; Si in tres septimanas Pasche, in quindena sancti Michaelis; Si in mense Pasche, in tres septimanas sancti Michaelis; Si in quinque septimanas Pasche, vel in *Crastino* Ascensionis Domini, in mense sancti Michaelis; Si in octabis sancte Trinitatis, in *Crastino* Animarum; Si in quindena sancte Trinitatis, vel in *Crastino* sancti Johannis Baptiste, in *Crastino* sancti Martini; Si in Octabis sancti Johannis Baptiste, in Octabis sancti

IF a Writ come in the *utras* Days in Bank. of St. *Michael*, a Day shall be given thereupon unto the *utras* of St. *Hilarii*; (2) And if it come in the *quinzime* of St. *Michael*, Day shall be given unto the *quinzime* of St. *Hilarii*; (3) If it come in the three Weeks after St. *Michael*, the Day shall be *crastino* *Purificationis*; (4) If within a Month after *Michaelmas*, in the *utras* of the *Purification*; (5) If in *crastino* *Animarum*, then in the *quinzime* of *Easter*; (6) If in *crastino* *Martini*, then in the three Weeks after *Easter*; (7) If in the *utras* of St. *Martin*, then in *Easter* Month; (8) If in the *quinzime* of St. *Martin*, then within five Weeks after *Easter*; (9) and also there is Day specially given in *crastino* *Ascensionis*, and it countervaieth as much as within five Weeks after *Easter*; (10) If in the *utras* of St. *Hilarii*, in the *utras* *Trinitatis*; (11) If in *quindena* *Hilarii*, then in *quindena* *Trinitatis*, and sometime in *crastino* of St. *John Baptist*; (12) If in *crastino* *Purificationis*, then in *crastino* and *utras* of St. *John Baptist*; (13) If in the *utras* of the *Purification*, then in *quindena* of St. *John Baptist*; (14) If in *quindena* *Pasche*, then in the *utras* of St. *Michael*; (15) If within three Weeks after *Easter*, then in *quindena* of St. *Michael*; (16) If within *Easter* Month, then within three Weeks of the Feast of St. *Michael*; (17) If within

five Weeks after *Easter*, or in *crastino Ascensionis*, then within a Month after the Feast of St. *Michael*; (18) If in the *utis* of the *Trinity*, then in *crastino Animarum*; (19) If in *quindena Trinitatis*, or in *crastino* of St. *John Baptist*, then in *crastino Martini*; (20) If in the *utis* of St. *John Baptist*, then in the *utis* of St. *Martin*; (21) If in *quindena* of St. *John Baptist*, then Day shall be given unto *quindena Martini*; and so every Term shall answer to other.

Altered by 32
H. 8. c. 21. &
by 16 Car. 1.
c. 6.

The Statute made Anno 51 HEN. III. Stat. 3. and
Anno Dom. 1266.

Dies communes in Banco in placito dotis.
Concerning general Days in a Writ of Dower.

Days in a
Writ of Dow-
er.

IF the Writ do come in *octabis Michaelis*, Day shall be given until *crastino Animarum*; (2) If it come in *quindena Michaelis*, Day shall be given until *crastino Martini*; (3) If within three Weeks after the Feast of St. *Michael*, then in *octabis Martini*; (4) If in *mensē Michaelis*, then in *quindena Martini*; (5) If in *crastino Animarum*, then in *octabis Hilarii*; (6) If in *crastino Martini*, then in *quindena Hilarii*; (7) If in *octabis Martini*, then in *crastino Purificationis*; (8) If in *quindena Martini*, then in *octabis Purificationis*; (9) If in *octabis Hilarii*, then in *quindena Paschæ*; (10) If in *quindena Hilarii*, then in *tribus septimanis Paschæ*; (11) If in *crastino Purificationis*, then in *mensē Paschæ*; (12) If in *octabis Purificationis*, then in *crastino Ascensionis*; (13) If in *quindena Paschæ*, then in *octabis Trinitatis*; (14) If in *tribus septimanis Paschæ*, then in *quindena Trinitatis*; (15) If in *mensē Paschæ*, then in *crastino Johannis Baptiste*; (16) If in *quin-*
que

Cotton MS. Claudius, D. 2.
SI breve venerit in *octabis sancti Michaelis*, dabitur dies in *crastino animarum*; Si in *quindena sancti Michaelis*, in *crastino sancti Martini*; Si in *tribus septimanis sancti Michaelis*, in *octabis sancti Martini*; Si in *mensē sancti Michaelis*, in *quindena sancti Martini*; Si in *crastino Animarum*, in *octabis sancti Hilarii*; Si in *crastino sancti Martini*, in *quindena sancti Hilarii*; Si in *octabis sancti Martini*, in *crastino Purificationis beate Marie*; Si in *octabis sancti Hilarii*, in *quindena Pasche*; [Si in *quindena sancti Martini*, in *octabis Purificationis beate Marie*; Si in *octabis sancti Hilarii*, in *quindena Pasche*; Si in *quindena sancti Hilarii*, in *tres septimanas Pasche*; Si in *crastino Purificationis*, in *mensē Pasche*;] Si in *octabis Purificationis*, in *crastino Ascensionis Domini*; Si in *quindena Pasche*, in *octabis sancte Trinitatis*; Si in *tres septimanas Pasche*, in *quindena sancte Trinitatis*, vel in *crastino sancti Johannis Baptiste*; Si

Si in mense Pasche, in octabis sancti Johannis Baptiste; [*Si in quinque septimanis Pasche, in octabis sancti Johannis Baptiste*]; Si in crastino Ascensionis Domini, in quindena sancti Johannis Baptiste; Si in octabis sancte Trinitatis, in octabis sancti Michaelis; Si in quindena sancte Trinitatis, vel in crastino sancti Johannis Baptiste, in quindena sancti Michaelis; Si in octabis sancti Johannis Baptiste, in tres septimanas sancti Michaelis; Si in quindena sancti Johannis Baptiste, in mensem sancti Michaelis.

que septimanis Pasche, then in octabis Johannis; (17) If in crastino Ascensionis, then in quindena Johannis; (18) If in octabis Trinitatis, then in octabis Michaelis; (19) If in quindena Trinitatis, then in quindena Michaelis; (20) If in crastino Johannis Baptiste, then in tribus septimanis Michaelis; (21) If in octabis Johannis Baptiste, then in mense Michaelis; (22) If in quindena Johannis Baptiste, then in crastino Animarum.

Altered by 32
H. 8. c. 21. &
16 Car. 1. c. 6.

The Statute *De Distractione Scaccarii*, made Anno
51 HEN. III. Stat. 4. and Anno Dom. 1266.

What Distress shall be taken for the King's Debts, and how it shall be used.

Cotton MS. Claudius, D. 2.

Purceo qe la comunalte du roialme ad eu graunt damage per torcenouses prises, quount este faites per viccountes, & per autres Baillifs le Roi, per achefon de la dette le Roi, ou per autre achefon; purveu est que ceux as queux les avers sount les puissent pestre de lour saunz destourber, quaunt eux ferrount emparkez, saunz rien doner pur la garde: & que les avers, ne nulle autre destresse pris pur la dette le Roi, ou per autre enchefon, ne soient venduz [*ne donez,*] deinz les xv. jours [*de la prise.*] Et si nul porte taille come de paie faite a Lefchequer, cesse la distrece & fil [*si null*] porte taille de nul Viscounte ou de Baillif de paie faite a lui de la chose demaunde, et voile trover plegges destre al Eschequer al profchein acompt, afaire qe droit ferra, adonques cesse la distresse, & qe le Viscount,

Forasmuch as the Commonalty of the Realm hath sustained great Damage by wrongful taking of Distresses, which have been made by Sheriffs, and by other the King's Bailiffs, for the King's Debt, or for any other cause: It is therefore provided and ordained, that when a Sheriff, or any other Man doth take the Beasts of other, they to whom the Beasts do belong may give them their Feeding without Disturbance (so long as they be impounded) without giving any thing for their keeping. (2) And that the Beasts, nor no other Distress taken for the King's Debt, nor for any other cause, be given ne fold within Fifteen Days after the taking. And if any bring the Tally of a Payment made in the Exchequer, the Distress shall cease. (3) And if he bring the Tally of any Sheriff or Bailiff, 15 Days.

The Owner may feed his Cattle impounded.

No Sale of Distress within

See 2 W. & M.
Sess. 1. c. 5.

liff, of Payment made to them of the thing demanded, and will find Pledges that he will appear in the Exchequer upon the next account, to do as Right shall require, then the Distress shall cease. And the Sheriff or Bailiff shall cause him to be attached that ought to have acquitted him, that he appear upon the same account, to do as Right shall require; and there shall have the names of the Pledges.

No Distress shall be taken of Plough-Cattle or Sheep.
28 Ed. 1. stat. 3.
c. 12.

(4) Yet it is provided, that no man of Religion, nor other, shall be distrained by his Beasts that gain his Land, nor by his Sheep, for the King's Debt, nor the Debt of any other man, nor for any other cause, by the King's or other Bailiffs, but until they can find another Distress, or Chattles sufficient whereof they may levy the Debt, or that is sufficient for the Demand (except impounding of Beasts that a man findeth in his Ground, *Damage feasant*, after the Use and Custom of the Realm.)

A Distress shall be reasonable.
52 H. 3. c. 4.
2 Inst. 106, 107.

(5) And that such Distresses be reasonable, after the Value of the Debt or Demand, and by the Estimation of Neighbours, and not by Strangers, and not outrageous. (6) Howbeit, the King willeth and commandeth, that Sheriffs, or their Bailiffs, that have received the King's Debt of the Summons of the Exchequer, and have not acquitted the Debtors thereof at the next account, shall be punished after the Statutes made thereupon. (7) And the King willeth, that all Debts of Summons of the Exchequer that the Sheriff or Bailiff have confessed Receipt, shall be allowed him forthwith: so that whether he received all the Debt, or Part, it shall never come more in Demand nor Summons, after the Sheriff hath confessed the Receipt.

A Sheriff, which receiveth the King's Debt, shall acquit the Debtor.
3 Ed. 1. c. 19.

count, ou les baillifs, face attacher lui, que les deust avoir aquite, sil soit sur mesme lacompte, affaire sur ceo que droit ferra; & eit illoeques les nouns des plegges. Unqore est purveu, qe null homme de religion, nautre, soit destreinte per [*ses*] bestes qe gaignent sa terre, ne per ses berbis, pur la dette le Roi, ne pur la dette dautri, ne per autre encheson, per le baillif le Roi, ne per autre homme, taunt come lem trove autre destreice, & autres chateux suffisauntz, dount *ils poient* lever la dette, ou *ceo* qe suffice al demaunde, horpris emparquementz des bestes quaut homme les trove fesauntz damage, selonc leie & lusage de la terre: & qe les distresses soient resonables a la mountaunce de la dette, ou de la demaunde [*damage*], selonc refoun, & noun pas outrageous [*la value per estimation des vesins, & nemye per estranges.*] Unqore voet le Roi, & commaunde, que touz les Viscountes & les Baillifs, quount resceu les dettes le Roi de la somons del Eschequer, & qi naquitent de ceo les dettours sur leur profchein acompte soient puniz selonc les estatutz nadgairs faites. Et voet le Roi, qe touz les dettes de la somons de Lechequer, qe les Viscountes, ou les Baillifs ount resceu, qils soient maintenaunt allowez; le quel qils eient resceu toute la dette, ou partie, issint qe mes ne viegne en somons, ceo qe le Viscount avera conu soi aver resceu, &c.

Statutum De Scaccario, made Anno 51 HEN. III. Stat. Rutland, 10 Ed. 1.

Stat. 5. and Anno Dom. 1266.

When the King's Fermors, Sheriffs, and Bailiffs, shall make their Accounts and Payments. Who shall be Escheators in several Shires.

Cotton MS. Claudius, D. 2:

LE roi voet, qe toutes maneres de Baillifs, Viscountes, & autres Ministres le Roi, auxibien le Justice de Cestre, & le Baillifs des Isles, come autres de touz maneres de rescites des issues, des gardes, des eschetes, de lour baillies, soient respougnantz al eschequer, & illoeqes rendent acompte al Tresorer, & as Barouns. Et qe touz les Viscountes, Fermors, Baillifs des franchises, & autres, qi devent venir al profre del Eschequer, lendemain de seint Michael, & lendemain de la cluse de Pasqe, pur paier lour fermes, rentes, & issues, qappendent au Roi, viegnent as avauntditz termes, & portent illoeqes pleinement les avauntditz fermes, rentes, & issues, & les paient al' Eschequer. Et si nul faile de paier pleinement ceo qil doit paier, sicome avaunt est dit, son corps demoerge saunz departier jefques a taunt qil eit paie, ou gree fait Et celui qi ne vendra as avantdites termes, soit amercieselonc les usages del Eschequer. Et a mesmes les termes les Viscountes & les Baillifs porteront les deniers, & paieront al Eschequer, ceo qils averont receu a la somons del Eschequer, & des autres dettes le Roi, & de touz les choses avantdites soient prestes & appareillez defaire vewe dacompt.

Et touz les Baillifs des franchises, qi devent les dettes le Roi [*lever*] et respouderont as Viscountes a lour maundement, selonc les estretes de la somons del

THE King commandeth, that all manner of Bailiffs, Sheriffs, and other Officers, as well the Justices of *Chester*, and other Bailiffs of these Counties, as other that be Receivers of Wards, of Escheats, and other Bailiwicks, shall be answerable in the Exchequer. and there shall make account to the Treasurers and Barons of the same Place. (2) And that all Sheriffs, Fermors, Bailiffs of Franchises, and other, shall come to the *Profer* in the Exchequer, the *Monday* after the Feast of *St. Michael*; and the *Monday* after the *Utas of Easter*, for to pay their Ferms, Rents, and Issues belonging to the King, and shall bring at the foresaid Terms, the foresaid Ferms, Rents, and Issues due, wholly into the Exchequer, as before is mentioned. (3) And if they make default, their Bodies shall remain without departing from thence, until they have paid or made agreement; and he that will not come at the Terms foresaid, shall be amerced after the Custom of the Exchequer; (4) and the Sheriffs and Bailiffs at the same Terms shall bring and pay such Money as they have received of the Summons of the Exchequer, and other the King's Debts, and shall be prepared and ready to make full account of the things foresaid.

When the King's Bailiffs and Officers shall accompt.

II. And that all Bailiffs of Franchises, which ought to levy Bailiffs of Franchises accompt.

levy the King's Debts, and be answerable to the Sheriffs thereof, shall come and account sufficiently, according to the Ex-treats of the Summons of the Exchequer; and such as do not, their Bodies shall remain in Ward of the Sheriffs; and for default in them, the Sheriffs shall cause the Debts to be levied by their own Bailiffs, where they have Power, as they have used to do in time passed. And if the Bailiffs do not come in at the Day that the Sheriff shall give them knowledge, the Sheriff shall enter into the same Franchises, and levy the Debts with his own hand.

The Justices and Bailiffs of Chester's account.

III. Concerning Justices of Chester, and Bailiffs thereof, the King willeth, that they, or one of them, shall come at the *Profer* of St. Michael every Year, when they ought to give account unto the King; and at the *Profer* of the *Utas* of *Easter* they shall come likewise, and bring in that which they owe to the King for that Term; and the Justices of Chester shall have Day to account from Year to Year in *quindena Pasche*; and the Bailiffs thereof the Monday of *Easter Utas*. (2) And that all Sheriffs of *England*, except the Sheriffs of *Westmoreland*, *Lancaster*, *Worcester*, *Rutland*, and *Cornwall*, shall henceforth keep all such Wards and Escheats, that are not in other Fees, as belong to the King, which be within their Shires; and of the Issues thereof they shall be answerable in the Exchequer at the Terms aforesaid; (3) And at their Turns that they make in their Shires, they shall find Office of other things, which the King's Escheators have not used to find

del Eschequer, vieignent & respoignent suffisamment. Et ceux qui ne frount, demouergent les corps de eux en le garde Viscountes; & les Viscountes, pur leur defautes, envoierent lever les dettes per leur bailliffs demeigne, & per la ou ils purrount, sicome lem soleit faire en temps passe. Et si les Bailiffs ne vieignent a respoudre a jour [*de ceo an & jour*] que les Viscountes les ferront assavoir, les Viscontes entrent en les fraunchises, & facent lever les dettes per leur bailliffs demeigne [*en mesme la manere*.]

En droit de Justice de Cestre, & des Bailiffs des Isles, voet le Roi, qils vieignent per ascun de leur al profer de seint Michel chescun an, a rendre quaut qils doivent au Roi a cel terme. Et a la [*profre de la*] cluse de Pasqe, vieignent en mesme la manere, & portent ce qils doivent au Roi adonques. Et le Justice de Cestre eit jour dacompt dan en an a la xv. de Pasqe; & les Bailiffs des Isles lendemain de la cluse de Pasqe. Et que touz les Viscountes Dangleterre, horspris le viscounte de Westmerl', Lanc. Wircestr', Roteland', & Cornewail', desoremes gardent les gardes & les eschetes, que ne fount en fee, qappendent au Roi dedeinz leur Countees; & des issues loialment respoignent al Eschequer as termes avaunt dites; & as termes [*leur tournes*] qils frount per leur Countees, de leur offices, & des autres choses, que les Eschetours soleient faire, & qappent al escheterie un foitz ou deux, au meindre meschief faunz grevance del people, qils purrount. Et les eschetes que cherrount au roi a demurrier en fee, les Viscountes les seisent, &

Sheriffs shall keep the King's Wards and Escheats. 32 H. 8. c. 46.

of

&

& les facent favoir au Roi saunz delaie.

Et le Roi attournera trois prodes hommes, qi irrount per tote la terre, pur pursourver & estendre les gardes & les eschetes avauntdites, de an en an, quaut ils verront qe bon soit. Et les Viscountes per conseil de eux proveront per mettre a ferme, & en autre manere, tiels gardes & eschetes en la manere qils verront, qe mieux soit al pru le Roi.

Et en les cynk Countees avauntnomes, voet le Roi, qe le Viscounte de Cumberl' face loffice descheterie en les Countees de Westmerl' & Lanc. & celui de Not' en Rotel'; & celui de Lancaster [*de Gloucestre*] en Wircestre; & celui de Devonshire en Cornewaill, & fauvement gardent les eschetes [*et les gardes*] au Roi, & de mesmes les Countees, & respoignent des issues al Eschequer, si come ils doivent faire de leur Countees. Et les trois prodes hommes avauntditz surveront & ostenderont tiels gardes & eschetes, sicome aillours, & per le conseil deux soient appruetz. Et quaut les Viscountes acompteroont de leur accomptz, si acompteroont des gardes & des eschetes. Et per mesme la manere face le Justice de Cestre, & les Baillifs des Isles, chescun en sa baillie. Et les prodes hommes avauntdites garderont les demeignes le Roi, & les emproueront selonc ceo qils verront qe mieux soit al oepe le Roi, & responderont al Eschequer des issues: Et mesmes ceux averont poer de bailler petitz maneres en meins a les gentz des mesmes les villes [*lieux*] ou as autre, selonc leur discrecion, a fermes certains

of that which belongeth unto the King, once or twice in the Year, to as little Grievance of the People as they can. (4)

And the Sheriffs shall seize the Escheats that fall, to remain unto the King in fee, and shall certify the King of them without delay.

IV. And the King shall assign three able Persons, that shall

go throughout the Realm, to survey and find the Wards and Escheats aforesaid, from Year to Year, when they shall think requisite. (2) And the Sheriffs by their Counsel shall approve, and let to Ferm, or otherwise, such Wards and Escheats, as they shall think most for the King's Advantage.

V. Touching the five Shires before named, the King will, that the Sheriff of *Cumberland* shall execute the Office of Escheator in the Shires of *Westmerland* and *Lancaster*; and the Sheriff of *Nottingham* in *Rutland*; and the Sheriff of *Gloucester* in *Worcester*; and the Sheriff of *Devonshire* in *Cornwall*; and shall safely keep the King his Wards and Escheats in the same Shires, and shall be answerable in the Exchequer for the Issues of them, as well as for their own Shires. (2) And the three able Persons aforesaid shall survey and extend such Wards and Escheats, as well there as in other Places, and those shall be approved by their Counsel. And when the Sheriffs do accompt for their Counties, they shall accompt for such Wards and Escheats. And in like manner shall the Justices of *Chester* do, and their Bailiffs also, every one for his Bailiwick. (3) And the said three able Persons shall keep the

King's

King's Demeans, and shall approve them as they shall think best for the King's Advantage, and shall be answerable for the Issues: (4.) And they shall have Power to let forth small Manors and Demeans to folk of the same Places, or to other, according to their Discretion, and shall let them to Ferm from Year to Year, as they shall think most to the King's Profit: And the Fermors shall be chargeable for their Fermes unto the principal Approvers, and they unto the Exchequer, the *Monday* next after the Ascension, from Year to Year.

Collectors of the Custom of Wool.

VI. And the principal Collectors of the custom of Wools, at the two Terms before mentioned, shall pay all such Money as they have received of the said Custom, and shall make account from Year to Year clearly of all Parcels received in any of the Ports, or other Places of the Realm, so that they shall answer for every Ship where it was charged, and how much it carried, and whose the Wools were, and for every other Charge in the Ship, whereof Custom is due, and for the whole Receipt.

The Account of the Keeper of the King's Wardrobe.

The King's Debt shall first be heard.

VII. And the Warden of the King's Wardrobe shall make account yearly in the Exchequer in the Feast of St. *Margaret*; (2.) and the Treasurer and Barons shall be charged by Oath, that they shall not attend to hear the Pleas or Matters of other Men, while they have to do with the King's Business, if it be not a Matter that concerneth the King's own Debt. (3.) And when a Sheriff or Bailiff hath begun his Account, none other shall be received to account, until he that

certains de an en an, per la ou ils verrount qe soit apru le Roi. Et yceux fermers respouderont des issues a ceux avantditz principals approvers, & [*soient*] eux al Eschequer lendemain del Ascension, de an en an.

Et qe les [*principales*] Coilours de la custume des leins paient, a les deux termes avantditz, touz les deniers, qils averont pris [*coillez*] & receu de lavauntdit custume, & dan en an rendent a compt apertement & distinctement de touz les parcels receux per toutes les portes, & per toute la terre, issint qil respoigne de chescun neef, ou ele serra charge, & come bien ele portera de la leine, & dautre aver charge en la nief, de custume qest due, & de toute la reseite.

Et le gardein de la Garde-robe le Roi rende a compt de an en an al Eschequer a la seint *Margarete*; Et le Tresorer & les Barouns de L'eschequer soient chargez per serement, qils nentendront doier les plees des queeles de nullui, taunt come ils eient affaire des bufoignes le Roi, si ce nest quele qe touche la dette le Roi mesmes. Et quaunt Viscount ou Bailiff eit comence de acompter, nul autre ne seit receu de aconter tanque le primer qe soit assis eit peracompte, & qe la somme soit receu. Et qe le Conestable, & le Marechal, & les mareschalx, & le Chamberleyns, & les autres, qi sont de see al Eschequer, desoremes presentent au Roi mesmes ceux qils metteront en lour lieux affaire lour office de lieux: & celes gents soient de bone fame, & qils soient suffisseantz, & tieux pur qi fates ils voillent respouandre.

Et

Et le Roi enjoint al Tresorer & as Barouns, en la foi qils lui deivent, & le serment qils fount, qils ne mettent autres deutes depar eux qe ceux qi fount resceux. Et qe Lefchequer ne soit charge de plus de gentz qe miestre est. Et qe nul de laviz jure le Roi mette homme pur lui, ne cleric, ne lay, qil ne soit jure de laviz, & ceo faunz especiale conge le Tresorer. Et si null' le face, soit maintenaunt remue de son office, & null' autre ne soit resceue en son lieu faunz le Roi. Et si celui qi serra mys, & celui qi lavera mys, soit puny, selonc le trespas. Et si ambedeux ne fussent, soient puniz ovesqe le seignour [sovereigne], quel qil soit de fee, ou de autre en son lieu, tanqe le Roi eit autre chose ordene. Et si celui qi avera tenu le lieu dautre per conge le Tresorer, face chose qil ne deyve [*doit faire,*] soit puny selonc le trespas, sil ad de quoi; & sil nad de quoi, celui qi lavera mys respaigne de son trespas Et si celui ne suffice, respaigne celui qi le avera mys en loffice, le quel qil soit, de fee ou dautre. Et touz ceux de laviz facent le serement, qe si null puis perceiver qe autre face desleaute, ou malveiste, ou autre chose, face assavoir au Tresorer & as Barouns, ou ascun de ceux, qi le face amendre, & si miestre soit, facent savoir au Roi. Et qe entour la feste de seinte Margarete, avaunt qe Lefchequer soit clos, face chescun an bien ferchier & veer, si Viscount, ou autre Baillif, qi deust avoir acompt cel an, neit acompte, son acompte soit prirerement oy apres le seint Michel, avaunt ceo qe nul autre Viscounte soit resceue dacompter.

that was first appointed hath clearly accompted, and his Money received. (4) And that the Constable, Marshal, Chamberlain, and other that are of Fee in the Exchequer, from henceforth shall present unto the King such as they have put in their Places to do their Offices, which must be of good Fame, and sufficient, for whose Acts themselves will answer.

VIII. And the King commandeth the Treasurer, and Barons of the Exchequer, upon their Allegiance, and by the Oath that they have made to him, that they shall not assign any in their rooms, but such as this Act meaneth of, and that the Exchequer be not charged with more Persons than is necessary. (2) And that none of them, that be sworn to the King, shall put in his room any other Clerk or Lay Person, except he be sworn, without special Licence of the Treasurer; and if any be, he shall be forthwith removed from his Office, and none other shall be received in his stead without the King's Licence. (3) And if any that is received without the Treasurer's Licence do trespass after, Punishment shall be done as well to the Assignor, as to him that is assigned, according to the Trespas. (4) And if both be insufficient, their Superior shall be punished, whether he be Officer of Fee, or other. (5) And the Treasurer shall put no other in his room, until he hath Commandment from the King. (6) And if he that keepeth the room of another, by Licence of the Treasurer, doth any thing that he ought not to do, he shall be punished according to

Deputy Officers in the Exchequer.

to the Trespafs, if he have whereof; and if he have not, he that put him in Office shall be charged for his Trespafs; and if he that put him in Office be not sufficient, his Superior shall be charged, whether he be of Fee, or otherwise.

• Of the Wool staple is inserted by Mistake. Officers in the Wool staple shall be presented.

The King's Officers that ought to acco-
mpt.

IX. And they * of the Wool-staple shall make Oath, that if any of them may perceive that another doth commit any Default, Offence, or other thing dishonest in the Office of the Wool-staple, or that he hath done before, that they shall certify it to the Treasurer, or to the Barons, or to some of them, or to the King himself, if need require. (2) And that about the Feast of St. *Margaret*, before that the Exchequer be closed, they shall cause a Search to be made, whether any Sheriff or Bailiff, that ought to have accompted the same Year, have not, and thereupon a Remembrance in a Roll shall be made by itself. (3) And if it be a Sheriff, his Account shall be first heard after *Michaelmas*, before that any other be received to accompt: (4) And if he be a Bailiff, he shall be summoned or distrained to come at a certain Day for to accompt, so that no Accompt shall be suffered to sleep. (5) And forasmuch as Sheriffs, Constables, and other, obtain many times outrageous Allowances, by pretence of the King's Works, and other things done and provided by his Commandment; it is provided, that all Surveyors of the King's Works shall be chosen by the Oath * of Twelve Men, and of such as will and may attend best to that Office; and that they be sufficient to answer the

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King,

ter. Et si ceo soit autre Bailif, soit maunde, ou destreint, qil viegne a certain jour da-compter, assint qe nul, acompt soit suffiert dendormer. Et pur-ceo qe les Conestables, Vis-countes, & autres [*baillifs*] ount meintefoitz eu outrageous allowances per faux testmoignance des overeignes le Roi, & des autres choses purveus per les comaundementz, purveu est, qe touz les veours des overeignes le Roi soient esluz per serement des prodes hommes, & tiex qi mieux sachent, voilent & puissent a cel office entendre, & qe soient suffizans de respoudre au Roi, si miestre soit, & soient jurez qe ils porteront loial tesmoignance. Et si le Roi, ou les Barouns [*de l'eschequer*] eient null' en suspecion de faux allowance faite des overeignes, ou dautre chose, sit soit la verite en requise; & celui qi serra atteint de ceo respoigne au Roi de taunt come cele allowance amounte, & eit la prisone, & soit puny a la volonte le Roi, & les veours soient reintz [*puniz*] pur le consente. Et per mesme la manere celui qi avera concele sur accompt les choses dount il se deueft charger, soit puny come celui qi avera [*fait*] faux allowance.

Et qe les Justices, enquerours, & autres, desoremes liverent al Eschequer, a la seint Michel, de an en an, lour estretes des fins, & des amer-ciementz faites & taxez devant eux, de touz les choses dount estretes soleient estre liveres illoeqes. Et ceux de Lechequer facent lestrete de la somons per touz les Countees, fauve ceo qe lestrete en eire de Justices de touz plees soient maintenaunt liveres apres leire fait.

Surveyors of the King's Works.

• Of good Men.

King, if need be, and shall swear that they bear lawful Witness.

(6) And if the Treasurer or Barons of the Exchequer have any Suspicion of Sale, Allowances of Charges, or other Things, the Truth must be inquired; and he that is attainted, shall answer to the King for as much as the Allowance amounteth unto, and shall be imprisoned one Year and forty Days, and shall be punished at the King's Pleasure, and the Surveyors shall be punished for their Consent. (7) And likewise he that upon the Accompt did conceal and keep secret such Things, whereof he ought to have charged himself, shall be punished in like wise as he that admitted such false Allowances.

X. And that all the Justicers, Commissioners, and other, shall from henceforth deliver into the Exchequer, at the Feast of St. Michael, from Year to Year, the Extreats of Fines and Amerciaments made and taxed before them, and of all Things wherefore the Extreats are wont to be delivered there. (2) And they of the Exchequer shall make Extreats of the Summons through all Shires, saving that the Extreats in the Eyre of all Pleas shall be delivered immediately after the Eyre made.

Extreats of
Fines and A-
merciaments
shall be deli-
vered in the
Exchequer.

JUDICIUM PILLORIE.

A Statute of the *Pillory* and *Tumbrel*, and of the *Affise of Bread and Ale*, made Anno 51 HEN. III. Stat. 6. and A. D. 1266.

Cotton MS. Claudius, D. 2.

SI Pistor convictus fuerit, vel Braciatrix convicta, quod istas affisas non observaverit, primo, secundo, & tertio, amerietur secundum quantitatem delicti, & non graviter deliquerit; & si graviter deliquerit & pluries, & castigari nolverit patiatur judicium corporis, scilicet, Pistor collistrigium, & Braciatrix trebuchetum vel castigacionem. Primo, sex legales homines jurent fideliter colligere omnes mensuras ville, videlicet, bussellum, dimidium bussellum, & quartas busselli, omnes galones, potellos, & quartas, tam de tabernis, quam aliis; ulnas & pondera, scilicet libras, dimid. libras, tronas ac minora pondera villarum, per que ponderant panem villarum, per

IF a Baker or a Brewer be convicted, because he hath not observed the Affise of Bread and Ale, the first, second, and third time, he shall be amerced according to his Offence, if it be not over grievous; (2) but if the Offence be grievous and often, and will not be corrected, then he shall suffer Punishment of the Body, that is to wit, a Baker to the Pillory, and a Brewer to the Tumbrel, or some other Correction. (3) First, six lawful men shall be sworn truly to gather all Measures of the Town, that is to wit, Bushels, half and quarter Bushels, Gallons, Pottles, and Quarts, as well of Taverns as of other Places; Measures and Weights, that is to wit,

The Punishment of a Baker or Brewer offending.

Repealed as to the Affise of Bread by 8 Ann. c. 18. s. 1.

Pounds,

Pounds, half Pounds, and other little Weights, wherewith Bread of the Town or of the Court is weighed, that is to say, one Loaf of every sort of Bread. (4) And upon every Measure, Bushel, Weight, and also upon every Loaf, the Name of the Owner distinctly written; (5) and likewise they shall gather the Measures of Mills. (6) After which Thing done, twelve lawful Men shall swear to make true Answer to all such Things as shall be demanded of them in the King's Behalf upon Articles here following; and such Things as be secret they shall utter secretly, and answer privately. (7) And the Bailiff shall be commanded to bring in all the Bakers and Brewers with their Measures, and all things under written. (8) First, they shall inquire the Price of Wheat, that is to wit, how a Quarter of the best Wheat was sold the last Market-day, and how the second Wheat, and how the third; and how a Quarter of Barley and Oats; (9) after how the Bakers Bread in the Court doth agree, that is to wit, Wastel and other Bread after Wheat of the best, or of the second, or of the third Price. (10) Also upon how much Increase or Decrease in the Price of Wheat a Baker ought to change the Assise and Weight of his Bread. (11) Also how much the Wastel of a Farthing ought to weigh, and all other manner of Bread, after the Price of a Quarter of Wheat that they present. (12) And for default in the Weight of the Bread, a Baker ought to be amerced, or to be adjudged unto the Pillory, according to the Law and Custom of the Court.

per que ponderant panem in Cur. scilicet de quolibet genere panis unam panem; & super mensuras, ulnas, pondera, tunc scribant super singulos panes eorum nomina distincte, quorum sunt; & mensuras molidinorum colligant. Postea xii. legales homines fideliter respondeant ad interrogata ab eis, [que] ex parte Regis querantur ab eis que scripta sunt; & que sunt scripta, proponant secrete, & privatim respondeant: et mandetur ballivis, quod habeant corpora omnium pistorum, & omnium braciaticium, una cum mensuris & omnibus aliis subscriptis. Primo queratur de vendicione frumenti, videlicet, quomodo vendebatur ultimo die quarterium frumenti melioris, & quomodo quarterium minoris precii, & quomodo tercii precii, & quomodo quarterium ordeii & avene. Postea quomodo respondeant panes pistoris in Curia sua, videlicet, Wastellum, & alii panes, secundum vendicionem melioris precii, aut tercii precii. Item pro quanto incremento vel decremento in vendicione quarterii frumenti debeat pistor mutare assisam suam, & pondus panis sui. Item quantum debeat ponderare Wastellum de quadrante, & omnes alii panes, secundum vendicionem quarterii frumenti quam presentant. Item pro quanto defectu ponderis panis de quadrante pistor debeat ameriari, vel subire iudicium pillorie, secundum consuetudinem Curie sue. Item si aliquis senescallus vel ballivus pro aliqua mercede remiserit iudicium pillorie, vel tumbrelli adjudicatum, vel de jure adjudicandum.

A Jury sworn.

Of what things the jury shall inquire.

(13)

Item si habeatur in villa pillorie

loria debite fortitudinis, secundum quod pertinet ad libertatem mercatorum, qua uti possint, si necesse fuerit, sine periculo corporis hominis, & mulieris. Et postmodum queratur de assisa & venditione vini, post recessum Justiciariorum itinerancium, vel eorum [sociorum] qui fuerunt ultimo in officio mercati in villa; videlicet, de nominibus vinetiariorum, pro quanto vendiderunt sextarium vini. Item si aliquod vinum sit in villa corruptum, & corpori hominis non sanum. De assisa cervise in Curia ville. qualis sit, & si observetur; sin autem que braciatrices vendiderunt contra assisam, & nomina earum distincte & apperte presentent, & pro quolibet delicto amercari debent, vel pati iudicium [pillorie vel] tumbrelli, si contra assisam vendiderunt.

Item si qui sint in villa, qui per unam mensuram emunt, et per aliam vendunt. Item si quis utatur falsis ulnis, vel falsis ponderibus, aut mensuris. Item si quis carnifex vendiderit carnes susteinatas, vel morte morina. [Vel si quis emat carnes de Judeis, & eas vendit Christianis.] Item de Cocis, si qui decoquant carnes vel pisces in pane, vel in aqua, vel [aliquo] alio modo, non sanas corpori hominis, vel postquam talia tenuerint, ita quod debitam naturam amiserint, & ea recalcificent & vendant. Item de forstallariis, qui ante horam debitam, & in villa statutam, aliquid emant contra statutum ville & mercati, vel qui exeant villam rebus venalibus obviantes, & extra villam emant, ut in villa eas carius vendant ad regratatores, quam facerent hi qui eas asportabant, si ad villam vel

(13) Also if any Steward or Bailiff, for any Bribe, doth release Punishment of the Pillory and Tumbrel, being already judged, or to be judged of right.

Releasing of Punishment deserved.

II. Also if they have in the Town a Pillory of convenient Strength, as appertaineth to the Liberty of their Market, which they may use (if need be) without bodily Peril either of Man or Woman. (2) After, they shall inquire of the Assise and Price of Wine, after the Departure of the Justices in Eyre, or of them that were last in Office of the Market of the Town; that is to say, of the Vintners Names, and how they sell a Gallon of Wine; and if any corrupted Wine be in the Town, or such as is not wholesome for Man's Body. (3)

A Pillory.

The Assise and Price of Wine.

Also of the Assise of Ale in the Court of the Town how it is, and whether it be observed; and if not, how much Brewers have sold contrary to the Assise; (4) and they shall present their Names distinctly and openly, and that they be amerced for every Default, or to be judged to the Tumbrel, if they sell contrary to the Assise.

The Assise of Ale.

III. Also if there be any that sell by one Measure, and buy by another. Also if any do use false Ells, Weights, or Measures. (2) And if any Butcher do sell contagious Flesh, or that died of the Murren. (3) Also they shall inquire of Cooks that seethe Flesh or Fish with Bread or Water, or any otherwise, that is not wholesome for Man's Body, or after that they have kept it so long that it loseth its natural Wholesomeness, and then seethe it again, and sell it; (4) or if any do buy Flesh of Jews, and then sell it

Falſe Weights or Measures.

Butchers.

Cooks.

Forefallers.

to Christians. (5) And also Forefallers, that buy any thing afore the due and accustomed Hour, against the good State and Weal of the Town and Market, or that pass out of the Town to meet such Things as come to the Market, being out of the Town, to the intent that they may sell the same in the Town more dear unto Regrators, that utter it more dear than they would that brought it, in case they had come to the Town or Market. (6)

Ale shall be sold according to the Price of Barley.

When a Quarter of Barley is sold for two Shillings, then four

Quarts of Ale shall be sold for a Penny; when for two Shillings six Pence, then seven Quarts of Ale shall be sold for two Pence; when for three Shillings, then three Quarts for one Penny; when for three Shillings six Pence, then five Quarts for two Pence; when it is sold for four Shillings, then two Quarts at one Penny. And so from henceforth the Prices shall increase and decrease after the rate of six Pence.

in mercatum venissent. Quando quarterium ordeii venditur pro duobus solidis, tunc quatuor lagene cervisie vendantur ad denarium; Quando pro duobus solidis sex denariis, tunc septem lagene pro duobus denariis; Quando pro tribus solidis, tunc tres lagene ad denarium; Quando pro tribus solidis & sex denariis, tunc quinque lagene ad duos denarios; Quando pro quatuor solidis, tunc due lagene ad denarium; & sic deinceps crescetur vel diminuetur per sex denarios.

The Award made between the King and his Commons at Kenelworth, the 51. yeer of King Henry the third.

The Award made between the King and his Commons at Kenelworth. 51 Hen. 3. 2 Ral. Abr. 173.

IN the Name of the holy & undivided Trinitie, Amen. To the honor & glory of Almighty God, the Father, the Son, & the Holy Ghost, of the glorious and most excellent Mother of God, and Virgin Mary, and of all Saints, by whose merites and meanes wee are governed in earth, to the honour and good prosperous and peaceable estate of the most Christian Prince, Lord Henry, the noble King of England, and of all the English Church, we William, Bishop of Oxon, W. of Bathe and Welles, H. Worcester and Meneuen Bishoppes, Gilbert de Clare, Earle of Gloucester, Humfrey Earle of Hereford, Philip Basset, Iohn Bayliffe, Robert Walop, Alein de la Such, Roger de Somery, and Warryn de Basyngburne, appointed to prouide for the good estate of the Land, and namely for certayne persons disherited, hauing thereunto full power of our sayd Lord the King, and the other Barons and Counsellors, according to the forme written and confirmed in the Letters general and speciall of the said King, and the other asorenamed, willing to procede according to the path of equitie by the assent of the Reuerend. Father Othobons, Deacon, Cordinall of Saint Adrian, and Legate of the Apostolique See, and the Noble man H. of Albaine, hauing like power and authoritie. we haue thought it good to be provided in this wise, that there shall be made no disherison, but redemption, that is to wit :

First

First, concerning them that began the warre, and yet continue.

Item, they that were at Chester field against the King in battell.

Item, they that forcibly and maliciously withheld Northampton against the King.

Item, they that were taken at Kenelworth, which came from the sacking of Winchester, or that other where were against the King, whom he hath not pardoned.

Item, they that warred at Euesham against the King.

Item, they that freely, wilfully, and vncompelled, sent any ayde against the King or his sonne.

Item, the Baylifs and Officers of the Earle of Leicester, which robbed their neighbours, and procured manslaughter, house-burnings, and other euils to be done, shal pay as much as their lands be worth by the space of five yeeres. And that they paying their Ransomes, shal haue their lands againe, so that if their lands should be sold, none shall haue them, but hee that holdeth the same of the gift of the King, in case he will giue so much as a common Purchasor, and with those termes, that if the party so redeeming his land, doe satisfie for his whole land from the beginning, hee shall forthwith haue his whole land: and likewise hee that satisfieth for the halfe or the third part, shall forthwith haue the halfe, or the third part. But if at the last Terme appointed, the partie redeeming doe not satisfie, the halfe of the lands remaining, shall remaine to them, to whom they were given by the King's gift. Also the party redeeming shal be at libertie within that terme to sell all or part of his land, and in like manner to let it to farme. And if any haue Woods, and will sell them towards their Ransome, he that holdeth the land by the kings gift, shal haue a competent seruant, that shall receiue the money. And the partie disinherited, which selleth the Wood, must haue one (in whom he trusteth) and these two Receiuers, in the presence of the whole Shire, shall pay the money received for the Wood, to them to whom redemption ought to be given.

The payment of this redemption must be done by three yeeres.

Knights and Esquires, which were robbers, and among the principall robbers in warres and rodes, if they haue no lands, but haue goods, shal pay for their ransome the halfe of their goods, and shall finde sufficient sureties to keepe the Peace of the King and of the Realme from henceforth.

They that haue nothing, shall come and sweare by the holy Gospels of God, finding sufficient suretie, that from thenceforth they shall keepe the Peace, and suffer satisfaction and pennance after the judgement of the Church, Except persons banished, to whom onely the king onely may remit.

The Lords of heires within age, shall pay ransome for them, and the heires, when they shall come to full age, shall pay ransome to the Lords at the same terms, whereat other paid by three

three or two yeers. So that the Lords of such lands shall haue the ward of the heires with marriages without disparagement, untill their lawful age, and the heires shall pay ranfome, as other haue payd, and at the same termes.

The custodies which are due to the king, shall remaine to them to whome they were giuen by the king, and when the heires shall come to lawful age, they shall ranfome at the same termes as other did, and no Waste must be done by them that haue the custodie, and if there be, justice shall be done against them, according as is contained in *Magna Charta*.

If any before the battell of *Lewis* stood on the kings part, and after the battell be disherited, because he would not come to the kings sonne, to his succour: let the king say his pleasure touching such upon his fidelitie.

Woods may not be sold ne wasted by them that hold them now in any wise, but if it be for not keeping the last terme of payment, notwithstanding they to whom the lands were given by the king, shall haue necessaries for the keeping or reparation of the houses, and otherwise doing they shall be grievously punished.

If there be any, of whom it is supposed, that he will make or procure warre, the Lord Legate and the king shall provide such surety as shall seeme expedient, by sending them out of the Realme for a time, or otherwise as they shall think conuenient, so neuertheless, if it fortune such a one to be let from his payment or ranfome, hee shall not be disherited therefore.

If there be any not content with this ordinance, let him abide the judgement of the kings Court within the feast of *Saint Hillary*: Such as be out of the Realme upon lawful cause, shall haue their safe conduct according to the Law and Custome of the Realme for being beyond the sea, so that they keepe themselues in peace, for else they shall not bee in the forme of this Peace.

Because the king is bounden to many that holpe him, and faithfully stood by him, for whom hee hath provided no lands, and some haue more than they should haue, let the king provide, that he largely reward them of the ranfomes that are to be taken, lest it turne to a matter of new warre.

Let the lord Legate, the king, and *Henry* of *Almaine* provide, that there be chosen twelue, which diligently and faithfully may execute these things, and that the king and his heires may cause them firmly to be kept and maintained. Let them also enquire and fulfill those things, that shall be ordained of the foresaid twelue, according to reasonable and true estimations, and after as the said twelue shall thinke good to be done.

Fermors that were against the king, shall leese their termes, sauing the right of their Lords, to whom they pay their yearly Rent, and they that shall haue the Fermes after the termes expired, shall render them to the true Lords.

Concerning Castles builded by the kings Charters, and by his consent, and yet disherited without his consent, wee award, that after

after the ranfome payd, within the space of three yeeres, the Lord of the land shall pay within six yeeres the cofts which were layd upon them afore this general proclamation by consent of the king, or by reasonable exchange of land.

Lay men that openly procured the businesse of the Earle of Leicester, his complices drawing men by lies and false tales, and stirring them to the part of the Earle and his adherents, and withdrawing them from the part of the King and his sonne, shall be punished by as much as the two yeeres value of their land doth amount.

Such as were compelled, or driuen by feare vnto the battell, and neither fought, ne did hurt: Likewise impotent persons, which either by force or feare sent their seruants against the King and his sonne: And those which being constrained or led by feare were robbers, and did robberies with the principall robbers, and when they saw opportunitie withdrew, and returned to their houses, and those also that wittingly bought others goods shal restore the value of the goods, which they robbed or bought in such manner, and shall be amerced to the King for that they did against Justice, and because the king did forbid the same, halfe a yeere now passed.

They that by the commandment of the Earle of Leicester, entered into Northampton, & neither fought ne did harme, but fled to the Church when they espied the king comming, and that being found by lawfull persons: Likewise they that held not of the sayd Earle and come at his commandment, shall pay the halfe yeeres value of their land: But they that held of the Earles fee, shall onely be amerced to the king.

Impotent men and other, which did no harme, shall be restored to their lands without delay, and recouer their damages in the kings Court. Let false accusers be punished against the king in such wise as he beleue them not lightly thereafter. And such punishment must be done of them as belongeth to them, that wrongfully haue caused the kings lieges to be disherited and vndone, without perill of life, maïming, and disherison.

They that were accused by malice shall forthwith haue againe their lands, and recouer their damages in the kings Court, as is contained in the Article next afore.

Women shall haue their heritages and dowers of the first Lords. Touching their husbands, which were against the king, they shall haue as the king hath ordained, and be ransomed.

The ranfome of them that were against the king shall stand in force, but of those which in nothing were against the king, no ranfome shall stand: But forthwith shall haue their lands againe, and recouer damages, as afore, &c.

Touching persons maliciously accused, it hath beene already spoken, and that the accusers should be punished, as afore is sayd, by submitting themselues to the Award of the king and of other Lords, or else the thing by concord or peace made, shall stand in his force.

All persons receiued to the Peace by those that had commission thereunto shall remaine in such estate as when they were receiued.

All that be ransomed, shall not be bounded to answer for the harmes and trespasses done by them in the time of the commotion aforesayd, but hurts and trespasses shall be forgiuen of either party. Sauing neuerthelesse, the exaction to euery man that he shall not intermedle of the sayd commotion sauing that that pertaineth to the Church.

Because it seemed dangerous that castles should be in the power of them, which offended against the king, we Award and ordaine touching the castles of Herdley, Byham, and Chertsey, that a reasonable exchange shall be given for them.

Touching *Simon de Mountford*, Earle of Leicester, his Countesse and children we say nothing, for the King hath put their matter into the hands of the King of Fraunce.

Touching London we commend it, and exhort the King, that he by his counsell will prouide a reformation for the state of the citie, as concerning their lands, rents, houses and liberties, and that the same prouision may be made immediatly.

Concerning the Earle *de Ferris*, we Award that he be punished by as much as the value of his lands shall amount unto in. vii. yeeres.

All those of the castell shall be in the common forme of peace, except *Henry de Hastings*, and those that maimed the Kings messenger, which shall be imprisoned. vii. yeeres, or else put themselves in the Kings mercy.

Let all men from henceforth keepe the Peace firmly, and let none commit burning of houses, robberies, nor other outrages against the Peace, and whoso doeth, and be convict thereof shall haue iudgment according to the law of the land.

Moreover, all that haue to doe in this behalfe, shall sweare upon the holy Gospels of God, that none shall take reuengment, ne procure to be taken, nor consent or suffer that any reuengment be taken by occasion of the commotion aforesaid. And if any take reuengment, he shall be punished after the custome of the Kings court.

Let the Church be satisfied by them that haue hurt her in any point.

If there be any that will not obserue this Award, nor abide the iudgement of the King by his Peers: all that be such shall be of the number of the disherited, and shall haue no law to recouer their lands. And if any holding the lands of any person disherited, be found rebell to this Award: he shall not be admitted to challenge any right in the land or ransome given him by the King.

Moreover who so will not agree to this Award, let him be had as enemy of the king, and his sonnes, and of all the comminalties. And people and Clergy (as farforth as the lawes and commons doe permit) shall pursue him as enemy of the Peace of the Church and of the Realme.

Such

Such as be imprisoned, and in ward, finding sufficient and reasonable surety, shall be deliuered by pledges, or by other assurance competent and reasonable, according to the prouision of the Lord Legate, and the king.

Moreover no man by occasion of the foresayd commotion, may hereafter disherit any person that by any law ought to succede him.

Yeouen and proclaimed in the Castle of Kenelworth, the day before the kalendes of Nouember, in the yeere of our Lord. M.CCLxvi. the. li. yeere of the reigne of the Lord Henrie, the noble King of England of that name the third.

STATUTUM de MARLEBERGE.

Statutes made at *Marlborough*, alias *Marleberge*,
18 *Novemb. Anno. 52 HEN. III. and Anno Dom.*
1267.

Cotton MS. Claudius, D. 2.

ANNO gratie Millefimo Ducentesimo Sexagesimo septimo, regni autem domini H. Regis, filii Regis JOHANNIS quinquagesimo secundo, In Octabis sancti Martini, pro uidente ipso domino Rege ad regni sui Anglie melioracionem, & exhibicionem iusticie, prout regalis officii exposcit utilitas, pleniorum, convocatis discretioribus ejusdem regni, tam maioribus quam minoribus, provisum est, & statutum, ac concordit' [*concordatum*] & ordinatum, ut cum regnum Anglie multis tribulationibus, & dissensionum incommodis, nuper depresso, in reformatione legum & jarium, quibus pax & tranquillitas incolarum conservari indigeat, ad quod remedium salubre per ipsum Regem & suos fideles oportuit adhiberi, provisiones, ordinationes, & statuta subscripta ab omnibus regni ipsius incolis, tam Majoribus quam minoribus, firmiter ac inuolabiliter temporibus perpetuis statuti observari.

IN the Year of Grace, One thousand two hundred sixty seven, the two and fiftieth Year of the Reign of King HENRY, Son of King JOHN, in the Utas of St. Martin, the said King our Lord providing for the better Estate of his Realm of England, and for the more speedy Ministration of Justice, as belongeth to the Office of a King, the more discreet Men of the Realm being called together, as well of the higher as of the lower Estate: It was provided, agreed, and ordained, that whereas the Realm of England of late had been disquieted with manifold Troubles and Dissensions; for Reformation whereof Statutes and Laws be right necessary, whereby the Peace and Tranquillity of the People must be observed: Wherein the King, intending to devise convenient Remedy, both made these Acts, Ordinances, and Statutes underwritten, which he willeth to be observed for ever firmly and inuolably of all his Subjects, as well high as low.

² Inf. 101, 102.

CAP. I.

The Penalty for taking a Distress wrongfully.

20 H. 3. C. 11.

Inst. 102, 103,
104.

The Punishment for an unlawful Distress.

WHereas at the time of a Commotion late stirred up within this Realm, and also since, many great Men, and divers other, refusing to be justified by the King and his Court, like as they ought and were wont in time of the King's noble Progenitors, and also in his time; but took great Revenges and Distresses of their Neighbours and of other, until they had Amends and Fines at their own Pleasure; (2) and further, some of them would not be justified by the King's Officers, nor would suffer them to make Delivery of such Distresses as they had taken of their own Authority: (3) It is provided, agreed, and granted, that all Persons, as well of high as of low Estate, shall receive Justice in the King's Court; and none from henceforth shall take any such Revenge or Distress of his own Authority, without Award of our Court, though he have Damage or Injury, whereby he would have Amends of his Neighbour either higher or lower. (4) And upon the foresaid Article it is provided and granted, that if any from henceforth take such Revenges of his own Authority, without Award of the King's Court (as before is said) and be convict thereof, he shall be punished by Fine, and that according to the Trespas. (5) And likewise if one Neighbour take a Distress of another without Award of the King's Court, whereby he hath Damage, he shall be punished in the same wise, and that after the Quantity of the Trespas. (6)

CUM autem temporeurbationis nuper in regno [nostro] suborte, & deinceps, multi Magnates & alii justiciam non dignati [dedignati] fuerint recipere per dominum Regem & Curiam suam, prout debuerunt & consueverunt temporibus predecessorum ipsius domini Regis, & etiam tempore suo; sed de vicinis suis & aliis per seipsos graves ultiones fecerunt, & districtiones, quousque redemptiones receperint, ad voluntatem suam. Et preterea quidam eorum se per Ministros domini Regis iustificari non permittunt, nec sustineant quod per ipsos liberentur districtiones, quas auctoritate propria fecerint ad voluntatem suam: Provisum est, & concorditer concessum, quod tam majores, quam minores, justiciam habeant & recipiant in Curia domini Regis; Et nullus de cetero ultiones aut districtiones faciat per [propriam] voluntatem suam, absque consideratione Curie domini Regis, [et] si forte dampnum vel injuria sibi fiat, unde emendas habere voluerit de vicino suo, sive majore vel minore. Super autem articulo supradicto provisum est & concessum, ut si quis de cetero ultionem hujusmodi capiat per voluntatem suam propriam absque consideratione Curie domini Regis, ut predictum est, & inde convincatur, puniatur per redemptionem & hoc secundum quantitatem delicti. Et similiter si super vicinum suum faciat districtionem sine consideratione Curie domini Regis,

Regis, per quod dampnum habeat, puniantur eodem modo, & hoc secundum quantitatem delicti. Et nichilominus fiant emende plene & sufficienter [sufficientes] eidem qui dampnum sustinuerunt per hujusmodi districtiones.

(6) And nevertheless sufficient and full Amends shall be made to them that have sustained Loss by such Distresses.

CAP. II.

None but Suitors shall be distrained to come to a Court.

NULLUS insuper major vel minor distringat aliquem ad veniendum ad Curiam suam, qui non sit de feodo suo, aut super ipsum non habeat jurisdictionem per Hundredum vel [per] Ballivam suam; nec districtiones faciat extra feodum suum, seu locum, ubi ballivam habeat, vel jurisdictionem; & qui contra hoc statutum venerit, puniatur eodem modo, & hoc secundum delicti quantitatem.

MOREOVER, none (of what Estate soever he be) shall distrain any to come to his Court, which is not of his Fee, or upon whom he hath no Jurisdiction, by reason of his Hundred or Bailiwick; (2) nor shall take Distresses out of the Fee or Place where he hath Bailiwick or Jurisdiction: (3) And he that offendeth against this Statute, shall be punished in like manner, and that according to the Quantity of the Trespals.

² Inst. 104.
Wright's Ten.
201.
³ Ed. 1. c. 16.

CAP. III.

A Lord shall not pay a Fine for distraining his Tenant.

SI quis autem major vel minor permittens noluerit liberari per ministros domini Regis, & secundum legem & consuetudinem regni, districtiones quas fecerit; aut etiam sustinere noluerit summonitiones & attachiamenta, seu executiones judiciorum Curie domini Regis fieri, puniatur modo predicto, tanquam se justiciari non permittens. Quod si quis major vel minor districtiones faciat super tenentem suum pro servitiis & consuetudinibus, que sibi deberi dicat, vel pro re altera, unde ad dominum feodi pertineat facere districtiones, & postea convincatur, quod tenens ejus ea sibi non debeat; non ideo puniatur dominus per redemptionem, ut in supradictis casibus, si permittat

IF any, of what Estate so ever he be, will not suffer such Distresses as he hath taken, to be delivered by the King's Officers, after the Law and Custom of the Realm, (2) or will not suffer Summons, Attachments, or Executions of Judgments given in the King's Court, to be done according to the Law and Custom of the Realm, as is aforesaid, he shall be punished in manner aforesaid, as one that will not obey the Law. (3) And if any, of what Estate soever he be, distrain his Tenant for Services and Customs being due unto him, or for any other Thing, for the which the Lord of the Fee hath Cause to distrain, and after it is found that the same Services are not due, the Lord shall not

The Punishment for unlawful Distresses.
³ Ed. 1. c. 17.

The Lord distraining his Tenant shall not pay a Fine.

2 Inst. 105, 106. not therefore be punished by Fine, as in the Cases aforesaid, if he do suffer the Distresses to be delivered according to the Law and Custom of the Realm; but shall be amerced as hitherto hath been used, and the Tenant shall recover his Damages against him.

mittat districciones liberari secundum legem & consuetudinem regni; sed amercietur velut hactenus consuetum est, & tenens dampna sua recuperet versus eum.

CAP. IV.

A Distress shall not be driven out of the County. And it shall be reasonable.

A Distress shall not be driven out of the County.

2 Inst. 106. 107.
3 Mod. 288.
3 Ed. 1. c. 16.
28 Ed. 1. stat. 3. c. 12.
1 & 2 Ph. & M. c. 12.

NOne from henceforth shall cause any Distress that he hath taken, to be driven out of the County where it was taken; (2) and if one Neighbour do so to another of his own Authority, and without Judgement, he shall make Fine (as above is said) as for a Thing done against the Peace: (3) Nevertheless, if the Lord presume so to do against his Tenant, he shall be grievously punished by Amerciament. (4) Moreover, Distresses shall be reasonable, and not too great. (5) And they that take great and unreasonable Distresses, shall be grievously amerced for the Excess of such Distresses.

Distresses shall be reasonable.

Nullus de cetero faciat ducere districciones, quas fecerat, extra Comitatum in quo fuerit; Et si vicinus hoc fecerit super vicinum suum, & per voluntatem suam, & sine iudicio, puniatur per redemptionem, ut supra, veluti de re contra pacem. Verumptamen si dominus hoc super tenentem suum fecerit castigetur per gravem misericordiam. Districciones insuper sint rationabiles, & non nimis graves. Et qui districciones fecerint irrationabiles, & indebitas, graviter amercientur propter excessum districcionum ipsarum.

CAP. V.

A Confirmation of the Great Charter, and the Charter of the Forest.

2 Inst. 108.
A Confirmation of the Great Charter and the Charter of the Forest.

THE Great Charter shall be observed in all his Articles, as well in such as pertain to the King, as to other; and that shall be enquired afore the Justices in Eyre in their Circuits, and afore the Sheriffs in their Counties, when need shall be. (2) And Writs shall be freely granted against them that do offend, before the King, or the Justices of the Bench, or before Justices in Eyre, when they come into those Parts. (3) Likewise the Charter of the Forest shall be observed in

Magna Carta in singulis suis articulis teneatur, tam in hiis que ad Regem pertinent, quam ad alios; & hoc coram Justiciariis itinerantibus, in suis itineribus & vicecomitibus in Comitatus suis, cum opus fuerit, demandetur, & brevia versus eos, qui contraverint, gratis concedantur coram Rege, vel coram Justiciariis de Banco, vel coram Justiciariis itinerantibus, cum in partes illas venerint.

Similiter Carta de Foresta, &c. 2 Inst. 108.

all his Articles, and the Offenders, when they be convict, shall be grievously punished by our Sovereign Lord the King in Form above mentioned.

CAP. VI.

A fraudulent Conveyance to defeat a Lord of his Wardship shall be void.

DE hiis autem, qui primo-genitos [filios suos,] & heredes suos infra etatem existentes, feoffare solent de hereditate sua, ut per hoc amitterent domini feodorum custodias suas; provisum est, & concorditer concessum, quod occasione hujusmodi falsi feoffamenti nullus Capitalis dominus amittat custodiam suam. De hiis insuper, qui de terris suis, quas tradere voluerint ad terminum annorum, ut domini feodorum amittant custodias suas, falsa fingunt feoffamenta, contentia quod eis satisfactum est de summa servicii in illis contenti usque ad terminum aliquem; ita quod post terminum solvere teneantur hujusmodi feoffati summam aliquam, valorem terrarum illarum in multo excedentem, ut sic post terminum illum terra eorum revertatur ad ipsos, eo quod nemo eas pro tanto tenere curaret: provisum est, & concorditer concessum, ut per hujusmodi fraudem nullus Capitalis dominus amittat custodiam suam. Verumptamen non licebit eis hujusmodi feoffatos sine judicio disseisire; set breve habeant de hujusmodi custodia sibi reddenda, & per testes in cartis in hujusmodi feoffamentis contentos una cum aliis liberis & legalibus de patria, & per quantitatem & valorem teneament', & per quantitatem summe que inde reddi debet post terminum predictum, attingatur utrum hujusmodi feoffamenta bona

AS touching them that use Feoffments to defraud Lords to infeoff their eldest Sons of their Wardships. and Heirs, being within Age, of their Heritage, for to defraud the Lords of the Fee of their Wardships, it is provided, accorded, and agreed, that by occasion of any such Feoffment no chief Lord shall lose his Ward. (2) Moreover, touching them that fain false Feoffments of their Lands, which they will lease for Term of Years, to defraud the chief Lords of their Wards, wherein it is contained, that they are satisfied of the whole Service due unto them until a certain Term; so that such Feoffees are bound at the said Term to pay a certain Sum to the Value of the same Lands, or far above; so that after such Term the Land shall return unto them, or to their Heirs, because no Man will be content to hold it upon the Price; it is provided and agreed, that by such Fraud no chief Lord shall lose his Ward. (3) Nevertheless, it shall not be lawful to them to disseise such Feoffees without Judgment, but they shall have a Writ for to have such a Ward restored unto them; and by the Witnesses contained in the Deed of Feoffment, with other free and lawful Men of the Country, and by the Value of the Land, and by the Quantity of the Sum payable after the Term, it shall be tryed whether such Feoffments were made *bona fide*, or by

Feoffments to defraud Lords of their Wardships.

4 H. 7. c. 17.
34. & 35 H. 8.
c. 5.

2 Inst. 109—
112.

by Collusion, to defraud the chief Lords of the Fee of their Wards. And if the chief Lords in such Cases recover their Wards by Judgment, the Feoffees shall nevertheless have their Action to recover such Term or Fee, which they had therein, when the Heirs come to their lawful Age.

II. And if any chief Lords do maliciously implead such Feoffees, faining this Case, namely, where the Feoffments were made lawful and in good faith, then the Feoffees shall have their Damages awarded, and their Costs which they have sustained by occasion of the foresaid Plea, and the Plaintiffs shall be grievously punished by Amerciament.

A Lord impleading a Feoffee wrongfully.

bona fide facta sint, aut in fraudem ad auferendum Capitalibus dominis feodi custodiam suam. Si vero Capitales domini per iudicium Curie recuperent in huiusmodi casibus custodiam suam, salva sit nichilominus huiusmodi feoffatis actio sua, quam ad terminum, seu ad feodum recuperandum inde habuerint, cum heredes ad legitimam etatem pervenerint.

Quod si aliqui Capitales domini feoffatis aliquos malitiose implacitaverint, fingentes casum istum, maxime ubi feoffamenta legitime & bona fide facta fuerint, tunc adjudicentur feoffatis dampna sua, & mise sue quas fecerint occasione placiti predicti, & ipsi actores per misericordiam puniantur.

C A P. VII.

Process in a Communi Custodia. Ward by reason of Ward.

13 Ed. 1. stat. 1. c. 35.

IN a common Plea of Ward, if the Deforceors come not at the great Distress, then the said Writ shall be renewed twice or thrice, at such Terms as it may be done within the half Year following, so that every time the Writ shall be read in the open County (if the Deforceor be not found before) and there openly be proclaimed, that he may come at the Day limited: so that if he absent himself then, and come not to answer within the said half Year, nor the Sheriff cannot get his Body, to have it before our Justices to answer according to the Law and Custom of the Realm, then as a Rebel, and such a one as will not be justified, he shall lose the Seisin of his Ward; saving to him his Action at another time, if he have any Right to the same,

2 Inst. 113, 114.

IN placito communi de custodiis, si ad magnam districtionem non venerint deforciatores, tunc bis vel ter iteretur breve predictum ad terminos quibus fieri poterit, infra medietatem anni sequentis, Ita quod singulis vicibus legatur breve in pleno Comitatu, ubi prius inventus fuerit deforciator: et ibi publice denunciatur, ut veniat ad diem sibi prefixum: quod si se subtraxerit, ita tamen quod infra medietatem anni responsurus non venerit, nec vicecomes eum invenire possit, per quod corpus suum habere possit coram Justiciariis, ad respondendum secundum legem & consuetudinem regni, tunc, tanquam rebellis, et se justiciari non permittens, amittat seisinam huiusmodi custodie, Salva sibi alias actione sua, si forte jus habeat ad [in] eandem.

II.

In

In casibus autem, ubi custodie pertinent ad custodias heredum infra etatem existentium, & ubi custodes petunt custodias que accidunt heredibus, vel tanquam pertinentes ad eorum hereditatem, non amittant hujusmodi heredes infra etatem existentes per negligenciam vel rebellionem suorum custodum, sicut in casu predicto; sed curat lex communis eodem modo quo prius consuevit.

II. But in such Cases, where the Wardships belong to the Guardians of Wards being within Age, and where the Guardians demand a Wardship which belongeth to the Heir, or as appertaining to their Inheritance, such Heirs within Age shall not lose their Inheritance by the Negligence or Rebellion of their Guardians, as in the Case afore rehearsed; but let the Common Law run in like manner as it hath been accustomed to do.

Wardship taken away by
12 Car. 2. c. 24.

CAP. VIII.

The Punishment of those who commit Redisseisin.

ILLI vero qui pro iterata disfeisina capti fuerint et detenti, non deliberentur sine speciali precepto domini Regis, et hoc per finem cum domino Rege faciendum pro hujusmodi transgressione sua; et si contemptum fuerit, quod Vicecomes aliter eos deliberaverit, graviter propter hoc amerietur; et nichilominus illi, qui per Vicecomitem sine precepto domini Regis sic liberentur, pro sua transgressione puniantur.

They which be taken and imprisoned for *Redisseisin*, shall not be delivered without special Commandment of our Lord the King, and shall make Fine with our Lord the King for their Trespals. And if it be found, that the Sheriff delivereth any contrary to this Ordinance, he shall be grievously amerced therefore; and nevertheless, they which are so delivered by the Sheriff without the King's Commandment, shall be grievously punished for their Trespals.

2 Inf. 114, 115.
F.N.B. 129,
190. 243. A.

20 H. 3. c. 3.
13 Ed. 1. stat. 1.
c. 26.

CAP. IX.

Who shall do Suit of Court. Suit of Court by Coparceners.

Contra formam feoffamenti.

DE sectis quidem faciendis ad Curiam Magnatum, et aliorum dominorum ipsarum Curiarum, de cetero sic observandum est, quod nullus, qui per cartam feoffatus est, distringatur de cetero ad sectam faciendam ad Curiam domini sui, nisi per formam carte sue specialiter teneatur ad sectam illam faciendam; hiis autem exceptis, quorum antecessores, vel ipsimet,

FOR doing Suits unto Courts of great Lords, or of meaner Persons, from henceforth this Order shall be observed, That none that is infeofed by Deed, from henceforth shall be distrained to do such Suit to the Court of his Lord, without he be specially bound thereto by the Form of his Deed: (2) These only except, whose Ancestors, or they themselves, have

2 Inf. 115—
120.

Who shall do
Suit of Court.

have used to do such Suit before the first Voyage of the said King HENRY into Britain, sithence which nine and thirty years and a half are passed, unto the time that these Statutes were enacted. (3) Likewise from henceforth none that is infeoffed without Deed, from the time of the Conquest, or any other ancient Feoffment, shall be distrained to do such Suits, unless that he or his Ancestors used to do it before the said Voyage. (4) And they that are infeoffed by Deed to do a certain Service, as, for Service of so many Shillings by Year, to be acquitted of all Service, from henceforth shall not be bounden to such Suits, or other like, contrary unto the Form of their Feoffment. (5) And if any Inheritance, whereof but one Suit is due, descend unto many Heirs, as unto Parceners, whose hath the eldest Part of the Inheritance, shall do that one Suit for himself and his Fellows, and the other Coheirs shall be Contributaries, according to their Portion, for doing such Suit. (6) And if many Feoffees be seised of an Inheritance, whereof but one Suit is due, the Lord of the Fee shall have but that one Suit; and shall not exact of the said Inheritance, but that one Suit, as hath been used to be done before. (7) And if those Feoffees have no Warrant or Mean which ought to acquit them, then all the Feoffees, according to their Portion, shall be Contributaries for doing the Suit for them. (8) And if it chance that the Lords of the Fee do distrain their Tenants for such Suits, contrary to this Act, then, at the Complaint of the

ipsimet, hujusmodi sectam facere consueverunt ante primam transfretationem predicti domini Regis in Britanniam, a tempore cujus transfretationis elapsi sunt triginta et novem anni et medietas unius anni, a tempore quo hujusmodi constitutiones fuerint constitute. [Et] similiter nullus feoffatus de cetero sine carta a tempore conquestus, vel aliquo alio antiquo feoffamento, distringatur ad hujusmodi sectam faciendam, nisi ipsemet vel antecessores sui eam facere consueverunt ante primam transfretationem predictam. Qui autem per cartam pro certo servicio, veluti pro libero servicio tot solidorum annuatim pro omni servicio solvendorum, feoffati sunt, ad sectam, vel ad aliud, ultra formam sui feoffamenti, non teneantur. Et si hereditas aliqua, de qua tantum unica secta debeat, ad plures heredes, participes ejusdem hereditatis, devolvatur; ille qui habet civitatem [concomitiam] hereditatis illius, unicam faciet sectam pro se et participibus suis, et alii participes sui pro portione sua contribuant ad sectam illam faciendam. Si plures feoffati fuerint de hereditate aliqua, de qua unica secta debeat, dominus illius feodi unicam sectam inde habeat, nec possit de hereditate illa nisi unicam sectam exigere, sicut prius fieri consuevit. Et si feoffati illi Warrantum vel medium non habeant, qui eos acquietare debeat, omnes feoffati contribuant pro portione sua ad sectam illam faciendam. Si autem contingat, quod domini Cur' tenentes suos contra hanc constitutionem pro hujusmodi secta distringant, tunc ad querimoniam

Suit of Court
by Coparceners.

14 H. 3. stat. 1.
Hibern.
17 Ed. 2. c. 5.

A Lord distraining his
Tenant for
Suit not due
shall be attached
to appear.

Te

niam tenentium illorum attachientur, quod ad Curiam domini Regis veniant ad brevem diem, inde responsuri, et unicum habeant essonium, si fuerint in regno; et incontinenti deliberentur conquerenti averia sua, sive alie districciones hac occasione facte, et deliberate remaneant, donec placitum inde inter eos terminetur. Et si domini Curiarum, qui hujusmodi districciones fecerint, ad diem, ad quem attachiati fuerint, non venerint, vel diem per essonium suum sibi datum non observaverint, tunc mandetur Vicecomiti, quod eos ad alium diem venire faciat, ad quem diem si non venerint, mandetur Vicecomiti, quod distringantur per omnia que habent in balliva sua, ita quod Vicecomes respondeat domino Regi de exitibus, et quod habeat corpora eorum ad certum diem prefigendum: ita quod si ad illum diem non venerint, eat pars conquerens inde sine die, et averia sua sive districciones alie deliberate remaneant, donec sectam illam domini recuperaverint per consideracionem Curie domini Regis; et cessent interim districciones hujusmodi, salvo dominis curiarum jure suo, de sectis illis perquirendis, in forma juris, cum inde loqui voluerint: et cum domini Curiarum venerint responsuri conquerentibus de hujusmodi transgressionibus, si super hoc convincantur, tunc per consideracionem Curie domini regis recuperent versus [eos] conquerentes dampna sua, que sustinuerunt occasione districciones predictae.

Simili modo si tenentes post hanc constitucionem subtrahant dominis feodi sectas, quas fa-

Tenants, the Lords shall be attached to appear in the King's Court at a short Day, to make Answer thereto, and shall have but one Essoin therein, if they be within the Realm; and immediately the Beasts, or other Distresses taken by this Occasion, shall be delivered to the Plaintiff, and so shall remain, until the Plea betwixt them be determined. (9) And if the Lords of the Courts which took Distresses, come not at the Day that they were attached, or do not keep the day given to them by Essoin, then the Sheriff shall be commanded to cause them to come at another Day; at which Day, if they come not, then he shall be commanded to distrain them by all their Goods and Chattels that they have in the Shire, so that the Sheriff shall answer to the King of the Issues of the said Inheritance; and that he have their Bodies before our Justices at a certain Day limited. So that if they come not at that Day, the Party Plaintiff shall go without Day, and his Beasts, or other Distresses taken by that Colour, shall remain delivered, until the same Lords have recovered the same Suit by Award of the King's Court; and in the mean time such Distresses shall cease, saving to the Lords of the Court their Right to recover those Suits in Form of Law, when they will sue therefore. (10) And when the Lords of the Courts come in to answer the Plaintiffs of such Trespases, and be convict thereupon; then, by Award of the King's Court, the Plaintiffs shall recover against them the Damages that they have sustained by occasion of the said Distress.

II.

Tenants with-
holding from
their Lords
their due Suits.

II. Likewise if the Tenants, after this Act, withdraw from their Lord such Suits as they were wont to do, and which they did before the time of the said Voyage, and hitherto used to do; then by like Speediness of Justice, as be to limiting of Days, and awarding of Distresses, the Lords of the Court shall obtain Justice to recover their Suits, with their Damages, in like manner as the Tenants should recover theirs: (2) And this recovering of Damages must be understood of withdrawing from themselves, and not of withdrawing from their Ancestors. (3) Nevertheless, the Lords of the Court shall not recover Seisin of such Suits against their Tenants by Default, as they were wont to do. (4) And touching Suits withdrawn before the time aforementioned, let the Common Law run as it was wont before time.

cere debeant, et quas ante tempus predictæ transfretacionis et hæctenus facere consueverunt, tunc per eandem justitiam et celeritatem, quoad dies prefigendos, et districciones admittendas, consequantur domini Curjusticiam de sectis illis, una cum dampnis suis, quemadmodum tenentes dampna sua recuperant; et hoc scilicet de dampnis recuperandis intelligatur de subtractionibus sibi factis, et non de subtractionibus factis predecessoribus suis. Verumptamen domini Curiarum seisinam de hujusmodi sectis recuperare non poterunt per defaultam, sicut hæctenus fieri consuevit. De sectis autem, que ante tempus supradictum subtracte fuerunt, currat lex communis sicut prius consuevit.

CAP. X.

Certain Persons exempt from Appearance at Sheriffs Turns.

¹ Inst. 120—
122.
² Hawk. Pl. Cr.
55, 56.
⁹ Hen. 3. c. 35.
³¹ Ed. 3. stat. 1.
c. 15.
³ Ed. 6. c. 25.

FOR the Turns of Sheriffs, it is provided, That Archbishops, Bishops, Abbots, Priors, Earls, Barons, nor any religious Men or Women, shall not need to come thither, except their Appearance be especially required thereat for some other Cause; (2) but the Tourn shall be kept as it hath been used in the times of the King's noble Progenitors. (3) And they that have Hundreds of their own to be kept, shall not be bound to appear at any such Tourns, but in the Bailiwicks where they be dwelling. (4) And the Tourns shall be kept after the Form of the Great Charter, and as they were used in the times of King RICHARD and King JOHN.

DE turnis Vicecomitum provisum est, ut necesse non habeant ibi venire Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, nec aliqui viri religiosi, nec mulieres, nisi eorum presentia ob aliquam causam specialiter exigatur; set teneatur turnus sicut temporibus predecessorum domini Regis teneri consuevit. Et si qui in Hundredis diversis habeant tenementa [*sua*,] non habeant necesse venire ad hujusmodi turnos, nisi in ballivis ubi fuerint conversantes, et teneantur turni secundum formam magne carte Regis, et sicut temporibus Regis RICARDI et JOHANNIS teneri consueverunt.

CAP.

C A P. XI.

No Fines shall be taken for Beaupleader.

PROvisum est etiam, quod nec in itinere Justiciar', nec in Comitatibus, Hundredis, nec in Curia Baronum, de cetero capiantur fines ab aliquibus pro pulcre placitando, nec per sic quod non occasionentur.

Et sciendum, quod per istam constitutionem non tolluntur fines certi, seu presentationes [*prestaciones*] arenate a tempore quo dominus Rex primo transfretavit in Britanniam usque nunc.

IT is provided also, That from henceforth neither in the Circuit of Justicers, nor in Counties, Hundreds, and Court Barons, any Fines shall be taken of any Man for Fair-Pleading, nor so that any Occasion shall be.

II. And it is to be known, that by this Act Fines certain, or Loans assessed since the time that our Lord the King first passed into *Britain*, are not taken away.

C A P. XII.

Days given in Dower, Assise of Darraine Presentment, and Quare impedit.

IN placito vero dotis [*de dote*] quod vocatur unde nichil habet, dentur de cetero quatuor dies per annum ad minus, et plures si commode fieri possit, ita quod habeant quinque vel sex per annum ad minus. In assisibus autem ultime presentacionis, et in placito quare impedit de ecclesiis vacantibus, dentur dies de quindena in quindena, vel de tribus septimanis in tres septimanas, prout locus propinquus fuerit, vel remotus. In placito vero quare impedit, si ad primum diem, ad quem summovitus fuerit, non venerit nec effonium miserit impeditor, attachietur ad alium diem, quo die si non venerit, nec effon' miserit, distringatur per magnam distraccionem superius dictam; et si tunc non venerit, per ejus defaultam scribatur Episcopo loci, quod reclamatio impeditoris illa vice conquerenti non obsistat, salvo impeditori alias jure suo, cum inde loqui voluerit.

IN a Plea of Dower, that is called *unde nichil habet*, from henceforth four Days shall be given in the Year at the least, and more if conveniently it may be, so that they shall have five or six Days at the least in the Year. (2) In Assises of *Darraine Presentment*, and in a Plea of *Quare impedit*, of Churches vacant, Days shall be given from fifteen to fifteen, or from three Weeks to three Weeks, as the Place shall happen to be near, or far. (3) And in a Plea of *Quare impedit*, if the Disturber come not at the first Day that he is summoned, nor cast no Effoin, then he shall be attached at another Day; at which day if he come not, nor cast no Effoin, he shall be distrained by the great Distress above given; (4) And if he come not then, by his Default a Writ shall go to the Bishop of the same Place, that the Claim of the Disturber for that time

Attachments.

time shall not be prejudicial to the Plaintiff; saving to the Disturber his Right at another time, when he will sue therefore. (5) The same Law, as to the making of Attachments, shall from henceforth be observed in all Writs where Attachments lie, as in making Distresses, so that the second Attachment shall be made by better Pledges, and afterwards the last Distress.

rit. Eadem lex de attachamentis faciendis de omnibus brevibus, ubi attachiamenta jacent, quoad districtiones faciendas firmiter observetur; Ita tamen, quod secundum attachiamentum fiat per meliores plegios, et postmodum ultima districcio.

CAP. XIII.

After Issue joyned there shall be but one Effoin, or one Default.

After Issue
joyned there
shall be but
one Effoin, or
one Default.
2 Inst. 126.
3 Salk. 216, 217.

AND it is to be known, after that a Man hath put himself upon any Enquest, the which hath or must pass in such manner of Writs, he shall have but one Effoin, or one Default; so that if he come not at the Day given to him by the Effoin, or make Default the second Day, then the Enquest shall be taken by his Default, and according to the same Enquest they shall proceed to Judgement. (2) And if such Enquest be taken in the County, before the Sheriff or Coroner, it shall be returned unto the King's Justices at a certain Day; and if the Party Defendant come not at that Day, then, upon his Default, another Day shall be assigned to him after the Discretion of the Justices; and it shall be commanded to the Sheriff, that he cause him to come to hear the Judgement, if he will, according to the Enquest; at which Day, if he come not, upon his Default they shall proceed to Judgement. In like manner it shall be done, if he come not at the Day given unto him by his Effoin.

ET sciendum, quod postquam aliquis posuerit se in inquisitionem aliquam, que emerferit, vel emergere possit in hujusmodi brevibus, non habeat nisi unicum effonium, et [vel] unicum defaultam; ita scilicet, quod si ad diem sibi datum per effonium suum non venerit, aut si secundo die defaultam fecerit, tunc inquisicio illa per defaultam ipsius capiatur, et tunc secundum inquisitionem per defaultam ipsius ad iudicium procedatur. Et si inquisicio illa capta fuerit in Comitatu per Vicecomitem, vel per Coronatorem, ad Justiciarios domini Regis ad certum diem remittenda; et si pars rea non venerit ad illum diem, tunc per defaultam ipsius assignetur ei alius dies secundum discrecionem Justiciariorum; et mandetur Vicecomiti, quod ad diem illum faciat ipsum venire ad audiendum iudicium suum, si velit, secundum inquisitionem illam; ad quem diem si non venerit, propter defaultam suam procedatur ad iudicium. Eodem modo fiat, si non veniat ad diem sibi datum per effonium suum.

CAP.

CAP. XIV.

They which have Charters of Exemption, must in some Cases be sworn.

DE [in] cartis vero exemptionis et libertatis, ne ponantur impetrantes in assisis, juratis, vel recognitionibus aliquibus; provifum est, quod si adeo necessarium fit eorum juramentum, quod sine eis justitia exhiberi non poterit [possit] veluti in magna assisa, et in perambulationibus, et in cartis vel scriptis convencionum, ubi fuerint testes nominati, aut in atinctis, aut in aliis casibus consimilibus, jurare cogantur; salva sibi alias libertate et exemptione sua supradictis.

CONCERNING Charters of Exemption and Liberties, that the Purchaser shall not be impanelled in Assises, Juries, and Enquests; it is provided, That if their Oaths be so requisite, that without them Justice cannot be ministered, as in great Assises, Perambulations, and in Deeds or Writings of Covenants, (where they be named for Witnesses) or in Attaints, and in other cases like, they shall be compelled to swear; saving to them at another time their foresaid Liberty and Exemption.

They who have Charters of Exemption must in some Cases be sworn.

CAP. XV.

In what Places Distresses shall not be taken.

NULLI de cetero liceat districciones facere ex quacunque causa extra feodum suum, nec in regia via, aut communi strata, nisi domino Regi aut Ministris suis.

IT shall be lawful for no Man from henceforth, for any manner of Cause, to take Distresses out of his Fee, nor in the King's High-way, nor in the common Street, but only to the King or his Offi-

no 2 Inst. 131—
8 Co. 60.
Cro. Eliz. 710.
9 Ed. 2. stat. 1.
c. 9.

cers having special Authority to do the same.

CAP. XVI.

The Heir's Remedy, if his Lord do keep him forth. The King's Primer Seisin.

SI heres aliquis post mortem sui antecessoris infra etatem extiterit, et dominus suus custodiam terrarum suarum habuerit, si dominus ille dicto heredi, cum ad legitimam etatem pervenerit, terram suam sine placito reddere noluerit, heres ille terram suam per assisam mortis antecessoris sui recuperabit, una cum dampnis que sustinuerit propter detencionem illam, a tempore quo fuerit legitime

IF any Heir after the Death of his Ancestor be within Age, and his Lord have the Ward of his Lands and Tenements, if the Lord will not render unto the Heir his Land (when he cometh to his full Age) without Plea, the Heir shall recover his Land by Assise of Mortdaucestor, with the Damages that he hath sustained by such withholding, since the time that he was of full Age.

A Remedy for the Heir, if his chief Lord do keep or put him out of Possession.

2 Inst. 134.

Age. (2) And if an Heir at the time of his Ancestor's Death, be of full Age, and he is Heir apparent, and known for Heir, and be found in the Inheritance, the chief Lord shall not put him out, nor take, nor remove any thing there, but shall take only simple Seisin therefore for the Recognition of his Seigniorie, that he may be known for Lord.

(3) And if the chief Lord do put such an Heir out of the Possession maliciously, whereby he is driven to purchase a Writ of *Mortdauncestor*, or of *Cousenage*, then he shall recover his Damages as in Assise of *Novel disseisin*.

6 Ed. 1. c. 1.

Primer Seisin.

II. Touching Heirs, which hold of our Lord the King in chief, this Order shall be observed, That our Lord the King shall have the first Seisin of their Lands, like as he was wont to have before time: Neither shall the Heir, nor any other, intrude into the same Inheritance, before he hath received it out of the King's Hands, as the same Inheritance was wont to be taken out of his Hands and his Ancestors in times past. And this must be understood of Lands and Fees,

17 Ed. 2. stat. 1.

c. 3.

Altered by 12 Car. 2. c. 24.

the which were accustomed to be in the King's Hands, by reason of Knights Service, or Serjeanty, or Right of Patronage.

CAP. XVII.

The Authority and Duty of Guardians in Socage.

2 Inst. 135, 136.

IT is provided, That if Land holden in Socage be in the Custody of the Friends of the Heir, because the Heir is within Age, the Guardians shall make no Waste, nor Sale, nor any Destruction of the same Inheritance; but safely shall keep it to the Use of the said Heir, so that when he cometh to his lawful

gitime etatis. Quod si heres alicujus in morte antecessoris sui plene etatis fuerit, et heres ille apparens, et pro herede cognitus, inventus sit in hereditate illa, capitalis dominus eum non eiciat [eiciat] nec aliquid ibi capiat nec amoveat, set tantum simplicem seisinam inde faciat pro recognitione domini sui. Et si Capitaless domini hujusmodi heredem extra seisinam suam maliciose teneant, per quod breve mortis antecessoris ipsum oportet impetrare [placitare] tunc dampna sua recuperet sicut in Actione nove disseisine.

De hereditatibus autem que de domino Rege tenentur in capite sic observandum est, quod dominus Rex liberam inde seisinam habeat, sicut prius heri consuevit; nec heres nec aliquis alius in hereditatem illam se intrudat, priusquam illam de manibus domini Regis recipiat, prout hujusmodi hereditates de manibus Antecessorum suorum recipi consueverunt, et hoc intelligatur de terris et feodis, que ratione servicii militaris, vel serjantie, seu jure patronatus, in manu domini Regis esse consueverunt.

PROvisum est etiam, quod si terra, que tenetur in socagio, sit in custodia parentum heredum eo quod [ille dum] heres infra etatem extiterit, custodes illi [illius] vastum facere non possunt, vel vendicionem, vel aliquam destruccionem de hereditate illa; sed salvo eam custodiant ad opus dicti heredis,

dis, Ita quodcum ad legitimam etatem pervenerit, sibi respondeant de exitibus dicte hereditatis, per legitimam computationem, salvis ipsis custodibus rationabilibus misis suis. Nec etiam possunt dicti custodes dicti heredis maritagium dare vel vendere, nisi ad commodum dicti heredis: set si parentes dicti heredis propinquiores qui hujusmodi custodias habuerint, de toto tempore illo, a quo brevia placitandi non conceduntur, hujusmodi custodias habeant ad commodum heredis, ut predictum est, sine vasto, vel exilio, vel destructionibus faciendis.

lawful Age, they shall answer to him for the Issues of the said Inheritance by a lawful Account, saving to the same Guardians their reasonable Costs. (2) Neither shall the said Guardians give or sell the Marriage of such an Heir, but to the Advantage of the foresaid Heir; (3) But the next Friends which had the Ward, for all that time that Writs of impleading did not lie, shall have such Wardship unto the Advantage of the Heir, as is said before, without Waste, Sale, or Destruction making.

C A P. XVIII.

Who only may amerce for Default of common Summons.

NULLUS autem escaetor, vel inquisitor, vel Justiciarius ad assisas capiendas specialiter assignatus, vel ad querelas audiend' et determinand', de cetero potestatem habeat ameriandi aliquem pro defaulta communis summonicionis, nisi Capitales Justiciarii in itineribus suis. [Provisum est insuper, quod nullus religiosus feoda alicujus ingreditur sine assensu nostro, & copitalis domini, de quo feoda illa immediate tenentur.]

NO Escheator, Commissi-² Inft. 136. oner, or Justicer specially assigned to take Assises, or to hear and determine Matters, from henceforth shall have Power to amerce for default of common Summons, but the chief Justices, or the Justices in Eyre in their Circuits.

C A P. XIX.

In which Courts none shall need to swear to warrant their Effoins.

DE effoin' autem provisum est, quod in Comitatu, Hundredo, aut in Curia Baronum, aut aliis Curiiis, nullus habeat necesse jurare pro effoino suo warrantizando.

TOUCHING Effoins, it is² Inft. 137. provided, That in Counties, Hundreds, or in Courts Barons, or in other Courts, none shall need to swear to warrant his Effoin.

C A P. XX.

None but the King shall hold Plea of false Judgement.

NULLUS de cetero (excepto domino Rege) placitum teneat de falso judicio facto in Curia

NONE from henceforth^{Fitz. Faux} (except our Lord the Judgement 7, King) shall hold in his Court^{8, 10, 14.} any² Inft. 138.

1 Ed. 3. stat. 1.
f. 4.

any Plea of false Judgement, given in the Court of his Tenants; for such Plea specially belongeth to the Crown and Dignity of our Lord the King.

Curia tenentium suorum; quia hujusmodi placita specialiter spectant ad coronam et dignitatem domini Regis.

C A P. XXI.

Who may take Replevins of Distresses.

Who may
make Replevin
of Beasts dis-
trained.
3 Ed. 1. c. 16, 17.
2 Inst. 139 —
141.

IT is provided also, That if the Beasts of any Man be taken, and wrongfully withholden, the Sheriff, after Complaint made to him thereof, may deliver them without Let or Gainfaying of him that took the Beasts, if they were taken out of Liberties. (2) And if the Beasts were taken within any Liberties, and the Bailiffs of the Liberty will not deliver them, then the Sheriff, for Default of those Bailiffs, shall cause them to be delivered.

PROvisum est, quod si averia aliqua injuste capiantur, et detineantur, Vicecomes post querimoniam inde sibi factam, ea sine impedimento vel contradiccione ejus qui dicta averia cepit, deliberare possit, si extra libertates capta fuerint. Si infra libertates capta fuerint, et ballivi libertatis ea liberare noluerint, tunc vicecomes per defectam eorum [ipsorum] ea faciat deliberari.

C A P. XXII.

None shall compel his Freeholder to answer for his Freehold.

2 Inst. 142, 143.

NONE from henceforth may distrain his Freeholders to answer for their Freeholds, nor for any Things touching their Freehold, without the King's Writ: (2) Nor shall cause his Freeholders to swear against their Wills; for no Man may do that without the King's Commandment.

NULLUS de cetero possit distringere libere tenentes suos ad respondendum de libero tenemento suo, nec de aliquibus ad liberum tenementum suum spectantibus; nec jurare faciat libere tenentes suos contra voluntatem suam; deficit hoc nullus facere possit sine [speciali] precepto domini Regis.

15 R. 2. c. 12.
16 R. 2. c. 2.

C A P. XXIII.

A Remedy against Accomptants. Fermors shall make no Waste.

2 Inst. 143, 144.
Remedy
against Ac-
comptants.

IT is provided also, That if Bailiffs, which ought to make account to their Lords, do withdraw themselves, and have no Lands nor Tenements whereby they may be distrained; then they shall be attached by their Bodies, so that the Sheriff, in whose Bailiwick they be found,

PROvisum est etiam, quod si Ballivi, qui dominis suis compositum reddere tenentur, se subtraxerint, et terras et tenementa non habuerint, per que distringi possint; tunc per eorum corpora attachientur, ita quod Vicecomes, in cujus balliva inveniantur, eos venire

venire faciat ad compotum suum reddend'.

Firmarii tempore firmarum suarum vastum vel exilium non faciant de boscis, domibus, vel hominibus, nec de aliquibus ad tenementa que habent ad firmam spectantibus, nisi specialem inde habuerint concessionem, sive convencionis mentionem, adeo quod hoc facere possint. Et si fecerint, et super hoc convincantur, dampna plene refundant, et graviter per misericordiam puniantur.

found, shall cause them to come to make their account.

II. Also Fermors, during their Terms, shall not make Waste, Sale, nor Exile of Houfe, Woods, and Men, nor of any Thing belonging to the Tenements that they have to ferm, without special Licence had by Writing of Covenant, making mention, that they may do it; which Thing if they do, and thereof be convict, they shall yield full Damage, and shall be punished by Amerciament grievously.

13 Ed. 1. stat. 1.
C. 11.
2 Inst. 145, 146.
Fermors shall make no Waste.
6 Ed. 1. stat. 1.
C. 5.

C A P. XXIV.

For what Causes Townships ought not to be amerced.

Justicarii itinerantes de cetero non amercent villatas in itinere suo, eo quod singuli duodecim annorum non venerint coram Vicecomitibus et Coronatoribus, ad inquisitiones de roberniis, et incendiis, et aliis ad Coronam spectantibus faciend'; dum tamen de villatis illis venerint sufficientes, per quos hujusmodi inquisitiones plene fieri possint: exceptis inquisitionibus de morte hominis faciend', ubi omnes duodecim annorum venire debent, nisi rationabilem habeant causam absentie sue.

THE Justices in Eyre from henceforth shall not amerce Townships in their Circuits, because all being twelve Years old came not afore the Sheriffs and Coroners, to make Inquiry of Robberies, Burnings of Houses, or other Things pertaining to the Crown; so that there come sufficient out of those Towns, by whom such Enquests may be made full: except Enquests for the Death of Man, whereat all being twelve Years of Age, ought to appear, unless they have reasonable cause of Absence.

Amercement of Towns in Eyre.
2 Inst. 147, 148.
Just. in Eyre.
Enquests of the Death of Man.

C A P. XXV.

What kind of Man-slaughteer shall be adjudged Murdber.

Murdrum de cetero non adjudicetur coram Justiciariis, ubi infortunium [fortunium] tantummodo adjudicatum est, sed locum habeat murdram in interfectis per feloniam, et non aliter.

Murthier from henceforth shall not be judged before our Justices, where it is found Misfortune only, but it shall take place in such as are slain by Felony, and not otherwise.

2 Inst. 148, 149.
Kelyng, 122.
123.
1 Hawk. Pl. Cr. 75, 76.
1 Hale's Hist. P. C. 425, 447, 448.
6 Ed. 1. stat. 1. c. 9.

CAP. XXVI.

What Day shall be given to him that is vouchēd to Warranty.

2 Inst. 149.
What Day shall be given to him that is vouchēd to Warranty.

IT is provided; That none, being vouchēd to Warranty before our Justices in Eyre, in Plea of Land or Tenement, shall be amerced from henceforth, because he was not present when he was vouchēd to Warranty, except the first Day of the coming of the Justices: But if the Party vouchēd be within the Shire, then the Sheriff shall be commanded to cause him to come within the third or fourth Day, according to the Distance of the Place, as it was wont to be done in the Circuit of the Justices. And if he dwell without the Shire, then he shall have reasonable Summons of Fifteen Days at the least, after the Discretion of the Justices, and the Common Law.

Provisum est insuper, quod nullus, qui coram Justiciariis itinerantibus vocatur ad Warantum de placito terre vel tenement', amercietur de cetero, pro eo quod presens non fuerit, quando vocabatur ad Warantum (excepto primo die adventus Justiciariorum ipsorum) set si Warantus ille sit infra Comitatum, tunc injungatur Vicecomiti, quod ipsum infra tertium diem, vel quartum, secundum locorum distantiam, faciat venire, sicut in itinere Justiciar' fieri consuevit. Et si extra Comitatum maneat, tunc rationabilem habeat summonicionem quindecim dierum ad minus, secundum discrecionem Justiciar', et legem communem.

CAP. XXVII.

A Clerk bailed upon a Capital Offence, refuseth to answer.

2 Inst. 150.
28 H. 8. c. 1.
32 H. 8. c. 3.

IF a Clerk, for any Crime or Offencetouching the Crown, be arrested, and after, by the King's Commandment, let to bail, or replevied, so that they, to whom he was let to bail, have him before our Justices; the Sureties from henceforth, nor they to whom he was let to bail, shall not be amerced (if they have his Body before our Justices) although he will not answer before them, by reason of a Clerk's Privilege, or cannot by reason of his Ordinary.

3 Ed. 1. c. 2.

SI clericus aliquis pro crimine aliquo, vel recto [recto] quod ad Coronam pertineat, arettatus [arettatus] fuerit, et postmodum per preceptum Regis in ballium traditus fuerit, vel replegiatus, ita quod hii, quibus traditus fuerit in ballium, eum habeant coram Justiciariis; non amercientur, illi de cetero quibus traditus fuerit in ballium, vel alii plegii sui, si corpus suum habeant coram Justiciariis, licet coram eis propter privilegium clericalē respondere noluerit, vel non possit.

CAP.

CAP. XXVIII.

Remedies for Successors of Prelates for Wrongs done to their Predecessors, &c.

PROVISUM est etiam, quod si depredaciones vel rapine alicue fiant Abbatibus, Prioribus, vel aliis prelatibus ecclesiasticis, et ipsi jus suum de hujusmodi depredacionibus prosequentes morte preveniantur, antequam justiciam inde fuerint affecuti; successores eorum habeant accionem ad bona ecclesie sue de manibus hujusmodi transgressorum repetend'. Similem [similiter] insuper habeant accionem successores de hiis, que domui et ecclesie sue recenter [retenta] ante obitum predecessorum suorum [et] per hujusmodi violenciam fuerint subtracta, licet predicti predecessores sui jus suum prosecuti non fuerint in vita sua. Si autem in terris et [vel] tenementis hujusmodi religiosorum, de quibus eorum prelati obierint seifiti, ut de jure ecclesie sue, aliqui se intrudant tempore vacationis, eorum successores breve habeant ad recuperand' seifinam suam; et adjudicentur eis dampna sua, sicut in nova disseifina adjudicari consuevit.

IT is provided, That if any Wrongs or Trespases be done to Abbots, or other Prelates of the Church, and they have sued their Right for such Wrongs, and be prevented with Death before Judgement given therein; their Successors shall have Actions to demand the Goods of their Church out of the Hands of such Trespasers. (2) Moreover, the Successors shall have like Action for such Things as were lately withdrawn by such Violence from their House and Church, before the Death of their Predecessors, though their said Predecessors did not pursue their Right during their Lives. (3) And if any intrude into the Lands or Tenements of such Religious Persons in the time of Vacation, of which Lands their Predecessors died seifed as in the Right of their Church, the Successors shall have a Writ to recover their Seifin. (4) And Damages shall be awarded them, as in Assise of *Novel disseifin* is wont to be.

A Remedy for Prelates for Wrongs done in the time of their Predecessors, or during the Vacation.

2 Inst. 151, 152.

CAP. XXIX.

In what Case a Writ of Entry sur disseifin in the Post doth lye.

PROVISUM est etiam, quod si alienationes ille, de quibus breve de ingressu dari consuevit, per tot gradus fiant, quod breve illud in forma prius usitata habere [haberi] non possit, habeat conquerens breve de recuperanda seifina, sine mentione graduum, ad cujuscunque manus per hujusmodi alienaciones

IT is provided also, That if those Alienations (whereupon a Writ of Entry was wont to be granted) hap to be made in so many Degrees, that by reason thereof the same Writ cannot be made in the Form beforetime used, the Plaintiffs shall have a Writ to recover their Seifin, without making

2 Inst. 153—
155.
Co. Lit. 238. b.
239. a.

making mention of the De- ones res illa devenerit, per bre-
grees, into whose Hands soe- via originalia per consilium do-
ever the same Thing shall hap- mini Regis providenda.
pen to come by such Aliena-
tions, and that by an Original Writ to be provided therefore by
the Council of our Lord the King.

The Statute of WESTMINSTER, the First,
Made at *Westminster 25 die Aprilis, Anno 3 ED-*
WARDI I. and Anno Dom. 1275.

2 Inst. 156 —
158.

THESE be the Acts of King
EDWARD, Son to King
HENRY, made at Westminster
at his first Parliament general af-
ter his Coronation, on the Mon-
day of Easter Utas, the third
Year of his Reign, by his Council,
and by the Assent of Archbishops,
Bishops, Abbots, Priors, Earls,
Barons, and all the Commonalty
of the Realm being thither sum-
moned, because our Lord the King
had great Zeal and Desire to re-
dress the State of the Realm in
such Things as required Amend-
ment, for the common Profit of
holy Church, and of the Realm:
And because the State of the holy
Church had been evil kept, and
the Prelates and religious Persons
of the Land grieved many ways,
and the People otherwise intreated
than they ought to be, and the
Peace less kept, and the Laws less
used, and the Offenders less pu-
nished than they ought to be, by
reason whereof the People of the
Land feared the less to offend;
the King hath ordained and estab-
lished these Acts under-written,
which he intendeth to be necessary
and profitable unto the whole
Realm.

Cotton MS. Claudius, D. 2.
CES sont les establissemetz
le Roi EDWARD, fitz le
Roi HENRY, faitz a Westm' a
son prim' parlement general
apres son coronement, lendi-
maine de la Clause de Pask', lan
de son regne tierce, par son
counseil, & par lassentement
des Ercevesques, Evesques, Ab-
bes, Priours, Countes, Barons,
& la comminalte de la terre
illoeqes somons, Pur ceo que
nostre Seigneur le Roi ad graunt
volunte & desir de lestate de
son roialme adrefcer en les cho-
ses, ou mister est de amende-
ment, & ce pur le commune
profit de seinte eglise, & del
roialme; & pur ce que lestat de
son roialme & de seinte eglise
ad este malmenez [*malmesne*]
& les Prelates & les religious
de la terre grevez en moltz de
maneres, & le poeple autre-
ment trete qestre ne deust, &
la pees meins gardez, & les
leies mesufez, and les mesfe-
santz meins puniz qestre ne
deussent, pur quoi les gentz
douterent meins a mesfaire;
Si ad le Roi ordene & establie
les choses souzscriptz, qc il
entend' que soient profitables &
convenables a tout le Roialme.

CAP. I.

*The Peace of the Church and the Realm shall be maintained.
Religious Houses shall not be overcharged.*

EN primes voet le Roi & commaunde, qe la pees de seinte eglise, & de la terre, soit bien garde & maintenu en toutes pointes, & commune droiture soit fait, auxibien as poverez, come as riches, sanz regard de nully. Purce qe les abbeyes & maisons de religion ount este surcharges, & grevez malement per la venu dez grandez gentz & autres, qe bien sufficient a eux mesmes, per quei les religious sont si abeissez & empoverez, qils ne pont sustener eux mesmes, ne charite qils soleient faire: Purveu est qe nul ne viegne manger, ne herberger, ne giser en meson de religion dautre avoueson qe de la sue, al cost de la meson, fil ne soit prie & requis especialment per la gouvernour de la meson, avaunt qil y viegne; & qe nul a ses costages demesne y entre, ne y viegne a giser encountre la volute de ceux de la meson: & per cest estatut ne entende pas le Roi, qe grace de hospitalite soit suffret as busoignouses, ne qe les avoues des maisons les puissent per lour venues surcharger ou destrure. Purveu est ensement, qe nul grand ne petit, per colour de † parent, ou de especialite, ou de autre affiance, ne per autre encheson, ne courge en autre Park, ne ne pesche en autri viver, nen viegne mangier, ne herberger en Manoir, ou en meson de Prelat, ou homme de religion, ou de autre, encountre la volute ou le congie le Seigneur, ou de Bailiff, ne al

cost

First the King willeth and ^{2 Inst. 159 —} commandeth, That the ^{163.} Peace of Holy Church and of the Land, be well kept and maintained in all Points, and that common Right be done to all, as well Poor as Rich, without Respect of Persons. (2) And because that Abbeyes and houses of Religion of the Land have been overcharged, and sore grieved, by the Resort of great Men and other, so that their Goods have not been sufficient for themselves, whereby they have been greatly hindered and impoverished, that they cannot maintain themselves, nor such Charity as they have been accustomed to do; it is provided, That none shall come to eat or lodge in any House of Religion of any others foundation than of his own, at the Costs of the House, unless he be required by the Governor of the House before his coming thither. (3) And that none, at his own Costs, shall enter and come to lie there against the Will of them that be of the House. (4) And by this Statute the King intendeth not, that the Grace of Hospitality should be withdrawn from such as need, nor that the founders of such Monasteries should overcharge, or grieve them by their often coming. (5) It is provided also, That none high nor low, by Colour of Kindred, Affinity, or Alliance, or by any other Occasion, shall course in any Park, nor fish in any Pond, nor

† Q. Patent.

No Purvey-
ance shall be
made of a Pre-
late without
the Owner's
Consent.

14 Ed. 3. stat.

1 & 3. c. 1.

18 Ed. 3. Rat. 3.

c. 4.

1 R. 2. c. 3.

nor come to eat or lodge in the House or Manor of a Prelate, or any other Religious Person, against the Will or Leave of the Lord, or his Bailiff, neither at the Cost of the Lord, nor at his own. (6) And if he come in, or enter with the Goodwill, or against the Will of the Lord or his Bailiff, he shall cause no Door, Lock, nor Window, nor nothing that is shut, to be opened or broken, by himself, nor any other, nor no Manner of Victual, nor other Thing, shall take by colour of Buying, nor otherwise; (7) and that none shall thresh Corn, nor take Corn, nor any Manner of Victual, nor other Goods of a Prelate, Man of Religion, nor any other Clerk, or Lay-Person, by colour of Buying, or otherwise against the Will and Licence of him to whom the Thing belongeth, or of the Keeper, be it within Market-Town, or without. (8) And that none shall take Horses, Oxen, Ploughs, Carts, Ships, nor Barges, to make Carriage, without the Assent of him to whom such Things belong; and if he do it by the Assent of the Party, then incontinent he shall pay according to the Covenant made between them. (9) And they that offend against these Acts, and thereof be attainted, shall be committed to the King's Prison, and after shall make Fine, and be punished according to the Quantity and Manner of the Trespas, and after as the King in his Court shall think convenient. (10) And it is to be known, that if they to whom such Trespas was done, will sue for Damages, they shall be thereto

cost le seigneur de la einz, ne a son cost demesne. Et sil viegne, & entre per le gree, ou saunz le gree le Seigneur, ou le Bailiff, nule serure, us, ne fenestre, ne nulle manere de fermure, ne face overir, ne depeffer, ne per sey ne per autre, ne nulle manere de vitaille nautre chose ne priegne per colour de achat, nautrement. Et que nulle ne face battre bledz, ne prendre bledz, ne nulle manere de vitaille, ne les autres biens de nulle Prelat, homme de religion, person, ne dautre, ne de Clerc ne de lay, per colour dachat, nautrement, encoutre la bone volunte & la congie de celui a qi la chose ferra, ou le gardein, dedeinz ville Marchande ne dehors. Et qe nul ne preigne chivals, ne boefs, chars, charettes, neefs ne bateux, affair cariage saunz la bone volunte de celui, a qi les choses ferront; et sil per la bone volunte de celui le face, lors maintenant face son gree selonc le covenant fait entre eux. Et ceux qi vendront encoutre les establissementz avaunt ditz, si [et] de ceo soient atteintz, soient ajugez a la prison le Roi, & deilloques reinte selonc la quantite & la manere del trespas, selonc ceo qe Roi en fa Court verra que bien soit. Et fait assavoir, qe si ceux a qe le trespas est fait, vodront fuire le damage qil averont, lors ferra agarde & retourne al double. Et ceux qe le trespas averont fait, soient en fement puniz a la manere avaunt dite; Et si nul ne voille fuire, le Roi eit la suit come de chose faite encoutre son defens, & encoutre sa pees: & le Roi fra enquerre de an en an, si come il quidra qe bien soit, quels

quels gentz eient tiel trespas fait ; & ceux qi ferront enditez per ceux enquestes, ferront attachez & distreintz per la grant distresse, de venir au certain jour, que contiegne le space dun moys, en la Court le Roi, ou la ou lui plerra. Et si ceux ne viegnent a cel jour, ils ferront derechief destreintz per mesme le destresse, a vener a un terme que contiegne vi. semaines. Et si ceux adonques ne viegnent, soient jugez come atteintz, & rendont le double, per la suite le Roi, a ceux qi le damage averont receu, & soient grevement reintz, selonc la manere del trespas. Et le Roi defende & comande, que nul de foremes ne face mal, ne damage, ne grevance a nul homme de religion, persone de seinte eglise, ne autre, per achese de ceo qils eient denie le hostiel, ou le manger a nuly, ou per enchesun de ceo que aucune se pleint en court, de ceo qil se sent greve des ascuns des choses avaunt dites : Et si nulle face, & de ceo soit atteint, soit encoruz la peine avaunt dite. Et est purveu, que les points avaunt dits lient auxibien nos counseillers, Justices des forestes, & autres nos Justices, come autres gentz. Et que les pointz avaunt ditz soient mieux tenuz, & gardez : Si defende le Roi, sur la greve forfaiture, que nul Prelat, Abbe, homme de religion, ou bailliff dascun deux, ou autre, ne receyve nul homme encountre la fourme avaunt dite. Et que nul nenvoie, a meison, ne a Manoir de religion, ne dautre homme, gentz, chivalx, ne chiens, ne nul ne les receive ; & qi le fra, purceo que ceo est encountre la defens & le comandement le Roi, il serra puny grevement. Unqore est

thereto received, and the same shall be awarded and restored to the double ; (11) and they that have done the Trespas, shall be likewise punished in the Manner abovesaid ; and if none will sue, the King shall have the Suit, as for a Thing committed against his Commandment, and against his Peace : (12) And the King shall make Enquiry from Year to Year, what Persons do such Trespas, after as he shall think necessary and convenient ; (13) and they that be indicted by such Inquests shall be attached and distrained by the great Distress, to come at a certain Day, containing the Space of a Month, into the King's Court, or where it shall please the King ; (14) and if they come not at that Day, they shall be distrained again of new by the same Distress, for to come at another Day, containing the Space of six Weeks at the least ; (15) and if they come not then, they shall be judged as attainded, and shall yield double Damages (at the King's Suit) to such as have taken hurt or Damage, and shall make grievous Fine after the Manner of the Trespas. (16) And the King forbiddeth and commandeth, that none from henceforth do Hurt, Damage, or Grievance to any Religious Man, or Person of the Church, or any other, because they have denied Meat or Lodging unto them, or because that any complaineth in the King's Court that he hath been grieved in any of the Things above mentioned ; and if any do, and thereof be attainded, he shall incur the Pain abovesaid ; (17) And it is further provided, That the Points

The Punishment of the Offenders.

afore-

aforesaid shall as well bind our Counsellors, Justicers of Forests, and other our Justices, as any other Persons; and that the aforesaid Points be maintained, observed, and kept. (18.) Likewise the King forbiddeth upon grievous Forfeitures, that no Prelate, Abbot, Man of Religion, or Bailiff or any of them, or of other, receive any Man contrary to the Form aforesaid. (19) And that none shall send to the House or Manor of a Man of Religion, or of any other Person, his Men, Horse, or Dogs, to sojourn, nor none shall them receive; and he that doth (seeing the King hath commanded the contrary) shall be grievously punished. (20) Yet it is further provided, That the Sheriff from henceforth shall not lodge with any Person, with any more than five or six Horses; and that they shall not grieve Religious Men, nor other, by often coming and lodging, neither at their Houses nor their Manors.

A Prelate shall receive no Lodgers.

A Sheriff's Entertainment.

9 Ed. 2. stat. 1. c. 11.

CAP. II.

A Clerk convicted of Felony, delivered to the Ordinary, shall not depart without Purgation.

52 Hen. 3. c. 27.
23 Hen. 8. c. 11.
18 Eliz. c. 7.

IT is provided also, That when a Clerk is taken for guilty of Felony, and is demanded by the Ordinary, he shall be delivered to him according to the Privilege of Holy Church, on such Peril as belongeth to it, after the Custom aforesaid used. (2) And the King admonisheth the Prelates, and enjoineeth them upon the faith that they owe to him, and for the common Profit and Peace of the Realm, that they which be indicted of such Offences by solemn Inquest of lawful Men in the King's Court, in no manner shall be delivered without due Purgation, so that the King shall not need to provide any other Remedy therein.

2 Inst. 163.—
165.
Hob. 288.—
294.
2 Hawk. Pl. Cr.
337.—366.

CAP. III.

No Penalty for an Escape before it be adjudged.

2 Inst. 165. 166.

IT is provided also, That nothing be demanded nor taken from henceforth, nor levied

Purveu est ensement, que quant Clerc est pris pur ret de felonie, et il soit demande per le ordinari, il lei soit lever, selonc le privilege de seinte eglise, en tiele parile come il y apent, selonc la custume avant ces heures use. Et le Roi amoneit les Prelates, et leur enjoint en la foy qil luy deivent, et pur le comune profit de la pees de la terre, qe ceux qui sont enditez de tiel rette per solempne enquest des prodes hommes fait en la Court le Roi, en nulle manere ne deliverent sanz due purgation, isint qe le Roi neit miestre de mettre y autre remedie.

Purveu est ensement, qe nul rien deforemes ne soit demande, ne pris, ne leve per-

Vis-

Viscount, ne per autre, pur eschape de laron, ou de felon, jefques atant qe leschape soit ajugge per justices errantz: et qe autrement le fra, si rendera a celuz ou a ceuz que laveront paie, quant qil avera recu, et al Roi atant.

vied by the Sheriff, nor by any other for the Escape of a Thief or a Felon, until it be judged for an Escape by the Justices in Eyre. (2) And he that otherwise doth, shall restore to him or them that have payed it, as much as he or they have taken or received, and as much also unto the King.

CAP. IV.

What shall be adjudged Wreck of the Sea, and what not.

DE wrek de meer est accorde, qe la ou homme, chien, ou chate eschape vif hors de la nies, qe la nies ou le batel, ou nul rien qe leins fuisi, ne soit jugge a wrek; mes soient les choses savez et gardez per le veue del Viscount, del coroner et de Bailiff le Roi, en la main de ceuz de la ville, ou les choses sont trovez, ifint qe si nul fise ceuz biens, et puis provere qils soient soens, ou a son seigneur, ou en sa garde periz, dedeins lan et le jour, saunz delaie luy soient renduz; et si non, remeinent, al Roi et soient prises per le Viscount, et le Coroner, et Bailiff a la ville, a respoundre devant Justices, de wrek qe apent al Roi; et la ou wrek apent a autre qe al Roi; si le eit per mesme le manner: et qi autrement le fra, et de ceo soit atteint, soit agarde a la prisone, et reint a la volunte le Roi, et rendra les damages ensement: et si le bailiff le face, et soit disavowe de son Seigneur, et le seigneur ne ne attraie de ce a lui, respaigne le bailiff, fil ad de quei; et fil nad de quey, rende le seigneur le corps del bailiff al Roi.

CONCERNING Wrecks of the Sea, it is agreed, that where a Man, a Dog, or a Cat escape quick out of the Ship, that such Ship nor Barge, nor any Thing within them, shall be adjudged Wreck: (2) but the goods shall be saved and kept by View of the Sheriff, Coroner, or the King's Bailiff, and delivered into the Hands of such as are of the Crown, where the Goods were found; (3) so that if any sue for those Goods, and after prove that they were his, or perished in his keeping, within a Year and a Day, they shall be restored to him without Delay; and if not, they shall remain to the King, and be seized by the Sheriffs, Coroners, and Bailiffs, and shall be delivered to them of the Town, which shall answer before the Justices of the Wreck belonging to the King. (4) And where Wreck belongeth to another than to the King, he shall have it in like manner. (5) And he that otherwise doth, and thereof be attainted shall be awarded to Prison, and make fine at the King's Will, and shall yield damages also. (6) And if a

Bailiff do it, and it be disallowed by the Lord, and the Lord will not pretend any Title thereunto, the Bailiff shall answer

17 Ed. 2. stat. 1. swer, if he have whereof; and if he have not whereof, the
 c. 11. Lord shall deliver his Bailiff's Body to the King.
 12 Ann. stat. 2.
 c. 18.

CAP. V.

There shall be no Disturbance of Free Elections.

Elections shall be free.
 2 Inst. 168, 169.
 9 Ed. 2. stat. 1.
 c. 14.
 7 Hen. 4. c. 15.

AND because elections ought to be free, the King commandeth upon great Forfeiture, that no man by Force of Arms, nor by Malice, or Menacing, shall disturb any to make free Election.

ET pur ceo que elections deivent estre franchises, le Roi defende sur sa greve forfaiture, que nul haut homme, nautre, per poiar des armes, ne per manaces, ne distourbe defair fraunche election.

CAP. VI.

Amerciements shall be reasonable, and according to the Offence.

2 Inst. 169, 170.
 9 H. 3. stat. 1.
 c. 14.

AND that no City, Borough, nor Town, nor any Man be amerced, without reasonable Cause, and according to the Quantity of his Trespais; that is to say, every Freeman saving his Freehold, a Merchant saving his Merchandise, a Villain saving his Gaynage, and that by his or their Peers.

ET que nulle Citee, Burgh, ne ville, ne nul homme ne soit amerce, saunz resonable encheson, et selonc la quantite del trespas; cestassavoir, fraunk homme sauve son contement, Marchant sauve sa marchandise, vilein sauve son gainage, et ceo per lour peres.

CAP. VII.

In what manner, and of whom, Purveyance shall be made for a Castle.

9 H. 3. stat. 1.
 c. 19.
 2 Inst. 170, 171.

OF Prises taken by Constables, or Castellains, upon such Folk as be not of the Town where the Castle is; it is provided, That no Constable, nor Castellain, from henceforth exact any Prise, or like Thing, of any other than of such as be of their Town or Castle; and that it be paid, or else Agreement to be made within fourty Days, if it be not an antient Prise due to the King, or to the Castle, or to the Lord of the Castle,

Altered by
 13 Car. 2. stat.
 1. c. 8.

DE prises de Conestables, ou Chastellains faites des autres que de la gent de la ville mesmes, ou le Chastel est assis; purveu est, que nul Conestable, ne Chastellain deformes nul manere de prise ne face de autre homme, que de la ville ou son Chastel est assis; et ceo soit paie, ou gree soit dedeins quarant jours, si ceo ne soit auncien pris du al Roi, ou al Chastel, ou al seignur del Chastel.

CAP. VIII.

Nothing shall be taken for Beaupleader.

2 Inst. 171.
 52 H. 3. c. 11.
 1 Ed. 3. stat. 2.
 c. 8.

AND that nothing be taken for Fair Pleading, as hath

ET que nul rien ne soit pris pur Beaupleader, sicome autre-

autrefois fust defendu en temps le Roi HENRY, pere le Roi qore est.

hath been prohibited heretofore in the Time of King HENRY, father to our Lord the King that now is.

CAP. IX.

All Men shall be ready to pursue Felons.

ET par ce que la pees de la terre ad este feblement garde avant ces heurs, par defaute de bone suite faire sur les felons, selonc due manere, et nomenent per encheson des fraunchises ou les felons sont recettez; purveu est, que touz communalment soient prestez et appareillez al maundement et al somons des viscountes, et al crye del pais, de suire et darestre les felons, quant miefter ferra, auxibien dedeins fraunchises, come dehors; et ceux que ceo ne ferront, et de ceo soient atteintz, le Roi prendra a eux grevement: et si la defaut soit trove sur le seigneur de la fraunchise, le Roi se prendra a mesme la fraunchise; et si la defaut soit en le Bailiff, eit la prisone dun an, et puis soit grevement reint; et sil nad de quei, eit la prisone de deux ans. Et si Viscontes, Coroners, ou autres Bailifs dedeinz fraunchise ou dehors per lower, ou per prier, ou per nul manere de affinite, concealent, ou consentent, ou procurent de conceler les felonies faites en lour baillies, ou qils se feignent dattacher ou daraster les mesfesantz per la ou ils pourront, ou autrement se feignent de faire lour office en nul manere en faviour de mesfesantz, et de ceo soient atteintz; qils eient la prisone dun an, et puis soient grevement reintz; et sils nount de quoi estre reintz, eient la prisone de iiii ans.

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AND forasmuch as the Peace of this Realm hath been evil observed heretofore for lack of quick and fresh Suit making after Felons in due manner, and namely because of Franchises, where Felons are received; (2) it is provided, That all generally be ready and apparelled, at the Commandment and Summons of Sheriffs, and at the Cry of the Country, to sue and arrest felons, when any need is, as well within franchise as without; (3) and they that will not so do, and thereof be attainted, shall make a grievous fine to the King; (4) And if Default be found in the Lord of the Franchise, the King shall take the same Franchise to himself; (5) and if Default be in the Bailiff, he shall have one Year's Imprisonment, and after shall make a grievous Fine; and if he have not whereof, he shall have Imprisonment of two Years. (6) And if the Sheriff, Coroner, or any other Bailiff within such Franchise, or without, for Reward, or for Prayer, or for Fear, or for any manner of Affinity, conceal, consent, or procure to conceal, the Felonies done in their Liberties, or otherwise will not attach nor arrest such Felons there, as they may, or otherwise will not do their Office for Favour born to such

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2 Inst. 171.—
173.
4 Ed. 1. stat. 2.
Officium Coronatoris.

13 Ed. 1. stat. 2. c. 1, 2. & 6.
28 Ed. 3. c. 11.
7 R. 2. c. 6.
27 El. c. 13.
39 El. c. 25.

ter make a grievous Fine at the King's Pleasure, if they have wherewith; and if they have not whereof, they shall have Imprisonment of three Years.

CAP. X.

What sort of Men shall be Coroners. Sheriffs shall have Counter-Rolls with them.

28 Ed. 3. c. 6.
2 Inf. 174.—
276.

AND forasmuch as mean Persons, and indiscreet, now of late are commonly chosen to the Office of Coroners, where it is requisite that Persons honest, lawful, and wise, should occupy such Offices; it is provided, That through all Shires sufficient Men shall be chosen to be Coroners, of the most wise and discreet Knights, which know, will, and may best attend upon such Offices, and which lawfully shall attach and present Pleas of the Crown; (2) and that Sheriffs shall have Counter-Rolls with the Coroners, as well of Appeals, as of Enquests, of Attachments, or of other Things which to that Office belong; (3) and that no Coroner demand nor take any Thing of any Man to do his Office, upon pain of great Forfeiture to the King.

Coroners shall take nothing.
3 Ed. 1. c. 26.
4 Ed. 1. stat. 2.
Officium Coronatoris.
3 Hen. 7. c. 1.
3 Hen. 8. c. 7.

CAP. XI.

Replevin by the Writ of Odio & Atia. Who shall be Triers of Murther.

AND forasmuch as many being indicted of Murther, and culpable of the same, by favourable Inquests taken by the Sheriff, and by the King's Writ of Odio & Atia, be replevied unto the coming of the Justices in Eyre; it is provided, That from henceforth such Inquest shall be taken by lawful Men chosen out by Oath (of whom two at the least shall be Knights) which by no Affinity with the Prisoners, nor otherwise, are to be suspected.

2 Inf. 177.
9 H. 3. stat. 1.
cap. 26.
6 Ed. 1. stat. 1.
c. 9.
13 Ed. 1. stat. 1.
c. 29.

ET purceo qe petitiz gentz et meins fages sont ellus ja de novel communalment al office del Coroner, et mestier ferreit qe prodes hommes lealx et fages se entremeissent de cel office; purveu, qe par toutes les Countes soient ellus suffisantz Coroners de plus lealx et plus fages Chivalers, qe mieux sachment, voillent, et puissent, a celle office entendre, et qe lealment attachent et representent lour plees de la corone; et qe les Viscountes eient contre roulees ove les Coroners, auxibien des appeaux come des enquestes de attachementz, et des autres choses, qe a celle office appendent. Et qe nul Coroner rien ne demande ne preigne de nully de faire son office, sur peine de la greve forfaiture le Roi.

ET purce qe plusieurs rettes de morte de homme, et qe sont coupables de morte de homme, sont per favorables enquestes prises per Viscountes, et per brief le Roi, qe est appele odio & atia, repleviz jefques a la venu de Justices; purveu est, qe celes enquestes soient prises de seles formes per prodes hommes esluz per serement, dount les ii ferrount chivalers a meins, qe per nulle affinite ne touchent les prisons, nautrement ne soient suspencionouses.

CAP.

CAP. XII.

The Punishment of Felons refusing lawful Trial.

Purveu est ensement, qe les felouns escriez, et qe sont apertement de male fame, et ne se voient mettre en enqueste des felonies, que lem lui mette fuire devant Justices a la suite le Roi, soient mys en la prisone forte et dure, come ceux qi refusent estre a la commune ley de la terre. mes ce nest mye a entendre pur prisons, qui sont pris pur leger suspeciou.

IT is provided also, That notorious Felons, and which openly be of evil Name, and will not put themselves in Enquests of Felonies, that Men shall charge them with before the Justices at the King's Suit, shall have strong and hard Imprisonment, as they which refuse to stand to the Common Law of the Land. But this is not to be understood of such Prisoners as be taken of light Suspicion. ^{2 Inst. 177.—180.}

CAP. XIII.

The Punishment of him that doth ravish a Woman.

ET le Roi defende qe nul ne ravise, ne preigne a force, damiselle dedeinz age, ne per son gree, ne fauns son gree ne dame ne damoiselle dage, nautre femme malgre soen; Et si nul le face, a la suite celui qi suera dedeinz les quarant jours, le Roi lui fra comune droiture; et si nul comence la suite dedeinz quarant jours, le Roi suiera et ceux qil trovera coupables, si averont la prisone de deux ans, et puis seront reintz a la volonte le Roi; et sil neient dount estre reintz a la volonte le Roi, si soient puny per plus longe prisone, selonc ceo qe le trespas demande.

AND the King prohibiteth that none do ravish, nor take away by force, any Maiden within Age (neither by her own Consent, nor without) nor any Wife or Maiden of full Age, nor any other Woman against her Will; (2) and if any do, at his Suit that will sue within forty Days, the King shall do common Right; (3) and if none commence his Suit within forty Days, the King shall sue; (4) and such as be found culpable, shall have two Years Imprisonment, and after shall fine at the King's Pleasure; (5) and if they have not whereof, they shall be punished by longer Imprisonment, according as the Trespas requireth. ^{2 Inst. 180.—182.}

CAP. XIV.

Appeal against the Principal and Accessary.

ET purceo qe lem ad use de utlager en ascuns pais les gentz appellez de comandement, force, eyde, et ce rettement [recettement] dedeinz mesme le terme qe homme doit utlager celui qest appelle del fait. Purveu est et graunte per le

AND forasmuch as it hath been used in some Counties to outlaw Persons being appealed of Commandment, Force, Aid, or Receipt within the same Time that he which is appealed for the Deed, is outlawed; It is provided and commanded by the King, That ^{2 Inst. 182.—184.} ^{2 Hawk. Pl. Cr. cap. 29.} ^{How an appeal against the Principal and accessory shall be pursued.} none

none be outlawed upon Appeal of Commandment, Force, Aid, or Receipt, until he that is appealed of the Deed be attained, so that one like law be used therein through the Realm : (2) Nevertheles he that will so appeal, shall not, by reason of this, intermit or leave off to commence his Appeal at the next County against them, no more than against their Principals, which be appealed of the Deed; but their Exigent shall remain, until such as be appealed of the Deed be attained by Outlawry, or otherwif.

CAP. XV.

Which Prisoners be mainpernable, and which not. The Penalty for unlawful Bailment.

What sort of Offenders are not mainpernable.

2 Inst. 184.—
191.
2 Hawk. Pl. Cr.
89, 90.

AND forasmuch as Sheriffs, and other, which have taken and kept in Prison Persons detected of Felony, and incontinent have let out by Replevin such as were not replevisable, and have kept in Prison such as were replevisable, because they would gain of the one Party, and grieve the other; (2) and forasmuch as before this Time it was not determined which Persons were replevisable, and which not, but only those that were taken for the Death of Man, or by Commandment of the King, or of his Justices, or for the Forest; (3) it is provided, and by the King commanded, That such Prisoners as before were outlawed, and they which have abjured the Realm, Provors, and such as be taken with the Manour, and those which have broken the King's Prison, Thieves openly defamed and known, and such as be appealed by Provors, so long as the Provors be living (if they be not of good Name) and such as be taken for house-burning feloniously done, or for false Money,

ET purceo que les Viscountes et autres, qi ount pris et detenuz en prisone gentz rettez de felonie, neintfoits ount lessez per plevine la gent que ne font mie replevisables, et ount detenuz en prisone ceux que estoient replevisables, per acheson de ganer de eux, et de graver les autres. Et purceo qavant ces heures ne fuist mie termine certainement queux feurent replevisables, et queux non, fors pris ceux qestoient pris pur mort de homme, ou per comaundement le Roi, ou de ses Justices, ou pur la foreste: Purveu est, et comaunde per le Roi, que les prisons qi sont avant utlagez, et ceux qi eient forjure la terre, provurs, ceux qi sont pris ove mainoeuvre, ceux qi ount depeche la prisone le Roi, larons apertement escriez et notoires, et ceux que sont appelez de provurs taunt come le provur vist, et fils ne soient de bone fame, et ceux qi sont pris pur arfoun felonusement fait, ou pur faux monye, ou faufours du seal le Roi,

Roi, ou escomegne pris per priere Leveque, ou per aperte malvete, ou treson qe touche le Roi mesmes, ne soient en nul manere replevisables per le comune brief, ne sanz brief : mes ceux qi sount enditez de larcine per enquestes des Viscontes ou de Bailiffs prises de lour offices, ou per leger suspecion, ou per petit larcine, qe ne amonte outre la value de xii. deniers, si ne soit rette de autre larcine avant celle heure, ou rette de recettement des felouns, ou de comandement, ou de la force, ou del eide de felonie fait ; ou rette dautre trespas pur la quele homme ne doit perdre vie, ne membre ; Et homme appele de provour puis la mort le provour, fils [*ne*] soient aperte larons escriez, soient desoremes lessiez pur suffisant plevin, dont le Viscount voile respoudre, et ceo saunz rien doner de lour. Et si Viscountes, ou autres, lessent per plevin nul qe ne soit replevisable, si cest Viscounte, Conestable, ou autre Baillif de fee et de ceo soit atteint, perde la fee et la baille a touz jours ; et si souz-viscounte, Conestable ; ou Baillif, celui qui a tiel fee pur garder les prisons, eit ceo fait saunz la volonte son segnur, ou autre baillif qe ne soit de fee, eit la prison de trois anns, et soit reint a la volonte le Roi. Et si nul detaigne les prisons replevisable, puis qe le prison eit offert suffisaunte seurete, il serra en la greve mercye le Roi ; et sil preigne lower pur la delivrer, il rendra le double al prison, et ensement serra en la greve mercye le Roi.

they have offered sufficient Surety, he shall pay a grievous Amerciament to the King ; (8) and if he take any Reward for

Money, or for counterfeiting the King's Seal, or Persons excommunicate, taken at the Request of the Bishop, or for manifest Offences, or for Treason touching the King himself, shall be in no wise replevisable by the common Writ, nor without Writ : (4) But such as be indicted of Larceny, by Enquests taken before Sheriffs or Bailiffs by their Office, or of light Suspicion, or for Petty Larceny that amounteth not above the Value of xii d. if they were not guilty of some other Larceny aforetime, or guilty of Receipt of Felons, or of Commandment, or force, or of Aid in Felony done ; or guilty of some other Trespas, for which one ought not to lose Life nor Member, and a Man appealed by a Provor after the Death of the Provor (if he be no common Thief, nor defamed) shall from henceforth be let out by sufficient Surety, whereof the Sheriff will be answerable, and that without giving ought of their Goods. (5) And if the Sheriff, or any other, let any go at large by Surety, that is not replevisable, if he be Sheriff or Constable or any other Bailiff of Fee, which hath keeping of Prisons, and thereof be attained, he shall lose his Fee and Office for ever. (6) And if the Under-Sheriff, Constable, or Bailiff of such as have Fee for keeping of Prisons, do it contrary to the Will of his Lord, or any other Bailiff being not of Fee, they shall have three Years Imprisonment, and make fine at the King's Pleasure. (7) And if any withhold Prisoners replevisable, after that

What sort of Offenders are mainpernable.

The Penalty for unlawful Mainprise.

The Penalty for detaining a Prisoner that is mainpernable.

27 Ed. 1. stat. 1. cap. 3.
4 Ed. 3. cap. 2.
3 H. 7. c. 3.
1 & 2 Ph. & M. c. 13.

the Deliverance of such, he shall pay double to the Prisoner, and also shall be in the great Mercy of the King.

CAP. XVI.

None shall distrain out of his Fee, nor drive the Distress out of the County.

A Distress shall not be driven out of the County.
2 Inst. 191.

Distraining out of his Fee.
52 H. 3. c. 4.
1 & 2 Ph. & M. c. 12.

IN right thereof, that some Persons take, and cause to be taken, the Beasts of other, chasing them out of the Shire where the Beasts were taken; it is provided also, That none from henceforth do so; (2) and if any do, he shall make a grievous Fine, as is contained in the Statute of *Marlebridge*, made in the Time of King HENRY, Father to the King that now is. (3) And likewise it shall be done to them which take Beasts wrongfully, and distrain out of their Fee, and shall be more grievously punished, if the Manner of the Trespas do so require.

The Remedy if a Distress is detained in a Castle or Fort.

2 Inst. 192.—
195.
52 H. 3. c. 3.

IT is provided also, That if any from henceforth take the Beasts of other, and cause them to be driven into a Castle or Fortres, and there within the Close of such Castle or Fortres do withhold them against Gage and Pledges, whereupon the Beasts be solemnly demanded by the Sheriff, or by some other Bailiff of the King's; at the Suit of the Plaintiff, the Sheriff or Bailiff, taking with him the Power of the Shire or Bailiwick, do assay to make Replevin of the Beasts from him that took them, or from his Lord, or from other, being Servants of the Lord (whatsoever they be) that are found in the Place whereunto the Beasts were chased; if any desorce him of the Deliverance of the Beasts,

EN droit de ceo que ascuns gentz pernent, et prendre souint les averes des autres, et les chacent hors del Countee ou les averes sont pris; purveu est que nul desoremes ne le face; et si nul le fait, soit reint grevement selonc ceo que est contenuz en les *dis* estatutz de *Marleberge*, faite al temps le Roi HENRY, pier le Roi qu'er est: et per mesme la manere soit fait de ceux qui pernent les averes, et que sont destresse en autree fee, et pluis grevement soient puniz, selonc ceo que le trespas demaunde.

CAP. XVII.

The Remedy if the Distress be impounded in a Castle or Fortres.

PURveu est ensement, que si nul desoremes preigne les averes des autres, et les face chacer al Chastel ou al forcelette, et illeques dedeinz clos del Chastel, ou de la forcelette, les deteigne encountre gage et plegge, puis que les averes seront solempnement demandez per le Viscounte ou per le Bailiff le Roi; a la suite del pleintif, que le Viscounte ou le Bailiff prise ou luy poyer de son Countee, ou de sa baille, voit assaier de faire le plevin des averes a celuy que pris les averes, ou a son Seigneur, ou as autres des hommes son Seigneur que conques soit trove al leu, ou les averes furent enchacez; et si lem luy desorce la deliverance des averes, ou que ne trove homme pur le Seigneur,

ou per celui qi les avera pris, quen respoigne et face la delivrance, apres ceo qe le Seignour al pernour, per Viscounte ou per Baillif en serra amoneste, fil est en pais, ou pres, ou qil purra per le pernour, ou per autre des soens coverablement estre garny de faire la delivrance, fil fuist hors de cel pais, quant la pris fuist fait, et ne face adonques maintenant les averes deliverer, qe le Roi pur le dispit, et pur le trespas, face abatre le Chastel, ou le forcelette sanz relever; et toute le damage qe le pleintif avera resceu de ses averes, ou de son gainage destourbe, ou en autre manere, puis le primer demande des averes faite per le Viscounte ou per le Baillif, lui soient restorez au double de celui qe les averes avera pris, fil ad de quoi; et fil nad de quoi, eit del Seignur quele heure, et en quele manere la delivrance soit fait, apres ceo qe le Viscounte ou le Baillif y serra venue pur la delivrance faire. Et fait assavoir, qe la ou le Viscounte devera faire retourne del brief le Roi al Baillif le Seignur del Chastel, ou de la forcelette ou autre, a qi retourne del brief le Roi a ceo appent, si le Baillif de cele franchise ne face la delivrance, puis qil avera le retourne, face le Viscount son office sanz delaie, sicome il est avandit, et sur lavant dite peyne: et per mesme la manere soit faite la delivrance per attachment de pleint fait sanz brief, et sur mesme la peyne. et ceo fait a entendre per tout la, ou le brief le Roi court. & si ceo est en la marche de Gales, ou ailleurs la ou le brief le Roi ne court mye, le Roi, qi est souverain

Beasts, or that no Man be found for the Lord, or for him that took them, for to answer and make the Deliverance, after such time as the Lord or Taker shall be admonished to make Deliverance by the Sheriff or Bailiff, if he be in the Countrey, or near, or there whereas he may be conveniently warned by the Taker, or by any other of his to make Deliverance; (2) if he were out of the Countrey when the taking was, and did not cause the Beasts to be delivered incontinent, that the King, for the Trespas and Despite, shall cause the said Castle or Fortres to be beaten down without Recovery; (3) and all the Damages that the Plaintiff hath sustained in his Beasts, or in his Gainure, or any otherwise (after the first Demand made by the Sheriff or Bailiff) of the Beasts, shall be restored to him double by the Lord, or by him that took the Beasts, if he have whereof; (4) and if he have not whereof, he shall have it of the Lord, at what time, or in what manner the Deliverance be made, after that the Sheriff or Bailiff shall come to make Deliverance; (5) and it is to wit, that where the Sheriff ought to return the King's Writ to the Bailiff of the Lord of the Castle or Fortres, or to any other, to whom the Return belongeth, if the Bailiff of the Franchise will not make Deliverance after that the Sheriff hath made his Return unto him, then shall the Sheriff do his Office without further Delay; and upon the foresaid Pains: (6) And in like manner Deliverance shall be made by Attachment of Plaint made

A Non omittas to the Sheriff, if the Bailiff do not execute the Writ.

52 H. 3. c. 21.
13 Ed. 1. f. 1.
cap. 39.

without Writ, and upon the raine seignur, en fra droit a fame Pain. (7) and this is to ceux qe pleindre se voudront. be intended in all Places where the King's Writ lieth. (8) And if that be done in the Marches of Wales, or in any other Place, where the King's Writs be not current, the King, which is Sovereign Lord over all, shall do Right there unto such as will complain.

Marches of
Wales.

C A P. XVIII.

Who shall assess the common Fines of the County.

By whom the
common Fine
shall be assess-
ed.

FORasmuch as the common Fine and Amerciament of the whole County in Eyre of the Justices for false Judgements, or for other Trespass, is unjustly assessed by Sheriffs and Baretors in the Shires, so that the Sum is many Times increased, and the Parcels otherwise assessed than they ought to be, to the Damage of the People, which be many Times paid to the Sheriffs and Baretors which do not acquit the Payers; (2) it is provided, and the King wills, That from henceforth such Sums shall be assessed before the Justices in Eyre afore their Departure, by the Oath of Knights and other honest Men, upon all such as ought to pay; (3) And the Justices shall cause the Parcels to be put into their Estreats, which shall be delivered up unto the Exchequer, and not the whole Sum.

2 Inst. 196.

197.

8 Co. 37. a 39.
b.

PUR ceo qe la commune fine et americiement de toute le Countee en Eire des Justices per faux jugementz, ou per autre trespas, est assis per Vicountes et Baretours des countees malement, issint qe la somme est meintfoitz encru, et les parcelles autrement assis qestre ne deussent, al damage del poeple, & plusours foitz sont paieiz a Vicountes, Baretours, qe point ne les acquitent; purveu est, et voet le Roi, qe desormes en Eire des Justices devant eux a lour departir, soit celle somme assise per serement des chivalers et des prodes hommes, sur touz ceux qestre deveront; et Justices facent mettre les parcelles en lour estretes, qils liveront al Eschequer, et non pas la somme totale.

C A P. XIX.

A Sheriff having received the King's Debt, shall discharge the Debtor.

2 Inst. 197.
198.

IN Right of the Sheriffs, or other, which answer by their own Hands unto the Exchequer, and which have received the King's Father's Debts, or the King's own Debts before this Time, and have not acquitted the Debtors in the Exchequer; (2) it is provided, That the King shall send good and lawful Men through

EN droit des Vicountes ou autres, qi respoignent per lour meyns al Eschequer, et qe ont receu de les dettes le Roi HENRY, pier le Roi qore est, ou les dettes le Roi meimes avant ces heurs, et qi nount mye les dettes aquitez al Eschequer; purveu est, qe le Roi envoieira bones gentz per touz les Countees, a oier touz ceux qe

de ceo pleindre se voudront, et a terminer issint la busoigne; qe ceux qe purront monstrier qils eient issint paieez, a touz jours on ferront quitez, les quele qe les Viscountes, ou les autres seront mortz ou vifs, en certeine forme que lour serra baille; et ceux qe issint naveront fait, fils soient en vie, ferront puniz grevement; et fils soient mortz lour heirs respoignent, et soient chargez de la dette. Et comaunde ad le Roi, qe le Viscountes et les autres avandites, desoremes loialment acquient les dettours al profchein accounte puis qils averont la dette resceu; et adonques soit la dette allowe al Eschequer, issint qe mes ne viegne en somons; et si Viscount autrement le face, et de ceo soit atteint si rendra al pleintif le treble de ceo qil avera de lui resceu, et soit reint a la volente le Roi: et bien se garde chescun, qil eit tiel resceivour, pur qi il voudra respoundre, qar le Roi se prendra de tout as Viscountes, et a lour heirs; et si autre qe respounde per sa mein al Eschequer le face, si rende le double [*treble*] al pleintif, et soit reint en mesme la manere. Et qe les Viscountes facent tailles a touz ceux, qi les paieront le dette le Roi; et qe la somons de la Eschequer as touz les dettours, qui demaundre voudront la veue, lour facent monstrier saunz veir la a nulluy, et ceo saunz rien doner; et qi ne le fra, le Roi se prendra a lui grevousement.

through every Shire, to hear all such as will complain thereof, and to determine the Matters there, (3) that all such as can prove that they have paid, shall be thereof acquitted for ever (whether the Sheriffs or other be living or dead) in a certain Form that shall be delivered them; (4) and such as have not so done (if they be living) shall be grievously punished; (5) and if they be dead, their Heirs shall answer, and be charged with the Debt. (6) And the King hath commanded, that Sheriffs and other afore said, shall from henceforth lawfully acquit the Debtors at the next Accompt after they have received such Debts; and then the Debt shall be allowed in the Exchequer, so that it shall no more come in the Summons; (7) and if the Sheriff otherwise do, and thereof be attainted, he shall pay to the Plaintiff thrice as much as he hath received, and shall make Fine at the King's Pleasure. (8) And let every Sheriff take heed, that he have such a Receiver, for whom he will answer; for the King will be recompensed of all, of the Sheriffs and their Heirs. (9) And if any other, that is answerable to the Exchequer by his own Hands so do, he shall render thrice so much to the Plaintiff, and make Fine in like Manner. (10) And that the Sheriffs shall make Tallies to all such as have paid their Debt to the

King; (11) and that the Summons of the Exchequer be shewed to all Debtors that demand a Sight thereof, without denying to any, and that without taking any Reward, and without giving any Thing; and he that doth contrary, the King shall punish him grievously.

A Sheriff having received the King's Debt, shall discharge the Debtor.

51 H. 3. stat. 4.

Process for levying of the King's Debt shall be shewed to the Debtor. 42 Ed. 3. c. 9.

CAP.

7 H. 4. c. 3.

CAP. XX.

*Offences committed in Parks and Ponds. Robbing of tame Beasts in a Park.*2 Inst. 198.—
201.The Punish-
ment for Of-
fence commit-
ted in Parks
and Ponds.

IT is provided also for Trespasses in Parks and Ponds, That if any be thereof attainted at the Suit of the Party, great and large Amends shall be awarded according to the Trespasses, and shall have three Years Imprisonment, and after shall make fine at the Kings Pleasure (if he have whereof) and then shall find good Surety, that after he shall not commit like Trespasses; (2) and if he have not whereof to make Fine, after three Years Imprisonment, he shall find like Surety, and if he cannot find like Surety, he shall abjure the Realm; (3) and if any being guilty thereof be fugitive, and have no Land nor Tenement sufficient (whereby he may be justified) so soon as the King shall find it by Enquest, he shall be proclaimed from County to County; and if he come not, he shall be outlawed. (4) It is provided also and agreed, That if none do sue within a Year and a Day for the Trespasses done, the King shall have the Suit; (5) and such as be found guilty thereof by lawful Enquest, shall be punished in like manner in all Points as above is said. (6) And if any such Trespasser be attainted, that he hath taken tame Beasts, or other Thing, in the Parks, by Manner of Robbery, in coming, tarrying, or returning, let the Common Law be executed upon him, as upon him that is attainted of open Theft and Robbery, as well at the Suit of the King, as of

Purveu est des mesfesours des parkes et de vivres, que si nul soit de ceo atteint per la suite le pleintif, soient agardez bones et hautes amendes, selonc la manere del trespas, et la prisone de trois ans, et de illecoques soit reint a la volunte le Roi, sil ad dount estre issit reint, et lors trouve bone seurte, que mes ne mesface; et sil nad dount estre reint apres la prisone de trois ans, trouve mesme la seurte; et fil ne poet trover la seurte, forjure cest roialme; Et si nul de ceo rettez soit futif, et ne eit terre ne tenement suffisant, per quoi il poet estre justice; si tost come le Roi avera cest trope per bone enqueste, soit demande de Countee en Countee; & fil ne voet venir, soit utlage. Et purveu et accorde est ensement, que si nul ne fuisse dedeinz lan et le jour puis le trespas faite, le Roi avera la suite; et ceux qil trova rettez de ceo per bone enqueste, ferrount puniz per mesme la manere en touz pointz, sicome desuis est dit. Et si nul tiel mesfesour soit atteint, qil eit pris en ces parkes bestes domeiches ou autre chose en manere de roberie, en venaunt, ou demurant, ou en retournant, soit fait de luy commune ley que avert a celuy qi est atteint dapert roberie et larcine, auxibien a la suite le Roi, come dautre.

9 H. 3. stat. 2.
c. 10, 11.
1 Ed. 3. stat. 1.
c. 8.
1 H. 7. c. 7.Theft and Robbery, as well
the Party.

CAP. XXI.

No Waste shall be made in Wards Lands; nor in Bishops, during the Vacation.

EN droit des terres des heirs deinz age, qi sont en la garde leurs seignurs; purveu est, qe le gardeins les gardent, et leur sustentent, saunz destruction faire en toute rien; et qe de cele manere des gardes soit fait en touz pointz, selonc ceo qil est contenu en la graunde Chartere des fraunchises le Roi HENRY, pier le Roi qore est, et qe issint soit usee deforemes: et per mesme la manere soint gardes les Erchevesques, Eveques, Abbeys, Eglises, et Dignitees, en temps de vacation.

IN Right of Lands of Heirs being within Age, which be in Ward of their Lords; it is provided, That the Guardians shall keep and sustain the Land, without making destruction of any Thing; (2) and that of such Manner of Wards shall be done in all Points, as is contained in the great Charter of Liberties made in the Time of King HENRY, Father to the King that now is, and and that it be so used from henceforth. (3) And in the same Manner shall Archbishopsricks, Bishopricks, Abbacies, Churches, and all spir-

2 Inf. 201. Waste shall not bedone in Wards or Bishops Lands. 9H. 3. stat. 1. c. 4, 5, 6. 6 Ed. 1. stat. 1. c. 5. 13 Ed. 1. stat. 1. c. 14. 28 Ed. 1. stat. 3. c. 18. 36 Ed. 3. c. 13.

itual Dignities be kept in Time of Vacation.

CAP. XXII.

The Penalty of an Heir marrying without Consent of his Guardian. A Woman Ward.

DES heirs mariez dedeinz age, saunz le gree leur gardeins, avant qils eient passe lage de xiiii. annz soit fait selonc ceo qest contenue en la purveance de Merton: et de ceux qi ferront mariez saunz le gree leur gardeins, puis qils averont passe xiiii. annz, le gardein eit la double value de son mariage, selonc le tenour de mesme la purveance: et estre ceo ceux qaveront sustret la mariage, rendent la droite value del mariage au gardein pur le trespas, et ja le meins le Roi eit les amendes, selonc mesme cele purveance. Des heirs femeles, puis qe eles averont complie lage de xiiii. annz, et le Seigneur, a qi le mariage apent cele ne voudra marier, mes pur covetise de la terre cele voudra tenir de marier;

OF Heirs married within Age, without the Consent of their Guardians, afore that they be past the Age of Fourteen Years, it shall be done according as it is contained in the Statute of Merton. (2) And of them that shall be married without the Consent of their Guardians, after they be past the Age of Fourteen Years, the Guardian shall have the double Value of their Marriage, after the Tenour of the same Act. (3) Moreover, such as have withdrawn their Marriage, shall pay the full Value thereof unto their Guardian for the Trespas, and nevertheless the King shall have like Amends, according to the same Act, of him that hath so withdrawn. (4) And of Heirs Females,

2 Inf. 202.— 204. Wright's Ten. 93.—97. stat. 20. Hen. 3. c. 6. The Penalty of a Ward marrying without the Guardian's Consent.

(4) And of Heirs Females, after Female shall be out of Ward.

after they have accomplished the Age of Fourteen Years, and the Lord (to whom the Marriage belongeth) will not marry them, but for Covetise of the Land will keep them unmarried; it is provided, That the Lord shall not have nor keep, by Reason of Marriage, the Lands of such Heirs Females more than Two Years after the Term of the said Fourteen Years. (5) And if the Lord within the said Two Years do not marry them, then shall they have an Action to recover their Inheritance quit, without giving any Thing for their Wardship, or their Marriage. (6) And if they of Malice, or by evil Counsel, will not be married by their chief Lords (where they shall not be disparaged) then their Lords may hold their Land and Inheritance until they have accomplished the Age of an Heir Male, that is to wit, of One and twenty Years, and further until they have taken the Value of the Marriage.

rier; purveu est, qe le Seignur ne puis aver, ne tenir, per acheson del mariage, les terres a ceux heirs femels outre deux annz apres le terme les avantditz xiiii. annz : et si les Seignurs dedeinz ces deux annz ne les marient, donques eient eles action de recoverir lour heritage quitement, saunz rien doner pur la garde, ou pur la mariage : et si eles per malice, ou per malveis conseil, ne se voillent pour lour chief Seignur marier, ou eles ne soient desparagez, qe les Seignurs teignent la terre et leritage jesqce al age del male, cest assavoir, de xxi. annz, et outre, taunt qils eient pris la value del mariage.

The Penalty of a Ward refusing a Marriage tendered.
13 Ed. 1. stat. 1. c. 35.
Repealed by 12 Car. 2. c. 24.

CAP. XXIII.

None shall be distrained for a Debt that he oweth not.

A Stranger shall not be distrained for Debt.
2 Inst. 204. 205

IT is provided also, That in no City, Borough, Town, Market, or Fair, there be no Foreign Person (which is of this Realm) distrained for any Debt wherefore he is not Debtor or Pledge; and whosoever doth it, shall be grievously punished, and without Delay the Distress shall be delivered unto him by the Bailiffs of the Place, or by the King's Bailiffs, if need be.

Purveu est ensement, qen Citee, Burgh, Ville, Foire, ne Marchee, ne soit nul homme forein, qe soit de cest roialme, destreint pur dette, dont il ne soit dettour ou plegge; et qi le fra serra grevement puniz, et saunz delaic soit la destresse delivere per les Bailliffs del lieu, ou per autre Bailiff le Roi, si miester [messier] est.

CAP. XXIV.

The Remedy if an Officer of the King do disseise any.

No Officer of the King's shall disseise any.

IT is provided also, That no Escheator, Sheriff, nor other Bailiff of the King, by Colour of his Office, without special Warrant, or Command-

Purveu est ensement, qe nul Eschetour, Viscount, nautre Bailiff le Roi, per colour de son office, saunz especial garraunt, ou comaundement, ou

ou certain auctorite qapent a son office, ne disseise nul [*frank*] homme de son frank tenement, [*ne de chose qappent a son frank tenement* ;] et si nul le face, soit en la volonte le disseisi, qe le Roi de son office le face amendre per sa pleint, ou qil eit commune ley per brief de novell disseisin ; et celui qi serra de ceo atteint, rendra les damages au double mesme le pleintif, et serra en la greve mercy le Roi.

mandment, or Authority certain pertaining to his Office, disseise any Man of his Freehold, nor of any Thing belonging to his Freehold ; (2) and if any do, it shall be at the Election of the Disseisee, whether that the King by Office shall cause it to be amended at his Complaint, or that he will sue at the Common Law by a Writ of *Novel disseisin* ; (3) and he that is attained thereof shall pay double Damages to the Plaintiff, and shall be grievously amerced unto the King.

2 Inst. 206, 207.

1 R. 2. c. 9.

CAP. XXV.

None shall commit Champerty, to have Part of the Thing in Question.

Nulle Ministre le Roi ne maintene per lui, ne per autre, les plees, paroles, ou bufoignes, qe sount en la Court le Roi, des terres, tenementz, ou des autres choses, pur aver part de ceo, ou autre profit per covenant fait ; et qi le fray, soit puny a la volonte le Roy.

NO Officer of the King by themselves, nor by other, shall maintain Pleas, Suits, or Matters hanging in the King's Courts, for Lands, Tenements, or other Things, for to have Part or Profit thereof by Covenant made between them ; and he that doth, shall be punished at the King's Pleasure.

None shall commit Champerty.

2 Inst. 207—209.

13 Ed. 1. stat. 1.

c. 49.

28 Ed. 1. c. 11.

33 Ed. 1. stat. 3.

CAP. XXVI.

None of the King's Officers shall commit Extortion.

ET que null Viscount, nautre Ministre le Roi, ne preigne lower pur faire son office, mes soient paie de ceo qil pernent del Roi ; et qil le fra, rendra le double, et serra puny a la volonte le Roi.

AND that no Sheriff, nor other the King's Officer, take any Reward to do his Office, but shall be paid of that which they take of the King ; and he that so doth, shall yield twice as much, and shall be punished at the King's Pleasure.

2 Inst. 209, 210.

No Officer shall commit Extortion.

3 Ed. 1. c. 10.

13 Ed. 1. stat. 1.

c. 44.

23 H. 6. c. 9.

28 H. 6. c. 5.

CAP. XXVII.

Clerks or Officers shall not commit Extortion.

ET qe nul Clerc de Justice, Deschetour, ou Denqueur, nul rien ne preigne pur liverer chapitres, hors pris soulement clerks des Justices errauntz en lour Eire, et ceo ii. soulds,

AND that no Clerk of any Justicer, Escheator, or Enquiror, shall take any Thing for delivering Chapters, but only Clerks of Justices in their Circuits, and that ii s. and no more,

2 Inst. 210, 211.

Clerks shall not commit Extortion.

more, (2) of every Wapentake, Hundred, or Town, that answereth by Twelve, or by Six, according as it hath been used of old Time; (3) and he that doth contrary shall pay Thrice so much as he hath taken, and shall lose the Service of his Master for One Year.

oulds, et nient plus, de chescun Wapentak, Hundred, ou Ville, qe respound per xii. ou per vi. selonc ceo qe auncienement feust usee; et qi autrement le fra, rendra le treble de ceo qil avera pris, et perdra le service son seigneur per un an.

C. A. P. XXVIII.

Clerks shall not commit Maintenance.

There shall be no Maintenance of any Matter pending in the King's Court.

AND that none of the King's Clerks, nor of any Justicer, from henceforth shall receive the Presentment of any Church, for the which any Plea or Debate is in the King's Court, without special Licence of the King; and that the King forbiddeth, upon Pain to lose the Church, and his Service: And that no Clerk of any Justicer, or Sheriff, take Part in any Quarrels of Matters depending in the King's Court, nor shall work any Fraud, whereby common Right may be delayed or disturbed; and if any so do, he shall be punished by the Pain aforesaid, or more grievously, if the Trespas do so

ET que nul Clerc le Roi, ne de ses Justices, ne reseive desoremes presentement desglise, dount plei ou contek soit en la Court le Roi, saunz especial congie le Roi; et ceo defend il sur peine de perdre son service: Et que nul Clerc de Justice, ne de Viscont, ne mainteigne parties en queeles, ne busoignes qe sont en la Court le Roi, ne fraude ne face, pur commune droiture delaier ou destourber; et si nul le fait, il ferra puny per la peine profcheinement avaunt dite, ou per plus grevous, si le trespas le requert.

require.

C. A. P. XXIX.

The Penalty of a Serjeant or Pleader committing Deceit.

IT is provided also, That if any Serjeant, Pleader, or other, do any Manner of Deceit or Collusion in the King's Court, or consent unto it, in Deceit of the Court, or to beguile the Court, or the Party, and thereof be attainted, he shall be imprisoned for a Year and a Day, and from thenceforth shall not be heard to plead in that Court for any Man; (2) and if he be no Pleader, he shall be imprisoned in like Manner by the Space of a Year and a Day at least; and if the

PUrveu est ensement, qe si nul serjaunt, Count [Countre] ou autre, face nule manere de deceite, ou de collusion en la Court le Roi, ou consente de faire la en deceite de la Court, et pur enginer la court, ou la partie, et de ceo soit atteint; lors eit la prisone dun an et dun jour, et mes ne soit oie en la Court a counter pur nulluy. Et si ceo est autre que countour, per mesme la manere eit la prisone dun an et dun jour a tout le meins; et si le trespas demaunde greivoure peine,

28 Ed. 1. c. 11.
1 Ed. 3. stat. 2.
c. 14.
4 Ed. 3. c. 11.
20 Ed. 3. c. 4.
1 R. 2. c. 4.

2 Infr. 213—
218.
Palm. 287, 288.
Salk. 517.
The Penalty of a Pleader committing Deceit in Court.

peine, soit a la volonte le Roi.

Trespas require greater Punishment, it shall be at the King's Pleasure. 8 R. 2. c. 4. 10 H. 6. c. 4. 18 H. 6. c. 9.

C A P. XXX.

Extortion by Justices Officers.

ET purce que multz des gentz se plainent qe les serjauntes, criours de fee, et les Mareschalx des Justices en Eyre, et des autres Justices, pernent a tort deniers de ceux qi recourent seifine de terre, ou qui wainent [gaignent] leurs querrels, et de fine leve, et des jurours, viles, prisonns, et des autres attachez a plee de la corone, autrement qe faire ne deussent, en multz des maneres; et deceo qil y ad plus graunt nombre deux qe aver ne deust, per quei le poeple est malement greve; le Roi defende, qe cestes choses ne soient faites desoremes; et si nul serjeant de fee le face, loffice soit pris en le main le Roi; et si Mareschals des Justices le facent, soient puniz grevement a la volonte le Roi; et a touz les pleintifs, lun et lautre, rende le treble de ceo qil avera issi pris.

AND forasmuch as many complain themselves of Officers, Cryers of Fee, and the Marshals of Justices in Eyre, taking Money wrongfully of such as recover Seisin of Land, or of them that obtain their Suits, and of Fines levied, and of Jurors, Towns, Prisoners, and of others attached upon Pleas of the Crown, otherwise than they ought to do, in divers Manners; (2) and forasmuch as there is a greater Number of them than there ought to be, whereby the People are sore grieved; The King commandeth that such Things be no more done from henceforth; (3) and if any Officer of Fee doth it, his Office shall be taken into the King's Hand; (4) and if any of the Justices Marshals do it, they shall be grievously punished at the King's Pleasure; (5) and as well the one as the other shall pay unto the Complainance the treble Value of that

Extortion by Justices Officers. 2 Inst. 218, 219. 4 Inst. 101.

they have received in such manner.

C A P. XXXI.

The Penalty for taking excessive Toll in a City, &c. Murage granted to Cities.

DE ceux qe pernent outrageous tholon, encontre commune usage del Roialme, en ville marchaunte; purveu est, qe si nul le face en la ville le Roi mesmes, qe soit a fee ferme, le Roi prendra la fraunchise del marche en sa main; et si ceo est autre ville, et soit fait per le seigneur de mesme la ville, le Roi fra per mesme la manere; et sil soit fait per le Baillif saunz le commandement le seigneur, il rendra

Touching them that take outrageous Toll, contrary to the common Custom of the Realm, in Market-Towns; it is provided, That if any do so in the King's Town, which is let in Fee-farm, the King shall seise into his own Hand the Franchise of the Market; and if it be another's Town, and the same be done by the Lord of the Town, the King shall do in like manner; (2) and

2 Inst. 219—223. The Penalty for taking of Toll.

1 Ld. Raym. 148, 149.

and if it be done by a Bailiff, or any mean Officer, without the Commandment of his Lord, he shall restore to the Plaintiff as much more for the outrageous taking, as he had of him, if he had carried away his Toll, and shall have forty Days Imprisonment. (3) Touching Citizens and Burgeffes, to whom the King or his Father hath granted Murage to enclose their Towns, which take such Murage otherwise than it was granted unto them, and thereof be attainted; it is provided,

Magna Chart.
c. 30.

That they shall lose their Grant for ever, and shall be grievously amerced unto the King.

CAP. XXXII.

The Penalty of Purveyors not paying for what they take.

The King's Carriages.

28 Ed. 1. c. 2.
Magna Cart.
c. 21.

OF such as take Victual or other things to the King's Use upon Credence, or to the Garrison of a Castle, or otherwise, and when they have received their Payment in the Exchequer or in the Wardrobe, or other where, they withhold it from the Creditors, to their great Damage, and Slander of the King; it is provided for such as have Lands or Tenements, That incontinent it shall be levied of their Lands, or of their Goods, and paid unto the Creditors, with the Damages they have sustained, and shall make Fine for the Trespas; and if they have no Lands nor Goods, they shall be imprisoned at the King's Will. (2) And of such as take Part of the King's Debts, or other rewards of the King's Creditors for to make Payment of the same Debts; it is provided, That they shall pay the Double thereof, and be grievously punished at the King's

The Penalty
of Purveyors
not paying
for what they
take.

dra al pleintif a taunt pur loutrageouse pris, come il vousoit aver pris de luy, sil eust emporte son tholon, et ovefque ceo il avera la prisone de quarant jours. De Citeins et de Burghes, a qi le Roi ou son pier ad graunte murage, pur lour ville enclose, et qe cele murage pernent autrement qe lour est graunt, et de ceo soient atteintz; purveu est, qils perdent celle grace [*graunte*] de tout le temps qe serra a venir, et ferront en la greve mercy le Roi.

DE ceux qui pernent vitaille, ou null riens al oeps le Roi a creauce, ou a garnison del Chastel, ou ailleurs, et quant ils avont resceu le paiement al Eschequer, ou en garderobe, ou ailleurs, detieignent le paiement de creauceours, a graunt damage de eux, et en esclandre de Roi; purveu est, de ceux qount terres et tenementz, qe maintenant soit leve ceo de lour terres, et de lour chateux, et paie as creauceours, ove les damages qils averont eu, et soient reint pur le trespas; et sil neient terre, he tenement soient en la prisone a la volunte le Roi. De ceux qui partie de dette le Roi, ou autres lowers pernent de creauceours le Roi, pur faire le paie de mesmes celes dettes; purveu est, qil rendent le double; et soient puniz grevement a la volunte le Roi. Et de ceux qi pernent chivaux, ou charettes, affaire le cariage le Roi, puis qe miester ne serroit,

roit, et pignent lowers pur re-
 lesser les chivaux, ou les cha-
 rettes; purveu est, qe si nul
 de la Court le face, il serra
 grevement chastie per les Ma-
 reschals; et si ceo soit fait hors
 de la Courte, per homme de la
 Court, ou per autre, et il en
 soit atteint, il rendra le treble,
 et serra en la prison le Roi
 quarant jours.

pay treble Damages, and shall
 forty Days.

King's Pleasure. (3) And of Taking of
 such as take Horse or Carts for Horses and
 the King's Carriage more than Carts for the
 need, and take Rewards to let King.
 such Horse or Carts go; it is 21 R. 2. c. 5.
 provided, That if any of the 28. H. 6. c. 1.
 Court so do, he shall be grie-
 vously punished by the Mar-
 shals; (4) and if it be done
 out of the Court, or by one
 that is not of the Court, and
 be thereof attained, he shall
 remain in the King's Prison

2 Inst. 223, 224.

CAP. XXXIII.

No Maintainers of Quarrels shall be suffered.

Purveu est, qe nul Viscount ne
 suffre barettour ou mainte-
 ner de paroles en Countees, ne
 seneschalx de graunts seignors,
 ne dautres qi ne soit attourne
 a son seignur, a seute faire, ou
 seuter defaire, les Justicementz
 des Countees, ne pronuncier
 les Justicementz, si ne soit e-
 specialment prie et requis de
 ceo faire de touz les seutours,
 et les attournes des seutours,
 qi y ferront a le journe; et si
 nul le face, le Roi se prendra
 grevouement, et a viscount,
 et a luy.

IT is provided, That no Sher-
 riff shall suffer any Barre-
 tors or maintainers of Quarrels
 in their Shires, neither Stew-
 ards of great Lords, nor other
 (unless he be Attorney for his
 Lord) to make Suit, nor to
 give Judgements in the Coun-
 ties, nor to pronounce the
 Judgements, if he be not spe-
 cially required and prayed of
 all the Suitors, and Attornies
 of the Suitors, which shall be
 at the Court; and if any do,
 the King shall punish grie-
 vously both the Sheriff and
 him that so doth.

No Maintain-
 ers of Quar-
 rels shall be
 suffered.
 2 Inst. 225.
 1 Hawk. Pl. Cr.
 243.

CAP. XXXIV.

*None shall report standrous News, whereby Discord may
 arise.*

Purceo qe plusieurs ount so-
 vent trove en counte con-
 troveurs, dont discordes ou ma-
 niere de discord ad este sovent
 entre le Roi et son poeple, ou
 ascuns hautes hommes de son
 roialme; est defendu pur le
 damage qe ad este, et unqore en
 purreit avenir, que desoremes
 en avant nul ne soit si hardy
 de dire ne de counter nul faux
 novel, ou controveure, dount
 nul discordes, ou manere de dis-

FORASMUCH as there
 have been oftentimes found
 in the Country Devisors of Tales,
 whereby Discord, or occasion of
 Discord, hath many times arisen
 between the King and his People,
 or great men of this Realm; For
 the Damage that hath and may
 thereof ensue, it is command-
 ed, That from henceforth
 none be so hardy to tell or
 publish any false News or
 Tales, whereby Discord, or

2 Inst. 225.—
 229.

Occasion of Discord or Slander may grow between the King and his People, or the great Men of the Realm; (2) and he that doth so, shall be taken and kept in Prison, until he hath brought him into the Court, which was the first Author of the Tale.

cord, ou desclandre, puisse furdre entre le Roi et son poeple, ou les hautes hommes de son roialme; et qi le fra, soit pris et detenuz en prison, jefques a taunt qil eit trove en Court celuy, dount le poeple [*la parole*] serra move.

2 R. 2. stat. 1. c. 5.
12 R. 2. c. 11.
1 & 2 Ph. & M. c. 3.
1 Eliz. c. 6.

CAP. XXXV.

The Penalty for arresting within a Liberty those that hold not thereof.

2 Inst. 229.— 231.
Arresting a stranger within a liberty.

OF great Men and their Bailiffs, and other (the King's Officers only excepted unto whom especial Authority, is given) which at the Complaint of some, or by their own Authority, attach other passing through their Jurisdiction with their Goods, compelling them to answer afore them upon Contracts, Covenants, and Trespasses, done out of their Power and their Jurisdiction, where indeed they hold nothing of them, nor within the Franchise, where their Power is, in Prejudice of the King and his Crown, and to the Damage of the People; it is provided, That none from henceforth so do; (2) and if any do, he shall pay to him, that by this Occasion shall be attached, his Damages double, and shall be grievously amerced to the King.

DES hautes hommes, et leur Bailiffs, et des autres, horspriés les Ministries le Roi a qi especial auctorite est done de ceo faire, qi a la plainte des ascuns, ou per leur auctorite demesne, attachent autres ou leur biens trespassantz, per leur poair, a respoudre devant eux de contractz, covenantz, et de trespas fait hors de leur poair et leur jurisdiction, la ou ils ne tenent rien deux, ne dedeinz la franchise eu leur poair est, en prejudice del Roi et de la Corone, et al damage del poeple; purveu est, qe nul desormes ne le face; et si ascun le fait, il rendra a celui, qi per cele acheson serra attache, son damage a double, & serra en le greve mercy le Roi.

Lutw. 1026.

CAP. XXXVI.

Aid to make the Son Knight, or to marry the Daughter.

Cap. xxxv. Aide.
2 Inst. 231 — 235.
Wright's Ten. 105—115.
25 Ed. 3. stat. 5. c. 11.
Repealed by 42 Car. 2. c. 24.

FORASMUCH as before this time, reasonable ayde to make ones sonne Knight, or to marrie his daughter, was neuer put in certaine, nor how much should be taken, nor at what time, whereby some leauied unreasonable aide, and more often than seemed necessary, whereby the people were sore grieved: It is provided that from henceforth of an whole Knights fee there be taken but xx s. and of xx. pound land holden in socage xx s. and of more, more; and of lesse lesse; after the rate. And that none shall levie such ayde to make his sonne Knight, untill his sonne be fiteene yeeres of age, nor to marrie his daughter, until

until she be of the age of seven yeeres. And of that there shal be made mention in the Kings Writ, formed on the same, when any will demand it. And if it happen that the father, after hee hath leuied such ayde of his tenants, die before he hath married his daughter, the executors of the father shall be bound to the daughter, for so much as the father receiued for the aide. And if the fathers goods be not sufficient, his heire shall be charged therewith unto the daughter.

Executors.

CAP. XXXVII.

The Penalty of a Man attainted of Disseisen with Robbery in the King's Time.

Purveu est et accorde ensement, qe si homme est atteint de disseisine fait au temps le Roi quore est ou roberie de nulle manere de chatel, ou de moveble per reconiffaunce daffise de novel disseisine, le jugement soit tiel; qe le pleintif recouere sa seisine et ses damages, auxibien del chatel et del moveble avantdites, come del eles [*des autres choses des tenementz*] et le disseifour soit reint le quel qil soit present, ou non issi qe si il soit present, primes soit agarde a la prisone: et per meisme la manere soit faite de disseisine faite a force et armes, tout ne face lem roberie.

IT is provided also and agreed, That if any Man be attainted of Disseisin done in the Time of the King that now is, with Robbery of any Manner of Goods or Moveables, and be found against him by Recognifance of Assize of *Novel disseisin*, the Judgement shall be such, that the Plaintiff shall recouere his Seisin and his Damages, as well of the Goods and Moveables aforesaid, as for the Freehold, (2) and the Disseisor shall make Fine, which, whether he be present or not, if he be present he (so it be presented) shall first be awarded to Prison. (3) And in like Manner it shall be done of Disseisin with Force and

²Inst. 235, 236.
The Penalty of a Disseisor with Robbery or Force.

Arms, although there be no Robbery.

CAP. XXXVIII.

An Attaint shall be granted in Plea of Land touching Freehold.

Purceo qe ascuns gentz de la terre doutent meyns [*meins*] faux serement qe faire ne deussent, per quei multz des gentz sont desheritez, & perdent lour droit; Purveu est, qe deforemes le Roi, de son office, durra atteint sur enquestes en plee de terre, ou de fraunchise, ou de chose qe touche fraunk tenement, quaut il lui semblera qe busoigne soit.

FOrasmuch as certain People of this Realm doubt very little to make a false Oath (which they ought not to do) whereby much People are disherited, and lose their Right; (2) it is provided, That the King, of his Office, shall from henceforth grant Attaints upon Enquests in Plea of Land, or of Freehold, or of any Thing touching Freehold, when it shall seem to him necessary.

²Inst. 237, 238.
Attaint in Plea of Land.

¹Ed. 3. stat. 1. c. 6.
⁵Ed. 3. c. 6. & 7.
²⁸Ed. 3. c. 8.
³⁴Ed. 3. c. 7.

C A P. XXXIX.

Several Limitations of Prescription in several Writs.

Co. Lit. 114,
115.
2 Inst. 94, &c.
238.
Hale's Hist.
Com. Law, 2, 3.
122, 123, 124.
129, 130, 143.

Limitation of
Prescription in
certain Cases.

AND forasmuch as it is long Time passed since the Writs under-named were limited; it is provided, That in conveyeing a Descent in a Writ of Right, none shall presume to declare of the Seisin of his Ancestor further, or beyond the Time of King RICHARD, Uncle to King HENRY, Father to the King that now is; (2) and that a Writ of *Novel disseisin*, of Partition, which is called *Nuper obiit*, have their Limitation since the first Voyage of King HENRY, Father to the King that now is, into *Gascoin*. (3) And that Writs of *Mortdauncestor*, of *Cofinage*, of *Aiel*, of *Entry*, and of *Nativis*, have their Limitation from the Coronation of the same King HENRY, and not before. (4) Nevertheless all Writs purchased now by themselves, or to be purchased between this and the Feast of *St. John*, for one Year compleat, shall be pleaded from as long Time, as heretofore they have

ET purceo qe le tems est mult passé puis qe les briefs desouznommez furent autrefoitz limitez; purveu est, qe en Count de descence al brief del droit, nul ne soit oie de demaunder la seisine son auncestre de plus long tiele seisine, qe del temps le Roi RICHARD, Uncle le Roi HENRY, le pier le Roi qore est; & qe les briefs de novel disseisine, & de purpartie, qest appelle nuper obiit, eient le terme puis le primer passage le Roi HENRY, pier le Roi qore est, en Gascoigne: & qe brief de mort de auncestre, de Cofinage, del aiel, & dentre, & brief de neyvte [*Neivte*] eient le terme del coronement mesme le Roi HENRY, & nemye avaut: mes qe touz les briefs ore aper mesmes purchafe, ou qe lem purchacera entre ycy & la seint Johan en un an, soient plede de temps qavant soleient estre pledez.

been used to be pleaded.

C A P. XL.

Voucher to Warranty, and Counter-pleading of Voucher.

2 Inst. 239 —
246.
Stat. 20 Ed. 1.
stat. 1. of
Vouchers.
Voucher to
Warranty and
Counter-
pleading of
Voucher.

FOrasmuch as many People are delayed of their Right by false vouching to Warranty; it is provided, That in Writs of Possession, first in Writ of *Mortdauncestor*, of *Cofinage*, of *Aiel*, *Nuper obiit*, of *Intrusion*, and other like Writs, whereby Lands or Tenements are demanded, which ought to descend, revert, remain, or escheat by the Death of any Ancestor, or otherwise, if the Tenant vouch to Warranty, and the Demandant counter-pleadeth

Purceo que mults des gentz sont delaiez de lour droit per fausement voucher a garraunt; purveu est, en briefs de possession tout a primes, come en briefs de mortdauncestre, Cofinage, del aiel, nuper obiit, de intrusion, et autres briefs semblables, per les queux terres ou tenementz soient demaandez, qe devient descendre, revertir, remayndre, ou eschier per mortdauncestre, ou dautre, qe si le tenant vouche a garraunt, et le demandaunt le countre

countre plede, et voille averrir per affise, ou per pais, ou en autre manere, sicome le Court le Roi agardera, qe le tenaung, ou son auncestre qe heir il est, fuist le primer qi entra apres la mort eely de qi seifine il demaunde; soit laverrement del demaundant resceu, si le tenant le voille attendre; et si ceo non, soit hote outre a autre respoune, fil neit son garraunt en present, qe lui voille garoutier de son gree, et meintenant entre en respoune; sauve al demaundant ses exceptiouns countre lui, sil voille vouchier outre, come il avoit avaunt, contre le primer tenant. Derechief en toute manere des briefs dentre, que sont mentiou de degrees, qe nul desoremes ne vouchie hors de la lyne; et en autres briefs dentre, ou nul mention est fait de degrees, les queux briefs ne sont sustenez fors la ou les avaunt ditz briefs de degrees ne pount giser, ne leu tenir: En brief du droit purveu est, qe si le tenant vouchie a garant, et le demaundant le voille contrepleder, et soit prest de averir per pais, que celui qest vouchie, eu ses auncestres unques naveient seifine de la terre, ou del tenement demaunde, fee, ne servise per la main le tenant, ou de ses auncestres, puis le temps a celui de qi seifine le demaundant counte, jefques al temps qe le brief fuist purchace et le plee meu [*moeve*] per quoi il poet avoir le tenant, ou ses auncestres, fesse; soit la verrement al demaundant resceu, si le tenant le voille attendre; si ceo non, soit le tenant bote a autres respous, sil neit son garant en present, qi voille garoutier de son gree, et meintenant entrer en respous, sauve

al

eth him, and will aver by Assise, or by the Country, or otherwise, as the Court will award, that the Tenant, or his Ancestor (whose Heir he is) was the first that entered after the Death of him, of whose Seisin he demandeth; the Averment of the Demandant shall be received, if the Tenant will abide thereupon; (2) and if not, he shall be further compelled to another Answer, if he have not his Warrantor present, that will warrant him freely, and incontinent enter into the Warranty; saving unto the Demandant his Exceptions against him, if he will vouch further, as he had before against the first Tenant.

(3) From henceforth in all Manner of Writs of Entry, which make mention of Degrees, none shall vouch out of the Line: or in other Writs of Entry, where no Mention is made of Degrees, which Writ shall not be maintained, but in Cases where the other Writs of Degrees cannot lie, nor hold Place: (4) And in a Writ of Right it is provided, That if the Tenant vouch to Warranty, and the Demandant will counter-plead him, and be ready to aver by the Country, that he that is vouched to Warranty, nor his Ancestors, had never Seisin of the Land or Tenement demanded, nor Fee or Service by the Hands of his Tenant, or his Ancestors, since the Time of him, on whose Seisin the Demandant declar-eth, until the Time that the Writ was purchas'd, and the Plea moved, whereby he might have infeoff'd the Tenant, or his Ancestors, then let the Averment of the Demandant be received,

Where in Writs of Entry no Voucher out of the Line shall be.
Hob. 22.

Counter-pleading to a Voucher in a Writ of Right.

received, if the Tenant will abide thereupon; (5) If not, the Tenant shall be further compelled unto another Answer, if he be not present that will warrant him freely, and incontinent enter in Answer, saving unto the Demandant his Exceptions against him, as he had afore against the first Tenant: (6) And the said Exception shall have Place in a Writ of *Mortdauncestre*, and in the other Writs before named, as well as in Writs that concern Right. (7) And if percase the Tenant have a Deed, that compriseth Warranty of another Man, which is bound in none of these Cafes before mentioned to the Warranty of an elder Degree; his Recovery, by a Writ of Warranty of Charters out of the King's Chancery, shall be saved to him at what Time soever he will purchase it; howbeit the Plea shall not be delayed therefore.

al demaundant les exceptions a countre lui, sicome il avoit avaunt encoutre le primer tenant : et lavant dite exception eit lieu en brief de mortdauncestre, et en autres briefs devant nomez, auxibien come en briefs qe touchent droit : et si le tenant per cas eit chartre de garauntie dautre homme de cost, qe ceo soit oblige en nulle de les avaunt ditz cas a la garauntie de son ein degree ; sauve lui soit son recoverir per brief de garauntie de chartre de la Chauncellerie le Roi, quaut il le voudra purchacer ; mes que le plee ne soit purceo de laie.

CAP. XLI.

The Champion's Oath in a Writ of Right.

Inst. 246 —
248.
A Champion's
Oath in a Writ
of Right.

Touching the Oaths of Champions, it is thus provided, because it seldom happened, but that the Champion of the Defendant is forsworn, in that he sweareth, that he or his Father saw the Selfin of his Lord, or his Ancestor, and that his Father commanded him to, dereign that Right; that from henceforth the Champion of the Demandant shall not be compelled so to swear : Nevertheless his Oath shall be kept in all other Points.

De serement as Champions est purveu, pur ceo ouerement avent qe le Champion al demaundant ne soit perjurs en ceo qil jure, qil ou son auncestre, qe son pier [vist la seisine de son seignour, ou de son auncestre, & son pier] lui comanda faire le darrein ; qe mes ne soit le Champion al demaundant destreint a ceo jurere ; mes soit le serement garde en touz les autres pointz.

CAP. XLII.

Certain Actions wherein after Appearance the Tenant shall not be essoined.

In what Cafes after Appearance the Tenant shall not be essoined.

FOrasmuch as in a Writ of Assise, Attaints, and Juris utrum, the Jurors been often troubled by reason of the Essoins of

Purceo qen briefs daffises, et datteintz, et jurez de utrum, les [jurours] sont souvent travaillees per essoines de te-

tenants; purveu que del heure
 qe il eit un foitz apparu en
 Courte, qe mes ne se puisse es-
 soigner, mes face attourne a
 suir pour lui, sil voille; et si
 ceo noun, soit lassise ou la juree
 pris pur sa defaute.

of Tenants; it is provided, That
 after the Tenant hath once ap-
 peared in the Court, he shall
 be no more essoined, but shall
 make his Attorney to sue for
 him, if he will; and if not,
 the Assise or Jury shall be taken
 through his Default.

C A P. XLIII.

There shall be no more Voucher [Fourcher] by Effoin.

PURceo qe les demaundantz
 sont sovent delaiez de lour
 droit, purceo qil ad plusours
 parceners tenantz, dont nul ne
 poet respoudre sanz autre,
 ou qil y ad plusours parceners
 tenantz jointement fessez, ou
 nul ne soet non seferal, et ceux
 tenantz sovent forchent per es-
 soigne, issi qe chescun eit une
 effoine; purveu est qe desore-
 mes, que yceux tenantz neient
 effoine forsque a une journe, et
 nient puis qe un soul tenant
 navereit; issint qe mes ne puis-
 sent furchier, taunt soulement
 avoer un effoine.

FORasmuch as Demandants
 be oftentimes delayed of their
 Right, by reason that many Par-
 ceners be Tenants, of which none
 may be compelled to answer with-
 out the other, (2) or there may be
 many jointly inseoffed (where none
 knoweth his seferal) and such Te-
 nants oftentimes vouch [fourch] by
 Effoin, so that every of them hath
 a seferal Effoin; (3) it is pro-
 vided, That from henceforth
 such Tenants shall not have
 Effoin, but at one Day, no
 more than one sole Tenant
 should have; so that from
 henceforth they shall no more
 [fourch,] vouch, but only shall
 have one Effoin.

C A P. XLIV.

In what Case Effoin ultra mare shall not be allowed.

PURceo qe mults des gentz se
 font fausement effoigner
 de outre meer, la ou ils furent
 en Engleterre le jour de la so-
 mons; purveu est, qe desore-
 mes cel effoine ne soit pas del
 tout allowe, si le demandant
 le chalenge, et prest soit daver-
 rir, qil fuist en Engleterre le
 jour qe la somons fu fait, et
 trois femaignes apres; mes soit
 ajourne en cest fourme: qe si
 le demandant a cele jour siwe
 [pursue] la verement per pais,
 ou sicome le Court le Roi agar-
 dera, et soit atteint qe la tenant
 fuist dedeinz iv mers le jour
 qil

FORasmuch as divers Persons
 cause themselves falsly to be
 essoined (for being over the Sea)
 where indeed they were within the
 Realm the Day of the Summons;
 it is provided from henceforth,
 That this Effoin be not always
 allowed, if the Demandant will
 challenge it, and will be ready
 to aver that he was in England
 the Day of Summons and three
 Weeks after; (2) but shall be
 adjourned in this Form: That
 if the Demandant be ready at
 a certain Day, by Averment of
 the Country, or otherwise as
 the Court shall award, to prove
 that

that the Tenant was within the four Seas the Day that he was summoned, and three Weeks after, so that he might be reasonably warned by the Summons, the Essoin shall be turned into a Default; (3) and that is to be understood only before Justices.

qil: fult somon, et iii semaines apres; issi qil potest estre resonablement garny de la somons, soit lessoine tourne en un default; et ceo fait entendre taunt soulement devant justices.

C A P. XLV.

In what Cases the great Distress shall be awarded.—Where the Justices Estreats shall be delivered.

²Inst. 254, 255.
Where the great Distress shall be awarded for the avoiding of Delay.

CONCERNING Delays in all Manner of Writs and Attachments, it is thus provided, That if the Tenant or Defendant, after the first Attachments returned, make Default, that incontinent the great Distress shall be awarded; (2) and if the Sheriff do not make sufficient Return by a certain Day, he shall be grievously amerced; (3) and if he return, that he hath done Execution in due Manner, and the Issues delivered to the Sureties, then the Sheriff shall be commanded, that he return Issues at another Day before the Justices; (4) and if the Party being attached come in at his Day to save his Defaults, he shall have the Issues; (5) and if he come not, the King shall have them; (6) and the King's Justices shall cause them to be delivered in the Wardrobe; and the Justices of the Bench at *Westminster* shall deliver them in the Exchequer; (7) and the

DE delais en tous manere de briefs, et de attachementz, est purveu, qe si le tenant ou le defendant, apres lattachement tesmoigne, face defaulte, que maintenant soit la graunt destresse agarde; et si le Viscounte ne respoigne suffisamment al jour, soit grevouement amerce; et sil maunde qil ad fait lexecution en due manere, et les issues baillez a meinpournours, adonques soit maunde al Viscount, qal autre jour face venir les issues devant Justices; et si lattache vient a cele jour sauver ses defaultes, eit les issues; et sil ne vient, eit le Roi les issues; et Justices le Roi le facent liyerer en Garderobe; Justices du Baunk a Westm' les facent liverer al Eschequer; Justices en Eire al Viscount de cele Counte, ou il plectent, auxibien come des foreins Countees, et de ceo soit charge en somons per rouble des Justices.

Justices in Eyre unto the Sheriff of that Shire where they plead, as well of that Shire, as of Foreign Shires, and shall be charged therewith in Summons by the Rolls of Justices.

C A P. XLVI.

One Plea shall be decided by the Justices before another commenced.

IT is provided also, and commanded by the King, That the Justices of the King's Bench,

Purveu est ensement, et per le Roi comaunde, que les Justices al Baunk le Roi et Justices

To what Places the Justices shall deliver the Estreats.

stices de Baunk a Westm' deso-
remes perpledent les plees atter-
minez a un jour, en ceo que rien
soit arraine, ou comence des
plees del jour ensuant, hors pris
qe les essoignes soient entres,
juggez, et renduz; et per ache-
son de ceo nul homme se affie,
qil ne viegne a son jour, qe
done lui est.

Bench, and of the Bench at
Westminster, from henceforth
shall decide all Pleas determin-
able at One Day, before any
Matter be arraigned, or Plea
commenced the Day follow-
ing, saving that their Effoins
shall be entered, judged, and al-
lowed; yet, by reason hereof,
let none presume to absent him-
self at the Day to him limited.

2 Inst. 255, 256.

C A P. XLVII.

*In what Case the Nonage of the Heir of the Disseisor or Dis-
seisee shall not prejudice.*

PUrveu est enlement, qe si
nul homme desoformes pur-
chace briefs de novel disseisin, et
celui, sur qi le brief vient come
principal disseisour, morge a-
vaunt que lassise est passe, qe le
pleintif eit son brief dentre
fouнду sur disseisine sur le heir,
ou sur les heires a le disseisour
lour auncestre, ou sur lour heires,
de quele age qils soient.
[*En mesme le manere eit le heir,
ou les heirs al disseisi, leurs briefs
dentre sur les disseisours lour aun-
cestres, ou sur lur heires de quele
age qils soient,*] si per aventure
le disseisi morge avaunt qil eit
son purchase faite; issi qe per le
nonnage des heirs dun part et
dautre ne soit le brief abatu, ne le
plee delaie; mes a quant qe lem
poet saunz lei effendre, soit
haste pur la frasche feute apres
la disseisine. En mesme la ma-
nere soit ce point garde en
droit des Prelates, gentz de re-
ligion, et autres, a queux terre
ou tenement en nulle manere
puis devenir apres autri mort,
le quel qil soient disseises, ou
disseisours. Et si les parties em-
pledant descendent en enqueste,
et ele passe countre le heir de-
deinz age, et nomement en-
countre le heir al disseise, qil en
ce

IT is provided also, That if any
from henceforth purchase a
Writ of *Novel disseisin*, and he
against whom the Writ was
brought as principal Disseisor,
dieth before the Assise be passed,
then the Plaintiff shall have his
Writ of Entry upon Disseisin
against the Heir or Heirs of the
Disseisor or Disseisors, of what
Age so ever they be. (2) In
the same wise the Heir or Heirs
of the Disseisee shall have their
Writs of Entry against the
Disseisors, or their Heirs, of
what Age soever they be, if per-
adventure the Disseisee die be-
fore that he hath purchased
his Writ; (3) so that for the
Nonage of the Heirs of the One
Party, nor of the other, the
Writ shall not be abated, nor
the Plea delayed; but as much
as a Man can without offend-
ing the Law, it must be hastid
to make fresh Suit after the
Disseisin. (4) And in like
Manner this shall be observed
in all Points for the Right of
Prelates, Men of Religion, and
other, to whom Lands and
Tenements † can in no wise de-
scend after others Death, whe-
ther they be Disseisees or Dis-
seisors. (5) And if the Parties

2 Inst. 256 —
258.A Writ of En-
try sur disseisin
against the
Disseisor's
Heir.Nonage of the
Heir of the
Disseisor or
Disseisee shall
not prejudice
in Assise.† May in any
wise come.
13 Ed. 1. stat. 1.
c. 15.

in Pleading come to an Inquest, ce cas eit lateinte de la grace
and it passeth against the Heir le Roi, sans rien doner.
within Age, and namely, against
the Heir of the Disseisee, that in such Case he shall have an At-
taint of the King's special Grace, without giving any Thing.

Attaint for the
Heir of the
Disseisee.

C A P. XLVIII.

*The Remedy where a Guardian maketh a Feoffment of his
Ward's Land. Suit by Prochein Amy.*

2 Inst. 259 —
261.
The Remedy
where a Guar-
dian makes a
Feoffment of
his Ward's
Land.

IF a Guardian, or chief Lord, infeoff any Man of Land, that is the Inheritance of a Child within Age, and in his Ward, to the disinheritance of the Heir; it is provided, That the Heir shall forthwith have his Recovery by Assise of *Novel disseisin* against his Guardian, and against the Tenant; (2) and the Seisin shall be delivered by the Justices (if it be recovered) to the next Friend of the Heir (to whom the Inheritance cannot descend) for to improve to the Use of the Heir, and to answer for the Issues unto the Heir, when he shall come unto his full Age; (3) and the Guardian, during his Life, shall lose the Custody of the Thing recovered, and all the Inheritance that he holdeth by reason of the Heir. (4) And if another Guardian than the chief Lord do it, he shall lose the Wardship of all together, and be grievously punished by the King. (5) And if the Infant be carried away, or disturbed by the Guardian, or by the Feoffee, or by other, by Reason whereof he cannot sue his Assise, then may One of his next Friends (that will) sue for him, which shall be thereto admitted.

13 Ed. I. stat. 1.
c. 15.

Suit by Pro-
chein Amy.

SI gardein, chief seignur, fesse nul homme de la terre qest del heritage a lenfaunt qest dedeinz age, et eux [en] la gard, a la disheritison del heir, purveu est, qe le heir maintenant eit son recoverir per brief de novel disseisine vers son gardein, et vers le tenaunt; et soit la seisine baillie per Justices, si ele soit recovere, al prochein amy, a qi leritage ne purra descendre, pur prover al oepe lenfaunt, et a respoundre des issues al heir, come il vendra a son age; Et le gardein perde a tout sa vie la garde de mesme la chose recovere, et de tout le remenant del heritage, qil tient en noun del heir: et si autre gardein que chief seignur le face, perde la garde de tout ce chose a celle foitz, et soit en greve peine denvers le Roi. Et si lenfaunt soit aloigne ou destourbe per le gardein, ou per le fesse, ou per autre, per quoi il ne puisse sa assise suire, seue pur lui un des ses prochein amy, qe voudra, et soit a ceo resceu.

C A P. XLIX.

The Tenant's Plea in a Writ of Dower.

2 Inst. 261, 262.
The Plea in
Dower unde
nihil habet.

IN a Writ of Dower, called *Unde Nihil habet*, the Writ shall not abate by the Exception of the Tenant, because she hath

EN brief de Dowerie, dount dame rien nad, mes ne soit le brief abatu per exceptionioun del tenant, purceo qele avera resceu
sa

sa dowerie dautre homme
avaunt son brief purchace, fil ne
puisse monstrier quele eit resceu
partie de dowerie de lui mes-
mes, et en mesme la ville avant
son brief purchace.

hath received her Dower of an-
other Man before her Writ
purchased, unless he can shew
that she hath received Part of
her Dower of himself, and in
the same Town, before the
Writ purchased.

C A P. L.

A Saving to the King of the Rights of his Crown.

ET purceo que le Roi fait
cestes choses al honeure de
Dieu et de seinte eglise, et pur la
comune pru et pur allegiance
de ceux qi grevez sount, il ne
voet mie qautre foitz puissent
tourner a prejudice de lui ne de
sa corone ; mes qe les droitz, qa
lui apperteinent, lui soient sau-
vez en touz pointes.

AND *forasmuch as the King* ^{2 Inst. 263.}
hath ordained these Things
unto the Honour of God and Holy
Church, and for the Common-
wealth, and for the Remedy of
such as be grieved, he would not
that at any other Time it should
turn in Prejudice of himself, or
of his Crown ; but that such
Right, as appertains to him,
should be saved in all Points.

C A P. LI.

Affises and Darrein Presentments at what Time taken.

ET purceo que graunt cha-
rite seroit de faire droit a
touz en tout temps miefter ser-
roit, qe per assentement des pre-
latz, assises de nouvelle disseisine,
de mortdauncestre, et de dar-
rein presentement fusent prises
en le advent, et en septuagesime,
et en quaresme, auxibien come
lem fait les enquestes, et ceo
prie le Roi as evesques.

AND *forasmuch as it is great* ^{2 Inst. 264 —}
Charity to do right unto all ^{266.}
Men at all Times (when Need shall
be) by the Assent of all the Pre-
lates it was provided, That As-
sises of Novel disseisin, Mortdau-
cestor, and Darrain presentment,
should be taken in Advent, Septu-
agesima, and Lent, even as well
as Enquestes may be taken, and
that at the special Request of the
King, made unto the Bishops.

*Affises and
Darrain
Presentments
at what Time
taken.*

A Statute intituled *Extenta Manerii*, made 4 EDW.
I. Stat. 1. and *Anno Dom.* 1276.

*Expressing a Survey of the Buildings, Lands, Commons, Parks,
Woods, Tenants, &c.*

IMprimis Inquirendum est de
castris, & aliis edificiis fos-
fatis circumdatis, & quantum
muri, & edificia lignea, & lapi-
dea, plumbo vel alio modo
cooperta valeant, & pro quan-
to

FIRST, It is to be inquired
of the Castles, and also of ^{The Buildings.}
other Buildings compassed a-
bout with Ditches, what the
Walls, Buildings, Timber,
Stone, Lead, and other Man-
ner

ner of Covering is worth, and how they may be prized according to the very Value of the same Walls and Buildings; (2) and for how much the Buildings without the Ditch may be prized, and what they be worth, with the Gardens, Curtilages, Dove-houses, and all other Issues of the Court, by the Year.

The Demefnes.

II. It is to be inquired also, how many Fields are of the Demefnes, and how many Acres of Land are in every Field, and what every Acre is worth by the Year; and how many Acres of Meadow are of the Demefnes, and how many be in a Field, and how much every Acre by it self is worth by the Year to be let; (2) also how many Acres of Pasture there be, and for what Beasts or Cattle the same Pasture is most necessary, and how many it will find, and of what Manner, and what the Pasture of every Beast is worth to be let by the Year.

The foreign Pasture.

III. Also it is to be inquired of foreign Pasture, that is Common, how many, and what Beasts and Cattle the Lord may have in the same, and how much the Pasture of every Beast is worth by the Year to be let.

The Parks and demefne Woods.

IV. Also it is to be inquired of Parks and demefne Woods, which the Lord may affart and improve at his Pleasure, and how many Acres they contain, and how much the Vesture of an Acre is worth; (2) and how much the Land is worth after the Wood is felled, and how many Acres it containeth, and how much every Acre is worth by the Year.

Foreign Woods.

V. Also it is to be inquired of

to poterunt appreciari, secundum verum valorem eorundem murorum & edificiorum; & pro quanto edificia extra fossatum poterunt appreciari, & quantum valeant, una cum gardinis, columbariis, & omnibus aliis exitibus Curie per annum.

Item inquirendum est, quot campi sunt in dominico, & quantum quelibet acra per se valeat ad locandum per annum; Item inquirendum est, quot acra prati sunt in dominico, & quot sunt in campo, & quantum valet quelibet acra ad locandum per se per annum, & ad cujusmodi bestias & animalia pastura illa fuerit magis necessaria, & quot & quales possent sustinere, & quantum valet pastura cujuslibet bestie & animalis per se per annum ad locandum.

Item inquirendum est de pastura forinfeca, que est communis, & quot & quales bestias, & quot animalia & que dominus habere possit in eadem, & quantum valet pastura cujuslibet bestie & animalis per se per annum ad locandum.

Item inquirendum est de parcis & dominicis boscis, que dominus ad voluntatem suam possit assartare, & excolere, & quot acras in se contineant, & pro quanto vestura cujuslibet acra poterit appruari; & quantum in se contineant & valeant, quando prostrati fuerint, & quantum valet quelibet acra per se per annum.

Item inquirendum est de boscis forinfecis, ubi alii communicant, quid de eisdem boscis dominus sibi possit approvare, & de quot acris, & pro quanto vestura cujuslibet acra communiter possit appreciari, &

& quantum fundus valeat quando prostratus fuerit. Item inquirendum est, utrum dominus de residuo boscorum predictorum forinsecorum dare possit, & quantum valeant hujusmodi donaciones & vendiciones per annum.

Item inquirendum est de panno & herbagio, melle, oleis, & omnibus aliis exitibus vivariorum, mariscorum, morarum, bruerarum, turbariarum, & vastorum, quantum valeant per annum.

Item de molendinis, piscariis separalibus & communibus, quantum valeant per annum.

Item de liberis tenentibus quibuscunque forinsecis vel extrinsecis [*intrinsicis*] inquirendum est, & quot sunt libere tenentes, & qui, & quas terras, & que tenementa, & que feoda teneant, & per quod servicium, utrum videlicet per focagium, vel per servicium militare, vel alio modo, & quantum valeant & reddant per annum de redditu assise; & qui tenent per cartam, & qui non; & qui tenent per antiquam tenuram, & qui per novum feoffamentum. Item inquirendum est de predictis libere tenentibus, & qui sequuntur Curiam a Comitatu in Comitatum, & qui non, & quantum & quid accidit domino post mortem talium libere tenentium.

Item inquirendum est de custumariis, quot sunt custumarii, & quantum terre quilibet custumarius teneat, & que opera; & quas consuetudines faciant; & quantum valeant opera & consuetudines cujuslibet custumarii per se per annum, [*ad locandum, & quantum reddant de redditu assise*] preter ope-

ra

of foreign Woods, where other Men have Common, and how much the Lord may improve to himself of the same Woods; and how many Acres, and for how much the Vesture of every Acre may be valued at, and how much the Ground is worth yearly after that the Wood is felled, and how many Acres it containeth, and what every Acre is worth by the Year. And it is to be inquired, whether the Lord may give or sell any Thing of the Residue of the foresaid Woods, and what such Gifts and Sales are worth by the Year.

VI. Also it is to be inquired ^{Pawnage,} of Pawnage, Herbage of the ^{Herbage.} Town, Honey, and all other Profits of Forests, Woods, Rivers, Moors, Marishes, Heaths, Turbary, and Waste, and how much it is worth by the Year.

VII. Also of Mills, Fishings ^{Mills, Fishings.} several and common, what they be worth by the Year.

VIII. Also it is to be inquired ^{Freeholders.} of Freeholders, the which dwell without, as well as within, that is to say, how many Freeholders there be, and who, and what Lands, and what Tenements, and what Fees they hold, and by what Services, whether it be by Socage, or Knights Service, or otherwise, and what they are worth, and pay yearly of Rent of Assize, and who hold by Charter, and who not; and who by old Tenure, and who by new Feoffment. (2) Also it is to be inquired of the said free Tenants, which do follow the Court of the County, and which not, and what and how much falleth to the Lord after the

the Death of such free Tenants.

Customary Tenants.
4 Co. 21.

IX. It is to be inquired also of customary Tenants, that is to wit, how many there be, and how much Land every of them holdeth; what Works and Customs he doth, and what the Works and Customs of every Tenant be worth yearly, and how much Rent of Assise he paid yearly besides the Works and Customs, and which of them may be taxed at the Will of the Lord, and which not.

Cottages and Curtelages.

X. It is also to be inquired of Cottagers, that is to say, what Cottages and Curtelages they hold, and by what Service, and how much they do pay by the Year for all their Cottages and Curtelages.

Perquisites of Courts.

XI. It is also to be inquired of Pleas and Perquisites of the Counties, of the Courts of the Forests, with Lawing of Dogs, and how much they be worth by the Year in all Issues.

Patronages,
Co. Lit. 374. b.

XII. It is also to be inquired of Churches that belong to the Lord's Gift, how many there be, and what and where, and how much every Church is worth by the Year, after the true Estimation of the same.

Liberties, Customs, and Services.

XIII. It is also to be inquired, what be the Value of Herriots, Fairs, Markets, Eschetes, Customs, Services, and foreign Works and Customs, and what the Pleas and Perquisites of Courts, Fines, and Reliefs, and all other Casualties are worth by the Year, that may fall in any of these Things.

ra & consuetudines, & qui possint talliari ad voluntatem domini, & qui non.

Item inquirendum est de coterellis, qui cotagia & curtilagia teneant, & per quod servitium, & quantum reddant per annum pro predictis cotagiis & curtilagiis.

Item inquirendum est de placitis & perquisitis comitatum, & curiarum forestarum, cum expeditacione canum, & quantum valeant per annum in omnibus exitibus.

Item inquirendum est de ecclesiis que pertinent ad donacionem domini, quot & que sunt, & ubi, & quantum valeant, & quantum quelibet ecclesia valet per annum per se, secundum verum valorem illius.

Item inquirendum est, quid valeant herrietta, nundine, mercheta, consuetudines & servicia, operaciones, consuetudines forinsece, & quantum valeant placita & perquisita, fines & relevia, & omnia alia casualia, que accidere possunt per annum.

A Statute *De Officio Coronatoris*, made Anno 4
EDW. I. Stat. 2. and *Anno Dom.* 1276.

Of what Things a Coroner shall inquire.

3 Ed. 1. c. 9, 10.

A Coroner of our Lord the King ought to inquire of these Things, if he be certified by the King's Bailiffs, or other honest Men of the Country:
First,

HEC sunt inquirenda a coronatoribus domini regis: In primis, quum coronatores habent mandatum a ballivis domini regis, vel a probis hominibus

nibus patrie, quod accedant ad occisos, vel ad subito mortuos, vel ablatos, [*ad vulnerata*] vel domorum fractores, vel ad locum ubi dicitur thesaurum esse inventum, statim accedant, & statim debent mandare quatuor villatis, vel quinque, vel sex vicinis, quod sint coram ipsis tali loco; & cum venerint, coronatores ad sacramentum illorum debent facere inquisitionem in hac forma; scilicet. Si fuerit de homine occiso, primo inquirend' ubi occisus fuerit, & si in campo, vel in domo, vel ad luctam, [*luttariam*] aut tabernam, vel ad congregacionem; & si quis, vel qui ibidem fuerint: Similiter inquirend' est, qui & quales culpabiles fuerint, sive de facto, sive de forcia, & quis fuerit in curia, & qui ibidem fuerint homines aut mulieres cujuscunque fuerint etatis, dummodo tamen loqui sciant, & habeant [*aliquam*] discrecionem; & quotquot inventi fuerint culpabiles per inquisitionem aliquorum modorum predictorum capiantur & liberentur vicecomiti, & imponantur in gaolam; & quotquot inventi fuerint, qui non sunt culpabiles, attachientur usque ad adventum justiciariorum itinerantium, & nomina eorum in rotulo scribantur coronatoris. Si quis autem talium occisus fuerit in campis vel in boscis, & ibi inveniatur, primo inquireatur si ibi occisus fuerit vel non, & si forte illuc differatur, sequantur vestigia eorum, si potest fieri, qui corpus illuc detulerunt, vel equi qui ducebat, vel carecta, si forte equo vel carecta deferatur. Inquireatur etiam si interfectus fuerit notus vel ignotus, & ubi nocte illa precedente fuerit hospitatus. Si autem hujus occisi fuerint, de quibus dicitur

First, he shall go to the Places where any be slain, or suddenly dead, or wounded, or where Houses are broken, or where Treasure is said to be found, and shall forthwith command four of the next Towns, or five or six, to appear before him in such a Place; (2) and when they are come thither, the Coronor upon the Oath of them shall inquire in this manner, that is to wit, If they know where the Person was slain, whether it were in any House, Field, Bed, Tavern, or Company, and who were there: Likewise it is to be inquired, who were culpable either of the Act, or of the Force, and who were present, either Men or Women, and of what Age soever they be (if they can speak, or have any Discretion;) (3) and how many soever be found culpable by Inquisition in any of the Manners aforesaid, they shall be taken and delivered to the Sheriff, and shall be committed to the Gaol; (4) and such as be founden, and be not culpable, shall be attached until the coming of the Justices, and their Names shall be written in Rolls. (5) If it fortune any such Man be slain, which is found in the Fields, or in the Woods, first it is to be inquired, whether he were slain in the same Place, or not; (6) and if he were brought and laid there, they shall do so much as they can to follow their Steps that brought the Body thither, whether he were brought upon a Horse, or in a Cart: (7) It shall be inquired also, if the dead Person were known, or else a Stranger, and where he lay the Night before; (8) and if any be found culpable of the

Murther.

Inquiry of the Offenders.

A Man found slain.

The Murtherer found culpable.

Murther, the Coroner shall immediately go unto his House, and shall inquire what Goods he hath, and what Corn he hath in his Graunge; and, if he be a Freeman, they shall inquire how much Land he hath, and what it is worth yearly; and further, what Corn he hath upon the Ground. (9) And when they have thus inquired upon every thing, they shall cause all the Land, Corn, and Goods to be valued, in like manner as if they should be sold incontinently, and thereupon they shall be delivered to the whole Township, which shall be answerable before the Justices for all; (10) and likewise of his Freehold, how much it is worth yearly over and above the Services due to the Lords of the Fee; and the Land shall remain in the King's Hands, until the Lords of the Fee have made Fine for it. (11) And immediately upon these Things being inquired, the Bodies of such Persons being dead or slain shall be buried.

Person drown-
ed, or sudden-
ly dead.

II. In like manner it is to be inquired of them that be drowned, or suddenly dead, and after such Bodies are to be seen, whether they were so drowned, or slain, or strangled by the Sign of a Cord tied streight about their Necks, or about any of their Members, or upon any other Hurt found upon their Bodies, whereupon they shall proceed in the Form above said; (2) and if they were not slain, then ought the Coroner to attach the Finders, and all other in the Company. (3) A Coroner also ought to inquire of Treasure that is found, who were the Finders, and likewise who is suspected thereof; and that

Treasure
found.

tur quod culpabiles sint, statim accedant coronatores ad domum illorum, & inquirent que catalla habuerunt, & que blada in grangia; & si liberi homines fuerint, quantum terram habuerint, & quantum valeat per annum, & que blada habuerint in terris; & cum ita adquisierint de omnibus, appreciari faciant catalla & blada, & extendant terram, sicut statim vendi possent, & liberentur villatis [*tote villate*] ad respondend' coram justiciariis; similiter de terra libera, quantum valeat per annum, salvo servicio dominorum feodi, & teneatur terra in manu domini Regis, quousque domini feodorum pro eadem finem fecerint [*satisfecerint*]. Et hiis inquisitis, statim sepeliantur corpora mortuorum vel occisorum.

Similiter inquirendum est de submersis, vel subito mortuis, & postea vidend' est de talibus corporibus, utrum sic submersi fuerint, vel occisi, vel jugulati, vel per signum colli funibus strangulati, vel per alia membra, vel per lesuram in corpore inventam, secundum hoc procedendo in forma predicta; Et si non fuerint occisi, tunc debet coronator attachiare inventorem, & omnes alios de societate. De thesauro invento debet coronator inquirere, qui sciunt inventorem, & similiter qui inde reſtati sunt, & hoc scire potest, scilicet si quis se gesserit vel duxerit solito, vel ad tabernam acceſſerit, & diucius sic se habuerit; pro tali suspicione attachiari debet per iiii vel vi. vel per plures plegios, si inveniri possint. Si autem aliquis appellatus fuerit de raptu, appellatus attachiari debet, si appellum recens fuerit, & videant signum veritatis per manifestam sanguinis

sanguinis violenciam, vel hutesium levatum; & talis attachiari debet per iiii plegios, vel per vi, si invenire possit; si autem appellum fuerit sine hutesio, & sine sanguine manifesto, tunc sufficiunt plegii duo. De appello vero de plagis, & hujusmodi, si plage fuerint mortales, statim capiantur appellati, & teneantur donec sciatur si possit convalescere, vel non; scilicet lesus quod si moriatur teneantur rei; si vero convaluerint, attachientur per quatuor pleg' vel sex, secundum quod plaga fuerit major vel minor: Si de mahemio fuerit, per plures quam quatuor; de simplici autem vulnere sine mahemio, duo sufficiunt pleg'. Item de omnibus plagis videndum est, que sit longitudo, latitudo, & profunditas, & quibus armis vulneratus sit lesus; in quo loco corporis, & si plures culpabiles sint; &, si plura sint vulnera, quis qualem plagam fecit; & sic omnia debent irrotulari in rotulo coronatoris. Si vero aliquis, vel aliqui appellati fuerint, appellatus de facto capiatur, & appellatus de forcia attachietur, salvo quousque appellati de facto convincantur vel deliberentur. De equis, batellis, carectis, & molendinis per que aliqui interficiuntur, que proprie dicuntur bani, arestentur, [apprecientur] & postea tradantur villatis, ut supra. De wrecco maris, ubicunque inveniatur, si aliquis manus apponat, attachietur per bonos plegios & salvos, & predictam wreccum apprecietur, & liberetur villatis. Si autem aliquis rettatus fuerit de morte alicujus periclitati, capiatur & imprisonetur ut supra. Similiter de homicidiis, burgla-

that may be well perceived where one liveth riotously haunting Taverns, and hath done so long Time; hereupon he may be attached for this Suspicion by four, or six, or more Pledges, if he may be found. (4) Further, if any be appealed of Rape, he must be attached, if the Appeal be fresh, and they must see apparent Sign of Truth by Effusion of Blood, or an open Cry made; (5) and such shall be attached by four, or six Pledges, if they may be found: (6) If the Appeal were without Cry, or without any manifest Sign or Token, two Pledges shall be sufficient. (7) Upon Appeal of Wounds and such like, especially if the Wounds be mortal, the Parties appealed shall be taken immediately and kept until it be known perfectly, whether he that is hurt shall recover, or not; (8) and if he die, the Defendant shall be kept; and if he recover Health, they shall be attached by four or six Pledges, after as the Wound is great or small. (9) If it be for a Maim, he shall find no less than four Pledges; if it be for a small Wound, two Pledges shall suffice. (10) Also all Wounds ought to be viewed, the Length, Breadth, and Deepness, and with what Weapons, and in what Part of the Body the Wound or Hurt is, and how many be culpable, and how many Wounds there be, and who gave the Wound; (11) all which things must be inrolled in the Roll of the Coroners. (12) Moreover if any be appealed of any Act done, as Principal, they that be appealed of the Force shall be attached also, and surely kept in

Appeal of
Rape.

Appeal of
Wounds or
Maim.
Rast. 45.

Principals and
Accessory.

- Deodands. Ward, until the Principals be attainted or delivered. (13) Concerning Horses, Boats, Carts, &c. whereby any are slain, that properly are called *Deodands*, they shall be valued and delivered unto the Towns, as before is said. (14) Concerning Wreck of the Sea, wheresoever it be found, if any lay Hands on it, he shall be attached by sufficient Pledges, and the Price of the Wreck shall be valued and delivered to the Towns. (15) If any be suspected of the Death of any Man being in Danger of Life, he shall be taken and imprisoned, as before is said. (16) In like manner Huy shall be levied for all Murthers, Burglaries, and for Men slain, or in Peril to be slain, as otherwise is used in *England*, and all shall follow the Huy and Steps, as near as can be; and he that doth not, and is convict thereupon, shall be attached to be afore the Justices of the Gaol, &c.
- Wreck of the Sea.
- Suspected Persons.
- Huy and Cry.
- 3 Hen. 7. c. 7.
12 Ann. Stat. 2.
c. 18.
- riis, seu periclitatis, seu occisis, levetur hutesium, sicut alibi est consuetudo in Anglia; & omnes sequentur hutesium, scilicet hutesium & vestigia, si fieri poterit; & qui non fecerit, & super hoc vincatur quod noluerit, attachietur quod fit coram Justiciariis de gaola. [ut prius.]

The Statute of *Bigamy*, made 4 Octob. Ann. 4 EDW. I. Stat. 3. and *Anno Dom.* 1276.

Cotton MS.

2 Inst. 267.

IN the Presence of certain Reverend Fathers, Bishops of England, and others of the King's Council, the Constitutions underwritten were recited, and after heard and published before the King and his Council, forasmuch as all the King's Council, as well Justices as other, did agree that they should be put in Writing for a perpetual Memory, and that they should be steadfastly observed.

IN presentia venerabilium patrum aliquorum Episcoporum Anglie, & aliorum de consilio regni Anglie, recitate fuerunt constitutiones subscripte & recordate, & postmodum coram domino Rege & suo consilio audite, qui omnes de consilio Justic' similiter & alii concordarunt, quod in scriptura redigerentur ad perpetuam memoriam, & quod firmiter observarentur.

CAP. I.

In what Cases Aid shall be granted of the King, in what not.

2 Inst. 268, 269.
In what Case Aid is granted of the King, in what not.

The first Article.
CONCERNING Pleas where the Tenant excepteth, that he cannot answer without the King; it is agreed by the Justices, and other learned Men of our Lord the King's Council of

Primus articulus sic incipit :
DE placitis ubi vero tenens sic excipit, quod sine Rege respondere non potest; concordatum est per Justic' & alios sapientes de consilio domini Regis, qui consuetudinem

rudinem & usum hactenus habuerunt, quod ubi feoffamentum factum fuerit per Regem, & carta super hoc confecta, tantum se habet, quod si aliqua persona per consimile feoffamentum, & per consimilem cartam, tenetur ad warrantum, Justiciarii ulterius procedere non potuerunt, nec hucusque processerunt, nisi super hoc preceptum [*a domino Rege*] habuissent, nec videri potest quod procedere possunt.

of the Realm, which heretofore have had the Use and Practice of Judgement, that where a Feoffment was made by the King with a Deed thereupon, that if another Person by a like Feoffment and like Deed be bounden to Warranty, the justices could not heretofore have proceeded any further, neither yet do proceed without the King's Commandment had therefore, neither can it be thought that they may proceed.

C A P. II.

In what Case Aid is granted of the King, in what not.

IN certis autem casibus, utpote ubi Rex confirmaverit vel ratificaverit factum alicujus in rem alienam, vel rem aliquam alicui concesserit, quantum in ipso est, vel ubi profert cartam, quod Rex aliquod tenementum reddiderit, nec clausula aliqua contineatur, per quam warrantia debeat; & pro consimilibus casibus, nec occasione confirmationis, ratificationis, concessionis, sive reddicionis aut aliorum consimilium supersedendum est, quin postquam hoc Regi fuerit ostensum sine dilacione procedatur.

AND *it seemeth also, that* ^{2 Inst. 270.} *they could not proceed in certain Cases, as where the King hath confirmed or ratified any Man's Deed to the Use of another, or hath granted any thing as much as in him is, or where a Deed is shewed, and (not any) Clause contained therein, whereby he ought to warrantize:* And in like Cases **Warranty.** they shall not surcease by occasion of a Confirmation, Grant, or Surrender, or other like, but, after Advertisement made thereof to the King, they shall proceed without Delay.

C A P. III.

In Dower the King's Grantee of a Ward shall not have Aid.

DE dotibus mulierum, ubi aliqui custodias hereditatum maritorum suorum habeant, vel de dono Regis, vel ex concessione Regis, sive custodes rem petitam teneant, sive heredes predictorum tenementorum vocentur ad Warrantum, si excipiant quod sine Rege respondere non possunt: non ideo supersedeatur, quin in loquela predicta, prout justum fuerit procedatur.

CONCERNING the Endowment of Women, where ^{2 Inst. 271.} the Guardians of their Husbands Inheritance have Wardship by the Gift or Grant of the King, or where such Guardians be Tenants of the Thing in demand; or if the Heirs of such lands be vouched to Warranty, if they say that they cannot answer without the King: they shall not surcease upon the Matter therefore, but shall proceed therein according to Right.

CAP. IV.

Purprestures or Usurpations upon the King's Land shall be reseised.

2 Inf. 271, 272.
Purprestures
and Usurpa-
tions.

CONCERNING Purprestures, or any Manner of Usurpations, made upon the King within Franchises, or elsewhere, it was agreed and determined in the Time of King HENRY, that where such Usurpers were living, the King should reseise of new the Land so usurped out of the Hands of the Usurpers; the which Thing also shall be from henceforth observed in the Realm; (2) and if any do complain upon such Reseisers, he shall be heard like as Right requireth.

17 Ed. 2. c. 13.

DE purpresturis, seu occupationibus quibuscunque factis super dominum Regem, sive in libertate, aut in aliis, concordatum est, quod tempore regis definitum erat, & consideratum, quod ubi occupatores superstitites erant, vel fuerunt, Rex de plano resumatur rem taliter occupatam de manibus occupantium, quod & in Curia domini Regis de cetero observetur; & si quis de hujusmodi resumptionibus conqueratur, prout justum fuerit, audiatur.

CAP. V.

Bigamus shall not be allowed bis Clergy.

2 Inf. 273, 274.

CONCERNING Men twice married, called *Bigami*, whom the Bishop of *Rome*, by a Constitution made at the Council of *Lions*, hath excluded from all Clerks Privilege, whereupon certain Prelates (when such Persons have been attained for Felons) have prayed for to have them delivered as Clerks, which were made *Bigami* before the same Constitution; (2) it is agreed and declared before the King and his Council, that the same Constitution shall be understood in this wise, that whether they were *Bigami* before the same Constitution, or after, they shall not from henceforth be delivered to the Prelates, but Justice shall be executed upon them, as upon other Lay People.

Bigamus shall
not be allowed
his Clergy.

Altered by
1 Ed. 6. c. 12.
2 Jac. 1. c. 11.

DE Bigamis, quos dominus [*Papa*] in consilio Lugdunensi omni privilegio clericali privaverit, per constitutionem inde editam, & unde quidam Prelati illos, qui fuerint effecti bigami ante predictam constitutionem, & defelonia reſtati fuerunt, tanquam clericos exigerunt sibi liberand'; concordatum est coram Rege & consilio suo, quod constitutio illa intelligenda est, quod sive effecti sint bigami ante predictam constitutionem, sive post, non liberentur Prelatis, immo fiat de eis justitia sicut de laicis.

CAP. VI.

By what Words in a Feoffment a Feoffor shall be bound to Warranty.

2 Inf. 274 —
276.
In what Cases
the Feoffor shall

IN Deeds also where is contained *Dedi et concessi tale tenementum* without Homage, or without

IN cartis autem, ubi continetur *dedi et concessi tale tenementum, sine homagio, vel sine alia*

alia clausula continente Warrantiam, & tenend' de donatoribus & heredibus suis per certa servicia; concordatum est per eosdem, quod donator & heredes sui teneantur ad warrantizand'. Ubi autem continetur dedi concessi, tenend' de capitalibus dominis, aut de aliis quam de feoffatoribus vel heredibus suis, nullo servicio sibi retento, sine homagio, vel sine dicta clausula, heredes sui non teneantur ad warrantizand'; ipse tamen feoffator [*in vita sua*] ratione doni sui proprii, teneatur ad warrantiam. Predictae autem constitutiones edite fuerunt in parlamento post festum sancti Michaelis, anno regni regis E. filii regis H. quarto [*& extunc habebunt locum.*]

without a Clause that containeth Warranty, and to be holden of the Givers, and their Heirs, by a certain Service; it is agreed, that the Givers, and their Heirs, shall be bounden to Warranty. (2) And where is contained *Dedi & concessi, &c.* to be holden of the chief Lords of the Fee, or of other, and not of Feoffors, or of their Heirs, reserving no Service, without Homage, or without the foresaid Clause, their Heirs shall not be bounden to Warranty, notwithstanding the Feoffor during his own Life, by Force of his own Gift, shall be bound to warrant. (3) All these Constitutions aforesaid were made at *Westminster*, in the Parliament next after the Feast of St. *Michael*, the fourth

be bound to Warranty, in what not.

Year of the Reign of King EDWARD, Son of King HENRY; and from that Time forth they shall take Effect.

STATUTA GLOUCESTR'

Statutes made at *Gloucester*, 4 *Octobris*, Anno 6 EDW. I. and *Anno Dom.* 1278.

Rot. in Turr. Lond. m. 47.

LE an de grace MCCLXXVIII. e del regne le Rey EDWARD fiz le Rey HENRI sime a Gloucestre le mois de Aust purveaut mesme le rei pur le amendement de sun reume e pur plus plenere exhibicion de dreit si com le profit de office regal demaunde appelez les plus descrez de sun regne ausi bien des greindres cum des meindres. Establi est e concordamment ordeine qe cum mesme le regne en plusurs divers cas ausi bien de fraunchises com de autre choses en les queles avaut lei failli e a eschuire les tresgreffs damages e les nient numbrables desheritesuns Les quels icel manere defaute de lei fist a la gent du reume eit mester de divers supplecions de lei e de noveles purveaunces e les estatuz ordeignemenz e purveaunces suz escrites de tute la gent del regne desboremes fermement seient gardez. Cum Prelatz Cundes Baruns e autres del regne cleiment aver divers fraunchises a les quels examiner e jugger le Rey a mesmes ceus Prelats Cundes Baruns e autres aveit done jour purveu est

2 Inst. 277 —
283.
Vid. post Pag.
a Translation
of this Stat.
in the Exposition
upon the Stat.
of Gloucester,
6 Ed. 1. stat. 2.
c. 2.

e concordaument graunte qe les avauntditz Prelatz Cundes Baruns e autres tels manere de fraunchises usent issint qe rien ne lur acreffe par usurpacion ou occupaciun ne ren sur le Rei occupent desqe a la procheinne venue le Rei par le counte ou a la procheinne venue de Justices erraunz a comuns plez en mesme le counte ou desqe le Rei comaunde autre chose sauve le dreit le Rei cum il envodra parler solom ceo qe il est cuntenu en le bref le Rei. E de ceo soient maunde brefs as Viscundes baillifs e autres per chescun demaundaunt e fait la forme del bref changee solom la diversete dez fraunchises les quels chescun cleime aver. E les Viscundes par tutes lur baillies ferunt communement crier ceo est asaver en cites en burgs en viles marchaundes e aillours qe tuz ceus qi aucunes fraunchises cleiment aver par les chartres les predecessurs le Rei Reis de Engleterre ou en autre manere soient devaunt le Rei ou devaunt justices en eire a certains jour e leu a mustrer quel manere de fraunchises il cleiment aver e par quel garaunt. E les viscundes meimes dunques ferrunt iloeques personnement od lur baillifs e lur menistrs a certifier le Rei sur les avauntdites fraunchises e autres choses qe celes fraunchises touchent. E ceste criece devaunt le Rei cunteigne garnisement de treis semeines. E mesme la manere ferunt les viscundes crier en eire de justices. E en mesme la manere ferront il personnement od lur baillifs e lur menistres a certifier les justices de tel manere de fraunchises e de autre choses qe celes fraunchises touchent. E ceste criece conteigne garnisement de quaraunte jours si com la commune somonuse content issi qe si la partie qe cleime aver fraunchise fait devaunt le Rei ne fait pas mis en defaute devaunt les Justices en eire pur ceo qe le Rei de sa grace especiale ad graunte qe il garder la partie de damage quaut a cel ajournement. E si cele partie fait en plai sur tels manere de fraunchises devaunt une peire de Justices avauntdiz mesmes les Justices devaunt les quels la partie est en plai garderont la partie de damage devaunt autres Justices E le Rei devaunt lui mesmes mes qe il sache par les Justices qe la partie fust en plai devaunt eus si com il est avauntdit. E si cels qi tels fraunchises cleiment aver ne veignent al jour avauntdit dunques soient les fraunchises en nun de distresse pris en la main le Rei par le viscunte del liu issi qe il tel manere de fraunchises ne usent desqe il veignent a recevoir dreit. E quaut il viennent par cele distresse lur fraunchises lur soient replevies si il les demaundent les quels replevies respoignent meintenaunt en la forme avaunt-dite. E si par aventure les parties exceptent qi il ne doivent nent de ceo respundre saunz bref original dunque si il pussent estre seu qe eus de lur propre fet eient usurpe ou ocupe aucunes fraunchises sur le Rei ou sur ses predecessors dit lur soit qe meintenaunt respoignent saunz bref e pus reçoivent jugement si com la Curt le Rei agardera. E si il dient outre qe lur auncestre ou lur auncestres de meismes les fraunchises morurent seisis soient oiz e meintenaunt fait la verite enquisse e solom ceo aillent les justices avant en la besoigne. E si il soit trouve qe lur auncestre en morust seisi dunques eit le Rei bref original de sa chauncellerie en la

forme

forme fete de ceo Le Rei maunde saluz au visconte summonnez par bons somonours un tel qe il seit devaunt nus a teu lieu en nostre procheine venue en cel Cunte ou devaunt nos Justices a primeres assises cum il en celes parties vendront a mustrer par quel garaunt il cleime aver quitaunce de tonnue pur sei ou ses hommes par tut nostre reame par continuation apres la mort tel jadis sun predecessour. E eiez les somonurs e ceo bref. E si les parties viegnent al jor respoignent e seit replie e juge. E si il ne viegnent ne se effoignent devaunt le Rei e le Rei demoege outre en cel Cunte seit comaunde al visconte qe il les face venir al quart jor al quel jor si il ne viegnent e le Rei demoege outre en cel Cunte seit fet si com en eire des Justices. E si le Rei departe del cunte soient les parties ajornees a bref jor e eient renables delais jouste les decrecions des justices si cum en actiuns personeles. E les justices en eire facent de ceo en lur eires solom le ordeinement avaunt dit e solom ceo qe tel manere de plez doivent estre dedut en eire. De pleintes fetes e a fere des baillifs le Rei e de autri baillifs seit fet solom le ordeinement avaunt fet de ceo e solom les enquestres de ceo avaunt prises E de ceo frunt les Justices en eire solom ceo qe le Rei lour ad enjoint e solom les articles qe le Rei lur ad livre.

CAP. I.

*Several Actions wherein Damages shall be recovered.**Rot. in Turr. Lond.*

CUM avant ces heures damages ne fussent agardez en assise de novele disseisine fors tantoulement vers les disseisifurs [*disseisours*] purveu est qe si les disseisifours alienent les tenemenz e neient dunt les damages pussent estre levez qe ceus en qi mains icels tenemenz vendrunt seit charge des damages issi qe chescun respoigne de son tens. Purveu est ensement qe le deseisi recovre damage en bref de Entre sur novele disseisine vers celui qi est trove tenaunt apres le deseisur. Purveu est ensement qe la ou en avant ces heures damages ne furent agardez en ple de mort de auncestre fors en cas la ou tenement fu recovre vers le chief seignour de desoremes damages soient agardez en touz cas ou en recovre par assise de mort de auncestre si com est avaunt dit en assise de novele

WHereas heretofore Damages were not awarded in Assises of Novel disseisin, but only against the Disseisors: (2) it is provided, That if the Disseisors do aliene the Lands, and have not whereof there may be Damages levied, that they to whose Hand such Tenements shall come, shall be charged with the Damages, so that every one shall answer for his Time. (3) It is provided also, That the Disseisee shall recover Damages in a Writ of Entry, upon Novel disseisin against him that is found Tenant after the Disseisor. (4) It is provided also, that where before this Time Damages were not awarded in a Plea of Mortdauncestor (but in case where the Land was recovered against the chief Lord) that from henceforth Damages shall be awarded in all Cases where a Man recovereth.

The Alienee of a Disseisor shall be charged with Damages.
Co.Lit. 359, 360.
10 Co. 116.
Dy. 370.
Hob. 95.
Godb. 112.
2 Inst. 283 — 290.

Damages in Mortdauncestor.
52 H. 3. c. 36.

Damages in
Cofinage,
Aiel, Befaiel.

recovereth by Affife of *Mort-
daunceftor*, as before is faid in
Affife of *Novel diffifin*: (5) And
likewife Damages fhall be re-
covered in Writs of *Cofinage*,
Aiel, and *Befaiel*.

novele diffifine en mefme la
manere recovre lem damages
par bref de Cofinage del Aiel e
del Befael.

Where Dama-
ges fhall bere-
covered, there
Cofts alfo.

II. *And whereas before Time
Damages were not taxed, but to
the Value of the iffues of the Land*;
(2) it is provided, That the
Demandant may recover a-
gainft the Tenant the Cofts of
his Writ purchafed, together
with the Damages abovesaid.
(3) And this Act fhall hold
Place in all Cafes where the
Party is to recover Damages.
(4) And every Perfon from
henceforth fhall be compelled
to render Damages, where the
Land is recovered againft him
upon his own Intrufion, or his
own Act.

Cotton MS. Vefpaf. B. 7.

[*Et lou avant ces heurez da-
mages ne furent taxez fors a la
value del iffue de la terre qe le de-
mandant print & poet prendre
desormes recover vers' le tenant
les coustages de fon brief purchase
ensemblement ove lez damages a-
vantditz Et tout ceo soit tenu en
tout cas ou homme recover damages.*]

II. E feit desoremes en mef-
me la manere chefcun tenu a
rendre damages la ou om re-
covre vers lui de fa entruftion
ou de fun fet demeifne.

CAP. II.

In what Cafe Nonage of the Plaintiff fhall not ftay an Enqueft.

Where the
Nonage of an
Infant Shall
not ftay an
Enqueft.

IF a Child within Age be
holden from his Heritage
after the Death of his Father,
Cofin, Grandfather, or Great
Grandfather, whereby he is
driven to his Writ, and his ad-
verfary cometh into the Court,
and for his Answer alledgeth a
Feoffment, or pleadeth some
other Thing, whereby the Just-
ices award an Enqueft, there
whereas the Enqueft was de-
ferred unto the full Age of the
Infant, now the Enqueft fhall
pafs as well as if he were of full Age.

E Si enfaunt dedenz age feit
tenu hors de fun heritage
apres la mort fun Cufin Ael'ou
Befael par que il conveigne qe
il purchase bref e fun adverfaire
veigne en Curt e enrefponaunt
allegge feffement ou autre chose
die par quei Justices agardent
enquefte la ou enquefte fu de-
lae defque al age fi paffe orel en-
quefte aufi cum il fu de age.

2 Inft. 290.—
291.

CAP. III.

*An Alienation of Land by the Tenant by the Curtefy with
Warranty fhall be void.*

2 Inft. 292.—
294.
Vaugh. 366.

IT is established alfo, That if
if a Man aliene a Tenement,
that he holdeth by the Law of
England, his Son fhall not be
barred by the Deed of his fa-
ther (from whom no Heritage

E Stabli est enfeiment qe fi
home aliene tenement
quil tient par lei de Engle-
terre fun fiz ne feit pas bar-
re par le fet fun pere par qi
nul heritage ne lui est defcendu

a demander e recovrer par bref de mort de auncestre la seifine fa mere tut face la chartre fun pere mentiun qe lui e ses heirs seient tenuz a la garauntie. E si heritage lui seit descendu par fun pere dunques seit il forclos de la value del heritage qe lui est descendu. E sin en tens apres heritage lui descent par mesme le pere dunqe avera le tenaunt vers lui rocoverer de la seifine sa mere par bref de judgement qe iutra des roules des Justices devaunt les quels le plai fu pleide e refomoundre fun garaunt si cum ad este fet en autre cas ou le garaunt vint en curt e dist qe rien ne lui est descendu de lui par qui fet il est vouche. En mesme la manere le issue del fiz par bref del ael cofin e del besael. Ensement en mesme la manere ne seit le hier la femme apres la mort le pere e le mere barre de action par la chartre fun pere si il demaunde le heritage ou le mariage la mere par bref de entre qe fun pere en tens sa mere aliena dunt nule fin est levee en la Curt le Rey.

his father, if he demand by Action the Inheritance of his Mother by a Writ of Entry, which his father did aliene in the Time of his Mother, whereof no fine is levied in the King's Court.

C A P. IV.

In what Case Cessavit is maintainable against a Tenant in Fee-farm.

ENsement si home lest sa terre a fee ferme ou a trouver estovers en vivre en vesture que munte a la quarte partie de la verri value de la terre e celui qi tient la terre issint charge la lesse gisir frische issi qe lem ne pousse trover destrefce par deus anns ou treis faunz ent fere la ferme rendre ou faunz fere ceo que

to him descended) to demand and recover by Writ of *Mortdaucestor*, of the Seifin of his Mother, although the Deed of his father doth mention, that he and his Heirs be bound to Warranty. (2) And if any Heritage descend to him of his father's Side, then he shall be barred for the Value of the Heritage that is to him descended. (3) And if in Time after any Heritage descend to him by the same father, then shall the Tenant recover against him of the Seifin of his Mother by a judicial Writ that shall issue out of the Rolls of the Justices, before whom the Plea was pleaded, to resummon his Warranty, as before hath been done in Cases where the Warrantor cometh into the Court, saying, That nothing descended from him by whose Deed he is vouchied. (4) And in like Manner the Issue of the Son shall recover by Writ of *Cofinage*, *Aiel*, and *Besael*. (5) Likewise in like Manner the Heir of the Wife shall not be barred of his Action after the Death of his father and Mother, by the Deed of

the Inheritance of his Mother by a Writ of Entry, which his father did aliene in the Time of his Mother, whereof no fine is levied in the King's Court.

ALSO if a Man let his Land to ferm, or to find Estovers, in Meat or in Cloth, amounting to the Fourth Part of the very Value of the Land, and he which holdeth the Land so charged letteth it lie fresh, so that the Party can find no Distress there by the Space of of Two or Three Years to compel

Cessavit per biennium

2 Inst. 295.—
298.
Wright's Ten.,
197—202.

23 Ed. 1. stat.
1. c. 21. & c. 41.

The Tenant
payeth the
Arrearages
and findeth
Surety.

compel the Farmor to render, or to do as is contained in the Writing or Lease; (2) it is established, that the Two Years being passed, the Lessor shall have an Action to demand the Land in demean by a Writ which he shall have out of the Chancery. (3) And if he against whom the Land is demanded come before Judgement, and pay the Arrearages and the Damages, and find Surety (such as the Court shall think sufficient) to pay from thenceforth as is contained in the Writing of his Lease, he shall keep the Land.

que est contenu en l'escrit del les establi est qe apres les deus ans passez eit le lessour actioun a demaunder la terre en demeine par bref qe il avera en la Chancelrie. E si celui vers qi la terre est demaunde veigne avaunt judgement e rende les arrerages e les damages, e trove seurte tele com la cort verra qe seit suffesaunte a rendre en apres ceo qe est contenu en le escrit si retiegne la terre. E si il demort desque taunt qe ele seit recovre par judgment si seit encorue a remanaunt.

(4) And if he tarry until it be recovered by Judgement, he shall be barred for ever.

CAP. V.

Several Tenants against whom an Action of Waste is maintainable.

Against whom
an Action of
Waste is main-
tainable.

Co. Lit. 53. b.
54. b. 200. b.
247. b. 355. b.
2 Inft. 299 —
307.
Sav. 42.

9 H. 3. c. 4. 5.
52. H. 3. c. 23.
3 Ed. 1. c. 21.

IT is provided also, That a Man from henceforth shall have a Writ of Waste in the Chancery against him that holdeth by Law of *England*, or otherwise for Term of Life, or for Term of Years, or a Woman in Dower. (2) And he which shall be attainted of Waste, shall lose the Thing that he hath wasted, and moreover shall recompense thrice so much as the Waste shall be taxed at. (3) And for Waste made in the Time of Wardship, it shall be done as is contained in the Great Charter. (4) And where it is contained in the Great Charter, that he which did waste during the Custody, shall leese the Wardship, (5) it is agreed that he shall recompense the Heir his Damages for the Waste, if so be that the Wardship lost do not amount before the Age of the Heir of the same Wardship.

ENfement purveu est qe lemeit desoremes bref de Waste en la chancelrie fait de ceo sur home qi tient par la lei de Engleterre ou en autre manere a terme de vie ou a terme de annz ou femme en doweire: e celui qui ferra atteint de wast perde la chose qil ad wastee e estre ceo face gre del trebble de ceo qe le wast ferra taxe. E endroit de wast fet en garde seit fait solom ceo qe il est contenu en la graunt chartre. E par la ou ilest contenue en la graunt chartre qe celui qi avere fet wast en garde perde la garde. Acorde eit qe il rende al heir les damages del wast si issi ne seit qe la garde perdue ne suffice my a la value des damages avaunt le age del heir de mesme la garde.

to the Value of the Damages before the Age of the Heir of the same Wardship.

CAP. VI.

Where divers Heirs shall have one Assise of Mortdaucestor.

Purveu est ensement qe si home moert & eit plusurs heirs dunt le un est fiz ou filie frere ou soer neveue ou nece e les autres soient en plus lointeing degre les heirs eient de foremes recouperer par bref de la chauncelrie de mort de auncestre.

IT is provided also, That if a Man die, having many Heirs, of whom one is Son or Daughter, Brother or Sister, Nephew or Niece, and the other be of a further Degree, all the Heirs shall recover from henceforth by a Writ of Mortdaucestor. Co.Lit. 164. a.
2 Inst. 307,
308.

CAP. VII.

A Writ of Entry in casu proviso, upon a Woman's Alienation of Dower.

Ensement si femme vende ou donne en fee ou a terme de vie tenement qe ele tient en dowaire establi est qe le heir ou autre a qi la terre deveroit revertier apres le deces la femme eit meintenaunt recouperer a demander la terre par bref de entre fet de ceo en la chauncelrie.

AL SO if a Woman sell or give in Fee, or for Term of Life, the Land that she holdeth in Dower; it is ordained, That the Heir, or other to whom the Land ought to revert after the Death of such a Woman, shall have present Recovery to demand the Land by a Writ of Entry made thereof in the Chancery. 2 Inst. 309.
310.
11 H. 7. cas.

CAP. VIII.

No Suit for Goods in the King's Courts under Forty Shillings. Attorneys may be made where an Appeal lieth not. The Defendant being essoined shall bring in his Warrant.

Purveu est ensement qe viscuntees pleident en Cuntees les plez de trespas ausi com il soloient estre pleidez. E qe nul eit de foremes bref de trespas devaunt Justices se il na fie par fei qe les biens en portez vaillent qaraunte sol al meins. E si il se pleint de baterie a fie par fei qe sa pleint est veritable. De plaies e de mahems eit em bref si com em soleit aver. E graunte est qe les defendaunts puissent fere atornez en tels plaiz ou apel ne est issi qe si ils soient atteintz del trespas en lur absence seit demaunde al viscunte qe il seient pris e oyent dunque la peyne qil ave-

IT is provided also, That Sheriffs shall plead Pleas of Trespas in their Counties, as they have been accustomed to be pleaded. (2) And that none from henceforth shall have Writs of Trespas before Justices, unless he swear by his Faith, that the Goods taken away were worth Forty Shillings at the least. (3) And if he complain of Beating, he shall answer by his Faith, that his Plaint istrue. (4) Touching Wounds and Maims, a Man shall have his Writ as before hath been used; (5) and it is agreed, that the Defendants in such Pleas may make their Attorneys in Suits where Appeal lieth not. No Suit in the King's Courts under the Value of 40. Sh.
2 Inst. 310.—
324.

Attornies, where Appeal lieth not; (6) so that if they be attainted being absent, then the Sheriff shall be commanded to take them, and shall have like Pain as they should have had, if they had been present at the Judgement given. (7) And if the Plaintiffs from henceforth in such Trespasses cause themselves to be essoined after the first Appearance, Day shall be given them unto the coming of the Justices in Eyre, and the Defendants in the mean Time shall be in Peace. (8) In such Pleas and other, whereas Attachments and Distresses do lie,

The Penalty if the Defendant, being essoined, doth not bring in his Warrant.

43 El. c.6.
21. Jac. 1. c.16.

if the Defendant essoin himself of the King's Service, and do not bring his Warrant at sooin, he shall recompense the Plaintiff Twenty Shillings, or more, after the Discretion of the Justices, and shall be grievously amerced unto the King.

avereient si il eussent este present quant le judgement fu rendu. E si les pleintifs desoremes en tel trespass se facent essoneer apres la primere apparaunce seit jor done desqe a venue de Justices e les defendauz endementers seient en pes en tels plez e en autres plez la ou attachementz e destrefces gisent. E si le defendaut se face essoneer de servise le Rey e ne porte sun garant al jor qi est done par sun essoneur qe il rende al pleintife les damages de la jornee de vint souz ou de plus solom la discreciun des Justices e ja le meins en la greve merci le Rey.

the Day given him by the Plaintiff Damages for his Journey Twenty Shillings, or more, after the Discretion of the Justices.

CAP. IX.

One Person killing another in his own Defence, or by Misfortune. An Appeal of Murther.

Killing in his own Defence, or by Misfortunes.

THE King commandeth that no Writ shall be granted out of the Chancery for the Death of a Man to enquire whether a Man did kill another by Misfortune, or in his own Defence, or in other Manner without Felony; (2) but he shall be put in Prison until the coming of the Justices in Eyre, or Justices assigned to the Gaol-delivery, and shall put himself upon the Country before them for Good and Evil: (3) In case it be found by the Country, that he did it in his Defence, or by Misfortune, then by the Report of the Justices to the King, the King shall take him to his Grace, if it please him. (4) It is provided also, that no Appeal shall be abated so soon as they have

e Inst. 314.—
320.
1 Hawk. Pl. Cr.
75, 76.

The Form of an appeal of Murther.

LE Rey comaunde qe nul bref de la chauncellerie seit graunte de mort de home de enquere si home occie autre par mesaventure ou sei defendaut ou en autre manere par felonie mes si tel seit en prison e devaunt Justices erraunz ou Justices assignez aghaol e deliverer se met in pais de bien e demal e len trusse par pais qil eit fet se defendaut ou par mesaventure dunqe par record des Justices face le Rei sa grace si lui plest.

[Purveu est ensement qe nul appel soit abatu si legerment come avant ad este mes si le appellour counte le fait & lan le jour & le temps le Roy & la ville ou le fait just fait si estoise le appel Et mes ne soit appel abatu per defaute de fresche suite per quei qe homme sue dedecins lan & le jour apres le fait.]
been

been heretofore; but if the appellor declare the Deed, the Year, the Day, the Hour, the Time of the King, and the Town where the Deed was done, and with what Weapon he was slain, the Appeal shall stand in Effect, (5) and shall not be abated for Default of fresh Suit, if the Party shall sue within the Year and the Day after the Deed done.

52 Hen. 3.
c. 25.
2 Ed. 3. c. 2.
14 Ed. 3. stat.
1. c. 15.

CAP. X.

The Husband and Wife being impleaded, shall not vouch [fourch] by Essoin.

CUM il seit contenu en le estatut le Rei qi ore est qe deus parceners ou deus qi tenent en commun ne pussent fourcher par essoigne del houre qe il averunt une seiz aparu en curt Purveu est qe mesme ceo seit garde e tenu ou home e sa femme sunt empledez en la court le Rei.

WHereas it is contained in the Statute of the King that now is, that Two Parceners, or Two that hold in common, may not vouch by Essoin, after that they have once appeared in the Court: (2) It is provided, That the same be observed and kept, where a Man and his Wife be impleaded in the King's Court.

3 Ed. 1. c. 43.
Husband and
Wife shall not
vouch by Es-
soin.
2 Inst. 320,
321.

CAP. XI.

A feigned Recovery against him in the Reversion, to make the Termor lose his Term.

PURVEU est ensement en la Cite de Lundres qe si home baut son tenement a terme de anns e celui a qui le fraunc tenement est se face emplerder par collusion e face defaute apres defaute ou veigne en Curt e voille rendre pur fere le termer perdre sun terme e le tenaunt eit querele issi qe le termer puisse aver recover par bref de cove-naunt le Meire e les baillifs pussent enquerre par bone visne en la presence del termer e del demaundaunt le quel le demaundaunt pleida par dreit qe il aveit ou par collusion ou par fraude pur fere le termer perdre sun terme. E si trove seit par enquest qe le demaundaunt meust son plai par bon dreit qe il aveit si seit le judgement furni meintenaunt. E si trove seit qe il pleidast par fraude pur tolir le terme ad termer le executiun del judgement pur le demaund-

IT is provided also, That if any Man lease his Tenement in the City of London, for Term of Years, and he to whom the Freehold belongeth, causeth himself to be impleaded by Collusion, and maketh Default after Default, or cometh into the Court, and giveth it up, for to make the Termor lose his Term, and the Demandant hath his Suit, so that the Termor may recover by Writ of Covenant: (2) The Mayor and Bailiffs may inquire by a good Inquest, in the Presence of the Termor and the Demandant, whether the Demandant moved his Plea upon good Right that he had, or by Collusion, or by Fraud, to make the Termor lose his Term: (3) And if it be found by the Inquest, that the Demandant moved his Plea upon good Right that he had, the Judge-

A feigned Suit
against Him in
the Reversion
to make the
Tenant to lose
his Term.

Co. Lit. 46. a.
2 Inst. 321.—
324.
Pigot Rec. 18,
19. 50, 51.

ment shall be given forthwith: (4) And if it be found by Inquest, that he impleaded him by Fraud, to put the Termor from his Term, then shall the Termor enjoy his Term, and the Execution of Judgement

maundaunt seit suspendu desqe apres le terme passe. En mesme la manere seit fet de equite en tel cas devaunt Justices si le termer le chalange avaunt le judgement.

at H. 8. c. 15.

for the Demandant shall be suspended until the Term be expired. (5) And in like Manner it shall be of Equity before the Justices in such Case, if the Termor do challenge it before the Judgement.

CAP. XII.

One impleaded in London voucheth Foreign Warranty.

One impleaded in London voucheth a Foreigner to Warranty.

IT is provided also, That if a Man impleaded for a Tenement in the same City, doth vouch a Foreigner to Warranty, that he shall come into the Chancery, and have a Writ to summon his Warrantor at a certain Day before the Justices of the Bench, and another Writ to the Mayor and Bailiffs of London, that they shall surcease in the Matter that is before them by Writ, until the Plea of the Warranty be determined before the Justices of the Bench: (2) And when the Plea at the Bench shall be determined, then shall he that is vouched be commanded to go into the City, to answer unto the chief Plea. (3) And a Writ shall be awarded at the Suit of the Demandant by the Justices unto the Mayor and Bailiffs, that they shall proceed in the Plea. (4) And if the Demandant recover against the Tenant, the Tenant shall come before the Justices of the Bench, which shall direct a Writ to the Mayor and Bailiffs, that if the Tenant have lost his Land, they shall cause the Land to be

Purveu est ensemement qe si home empleide de tenement en mesme la cite vouche forein a garaunt qe il veigne a la Chauncellerie e eit bref a somoundre sun garaunt a certain jour devaunt les Justices del Baunc e un autre bref au Meire e as baillifs de Lundres qe il surcesent a la parole qe est devaunt eus par bref desqe atant qe la parole de la garantie seit terminee devaunt les Justices du Baunc e quaut la parole au Baunc serra terminee e serra dit al garaunt qe il voist en la cite e respoigne del chief plai e le demaundaunt par fa suite eit bref des Justices du Baunc au Meire e as Baillifs qe il voist avaunt en le plai. E si le demaundaunt recovre veigne le tenaunt as Justices du Baunc e eit bref al Meire e as Baillifs qe si le tenaunt eit fa terre perdue qe il facent estendre la terre e returnent lestent au Baunc a certain jor e apres seit maunde al viscount del pais ou le garaunt fu somouns qil lui face aver de la terre del garaunt a la vaillaunce.

2 Inf. 324.—
327.

extended, and valued, and shall return the Extent at a certain Day into the Bench, (5) and after it shall be commanded to the Sheriff of the Shire (where the Warrantee was summoned) that he shall cause him to have as much of the Land of the Warrantor in Value.

Ed. 1. Stat. 7.

CAP.

C A P. XIII.

No Waste shall be made hanging a Suit for the Land.

PUrveu est ensement qe del heure qe plai ferra meu en la Cite de Lundres par bref le tenaunt ne eit pas poer de fere wast ne estreppement du tenement qi est en demaunde pendaunt le plai. E ceo face le Meire e les Baillifs garder a la suite del demaundaunt. E mesme le ordenement e statut seit garde en autres cites e burgs e aillors par tut le reume.

IT is provided also, That after such Time as a Plea shall be moved in the City of London by Writ, the Tenant shall have no Power to make any Waste or Estreppement of the Land in demand (hanging the Plea) and if he do, the Mayor and Bailiffs shall cause it to be kept at the Suit of the Demandant. (2) And the same Ordinance and Statute shall be observed in other Cities,

No Estreppement shall be made pending a Suit.

2 Inst. 327.—
329.

Boroughs, and every where throughout the Realm.

C A P. XIV.

A Citizen of London shall recover in an Assise Damages with the Land.

LE Rei graunte de sa grace a Citeins de Lundres qe la ou avaunt ces heures ceus qi furent dessisi de fraunc tenement en mesme la Cite ne poeient recoverir lur damages avaunt venue des Justices a la Tour qe ceus deseisifs desoremes cient lur damages par la reconissance de la assise par la quele il recovererent lur tenement e les deseifours seient amerciez devaunt deus Barons del Eschequer qi unefois par an vendrount en la Cite a ceo fere. E ceo seit maunde al Tresorer e as Barons qe il facent chescun an par deus de eus apres lur lever de la Chaundelure, e les amerciemenz par somonuse del Eschequer seient levez al eus le Rei a le Eschequer livre.

THE King of his special Grace granteth unto the Citizens of London, that whereas beforetimes they that were disseised of Freethold in the same City could not recover their Damages before the coming of the Justices to the Tower, that from henceforth the Disseisees shall have Damages by Recognizance of the same Assise whereby they recovered their Lands. (2) And the Disseisors shall be amerced before Two Barons of the Exchequer, which shall resort once a Year into the City to do it. (3) And it shall be commanded unto the Barons and to the Treasurer of the Exchequer, that they shall cause it every Year to be levied by Two of them at their rising after Candlemas. (4) And the

Damages shall be recovered with the Freehold in London.

2 Inst. 329.

330.

Amerciaments by Summons of the Exchequer shall be levied to the King's Use, and be delivered at the Exchequer.

C A P.

CAP. XV.

Inquiry shall be made in London of Wines sold against the Assise.

6 Ed. 1. c. 15.
Inquiry of the
Price of Wines.
2 Inst. 330.
28 Hen. 8. c. 14.
37 Hen. 8. c. 23.
Rep. 21 Jac. 1.
c. 5.

IT is provided also, that the Major and Bailifes, before the coming of those Barons, shall inquire of Wines sold against the Assise, and shal present it before them at their comming, and then they shall bee amerced, where before they were wont to tarry unto the comming of the Justices. Given at Gloucester the next day after the Feast of Saint *Peter* at the Gule of August, the yeare aforesaid.

An Exposition of the said *Statute of Gloucester*, made also Anno 6 EDWARDI I.

Stat. Gloucest.
cap. 1.

AFTER, by the King and his Justices, certain Expositions were made upon some of the Articles above mentioned, that is to wit, (2) To the first Article, for Entries by Disseisin, Damages shall run from the Time of the Statute published. (3) In the same wise in Writs of Entry upon Disseisin, and in all Writs of *Mortdauncester*, *Cosinage*, *Aiel*, or *Besaiel*, of Intrusion by one's own Act by any manner of Writ, Damages shall run after the Writ purchased against them, that held by Statute, albeit their Ancestors died seised thereof. (4) Touching an Inquest to be made of such as be within Age, the Statute shall run without Limitation of Time. (5) Touching Alienation of Lands holden by the Law of *England*, the Statute shall run for such Lands being aliened after the Time of the Statute published. (6) In like manner the Statute shall extend and run upon the Lands of a Wife aliened by her Husband (whereas no Fine was levied thereof in Court.) (7) Touching Lands being let in Feeferm, to pay therefore yearly, the fourth Part of the very Value thereof, the Statute shall run

Postmodum per Dominum Regem & Justic' suos facte sunt quedam explanationes quorundam articulorum superius positorum videlicet Ad primum articulum ubi illi qui habent ingressum per disseisinam currant dampna a tempore statuti publicati. Eodem modo de brevis de ingressu super disseisinam.

De dampnis in omnibus brevis mortis antecessoris consanguinitatis avi proavi de intrusione vel de facto proprio per quodcumque breve currant dampna post impetrationem brevium contra eos qui tenuerunt post statutum licet antecessores sui prius inde obierint seisiti. De inquisitione facienda que tangit illos qui sunt infra etatem currat statutum sine temporis limitatione. De terris alienatis per illos qui tenent per legem Anglie currat statutum de hujusmodi terris alienatis post statutum illud publicatum.

Eodem modo currat statutum de terris uxoris alienatis per virum ubi finis non est levatus.

De terris dimissis ad feodi firmam reddendo inde annuatim quartam partem veri valoris currat statutum tam de terris

terris dimissis ante statutum quam post statutum dum tamen tenens detinuerit ultra duos annos post statutum editum id quod solvere debuit dimissori per annum juxta scriptum convencionis illius.

De pena vasti in omnibus preterquam in dotibus & custodiis intelligatur de vastis factis post statutum. Et in pena reddendi triplum in casibus vasti de custodiis & dotibus intelligatur de vastis factis post statutum.

De illis qui alienant dotem suam intelligatur post statutum. Dat' apud Glouc' die dominica proxima post festum sancti Petri ad vincula Anno regni Regis Edwardi sexto.

be understood after the publishing of the Statute. (11) Given at Gloucester the Sunday next after the Feast of Saint Peter ad vincula, the sixth Year of the Reign of King Edward the First.

run as well unto Lands that were leased before the making of the Statute, as after, in case that the Tenant have withholden above the Space of two Years, after the Statute published, so much as he should have paid to his Lessor yearly according to the Form of the Covenant. (8) And as to the Punishment of Waste in all Cafes (except it be of Dowers and Wards) it shall be understood of Wastes done sithence the Statute published. (9) And of the Forfeiture of Treble in Cafes of Waites of Dowers and Wardships, it shall be understood of Wastes committed after the Statute published. (10) And as concerning them which do aliene their Dowers, it is to

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A Statute of *Quo Warranto*, made at Gloucester, Anno 6 EDW. I. †

Claiming and using of Liberties, and Causes to seise them into the King's Hands. Complaint of Officers.

THE Year of our Lord M.CC.LXX.VIII. the Sixth ² Inf. 279. Year of the Reign of King EDWARD, at Gloucester, in the Month of *August*, the King himself providing for the Wealth of his Realm, and the more full Ministration of Justice, as to the Office of a King belongeth (the more discreet Men of the Realm, as well of high as of low Degree, being called thither) (2) it is provided and ordained, That whereas the Realm of *England* in divers Cafes, as well upon Liberties as otherwise, wherein the Law failed, to avoid the grievous Damages and innumerable Disherifons that the Default of the Law did bring in, had Need of divers Helps of new Laws, and certain new Provisions, these Provisions, Statutes, and Ordinances underwritten shall from henceforth be straitly and inviolably observed of all the Inhabitants of his Realm. (3) And whereas Prelates, Earls, Barons, and other of our Realm, that claim to have divers Liberties,

† This is a Translation of the first Part of the Statute of Gloucester, entered on the Roll, and being supposed by many to have been enacted 30 Ed. 1. has been usually inserted in that Year and omitted in the 6 Ed. 1. by Mistake. 2 Inf. 279, 280.

which to examine and judge, the King hath prefixed a Day to such Prelates, Earls, Barons, and other; it is provided and likewise agreed, That the said Prelates, Earls, Barons, and other shall use such Manner of Libertics, after the Form of the Writ here following:

A Writ to the Sheriff to permit all Men to enjoy those Libertics which they had before.

[II. Rex vic' salutem. Cum nuper in parlamento nostro apud Westmonasterium, per nos & concilium nostrum provisum sit & proclamatum, quod prelati, comites, barones, & alii de regno nostro, qui diversas libertates per chartas progenitorum nostrorum regum Anglię habere clamant, ad quas examinandas & judicandas diem præfixerimus in eodem parlamento, libertatibus illis taliter uterentur, quod nihil sibi per usurpationem seu occupationem accrescerent, nec aliquid super nos occuparent. Tibi precipimus, quod omnes illos de comitatu tuo libertatibus suis, quibus hucusque rationabiliter usi sunt, uti & gaudere permittas in forma prædicta, usque ad proximum adventum nostrum per comitatum prædictum, vel usque ad proximum adventum justiciariorum itinerantium ad omnia placita in comitatu, vel donec aliud inde præceperimus: salvo semper jure nostro cum inde loqui voluerimus. Teste, &c.]

III. In like Manner and in the same Form Writs shall be directed to Sheriffs and other Bailiffs for every Demandant, and the Form shall be changed after the Diversity of the Liberty which any Man claimeth to have, in this wise:

A Proclamation, that they which claim Libertics, shall shew to the Justices how they hold them.

[IV. Rex vic' salutem. Præcipimus tibi, quod per totam ballivam tuam videlicet, tam in civitatibus, quam in burgis, & aliis villis mercatoriis, & alibi, publice proclamari facias, quod omnes illi qui aliquas libertates per chartas progenitorum nostrorum regum Anglię vel alio modo, habere clamant, sint coram justiciariis nostris ad primam assisam, cum in partes illas venerint, ad ostendendum quomodo hujusmodi libertates habere clamant, & quo warranto, & tu ipse sis ibidem personaliter una cum ballivis & ministris ad certificandum ipsos justiciarios super his & aliis negotiis illud tangentibus.]

V. This Clause of Libertics, that beginneth in this wise, *Præcipimus tibi, quod publice proclamari facias, &c.* is put in the Writ of common Summons of the Justices in Eyre, and shall have a Premonition by the Space of forty Days, as the common Summons hath; (2) so that if any Party that claimeth to have a Liberty, be before the King, he shall not be in Default before any Justices in their Circuits; for the King of his special Grace hath granted, that he will save that Party harmless as concerning that Ordinance. (3) And if the same Party be impleaded upon such manner of Libertics before one or two of the foresaid Justices, the same Justices, before whom the Party is impleaded, shall save him harmless before the other Justices; and so shall the King also before him, when it shall appear by the Justices, that so it was in Plea before them as is aforesaid. (4) And if the foresaid Party be afore the King, so that he cannot be the same Day afore the said Justices in their Circuits, the King shall save that Party harmless before the foresaid Justices in their Circuits

Circuits for the Day, whereas he was before the King. (5) And if he do not come in at the same Day, then those Liberties shall be taken into the King's Hands in Name of Distress, by the Sheriff of the Place, so that they shall not use them until they come to answer before the Justices; (6) and when they do come in by Distress, their Liberties shall be replevied (if they demand them) in the which Replevins they shall answer immediately after the Form of the Writ aforesaid; (7) and if percase they will challenge, and say that they are not bounden to answer thereunto without an original Writ, then if it may appear by any mean, that they have usurped or occupied any Liberties upon the King, or his Predecessors, of their own Head or Presumption, they shall be commanded to answer incontinent without Writ, and moreover they shall have such Judgement as the Court of our Lord the King will award; (8) and if they will say further, that their Ancestors died seised thereof, they shall be heard, and the Truth shall be inquired incontinent, and according to that Judgment shall be given; (9) and if it appear that their Ancestors died seised thereof, then the King shall award an Original out of the Chancery in this Form: [Rex vic' salutem. Sum' per bonos summon' talem, quod sit coram nobis apud talem locum in proximo adventu nostro in com' prædict' vel coram justiciariis nostris ad proximam assisam, cum in partes illas venerint, ostensurus quo warranto tenet visum francipleg' in manerio suo de N. *vel sic*, quo warranto tenet hundredum de S. in com' prædict'; *vel*, quo warranto clamat habere thelonium pro se & hæredibus suis per totum regnum nostrum; & habeas ibi hoc breve. Teste, &c.] (10) And if they come in at the same Day, they shall answer, and Replication and Rejoinder shall be made; (11) and if they do not come, nor be essoined before the King, and the King do tarry longer in the same Shire, the Sheriff shall be commanded to cause them to appear the fourth Day; (12) at which Day if they come not, and the King be in the same Shire, such Order shall be taken as in the Circuit of Justices; (13) and if the King depart from the same Shire, they shall be adjourned unto short Days, and shall have reasonable Delays according to the Discretion of the Justices, as it is used in personal Actions. (14) Also the Justices in Eyre in their Circuits shall do according to the foresaid Ordinance, and according as such Manner of Pleas ought to be ordered in the Circuit. (15) Concerning Complaints made and to be made of the King's Bailiffs, and of other, it shall be done according to the Ordinance made before thereupon, and according to the Inquests taken thereupon heretofore; (16) and the Clause subscribed shall be put in a Writ of common Summons in the Circuit of the Justices assigned to common Pleas directed to the Sheriff, &c. and that shall be such: [Rex vic' salutem. Præcipimus tibi, quod publice proclamari facias, quod omnes conquerentes, seu conqueri volentes, tam de ministris & aliis ballivis nostris quibuscunque, quam de ministris & ballivis aliorum quorumcunque, & aliis, veniant coram justiciariis

Liberties seised into the King's Hands in the Name of Distress.

A Quo Warranto for a Leet or other Liberty.

A Proclamation, that all,

who will complain of the King's Officers, shall shew their Grievances to the Justices.

ciariis nostris ad primam assisam, ad quascunque querimonias suas ibidem ostenderendas, & competentes emendas inde recipiendas secundum legem & consuetudinem regni nostri, & juxta ordinationem per nos inde factam, & juxta tenorem statutorum nostrorum, & juxta articulos iisdem justiciariis nostris inde traditos, prout prædicti justiciarii tibi scire faciant ex parte nostra. Teste meipso, &c. decimo die Decembris, anno regni nostri, &c.]

A Statute 30 die Octobris, Anno 7 EDWARDI I.
Stat. 1. and Anno Dom. 1279.

To all Parliaments and Treaties every Man shall come without Force and Arms.

THE King to the Justices of his Bench sendeth Greeting. Whereas of late before certain Persons deputed to treat upon sundry Debates had between us and certain great Men of our Realm, amongst other Things it was accorded, That in our next Parliament after, Provision shall be made by us, and the common Assent of the Prelates, Earls, and Barons, that in all Parliaments, Treaties, and other Assemblies, which should be made in the Realm of England for ever, that every Man shall come without all Force and Armour, well and peaceably, to the Honour of us, and the Peace of us and our Realm. (2) And now in our next Parliament at Westminster, after the said Treaties, the Prelates, Earls, Barons, and the Commonalty of our Realm, there assembled to take Advice of this Business, have said, that to us it belongeth, and our Part is, straightly to defend Force of Armour, and all other Force against our Peace, at all Times when it shall please us, and to punish them which shall do contrary, according to our Laws and Usages of our Realm; (3) and hereunto they are bound to aid us as their Sovereign Lord t all Scafons, when Need shall be.

(4)

EDWARD par la grace de Dieu Roi Dengleterre Seigneur Dirland & Duc Daquit A ses Justices du Baunk salut.

Come nadgairs devant certains persons deutez a treter sur ascuns debates euz entre nous & ascuns des grauntz de nostre roialme entre autres choses fuist accorde qen nostre profchein parlement apres purveiaunces fait per nous & le comune Assentement des Prelates Countes Barouns qen toutes Parlementz tretementz & autres assemblez qe se feront en le roialme Dengleterre a touz jours qe homme viegne saunz tote force & saunz armes bien & peisiblement al Honour de nous & de la pees de nous & de nostre roialme & ja en nostre profchein Parlement a Westmonstre apres le dit tretis les Prelates Countes & Barouns & le comunalte de nostre roialme illoeqes assemblees en avissement sur ceste busoigne nous eient dit qe a nous appent & devons per nostre roiale Seignurie defendre fortement des armes & toute autre force countre nostre pees a toutes les foitz qe nous plerra & punir ceuz qi countre viendrent selonc les leies

Every man Shall come to the Parliament peaceably.

leies & les ufages de nostre roialme.

Et que a ceo sont ils tenuz de nous eider come lour bone Seignur toutes les foitz que miester ferra Vous maundons que cees choses facez lire devant

vous en dit Baunk & illoeqes enrouller. Don' a Westm' le xxx. jour Doctobr' lan de nostre Regne septifime.

(4) We command you, that ye cause these Things to be read afore you in the said Bench, and there to be enrolled, Given at *Westminster*, the thirtieth Day of *October*.

2 Ed. 3. c. 9.
7 R. 2. c. 13.
20 R. 2. c. 1.

A Statute of *Mortmain*, made 15 November. Anno 7 EDW. I. and *Anno Dom.* 1279. Stat. 2.

Who shall take the Forfeiture of Lands given in Mortmain.

REX Justic' suis de Banco salutem. Cum dudum provisum fuisset quod viri religiosi feoda aliquorum non ingrederentur sine licentia & voluntate capitalium dominorum de quibus feoda illa immediate tenentur & viri religiosi postmodum nichilominus tam feoda sua propria quam aliorum hactenus ingressi sint ea sibi appropriando & emendo & aliquando ex dono aliorum recipiendo per quod servicia que ex hujusmodi feodis debentur & que ad defensionem regni ab initio provisiva fuerunt indebita subtrahuntur & domini capitales escaetas suas inde amittunt. Nos super hoc pro utilitate regni congruum remedium provideri volentes de consilio Prelatorum Comitum & aliorum fidelium regni nostri de consilio nostro existentium providimus statuimus & ordinavimus quod nullus religiosus aut alius quicumque terras aut tenementa aliqua emere vel vendere aut sub colore donationis aut termini vel alterius tituli cujuscumque ab aliquo recipere aut alio quovis modo arte vel ingenio sibi appropriare presumat sub forisfactura eorundem

WHERE of late it was provided, That Religious Men should not enter into the Fees of any without Licence and Will of the chief Lord, of whom such Fees be holden immediately; and notwithstanding such Religious Men have entered as well into their own Fees, as into the Fees of other Men, appropriating and buying them, and sometime receiving them of the Gift of others, whereby the Services that are due of such Fees, and which at the Beginning were provided for Defence of the Realm, are wrongfully withdrawn, and the chief Lords do lose their Eschetes of the same: (2) We therefore to the Profit of our Realm, intending to provide convenient Remedy, by the Advice of our Prelates, Earls, Barons, and other our Subjects, being of our Council, have provided, made, and ordained, That no Person, Religious or other, whatsoever he be that will, buy or sell any Lands or Tenements, or under the Colour of Gift or Lease, or that will receive by reason of any other Title, whatsoever it be, Lands or Tenements, or by any other Craft or Engine will presume to appropriate

Magn. Chart.
9 Hen. 3.
stat. 1. c. 36.
13 Ed. 1.
stat. 1. c. 32.
18 Ed. 1.
stat. 1. c. 3.
27 Ed. 1.
stat. 2.
18 Ed. 3.
stat. 3. c. 3.
15 R. 2. c. 5.
2 Hen. 8. c. 10.
1 & 2 Ph. & M.
c. 8.
35 Eliz. c. 7.
39 Eliz. c. 5.
43 Eliz. c. 4.
21 Jac. 1. c. 1.
13 & 14 Car. 2.
c. 12.
17 Car. 2. c. 3.
29 Car. 2. c. 8.
7 & 8 W. 3.
c. 37.
9 Geo. 2. c. 36.

No Land shall be aliened in Mortmain upon Pain of the Forfeiture thereof.

to himself, under Pain of Forfeiture of the same, whereby such Lands or Tenements may any wise come into Mortmain.

Co. Lit. 2. b.
2 Inst. 74, 75.

Who shall take
the Benefit of
the Forfeiture.

(3) We have provided also, That if any Person, Religious or other, do presume either by Craft or Engine to offend against this Statute, it shall be lawful to us and other chief Lords of the Fee immediate, to enter into the Land so aliened, within a Year from the Time of the Alienation, and to hold it in Fee as an Inheritance. (4) And if the chief Lord immediate be negligent, and will not enter into such Fee within the Year, then it shall be lawful to the next chief Lord immediate of the same Fee to enter into the same Land within half a Year next following, and to hold it as before is said; and so every Lord immediate may enter into such Land, if the next Lord be negligent in entering into the same Fee, as is aforesaid. (5) And if all the chief Lords of such Fees, being of full Age, within the four Seas, and out of Prison, be negligent or slack in this Behalf, we, immediately after the Year accomplished, from the Time that such Purchases, Gifts, or Appropriations hap to be made, shall take such Lands and Tenements into our Hand, and shall infeoffe other therein by certain Services to be done to us for the Defence of our Realm; saving to the chief Lords of the same Fees their Wards and Eschetes, and other Services thereunto due and accustomed. (6) And therefore we command you, that ye cause the foresaid Statute to be read before

rumdem per quod ad manum mortuam terre & tenementa hujusmodi deveniant quoquo modo. Providimus etiam quod si quis religiosus aut alius contra prefens statutum aliquo modo arte vel ingenio venire presumpserit liceat nobis & aliis immediatis capitalibus dominis feodi taliter alienati illud infra annum a tempore alienationis hujusmodi ingredi & tenere in feodo & hereditate. Et si capital' dominus immediatus negligens fuerit & feod' hujusmodi ingredi noluerit infra annum tunc liceat proximo capitali domino mediato feodi illius infra dimidium annum sequentem feodum illud ingredi & tenere sicut predictum est & sic quilibet dominus mediatus faciat si propinquior dominus in ingrediendo hujusmodi feod' negligens fuerit ut predictum est. Et si omnes hujusmodi capitales domini hujusmodi feodi qui plene fuerint etatis & infra quatuor maria & extra prisonam per unum annum negligentes vel remissi fuerint in hac parte nos statim post annum completum a tempore quo hujusmodi emptiones donationes aut alias appropriationes fieri contigerit terras & tenementa hujusmodi capiemus in manum nostram & alios inde feoffabimus per certa servicia nobis inde ad defensionem regni nostri faciendam salvis capitalibus dominis feodorum illorum wardis escaetis & aliis ad ipsos pertinentibus ac serviciis inde debitis & consuetis. Et ideo vobis mandamus quod statutum predictum coram vobis legi & decetero firmiter teneri & observari faciatis T. R. apud West' xv. die

die Novembr' anno &c. septimo.

before you, and from henceforth to be kept firmly and observed, Witness my self at

Westminster the Fifteenth Day of *November*, the Seventh Year of our Reign.

A Statute made 2 *Maii*, Anno 9 EDW. I. and Anno Dom. 1281.

A Correction of the Twelfth Chapter of the Statute of Gloucester, touching calling Foreigners to Warranty in London.

Cotton MS. Claudius D. 2,

PURVEU est ensement qe si homme emplede en la Citee de Loundres vouche forein a garant le Meir & les Bailifs ajournent les parties devant Justices de Baunk a certain jour & envoient la lour recorde & les Justices facent somondre le garrant devaunt eux & pledent le garantie & le Meir & les Baillifs endementers surlesent a la parole qest devaunt eu per brief jefqe a taunt qe le parole de la garantie soit termine devaunt Justices du Baunk & quaut la parole serra termine au Baunk serra dit al garant qil voist en la Citee & respoigne du chief plee.

E le demandaunt per sa suite eit bref des Justices du Baunk a Meir & a Bailliffs qils voisent avaut en la plee.

Et si le demandaunt recovere veigne le tenant as Justices du Baunk & eit brief al Mier & as Baillifs qe si le tenant eit sa terre perdu qils facent estendre la terre & retourment lestent au Baunk a certain jour apres soit mande a Viscounte du pais ou le garant feust somons qil face aver de la terre du garant a la vzaillaunce.

Et fil avient qe le tenant face

IT is provided also, That if one being impleaded in the City of *London*, do vouch a Foreigner to Warranty, the Mayor and the Bailiffs shall adjourn the Parties before the Justices of the Bench at a certain Day, and shall send their Record thither; (2) and the Justices shall cause the Warrantor to be summoned before them, and shall try the Warranty; (3) and the Mayor and the Bailiffs in the mean Time shall surcease in the Matter that dependeth afore them by Writ, until such Time as the Warranty be determined before the Justices of the Bench; (4) and when the Matter shall be determined, Commandment shall be given to the Vouchee to depart into the City, and to answer to the first Plea; (5) and the Demandant, at his Suit, shall have a Writ from the Justices of the Bench, unto the the Mayor and Bailiffs, that they shall proceed in the Plea. (6) And if the Demandant recover, the Tenant shall come to the Justices of the Bench, and have a Writ to the Mayor and Bailiffs, that in case the Tenant have lost his Land, they

The Manner of proceeding, when Foreigners be vouched to Warranty in London.

6 Ed. 1. stat. 1. c. 12.

they shall cause it to be extended, and return the same Extent unto the Bench at a certain Day. (7) And after, it shall be commanded to the Sheriff of the Shire, where the Warranty was summoned, that he shall cause the Tenant to have of the Lands of the Warrantor to like Value. (8) And if it fortune that the Tenant make Default at the Day that is assigned him in the Bench, then shall there go forth a Writ from the Justices of the Bench to the Mayor and Bailiffs, to seize the Land demanded into the King's Hands by a *Petit Cape*, and to summon the Tenant, that he be at the Hustings at a certain Day, whereat the Justices shall be advised to give Judgement upon the same Default, if he cannot save it; and in case he can save it, then the Justices shall be certified thereof by their Record, and by the same Record they shall plead the Warranty.

II. It is to be remembered, that this Article in Form aforementioned, was signed under the Great Seal of King EDWARD, Son of King HENRY, in the ninth Year of his Reign, and sent unto the Justices of the Bench after the Manner of a Writ Patent, with a certain Writ closed, dated by the King's Hand at *Westminster*, the Second Day of *May*, the Year before mentioned, that they should do and execute all and every Thing contained in the Article aforesaid, albeit that the same do not accord with the Statute of *Gloucester* in all Things.

face deffaute al jour qe lui est done al Baunk donqes istra brief des Justices du Baunk au Mier & as Baillifs de prendre le tenement demande en le meyn le Roi per le petit cape & de somondre le tenant qil soit al Husting au certain jour dount les Justices ferront avisez a rendre jugement de cel deffaute sil ne la puisse sauver.

Et si la puisse sauver adonqes soient les Justices de ceo certifiez per leur record.

Et les Justices per leur record pledent la garantie.

Memorand' quod iste articulus in forma predicta configuratus fuit sub magno sigillo Domini E. R. fil. R. [E.*] Anno Regni sui nono & missus Justice' de Banco in modum litere patentis cum quodam brevi clauso sub data Regis apud Westm' secundi diei Maii Anno predicto quod ipsi omnia & singula in articulo predicto contenta facerent & exequerentur non obstante quod articulus ille in omnibus cum dicto statuto non concordat.

Raft. 240, 354,
&c.
Co. Ent. 176.

A new Statute of the Exchequer, called
The STATUTE of RUTLAND,
Made 24 *Maii*, Anno 10 EDW. I. and A.D. 1282.

Touching the Recovery of the King's Debts.

Raft. 2.
+ Inft. 113, 115.

THE King to his Treasurer
and Barons of the Exchequer,

Cotton MS. *Vespasian*, B. 7.
R EX Thes' & Baron' suis
de Scaccario ut indemnitati

nitati nostre & populi nostri in aliquibus que nos & populum predictum in Scaccario predicto contingunt prospiciatur volumus & providemus quod non scribantur de cetero corpora Comitatum in Rotulis singulis set scribantur in quodam Rotulo annuali per se & legantur singulis annis super compotum Vic' singula viz in singulis Comitatibus ut sciatur si quod nobis possit accidere ex quacunque causa Remanentia vero eorundem Comitatum per posteras datas scribantur in rotulis annualibus & onerentur inde Vic' in quibus quidem remanentibus allocentur liberationes ac elemosine constitute & alie allocationes si quas Vic' habuerit de exitibus ballive sue super brevia nostra. Et quia ad suggestionem diversorum ballivorum fiunt brevia nostra de diversis allocationibus in grave dampnum nostrum; volumus & providemus de huiusmodi allocationibus sic faciendis de cetero fiat visus in Scaccario nostro & huiusmodi visu fideliter facto iidem Thes' & Baron' certificent Cancellario nostro de dictis allocationibus sic factis & fiant brevia de allocationibus juxta certificationem predictam. Scribantur etiam in eisdem rotulis annualibus firme Vic' proficia Comitatum firme serjantiarum & assertorum firme Civitatum Burgorum & Villarum & alie firme de quibus responsum est annuatim ad scaccarium predictum: & scribantur in eisdem omnia debita atterminata, & omnia grossa debita, de quibus spes est quod aliquid inde reddi possit. Item omnia debita que videntur esse clara. Cum vero perventum fuerit in compoto ad titulum de

quer, Greeting, To the Intent that Provision may be had for the Indemnity of us and our People, in certain Things touching us and our People aforesaid, in our said Court of Exchequer, (2) we will and provide, That from henceforth the Bodies of Shires shall not be written in several Rolls, but shall be written in a certain annual Roll by themselves, and shall be read every Year upon the Accompts of Sheriffs, that is to wit, of several Counties, that it may be known if ought may accrue unto us by any Mean. (3) The Remanents of the Fermes of the same Shires shall be written *post terras datas* in the annual Rolls, and the Sheriffs shall be charged therewith; (4) in which Remanents the Liveries and Alms assigned shall be allowed, and other Allowances (if Sheriffs have had any) of the Issues of their Bailiwicks by our Writs. (5) And because of the Suggestion of our Bailiffs, our Writs are made of divers Allowances, unto our grievous Damage, (6) we will and provide, That of such Manner Allowances so to be made, from henceforth View shall be made in our Exchequer; and the same View being faithfully made, the same Treasurer and Barons shall certify our Chancellor of the due Allowances so to be made, and that Writs of Allowances shall be made according to the same Certificate. (7) Moreover, there shall be written in the same annual Rolls the Fermes of the Sheriffs, the Profits of Counties, the Fermes of Serjeanties and Asserts, the Fermes of Cities, Boroughs, Towns, and other Fermes,

The Bodies of Shires. Annual Rolls.

Ferms, whereof there is Answer made yearly in the Exchequer. (8) And in them also shall be written all Debts determined, all gross Debts, whereof there is hope that somewhat shall be paid, and all other Debts that seem to be clear; (9) but when it is come unto accompt to the Title of New Duties, nothing shall be written in the annual Roll, but those Debts whereof there is hope of Payment, and whereof the Sheriff is answerable, and Debts found in the Originals.

A Roll of desperate Debts.

II. Of dead Ferms, and Debts desperate, whereof there is no hope, one Roll shall be made, and shall be intituled *Comitatus*, and read every Year upon the Accompt of Sheriffs; and the Debts whereof the Sheriffs are answerable shall be written in the annual Roll, and there shall be acquitted.

Tallies for Debts.

III. Moreover, we will and provide, That it shall be proclaimed in every County, that all they that have Tallies of the Exchequer, for the Debts of themselves or their Ancestors, hitherto paid usually there, and not yet allowed, which yet do come in the Summons of the Exchequer, they do deliver to the Sheriffs such Tallies, to be allowed at the Exchequer upon their Accompts. (2) And the Sheriffs shall make to them (of whom they shall so receive Tallies) their Writings, witnessing the Receipt of those Tallies, and Occasion of the Debts.

Two Knights.

IV. Two faithful Knights deputed thereunto, shall be present at the Receipt of the Tallies aforesaid, between whom and the said Sheriffs Indentures shall be made of such Receipts,

de Novis oblationibus, nichil scribatur in rotulo annuali, nisi ea de quibus est spes, & de quibus Vic' respondebit, & debita in originalibus que videntur esse clara.

De firmis vero mortuis, & debitis de quibus non est spes, fiat unus rotulus; & irrotulentur & legantur singulis annis super compotum Vic' & debita de quibus Vic' respondebit scribantur in rotulo annuali, & ibi acquietentur.

Item volumus & provide-mus, quod proclametur in singulis Comitatus quod omnes illi qui habent tallias de Scaccario de debitis suis, vel antecessorum suorum, ibidem hactenus solutis, & nondum allocatis, que adhuc veniunt in summonitione Scaccarii, liberentur hujusmodi tallie Vic' suis allocande ad Scaccarium super compotis suis, & Vic' predicti faciant illis a quibus tallias sic receperint scripta sua testificantia receptionem talliarum illarum summam & occasionem debitorum.

Interfint etiam receptioni talliarum illarum duo fideles Milites ad hoc deputandi, inter quos & prefatum Vic' fiant cirograffa de hujusmodi receptionibus, sigillis eorum alternatim munita.

Prefati vero Milites ad hoc deputati mittant ad Scaccarium ad terminum statutum partes suas cirografforum predictorum in forma predicta, ut per visum & testimonium eorundem dicte tallie per Vic' sic recepte exhibeantur & super compotis suis allocentur.

Proclametur etiam, quod nisi illi qui habent hujusmodi tallias exhibeant Vic' & Militibus ut predictum est exequentes,

das, distringantur pro toto debito, & quod tallie predictæ pro non solutis reputabuntur.

Item ut debita que adhuc veniunt ad summonitionem Scaccarii unde debitores proferunt tallias contra diversos Vic' depurentur & acquietentur.

Providemus etiam, quod aliqui ad hoc assignandi ex parte nostra mittantur in singulis Com' qui habeant protestationem plenam inquirendi de hujusmodi debitis, & etiam vocandi coram eis solemniter tam Vic' quam heredes & assignatos & tenentes terrarum eorum, si ipsi mortui fuerint, qui hujusmodi debita receperint, & etiam procedendi ad hujusmodi inquis. capiend. si necesse fuerit cum partes contra quas predictæ tallie ostense fuerint venerint, cum non, testificata prius per Vic' summonitione eis rationaliter inde facta & inquisita & discussa in presentia partium si interesse voluerint veritate, faciant inquisitores rotulos de omnibus coram eis convictis & concessis; & irrotulatis predictis debitis, statim frangantur tallie eorundem. Et Vic' habeant penes se sub sigillis inquisitorum transcripta rotulorum predictorum & superseant distractionibus faciendis pro debitis in eisdem contentis donec aliud a nobis inde habuerint in mandatis. Prefati vero inquisitores mittant ad Scaccarium sub sigillis suis rotulos suos predictos, ut ibi scrutin. inde faciend. examinentur que debita sunt in toto & que in parte soluta, & que non, et acquietentur debitores secundum quod per curiam fuerit faciend.

Item volumus & provideamus, quod camerarii non faciant

cepts, with the Seals of them both interchangeably.

V. The foresaid Knights, deputed thereunto, shall send the Parts of their Indentures, at the Term appointed, unto the Exchequer in Form aforesaid, to the end, that by the View and Witness of them, the said Tallies so received by the Sheriffs, may be shewed and allowed upon their Accounts.

VI. Moreover, it shall be proclaimed, That except those that have such Tallies do deliver them to the Sheriffs and Knights, as afore is said, that then they shall be distrained for the whole Debt, and that the foresaid Tallies shall be reputed for unpaid.

VII. Moreover, the Debts which yet are to come in the Summons of the Exchequer, whereof the Debtors do profer Tallies against divers Sheriffs, shall be defalked and acquitted.

VIII. Moreover we provide, That certain Persons assigned thereunto on our Behalf, shall be sent into every Shire, which shall have full Power to enquire of such Manner of Debts; (2) and also to call afore them solemnly, as well the Sheriffs, as their Heirs and Assigns, and the Tenants of their Lands, in case they be dead that have received the Debts; (3) and also, if Need be, to proceed to the taking of such manner of Inquests, whether the Parties (against whom the foresaid Tallies were shewed) do come or not; so that the Sheriff do return a reasonable Summons made to them therefore; (4) and so the Truth being inquired and discussed in Presence of the

Having Tallies, and not delivering them.

Commissioners to enquire of the King's Debts.

the Parties (if they will be there) the Inquisitors shall make Rolls of them that shall be convict afore them; so that the foresaid Debts being confessed and inrolled, the Tallies of the same shall be forthwith broken.

(5) And the Sheriffs shall have in their Custody the Transcripts of the same Rolls, under the Seals of the Inquisitors; (6) and shall surcease in making Distresses for the Debts contained in the same, until they shall have otherwise in Commandment from us therefore. (7) And the foresaid Inquisitors shall send unto the Exchequer the foresaid Rolls under their Seals, that it may be examined there, by a Search to be made therefore, what Debts be paid in the Whole, and what are paid in Part, and what Debts there be, whereof the Debtors be not acquitted, according as shall be convenient to be done.

Tallies of Dividends.

IX. Moreover, we will and provide, That the Chamberlains from henceforth shall not make to the Sheriffs, or any of their Bailiffs, Tallies of *dividendis*, unless they first receive of them Writings containing the particular Sums of the Actions of Debts, and the Names of them that paid them, unto the which Particulars he may part the Names of such manner *dividendis*; (2) which being so received under their Seals, it shall not be lawful to number them into other Particulars.

The Sheriff returneth that the Debtor is not found, or hath nothing.

X. Moreover, we provide, That all Debts, whereunto the Sheriffs make Return, that the Debtors have nothing in their Bailiwicks, ne had not at such Time as they were charged with the same Debts, or that the Debtors be not found, that the same Debts shall be estreated in Rolls, and the same Rolls to be delivered unto faithful and circumspect Men, which shall

ciant de cetero Vic', seu eorum quibuscumque ballivis, tallias dividendi, nisi receptis ab eis prius particulis, summas & occasiones debitorum & nomina ea solventium continentibus, in quas quidem particulas voluerint hujusmodi dividenda partiri, quibus sub sigillis eorum receptis, non licet eas in alias particulas minuere.

Providemus etiam, quod omnia debita ad que Vic', mandent quod debitores nihil habent in ballivis suis nec habuerunt tempore quo onerati fuerint de eisdem debitis, vel quod non sint inventi, extrahantur in rotulis, & tradantur rotuli illi viris fidelibus & circumspectis, qui inde facient inquis. in forma per Thef. & Baron. providenda.

Set quia quedam placita in Scaccario nostro hactenus tenita, que Nos seu Ministros eisdem Scaccarii nostri non contingunt, per quod nostra placita & populi nostri negotia coram nobis indebite prorogantur & impediuntur; volumus & ordinamus, quod nullum placitum teneatur seu placiteatur in Scaccario predicto, nisi specialiter contingit Nos vel Ministros nostros predictos. Et ideo vobis mandamus, quod premissa coram vobis distincte & aperte legi & irrotulari faciat, & de cetero observari in predicto Scaccario nostro. In cujus &c. T. R. apud Rotel. xxiii. die Maii anno X°.

make

make Inquiry thereof after such Form as shall be provided by the Treasurer and Barons.

XI. But for so much as certain Pleas were heretofore holden in the Exchequer, which did not concern us nor our Ministers of the Exchequer, whereby as well our Pleas, as the Causes of our People, are unduly prorogued and letted; (2) we will and ordain, That no Plea shall be holden or pleaded in the Exchequer aforesaid, unless it do specially concern us and our Ministers aforesaid. (3) And therefore we command, That ye cause the Premises to be distinctly and openly read afore you, and to inroll it, causing the same to be fraitly observed in our Court of Exchequer aforesaid. In Witness of which, &c. Yeven at *Rusland* the four and twentieth Day of the Month of *May*, in the tenth Year of our Reign.

No Suit shall be prosecuted in the Exchequer, unless it concern the King, or his Officers there.

Regist. 187.

STATUTUM de MERCATORIBUS,

The Statute of *Aiton-Burnel*, made *Anno* 11 or 13 EDW. I. and *Anno Dom.* 1283, or 1285.

Ordaining the Statute-Merchant for Recovery of Debts.

Rot. in Turr. Lond. m. 46.

PURceo qe Marchaunz qi avaut ces heures unt preste lur aver a diverse genz sunt cheuz en poverte pur ceo qe il ni avent pas si redde ley purveu par la quele il poient lur dettes hastivement recoverir al jor asis de paye e par cele achesun sunt mult de Marchaunz sustretz de venir en ceste terre od lur Marchaundises a damage des Marchaunz e de tut le Reaume. Le Rei par lui e par sun conseil ad ordine a establi qe Marchaunt qi veut estre seur de sa dette face venir sun dettur devaut le Meire de *Lundres* ou de *Everwyk* ou de *Bristowe* e devaut le Meire e devaut un Clerk qe le Rey a ceo atornera conoise la dette e le jor de la pae e fait la reconissance enroulee de la main le avaunt dit clerk qe serra conue. E estre ceo lavaunt dit clerk face de sa main le escrit de obligation al quel escrit fait mis le seal

FOrasmuch as Merchants, which heretofore have lent their Goods to divers Persons, be greatly impoverished, because there is no speedy Law provided for them to have Recovery of their Debts at the Day of Payment assigned; (2) and by reason hereof many Merchants have withdrawn to come into this Realm with their Merchandizes, to the Damage as well of the Merchants, as of the whole Realm; (3) the King by himself and by his Council hath ordained and established, that the Merchant which will be sure of his Debt, shall cause his Debtor to come before the Mayor of *London*, or of *York*, or *Bristol*, or before the Mayor and a Clerk (which the King shall appoint for the same) for to knowledge the Debt and the Day of Payment; (4) and the Recognissance shall be entered into a Roll with the Hand of the said Clerk, which shall be known.

Mod. 186.

Co. Lit. 289. b.
Winch. 83, &c.
2 Inf. 394.
Salk. 600.

known. (5) Moreover, the said Clerk shall make with his own Hand a Bill obligatory, whereunto the Seal of the Debtor shall be put, with the King's Seal, that shall be provided for the same Purpose, the which Seal shall remain in the keeping of the Mayor and Clerk aforesaid: (6) And if the Debtor doth not pay at the Day to him limited, the Creditor may come before the said Mayor and Clerk with his Bill obligatory; (7) and if it be found by the Roll and by the Bill, that the Debt was known, and that the Day of Payment is expired, the Mayor shall incontinent cause the Moveables of the Debtor to be sold, as far as the Debt doth amount, by the praising of honest Men, as Chattels, Burgages devisable, until the whole Sum of the Debt; and the Money without Delay, shall be paid to the Creditor. (8) And if the Mayor can find no Buyer, he shall cause the Moveables to be delivered to the Creditor at a reasonable Price, as much as doth amount to the Sum of the Debt, in Allowance of his Debt; (9) and the King's Seal shall be put unto the Sale and Deliverance of the Burgages devisable for a perpetual Witness. (10) And if the Debtor have no Moveables within the Jurisdiction of the Mayor, whereupon the Debt may be levied, but hath some otherwhere within the Realm, then shall the Mayor send the Recognisance made before him and the Clerk aforesaid unto the Chancellor, under the King's Seal; (11) and the Chancellor shall direct a Writ unto the Sheriff, in whose Bai-

seal del dettur od le seal le Roi que a ceo est purveu le quel seal demoera en sauve garde le Meire e del clerk avaunt dit. E si le dettur nene rende al jor que lui est asis si veigne le creaunzur al Meire e al clerk od sa lettre de obligatiun e si trove seit par roule e par lettre que la dette fu conue e que le jor asis seit passe le Meire par vewe de prodes homes meintenaunt face vendre les moebles al dettur cum ataint de la dette si com chatels e burgages devisables desques a la summe de la dette e les deniers saunz delai puez as creaunzur. E si le Meire ne troesse achatur face par renable pris livirer les moebles al creaunzur desque a la summe de la dette en allowaunce de sa dette. E a la vente e a la livreee des burgages devisabilis serra mis le seal le Rei avaunt dit en pardurable tesmoinaunce. E si le dettur ne eit moeble en le poer le Meire dunt la dette poet estre levee einz eit aillours en le reume dunge maunde le Meire desuz le seal avaunt dit a Chancelier la conoissauce fete devaunt lui e le avaunt dit clerk e le Chancelier envoye bref al viscunte en qi baillie le dettur avera moebles e le viscunte face fere gre al creaunzur par mesme la forme que est devisee que le Meire le fereit si les biens moebles al dettur fussent en sun poer. Mes bien se gardent ceuls qi priferunt les moebles pur liverer al creaunzur que il mettent resnable pris e owel que si il les prisent trop haut en favour del dettour e en damage del creaunzur le chose prisee seit livreee a cels qi la averunt prisee par le pris que mis i unt e meintenaunt respoignent al creaunzur de sa dette. E si le dettur

Acknowledging of a Statute Merchant. Regist. 146. F.N.B. 130, &c.

The Seal of the Statute.

A Certificate of the Statute into the Chancery. F.N.B. 130.c.

liwick

dettur voille dire qe les biens moebles fuerent venduz ou li-
 verez pur meins qe il ne vai-
 lent de ceo ne purra il remedie
 aver par quei qe le Meire ou
 le viscounte eyent leument les
 biens moebles a celui qi plus
 offri vendu car il purra retter
 a lui mesmes qe avaunt le jor
 de la soute poeit les biens moe-
 bles aver vendu e par sa main
 les deniers leve e ne voleit. E
 si le dettur ne ad moebles dunt
 tute la dette puisse estre levee
 dunqe seit fun cors pris ou qe
 il seit trove e en prisun tenu
 desqe taunt qe il eit fet gre ou
 ses amis pur lui. Et si il naddel
 soen dunt estre sustenu en pri-
 sun le creaunzur lui truffe pain
 e ewe issi qe il ne moerge pur
 defaute les quels custages le
 dettur lui rende od la dette
 avaunt ceo qe il issi de prisun.
 E si le creaunzur seit marchaunt
 estraunge il demorra as custages
 del dettur tut le tens qe il si-
 wera pur sa dette lever desqe al
 jor qe les biens moebles al det-
 tur soient venduz ou a lui live-
 rez. E si le creaunzur ne se
 pae pas de la seurte seulement
 le dettur par quei plegges lui
 soient trovez ou mainpernours
 les mainpernours ou les plegges
 veignent devaunt le Meire e
 le avaunt dit clerk e se obligent
 par escrit e par reconoissaunce
 si com avaunt est dit del dettur.
 En mesme la manere si la dette
 ne seit pae al jor asis seit fete
 la execution sur les plegges ou
 mainpernours cum avaunt est
 dit del dettur.

Issi ne purquant qe taunt
 come la dette puisse pleinement
 estre levee des biens moebles
 al dettur les mainpernours ou
 les plegges ne eyent damage.
 Mes en defaute des biens moe-
 bles al dettur eit le creaunzur
 roco-

liwick the Moveables of the
 Debtor be, and the Sheriff shall
 cause him to agree with his
 Creditor in such Form as the
 Mayor should have done in
 case that Moveables of the
 Debtor had been within his
 Power. (12) And let them
 that shall praise the moveable
 Goods, to be delivered unto
 the Creditor, take good heed,
 that they do set a reasonable
 Price upon them; for if they
 do set an over high Price for
 favour born to the Debtor, and
 to the Damage of the Creditor,
 then shall the Thing so praised
 be delivered unto themselves at
 such Price as they have limited,
 and they shall be forthwith an-
 swerable unto the Creditor for
 his Debt. (13) And if the
 Debtor will say, that his move-
 able Goods were delivered or
 sold for less than they were
 worth, yet shall he have no
 Remedy thereby; for when
 the Mayor or the Sheriff hath
 sold the moveable Goods law-
 fully to him that offered most,
 he may account it his own
 Folly, that he did not sell his
 own moveable Goods himself
 before the Day of his Suit
 (when he might, and would
 not) and have levied the Mo-
 ney with his own Hands. (14)
 And if the Debtor have no
 Moveables whereupon the Debt
 may be levied, then shall his
 Body be taken where it may be
 found, and kept in Prison, un-
 til that he have made Agree-
 ment, or his Friends for him;
 (15) and if he have not where-
 with he may sustain himself in
 Prison, the Creditor shall find
 him Bread and Water, to the
 end that he die not in Prison
 for Default of Sustainance, the
 which Costs the Debtor shall
 recom-

The Goods
 extended de-
 livered to the
 Praisers.

The Debtor
 imprisoned.
 Regist. 98.

The Debtor's
 Diet.

The Creditor
a Stranger.

recompense him with his Debt, before that he be let out of Prison. (16) And if the Creditor be a Merchant-stranger, he shall remain at the Costs of the Debtor for so long Time as he tarrieth about the Suit of his Debt, and until the moveable Goods of the Debtor be sold or delivered unto him. (17) And if the Creditor do not take the Debtor alone for the Surety of his Payment, by reason whereof Pledges or Mainpernors be founden, then those Pledges or Mainpernors shall come before the Mayor and Clerk above said, and shall bind themselves by Writings and Recognisances, as afore is said of the Debtor. (18) And in like manner if the Debt be not paid at the Day limited, such Execution shall be awarded against the Pledges or Mainpernors, as before is said of the Debtor.

II. Provided nevertheless, That so long as the Debt may be fully taken and levied of the Goods moveable of the Debtor, the Mainpernors or Pledges shall be without Damage: (1) Notwithstanding, for Default of moveable Goods of the Debtor, the Creditor shall have Execution of his

Raft. 97.
13 Ed. 1. Stat. 3.
c. 1.

Recognisance upon the Mainpernors or Pledges, in such Manner and Form as before is limited against the principal Debtor.

recoverir sur les mainpernours ou sur les plegges en la forme que avant est dite del dettur. E a sustenir les cuftages la vaunt dit clerk si prendra le Roi de chescune livre un denier. Cest ordeinment e establisement veut le Roi qe desoremes seit tenue par tut sun reaume de Engleterre entre quel gent qe ceus seient qe de lur ein degre voderunt tele reconoifauce fere forspris Jeus as quels cest establisement ne se estent pas. E par cest establisement ne seit bref de dette abatu. E ne soyent pas le Chancelier, Baruns del Escheqere, Justices del un Baunc e del autre, e Justices reaonz, forclos de prendre reconoifances de dettes de ceus qi devaunt eus le voderunt fere. Mes les executions de conoifances devaunt eus ne seyent pas fetes par la forme avaunt dite, mes par le ley, e le usage, e la maniere avant usee. Donec a Astone Burnel le duzim jor de Octobre en lan de nostre regne unzim.

Consimilia Statuta habent
majores Eborum & Bris-
tol, Linc. & Winton. &
Salop.

STATUTUM WALLIE.

12 EDW. I.

Hale's Hist.
Com. Law, 182.
218.

EDWARDUS Dei gratia, rex Anglie, dominus Hybernie, & dux Aquitannie, omnibus fidelibus suis de terra sua Snau-don. & de alijs terris suis in Wallia, salutem in Domino. Divina providentia que in sui dispositione non fallit, inter alia dispensationis sue munera, quibus nos & regnum nostrum Anglie

glie decorare dignata est, terram Wallie cum Incolis suis prius nobis jure feodali subiectam, jam sui gratia in proprietatis nostre dominium, obstaculis quibuscunque cessantibus, totaliter & cum integritate convertit, & corone regni predicti tanquam partem corporis ejusdem annexuit & univit. Nos itaque nutu divino volentes predictam terram nostram Snaudon. & alias terras nostras in partibus illis, sicut & ceteras ditioni nostre subiectas, ad honorem & laudem Dei & Ecclesie sancte, ac zelum justicie sub debito regimine gubernari, & Incolas seu Habitatores terrarum illarum, qui alto & basso se submiserunt voluntati nostre, & quos sic ad nostram recepimus voluntatem, certis legibus & consuetudinibus sub tranquillitate & pace nostra tractari, leges & consuetudines partium illarum haecenus usitatas coram nobis & proceribus regni nostri fecimus recitari, quibus diligentur auditis, & plenius intellectis, quasdam ipsarum de concilio procerum predictorum delevimus, quasdam permisimus, & quasdam correximus, & etiam quasdam alias adjiciendas & statuendas decrevimus, & eas de cetero in terris nostris in partibus illis perpetua firmitate teneri & observari volumus in forma subscripta.

Providimus & decernendo statuimus, quod Justiciar. Snaudon. habeat custodiam & gubernationes pacis nostre regie in Snaudon. & terris nostris Wallie adjacentibus, & Justiciam exhibeat quibuscunque juxta Brevia regia originalia, leges etiam & consuetudines infra scriptas.

Volumus etiam & statuimus, quod Vicecomites, Coronatores, & Ballivi Commotorum sint in Snaudon. & terris nostris partium earundem.

Vicecomes de Angleseia sub quo tota terra Angleseye, cum Cantredis, Metis & Bundis suis.

Vicecomes de Karenarvan, sub quo Cantreda de Arvan, Cantreda de Arthlencoyth, Commotum de Cruthin, Cantreda de Thleen, & Commotum de Yvionith.

Vicecomes de Meryonnith, sub quo Cantreda de Meryonnith, Commotum de Ardudo, & Commotum de Penthlin, & Commotum de Dereynon, cum Metis & Bundis suis.

Vicecomes de Flynt, sub quo Cantreda de Englefeud, terra de Meylor Seyfnek, & terra de Hope, & tota terra conjuncta castro nostro & ville de Rothelan usque ad villam Cestrie, de cetero intendat sub nobis Justiciario nostro Cestrie, & de exitibus ejusdem Commoti [*al.* eorundem Comitatum. *Tot. & al.*] respondeat ad Scaccarium nostrum Cestrie.

Coronatores sint in eisdem Comitatibus per Breve Regium eligendi, cujus tenor invenietur inter originalia Brevia Cancellarie.

Sint etiam Ballivi Commotorum, qui officia sua fideliter faciant & exequantur, & eisdem diligenter intendant, secundum quod per Justic. & Vicecom. eis injungetur. Vicecomes de Keyrmarthin cum Cantredis & Commotis, ac Metis & Bundis suis antiquis. Vicecomes de Kardigan & Lampader, cum Cantredis, Commotis, ac Metis & Bundis suis.

Coronatores sint in eisdem Comitatibus, & Ballivi Commotorum, ut prius.

De Officio Vicecomitis in Wallia & modo Commot. tenendorum.

Vicecomes officium suum exercere debet sub hac forma, scilicet, Cum quis sibi conquestus fuerit de quacunque transgressione sibi facta contra pacem domini regis, sive de captione & injusta detentione averiorum, sive de namio vetito, aut de debito, vel alio contractu non observato, & consimilibus, per Breve vel sine Brevi, primo capiat plegios de prosequendo clameum suum, vel per fidem si fuerit pauper, & postea faciat executionem, prout plenius declaratur, hoc modo. Defendentes in quolibet casu summoneantur quod sint ad proximum Comitatum responsuri conquerentibus. Ad quem Comitatum facta summonitione & testificata, si non venerint, per considerationem Comitatus iterum summoneantur quod sint ad alium proximum Comitatum responsuri, ut prius: Ad quem, si non venerint, iterata summonitione & testificata, per considerationem Comitatus tertio summoneantur quod sint ad proximum tertium Comitatum responsuri, ut prius: Ad quem Comitatum, si non venerint, extunc conquerentes per considerationem Comitatus tam in placitis per' Brevia quam querimoniis sine Brevi recuperent petitiones suas cum dampnis sive emendis, tam in rebus mobilibus quam immobilibus, prout Actiones requirunt, & pro hujusmodi defaultis pena secundum legem & consuetudinem Wallensicam domino regi incuratur. Et cum partes comparuerint ad placitandum, utraque narrando suam veritatem sine occasione admittatur, & secundum petitiones, responsiones, & allegata hinc inde, per considerationem Comitatus ad iudicium pro querente vel defendente procedatur, & secundum qualitatem & quantitatem delicti puniantur.

Et sciendum quod hoc modo debet Comitatus teneri, scilicet, de mense in mensem, in loco ubi dominus rex ordinaverit, & hoc per diem Lune in uno Com. per diem Martis in alio Com. per diem Mercurii in tertio Com. & per diem Jovis in quarto Com. & non per alios dies. Et Vicecomes ad Comitatum suum tenendum sic procedat.

In primis audiat & recipiat coram eo & coronatoribus & sectoribus Com. presentationes feloniarum & casuum qui contigerint inter duos Comitatus de morte hominis hoc modo; quod quatuor Villate propinquiores loco ubi casus homicidii vel infortunii contigerit, veniant ad proximum Comitatum una cum Inventore & Walescheria, id est, parentela hominis interfecti, & ibi presentent Factum felonie, casum infortunii, & modum utriusque, ita pronuntiando, quod tali die & tali loco contigit, quod talis notus aut ignotus inventus fuit occisus per feloniam, vel submersus, vel alio modo mortuus per infortunium, & talis eum invenit qui prefens est, &c. Et ista presentatio tam in Rotulo Coronatorum quam in Rotulo Vicecomitis statim introletur. Et si ibi fuerit homo vel femina qui appellum sequi voluerit,

voluerit, statim recipiantur plegii de prosequendo, & deducatur appellum in Comitatu illo, ita quod si appellati comparuerint, statim capiantur, & in prisona Domini Regis usque aduentum Iusticiarii detineantur, & salvo custodiantur. Et si non comparuerint, tunc ad prosecutionem appellantis exigantur de Comitatu in Comitatum. Et si ad quartum Comitatum non venerint, vel manucapti non fuerint, utlagentur, & femine weyvientur. Et ad primum Comitatum, ad quem exigentur, si non comparuerint, statim eorum terre & catalla capiantur & seifantur in manum Domini Regis, & tradentur custodienda villatis, ut infra.

Eodem modo procedatur in appello de plaga, mahemio, raptu, incendio, & roberia contra appellatos, si non comparuerint. Et si comparuerint, & plegios invenerint sufficientes, sex ad minus vel plures, standi recto in adventu Iusticiarii, statim replegientur.

Et sciendum [est, Tot.] quod contra appellatos de vi, precepto, missione, vel receptamento, non est procedendum ad utlagariam quousque de facto aliquis convincatur.

Vicecomes faciet Turnum suum in singulis Commotis suis bis in anno in aliquo certo loco ad hoc assignando, scilicet, semel post Festum Sancti Michaelis, & semel post Pascha, ad quem Turnum omnes libere tenentes, & alii terram tenentes & in Commoto illo residentes, tempore summonitionis Turni tenendi, exceptis religiosis, clericis, & feminis, ibidem venire debent. Et Vicecomes per Sacramentum duodecim libere tenentium de discretioribus & legalioribus, vel plurium, pro discretionem Vicecomitis, diligenter inquirat de capitulis coronam Domini Regis tangentibus subscriptis. De Seductoribus Domini Regis & Regni, Domine Regine, & Liberorum suorum, & eorum consentaneis. De furibus, de homicidis, de roberatoribus, de murtheritoribus, de incendiariis incendia feloniter facientibus, & eorum receptatoribus, & eis consentientibus. De macellaris carnes furatas scienter vendentibus & ementibus. De whittanwariis, scilicet qui coria bovina & equina furata scienter albificant, ut sic non agnoscantur. De redobatoribus pannorum furatorum, eos in novam formam redigentibus, & veterem mutantibus, ut de mantello tunicam vel supertunicam facientibus, & similia. De utlagatis, & illis qui regnum abjuraverunt reversis. De hiis qui contra adventum & iter Iusticiarii se subtraxerunt, & post iter Iusticiarii redierunt. De raptoribus virginum sanctimonialium & matronarum honeste viventium. De thesauro invento. De cursa aque diverso. De via obstructa, vel restricta, vel arcata. De muris, domibus, portis, fossatis, & marleris levatis & factis juxta iter publicum, ad nocumentum ipsius itineris, & in periculosa transuentium, & de predicta levantibus & facientibus. De falsariis monete & sigilli Domini Regis. De malefactoribus in parcis & vivariis. De frangentibus prisenam Domini Regis. De capientibus columbas volantes de columbariis. De facientibus *Puntbreche*, hoc est [de Tot. & al.] fractoribus parcorum, in quibus animalia inparcantur. De Forstallis, hoc

est, de Rescuffu averiorum. De *Hamsfokne*, hoc est, de invasione domus. De *Thefbote*, hoc est, de emenda furti capta sine consideratione curie Domini Regis. De imprisonantibus liberos quoscunque. De Usurariis. De amoventibus vel corrupentibus divifas. De Affifa panis & cervisie non observata, & [de, *Tot.*] eam infringentibus. De bussellis, galonibus, & aliis mensuris injustis [& per ea vendentibus, *Tot.*] De ulnis & ponderibus injustis, & per ea vendentibus. De hospitantibus ignotos ultra duas noctes. De sanguine effuso. De hutesio levato. De tondentibus multones noctanter in ovilibus, & eos exoriantibus, vel etiam alia animalia. De capientibus & colligentibus noctanter blada in autumnno, & ea asportantibus; & de omnibus aliis hujusmodi malefactoribus. Inquiratur etiam de juribus Domino Regi subtractis, ut de custodiis, wardis, maritagii, releviis, feodis, advocacionibus ecclesiarum, sique fuerint, sectis Comitatum & Commotorum, quis ea subtraxerit, & a quo tempore. Et de hiis qui sibi appropriaverint jura regalia sine warranto, ut furcas, emendas assise panis & cervisie fracte, placitum de namio vetito, & alia hujusmodi jura que specialiter & per prerogativam pertinent ad curiam Domini Regis.

Viccomes autem in visu & in turno suo faciendo statim in principio convenire faciat coram se omnes totius Commoti, & eos jurare faciat, quod verum presentabunt duodecim juratoribus vel pluribus per Vicecomitem electis, & nullum verum celabunt, vel aliquid falsum dicent de hiis de quibus ab eis inquiretur ex parte Domini Regis, & facto Sacramento exponantur eis capitula suprascripta, & injungatur eis, quod de singulis veritatem diligenter inquirent; & si quos invenerint, qui ob eorum maleficium vitam amittere debeant vel membra, eorum nomina in secretis Vicecomiti intiment, ne forte hujusmodi indictati, si presentes essent in Turno, aufugerint, si in publico indictarentur. De ceteris autem capitulis bene poterunt palam & publice respondere, & veredictum suum reddere, & tunc dicatur eis quod singuli seorsum vadant, & diligenter tractent, & inquirent de hiis que eis sunt injuncta; & cum bene certiorari fuerint, redeant, & veredictum suum reddant & presentent.

Viccomes vero in veredictis & recognitionibus admittendis non querat occasiones versus presentantes, nec capiat ab eis fines per sic quod non occasionentur. Recepto autem veredicto seu presentatione presentantium, Viccomes statim, vel quam cito poterit, indictatos de maleficiis, quorum pena est mors vel amissio membrorum, capiat, & in prisona detineat, vel per plegios sufficientes dimittat. Et de ceteris capitulis, secundum quod inquiserit, statim fiat correctio & debita executio in omnibus & singulis supradictis.

Ballivi autem Commotorum de cetero teneant Commotes suos, & justiciam faciant & exerceant inter litigantes.

De officio Coronatoris, videlicet, de Placitis Corone [in partibus Tot.] Wallie.

Provisum est, quod in quolibet Commoto Wallie sit unus Coronator ad minus, qui per breve Domini Regis in forma inter cetera Brevia regia in Rotulo sequenti contenta, in pleno Com. eligatur, & coram Vicecomite ibidem faciat Sacramentum, quod erit fidelis Domino Regi, & quod fideliter faciat & exequatur omnia que ad officium Coronatoris pertinent. Eritque Officium ejus, quod statim postquam ab aliquo requisitus fuerit veniendi ad videndum mortuum interfectum per feloniam vel submersum, aut quocunque alio modo mortuum per infortunium, & etiam ad videndum hominem enormiter vulneratum, de cujus vita desperatur; quod statim mandabit Vicecomiti vel Ballivo Commoti, quod venire faciat coram eo certis die & loco, omnes duodecim annorum & ultra, de villa illa in qua casus contigerit, & de quatuor villatis propinquiioribus, & quod per eorum Sacramentum fideliter, caute, & secrete, ac diligenter inquiret de feloniam, de felonibus, & eorum catallis, similiter de facto, & de modo facti, videlicet, quis fuerit culpabilis de facto, quis de vi, & cujusmodi vi, quis de precepto seu missione, quis etiam de receptamento post factum, & de catallis eorundem hominum qui per inquisitionem inde culpabiles inventi fuerint. Inquirat etiam quis interfectum primo invenerit, & nomen ejus inrotuletur, & attachietur per plegios, quorum nomina inrotulentur veniendi ad proximum Commotum, & etiam coram Justiciario in adventu suo. Et quod facta inquisitione illa, eam statim distincte & aperte inrotulari faciat una cum nominibus eorundem qui inventi fuerint culpabiles, & eorum catallis, & quod nomina eorundem scripta Vicecomiti, si presens fuerit, vel Ballivo Commoti secrete liberabit, precipiendo ex parte Domini Regis, quod corpora eorum statim capiuntur, & in prisona Domini Regis salvo custodiantur, donec inde fecerint rectum in curia Domini Regis; & quod catalla eorundem fideliter appreciari faciat, & tam catalla particulariter quam precium eorundem in Rotulo suo ponet, & eadem catalla per visum Vicecomitis vel Ballivi & aliorum fidelium Domini Regis, qui interfuerint singulis villatis, in quibus catalla predicta inventa fuerint, integre liberari faciet, ut in adventu Justiciarii Domino Regi fideliter inde respondeant.

Coronator vero, cum fecerit inquisitionem super mortuum, interroget Walescheriam, scilicet, parentelam interfecti; & si quis ex parte patris, & alius ex parte matris apparuerint, dicendo quod sunt de parentela sua, & hoc per fideles Regis testificatum fuerit, nomina eorum in Rotulo suo statim inrotulari faciat: Si autem nullus de parentela compareat, inrotulet similiter quod nullus comparet, ut Justiciarius in adventu suo evidentiarius facere possit quid in hac parte fuerit faciendum.

Coronator etiam diligenter inquireat casum infortunii & modum, & secundum quod invenerit per inquisitionem, distincte

inrotulari faciat. Inquirat etiam de inventore, & nomen ejus inrotulari faciat, ut supra.

Preterea cum latro, vel homicida, seu alius malefactor, fugerit ad Ecclesiam, Coronator quam cito sibi confiterit, mandet Ballivo Domini Regis illius Commoti, quod certo die venire faciat coram eo probos & legales homines de visneto, & in presentia eorum facta recognitione Felonie, fieri faciet Abjurationem hoc modo; quod felo ducatur usque ad portam Ecclesie, & assignetur ei portus per Coronatorem, & extunc abjuret regnum, & secundum quod assignabitur ei portus propinquus vel remotus, prefigatur ei terminus exeundi regnum predictum, ita quod in eundo versus portum illum deferens quandam crucem in manu sua, non declinet a via regali aliquo modo, scilicet a dextris nec a sinistris, set semper eam teneat quousque regnum exierit.

FORME Brevium regionum originalium placitandorum in Wallia.

Breve de nova disseisina de libero tenemento, de quo quis liber homo injuste & sine judicio fuerit disseisitus.

Rex Vicecomiti Anglesey salutem. Questus est nobis A quod B & C injuste & sine judicio diff. eum de libero tenemento suo in N post pacem nostram in Wallia proclamata Anno Regni nostri undecimo. Et ideo tibi precipimus, quod si predictus A fecerit te securum de clameo suo prosequendo tunc facias tenementum illud reseisiri de catallis, que in ipso capta fuerunt, & ipsum tenementum cum catallis esse in pace usque ad certum diem quem Justiciarius noster tibi scire faciet. Et interim facias duodecim liberos & legales homines de visneto illo videre tenementum illud, & nomina illorum imbrevari, & sum. eos per bonos Summonitores, quod tunc sint coram prefato Justiciario nostro parati inde facere recognitionem. Et pone per vadios & salvos plegios predictos B & C vel Ballivos suos si ipsi inventi non fuerint, quod tunc sint ibi auditari illam recognitionem. Et habeas ibi Sum. nomina plegiorum & hoc Breve. Dat. apud Karnarvan, tali anno & tali die, vel alibi.

De nova disseisina de communia pasture [fiat Breve, Tot.] sic:

Questus est nobis A quod B & C injuste, &c. disseis. eum de communia pasture sua in N que pertinet ad liberum tenementum suum in eadem villa (vel in alia, si casus hoc velit) post pacem nostram, &c. Et ideo tibi precipimus, quod si predictus A fecerit te securum, &c. tunc facias duodecim liberos, &c. videre pasturam illam & tenementum, & nomina eorum imbrevari, & sumoneas eos per bonos Summonitores quod [tunc, Tot.] sint coram prefato Justiciario, &c. parati inde facere recognitionem. Et pone per vad. & salvos plegios predictos B & C vel Ballivos suos, si ipsi inventi non fuerint, quod tunc sint ibi audiend. illam recognitionem. Et habeas ibi, &c. Dat. &c.

Vel sic :

Questus est nobis A quod B injuste, &c. levavit vel prostravit quandam sepem vel quoddam fossatum, vel obstruxit, vel arctavit quandam viam; vel divertit cursum cujusdam aque; vel levavit, vel prostravit, vel exaltavit, quoddam stagnum in N ad nocumentum liberi tenementi sui in eadem villa (vel in alia, si casus sit) post pacem, &c. Et ideo tibi precipimus, quod si predictus A fecerit te securum, &c. tunc facias duodecim, &c. videre sepem illam, vel fossatum illud, vel vivam illam, vel cursum illius aque, vel stagnum illud, & tenementum, & nomina eorum imbrevari, & summone eos, &c. quod sint coram Justiciario nostro, &c. parati, &c. Et pone per vados, &c. predictum B vel Balivum, &c. quod tunc sit, &c. Et habeas, &c. Dat. &c.
Et mutantur forme Brevium secundum diversitates casuum.

Breve de morte Antecessoris.

Rex Vicecomiti salutem. Si A fecerit te securum de clameo suo prosequendo, tunc summoneas per bonos Summonitores duodecim liberos & legales homines de visneto de N. quod sint coram Justiciario nostro parati Sacramento recognoscere, si B pater predicti A fuit seiscitus in dominico suo ut de feodo de manerio tali cum pertin. vel de tanto terre cum pertin. in N die quo obiit, & si obiit post pacem nostram in Wallia proclamata Anno Regni nostri undecimo, & si idem A propinquior heres ejus sit, & interim manerium illud, vel terram illam videant, & nomina eorum imbrevari facias. Et summoneas per bonos Summonitores C qui manerium illud vel terram illam tenet, quod tunc sit ibi ad audiend. illam recognitionem. Et habeas ibi Sum. et hoc Breve. Dat. &c.

Et fiant Litere Patentes sub hiis verbis, quousque Dominus Rex aliud inde ordinaverit.

Rex Justiciario suo salutem. Sciatz quod constituimus vos Justiciarium nostrum, una cum hiis quos vobis duxeritis affoc. ad Assisas nove Disseisine, & mortis Antecessoris, in partibus Wallie capiendas: Et ideo vobis mandamus, quod ad certos dies & loca, quos ad hoc provideritis, Assisas illas capiatz, facturi inde quod ad Justiciam pertinet, secundum legem & consuetudinem Regni nostri, salvis nobis amerciamentis & aliis ad nos inde spectantibus. Mandavimus enim Vicecomitibus nostris, quod ad certos dies & loca, quos ad hoc eis scire facietis, Assisas illas coram vobis venire faciant. In cuius rei testimonium has Literas nostras vobis fecimus fieri Patentes. Dat. &c.

Et fiat Breve clausum ad mandatum Justiciarii dirigendum Vicecomitibus sub hac forma.

Rex Vicecomiti salutem. Precipimus tibi quod omnes Assisas nove Disseisine & mortis Antecessor. coram Justiciario nostro arranias per Brevia nostra venire facias coram eodem Justiciario ad certos dies & loca, quos tibi scire faciet, cum Brevis origina-

originalibus, Attachiamētis, & omnibus aliis Adminiculis dic-
tas Affisas tangentibus, & hoc Breve, Dat. &c.

Et mutetur forma Brevis secundum diversitates casuum, vi-
delicet, si vel mater, vel frater, vel soror, vel avunculus, vel
amita, fuit seiscitus in dominico suo ut de feodo de re petita per
viam mortis Antecessoris die quo obiit. Et quando plures co-
heredes & participes alicujus hereditatis petunt ipsam heredita-
tem, videlicet, quando unus ipsorum petit de morte patris, vel
matris, fratris, vel sororis, avunculi, vel amite, & alius vel alii
ex ipsis coheredibus petunt de morte avi sui vel avie sue, vel
consanguinei sui vel consanguinee sue, fiat eis Breve mortis An-
tecessoris in suo casu, quia illa pars dicti Brevis que tangit natu-
ram mortis Antecessoris juxta articulum inde usitatum attrahit
ad se naturam aliorum articulorum tangentium coheredes in
gradibus remotioribus.

*Breve commune quod in aliquo casu tangit jus, & in aliquo
possessionem.*

Rex Vicecomiti salutem. Precipe A quod juste & sine dila-
tione reddat B manerium de N cum pertin. quod predictis A
ei deforciat, ut dicit; & nisi fecerit, & predictus B fecerit te se-
curum de clameo suo prosequendo, tunc summonneas per bonos
Summonitores predictum A quod sit coram Justiciario nostro
ostenfurus quare non fecerit. Et habeas ibi Sum. & hoc Breve.
Dat. &c.

Vel sic :

Precipe A quod juste, &c. reddat B tantum terre cum pertin.
in N ut supra.

Et similiter concedatur istud Breve coram Justic. in Banco, si
petens voluerit.

Breve de dote in Wallia.

Rex Vicecomiti salutem. Precipe A quod juste & sine dila-
tione reddat B que fuit uxor C rationabilem dotem suam, que
eam contingit de libero tenemento, quod fuit predicti C quon-
dam viri sui in N unde nichil habet, ut dicit, & unde queritur
quod predictus A ei deforciat. Et nisi fecerit, & predicta B
fecerit te securum de clameo suo prosequendo, tunc summonneas
per bonos Summonitores [predictum, Tot. & al.] A quod sit co-
ram Justiciario nostro, &c. ostens. &c. Et habeas ibi Sum. &
hoc Breve. Dat. &c.

Et mutetur forma Brevis secundum diversitatem casuum, vi-
delicet, si mulier dotata fuerit ad hostium Ecclesie, de assensu
& voluntate patris, vel alterius antecessoris cujus heres esse po-
terit vel esse debet.

Breve de Debito.

Rex Vicecomiti salutem. Precipe A quod juste & sine dila-
tione reddat B centum solidos, quos ei debet & injuste detinet,
ut dicit. Et nisi fecerit, & predictus B fecerit te securum de
clameo

clameo suo prosequendo, tunc summoneas per bonos Summonitores predictum A quod sit coram Justiciario nostro ostensurus quare non fecerit. Et habeas ibi Sum. & hoc Breve. Dat. &c.

Et si catalla vel facci lanarum exigantur, fiat eis Breve subscriptum.

Rex Vicecomiti salutem. Precipe A quod juste & sine dilatione reddat B unum saccum lane pretii decem marcarum, quem ei injuste detinet; vel catalla ad valentiam decem marcarum, que ei injuste detinet, ut dicit. Et nisi fecerit, &c. ut supra.

Et fiant formule consimilium Brevium secundum ostensiones petentium & diversitates casuum. Et non fiant hujusmodi Brevia de debito coram Justiciario placitanda de minori summa quam de quadraginta solidis; set placita de debito que summam quadraginta solidorum non attingunt, in Comitatu placitentur, & in Commotis similiter. Et si forte petens placitare voluerit de hujusmodi in Comitatu, tunc fiat ei tale Breve quod vocatur Justicies.

Rex Vicecomiti salutem. Precipimus tibi quod justicies A quod juste & sine dilatione reddat B centum solidos, quos ei debet, ut dicit, sicut rationabiliter monstrare poterit quod ei reddere debet, ne amplius inde clam. audiamus pro defectu Justicie. Dat. &c.

Vel sic:

Quod reddat ei unum saccum lane precii decem marcarum, quem ei injuste detinet, vel catalla ad valentiam decem marcarum que ei injuste detinet, ut dicit, sicut rationabiliter monstrare poterit, ne amplius, &c. Dat. &c.

Et fiat inde Pone, si petatur, sub hac forma.

Rex Vicecomiti salutem. Pone ad petitionem petentis coram Justiciario, &c. tali die loquelam que est in Comitatu tuo per Breve nostrum inter A & B de debito centum solidorum, quod idem A a prefato B exigit. Et summoneas per bonos Summonitores predictum B quod tunc sit ibi prefato A inde responsurus. Et habeas ibi Sum. & hoc Breve, & aliud Breve. Dat. &c.

Breve de Conventione.

Rex Vicecomiti salutem. Precipe A quod juste & sine dilatione teneat B conventionem inter eos factam de uno mesuagio [cum, Tot.] decem acris terre, & quinque acris bosci cum pertinentiis in N. Et nisi fecerit, &c. tunc summoneas predictum A quod sit, &c. ostensurus, &c. Dat. &c.

Et fiant Brevia de conventionem secundum querimonias contrahentium & diversitates casuum, sive coram Justiciario vel in Com. juxta petentium voluntatem. Et si voluerint in Com. placitare, fiat eis Breve quod vocatur Justicies, & postmodum inde poterit fieri Pone, si petatur.

Forma Brevis de Attornato.

Rex Vicecomiti salutem. Scias quod A attornavit coram nobis B & C ad lucrandum vel perdendum in loquela que est in comitatu tuo per Breve nostrum inter ipsum A petentem & D tenentem de uno mesuagio cum pertin. in N. Et ideo tibi mandamus, quod predictos B & C vel alterum ipsorum, si ambo interesse non possunt, loco ipsius A ad hoc recipias. Dat. &c.

Et eodem modo fiant Brevia de attornatis in aliis casibus, secundum diversitates casuum & formas Brevium.

Forma Brevis de Coronatore eligendo.

Rex Vicecomiti salutem. Precipimus tibi quod in pleno Com. tuo de assensu ejusdem Com. eligi facias unum Coronatorem, qui prestito Sacramento prout moris est, extunc faciat & conservet ea que ad officium Coronatoris pertinent in Com. predicto. Et talem eum eligi facias qui melius sciat & possit Officio illi intendere, Et nomen ejus Nobis scire facias. Dat. &c.

Et si ipse infirmetur vel moriatur, vel ob aliquam aliam causam Officio illi intendere nequiverit, tunc fiat aliud Breve mutatis mutandis.

Placitorum quedam habent terminari per Assisam, quedam per Juratas.

Per Assisam habent terminari, cum quis seissetus de libero tenemento postea per vim disseissetus petit seisinam sibi restitui. Et in hoc casu provisum est Breve de nova disseisina in forma inter alia Brevia originalia Cancellarie superscripta. Similiter de communia pasture, cum quis disseissetus de communia pasture sua pertinente ad liberum tenementum suum petit seisinam sibi restitui, & in hoc casu providetur idem Breve de nova disseisina, per mutationes quorundam verborum in forma inter alia Brevia originalia Cancellarie superscripta, in quibus sic est procedendum.

Primo receptis a querente duobus Plegiis de prosequendo, Vicecomes faciat eligere duodecim liberos & legales homines, &c. de visneto ubi tenementum vel pastura existit, & faciat eos videre tenementum, & similiter pasturam, & attachiet disseisitores, prout continetur in Brevi. Postea, cum partes et Assisa venerint coram Justiciario, queratur a querente, de quo libero tenemento, vel de qua communia pasture queritur se disseisiri, & secundum ejus querimoniam & responzionem partis adverse procedatur ad captionem Assise, nisi disseisitor aliquid sciat dicere quare Assisa debeat remanere. Et si Assisa faciat pro querente, recuperet querens Seisinam suam simul cum dampnis taxatis per Assisam versus disseisitorem, & disseisitor remaneat in misericordia Domini Regis, vel committatur gaole redimendus, si disseisina facta fuerit enormiter & vi armata.

Sunt quedam alia Brevia que per Assisam habent terminari, videlicet, de Stagno levato, prostrato, exaltato; de Fossato levato,

vato, vel prostrato; Sepe levata vel prostrata; de Via obstructa vel arctata; de Cursu aque diverso: Et secundum diversitatem casuum diversificetur Breve originale, que quidem Brevia cum Brevibus de nova disseisina superius continentur; & eodem modo sicut supradictum est in Brevi de libero Tenemento & de Communia pasture est procedendum in eisdem.

In supradictis Brevibus Assise nove disseisine nullum jacet Effonium seu Dilatio, set prima die procedatur ad justitiam faciendam.

Aliud est Breve Assisarum quando aliquis petit Seisnam tenementi, unde Antecessor suus obiit seisitus, videlicet, Pater, Frater, Avunculus aut Avus; in quo casu provisum est Breve mortis Antecessoris in forma inter cetera Brevia in Rotulo predicto contenta.

Contingit etiam aliquando quod petitur Seisina Antecessoris, in casu quando Antecessor non obiit seisitus, set fuit seisitus die quo habitum Religionis suscepit, vel iter pergrinationis arripuit, in quo vivere obiit: Et tunc loco illius clausule, die quo obiit, ponatur, die quo habitum Religionis suscepit, vel iter pergrinationis, &c. in quo itinere, &c. Et si iter, &c. In isto Brevi Antecessoris sic est procedendum.

Primo inventis Plegiis de prosequendo, & electa Assisa, & visu facto a Juratoribus, summonetur tenens per duos bonos & legales Summonitores quod sit coram Justiciario ad certum diem, &c. & contineat summonitio quindecim dies ad minus, ad quem diem si venerit, procedat Justiciarius in Officio suo exequendo. Et si ad diem illum non venerit, puniatur pro default sua secundum quod continetur in Lege Wallensica, scilicet, per tres vacas vel per precium earundem, & resummonetur per alios duos Summonitores, summonitione similiter continente spatium quindecim dierum, sicut predictum est, ad quem diem, si venerit siue non, procedat Justiciarius ad Officium suum faciendum, nisi fecerit se effoniari de ultra mare, & tunc dabitur ei spacium quadraginta dierum ut possit habere *Ex. & Fled.* Set caveat sibi qui se sic effoniaverit, quod si existens intra quatuor maria de ultra mare falso se effoniaverit, & super hoc convincatur per bonam probationem vel per bonam Inquisitionem, puniatur tanquam pro default, primo per misericordiam quod continetur in Lege Wallensica, & precludatur ei Via aliquid dicendi contra Assisam, nisi vocare possit ad Warrantum.

Et sciendum quod nec in Brevi mortis Antecessoris, nec in alio Brevi de placito terre, jacet aliquod effonium, nisi tantum effonium de ultra mare, & hoc antequam tenens vel deforcians appareat in Curia; & effonium de servitio Domini Regis, quod jacet in omni loco placiti, cum Rex illud warrantizare voluerit. Set caveat sibi quod falso non faciat se effoniari de servitio Domini Regis, quia si deficiat de Warranto Regis, puniatur pro default per misericordiam Domino Regi dandam secundum Legem Wallensicam, & versus partem adversam de expensis sibi refundendis de illa jorneta secundum discretionem Justiciarii.

In

In istis Brevibus mortis Antecessor. sic est procedendum.

Lecto primo Brevis in quo continetur petitio Petentis, queratur a Deforciente, si quid sciat dicere quare Assisa debeat remanere; quod si nesciat, capiat Justiciarius Assisam per Juratores qui melius sciant veritatem secundum formam Brevis. Et si Assisa transeat pro Petente, adjudicetur Petenti seifina cum dampnis taxatis per Juratores, & Deforcians remaneat in misericordia Domini Regis.

Multa quidem potest Deforcians dicere contra Assisam; potest enim vocare ad Warrantum, & tunc expectandus est adventus Warranti, quem Justiciarius faciat venire, primo per unam Summonitionem, & si necesse sit per Resummonitionem, sicut dictum est de principali Deforciente, & pro defaulta puniatur sicut predictum est. Post Resummonitionem si nondum venerit, nec se essonnaverit, procedat Assisa versus eum per defaultam. Et si Assisa transeat pro Petente, adjudicetur Petenti Seifina rei petite, & Deforcians habeat de terra Warranti ad valentiam. Si vero Warrantus venerit, & petat sibi ostendi per quod debeat warrantizare, oportet quod Vocator ostendat cartam que faciat mentionem de Warrantia, vel de dono facto a Warranto vel Antecessore suo cujus heres ipse est, in quo fiat mentio quod de Feoffatore & ejus heredibus tenere debeat; vel quod ostendat quod Warrantus sit sciat de homagio suo pro tenemento petito, quod habet inquiri si deditur, per eos in quorum presentia dicit se fecisse homagium simul cum aliis liberis & legalibus hominibus juratis; vel quod teneat tenementum illud in excambium pro alio tenemento. Si per ista poterit Deforcians ducere Warrantum suum ad warrantizandum, remanebit in misericordia Regis quia dedixit warrantizare, & nichilominus considerabitur quod warrantizet & respondeat ad Assisam si voluerit.

Multa alia potest Deforcians dicere contra Assisam, videlicet quod Antecessor de cujus morte, &c. commisit feloniam pro qua fuit suspensus, utlagatus, vel tanquam publicus latro fugiens & juri non parens decapitatus, vel si confitens feloniam coram Coronatore Walliam abjuravit.

Potest etiam Deforcians objicere Petenti Bastardiam, & tunc mandabitur Episcopo loci, quod rei veritatem super hoc inquirat, & certificet inde capitalem Justiciarium Wallie; & secundum quod Episcopus certificaverit, procedetur ad iudicium sine captione Assise. Et si Episcopus mandet quod Bastardus est, precludatur ei via petendi: Et si mandet quod legitimus est, Justiciarius faciet venire Deforcientem per summonitionem, & si necesse sit, per Resummonitionem, reservata Regi misericordia pro defaulta ut sepe dictum est. Post Resummonitionem, si venerit si non, recuperebit Petens demandam suam per testimonium Episcopi, cujus testimonio non creditur in contrarium, & remanebit in misericordia Regis.

Multa alia potest dicere deforcians que difficile esset enumerare, sicut, Antecessor de cujus morte Assisa arrainiata est fuit villanus, & terram tenuit in villenagio, vel quod tenuit ad voluntatem,

Iuramentum, vel ad terminum vite, vel annorum ; in quibus casibus Affisa mortis Antecessoris non jacet.

Non debent autem supradicte Affise nove disseisine & mortis Antecessoris capi, nisi in propriis Com. ne patria laboribus & expensis fatigetur, set per Justiciarium capiantur Affise bis, ter, vel quater in anno.

Dicendum est in parte de Brevibus Affisarum, & de processu eorundem ; modo dicendum est de Placitis que terminari habent per Inquisitiones seu per Juratas ; quorum quedam sunt de rebus immobilibus, sicut de Tenementis ; sive de mobilibus, sicut de debitis & catallis ; quedam de utrisque ; quedam de Transgressionibus. Set primo de Tenementis & Immobilibus aliquid est dicendum, de quibus provisum est Breve, cujus forma inter cetera Brevia partium illarum continetur.

Processus istius Brevis est talis.

Primo inventis Plegiis de prosequendo, Vicecomes faciet summoneri per bonos Summonitores Tenentem quod sit ad certum diem, ad quem si non venerit, fiat alia summonitio ad alium diem : Et si ad secundum diem non venerit, summonetur quod sit ad tertium diem, ad quem si non venerit, nec se effonari fecerit, adjudicabitur petenti seifina per defaultam, & Deforcians remanebit in misericordia Regis, reservata nichilominus misericordia Regi pro qualibet defaulta, ut predictum est.

Cum vero Deforcians comparuerit, quia per verba Brevis non potest sciri petitio Petentis, eo quod multe & quasi infinite sunt rationes petendi, necesse habet ille qui petit, quod narret versus Deforcientem, & exprimat rationem petitionis sue, & hoc per verba veritatem continentia, sine calumpnia verborum, non observata illa dura consuetudine, Qui cadit a syllaba, cadit a tota causa.

De rationibus petendi quales sint & esse debeant, expedit quod aliquid sub brevitate dicatur.

Multotiens habet Petens jus per hoc, quod Antecessor suus tenuit terram petitam, & fuit inde seifitus ut de jure & de feodo, & tunc necesse habet Petens narrare descensum parentale descendendo ad ipsum. Contingit etiam quod aliquis dimittit terram [suam *Tot. & al.*] ad terminum vite vel annorum, post quem terminum ad ipsum vel ad heredes suos terra debet reverti ; vel etiam debet ad ipsum reverti post mortem mulieris tenentis in dotē, vel tanquam escheata post mortem tenentis sui Bastardi, qui alium non potest habere heredem nisi de corpore suo legitime procreatum ; vel post mortem tenentis sui Felonis : In quatuor casibus predictis, vel post mortem alicujus, debet terra remanere alii per formam donationis. In hiis casibus & similibus exprimat Petens petitionem suam secundum casum suum, & in casibus illis & consimilibus quibus utendum est Brevi predicto, illo & non alio utatur, & audita ratione Petentis, habeat Tenens visum terre, si petat, & detur dies intra quem fiat visus. Et ad diem datum post visum respondeat Deforcians, qui vocare poterit ad Warrantum per auxilium Curie, sicut dictum est in Brevis mortis Antecessoris. Et Justiciarius faciat venire Warrantum

tantum sicut venire fecit principalem per unam Summonitionem, & si necesse sit, per secundam & tertiam, ad quem si non venerit, puniatur tamen pro qualibet defaulta, ut predictum est, & adjudicabitur Potenti seifina rei petite per defaultam Warranti, & Deforcians habeat de terra Warranti ad valentiam, & Warrantus fit in misericordia. Si Warrantus venerit, & gratis warrantizaverit, recipietur ad responsionem & placiti defensionem sine visu terre habendo. Si autem warrantizare dedixerit, deducatur placitum de Warrantia inter eos secundum quod dictum est supra in Brevi [moris *Tot. & al.*] Antecessoris. Si autem Deforcians excipiat contra petentem, quod Antecessor suus cuius seifinam petit, vel aliquis in descendendo, fuerit Baltardus, ita quod ab ipso vel per modum ipsius nichil potest ei descendere, audiatur; vel ostendat cartam Antecessoris sui de Feoffamento, vel alicujus in descendendo de quieta clamantia; & per unius partis affirmationem & alterius negationem descendant partes ad legale Inquisitionem, & per veredictum Inquisitionis terminetur placitum; quia placita de terris in partibus istis non habent terminari per Duellum, neque per magnam Assisam. Eodem modo, si excipiat quod Antecessor vel aliquis in descendendo commisit Feloniam, per quod sibi non competit actio; in quo casu si ille cui hoc opponitur neget, potius habet negotium terminari per Recordum Justiciarii, vel inquisitionem patrie de suspensione, & etiam per Recordum Coronatorum de utlagaria & abjuracione. Similiter in petitione Tenementi quod debet reverti post terminum preteritum, vel per modum donationis, per affirmationem unius partis & per negationem alterius defoendatur ad Inquisitionem patrie, & per veredictum ejus judicetur.

De alio Articulo, scilicet, de mobilibus, debitis sive catallis, est dicendum, super quo provisum est Breve de debito in forma prescripta.

In hoc Brevi sic est procedendum.

Primo inventis plegiis de prosequendo, summonetur debitor sive reus quod sit coram Justiciario ad certum diem, ad quem si non venerit, iterum summonetur, & si ad secundum diem non venerit, nec se essoniaverit, adjudicetur Potenti debitum per defaultam, simul cum dampnis per discretionem Justiciarii, vel per Inquisitionem patrie, pro voluntate Justiciarii, & debitor remaneat in misericordia Regis, reservata Regi semper misericordia pro qualibet defaulta. Si vero Debitor venerit, necesse habet Actor exprimere petitionem, & rationem sue petitionis, videlicet, quod tenetur ei in centum marcis, quas sibi accommodavit, cujus solutionis dies preterit, vel pro terra, vel pro equo, vel pro aliis rebus seu catallis quibuscunque sibi venditis, vel pro arreragiis redditus non provenienti de tenementis, vel de aliis contractibus, super quibus necesse habet producere factam vel cartam obligationis, vel talliam ostendere. Audita & intellecta petitione, & etiam ratione Potentis, respondeat Debitor, qui si debitum recognoscat, adjudicetur & levetur de terris & catallis, &c. Si neget debitum, & proferatur contra eum obligatio sua, oper-

tet

ret scriptum verificari per testes nominatos in obligatione, si sint superstites, simul cum patria. Et si non sint testes nominati, vel si fuerint mortui, verificetur solummodo per patriam, & secundum veredictum patrie procedatur ad iudicium. Si vero querens non habeat obligationem, set tantummodo producat factam vel talliam, poterit pars adversa defendere [*al. ostendere, Tot. & al.*] se ei in nullo teneri, & hoc defendere per legem, scilicet per propriam Sacramentum cum undecim secum jurantibus, vel per patriam, prout eligere voluerit.

Contingit aliquando quod debitor confitetur quod aliquando debuit ei debitum, & allegat solutionem; tunc oportet ostendere acquietantiam de solutione, vel poterit Petens defendere per legem se nichil recepisse, vel etiam per patriam, &c.

Istud Breve de debito non concedatur de minori summa quam quadraginta solidis, quia de minori debito placitant in Comitatu sine Brevi & per Breve.

De tertio articulo in quo provium est Breve de conventione, per quod petuntur aliquando mobilia, aliquando immobilia, per vim conventionis inite inter partes, que legi derogat, in forma in loco prenotato conscripta.

Processus istius Brevis talis est.

Inventis primo Plegiis de prosequendo, summonebitur Reus semel, & si necesse sit secundo; & si ad secundam summonitionem non venerit, nec se efforaverit, audiatur petitio & ratio Petentis, & capiatur res petita, si sit tenementum, in manum Regis; & si fuerit cattallum, illud vel ejus valor capiatur in manum Regis, & detur alius dies; & si infra quindecim dies repliaverit rem sic in manum Regis captam, & ad diem sibi datam venerit, admittatur ad responsionem & defensionem: Sin autem, adjudicetur Petenti sua petitio per defaultam, simul cum dampnis taxatis, sicut supra dicitur in Brevi de debito, & remaneat in misericordia Regis, salva semper Regi misericordia pro defaulta, ut predicatur. Audita querimonia Querentis, & ratione sue petitionis, respondeat Defendens, & per affirmationem unius partis & negationem alterius procedi poterit ad Inquisitionem, & per Inquisitionem patrie poterit negotium terminari.

Et sciendum est, quod per Breve de conventione aliquando petitur liberum tenementum, ut in casu quando aliquis dimittit terram alteri reddendo inde quandam certam firmam, apposta conditione in Scripto conventionis, quod nisi ei fuerit satisfactum de firma, liceat ei terram quam dimisit ingredi & tenere. Si ille cui terra fuerit dimissa, non satisfecerit de firma; & ille qui dimisit, non habeat potestatem secundum tenorem scripti sui ingrediendi terram quam dimisit propter potentiam sui Adversarii; in hoc casu per Breve de conventione recuperare debet tenementum simul cum dampnis.

Aliquando cum conveniat inter aliquos quod unus feoffabit alium de aliquo tenemento, & ad certum diem ei seisinam faciet, si postmodum transfulerit illud tenementum in tertiam personam ipsam feoffando, cum non poterit illud feoffamentum per priorem contractum ad effectum non productum infirmari, non poterit

terit in isto casu cui fit injuria, per Breve de conventionibus subveniri, nisi in hoc tantum ut satisfiat ei de dampnis in pecunia. Et sic in casu competit actio petendi tenementum per Breve de conventionibus, & in casu pecuniam seu dampna sine tenemento.

Et quia infiniti sunt contractus conventionum, difficile esset facere mentionem de quolibet in speciali, set secundam naturam cujuslibet conventionis per affirmationem unius partis & negationem alterius, aut pervenietur ad Inquisitionem faciendam super facto negotii, aut pervenietur ad cognitionem Scriptorum in judicio prolatorum, & secundum illam cognitionem erit judicandum; aut negabuntur Scripta & tunc pervenietur ad inquirendum de confessione Scriptorum per testes in Scriptis nominatos, si fuerint simul cum patria; quod si testes non fuerint nominati, vel etiam mortui, tunc solummodo per patriam.

De quarto Articulo, videlicet, de Transgressionibus personarum, de quibus provisum est quod omnes Transgressiones, unde dampna non excedunt quadraginta solidos, placitentur coram Vicecomite in Comitatu sine Brevi per Vadios & Plegios: Transgressiones que excedunt summam quadraginta solidorum, placitentur coram Justiciario Wallie sub hac forma.

Quod antequam Justiciarius eum audiat, juret Querens quod actio sua excedat summam [al. valorem, Tot & al.] quadraginta solidorum, & hoc facto, & Plegiis inventis de proseguendo, precipiat Justiciarius Vicecomiti vel Ballivo loci, quod in brevi termino faciat venire coram eo eum de quo fit querimonia, & audita querimonia Actoris respondeat Reus; & cum vix in placito transgressionis evadere poterit Reus quin defendat se per patriam, de consensu partium inquireat veritatem Justiciarius per bonam patriam, & inquisita veritate, si invenerit Reum culpabilem, castiget eum per Prisonam vel per Redemptionem, vel per Misericordiam, & per Dampna Leso restituenda secundum qualitatem & quantitatem delicti, ita quod castigatio illa sit aliis in exemplum, & timorem prebeat delinquendi. Et quia dictum est supra de consensu partium, contingere poterit quod Reus refutabit Inquisitionem patrie; in quo casu si Actor transgressionem sibi factam offerat verificare per patriam, & Reus patriam refutaverit, habeatur pro convicto, & puniatur sicut si convictus esset per patriam.

Et quia Mulieres non extiterant dotate hactenus in Wallia, Rex concedit quod dotentur. Duplex est dos mulieris: Una est, assignatio tertie partis totius terre que fuit viri sui in vita sua super quo fiat Breve de rationabili dote alibi in suo loco cum ceteris Brevis Wall. expressum.

Processus istius Brevis est talis.

Inventis Plegiis de proseguendo, summoneatur Deforcians quod sit ad certum diem, ad quem si non venerit, iterum summoneatur, ad quem diem si non venerit, adjudicetur mulieri dos sua, scilicet tertia pars, &c. simul cum dampnis, &c. Si vero Defendens venerit, admittatur ad responsionem sine visu terre

terre habendo, & formata petitione mulieris, dicatur Tenenti quod respondeat si sciat aliquid dicere quare ipsa dotem habere non debeat; qui si nichil sciat dicere, recuperet mulier ut supra.

Si forte objiciat quod non debeat dotem habere, eo quod nunquam fuit tali quam ipsa vocat virum legitimo matrimonio copulata; tunc mandabitur Episcopo, quod super hoc inquirat veritatem, & inquisita veritate, certificet Justiciario Wallie, & secundum certificationem Episcopi procedatur ad iudicium in hac forma.

Si Episcopus certificet quod non fuit uxor legitima, preclusa erit ei via habendi dotem: Si certificet quod fuit uxor legitima, summoneatur Tenens quod sit ad certum diem auditurus iudicium suum, ad quem diem si non venerit, iterum summoneatur quod sit ad alium diem, ad quem diem si venerit si non, nullo effonio allocato, recuperabit Mulier dotem suam & dampna, & Tenens in misericordia, salva Regi semper misericordia pro defaultis.

Si vero objiciat quod non debeat dotem habere, eo quod vir suus die quo eam desponsavit, nec unquam postea tenuit tenementum unde petit dotem in feodo, ita ut eam inde dotare potuit, hujus rei veritas per patriam solummodo est inquirenda, & per veredictam patrie ad iudicium erit procedendum.

Si objiciatur ei quod non debet dotem habere eo quod vir suus commisit feloniam, tunc si confiterit de feloniam dotem non recuperabit.

Similiter si objiciatur ei quod vir suus amisit terram de qua petit dotem per iudicium, ut illam in quam jus non habuit; hoc convicto per recordum Justiciariorum si dedicatur coram quibus terra illa fuit amissa, vel per patriam si in Comitatu vel minori Curia fuit amissa, preclusa erit sibi via de dote habenda.

Alia dos est quando filius dotat uxorem suam de voluntate patris sui, forma cujus Brevis inter cetera invenietur, cujus processus talis est.

Summoneatur Deforcians sicut in alio Brevis de dote, & eodem modo puniatur contumacia sicut in alio Brevis de dote. Si vero ad diem sibi datum venerit, tunc formata petitione Mulieris, respondeat, & si dedicatur dotatio facta in dicta forma, & consensus dotationis, & convinci poterit per patriam quod vir dotavit eam ad hostium Ecclesie de tenemento patris sui, & quod pater personaliter vel per specialem nuncium ad hoc missum consensit illi dotationi, recuperabit Mulier dotem & dampna.

Sciendum est etiam quod in utroque Brevis potest Tenens vocare ad warrantum per auxilium Curie, & procedetur in placio warrantie sicut predictum est.

Set est differentia in casu isto de Dote & in casu superius per Precipe ubi terminatur modus procedendi in warrantia, quia ibi in illo casu Petens semper recuperat rem petitam, & Tenens de terra warranti ad valenciam. In casu de Dote alio modo est quod Tenens tepebit in pace, & Mulier habebit de terra

warranti ad valentiam Dotis petite, dum tamen Tenens habeat de terra viri sui ad valenciam, unde hoc fieri possit; alias vero non.

De modo Dotis aliter assignande nichil ad presens.

Quia aliter usitatum est in Wallia quam in Anglia quoad successionem hereditatis, eo quod hereditas partibilis est inter heredes masculos, & a tempore cuius non extitit memoria partibilis extitit, Dominus Rex non vult quod consuetudo illa abrogetur, set quod hereditates remaneant partibiles inter consimiles heredes, sicut esse consueverunt, & fiat partitio hereditatis illius sicut fieri consuevit, hoc excepto, quod Bassardi non habeant de cetero hereditates, & etiam quod non habeant de cetero propartes cum legitimis nec sine legitimis.

Et si forte hereditas aliqua extunc pro defectu heredis masculi descendat ad legitimas Mulieres heredes ultimi Antecessoris sui inde seisisi, volumus de gratia nostra speciali quod eadem Mulieres legitime habeant propartes suas inde sibi in Curia nostra assignandas licet hoc sit contra consuetudinem Wallensium antea usitatum.

Et quia Wallenses Nobis supplicarunt, ut eis concedamus, quod de rebus suis immobilibus, veluti de terris & tenementis; inquiratur veritas per bonos & legales homines de vicineto de consensu partium electos; & de mobilibus, sicut de contractibus, debitis, fideiussionibus, conventionibus, transgressionibus, catallis, & omnibus aliis huiusmodi mobilibus, uti possint Lege Wallensia, qua uti consueverunt, que talis erat, Quod si aliquis conquereretur de alio de contractibus vel factis in tali loco, quod posset intentio Querentis probari per videntes & audientes; cum Querens per huiusmodi testes, quorum testimonium reprobari non possit probaverit intentionem suam, recuperaret rem petitam, & condemnaretur pars adversa: Et in aliis que non possent probari per videntes & audientes, esset pars defendens ad purgationem suam, aliquando cum pluribus, aliquando cum paucioribus, secundum qualitatem & quantitatem rei vel facti; & in furto, si furtum inventum in matru, se purgare non posset, set pro convicto haberetur:

Nos pro communi pace & quiete predicti Populi nostri Terre nostre Wallie Premissa eis concedimus: Ita tamen quod ea in furtis, latrocinis, incendiis, murdris, homicidiis, & roberis manifestis & notoriis locum non habeant, nec ad ea aliquatenus se extendant: in quibus volumus quod utantur Legibus Anglie, prout superius est expressum.

Et ideo vobis mandamus, quod Premissa de cetero in omnibus firmiter observetis. Ita tamen quod quotienscunque & quando-cunque & ubicunque Nobis placuerit, possimus predicta Statuta & eorum partes singulas declarare, interpretari, addere sive diminuerè, pro nostre libito voluntatis, & prout securitati nostre & Terre nostre predictæ viderimus expedire.

In cuius rei testimonium Presentibus Sigillum nostrum est appensum. Dat. apud Rothelanum die Dominica in medio Quadragesime, Anno Regni nostri Duodecimo.

STATUTA REGIS EDWARDI

*Edita apud Westmon' in Parlamento suo
Pasch. Anno Regni sui tertio decimo.*

The Statute of WESTMINSTER the Second,
Made Anno 13 EDW. I. Stat. 1. and Anno Dom.
1285.

Rot. in Turr. Lond. m. 46.

CUM nuper Dominus Rex in quindena sancti Johannis Baptiste anno regni sui sexto convocatis Prelatis Comitibus Baronibus & consilio suo apud Glouc' quia multi de regno suo exheredationem patiebantur eo quod in multis casibus ubi remedium apponi debuit prius non fuit per predecessores suos aut ipsum remedium provisum quedam statuta populo suo valde necessaria & utilia edidit per que populus suus Anglicanus & Hibernicus sub suo regimine gubernatus celeriore justitiam quam prius in suis oppressionibus consecutus est ac quidam casus in quibus lex deficiebat remanserunt non determinati quedam enim ad reprimendum oppressionem populi remanserunt statuenda Dominus Rex in parlamento suo post Pascha anno regni sui tertio decimo apud Westm' multas oppressiones & legum defectus ad supplementationem predictorum statutorum apud Glouc' editorum recitari fecit & statuta edidit ut patebit in sequenti.

WHEREAS of late our Lord the King, in the Quinzim of Saint John Baptiste, ^{2 Inst. 337} the Sixth Year of his Reign, calling together the Prelates, Earls, Barons, and his Council at Gloucester, and considering that divers of this Realm were disherited, by Reason that in many Cases, where Remedy should have been had, there was none provided by him nor his Predecessors, ordained certain Statutes right necessary and profitable for his Realm, whereby the People of England and Ireland, being Subjects unto his Power, have obtained more speedy Justice in their Oppressions, than they had before; and certain Cases, wherein the Law failed, did remain undetermined, and some remained to be enacted, that were for the Reformation of the Oppressions of the People: Our Lord the King in his Parliament, after the Feast of Easter, holden the Thirteenth Year of his Reign at Westminster, caused many Oppressions of the People, and Defaults of the Laws, for the accomplishment of the said Statutes of Gloucester, to be rehearsed, and thereupon did provide certain Acts, as shall appear here following.

M 2

CAP.

CAP. I.

In Gifts in tail the Donor's Will shall be observed. The Form of a Formedon.

Several sorts of Gifts of Lands in Tail.

2 Inst. 331—

337.

Hob. 340.

1 Mod. 109,

110.

Salk. 238. 622.

Wright's Ten.

186.—190.

Vaugh. 365.

FIRST, Concerning Lands that many Times are given upon Condition, that is to wit, Where any giveth his Land to any Man and his Wife, and to the Heirs begotten of the Bodies of the same Man and his Wife, with such condition expressed, that if the same Man and his Wife die without Heirs of their Bodies between them begotten, the Land so given shall revert to the Giver or his Heir. (2) In case also where one giveth Lands in free Marriage, which Gift hath a Condition annexed, though it be not expressed in the deed of Gift, which is this, That if the Husband and Wife die without Heir of their Bodies begotten, the Land so given shall revert to the Giver or his Heir. (3) In case also where one giveth Land to another, and the Heirs of his Body issuing; it seemed very hard, and yet seemeth to the Givers and their Heirs, that their Will being expressed in the Gift, was not heretofore, nor yet is observed. (4) In all the Cases aforesaid, after Issue begotten and born between them (to whom the Lands were given under such Condition) heretofore such Feoffees had Power to aliene the Land so given, and to disherit their Issue of the Land, contrary to the Minds of the Givers, and contrary to the Form expressed in the Gift. (5) And further, When the Issue of such Feoffee is failing, the Land so given ought to return to the Giver or his Heir, by Form of the

IN primis de tenementis que multotiens dantur sub conditione videlicet cum aliquis dat terram suam alicui viro & ejus uxori & heredibus de ipsis viro & muliere procreatis adjecta conditione expressa tali quod si hujusmodi vir & mulier sine herede de ipsis viro & muliere procreator obissent terra sic data ad donatorem vel ad ejus heredem revertatur. In casu etiam cum quis dat tenementum in liberum maritagium quod donum habet conditionem annexam licet non exprimat in carta doni que talis est quod si vir & mulier sine herede de ipsis procreato obierint tenementum sic datum ad donatorem vel ad ejus heredem revertatur. In casu etiam cum quis dat tenementum alicui & heredibus de corpore suo exeuntibus durum videbatur & adhuc videtur hujusmodi donatoribus & heredibus donatorum quod voluntas ipsorum in donis suis expressa non fuerit prius nec adhuc est observata. In omnibus enim predictis casibus post prolem suscitatum & exeuntem ab ipsis quibus tenementum sic fuit datum conditionaliter hucusque habuerunt hujusmodi feofati potestatem alienandi tenementum sic datum & exheredandi de tenemento exitum ipsorum contra voluntatem donatorum & formam de dono expressam. Et preterea cum deficiente exitu de hujusmodi feofatis tenementum sic datum ad donatorem vel ad ejus heredem reverti debuit per formam in carta de dono expressam licet

licet exitus si quis fuerit obisset per factum & feoffamentum ipsorum quibus tenementum sic fuit datum sub conditione exclusi fuerunt hucusque de reversione eorundem tenementorum quod manifeste fuit contra formam doni sui.

Propter quod dominus Rex perpendens quod necessarium & utile est in predictis casibus apponere remedium statuit quod voluntas donatoris secundum formam in carta doni sui manifeste expressam de cetero observetur ita quod non habeant illi quibus tenementum sic fuit datum sub conditione potestatem alienandi tenementum sic datum quo minus ad exitum illorum quibus tenementum sic fuerit datum remaneat post eorum obitum vel ad donatorem vel ad ejus heredem si exitus deficiat per hoc quod nullus sit exitus omnino vel si aliquis exitus fuerit per mortem deficiet herede hujusmodi exitus deficiente. Nec habeat de cetero secundus vir hujusmodi mulieris aliquid in tenemento sic dato per conditionem post mortem uxoris ejus per Legem Anglie nec exitus de secundo viro & muliere successionem hereditariam set statim post mortem viri & mulieris quibus tenementum sic fuit datum post eorum obitum vel ad eorum exitum vel ad donatorem vel ad ejus heredem ut predictum est revertatur.

Et quia in novo casu novum remedium est apponendum fiat impetranti tale breve :

III. And forasmuch as in a new Case new Remedy must be provided, this Manner of Writ shall be granted to the Party that will purchase it :

the Gift expressed in the Deed, though the Issue (if any were) had died: (6) Yet by the Deed and Feoffment of them (to whom Land was so given upon Condition) the Donors have heretofore been barred of their Reversion, which was directly repugnant to the Form of the Gift.

II. Wherefore our Lord the King, perceiving how necessary and expedient it should be to provide Remedy in the aforesaid Cases, hath ordained, That the Will of the Giver, according to the Form in the Deed of Gift manifestly expressed, shall be from henceforth observed; so that they to whom the Land was given under such Condition, shall have no Power to aliene the Land so given, but that it shall remain unto the Issue of them to whom it was given after their Death, or shall revert unto the Giver, or his Heirs, if Issue fail (whereas there is no Issue at all) or if any Issue be, and fail by Death, or heir of the Body of such Issue failing. (2) Neither shall the second Husband of any such Woman from henceforth, have any Thing in the Land so given upon Condition, after the Death of his Wife, by the Law of *England*, nor the Issue of the second Husband and Wife shall succeed in the Inheritance, but immediately after the Death of the Husband and Wife (to whom the Land was so given) it shall come to their Issue, or return unto the Giver, or his Heir, as before is said.

In Gifts in Tail the Donor's Will shall be observed.

Formedon in
discender.
Regill. 238.

[(2) Præcipe A. quod iuste, &c. reddat B. manerium de F. cum suis pertinentiis; quod C. dedit tali viro & tali mulieri, & hæredibus de ipsis viro & muliere exeuntibus.]

Or thus :

[(3) Quod C. dedit tali viro in liberum maritagium cum tali muliere, & quod post mortem prædictorum viri & mulieris, prædicto B. filio eorundem viri & mulieris descendere debeat per formam donationis prædictæ, ut dicit, &c. (4) Vel, Quod C. dedit tali & hæredibus de corpore suo exeuntibus, & quod post mortem illius talis, prædicto B. filio prædicti talis descendere debeat per formam, &c.]

IV. The Writ whereby the Giver shall recover (when Issue faileth) is common enugh in the Chancery: (2) and it is to wit, that this Statute shall hold Place touching Alienation of Land contrary to the Form of the Gift hereafter to be made, and shall not extend to Gifts made before. (3) And if a Fine be levied hereafter upon such Lands, it shall be void in the Law; (4) neither shall the Heirs, or such as the Reversion belongeth unto, though they be of full of Age, within England, and out of Prison, need to make their Claim. *Altered by 4 H. 7. c. 24. 32 H. 8. c. 36.*

A Fine shall
not bar the
Heir in Tail.
Hob. 332, 333.
Th. Jones, 242,
243, 244.
4 H. 7. c. 24.
32 H. 8. c. 36.

Præcipe A. quod iuste, &c. reddat B. tale manerium cum pertinentiis quod C. dedit tali viro & tali mulieri & heredibus de ipsis viro & muliere exeuntibus.

Vel,

Quod C. dedit tali viro in liberum maritagium cum tali muliere & quod post mortem prædictorum viri & mulieris prædicto B. filio prædictorum viri & mulieris descendere debeat per formam donationis prædictæ ut dicit. Vel, Quod C. dedit tali & heredibus de corpore suo exeuntibus & quod post mortem ipsius talis prædicto B. filio prædicti talis descendere debeat per formam, &c.

Breve per quod donator habet recuperare suum deficiente exitu satis est in usu in cancellaria Et sciendum quod hoc statutum quoad alienationem tenementi contra formam doni imposterum faciendam locum habet & ad dona prius facta non extenditur. Et si finis super huiusmodi tenemento imposterum leveter ipso jure sit nullus nec habeant heredes aut illi ad quos spectat reversio licet plene sint etatis in Anglia & extra prisonam necesse apponere clameum suum.

Altered by 4 H. 7. c. 24.

CAP. II.

A Recordare to remove a Plaint. Pledges to prosecute a Suit. Second Deliverance.

The Mischiefs
which Lords
distraining
their Tenants
did suffer.
2 Infl. 337—
341.

FORASMUCH as Lords of Fees distraining their Tenants for Services and Customs due unto them, are many times grieved, because their Tenants do replevy the Distress by Writ, or without Writ: (2) And when
the

QUIA domini feodorum distringentes tenentes suos pro serviciis sibi debitis multotiens gravantur per hoc quod cum tenentes sui distractionem suam per breve vel sine brevi replegiaverint ac ipsi domini cum
ad

ad querimoniam tenentium suorum ad comitatum vel ad aliam curiam habentem potestatem placitandi placita de vetitamento per attachiamentum venerint & rationabilem & justam distinctionem advocaverint per hoc quod tenentes deadvocant nichil tenere nec clamant tenere de eo qui distinctionem fecit & advocavit remansit qui distrinxit in misericordia & tenentes sui quieti quibus pro illa deadvocatione per recordum comitatus sive aliarum curiarum que recordum non habent pena infligi non potest.

De cetero provisum est & statutum quod cum hujusmodi domini in com' vel hujusmodi cur' justitiam de hujusmodi tenentibus suis consequi non possunt quam cito attachiati fuerunt ad sectam tenentium suorum concedatur eis breve adponendum loquelam illam coram Justiciariis coram quibus & non alibi justitia hujusmodi domini exhiberi poterit Et inseratur causa in brevi quia talis distrinxit in feodo suo pro serviciis & consuetudinibus sibi debitis nec per istud statutum derogatur legi communi usitate que non permisit placitum aliquod poni coram Justic' ad petitionem defendentis. Quia licet prima facie videbatur tenens actor & dominus defendens habito tamen respectu ad hoc quod dominus distringit & sequitur pro serviciis & consuetudinibus sibi a retro existentibus realiter potius apparebit actor sive querens quam defendens. Et ut in certo sint Justiciarii de qua recenti seiscina potderunt domini advocare rationabilem distinctionem super tenentes suos de cetero concordatum

the Lords, at the Complaint of their Tenants, do come by Attachment into the County, or unto another Court, having Power to hold Pleas of Withernam, and do avow the taking good and lawful, by reason that the Tenants disavow to hold ought, nor do claim to hold any thing of him which took the Distress; and avowed it, he that distrained is amerced, and the Tenants go quit; (3) to whom Punishment cannot be assigned for such disavowing by Record of the County, or of other Courts having no Record.

II. It is provided and ordained from henceforth, That where such Lords cannot obtain Justice in Counties and such manner of Courts against their Tenants, as soon as they shall be attached at the Suit of their Tenants, a Writ shall be granted to them to remove the Plea before the Justices, afore whom, and none otherwise, Justice may be ministered unto such Lords; and the Cause shall be put in the Writ, because such a Man distrained in his Fee for Services and Customs to him due. (3) Neither is this Act prejudicial to the Law commonly used, which did not permit that any Plea should be moved before Justices at the Suit of the Defendant. (4) For though it appear at the first Shew that the Tenant is Plaintiff, and the Lord Defendant, nevertheless, having respect to that, that the Lord hath distrained, and sueth for Services and Customs being behind, he appeareth indeed to be rather Actor, or Plaintiff, than Defendant. (5) And to the intent

A Recordare
to remove a
Plaint out of
the County.

Regist. 83j

Stat. 32 H. 8.
c. 2. sect. 4.

tent the Justices may know upon what fresh Seisin the Lords may avow the Distress reasonable upon their Tenants; (6) from henceforth it is agreed and enacted, That a reasonable Distress may be avowed upon the Seisin of any Ancestor or Predecessor since the Time that a Writ of *Navele de seisin* hath run. (7) And because it chanceth sometimes that the Tenant, after that he hath replevied his Beasts, doth sell or aliene them, whereby Return cannot be made unto the Lord that distrained, if it be adjudged :

Pledges to
prosecute the
Suit, and to
make Return.

III. It is provided, That Sheriffs or Bailiffs from henceforth shall not only receive of the Plaintiffs Pledges for the pursuing of the Suit, before they make Deliverance of the Distress, but also for the Return of the Beasts, if Return be awarded. (2) And if any take Pledges otherwise, he shall answer for the Price of the Beasts, and the Lord that distraineth shall have his Recovery by Writ, that he shall restore unto him so many Beasts or Cattle; (3) and if the Bailiff be not able to restore, his Superiour shall restore. (4) And forasmuch as it happeneth sometime, that after the Return of the Beasts is awarded unto the Distrainer, and the Party so distrained, after that the Beasts be returned, doth replevy them again, and when he seeth the Distrainer appearing in the Court ready to answer him doth make Default, whereby return of the Beasts ought to be awarded again unto the Distrainer, and so the Beasts be replevied twice or thrice, and infinitely; and the

datum est quod rationabilis districtio advocari poterit de seisinis antecessorum suorum vel predecessorum a tempore quo breve nove disseisine currit. Et quia aliquando contingit quod cum tenens postquam replegiaverit averia sua averia illa vendit vel elongat quo minus returnum fieri possit domino distringenti si adjudicetur.

Provisum est quod vic' aut ballivi de cetero non recipiant a conquerentibus solummodo pleg' de profequendo antequam deliberationem faciant de averiis set etiam de averiis retornandis si adjudicetur returnum. Et si quis alio modo pleg' receperit respondeat ipse de pretio averiorum & habeat dominus distringens recuperare per breve quod reddat ei tot averia vel tot catalla & si non habeat ballivus unde reddat reddat superior suus. Et quia aliquando contingit quod postquam adjudicatum fuerit distringenti returnum averiorum & sic districtus postquam averia sic retornata iterum replegiaverit cum viderit distringentem comparentem in curia paratum sibi respondere defaultam fecerit ob quam iterum adjudicabitur distringenti returnum averiorum & sic bis tertio & in infinitum replegiabuntur averia nec habebunt judicia curie Regis in hoc casu effectum super quo non fuit prius remedium provisum ordinatus est in hoc casu talis processus quod quam cito adjudicatum fuerit distringenti returnum averiorum per breve de judicio mandetur vicecomiti quod returnum habere faciat distringenti de averiis in quo brevi inferatur quod vicecomes ea non deliberet sine brevi in quo fiat mentio de judicio per Just.

Justiciarios reddito quod fieri non poterit nisi per breve quod exeat de rotulis Justiciariorum coram quibus deducta fuerit loquela. Cum igitur adierit Justitice & petierit averia sua iterum replegiari fiat ei hoc breve de judicio quod vicecomes capta securitate de prosequendo & etiam de averiis vel catallis retornandis vel eorum pretio si adjudicetur returnum deliberet ei averia vel catalla prius retornata & attachietur qui distrinxit ad veniendum ad certum diem coram Justiciariis coram quibus placitum deducatur in presentia partium. Et si iterato ille qui replegiaverit fecerit defaultam vel alia occasione adjudicetur returnum distractionis jam bis replegiate remaneat distractio illa imperpetuum irreplegiabilis set si de novo & de nova causa fiat distractio de nova distractione servetur processus supradictus.

Judgements given in the King's Court take no Effect in this Case, whereupon no Remedy hath been yet provided: (5) in this Case such Process shall be awarded, that so soon as Return of the Beasts shall be awarded to the Distrainor, the Sheriff shall be commanded by a judicial Writ to make Return of the Beasts unto the Distrainor; in which writ it shall be expressed, that the Sheriff shall not deliver them without Writ, making mention of the Judgement given by the Justices, which cannot be without a Writ issuing out of the Rolls of the said Justices before whom the Matter was moved. (6) Therefore when he cometh unto the Justices, and desireth Replevin of the Beasts, he shall have a judicial Writ, that the Sheriff taking Surety for the Suit, and also of the Beasts or Cattle to be returned, or the Price of them (if Return be

A Writ of second Deliverance.

awarded) shall deliver unto him the Beasts or Cattle before returned, and the Distrainor shall be attached to come at a certain Day before the Justices, afore whom the Plea was moved in Presence of the Parties. (7) And if he that replevied make Default again, or for another Cause Return of the Distress be awarded, being now twice replevied, the Distress shall remain irrepleviable; (8) but if a Distress be taken of new, and for a new Cause, the Process aforesaid shall be observed in the same new Distress.

A Distress irrepleviable.

CAP. III.

A Cui in vita for the Wife. Where the Wife, or he in Reversion shall be received.

IN casu quando vir amisit per defaultam tenementum quod fuit jus uxoris sue durum fuit quod uxor post mortem viri sui non habuit aliud recuperare quam per breve de Recto propter quod Dominus Rex statuit quod mulier post mortem viri sui habeat recuperare per breve de Ingressu cui

IN case when a Man lost by Default the Land which was the Right of his Wife, it was very hard that the Wife after the Death of her Husband, had none other Recovery but by a Writ of Right; (2) wherefore our Lord the King hath ordained, That a Woman, after the Death of her Husband, shall recover by

A Cui in vita for the Wife, where her deceased Husband lost by Default. Stat. 32. H. 8. c. 28. 2 Inst. 341—346. F.N.B. 193, 194. a Writ

a Writ of Entry (whereto the could not disagree during his Life) which shall be pleaded in Form under-written. (3) If the Tenant do except against the Demand of the Wife, that he entered by Judgement, and it be found that his Entry was by Default, whereto the Tenant of Necessity must make Answer, if it be demanded of him, then he shall be compelled to make further Answer, and to shew his Right according to the Form of the Writ that he purchased before against the Husband and the Wife. (4) And if he can verify that he hath or had Right in the Land demanded, the Woman shall gain nothing by her Writ; which Thing if he cannot shew, the Woman shall recover the Land in Demand; (5) this being observed, that if the Husband absent himself, and will not defend his Wife's Right, or against his Wife's Consent will render the Land, if the Wife do come before Judgement, ready to answer the Demandant, and to defend her Right, the Wife shall be admitted. (6) Likewise if Tenant in Dower, Tenant by the Law of the Land, or otherwise for Term of Life, or by Gift, where the Reversion is reserved, do make Default, or will give up; the Heirs, and they unto whom the Reversion belongeth, shall be admitted to their Answer if they come before Judgement; (7) and if upon such Default, or Surrender, Judgement hap to be given, then the Heirs or they unto whom the Reversion belongeth after the Death of such Tenants, shall have their Recovery by a Writ of Entry, (8) in which like Process shall

cui ipsa in vita sua contradicere non potuit quod in forma predicta erit placitand'. Si contra petitionem mulieris tenens excipiat quod habuit ingressum per iudicium & comperto quod per defaultam ad quod tenens necesse habet respondere si ab eo queratur tunc necesse habet ulterius ostendere jus suum secundum formam brevis quod prius impetravit super vinum & uxorem. Et si verificare poterit quod jus habet in tenemento petito nichil capiat mulier per breve suum quod si ostendere non poterit recuperet mulier tenementum petatum hoc observato quod si vir absentaverit se & noluerit jus uxoris sue defendere vel invita uxore reddere voluerit si uxor ante iudicium venerit parata petenti respondere & jus suum defendere admittatur uxor. Eodem modo si tenens in dotem per Legem Anglie vel aliter ad terminum vite vel per donum in quo reservatur reversion fecerit defaultam vel reddere voluerit admittantur heredes & illi ad quos spectat reversion ad responcionem si venerint ante iudicium & si per defaultam aut reddicionem reddatur iudicium tunc habeant heredes & illi ad quos spectat reversion post mortem huiusmodi tenentium recuperare per breve de Ingressu in quo servetur idem processus sicut dictum est supra in casu ubi vir amittit tenementum uxoris & sic in casibus predictis due concurrunt actiones una inter petentem & tenentem & alia inter tenentem jus suum ostendentem & petentem.

Where the Wife shall be received upon the Husband's Default.

The Receipt of him in the Reversion. Ingressus ad communem legem.

be observed as is aforesaid, in case where the Husband loseth his Wife's Land by default. (9) And so in the Cases aforesaid two Actions do concur, one between the Demandant and Tenant, and another between the Tenant shewing his Right, and the Demandant.

CAP. IV.

Where the Wife shall be endowable of Lands recovered against her Husband. Where the Heir may avoid a Dower recovered. A Remedy for particular Tenants losing by Default.

IN casu quando vir implacitatus de tenemento reddi tenementum petitum suo adversario de plano post mortem viri Justiciarii adjudicant mulieri dotem suam si per breve queratur. Sed in casu quando vir amittit tenementum petitum per defaultam si mulier post mortem viri sui petat dotem compertum est quod per aliquos Justiciarios adjudicata fuerit dos mulieri petenti non obstante defaulta quam vir suus fecit aliis Justiciariis in contraria opinione existentibus & contrarium judicantibus. Ut de cetero arripatur hujusmodi ambiguitas sic in certo ordinatum est quod in utroque casu audiat mulier que dotem petit. Et si excepiatur contra ipsam quod vir ipsum tenementum unde dos petita est amisit per judicium per quod dotem habere non debet Et si queratur per quod judicium & compertum fuerit quod per defaultam ad quod tenens necesse habet respondere tunc oportet tenentem ulterius respondere & ostendere quod ipse tenens jus habuit & habet in predicto tenemento secundam formam brevis quod prius super virum impetravit. Et si ostendere poterit quod vir mulieris non habuit jus in tenemento nec aliquis alius quam

IN case where the Husband, The Wife shall be endowable, though the Land be recovered against her Husband by Covin, or by Default.
 being impleaded for Land, giveth up the Land demanded unto his Adversary by Covin; after the Death of the Husband the Justices shall award the Wife her Dower, if it be demanded by Writ. (2) a Inst. 347— 353.
 But in case where the Husband loseth the Land in demand by Default, if the Wife after the Death of her Husband, demandeth her Dower, it hath been proved, that some Justices have awarded unto the Woman her Dower notwithstanding the Default which her Husband made, other Justices being of the contrary Opinion, and judging otherwise. To the intent that from henceforth such Ambiguity shall be taken away, it is thus ordained in certain, That in both Cases the Woman demanding her Dower shall be heard. (3) And if it be alledged against her, that her Husband lost the Land, whereof the Dower is demanded by Judgement, whereby she ought not to have Dower, and then it be enquired by what Judgement, and it be found that it was by Default, whereunto the Tenant must answer; then it behoveth the Tenant to answer further, and to shew that he had Right, and hath in the aforesaid Land, ac-

according to the Form of the Writ that the Tenant before purchased against the Husband. (4) And if he can shew that the Husband of such Wife had no Right in the Lands, nor any other but he that holdeth them, the Tenant shall go quit, and the Wife shall recover nothing of her Dower; which Thing if he cannot shew, the Wife shall recover her Dower. (5) And so in these Cases, and in certain other following, that is to say, When the Wife being endowed loseth her Dower by Default, and Tenants in free Marriage, by the Law of *England*, or for Term of Life, or in Feetail, divers Actions do concur for such Tenants, when they must demand their Land, lost by Default: (6) And when it is come to that Point, that the Tenants must be compelled to shew their Right, they cannot make answer without them to whom the Reversion of Right belongeth; therefore it is granted unto them to vouch to Warranty, as if they were Tenants, if they have a Warranty. (7) And when the Warrantor hath warranted, the Plea shall pass between him that is seised and the Warrantor, according to the Tenor of the Writ that the Tenant purchased before, and by which he recovered by default; (8) and so from many Actions at length they shall resort to one Judgement, which is this, That the Demandants shall recover their Demand, or the Tenants shall go quit. (9) And if the Action of such a Tenant, which is compelled to shew his Right, he moved by a Writ of Right, though that the great

quam ipse qui tenet recedat quietus & uxor nichil capiat de dote quod si ostendere non poterit recuperet mulier dotem suam. Et sic in casibus istis & in quibusdam casibus subsequentibus scilicet quando uxor dotata amittit dotem per defaultam & tenentes in matrimonium per Legem Anglie vel ad terminum vite vel per feodum talliatum concurrunt plures actiones quia hujusmodi tenentes cum oporteat eos petere tenementa sua per defaultam amissa & ad hoc perventum fuerit quod tenens necesse habet ostendere jus suum non possunt ipsi sine hiis ad quos spectat reversio de jure respondere Et ideo conceditur eis quod vocent ad warrantum ac si essent tenentes si warrantum habeant. Et cum warrantus warrantizaverit procedat placitum inter illum qui seiscitus est & warrantum secundum tenorem brevis quod tenens prius impetravit & per quod recuperavit per defaultam & sic ex pluribus actionibus ad ultimum perveniat ad unum judicium videlicet ad hoc quod hujusmodi petentes recuperent petitionem suam vel quod tenentes eant quieti. Et si actio hujusmodi tenentis qui necesse habet ostendere jus suum mota fuerit per breve de Recto licet magna assisa vel duellum jungi non possit per verba consueta jungi tamen possunt per verba satis apta Quia cum tenens in hoc quod ostendit jus suum quod ei competit per breve quod prius impetravit sit loco actoris bene poterit warrantus defendere jus tenentis qui loco petentis ut dictum est habetur & seisinam antecessoris sui offerre defendere per corpus liberi

A Remedy for Tenants for Life, &c. which do lose their Land by Default.

The particular Tenants may vouch him in the Reversion. Hob. 299.

Assise

beri hominis sui vel ponere se in magnam assisam & petere recognitionem fieri utrum ipse majus jus habeat in tenemento petito an predictus talis. Vel alio modo jungi poterit magna assisa sic Talis defendit jus, &c. & cognoscit seisinam antecessoris sui & ponit se in magnam assisam, &c. & petit recognitionem fieri utrum ipse majus jus habeat in predicto tenemento ut in illo de quo feoffavit talem vel quod talis remissit & quietum clamavit, &c. an predictus talis. Cum aliquando contingat quod mulier non habens jus petendi dotem heredem alicujus infra etatem existente impetret breve de dote super custodem & custos per favorem mulieris dotem reddiderit vel defaultam fecerit vel placitum ita fide per collusionem defenderit per quod dos hujusmodi mulieri in prejudicium heredis adjudicata fuerit provisum est quod heres cum ad etatem pervenerit habeat actionem petendi seisinam antecessoris sui versus hujusmodi mulierem qualem haberet versus alium quemcumque deforciatorem Ita tamen quod salva sit mulieri versus petentem exceptio ostendere quod jus habet in dote sua quod si ostendere poterit recedat quieta & dotem suam retineat & sit heres in misericordia & amercietur graviter secundum discretionem Justic' sin autem recuperet heres petitionem suam. Eodem modo subveniatur mulieri si heres vel alius eam implacitaverit de dote sua si dotem suam per defaultam amiserit in quo casu sua defaulta non sit ei ita prejudicialis quin dotem suam si jus habeat recu-

Assise or Battail cannot be joyned by the Words accustomed, yet it shall be joyned by Words convenient; (10) for when the Tenant, in that he sheweth his Right which belongeth to him by the Writ that he before purchased, instead of a Demandant, the Warrantor may well defend the Right of the Tenant, which is accounted in Place of the Demandant, as before is said, and offer to defend the Seisin of his Ancestors by the Body of his Freeman, or put himself in the great Assise, and pray Recognizance to be made, whether he hath more Right to the Land in demand, or else the Party before named. (11) Or otherwise the great Assise may be joyned thus, *Talis defendit jus, &c.* and so the Warrantor may defend the Right, and knowledge the Seisin of his Ancestor, and put himself in the great Assize, &c. and pray Recognizance to be made, whether he hath more Right in the foresaid Land, as in that whereof he infeoffed such a Man, or that such a one released and quit claimed, &c. or else the foresaid Party, &c. (12) And where sometime it chanceth that a Woman not having Right to demand Dower, the Heir being within Age, doth purchase a Writ of Dower against a Guardian, and the Guardian endoweth the Woman by Favour, or maketh Default, or by Collusion defendeth the Plea so faintly, whereby the Woman is awarded her Dower in Prejudice of the Heir; (13) it is provided, That the Heir, when he

The Heir avoideth a Woman of her Dower recovered against his Guardian.

A Woman's
Dower recovered
against
her by De-
fault.

He cometh to full Age, shall have an Action to demand the Seisin of his Ancestor against such a Woman, like as he should have against any other Deforcestor; yet so, that the Woman shall have her Exception saved against the Demandant, to shew that she had Right to her Dower, which if she can shew, she shall go quit and retain her Dower, and the Heir shall be grievously amerced according to the Discretion of the Justices; and if not, the Heir shall recover his Demand, &c. (14) In like Manner the Woman shall be aided, if the Heir or any other do implead her for her Dower, or if she lose her Dower by Default, in which case the Default shall not be so prejudicial to her, but that she shall recover her Dower, if she have Right thereto, and she shall have this Writ:

[II. Præcipe A. quod juste, &c. reddat B. quæ fuit uxor F. tantam terram cum pertinentiis in C. quam clamat esse rationabilem dotem suam, vel de rationabili dote sua, & quod prædictus A. ei deforceat, &c.]

(2) And to this Writ the Tenant shall have his Exception, to shew that she had no Right to be endowed; which if he can verify, he shall go quit; if not, the Woman shall recover the Land whereof she was endowed before. (3) And whereas before time, if a Man had lost his Land by Default, he had none other Recovery than by a Writ of Right, which was not maintainable by any that could not claim of meer Right, as Tenants for Term of Life, in free Marriage, or in Tail, in which

recuperare possit & sine ei tale breve:

Præcipe A. quod juste, &c. reddat tali quæ fuit uxor talis tantam terram cum pertinentiis in N. quam clamat esse rationabilem dotem suam vel de rationabili dote sua & quam talis ei deforç. Et ad istud breve habeat teneris exceptionem suam ad ostendendum quod mulier just non habet in dote quod si verificari poterit recedat quietus alioquin reciperet mulier tenementum quod prius tenuit in dotem. Et cum temporibus retroactis aliquis terram suam amisisset per defaultam non habuit aliud recuperare quam per breve de recto quod eis competere non poterit qui de mero jure loqui non potuerunt veluti tenentes ad terminum vite vel per liberum maritadium vel per feudum talliatum in quibus casibus salvatur reversio provisorium est decetero quod eorum defaulta non sit eis ita prejudicialis quin statum suum si jus habeant recuperare possint per aliud breve quam per breve de Recto. De maritagio amisso per defaultam fiat tale breve:

Præcipe A. quod juste, &c. reddat B. tale manerium de C. cum pertinentiis quod clamat esse jus & maritadium suum & quod A. ei injuste deforç.

Eodem modo de tenementa tento ad terminum vite per defaultam amisso fiat breve:

Præcipe A. quod juste & sine dilatione reddat B. manerium de C. cum pertinentiis quod clamat esse jus & maritadium suum & quod prædictus A. ei injuste deforç vel, quod clamat tenere ad terminum vite sue, vel, quod clamat tenere sibi & hereditibus suis de corpore suo exeantibus & quod prædictus A. ei injuste deforç.

Estates

Co. Lit. 131. b.
354. b.
355. a.
356. a.

Estates & Reversion is reserved; (4) It is provided, That from henceforth their Default shall not be so prejudicial, But that they may recover their Estate by another Writ than by a Writ of Right, if they have Right. (5) For Land in free Marriage, lost by Default, such a Writ shall be made:

[Præcipe A. quod iuste, &c. reddat B. maritimum de D. cum pertinentiis, quod clamat esse jus & maritadium suum, & quod A. ei iniuste deforceat.]

(6) Likewise of Land for Term of Life, lost by Default, this Writ shall be made:

[Præcipe A. quod iuste, & sine dilatione, &c. reddat B. maritimum de D. cum pertinentiis, quod clamat tenere ad terminum vite sue, & quod prædictus A. ei deforceat.]

Likewise,

[(7) Quod clamat tenere sibi, & heredibus de corpore suo legitime præteritis, & quod prædictus A. ei deforceat.]

CAP. V.

Remedies to redress Usurpations of Advowsons of Churches, &c.

CUM de advocacionibus, ecclesiarum non sint nisi tria brevia originalia videlicet breve de Recto & duo de Possessione scilicet. Ultime presentationis & Quare impedit & hucusque usitatum fuerit in regno quod cum aliquis jus non habens presentandi presentaverit ad aliquam ecclesiam cujus presentatus sit admissus ipse qui verus est patronus per nullum aliud breve recuperare poterit advocacionem suam quam per breve de Recto quod habet terminari per duelum vel per magnam assisam per quod heredes infra etatem existentes per fraudem & negligentiam custodum heredes etiam sive majores sive minores per negligentiam vel fraudem tenentium in dotem per Legem Anglie vel mulierum tenentium in dotem vel alio modo ad terminum vite vel annorum vel feodum talliatum multotiens exheredationem patiebantur de advocacionibus suis vel ad minus quod melius eis fuit

WHEREAS of Advowsons of Churches there be but Three original Writs, that is to say, One Writ of Right, and Two of Possession, which be Dairein Presentant; and Quare impedit; (2) and hisheirio it hath been used in the Realm, that when any having no Right to present, had presented to any Church, whose Clerk was admitted, he that was very Patron could not recover his Advowson, but only by a Writ of Right, which should be tried by Battail or by great Assise, whereby Heirs within Age, by Fraud; or esse by Negligence of their Wardens, and Heirs both of great and mean Estate, by Negligence or Fraud of Tenants by the Courtise, Women Tenants in Dowet, or otherwise, for Term of Life, or for Years, or in Fee-tail, were many Times disinherited of their Advowsons, or at least (which was the better for them) were driven to their Writ of Right, in which Case hitherto they were utterly disinherited; (3) it is provided

Quod ei deforceat for Tenant in Frank-marriage. For Tenant for Life, or in Tail. F.N.B. 155.

Three original Writs of Advowson. 2 Inst. 353—365. Hob. 238, &c. Stat. 7 Anc. 18. Watson's Compl. In-ctamb. 131, 138.

Usurpation of Churches during particular Estates shall not prejudice them in the Reversion.

25 Ed. 3. stat. 3.
c. 7.

videl, that such Presentments shall not be so prejudicial to the right Heirs, or to them unto whom such Advowsons ought to revert after the Death of any Persons: (4) For as often as any, having no Right, doth present during the Time that such Heirs are in Ward, or during the Estates of Tenants in Dower, by the Courtessie, or otherwise, for Term of Life, or of Years, or in Tail; at the next Avoidance, when the Heir is come to full Age, or when after the Death of the Tenants before named the Advowson shall revert unto the Heir being of full Age, he shall have such Action by Writ of Advowson Possessorie, as the last Ancestor of such an Heir should have had at the last Avoidance happening in his Time, being of full Age before his Death, or before the Demise was made for Term of Life, or in Fee-tail, as before is said. (5) The same shall be observed in Presentments made unto Churches, being of the Inheritance of Wives, what Time they shall be under the Power of their Husbands, which must be aided by this Estatute by the Remedy aforesaid. (6) Also religious Men, as Bishops, Archdeacons, Parsons of Churches, and other spiritual Men, shall be aided by this Estatute, in case any having no Right to present do present unto Churches belonging to Prelacies, spiritual Dignities, Parsonages, or to Houses of Religion, what Time such Houses, Prelacies, spiritual Dignities, or Parsonages be vacant.

Presentations
to Churches of
Women during
their Co-
verture.

Churches of
religious Per-
sons.

fuit ponebantur ad breve de Recto & in casu omnino exheredati fuerunt hucusque statutum est quod hujusmodi presentationes non sint hujusmodi rectis heredibus aut illis ad quos post mortem aliquorum hujusmodi advocaciones reveri debent prejudiciales quia quotienscumque aliquis jus non habens tempore hujusmodi custodarium presentaverit vel tempore tenentium in dotem per Legem Anglie vel alio modo ad terminum vite vel annorum vel per feodum talliatum in proxima vacatione postquam heres ad etatem pervenerit vel advocatio post mortem in forma predicta tenentium ad heredem plene etatis existentem revertitur habeat eandem actionem & exceptionem per breve de Advocacione possessorium qualem haberet ultimus antecessor hujusmodi heredis plenam habens etatem in ultima vacatione tempore suo accidente ante mortem suam vel antequam dimissio facta fuerit ad terminum vel ad feodum talliatum ut predictum est. Hoc idem observetur de presentationibus factis ad ecclesias de hereditate uxorum tempore quo fuerunt sub potestate virorum suorum quibus per istud statutum subveniatur per remedium suprascriptum. Viris etiam religiosis Episcopis Archiepiscopis Rectoribus ecclesiarum & aliis personis ecclesiasticis per istud idem statutum subveniatur Si quis jus presentandi non habens presentaverit ad ecclesias domibus suis prelatie dignitati aut personatui spectantes tempore quo vacaverint prelatie dignitates aut personatus hujusmodi.

Nec tamen ita large intelligatur istud statutum quod persone ad quarum remedium istud statutum est editum habeant recuperare supradictum dicentes quod custodes tenentes in domum per Legem Anglie vel aliter ad terminum vite vel annorum vel viri sicte defenderunt placitum per ipsos vel contra ipsos motum Quia judicia in curia Regis reddita per istud statutum non adnichilentur set stet iudicium in suo robore quousque per iudicium curie Regis tanquam erroneum si error inveniatur adnulletur vel assisa Ultime presentationis vel Inquisitio per breve Quare impedit si transferit per attinctam vel per certificationem adnulletur que gratis concedatur. Et de cetero una forma placitandi in brevibus Ultime presentationis & Quare impedit inter Justice observetur quoad hoc si pars rea excipiat de plenitudine ecclesie per suam propriam presentationem non propter plenitudinem illam remaneat loquela dummodo breve infra tempus semestre impetretur quamquam infra tempus semestre presentationem suam recuperare non possit. Et cum aliquando inter plures clamantes advocationem alicujus ecclesie pax fuerit formata inter partes & irrotulata coram Justice in rotulo vel in fine sub hac forma quod unus primo presentet & in sequente vacatione alius & in tertia tertius et sic de pluribus si plures sint Et cum unus presentaverit & habuerit suam presentationem quam habere debet per formam illius conventionis & in proxima vacatione impediatur ille ad quem sequens spectat presentatio per aliquem qui fuit

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II Neither shall this Act be so largely understood, that such Persons, for whose Remedy this Statute was ordained, shall have the Recovery aforesaid, surmising that Guardians of Heirs, Tenants in Tail, by the Courtesie, Tenants in Dowry, for Term of Life, or for Years, or Husbands, faintly have defended Pleas moved by them, or against them; (2) because the judgements given in the King's Courts shall not be adnulled by this Statute, the Judgement shall stand in his Force, until it be reversed in the Court of the King as erroneous, if Error be found; (3) or by Assise of *Darrein presentment*, or by Enquest by a Writ of *Quare impedit*, if it be passed, or be adnulled by Attaint, or Certification, which shall be freely granted. (4) And from henceforth one Form of Pleading shall be observed among Justices in Writs of *Darrein Presentment* and *Quare impedit*, in this Respect, if the Defendant alledgeth Plenarty of the Church of his own Presentation, the Plea shall not fail by reason of the Plenarty; so that the Writ be purchased within six Months, though he cannot recover his Presentation within the six Months. (5) And sometimes when an Agreement is made between many claiming one Advowson, and inrolled before the Justices in the Roll, or by Fine, in this Form, that one shall present the first Time, and at the next Avoidance another, and the third Time another; and so of many, in case there be many. (6) And when one hath presented, and had his Presentation, which he ought to have

Judgements given shall not be reversed but by Writ of Error or Attaint.

The Defendant pleadeth Plenarty of his own Presentation.

Presentations to a Church by Composition.

N

according to the Form of their Agreement and Fine, and at the next Avoidance he to whom the second Presentation belongeth, is disturbed by any that was Party to the said Fine, or by some other in his Stead; (7) it is provided, That from henceforth they that be so disturbed shall have no need to sue a *Quare impedit*, but shall resort to the Roll or Fine; (8) and if the said Concord or Agreement be found in the Roll or Fine, then the Sheriff shall be commanded, that he give Knowledge unto the Disturber, that he be ready at some short Day, containing the Space of Fifteen Days, or three Weeks (as the Place happeneth to be near or far) for to shew if he can alledge any Thing, wherefore the Party that is disturbed ought not to present: (9) And if he come not, or peradventure doth come, and can alledge nothing to bar the Party of his Presentation, by Reason of any Deed made or written * since the Fine was made or inrolled, he shall recover his Presentation with his Damages. (10) And where it chanceth that after the Death of the Ancestor of him that presented his Clerk unto a Church, the same Advowson is assigned in Dower to any Woman, or to Tenant by Curtesie, which do present, and after the Death of such Tenants the very Heir is disturbed to present when the Church is void, (11) it is provided, That from henceforth it shall be in the Election of the Party disturbed, whether he will sue a Writ of *Quare impedit*, or of *Darrein presentment*. The same shall be observed in Advowsons

denisid

pars illius conventionis vel loco ejus statutum est quod de cetero non habeant hujusmodi impediti necesse perquirere breve *Quare impedit* set habeat recursum ad rotulum vel ad finem Et si in rotulo vel in fine comperta fuerit predicta pax vel conventio mandetur vicecomiti quod scire faciat parti impeditenti quod sit ad aliquem brevem diem continentem spatium quindecim dierum vel trium septimanarum secundum quod locus est propinquus vel remotus ostensurus si quid sciat dicere quare sic impeditus talem presentationem suam habere non debeat Et si non venerit vel forte venerit & nichil sciat dicere quare sic impeditus presentationem suam habere non debeat ratione alicujus facti post pacem irrotulatam vel cirographatam recuperet presentationem suam cum dampnis suis. Et cum contingat quod post mortem antecessoris sui qui ad ecclesiam presentaverit assignata fuerit illa advocatio in dotem alicujus mulieris vel teneatur per Legem Anglie et tenentes in dotem [vel] per Legem Anglie presentaverint & verus heres post mortem hujusmodi tenentium per Legem Anglie vel in dotem impediatur presentare cum ecclesia vacaverit provifum est quod de cetero sit in electione impediti utrum perquirere velit per breve *Quare impedit* vel *Ultime presentationis*. Hoc etiam observetur de advocatibus dimissis ad terminum vite vel annorum vel ad feudum talliatum.

Et de cetero in brevibus *Ultime presentationis* & *Quare impedit* adjudicentur dampna videlicet

The Remedy for a Disturbance after a particular Estate ended.

* Any thing done since, &c.

videlicet si tempus semestre transierit per impedimentum alicujus ita quod si Episcopus ecclesiam conferat & verus patronus ea vice presentationem suam amittat adjudicentur dampna ad valorem medietatis ecclesie per annum. Et si impeditor nichil habeat unde restituere possit dampna in casu quando Episcopus confert per lapsum temporis puniatur per prisonam duorum annorum Et si advocatio distracionetur infra tempus semestre puniatur tamen impeditor per prisonam dimidii anni.

Et de cetero concedantur brevia de Capellis prebendis vicariis Hospitalibus Abbatibus Prioratibus & aliis domibus que sunt de advocacionibus aliquorum que prius concedi non consueverunt. Et cum per breve Indicavit impediatur rector alicujus ecclesie ad petendum decimas in vicina parochia habeat patronus rectoris sic impediti breve ad petendum advocacionem decimarum petitarum Et cum distracionaverit procedat postmodum placitum in curia Christianitatis quantum distracionatum fuerit in curia Regis.

Cum advocatio descendit participibus licet unus bis presentet & usurpet super coheredem non propter hoc exclusus sit ille in toto qui fuit negligens set alias habeat turnum suum presentandi cum acciderit.

Writ to demand the Advowson of the Tythes being in demand; (3) and when it is deraigned, then shall the Plea pass in the Court Christian, as far forth as it is deraigned in the King's Court.

V. When an Advowson descendeth unto Parceners, though one present twice, and usurpeth upon his Coheir, yet he that was negligent shall not be clearly barred, but another Time shall have his Turn to present when it falleth.

demised for Term of Life, or Years, or in Fee-tail.

III And from henceforth in Writs of *Quare Impedit* and *Darrein Presentment*, Damages shall be awarded, that is to wit, If the Time of six Months pass by the Disturbance of any, so that the Bishop do confer to the Church, and the very Patron loseth his Presentation for that Time, Damages shall be awarded for two Years Value of the Church. (2) And if the six Months be not passed, but the Presentment be deraigned within the said Time, then Damages shall be awarded to the Half Year's Value of the Church; (3) and if the Disturber have not whereof he may recompense Damages, in case where the Bishop confereth by Lapse of Time, he shall be punished by two Years Imprisonment: (4) And if the Advowson be deraigned within the half Year, yet the Disturber shall be punished by the Imprisonment of half a Year.

IV. And from henceforth Writs shall be granted for Chapels, Prebends, Vicarages, Hospitals, Abbeys, Priories, and other Houses which be of the Advowsons of other Men, that have not been used to be granted before. (2) And when the Parson of any Church is disturbed to demand Tythes in the next Parish by a Writ of *Indicavit*, the Patron of the Parson so disturbed, shall have a

Damages in *Quare impedit* and *Darrein presentment*. In Case of the King.

Quare impedit of Prebends, Vicarages, Hospitals, &c.

Disturbance by *Indicavit*.

Usurpation by one Coparcener upon another.

C A P. VI.

The Penalty if a Tenant impleaded voucheth, and the Vouchee denieth his Warranty.

The Penalty where the Vouchee denieth his Warranty.
2 Inst. 366.

WHEN any demandeth Land against another, and the Party that is impleaded voucheth to Warranty, and the Warrantor denieth his Warranty, and the Plea hangeth long between the Tenant and the Warrantor; (2) and at length, when it is tried, that the Vouchee is bound to Warranty: by the Law and Custon of the Realm hitherto used there was none other Punishment assigned for the Vouchee that denieth his Warranty, but only that he should warrantize, and should be amerced, because he did not warrant before, (3) which was prejudicial unto the Demandant, because he suffered oftentimes great Delays by Collusion between the Tenant and the Warrantor. (4) Wherefore our Lord the King hath ordained, That like as the Tenant should leese the Land being in Demand, in case where he vouched, and the Vouchee could discharge himself of the Warranty, in the same wise shall the Warrantor leese in case where he denieth his Warranty, and it be tried against him that he is bounden to Warranty. (5) And if an Inquest be depending between the Tenant and the Warrantor, and the Demandant will require a Writ to cause the Jury to come, it shall be granted him.

A Venire facias at the Demandant's Request.

Process in a Writ of Admeasurement of Dower or Pasture.
2 Inst. 367 — 369.
F.N.B. 148.

A Writ of Admeasurement of Dower shall be from henceforth granted to a Guardian; (2) neither shall the Heir, when he cometh to full Age, be barred by the Suit of such a Guardian, that sueth against

CUM quis petat tenementum versus alium & implacitatus vocaverit ad warrantum & warrantus dedicat warrantiam & diu pendeat placitum inter tenentem & warrantum cum ad ultimum convincatur quod vocatus ad warrantum warrantizare tenetur per legem & consuetudinem hactenus usitatum non fuit aliqua pena inflicta vocato qui warrantizare dedixit nisi tantum quod warrantizaret & esset in misericordia quia prius non warrantizavit quod durum fuit petenti qui multotiens per collusionem inter tenentem & warrantum magnas sustinuit dilaciones. Propter quod statuit dominus rex quod sicut tenens amitteret tenementum petitum si vocasset ad warrantum & warrantus se posset devolvere de warantia eodem modo amittat warrantus si warantiam dedicat & convincatur quod warrantizare debeat. Et si inquisitio pendeat inter tenentem & warrantum & petens petat breve ad faciendum venire juratam concedatur ei.

C A P. VII.

Admeasurement of Dower for the Guardian and the Heir, and the Process therein.

CUSTODI de cetero concedatur breve de Amensuratione dotis nec per sectam custodis si flicte & per collusionem sequatur versus mulierem tenentem in dotem precludatur heres cum ad etatem pervenerit

rit ad dotem amensurandum secundum quod per Legem Anglie fuerit amensuranda. Et tam in brevi isto quam in brevi de Amensuratione pasture celerior quam prius de cetero fit processus Ita quod cum perventum fuerit ad magnam distinctionem dentur dies infra quos duo comitatus teneantur ad quos publica fiat proclamatio quod defendens veniat ad diem in brevi contentum querenti responfurus ad quem diem si venerit procedat placitum inter eos Et si non venerit & proclamatio supradicto modo per vicecomitem testificata fuerit procedatur per defaltam ad amensurationem faciendam.

(5) and if he do not come, and the Proclamation be testified by the Sheriff in manner abovesaid, upon his Default they shall make Admeasurement.

C A P. VIII.

In what Case a Secunda superoneratione Pasturæ shall be awarded.

CUM per placitum motum per breve de Amensuratione pasture pastura fuerit amensurata aliquando coram justic' aliquando in comitatu coram vicecomite multotiens contingit quod post hujusmodi amensurationem factam iterum ponit ille qui primo superoneravit pasturam plura animalia quam ad ipsum pertinet habenda nec hucusque provisum esset remedium statutum est quod de secunda superoneratione fiat remedium querenti sub hac forma quod conquerens habeat breve de Judicio si coram Justic' amensurata fuerit pastura quod vicecomes in presentia partium premunitarum si interesse voluerint inquireat de secunda superoneratione que si inventa fuerit mandetur

gainst the Tenant in Dower feignedly, and by Collusion, but that he may admeasure the Dower after, as it ought to be admeasured by the Law of *England*. (3) And as well in this Writ, as in a Writ of *Admeasurement of Pasture*, more speedy Process shall be awarded than hath been used hitherto; (4) so that when it is come unto the great Distress, Days shall be given, within which two Counties may be holden, at the which open Proclamation shall be made, that the Defendant shall come in at the Day contained in the Writ, to answer to the Plaintiff; at which Day, if he come in, the Plea shall pass between them;

and the Proclamation be testified by the Sheriff in manner abovesaid, upon his Default they shall make Admeasurement.

WHereas by a Plea moved F.N.B. 125.
2 Inst. 369, 370. upon a Writ of Admeasurement of Pasture, the Pasture was some time admeasured before the Justices, sometime before the Sheriff in the County, (2) and it chanced many times, after such Admeasurement made, the Pasture to be overcharged again by him that first did it, with more Beasts than he ought to keep, whereupon no Remedy hath been yet provided; (3) it is ordained, That upon the second Overcharge, the Plaintiff shall have Remedy in this manner: (4) If the Admeasurement were before the Justices, the Plaintiff shall have a Writ judicial, that the Sheriff in Presence of the Parties being summoned (if they will come) shall inquire upon the

Admeafurement before Justices.

second Overcharge ; which if it be found, it fhall be returned before the Justices, under the Seals of the Sheriff, and the Seals of the Jurors ; (5) and the Justices fhall award the Plaintiff Damages, and fhall put in the Extreates the Value of the Beasts which were put into the Pasture after fuch Admeafurement more than he ought, and fhall deliver the Extreates unto the Barons of the Exchequer, whereof they fhall answer unto the King. (6) If fuch Admeafurement were made in the County, then at the Request of the Plaintiff, a Writ fhall go out of the Chancery, that the Sheriff fhall inquire of fuch Overcharge ; and for the Beasts put in the Pasture above the due Number, or for the Value of them, he fhall answer to the King at the Exchequer. (7) And left the Sheriff might defraud the King in this Cafe, it is agreed, that all fuch Writs *De fecunda superoneratione*, that pafs out of the Chancery, fhall be inrolled, and at the Year's End the Transcripts fhall be fent into the Exchequer under the Chancellor's Seal, that the Treasurer and Barons of the Exchequer may fee how the Sheriff doth answer of the Issues of fuch Writs. (8) In the fame

Admeafurement in the County.

Rediffeifin.

wife Writs of Rediffeifin fhall be inrolled and fent into the Exchequer at the Year's End.

CAP. IX.

In what Cafe the Writ of Mesne is to be purfued.

2 Inft. 373 —
376.

WHEN chief Lords diftrain in their Fee for Customs and Services to them due, and there is a Mean which ought to acquit the Tenant, fithence it lieth not in the Mouth of the Tenant, after that he hath replevied the Distress, to deny the Demand of the chief Lord, which avoweth in the

detur Justic' sub sigillo vicecomitis & sigillis juratorum & Justiciarii adjudicent dampna conquerenti & ponant in extractis valorem animalium que superonerans post amenfurationem factam posuit in pasturam ultra quod debuit & extractas liberent Baronibus de Scaccario ut inde respondeant domino regi. Si in comitatu facta fuerit amenfuratio tunc ad instantiam querentis exeat breve de cancellaria quod vicecomes inquirat super hujusmodi superoneratione Et de averiis positus in pastura ultra debitum numerum vel de pretio domino regi ad scaccarium suum respondeant. Et ne vicecomites fraudem faciant domino Regi in isto casu concordatum est quod omnia hujusmodi brevia de secunda superoneratione que exeunt de cancellaria irrotulentur & in fine anni mittatur transcriptum ad Scaccarium sub sigillo Cancellarii ut videant Thesaurarius & Barones de Scaccario qualiter vicecomites respondeant de exitibus hujusmodi brevium. Eodem modo irrotulentur brevia de Rediffeifina & mittantur ad Scaccarium in fine anni.

CUM capitales domini diftringant feodum suum pro serviciis & consuetudinibus sibi debitis & medius sit qui tenentem acquietare debet cum non jaceat in ore tenentis postquam distractionem replegiaverit deducere demandam capitalis domini qui advocat in curia domini

mini regis justam distractionem fieri super tenentem suum videlicet super medium multi per hujusmodi distractiones hucusque gravati extiterunt per hoc quod medius licet haberet per quod distringi posset magnas fecerit dilationes antequam ad curiam venerit ad respondendum hujusmodi tenentibus suis ad breve de medio per hoc etiam quod durius fuit in casu quando medius nichil habuit In casu etiam quando si tenens paratus esset facere capitali domino servicia & consuetudines exactas & capitalis dominus servicia & consuetudines sibi debitas renuebat percipere per manus alterius quam proximi tenentis sui & sic amiserunt hujusmodi tenentes in dominico proficuum terrarum suarum aliquando ad tempus aliquando toto tempore suo nec fuit antea aliquod remedium in hoc casu provisum Ordinatum est & provisum in hoc casu remedium imposterum sub hac forma quod quam cito hujusmodi tenens in dominico habens medium inter ipsum & capitale dominum distringitur statim perquirat sibi tenens breve de Medio & si medius habens terram in eodem comitatu diffugerit usque ad magnam distractionem detur querenti in brevi suo de magna distractione talis dies ante cujus adventum duo comitatus teneantur & precipiatur vicecomiti quod distringat medium per magnam distractionem prout in brevi continetur Et nichilominus vicecomes in duobus plenibus comitatibus solemniter proclamari faciat quod hujusmodi medius veniat ad diem in brevi contentum responsurus tenenti suo ad quem diem si venerit procedat placitum inter eos modo consueto

the King's Court, that the Distress is lawfully taken upon his Tenant, which is upon the Mean; (2) and many have been heretofore sore grieved by such Distresses, in so much as the Mean (notwithstanding that he hath whereby he may be distrained) doth make long Delays before he will come into the Court to answer for his Tenant unto the Writ of Mean; (3) and further, the Case was most hard when the Mean had nothing: (4) In case also when the Tenant was ready to do his Services and Customs unto his Lord, and the chief Lord would refuse to take such Services and Customs by the Hands of any other than of his next Tenant, and so such Tenants in Demean lost somewhiles the Profits of their Lands for a Time, and somewhiles for their whole Time, and hitherto no Remedy hath been provided in in this Case: (5) a Remedy is provided and ordained hereafter in this Form, That so soon as such Tenant in Demean (having a Mean between him and the chief Lord) is distrained, incontinent the Tenant shall purchase his Writ of Mean. (6) And if the Mean, having Land in the same County, absent himself until the great Distress awarded, the Plaintiff shall have such Day given him in his Writ of great Distress, afore the coming whereof two Counties may be holden, and the Sheriff shall be commanded to distrain the Mean by the great Distress, like as it is contained in the Writ, and nevertheless the Sheriff in two full Counties shall cause to be proclaimed solemnly, that the Mean do come at a Day contained in the Writ, to answer his Tenant; (7) at which Day, if he come, the Plea shall pass between

A Writ of Mesne, and the Process therein. Post. c. 45.

Co. Lit. 100.8

The Mean
fore judged of
his Fee and
Services.

between them after the common Usage; (8) and if he do not come, then such Meſne ſhall loſe the Services of his Tenant, and from thenceforth the Tenant ſhall not answer him in anything; but the ſame Mean being excluded, he ſhall answer unto the chief Lord for ſuch Services and Customs as before he ought to have done to the ſame Mean; (9) neither ſhall the chief Lord have Power to diſtrain, ſo long as the aforeſaid Tenant doth offer him the Services and Customs due. (10) And if the chief Lord exact more than the Mean ought to do, the Tenant in ſuch Caſe ſhall have ſuch Exceptions as the Mean ſhould. (11) And if the Mean have nothing within the King's Dominion, the Tenant ſhall nevertheless purchaſe his Writ of Mean to the Sheriff of the ſame Shire wherein he is diſtrained. (12) And if the Sheriff return, that he hath nothing whereby he may be ſummoned, then ſhall the Tenant ſue his Writ of *Attachment*. (13) And if the Sheriff return, that he hath nothing to be attached by, he ſhall nevertheless ſue his Writ of *Great Diſtreſs*, and Proclamation ſhall be made in Form aboveſaid. (14) And if the Mean have no Land in the Shire where the Diſtreſs is taken, but hath Land in ſome other Shire, then a Writ Original ſhall iſſue to ſummon the Mean unto the Sheriff of the ſame Shire where the Diſtreſs is taken, and when it is returned by the Sheriff that he hath nothing in his Shire, a Writ Judicial ſhall iſſue to ſummon the Mean unto the Sheriff of the ſame Shire, in which it ſhall be

fuetio Et ſi non venerit amittat hujusmodi medius ſervitium tenentis ſui & amodo non reſpondeat ei tenens in aliquo ſet omiſſo illo medio reſpondeat capitali domino de eiſdem ſervitiis & conſuetudinibus que prius facere debuit predicto medio nec habeat capitalis dominus poteſtatem diſtringendi dum predictus tenens offerat ei ſervicia debita & conſueta. Et ſi capitalis dominus exegerit pluſquam medius ei facere deberet habeat tenens in hoc caſu exceptionem quam haberet medius. Si vero medius nichil habuerit in poteſtate Regis nichilominus perquirat tenens breve ſuum de medio ad vicecomitem illius comitatus in quo diſtringitur. Et ſi vicecomes mandaverit quod nichil habet ubi poteſt ſummoneri nichilominus ſequatur breve de attachiamto. Et ſi vicecomes mandaverit quod nichil habet per quod poteſt attachiari nichilominus ſequatur breve de magna diſtrictione & fiat proclamatio in forma predicta. Si vero medius non habet terram in comitatu in quo fit diſtrictio ſet habeat terram in alio comitatu tunc exeat breve originale ad ſummonendum medium ad vicecomitem illius comitatus in quo fit diſtrictio et cum teſtificatum fuerit per illum vicecomitem quod nichil habeat in comitatu ſuo exeat breve de Judicio ad ſummonendum medium ad vicecomitem illius comitatus in quo teſtificatum fuerit quod habet tenementa et fiat ſecta in illo comitatu quouſque perveniatur ad magnam diſtrictionem et proclamationem ſicut dictum eſt ſupra de medio habente terram in eodem comitatu in quo fit diſtrictio et nichilominus

chilominus fiat secta in comitatu in quo nichil habet sicut dictum est supra de medio nichil habente quousque perveniat ad magnam distractionem et proclamationem et sic post proclamationem in utroque comitatu factam abjudicetur medius a feodo et servicio suo. Et cum aliquando contingat quod tenens in dominico feoffatus est ad tenendum per minus servitium quam medius facere debuit capitali domino cum post hujusmodi proclamationem attornatus sit tenens capitali domino medio omisso necesse habet tenens respondere capitali domino de serviciis et consuetudinibus que medius ei prius facere debuit. Et postquam venerit medius in curia et cognoverit quod acquietare debeat tenentem suum vel adjudicetur ad acquietandum si post hujusmodi cognitionem vel iudicium querimonia perveniat quod medius non acquietavit tenentem suum tunc exeat breve de iudicio quod vicecomes distringat medium ad acquietandum tenentem suum et ad essendum coram Justiciariis ad certum diem ad ostendendum quare prius non acquietavit Et cum per distractionem venerit audiatur querens et si querens verificare poterit quod ipsum non acquietavit satisfaciet de dampnis et per iudicium tenens recedat quietus de suo medio et attornetur capitali domino. Et si ad primam distractionem non venerit exeat breve de alia distractione et fiat proclamatio Et postquam testificata fuerit procedatur ad iudicium sicut superius dictum est. Et sciendum quod per hoc statutum non excludentur tenentes quin habeant

be testified that he hath Land, and Suit shall be made in the same Shire until they have passed unto the Great Distress and Proclamation, as above is said in the Mean having Land in the same Shire in which the Distress is taken. (15) And nevertheless Suit shall be made in the same Shire where he hath nothing, as above is said of the Mean that hath nothing, until the Process come to the Great Distress and Proclamation; (16) and so after Proclamation made in both Counties, the Mean shall be forejudged of his Fee and Service. (17)

And where it happeneth sometimes, that the Tenant in Demean is infeoffed to hold by less Service than the Mean ought to do unto the chief Lord, when after such Proclamation the Tenant hath attorned to the chief Lord, and the Mean being excluded, the Tenant must of Necessity answer unto the chief Lord for all such Services and Customs as the Mean was wont to do to him. (18) And after that the Mean is come into the Court, and hath confessed that he ought to acquit his Tenant, or be compelled by Judgement to acquit, if after such Confession or Judgement it is complained that the Mean doth not acquit his Tenant, then shall issue a Writ judicial, that the Sheriff shall distrain the Mean to acquit the Tenant, and to be at a certain Day before the Justicers, for to shew why he hath not acquitted him before; and when they have proceeded unto the Great Distress, the Plaintiff shall be heard; (19) And if the Plaintiff can prove that he hath not acquitted him; he shall yield Damages,

The Tenant holding by less Service than the Mean doth.

Damages in a Writ of Mesne.

The Tenants
Warranty of
the Meſne.

For which
Means only
this Statute is
ordained.

mages, and by Award of the Court the Tenant ſhall go quit from the Mean, and ſhall attorn unto the chief Lord. (20) And if he come not at the firſt Diſtreſs, a Writ ſhall go forth to diſtrain him again, and Proclamation ſhall be made, and as ſoon as it is returned, they ſhall proceed in Judgement, as before is ſaid. (21) And it is to be underſtanden, that by this Statute Tenants are not excluded, but they ſhall have a Warranty of the Means and their Heirs, if they be impleaded of their Lands, as they have had before; (22) nor the Tenants ſhall be excluded, but that they may ſue againſt their Means, as they uſed heretofore, if they ſee that their Proceſs may be more available by the old Cuſtom, than by this Statute. (23) And it is to wit, that by this Statute no Remedy is provided to any Means, but only in caſe where there is but one only Mean between the Lord that diſtraineth and the Tenant; (24) and in caſe where that Mean is of full Age; (25) and in caſe where the Tenant may attorn unto the chief Lord without Prejudice of any other than of the Mean, which is ſpoken for Women Tenants in Dower, and Tenants by the Courteſie, or otherwiſe for Term of Life, or in Fee-tail, unto whom for certain Cauſes Remedy is not yet provided, but (God willing) there ſhall be at another Time.

beant warrantiam ſi de tene-
mentis ſuis implacentur ſuper
medios ſuos & eorum heredes
ſicut prius habuerunt. Nec
etiam excluduntur tenentes
quin ſequi poſſint verſus me-
dios ſuos ſecundum conſuetu-
dinem prius uſitatum ſi viderint
quod proceſſus eorum plus va-
leat per antiquam conſuetudi-
nem quam per iſtud ſtatutum.
Et ſciendum quod per iſtud
ſtatutum non providetur reme-
dium quibuſcumque mediis ſet
ſolummodo in caſu cum ſit
unus medius tantum inter do-
minum diſtringentem & tenen-
tem Et in caſu quando medius
ille eſt plene etatis & in caſu
quando tenens ſine prejudicio
alterius quam medii attornare
ſe poteſt capitali domino quod
dictum eſt pro mulieribus te-
nentibus in dotem tenentibus
per Legem Anglie vel aliter ad
terminum vite vel per feodum
talliatum quibus pro aliquibus
caſibus nondum eſt remedium
proviſum ſet Deo dante alias
providebitur.

C A P. X.

*At what Time Writs ſhall be delivered for Suits depending before
Juſtices in Eyre. Any Perſon may make a general Attorney.*

2 Inſt. 376 —
378.
Delivering of
Writs for Suits
depending be-
fore Juſtices in
Eyre.

WHereas in the Circuit of
Juſtices it was proclaimed,
That all ſuch as would deliver
Writs, ſhould deliver them within
a certain Time, after which no
Writ ſhould be received; many
truſting upon the ſame, and tarry-
ing until the ſaid Time, and no
Writ ſerved upon them, departed
by

CUM in itinere Juſticiariorum
proclamatum fuerit
quod omnes qui brevia liberare
voluerint ea liberent infra cer-
tum terminum poſt quem nul-
lum breve recipiatur multi de
hoc confidentes cum moram
fecerint uſque ad predictum
terminum & nullum breve ſuper
per

per eos fuerit liberatum de licentia Justitiariorum recedunt post quorum recessum adversarii sui ipsorum absentiam percipientes breviam sua porrigunt in cera que aliquando per fraudem aliquando per vic' pro dono recipiuntur & alii qui secure credebant recessisse tenementa sua amittunt. Ut hujusmodi fraudi subveniatur impostero statuit Dominus Rex quod Justitiarum in itineribus suis statuatur terminum quindecim dierum vel mensis minoris vel majoris termini secundum quod comitatus fuerit major vel minor infra quem terminum publice proclametur quod omnes qui breviam liberare voluerint ea liberent citra illum terminum & in adventu illius termini certificet vicecomes capitalem Justitiarum itineris quot breviam habent & que & quod ultra illum terminum nullum breve recipiatur quod si receptum fuerit processus per illud factus pro nullo habeatur excepto quod breve cassatum durante toto itinere relevari poterit breviam etiam de Dote de viris qui obierint infra summonitionem itineris assise Ultime presentationis Quare impedit de ecclesiis vacantibus infra summonitionem predictam quocumque tempore ante recessum justitiariorum breviam etiam Nove disseisina quocumque tempore facta fuerit disseisina recipiantur. In itineribus Justitiariorum concedit Dominus Rex de gratia speciali quod illi qui tenementa habent in diversis comitatibus in quibus Justic' itinerant vel de quibusdam tenementis in comitatu in quo Justitiarum itinerant timent implacitari & de aliis tenementis in comitatu in quo Justitiarum non itinerant implacitantur

by Licence of the said Justices; after whose Departure their Adversaries, perceiving their Absence, delivered their Writs in Wax, which sometime by Fraud, and sometime for Rewards, be received of the Sheriff, and they, that thought to have departed quiet, lose their Lands. (2) For the Remedy of such Fraud from henceforth, the King hath ordained, That the Justices in their Circuits shall appoint a Time of Fifteen Days, or a Month, or a Time more or less (after as the County shall happen to be more or less) within which Time it shall be openly proclaimed, That all such as will deliver their Writs, shall deliver them before the same Time; (3) and when the Time cometh, the Sheriff shall certify the Chief Justice in Eyre how many Writs he hath, and what, and that no Writ be received after the same Time; (4) and if it be received, the Process issuing thereupon shall be of none Effect; but only that a Writ abated any Time during the Circuit may be amended; (5) also Writs of Dower of Men that died within the Summons of the Circuit, Assises of *Darrein Presentment*, *Quare impedit*, of Churches vacant within the foresaid Summons, shall be received at any Time before the Departure of the Justices; (6) also Writs of *Novel disseisin*, at what Time soever the Disseisin was done, shall be received *in the Circuit of Justices*. (7) Our Lord the King of his special Grace granteth, That such as have Land in divers Shires where the Justices make their Circuit, and that have Land in Shires where the Justices have no Circuit, that

Any Person may make a general Attorney.

that fear to be impleaded, and are impleaded of other Lands in Shires where they have no Circuit, as before the Justices at *Westminster*, or in the King's Bench, or before Justices assigned to take Assises, or in any County before Sheriffs, or in any Court Baron, may make a general Attorney to sue for them in all Pleas in the Circuit of Justices moved or to be moved for them, or against them, during the Circuit; (8) which Attorney or Attorneys shall have full Power in all Pleas moved during the Circuit, until the Plea be determined, or that his Master remove him; (9) yet shall they not be excused thereby, but they shall be put in Juries and Assises before the same Justices.

citantur coram Justitiariis apud Westm' vel in Banco Domini Regis vel coram Justitiariis ad assisas capiendas assignatis vel in aliquo comitatu coram vic' vel in aliqua curia Baronum facere possint attornatum generalem ad sequendum pro eis in omnibus placitis in itinere Justitiariorum pro ipsis vel contra ipsos motis vel movendis durante itinere qui quidem attornatus vel attornati habeant potestatem in placitis motis in itinere quousque placitum terminetur vel dominus suus ipsum amoverit nec per hoc excusentur si fuerint injuratis vel assisis coram eisdem Justitiariis.

C A P. XI.

The Masters Remedy against their Servants, and other Accomptants.

In what Cases Auditors may commit Accomptants to Prison.
Co.Lit. 295.a.
2 Init. 378—
382.

CONCERNING Servants, Bailiffs, Chamberlains, and all Manner of Receivers, which are bound to yield Accompt, it is agreed and ordained, That when the Masters of such Servants do assign Auditors to take their Accompt, and they be found in Arrearages upon the Accompt, all Things allowed which ought to be allowed, their Bodies shall be arrested, and by the Testimony of the Auditors of the same Accompt, shall be sent or delivered unto the next Gaol of the King's in those Parts; (2) and shall be received of the Sheriff or Gaoler, and imprisoned in Iron under safe Custody, and shall remain in the same Prison at their own Cost, until they have satisfied their Master fully of the Arrearages. (3) Nevertheless if any Person being so

DE servientibus ballivis camerariis & quibuscunque receptoribus qui ad compotum reddendum tenentur concorditer est statutum & ordinatum quod cum dominus hujusmodi servientium dederit eis auditores compoti & contingat ipsos esse in arrearagiis super compotum suum arrestentur corpora ipsorum et per testimonium auditorum ejusdem compoti mittantur et liberentur proxime gaole domini Regis in partibus illis & a vicecomite seu custode ejusdem gaole recipiantur & mancipentur carceri in ferris sub bona custodia & in illa prisona remaneant de suo proprio viventes quousque dominis suis de arrearagiis plenarie satisfecerint. Attamen si quis sic gaole liberatus conquaratur quod Auditores compoti ipsum injuste gravaverunt onerando de receptis

The Accomptant's Relief.

tis que non recepit vel non allocando expensas aut liberationes rationabiles & inveniat amicos qui eum manucapere voluerint ad ducendum coram baronibus de scaccario liberetur eis & scire faciat vicecomes in cujus prisona fuerit domino quod sit coram Baronibus de Scaccario ad aliquem certum diem cum rotulis & talliis per quos compotum reddiderit & in presentia Baronum vel auditorum quos assignare voluerint recitetur compotus & fiat partibus justitia ita quod si fuerit in arreragiis committatur gaole de Flete ut supradictum est. Et si diffugerint & gratis compotum reddere noluerint sicut alibi in aliis statutis continetur distringantur ad veniendum coram Justice' ad compotum suum reddendum si habeant per quod distringi possint. Et si ad curiam venerint dentur auditores compoti coram quibus si fuerint in arreragiis si statim arreragia solvere non possint committantur gaole custodiendi in forma predicta. Et si diffugerint & testatum fuerit per vicecomitem quod non sunt inventi exigantur de comitatu in comitatum quousque utlagentur & sint hujusmodi incarcerati irreplegiabiles. Et caveat sibi vicecomes vel custos ejusdem gaole sive sit in libertate sive non quod per commune breve quod dicitur Replegiar' vel alio modo sine assensu domini ipsum a prisona exire non permittat quod si fecerit & super hoc vincatur respondeat domino de dampno per hujusmodi servientem sibi illato secundum quod per patriam verificare poterit & habeat suum recuperare per breve de Debito. Et si custos gaole non habeat

per

committed to Prison, do complain, that the Auditors of his Accompt have grieved him unjustly, charging him with Receipts that he hath not received, or not allowing him Expences, or reasonable Disbursements, and can find Friends that will undertake to bring him before the Barons of the Exchequer, he shall be delivered unto them; (4) and the Sheriff (in whose Prison he is kept) shall give Knowledge unto his Master, that he appear before the Barons of the Exchequer at a certain Day, with the Rolls and Tallies by which he made his Accompt; and in the Presence of the Barons, or the Auditors that they shall assign him, the Account shall be rehearsed, and Justice shall be done to the Parties, so that if he be found in Arrearages, he shall be committed to the Fleet, as above is said. (5) And if he flee, and will not give Accompt willingly, as is contained elsewhere in other Statutes, he shall be distrained to come before the Justices to make his Account, if he have whereof to be distrained. (6) And when he cometh to the Court, Auditors shall be assigned to take his Accompt, before whom if he be found in Arrearages, and cannot pay the Arrearages forthwith, he shall be committed to the Gaol to be kept in manner aforesaid. (7) And if he flee, and it be returned to the Sheriff that he cannot be found, Exigents shall go against him from County to County, until he be outlawed, and such Prisoner shall not be replevisable.

(8) And let the Sheriff or Keeper of such Gaol take Heed, if it be within a Franchise, or

52 H. 3. c. 23.

An Exigent against an Accountant.

Escape of an Accountant. 1 R. 2. c. 12. 7 Hen. 4. c. 4.

without,

without, that he do not suffer per quod justicietur vel unde
 him to go out of Prison by the solvat respondeat superior suis
 common Writ called *Replegiare*, qui custodiam hujusmodi gaole
 or by other Means, without sibi commisit per idem breve.
 Assent of his Master; (9) and
 if he do, and thereof be convict, he shall be answerable to his
 Master of the Damages done to him by such his Servant, ac-
 cording as it may be found by the Country, and shall have his
 Recovery by Writ of Debt. (10) And if the Keeper of the
 Gaol have not wherewith he may be justified, or not able to
 pay, his Superior that committed the Custody of the Gaol
 unto him, shall be answerable by the same Writ.

CAP. XII.

The [Appellee] being acquitted, the Appellor and Abettors shall be punished. There shall be no Effoin for the Appellor.

The Punish-
 ment of an
 Appellor for
 a false Appeal.
 2 Inf. 383—
 387.
 2 Hawk. Pl. Cr.
 c. 23. f. 138—
 159.

FORasmuch as many, through
*Malice intending to grieve
 other, do procure false Appeals to
 be made of Homicides and other
 Felonies by Appellors, having no-
 thing to satisfy the King for their
 false Appeal, nor to the Parties
 appealed for their Damages; (2)*
 it is ordained, That when
 any, being appealed of Felony
 furnished upon him, doth ac-
 quit himself in the King's
 Court in due Manner, either
 at the Suit of the Appellor, or
 of our Lord the King, the Jus-
 tices, before whom the Appeal
 shall be heard and determined,
 shall punish the Appellor by a
 Year's Imprisonment, and the
 Appellors shall nevertheless re-
 store to the Parties appealed
 their Damages, according to
 the Discretion of the Justices,
 having Respect to the Impri-
 sonment or Arrestment that
 the Party appealed hath sus-
 tained by reason of such Ap-
 peals, and to the Infamy that
 they have incurred by the Im-
 prisonment or otherwise, and
 shall nevertheless make a griev-
 ous Fine unto the King. (3)
 And if peradventure such Ap-
 pellor be not able to recom-
 pense

QUIA multi per malitiam
 volentes alios gravare
 procurant falsa appella fieri de
 homicidio & aliis felonis per
 appellatores nichil habentes
 unde domino Regi pro falso
 appello nec appellatis de damp-
 nis respondere possunt statutum
 est quod cum aliquis sic appel-
 latus de felonis sibi imposita se
 acquitaverit in curia Regis mo-
 do debito vel ad sectam appel-
 latoris vel domini Regis Justi-
 tianii coram quibus auditum
 erit hujusmodi appellum & ter-
 minatum puniant appellatorem
 per prisonam unius anni & ni-
 chilominus restituant hujusmo-
 di appellatores appellatis damp-
 na secundum discretionem Jus-
 titiariorum habito respectu ad
 prisonam vel arrestationem
 quam occasione hujusmodi ap-
 pellationum sustinuerunt appellati
 & ad infamiam quam per im-
 prisonamentum vel alio modo
 incurrerunt & nichilominus ver-
 sus dominum Regem gravius
 redimantur. Et si forte hujus-
 modi appellatores non habeant
 unde predicta dampna restitu-
 ere possint inquiratur per quo-
 rum abbetum formatum fue-
 rit hujusmodi appellum per ma-
 litiam

1 Ed. 3. stat. 1.
 c. 7.
 1 R. 2. c. 13.

Inquiry of
 Abettors.

litiam si appellatus hoc petat & si inveniatur per illam inquisitionem quod aliquis sit abettor per malitiam per breve de Judicio ad sectam appellati distringatur ad veniendum coram Justic' & si legitimo modo convictus fuerit de hujusmodi abetto per malitiam puniatur per prisonam & ad restitutionem dampnorum sicut superius dictum est de appellatore. Nec jaceat de cetero appellatori in appello de morte hominis essonium in quacumque curia appellum fuerit terminandum.

in Appeal of the Death of a Man there shall no Effoin lie for the Appellor, in whatsoever Court the Appeal shall hap to be determined.

pense the Damages, it shall be inquired by whose Abetment or Malice the Appeal was commenced if the Party appealed desire it; (4) and if it be found by the same Inquest, that any Man is Abettor through Malice, at the Suit of the Party appealed he shall be distrained by a judicial Writ to come before the Justices; (5) and if he be lawfully convict of such malicious Abetment, he shall be punished by Imprisonment and Restitution of Damages, as before is said of the Appellor. (6) And from henceforth

No Effoin for the Appellor.

C A P. XIII.

The Order of the Indictments taken in the Sberiff's Tourn.

QUIA vicecomites fingentes multotiens coram eis aliquos in turnis suis indictatos de furtis & aliis malefactis capiunt homines non culpabiles nec legitimo modo indictatos & eos imprisonant & ab eis pecuniam extorquent cum legitimo modo per duodecim juratos non fuerint indictati statutum est quod vicecomites in turnis suis & alibi cum inquirere habeant de malefactoribus per preceptum Regis vel ex officio suo per legales homines ad minus duodecim faciant inquisitiones suas de hujusmodi malefactoribus qui inquisitionibus suis sigilla sua apponant & illos quos per hujusmodi inquisitiones invenerint culpabiles capiant & imprisonent secundum quod alias fieri consuevit. Et si alios imprisonaverint quam per hujusmodi inquisitiones invenerint indictatos habeant hujusmodi imprisonati actionem suam per breve de Imprisonamento

FOrasmuch as Sheriffs, feigning many Times certain Persons to be indicted before them in their Turns of Felonies and other Trespasses, do take Men that are not culpable nor lawfully indicted, and imprison them, and do exact Money from them, whereas they were not lawfully indicted by twelve Jurors; (2) it is ordained, That Sheriffs in their Turns, and in other Places where they have Power to enquire of Trespassors by the King's Precept, or by Office, shall cause their Inquests of such Malefactors to be taken by lawful Men, and by Twelve at the least, which shall put their Seals to such Inquisitions; (3) and those that shall be found culpable by such Inquests, they shall take and imprison, as they have used aforesometimes to do. (4) And if they do imprison other than such as have been indicted by Inquest, the Parties imprisoned shall have

² Inst. 387, 388. The Order of Indictments taken in Sheriffs Tourns.

¹ Ed. 3. stat. 2. c. 17.

¹ Ed. 4. c. 2.

have their Action by a Writ of Imprisonment against the Sheriffs, as they should have against any other Person that should imprison them without Warrant. (5) And as it hath been said of Sheriffs, so shall it be observed of every Bailiff of Franchise.

mento versus vicecom' sicut haberent versus quamcumque aliam personam que eos imprisonaret sine warranto. Et sicut dictum est de vicecom' observetur de quolibet ballivo libertatis.

CAP. XIV.

The Process in an Action of Waste. A Writ to enquire of Waste.

2 Inst. 389, 390.

WHEREAS for Waste done in the Inheritance of any Person, by Guardians, Tenants in Dower, Tenants by the Courtesie of England, or otherwise for Term of Life, or Years, a Writ of Prohibition of Waste hath been used to be granted, by which Writs many were deceived, thinking that such as had done the Waste should not need to answer but only for Waste done after the Prohibition to them directed; (2) our Lord the King, to remove from henceforth this Error, hath ordained, That of all Manner of Waste done to the Damage of any Person, there shall from henceforth be no Writ of Prohibition awarded, but a Writ of Summons, so that he of whom Complaint is shall answer for Waste done at any Time; (3) and if he come not after the Summons, he shall be attached, and after the Attachment he shall be distrained; (4) And if he come not after the Distress, the Sheriff shall be commanded that in proper Person he shall take with him twelve, &c. and shall go to the Place wasted, and shall enquire of the Waste done, and shall return an Inquest, and after the Inquest returned, they shall pass unto Judgement, like as is contained in the Statute of Gloucester.

The Process in an Action of Waste.

A Writ to inquire of Waste.

3 Ed. 1. c. 21.
6 Ed. 1. stat. 1.
c. 5.
20 Ed. 1. stat. 2.

CUM de vasto facto in hereditate alicujus per custodes tenentes in dotem per Legem Anglie vel aliter ad terminum vite consueverit fieri breve de Prohibitione vasti per quod breve multi fuerunt in errore credentes quod illi qui vastum fecerunt non habuerunt necesse respondere nisi tantum de vasto facto post prohibitionem eis directam dominus Rex ut hujusmodi error de cetero tollatur statuit quod de vasto quocumque modo ad nocumentum alicujus facto non fiat de cetero breve de Prohibitione set breve de Summonitione ita quod ille de quo queritur respondeat de vasto facto quocumque tempore Et si post summonitionem non venerit attachietur & post attachiamentum distringatur Et post distinctionem si non venerit mandetur vicecomiti quod in propria persona assumptis secum duodecim &c. accedat ad locum vastatum & inquiret de vasto facto & retornet inquisitionem & postquam retornata fuerit inquisitio procedatur ad judicium secundum quod continetur in statuto quod edito apud Westmon'.

CAP.

CAP. XV.

An Infant eloined may sue by Prochein Amy.

IN omni casu quo minores infra etatem implacitari possunt concessum est quod si hujusmodi minores elongati sint quo minus personaliter sequi possint propinquiores amici admittantur ad sequendum pro eis.

IN every Case whereas such Infant's Suit. as be within Age may sue, ² Inf. 390. it is ordained, That if such ³ Ed. 1. c. 47. within Age be eloined, so that they cannot sue personally, their next Friends shall be admitted to sue for them.

CAP. XVI.

Priority of Feoffment giveth Title of Wardship.

IN casu quo alicui minori descendatur hereditas ex parte patris qui tenuit de uno domino & ex parte matris que tenuit de alio domino dubitatio hucusque exiterit de maritaggio hujusmodi minoris ad quem de duobus dominis pertinere concordatum est de cetero quod ille dominus habeat maritagium de quo antecessor suus prius fuit feoffatus non habito respectu ad sexum nec ad quantitatem tenementi set solummodo ad antiquius feoffamentum per servicium militare.

IN Case where Inheritance descendeth to one within Age of the Father's Side, that held of one Lord, and the Mother's Side that held of another Lord, there hath been hitherto Doubt, for the Marriage of such an Heir, to which of the two Lords it should belong; (2) it is agreed, That the same Lord shall from henceforth have the Marriage of whom the Child's Ancestor was first infeoffed, not having Respect to the Sex, nor to the Quantity of the Land, but only to the more ancient Feoffment by Knights Service.

Priority of Feoffment giveth Title of Wardship.

² Inf. 391, 392.

Altered by Stat. 12 Car. 2. c. 24.

CAP. XVII.

In what Case Effoin De malo lecti doth lie and where not.

IN itinere Justitiariorum non admittatur de cetero effonium de malo lecti de tenemento in eodem comitatu nisi ille qui se facit effoniari veraciter sit infirmus quia si excipiat a petente quod tenens non est infirmus nec in illo statu quo venire non potuit coram justitiariis admittatur ejus calumpnia. Et si hoc per inquisitionem convinci poterit vertatur illud effonium in defaultam. Nec jaceat de cetero illud effonium in brevi de Recto inter duos

IN the Circuit of the Justices an Effoin De malo lecti shall not be from henceforth allowed for Lands in the same Shire, unless he that caused himself to be effoined be sick indeed; (2) for if the Demandant except, that the Tenant is not sick, nor in such Plight but that he may come before the Justices, his Exception shall be admitted. (3) And if it can be so proved by Enquest, the Effoin shall be turned to a Default. (4) And from henceforth

² Inf. 391.
In what Case an Effoin De malo lecti doth lie.

forth such Effoin shall not lie in a Writ of Right between two claiming by one Defcent. duos clamantes per unum defcentum.

CAP. XVIII.

He that recovereth Debt may sue Execution by Fieri facias or Elegit.

The Execution of a Debt recovered.
2 Inst. 394—397.
Hob. 56—61.
Wright's Ten. 170, 171.

WHEN Debt is recovered or knowledged in the King's Court, or Damages awarded, it shall be from henceforth in the Election of him that sueth for such Debt or Damages, to have a Writ of *Fieri facias* unto the Sheriff for to levy the Debt of the Lands and Goods; (2) or that the Sheriff shall deliver to him all the Chattels of the Debtor (saving only his Oxen and Beasts of his Plough) and the one half of his Land, until the Debt be levied upon a reasonable Price or Extent. (3) And if he be put out of that Tenement, he shall recover by a Writ of *Novel disseisin*, and after by a Writ of *Redisseisin*, if need be.

CUM debitum fuerit recuperatum vel in curia Regis recognitum vel dampna adjudicata sit de cetero in electione illius qui sequitur pro hujusmodi debito aut dampnis sequi breve quod vicecomes fieri faciat de terris & catalis, vel quod vicecomes liberet ei omnia catalla debitoris exceptis bobus & affris caruce & medietatem terre sue quousque debitum fuerit levatum per rationabile pretium vel extentam. Et si ejiciatur de illo tenemento habeat recuperare per breve Nove disseisine & postea per breve Reddisseisine si necesse fuerit.

Affize maintainable by Tenant by Elegit.

CAP. XIX.

The Ordinary chargeable to pay Debts as Executors.

The Ordinary shall pay Debts as Executors shall.

WHereas after the Death of a Person dying intestate, which is bounden to some other for Debt, the Goods come to the Ordinary to be disposed; (2) the Ordinary from henceforth shall be bound to answer the Debts as far forth as the Goods of the Dead will extend, in such sort as the Executors of the same Party should have been bounden, if he had made a Testament.

CUM post mortem alicujus decedentis intestati & obligati aliquibus in debito bona deveniant ad ordinarios disponenda obligetur de cetero ordinarius ad respondendum de debitis quatenus bona defuncti sufficiunt eodem modo quo executores hujusmodi respondere tenerentur si testamentum fecisset.

2 Inst. 397, 398.
5 Mod. 58—65.

CAP. XX.

The Tenant's Answer in a Writ of Cofinage, Aiel, and Befaiel.

The Tenant's Plea in a Writ of Aiel, Befaiel, or Cofinage.

WHereas that Justices in a Plea of Mortdauncestor, have used to admit the Answer of the

CUM Justitiani in placito Mortis antecessoris admittere consueverint responsonem tenentis

tenentis quod petens non est propinquior heres antecessoris de cuius morte tenementum petitur & hoc paratus est per assisam inquirere concordatum est quod in brevibus de Confanguinitate Avo & Proavo que sunt ejusdem nature admittatur illa responsio & inquiretur & secundum illam inquisitionem ad iudicium procedatur.

the Tenant, that the Plaintiff is not next Heir of the same Ancestor, by whose Death he demanded the Land, and is ready to enquire the same by Assise; (2) it is agreed, That in Writs of Cousinage, Aiel, and Besaial, which be of the same Nature, his Answer shall be admitted and enquired, and according to the same Inquisition they shall proceed to Judgement.

2 Inst. 399, 400.

CAP. XXI.

A Cessavit by the chief Lord against his Freehold Tenant.

CUM in statuto edito apud Glouc' contineatur quod si quis dimiserit terram alicui ad reddendum valorem quarte partis tenementi vel majoris habeat ille qui dimisit vel ejus heres postquam fuerit a solutione cessatum per biennium actionem petendi tenementum sic dimissum in dominico. Eodem modo concordatum est quod si quis detineat domino suo servitium debitum vel consuetud' per biennium habeat dominus actionem petendi tenementum in dominico per tale breve: *Præcipe A. quod juste &c. reddat B. tale tenementum quod C. de eo tenuit per tale servitium et quod ad prædictum B. reverti debet eo quod prædictus A. in faciendo servitium prædictum per biennium cessavit ut dicit.*

Et non solum in isto casu sed in casu de quo fit mentio in prædicto statuto Glouc' fiant brevia de Ingressu heredi petenti super heredem tenentis & super eos quibus alienatum fuerit hujusmodi tenementum.

WHEREAS in a Statute made at Gloucester, cap. 4. it is contained, That if any lease his Land to another to pay the Value of the fourth Part of the Land, or more, the Lessor, or his Heir, after the Payment hath ceased by two Years, shall have an Action to demand the Land so leased in demean. (2) In like manner it is agreed, that if any withhold from his Lord his due and accustomed Service by two Years, the Lord shall have an Action to demand the Land in demean by such a Writ: (3) [Præcipe A. quod juste, &c. reddat B. tale tenementum quod A. de eo tenuit per tale servitium, & quod ad prædictum B. reverti debet, eo quod prædictus A. in faciendo prædictum servitium, per biennium cessavit, ut dicitur.]

6 Ed. 1. stat. 1.
c. 4.
Post. c. 41.
2 Inst. 401, 402.
Wright's Ten.
197—202.

A Cessavit by the Lord against his Tenant.

II. And not only in this Case, but also in the Case whereof Mention is made in the said Statute of Gloucester, Writs of Entry shall be made for the Heir of the Demandant against the Heir of the Tenant, and against them to whom such Land shall be aliened.

A Cessavit maintainable by the Heir of the Demandant against the Heir or Assignee of the Tenant.

CAP. XXII.

Waste maintainable by one Tenant in common against another.

Waste committed by one Tenant in common.

2 Inst. 403.

F.N.B. 59.D.
Regist. 76.

WHereas two or more do hold Wood, Turf-land, or Fishing, or other such Thing in common, wherein none knoweth his severall, and some of them do Waste against the Minds of the other, an Action may lie by a Writ of Waste; (2) and when it is come unto Judgement, the Defendant shall choose either to take his Part in a Place certain, by the Sheriff, and by the View, Oath, and Assignment of His Neighbours sworn and tried for the same Intent, or else he shall grant to take nothing from henceforth in the same Wood, Turf-land, and such other, but as his Partners will take. (3) And if he do choose to take his Part in a Place certain, the Part wasted shall be assigned for his Part, as it was before he committed the Waste. (4) And there is such a Writ in this Case, that is to say, *Cum A. & B. tenent boscum pro indiviso, B. fecit vastum, &c.*

CUM duo vel plures teneant boscum turbariam piscariam vel alia hujusmodi in communi absque hoc quod aliquis sciat suum seperale & aliquis eorum faciat vastum contra voluntatem alterius moveatur actio per breve de Vasto & habeat defendens cum ad iudicium venerit electionem capiendi partem suam in certo loco per vicecomitem & visum & sacramentum & assignationem vicinorum ad hoc electorum & juratorum vel quod concedat quod nihil capiet de cetero in hujusmodi bosco turbaria & aliis nisi secundum quod participes sui capere voluerint. Et si eligat capere partem suam in certo loco assignetur ei in sua parte locus vastatus secundum quod fuit antequam vastum fecit. Breve in hoc casu: *Cum A. & B. teneant boscum pro indiviso B. fecit vastum, &c.*

CAP. XXIII.

Executors may have a Writ of Accompt.

Executors may have an Action of Accompt.
2 Inst. 404.
4 Ed. 3. c. 7.
25 Ed. 3. stat. 5.
c. 5.

Executors from henceforth shall have a Writ of Accompt, and the same Action and Process in the same Writ as the Testator might have had if he had lived.

Habeant de cetero executor res breve de Compoto reddendo & eandem actionem & processum per illud breve qualem habuit mortuus & haberet si vixisset.

CAP. XXIV.

A Writ of Nufance of a House, &c. levied and aliened to another. A Quod permittat and Juris utrum for a Parson of a Church. In like Cases like Writs be grantable.

A Writ of Nufance.

IN Cases whereas a Writ is granted out of the Chancery for the Fa& of another, the

IN casibus quibus conceditur breve in Cancellaria de facto alicujus de cetero non recedant

dant querentes a curia Regis sine remedio pro eo quod tenementum transfertur de uno in alium et in registro de Cancellaria non est inventum aliquod breve in illo casu speciale sicuti de domo muro mercato conceditur breve super eum qui levavit. Et si transferatur domus murus & hiis consimilia in aliam personam breve denegatur set de cetero cum in uno casu conceditur breve & in consimili casu simili remedio indigente sicut prius fit breve :

Questus est nobis A. quod B. injuste, &c. levavit domum murum mercatum & alia que sunt ad nocumentum.

Si hujusmodi levata transferantur in aliam personam de cetero fiat breve sic :

Questus est nobis A. quod B. & C. levaverunt, &c.

Eodem modo sicut persona alicujus ecclesie recuperare potest communiam pasture per breve Nove disseisine eodem modo de cetero recuperet successor super disseisitorem vel ejus heredem per breve Quod permittat licet hujusmodi breve prius a Cancellaria non fuit concessum. Eodem modo sicut conceditur breve utrum aliquod tenementum sit libera elemosina alicujus ecclesie vel laicum feodum talis de cetero fiat breve utrum sit libera elemosina talis ecclesie vel alterius ecclesie in casu quo libera elemosina unius ecclesie transfertur in possessionem alterius ecclesie. Et quotienscumque de cetero evenerit in Cancellaria quod in uno casu reperitur breve & in consimili casu cadente sub eodem jure & simili indigente remedio concordent clerici de Cancellaria in brevi faciendo vel atterminent querentes in proximo

the Plaintiffs from henceforth shall not depart from the King's Court without Remedy, because the Land is transferred from one to another. (2) And in the Register of the Chancery there is no special Writ found in this Case, as of a House, a Wall, a Market, but the Writ is granted against him that levied the Nufance. (3) And if the House, Wall, or such like be aliened to another, the Writ shall not be denied ; but from henceforth, where in one Case a Writ is granted, in like Case, when like Remedy falleth, the Writ shall be made as hath been used before :

[(4) *Questus est nobis A. quod D. injuste, &c. levavit domum, murum, mercatum, & alia quæ sunt ad nocumentum, &c.*]

(5) And if such Things levied be aliened from one to another, the Writ shall be thus : [*Questus est nobis A. quod B. & C. levaverunt, &c.*]

II. In like manner as a Parson of a Church may recover Common of Pasture by Writ of *Novel disseisin*, likewise from henceforth his Successor shall have a *Quod permittat* against the Disseisor or his Heir, though a like Writ were never granted out of the Chancery before. (2) And in like manner as as Writ is granted to try whether Land be the free Alms of such a Church, or the Lay Fee of such a Man, even so from henceforth a Writ shall be made to try whether it be the free Alms of this Church, or of another Church, in Case where the free Alms of one Church is transferred to the Possession of another Church. (3) And whensoever from

Q 3

2 Inf. 403—
408.

6 R. 2. c. 3.

Quod permittat.
Regist. 3a.

Juris utrum.

14 Ed. 3. c. 17.

In consimili
casu.

• Or adjourn
the Plaintiffs.
Rast 419.
Coke pla. 399.
14 Ed. 3. 17.
Rast. 123.
Fitz. Entry, 3,
7, 8, 10, 61, 64,
67, 68, 69, 74.
Co. Lit. 54. b.

henceforth it shall fortune in the Chancery, that in one Case a Writ is found, and in like Case falling under like Law, and requiring like Remedy, is found none, the Clerks of the Chancery shall agree in making the Writ; (4) or * the Plaintiffs may adjourn it until the next Parliament, and let the Cases be written in which they cannot agree, and let them refer themselves until the next Parliament, by Consent of Men learned in the Law, a Writ shall be made, lest it might happen after that the Court should long time fail to minister Justice unto Complainants.

proximo parlamento & scribant casus in quibus concordare non possunt & referant eos ad proximum parlamentum & de consensu jurisperitorum fiat breve ne contingat de cetero quod curia diu deficiat querentibus in justitia perquirenda.

CAP. XXV.

*Of what Things an Assise shall lie. Certificate of Assise.
Attachment in an Assise.*

Of what
Things an
Assise of Novel
disseisin
will lie.
Regist. 196,
&c.
F. N. B. 177.
2 Inst. 402.—
416.

FOrasmuch as there is no Writ in the Chancery whereby Plaintiffs can have so speedy Remedy, as by a Writ of Novel disseisin; (2) out Lord the King, willing that Justice may be speedily ministered, and that Delays in Pleas may be taken away or abridged, granteth that a Writ of *Novel disseisin* shall hold place in more Cases than it hath done heretofore; (3) and granteth, that for Eitovers of Wood, Profit to be taken in Woods by gathering of Nuts, Acorns, and other Fruits, for a Corody, for Delivery of Corn and other Victuals and Necessaries to be received yearly (in a Place certain) Toll, Tronage, Passage, Pontage, Pawnage, and such like, to be taken in Places certain, keeping of Parks, Woods, Forests, Chases, Warrens, Gates, and other Bailiwicks, and Offices in Fee, from henceforth an Assise of *Novel disseisin* shall lie. (4) And in all Cases afore rehearsed, according to the customed Manner, the Writ shall be *De libero*

QUIA non est aliquod breve in cancellaria per quod querentes habent tam festinum remedium sicut per breve Nove disseisine dominus Rex voluntatem habens ut celeris fiat justitia & dilationes in placitis motis amputentur vel abbrevientur concedit quod breve Nove disseisine locum habeat in pluribus casibus quam prius habuit & concedit quod de esto-veriis bosci proficuo capiendo in bosco de nucibus & glande & aliis fructibus colligendis de corrodio liberatione bladi aut aliorum victualium aut necessariorum in certo loco annuatim recipiendorum tolneto tronagio passagio pontagio & hiis similibus in certis locis capiendis custodiis parcorum boscorum forestarum chacearum warrenarum portarum & aliis ballivis & officiis in feodo jaceat de cetero assisa Nove disseisine. Et in omnibus supra dictis modo consueto fiat breve de Libero tenemento & sicut prius jacuit & locum habuit in communia pasture ita de cetero locum habeat in communia

Assises of
Common.
Regist. 197.
F. N. B. 124.

munia turbarie piscarie & aliis communis hiis similibus quas quis habet pertinentes ad liberum tenementum vel etiam sine tenemento per speciale factum ad minus ad terminum vite. In casu etiam quando quis tenens tenementum ad terminum annorum vel in custodia illud alienat in feodum & per illam alienationem transfert liberum tenementum in feoffatum fiat remedium per breve Nove disseisine & habeantur pro disseisitoribus tam ille qui feoffat quam feoffatus ita quod vivente altero eorum locum habeat predictum breve Et si per mortem Personarum cesset remedium per predictum breve fiat remedium per breve de Ingressu. Et quamvis superius fiat mentio de aliquibus casibus de quibus locum non habuit prius breve Nove disseisine non propter hoc credit aliquis illud breve non competere ubi prius competebat. Et licet dubitaverint quidam utrum in casu quo quis pascit alterius separale fieri poterit remedium per predictum breve teneatur pro certo quod in casu illo per predictum breve bonum & certum est remedium. Et caveant de cetero qui nominati sint disseisitores quod non proponant falsas exceptiones per quas captio assise differatur dicendo quod assisa alias transivit inter easdem partes de eodem tenemento vel dicendo & mentiendo quod breve de altiori natura pendet inter easdem partes de eodem tenemento & super hiis & consimilibus vocent rotulos vel recordum ad warrantum ut per illam vocationem asportare possint vesturam levare redditus & alia proficua ad magnum detri-

libero tenemento; (5) and as before times it hath lien and holden Place in Common of Pasture, so shall it from henceforth hold Place in Common of Turf-land, Fishing, and such like Commons, which any Man hath appendant to Freehold, or without Freehold by special Deed, at the least for Term of Life. (6) In case also when any holding for Term of Years, or in Ward, alieneth the same in Fee, and by such Alienation the Freehold is transferred to the Feoffee, the Remedy shall be by a Writ of *Novel disseisin*, and as well the Feoffer as the Feoffee shall be had for Disseisors, so that during the Life of any of them the said Writ shall hold place; (7) and if by the Death of the Parties Remedy happen to fail by that Writ, then Remedy shall be obtained by a Writ of Entry. (8) And albeit that above Mention is made of some Cases wherein a Writ of *Novel disseisin* held no Place before, let no Man think therefore that this Writ lieth not now where it hath lien before. (9) And though some have doubted whether a Remedy he had by this Writ in case where one feedeth in the Several of another, let it be had for certain, that a good and a sure Remedy is given in that Case by the said Writ. (10) And let them which be named Disseisors beware from henceforth that they alledge not false Exceptions, whereby the taking of the Assise may be deferred, saying, that another Time in Assise of the same Land passed between the same Parties, or saying, and falsely, that a Writ of more high Nature

Lessee for Years, or Guardian aliens in Fee.

Assise where one doth feed in another's Several. F.N.B. 178.

ture hangeth between the same Parties for the same Land, and upon these and like Matters do vouch Rolls or Records to Warranty, to the end that by the same vouching they may take away the Vesture, and receive the Rents and other Profits, to the great Damage of the Plaintiff. (11) And where before none other Pain was limited against him that falsly had alledged such untrue Exceptions, but only that after such false Surmises disproved the Assise should pass; (12) our Lord the King, to whom such false Exceptions be odious, hath ordained, That if any being named Disseisor do personally alledge the Exception at the Day to him given (if he fail of the Warranty that he hath vouched) he shall be adjudged for a Disseisor without taking of the Assise, and shall restore the Damages before inquired of, or to be inquired after, to the Double; and shall nevertheless have a Year's Imprisonment for his Falshood. (13) And if that Exception be alledged by a Bailiff, the taking of the Assise shall not be delayed therefore, nor the Judgement upon the Restitution of the Lands and Damages. (14) Yet nevertheless, that if the Master of such a Bailiff that was absent, come after before the same Justices that took the Assise, and offer to prove by Record or Rolls, that another Time an Assise passed between the same Parties of the same Land, or that the Plaintiff at another Time did withdraw his Suit in a like Writ, or that a Plea hangeth by a Writ of more high Nature, a Writ of *Venire facias*

trimentum querentis. Et quia licet prius aliam penam non habuit qui hujusmodi falsas exceptiones mendaciter proposuit nisi tantum quod post mendacium suum convictum processum fuit ad captionem assise Dominus Rex cui odiose sunt hujusmodi falsae exceptiones statuit quod si quis disseisor nominatus personaliter proponat illam exceptionem ad diem sibi datum si defecerit de warranto quod vocavit habeatur pro disseisore absque recognitione assise & restituat dampna prius inquisita vel post inquirenda in duplo & nichilominus pro falsitate sua puniatur per prisonam unius anni. Et si illa exceptio proponatur per ballivum non propter hoc differatur captio assise & iudicium super restitutionem tenementi & dampnorum ita tamen quod si dominus illius ballivi qui absens fuerit postmodum veniat coram Justiciariis qui assisam ceperint & offerat verificare per recordum vel per rotulos quod assisa alias transivit de eodem tenemento inter easdem partes vel quod querens alias se retraxerit de consimili brevi vel placitum pendeat per breve de altiori natura fiat ei breve de Faciendo venire super hoc recordum & cum illud habuerit si videat Justitarius quod recordum ita ei missum valeret ante iudicium quod per illud excluderetur querens ab actione sua statim faciat Justitarius scire parti que prius recuperavit quod sit ad certum diem ad quem rehabeat defendens seisinam suam & dampna si que prius solvit per primum iudicium simul cum dampnis que habuit post primum iudicium redditum que ei restituantur in duplo ut supra-
dic-

Hob. 95.
The Penalty
for failing of
an Exception
pleaded.

Pleading of an
Exception by
Bailiff.

In what case
a certificate of
Assise doth lie.
F. N. B. 181,
&c.
Regist. 200.
Regist. lud. 22.

dictum est & nichilominus puniatur ille qui primo recuperavit per prisonam secundum discretionem Justic'. Eodem modo si defendens contra quem transivit assisa in sua absentia ostendat cartas vel quietas claustrarias super quarum confectione non fuerunt iuratores examinati nec examinari poterunt pro eo quod de eis non fiebat mentio in placitando et probabiliter ignorare poterunt confectiones huiusmodi scriptorum Justitiarum visis scriptis illis faciant scire parti que prius recuperavit quod sit ad certum diem et venire faciant jurat' illius assise et si per veredictum jurat' vel forte per irrotulamentum scripta illa verificaverit puniatur ille qui assisam impetravit contra factum suum per penam supradictam. Et non capiat de cetero vicecomes bovem a disseisito set a disseisitore tantum et si plures sint disseisitores in uno brevi nominati nichilominus de uno bove fit contentus nec exigat bovem nisi de precio quinque solidorum et quatuor denar' vel precium.

facias shall be granted unto him to cause the same Record to be brought; and when he hath the same, and the Justices do perceive, that the Record so shewed by him would have been so available before the Judgement, that the Plaintiff by Force of the same should have been barred of his Action, the Justices shall presently cause the Party to be warned that first recovered, that he appear at a certain Day, at the which the Defendant shall have again his Seisin and Damages (if he before paid any by the first Judgement given) which shall be restored him to the Double, as before is said; (15) and also he that first recovered shall be punished by Imprisonment according to the Discretion of the Justices. (16) In the same Manner if the Defendant, against whom the Assise passed in his Absence, shew any Deeds or Releases, upon the making whereof the Jury were not examined, nor could be examined, because there was no Mention made of them in pleading; and by Probability might be ignorant of the making

of those Writings; the Justices upon the Sight of those Writings shall cause the Party to be warned that recovered, that he appear at a certain Day, and shall cause the Jurors of the same Assise to come; (17) and if he shall verifie those Writings to be true by the Verdict of the Jurors, or by Inrollment, he that purchased the Assise contrary to his own Deed, shall be punished by the Pain aforesaid. (18) And the Sheriff from henceforth shall not take an Ox of the Disseisee, but of the Disseisor only; and if there be many Disseisors named in one Writ, yet shall he be contented with one Ox; nor shall receive any Ox but of vs. Price, or the Value.

C A P. XXVI.

Who may bring a Writ of Redisseisin, and the Punishment of the Offender therein.

IN brevibus de Redisseisina adjudicentur de cetero dampna in duplo & sint reddisseisitores

IN Writs of Redisseisin from henceforth double Damages shall be awarded, and the Red-

2 Inst. 416, 417.
Co. Lit. 154.

Redisseisors shall not be *repleviable* hereafter by the common Writ. (2) And like as in the Statute of *Merton* the same Writ was provided for such as were disseised after they had recovered by Assise of *Novel disseisin*, of *Mortdauncestor*, or other Jurates; (3) even so from henceforth the same Writ shall further hold Place for them that shall recover by Default, Reddition, or otherwise, without Recognition of Assises of Jurates.

20 H. 3. c. 3.
52 H. 3. c. 8.

tiores de cetero irreplegiabiles per commune breve. Et sicut in statuto de Merton provifum fuit illud breve de hiis qui disseisiti fuerunt postquam recuperaverunt per assisas Nove disseisine Mortis antecessoris aut per alias Juratas ulterius habeat de cetero illud breve locum illis qui recuperaverunt per Defaultam Redditionem vel alio modo sine recognitione assisarum vel juratarum.

C A P. XXVII.

Effoin after Inquest, but none after Day given Prece partium.

Effoin after Inquest.
2 Inst. 417.

After any hath put himself to an Inquest, an Effoin shall be allowed him at the next Day; (2) but all the other Days following, the taking of the Inquest shall not be delayed by the Effoin, whether he were effoined before, or no; (3) neither shall any Effoin be allowed after Day given *Prece partium*, in case where the Parties consent to come without Effoin.

Postquam aliquis posuerit se in inquisitionem ad proximum diem allocetur ei effonium set ad alios dies sequentes per effonium non differatur captio inquisitionis sive prius habuit effonium sive non nec admittatur effonium post diem datum prece partium in casu quo partes venire consentiunt sine effonio.

C A P. XXVIII.

In certain Actions, after Appearance there shall be no Effoin.

Whereas by the Statute of Westminster the First, it was provided, That after the Tenants have once appeared in the Court, no Effoin should be allowed them in Writs of Assises; (2) In like Manner it shall be from henceforth observed against the Demandants.

2 Inst. 418.
Stat. Westm. 1.
3 Ed. 1. c. 43.

CUM per statutum *Westm.* 1. statuatur quod postquam tenens semel comparuerit in curia non allocetur ei effonium in brevibus assisarum eodem modo de cetero observentur de petentibus.

C A P. XXIX.

To whom the only Writ of Trespass of Oyer and Terminer shall be granted. In what Case the Writ of Odio & Atia is granted.

2 Inst. 418—
420.
4 Inst. 182.

A Writ of Trespass (*ad audiendum & terminandum*) from

Breve de Transgressione ad audiendum & terminandum

dum de cetero non concedatur coram aliquibus Justitiariis exceptis Justitiariis de utroque banco & exceptis Justitiariis itinerantibus nisi pro enormi transgressione ubi necesse est festinum apponere remedium & Dominus Rex de speciali gratia hoc duxerit concedendum. Nec etiam concedatur de cetero breve ad audiendum & terminandum appella coram Justitiariis assignatis nisi in casu speciali & certa causa cum Dominus Rex hoc preceperit. Sed ne hujusmodi appellati vel indictati diu detineantur in prisona habeant breve de Odio & Atya sicut in Magna Carta & aliis statutis dictum est.

from henceforth shall not be granted before any Justices, except Justices of either Bench, and Justices in Eyre, unless it be for an heinous Trespass, where it is necessary to provide speedy Remedy, and our Lord the King of his special Grace hath thought it good to be granted. (2) And from henceforth a Writ to hear and determine Appeals before Justices assigned shall not be granted but in a special Case, and for a Cause certain, when the King commandeth. (3) But lest the Parties appealed or indicted be kept long in Prison, they shall have a Writ of *Odio & Atya*, like as it is declared in *Magna Charta* and other Statutes.

Stat. 2 Edw. 3. c. 2.
2 Hawk. Pl. Cr. c. 7. sect. 9. c. 23. sect. 6.

A Writ of Odio & Atya. Regist. 123.

Regist. 133. 9H. 3. stat. 1. c. 26.
3 Ed. 1. c. 11.

C A P. XXX.

The Authority of Justices of Nisi prius. Adjournment of Suits. Certain Writs that are determinable in their proper Counties. A Jury may give their Verdict at large. None but who were summoned shall be put in Assises or Juries.

A Ssignentur de cetero duo Justiticiarii jurati coram quibus & non aliis capiantur assise Nove disseisine Mortis antecessoris & Attincte & associant sibi unum vel duos de discretioribus militibus comitatus in quem venerint & capiant assisas predictas & attinctas ad plus ter per annum videlicet semel inter quindenam sancti Johannis Baptiste & gulam Augusti & iterum inter festum Exaltationis sancte Crucis & octabas sancti Michaelis & tertio inter festum Epiphanie & festum Purificationis beate Marie. Et in quolibet comitatu ad quamlibet captionem assisarum antequam recedat. statuunt diem de reditu suo ita quod omnes

FROM henceforth two Justices sworn shall be assigned, before whom, and none other, Assises of *Novel disseisin*, *Mortdauncester*, and *Attaints* shall be taken, and they shall associate unto them one or two of the discreetest Knights of the Shire into which they shall come; (2) and shall take the foresaid Assises and Attaints but thrice in the Year at the most, that is to say, first between the *Quinzime* of Saint *John Baptist*, and the *Gule* of *August*; and the second Time, between the Feast of the Exaltation of the Holy Cross, and the *Utis* of Saint *Michael*; and the third Time, between the Feast of the Epiphany, and the Feast of the Puri-

Who shall be Justices of Nisi prius. 2 Inst. 420—426.
27 Ed. 1. stat. 1. c. 4.
12 Ed. 2. stat. 1. c. 4.
Regist. 186.
F. N. B. 240. b.

Purification of the blessed *Mary*. (3) And in every Shire at every taking of Assises before their Departure, they shall appoint the Day of their Return, so that every one of the Shire may know of their coming, and shall adjourn the Assises from Term to Term, if the taking of them be deferred at any Day by vouching to Warranty, by Essoin, or by Default of Jurors. (4) And if they see that it be profitable for any Cause that Assises of *Mortdaucestor*, being respited by Essoin or Voucher, ought to be adjourned into the Bench; it shall be lawful for them to do it, and then they shall send the Record with the original Writ before the Justices of the Bench; and when the Matter is come to the taking of the Assise, the Justices of the Bench shall remit the Matter to the former Justices before whom the Assise shall be taken. (5) But from henceforth the Justices of the Bench in such Assises shall give four Days at the least in the Year before the said Justices assigned, for to spare Expence and Labour. (6) Inquisitions of Trespafs shall be determined before the Justices of both Benches, except the Trespafs be so heinous that it shall require great Examination. (7) Inquisitions also of other Pleas pleaded in either of the Benches, shall be determined before them, wherein small Examination is required, as when the Entry or Seisin of any is denied, or in case when one Article is to be inquired. (8) But Inquisitions of many and great Articles, the which require great Examination, shall be taken before the Ju-

Adjournment
of Assises.

Inquisitions of
Trespafs.

nes de comitatu scire possint eorum adventum & de termino in terminum adjournent assisas si per vocationem warranti per effonium per defectum recognitorum si ad unum diem captio earum differatur. Et si aliqua de causa viderint quod utile sit quod assise Mortis antecessoris per effonium vel vocationem warranti respectuate adjournentur in Banco liceat eis hoc facere & tunc mittatur Justitiariis de Banco recordum cum brevi originali Et cum loquela perveniat ad captionem assise remittatur loquela cum brevi originali per Justitiarios de Banco ad priores Justitiarios coram quibus capiatur assisa. Set de cetero dent Justiciarii de Banco in hujusmodi assisis ad minus quatuor dies per annum coram prefatis Justitiariis assignatis ut parcatur laboribus & expensis. Atterminentur inquisitiones capiende de transgressionibus placitatis coram Justitiariis de utroque Banco nisi ita enormis sit transgressio quod magna indigeat examinatione. Atterminentur etiam coram eis inquisitiones de aliis placitis placitatis in utroque Banco in quibus facilis est examinatio ut quando deditur ingressus vel seifina alicujus vel in casu cum de uno articulo sit inquirendum. Set inquisitiones de grossis & pluribus articulis que magna indigent examinatione capiantur coram Justitiariis de Bancis nisi ambe partes petant quod inquisitio capiatur coram aliquibus de societate cum in partes illas venerint quod de cetero non fiat nisi per duos Justiciarios vel unum cum aliquo milite de comitatu in quem partes consentiunt. Nec atterminentur hujusmodi in-

quisitiones coram aliquibus Justitiariis de Banco nisi statuatur certus dies & locus in comitatu in presentia partium & dies & locus inserantur in brevi de Judicio per hec verba: *Præcipimus tibi quod venire facias coram Justitiariis nostris apud Westm' in Octabis sancti Michaelis nisi talis & talis tali die & loco ad partes illas venerint xii. &c.*

Et cum hujusmodi inquisitiones capte fuerint retornentur in Bancis & ibi fiat judicium & irrotulentur. Et si omnia forma predicta alicue inquisitiones capiantur pro nullis habeantur excepto quod assisa Ultime presentationis & inquisitiones super Quare impedit atterminentur in proprio comitatu coram uno Justitiario de Banco & uno milite ad certos tamen diem & locum in Banco statutos sive defendens consentiat sive non & ibi statim reddatur judicium. Habeant de cetero omnes Justitiiarii de Bancis in itineribus clericos irrotulantes omnia placita coram eis placitata sicut antiquitus habere consueverunt. Item ordinatum est quod Justitiiarii ad assisas capiendas assignati non compellant juratores dicere precise si sit disseisina vel non dummodo voluerint dicere veritatem facti & petere auxilium Justitiiariorum. Set si sponte velint dicere quod disseisina est vel non admittatur eorum veredictum sub suo periculo. Et de cetero non ponant Justitiiarii in assisis aut juratis aliquos juratores nisi eos qui ad hoc primo fuerunt summoniti.

Time passed. (4) And also it is assigned to take Assises shall not compel the Jurors to say precisely

Justices of the Bench, except that both Parties desire that the Inquisition may be taken afore some of the Associates when they do come into those Parts; so that from henceforth it shall not be done but by two Justices, or one with some Knight of the Shire, upon whom the Parties can agree.

(9) And such Inquisitions shall not be determined by any Justices of the Bench, unless a Day and a Place certain be appointed in the Shire, in Presence of the Parties, and the Day and Place shall be mentioned in a Writ judicial by these Words: [*Præcipimus tibi quod venire facias coram Justitiariis nostris apud Westmonasterium in octabis sancti Michaelis, nisi talis & talis tali die & loco ad partes illas venerint, duodecim, &c.*]

II. And when such Inquests be taken, they shall be returned into the Bench, and there shall Judgement be given, and there they shall be inrolled.

(2) And if any Inquisitions be taken otherwise than after this Form, they shall be of no Effect, except that an Assise of *Darrein presentment*, and Inquisitions of *Quare impedit* shall be determined in their own Shire before one Justice of the Bench, and one Knight, at a Day and Place certain in the Bench assigned, whether the Defendant consent, or not, and there the Judgement shall be given immediately. (3) All Justices of the Benches from henceforth shall have in their Circuits Clerks to inroll all Pleas pleaded before them, like as they have used to have in

The Writ of Nisi prius. Regist. jud. 7. F.N. B. 246. E. 2 Salk. 454.

Assises of Darrein presentment and Quare impedit shall be ended in their proper Counties. 9H. 3. stat. 1. c. 12, 13.

Clerks of Assise.

A Jury may give their Verdict at large.

Vaugh. 135. &c.
1 Hawk. Pl. Cr.
291, 192.
None shall be
put in Juries
but such as
were summoned.
Ed.

14 Ed. 3. stat. 1.
c. 16.
42 Ed. 3. c. 17.

2 Inst. 426 —
428.
Kelyng. 15.

A Bill of Ex-
ception sealed
by a Justice.

cisely whether it be Disseisin, or not, so that they do shew the Truth of the Deed, and require Aid of the Justices. (5) But if they of their own Head will say that it is Disseisin, their Verdict shall be admitted at their own Peril. (6) And from henceforth the Justices shall not put in Assises or Juries any other than those that were summoned to the same at the first.

CAP. XXXI.

An Exception to a Plea shall be sealed by the Justices.

WHEN one that is impleaded before any of the Justices doth alledge an Exception, praying that the Justices will allow it, which if they will not allow, if he that alledged the Exception do write the same Exception, and require that the Justices will put to their Seals for a Witnesses, the Justices shall so do; and if one will not, another of the Company shall. (2) And if the King, upon Complaint made of the Justices, cause the Record to come before him, and the same Exception be not found in the Roll, and the Plaintiff shew the Exception written, with the Seal of a Justice put to, the Justice shall be commanded that he appear at a certain Day, either to confes or deny his Seal. (3) And if the Justice cannot deny his Seal, they shall proceed to Judgement according to the same Exception, as it ought to be allowed or disallowed.

CUM aliquis implacitatus coram aliquibus Justitiariis proponat exceptionem & petat quod Justitiiarii eam allocent quam si allocare noluerint si ille qui exceptionem proponet scribat illam exceptionem & petat quod Justitiiarii apponant sigilla in testimonium Justitiiarii sigilla sua apponant & si unus apponere noluerit apponant alius de societate. Et si forte ad querimoniam de facto Justitiiariorum venire faciat Dominus Rex recordum coram eo & si illa receptio non inveniat in rotulo & querens ostendat exceptionem scriptam cum sigillo Justitiiarii appenso mandetur Justitiiario quod sit ad certum diem ad cognoscendum sigillum suum vel deducendum. Et si Justitiiarius sigillum suum deducere non possit procedatur ad iudicium secundum illam exceptionem prout admittenda esset vel cassanda.

CAP. XXXII.

Mortmain by Recovery of Land by Default.

Mortmain
by Recovery
of Land by
Default.

2 Inst. 428 —
431.
9 Hen. 3. stat. 1.
c. 36.
7 Ed. 1. stat. 2.
18 Ed. 1. stat. 1.
c. 3.

WHEN Religious Men and other Ecclesiastical Persons do implead any, and the Party impleaded maketh Default whereby he ought to lease the Land, forasmuch as the Justices have thought hitherto, that if the Party impleaded make Default by Collusion, that where the Demandant, by

CUM viri religiosi & alie persone ecclesiastice implacitatus fecerit defaultam ob quam tenementum amittere debeat quia Justitiiarii hucusque timerunt quod si implacitatus fecerit defaultam per collusionem ut cum petens occasione statuti per

per titulum doni aut alterius alienationis feifinam de tenemento confequi non poffet per illam defaltam confequeretur & fieret fraus ftatuto ordinatum eft per Dominum Regem & concessum quod in hoc cafu poftquam defalta facta fuerit Inquiratur per patriam utrum petens habeat jus in fua petitione aut non. Et fi compertum fuerit quod petens jus habet in fua petitione procedatur ad iudicium pro petente & recuperet feifinam fuam et fi jus non habuerit incurratur tenementum proximo domino feodi fi illud petat infra annum a tempore inquisitionis capte Et fi infra annum non petat superiori domino incurratur fi petat infra dimidium annum poft illum annum Et fic habeat quilibet dominus poft proximum dominum spacium dimidii anni ad petendum fucceffive quoufque perveniatur ad Regem cui ad ultimum pro defectu aliorum dominorum tenementum incurratur. Et ad calumpniam iudicium juratores inquisitionis admittantur quicumque capitales domini feodorum & fimiliter pro Rege qui calumpniare voluerit & remaneat terra poftquam iudicium clarum fuerit in manu Domini Regis quoufque tenementum per petentem vel aliquem capitalem dominum difrationetur & oneretur vicecomes ad respondendum inde ad Scaccarium.

some other chief Lord, and the

C A P. XXXIII.

Lands where Croffes be fet, fhall be forfeited as Lands aliened in Mortmain.

QUIA multi tenentes erigunt cruces in tenementis

Occafion of the Statute, could not obtain Seifin of the Land by Title of Gift; or other Alienation, he fhall now by reason of the Default, and fo the Statute is defrauded; (2) it is ordained by our Lord the King, and granted, That in this Cafe, after the Default made, it fhall be inquired by the Country, whether the Demandant had Right in the Thing demanded, or no. And if it be found that the Demandant had Right in his Demand, the Judgement fhall pafs with him, and he fhall recover Seifin; and if he hath no Right, the Land fhall accrue to the next Lord of the Fee, if he demand it within a Year from the Time of the Inqueft taken; (3) and if he do not demand it within the Year, it fhall accrue to the next Lord above, if he do demand it within half a Year after the fame Year; (4) and fo every Lord after the next Lord fhall have the Space of half a Year to demand it fucceffively, until it come to the King, to whom at length, through Default of other Lords, the Lands fhall accrue. (5) And to challenge the Jurors of the Inqueft, every of the chief Lords of the Fees fhall be admitted, and likewise for the King, they that will fhall challenge; (6) and after the Judgement given, the Land fhall remain clear in the King's Hands, until it be deigned by the Demandant, or Sheriff fhall be charged to answer therefore at the Exchequer.

FOrasmuch as many Tenants set up Croffes, or cause to be

27 Ed. 1. stat. 2.
18 Ed. 3. stat. 3.
c. 3.
15 R. 2. c. 5.
23 H. 8. c. 10.
1 & 2 Ph. & M. c. 8.
35 Eliz. c. 7.
39 Eliz. c. 5.
43 Eliz. c. 4.
21 Jac. 1. c. 1.
13 & 14 Car. 2. c. 12.
17 Car. 2. c. 3.
29 Car. 2. c. 8.
7 & 8 W. 3. c. 37.
9 Geo. 2. c. 36.

Every chief Lord may challenge the Jurors.

Lands forfeited by erecting of Crosses.

be set up in their Lands, in Prejudice of their Lords, that Tenants should defend themselves against the chief Lords of the Fee, by the Privileges of Templars and Hospitallers; (2) it is ordained, that such Lands shall be forfeit to the chief Lords, or to the King in the same Manner as is provided for Lands aliened in Mortmain.

tis suis aut erigi permittunt in prejudicium dominorum suorum ut tenentes per privilegium Templariorum & Hospitalliariorum tueri se possint contra capitales dominos feodorum statutum est quod hujusmodi tenementa capitalibus dominis aut Regi incurrantur eodem modo quo statuitur alibi de tenementis alienatis ad mortuam manum.

C A P. XXXIV.

It is Felony to commit Rape. A married Woman elopeth with an Advouterer. The Penalty for carrying a Nun from her House.

It is Felony to ravish a Woman.
3. Ed. 1. c. 13.
6 R. 2. c. 6.

IT is provided, That if a Man from henceforth do ravish a Woman married, Maid, or other, where she did not consent, neither before nor after he shall have Judgement of Life and of Member. (2) And likewise where a Man ravisheth a Woman married, Lady, Damosel, or other, with Force, although she consent after, he shall have such Judgement as before is said, if he be attainted at the King's Suit, and there the King shall have the Suit. (3) And of Women carried away with the Goods of their Husbands, the King shall have the Suit for the Goods so taken away. (4) And if a Wife willingly leave her Husband, and go away, and continue with her Advouterer, she shall be barred for ever of Action to demand her Dower, that she ought to have of her Husband's Lands, if she be convict thereupon, except that her Husband willingly, and without Coertion of the Church, reconcile her, and suffer her to dwell with him; in which Case she shall be restored to her Action.

If a Wife do elope with an Advouterer, she shall forfeit her Dower.
Co. Lit. 32.
2 Inst. 433—
437.
Dy. 106, 107.
3 Wms. 276.

PURVEU est que si homme ravise femme espouse damoiselle ou autre femme de foremes par la ou ele ne se est assentue ne avaunt ne apres eit jugement de vie & de membre. E ensement par la ou home ravist femme dame espouse damoiselle ou autre femme a force tut seit ke ele se assente apres eit tel jugement come avaut est dit si il seit ataint a la suite le Rei e la eit le Rei sa suite. De mulieribus abductis cum bonis viri habeat Rex sectam de bonis sic asportatis. Et uxor si sponte reliquerit virum suum & abierit & inoretur cum adultero suo amittat imperpetuum actionem petendi dotem suam que ei competere posset de tenemento viri si super hoc convincatur nisi vir suus sponte & absque cohartione ecclesiastica eam reconciliet & secum cohabitare permittat in quo casu restituantur ei actio. Qui monialem a domo sua abducat licet monialis consentiat punietur per prisonam trium annorum & satisfaciatur domui a qua abducta fuerit competenter & nichilominus

minus redimetur ad voluntatem Regis.

(5) He that carrieth a Taking away Nun from her House, al- of a Nun. though she consent, shall be punished by three Years Imprisonment, and shall make convenient Satisfaction to the House from whence she was taken, and nevertheless shall make Fine at the King's Will.

C A P. XXXV.

In what Cases do lie a Writ of Ravishment of Ward, Comuni Custodia, Ejectione, &c.

DE pueris sive masculis sive femellis quorum maritadium ad aliquem pertineat raptis & abductis si ille qui rapuit non habens jus in maritadio licet postmodum restituat puerum non maritatum vel de maritadio satisfecerit puniatur tamen pro transgressione per prisonam duorum annorum Et si non restituerit vel heredem post annos nubile maritaverit Et de maritadio satisfacere non poterit abjuret regnum vel habeat perpetuam prisonam & super hoc habeat querens tale breve :

Si A. fecerit te securum de clam' suo pros' tunc pone per vadium, &c. quod sit coram Justic' &c. ostensurus quare talem heredem infra etatem existentem cujus maritadium ad ipsum pertinet tali loco inventum rapuit & abduxit contra voluntatem ipsius A. & contra pacem nostram, &c.

Et si heres sit in eodem comitatu tunc addatur ista clausula :

Et diligenter inquiras ubi ille heres sit in balliva tua & ipsum ubicumque fuerit inventus capias & salvo & secure custodias ita quod eum habeas coram prefatis Justitiariis nostris ad prefatum terminum ad reddendum cui predictorum A. vel B. reddi debeat.

Et fiat secta versus partem de qua queritur quousque per distractionem venerit si habeat per quod possit distringi vel per

CONCERNING Children Males or Females (whose Marriage belongeth to another) taken and carried away, if the Ravisher have no Right in the Marriage, though after he restore the Child unmarried, or else pay for the Marriage, he shall nevertheless be punished for his Default by two Years Imprisonment; (2) and if he do not restore, or do marry the Child after the Years of Consent, and be not able to satisfy for the Marriage, he shall abjure the Realm, or have perpetual Imprisonment; (3) and thereupon the Plaintiff shall have such a Writ :

The Punishment of him that taketh away a Ward.
2 Inst. 437—
443.
3 Inst. 171.
20 Hen. 3. c. 6.
52 Hen. 3. c. 7.
3 Ed. 1. c. 22.

[Si A. fecerit te securum de clamore suo, &c. tunc pone per vadium, &c. B. quod sit coram justitiariis, &c. ostensurus, quare talem hæredem infra ætatem existentem, cujus maritadium ad ipsum pertinet tali loco inventum rapuit & abduxit contra voluntatem ipsius A. & contra pacem nostram, &c.]

A Writ of Ravishment of Ward.

(4) And if the Heir be in the same County, then this Clause must be thereto added :

[Et diligenter inquiras, ubi ille hæres sit in balliva tua; & ipsum (ubicumque fuerit inventus) capias, & salvo & secure custodias, ita quod eum habeas coram præfatis justitiariis nostris ad præfatum terminum, ad reddendum cui

prædictorum A. vel B. reddi debeat.

Process against
an Offender.

(5) And Suit shall be made against the Party on whom Complaint is made, until he come in by Distress, if he have whereby he may be distrained; or else for his Contumacy, in case he be not justifiable, he shall be outlawed. (6) And if percase the Heir be married, or carried into another County, then a Writ shall be directed to the Sheriff of the same Shire in this Form:

A Writ if the
Heir be carried
into another
County..

[Questus est nobis A. quod B. nuper talem hæredem infra ætatem & in custodia sua existentem tali loco in comitatu tali rapuit, & de comitatu tali ad talem locum in com' tuo abduxit contra voluntatem ipsius A. & contra pacem nostram, &c. Et ideo tibi præcipimus, quod prædictum hæredem (ubicunque in balliva tua invenire poteris) capias, & salvo & secure eum custodias, ita quod eum habeas coram justitiariis nostris, &c. tali die, quem idem A. habet versus prædictum B. ad reddendum cui de jure reddi debeat.]

If the Heir die
before the Suit
ended.

(7) And if the Heir do die afore he can be found, or before he can be restored to the Plaintiff, the Plea shall pass between them nevertheless, until it be tried unto whom he ought to have been restored if he had been living. (8) Neither shall the Ravisher of such a one be excused or eased of the Punishment aforesaid by the Death of the Heir, whom he did withhold by Wrong during his Life. (9) And if the Plaintiff die before the Plea determined, if the Right belong to him by reason of his proper Fee, the Plea shall be summoned

contumaciam si non sit justitabilis exigatur & utlagetur. Si forte hujusmodi heres ducatur & transferatur in alium comitatum tunc vicecomiti illius comitatus fiat breve in hac forma:

Questus est nobis A. quod B. nuper talem heredem infra etatem & in custodia sua existentem tali loco in comitatu tali rapuit & de comitatu tali ad talem locum in comitatu tuo abduxit contra voluntatem ipsius A. & contra pacem nostram Et ideo tibi precipimus quod predictum heredem ubicunque in balliva tua invenire poteris capias & salvo & secure eum custodias ita quod eum habeas coram Justitiariis nostris tali loco & die quem diem idem A. habet versus predictum B. ad reddendum cui de jure reddi debeat.

Et si heres antequam inveniri poterit vel antequam restituatur querenti obierit nichilominus procedat placitum inter eos quousque terminetur cui restitui deberet si superites fuisset. Nec excusabitur ille aut alleviabitur ille qui injuste rapuit hujusmodi heredem de pena supradicta post mortem heredis cujus extitit male fidei possessor dum vixit. Et si querens obierit ante placitum terminatum si jus ei competeat ratione proprii feodi sui resumoneatur loquela ad sectam heredis querentis & procedat placitum debito ordine. Si vero per alium titulum competat ei jus sicut titulo donationis venditionis vel alio hujusmodi titulo tunc resumoneatur loquela ad sectam executorum querentis & procedat placitum ut predictum est. Eodem modo si moriatur pars defendens antequam placitum terminetur vel heres restituatur procedat placitum

placitum per resummonitionem inter quarentem vel ejus heredem seu executores & executores defendentis vel ejus heredem si executores non sufficient quoad satisfactionem de valore maritaggi secundum quod in aliis statutis continetur set non quoad penam prisone qua quis pro alieno facto non est puniendus. Eodem modo cum pendeat placitum inter partes de custodia terre & heredis vel utriusque per commune breve quod incipit *Precipe tali quod reddat &c.* fiat resummonitio inter heredes & executores querentis & similiter heredes aut executores defendentis si mors alteram partem preveniat ante placitum terminatum. Et cum perveniatur ad magnam distinctionem detur terminus infra quem tres comitatus teneantur ad minus in quorum quolibet comitatu fiat publica proclamatio quod deforcior veniat ad bancum ad diem in brevi contentum responsurus querenti ad quem diem si non venerit & proclamatio sic semel secundo & tertio testificata fuerit procedatur ad iudicium pro querente salvo jure defendentis si postmodum inde loqui voluerit. Eodem modo fiat in brevi de transgressione cum quis queritur se ejectum fuisse de hujusmodi custodiis.

shall be given, within which holden at the least, in every of which open Proclamation shall be made, that the Deforcer shall come into the Bench at the Day contained in the Writ, to answer the Plaintiff; (14) at which Day if he come not, and the Proclamation be so returned once, twice, or thrice, the Judgement shall pass for the Plaintiff, saving the Right of the Defendant, if after he will claim it. (15) In the same manner it shall be done in a Writ of Trespass, when any complaineth himself to be ejected from such Wardships.

moned at the Suit of the Heir of the Plaintiff, and the Plea shall pass in due Order. (10) But if the Right belongeth to him by another Title, as by a Title of Gift, Sale, or other such like, then the Plea shall be resummoned at the Suit of the Executors of the Plaintiff, and the Plea shall pass as before is said. (11) In the same manner if the Defendant die before the Plea be tried, or the Heir be restored, the Plea shall pass by Resummons between the Plaintiff, his Heirs or Executors, and the Executors of the Defendant or his Heirs, if the Executors be not sufficient to satisfy for the Value of the Marriage, after as it is contained in other Statutes, but not as to the Pain of Imprisonment; for none ought to be punished for the Offence of another. (12) In the same manner when a Plea hangeth between Parties for the Ward of Land, or of an Heir, or of both, by the common Writ that beginneth *Precipe tali, &c. quod reddat, &c.* Resummons shall be made between the Heirs and Executors of the Plaintiff; and likewise the Heirs and the Executors of the Defendant, if Death prevent any of the Parties before the Plea determined.

(13) And when they have passed to the great Distress, a Day

three County-Courts may be which open Proclamation shall be made, that the Deforcer shall come into the Bench at the Day contained in the Writ, to answer the Plaintiff; (14) at which Day if he come not, and the Proclamation be so returned once, twice, or thrice, the Judgement shall pass for the Plaintiff, saving the Right of the Defendant, if after he will claim it. (15) In the same manner it shall be done in a Writ

If the Defendant die.

20 H. 3. c.6.
3 Ed. 1. c.22.

Resummons in communia custodia.
52 H. 3. c.7.

Ejectione custodie.

CAP. XXXVI.

A Distress taken upon a Suit commenced by others.

The Penalty
for Procure-
ment of Suits.
2 Inst. 443 —
445.

FOrasmuch as Lords of Courts, and other that keep Courts, and Stewards, intending to grieve their Inferiors, where they have no lawful mean so to do, procure other to move Matters against them, and to put in Surety and other Pledges, or to purchase Writs, and at the Suit of such Plaintiffs compel them to follow the County, Hundred, Wapentake, and other like Courts, until they have made Fine with them at their Will; (2) it is ordained, that it shall not be so used hereafter. (3) And if any be attached upon such false Com plaints, he shall replevy his Distress so taken, and shall cause the Matter to be brought afore the Justices, before whom if the Sheriff, Bailiff, or other Lord (after that the Party distrained hath framed his Plaint) will advow the Distress lawful by reason of such Com plaints made unto them, and it be replied that such Plaints were moved maliciously against the Party by the Solicitation or Procurement of the Sheriff, or other Bailiffs, or Lords, the same Replication shall be admitted; (4) and if they be convict hereupon, they shall make Fine to the King, and nevertheless restore treble Damages to the Parties grieved.

ET quia domini curiatum & alii qui curias tenent & senescalli volentes gravare subditos suos cum non habeant legalem viam eos gravandi procurant alios movere querelas versus eos & dare vadium & offerre plegios vel impetrare breviam & ad sectas hujusmodi querentium compellunt eos sequi comitatum hundredum & curiam quousque finem fecerint cum ipsis pro voluntate sua statutum est quod de cetero hoc non fiat. Et si quis per hujusmodi falsas querimonias fuerit attachiatus replegiat distinctionem suam sic captam & poni faciat loquelam coram Justitiariis coram quibus si vicecomes vel alius ballivus vel dominus postquam sic distinctus formaverit querimoniam suam advocaverit justam distinctionem ratione hujusmodi querimoniarum coram eis factarum & replicetur quod hujusmodi querimonie versus eos movebantur malitiose ad instantiam seu procuracionem vicecomitis aut aliorum ballivorum aut dominorum admittatur illa replicatio Et si super hoc convicti fuerint versus dominum regem redimantur & nichilominus hujusmodi sic gravatis dampna in triplo restituant.

CAP. XXXVII.

No Distress shall be taken but by Bailiffs known and sworn.

No Distress
shall be taken
but by Bailiffs
known and
sworn.

FOrasmuch also as Bailiffs, to whose Office it belongeth to take Distresses, intending to grieve their Inferiors, that they may exact Money of them, do send Strangers to take distresses, to the Intent that they might grieve their

QUIA etiam ballivi ad quos ex officio pertinent distinctiones facere volentes subditos suos gravare ut ab eis pecuniam extorqueant mittunt ignotos ad faciend' distinctiones ea intentione ut subditos gravare

vare possint per hoc quod sic districti non habentes notitiam personarum non permittunt hujusmodi districtiones super eos fieri statutum est quod nulla districtio fiat nisi per ballivos juratos & notos. Et distringentes si alio modo fecerint & de hoc convicti fuerint si gravati breve de Transgressione impetraverint restituant gravatis dampna & versus Regem graviter puniantur.

Inferiors, by reason that the Parties so distrained, not knowing such Persons, will not suffer the Distresses to be taken; (2) it is provided, That no Distress shall be taken, but by Bailiffs sworn and known. (3) And if they which do distrain do otherwise, and thereof be convict (if the Parties grieved will purchase a Writ of Tretpass) they shall restore Damages to the Parties grieved, and besides, shall be grievously punished towards the King.

2 Inft. 44.5, 446.

C A P. XXXVIII.

How many shall be returned in Juries and petit Assises, and of what Age they shall be.

QUIA etiam vicecomites hundredarii & ballivi libertatum consueverunt gravare subditos suos ponendo in assisis & juratis homines languidos decrepitos perpetua vel temporali infirmitate languentes homines etiam tempore summotionis sue in patria non commorantes summonendo etiam effrenatam multitudinem juratorum ita ut a quibusdam eos in pace dimittendo pecuniam extorqueant & sic fiunt assise & jurate multotiens per pauperiores divitibus pro suo dando domi commorantibus statutum est de cetero quod non summoneantur in una assisa plures quam viginti & quatuor Senes etiam videlicet ultra sexaginta & decem annos perpetuo languidi vel tempore summotionis infirmi vel in patria non commorantes non ponantur in juratis vel minoribus assisis. Nec etiam ponantur in assisis aut juratis licet in proprio comitatu capi debeant aliqui qui minus habeant tenementum quam ad valentiam viginti solidorum per annum. Et si hujusmodi

FOrasmuch also as Sheriffs, ² Inft. 446 — Hundreders, and Bailiffs of ^{448.} Liberties, have used to grieve those which be in Subjection unto them, putting in Assises and Juries Men diseased and decrepit, and having continual or sudden Disease; (2) and Men also that dwelled not in the Country at the Time of the Summons; (3) and summon also an unreasonable Multitude of Jurors, for to extort Money from some of them for letting them go in Peace, and so the Assises and Juries pass many Times by Poor Men, and the Rich Men abide at home by reason of their Bribes:

(4) it is ordained, That from henceforth in one Assise no more shall be summoned than four and twenty; (5) and old Men, above Threescore and ten Years, being continually sick, or being diseased at the Time of the Summons, or not dwelling in that Country, shall not be put in Juries of petit Assises. (6) Nor any shall be put in Assises or Juries, though they ought to be taken in their own Shire, that may dispense less than Twenty Shillings yearly,

What sort of Persons shall be returned in Juries or petit Assises, and of what Age they shall be. Kelyng, 16. 28 Ed. 1. stat. 3. c. 9.

yearly. (7) And if such Assises and Juries be taken out of the Shire, none shall pass in them but such as may dispend Forty Shillings yearly at the least, except such as be Witnesses in Deeds or other Writings, whose Presence is necessary, so that they be able to travel.

What sort of Persons shall be returned in great Assises.

(8) Neither shall this Statute extend to great Assises, in which it behoveth many Times Knights to pass not resident in the Country, for the Scarcity of Knights, so that they have Land in the Shire. (9) And if the Sheriff, or his Undersheriffs, or Bailiffs of Liberties, offend in any Point of this Statute, and thereupon be convicted, Damages shall be awarded to the Parties grieved, and they shall nevertheless be amerced to the King. (10) And Justices assigned to take Assises, when they come into the Shire, shall have Power to hear the Plaints of all Complainants as to the Articles contained in this Statute, and to minister Justice in form aforesaid.

21 Ed. 1. stat. 7.
De iis qui ponend. &c.

justi modi assise & jurate extra comitatum capi debeant non ponatur in eis aliquis qui minus tenementum habeat quam ad valentiam quadraginta solidorum per annum hiis exceptis qui testes sunt in cartis vel aliis scriptis quorum presentia necessaria est dum tamen potentes sint ad laborandum. Nec debet istud statutum extendi ad magnas assisas in quibus aliquando oportet apponere milites in patria non residentes propter paucitatem militum dum tamen in comitatu habeant tenementum. Et si vicecomes vel subballivi sui vel ballivi libertatis contra istud statutum in aliquo articulo venerint & super hoc convincantur restituant dampna gravatis & nichilominus sint in misericordia Domini Regis. Et habeant justitiiarii ad assisas capiendas assignati cum in comitatum venerint potestatem audiendi querimonias singulorum corquerentium quoad articulos in isto statuto contentos & justitiam in forma predicta exhibendi.

C A P. XXXIX.

The Manner to deliver Writs to the Sberiff to be executed. The Sberiff returneth a Liberty where none is. Returning of Issues. Resistance of Execution of Procefs.

How Writs shall be delivered to Sheriffs to be executed.

2 Ed. 3. c. 5.
2 Inst. 449 —
454.

FOrasmuch as Justices, to whose Office it belongeth to minister Justice to all that sue before them, are many Times disturbed in due Execution of their Office, for that Sheriffs do not return Writs original and judicial; (2) and also for that they make false Returns unto the King's Writs; (3) our Lord the King hath provided and ordained, That such as do fear the Malice of Sheriffs, shall deliver their Writs original and judicial

QUIA Justitiiarii ad quorum officium spectat unicuique coram eis placitanti justitiam exhibere frequentius impediuntur quo minus officium suum debito modo exequi possent per hoc quod vicecomes brevia originalia & judicialia non returnant per hoc etiam quod ad brevia Regis falsum returnant responsum providit Dominus Rex & ordinavit quod illi qui timent maliciam vicecomites liberent brevia sua originalia

originalia & judicialia in pleno comitatu vel in retro comitatu ubi fit collectio denariorum Domini Regis. & capiatur biletum de vicecomite presente vel subvicecomite in quo biletto contineantur nomina petent' & tenent' que nominantur in brevi & ad requisitionem illius qui breve liberabit apponatur sigillum vicecomitis vel subvicecomitis in testimonium & fiat mentio de die liberationis brevis. Et si vicecomes vel subvicecomes hujusmodi biletto sigilla sua apponere noluerint capiatur testimonium militum & aliorum fide dignorum qui presentes fuerint qui sigilla sua hujusmodi biletto apponant. Et si vicecomes brevia sibi liberata non retulerit & super hoc Justitiar' querimonia perveniat mandetur per breve de Judicio Justitiariis ad assisas capiendas assignatis quod inquirent per eos qui presentes fuerint quando breve vicecomiti liberatum fuit si sciverint de illa liberatione & inquisitio returnetur Et si comperit fuerit per inquisitionem quod breve fuit ei liberatum adjudicentur petenti vel querenti dampna habito respectu ad quantitatem & qualitatem actionis & ad periculum quod ei evenire possit per dilationem quam patiebatur Et per istam viam fiat remedium quando vicecomes respondet quod breve adeo tarde venit quod preceptum Regis exequi non potuit. Multociens etiam capiunt placita dilationem per hoc quod vicecomites respondent quod preceperint ballivis alicujus libertatis qui nichil inde fecerunt & nominant libertates que nunquam returnum brevium habuerunt propter quod ordi-

navit

cial in the open County, or in the County where the Collection of the King's Money is ; (4) and may take of the Sheriff or Undersheriff, being present, a Bill, wherein the Names of the Demandants and Tenants mentioned in the Writ shall be contained ; (5) and at the Request of him that delivered the Writ, the Seal of the Sheriff or Undersheriff shall be put to the Bill for a Testimony, and Mention shall be made of the Day of the Deliverance of the Writ. (6) And if the Sheriff or Undersheriff will not put his Seal to the Bill, the Witness of Knights and other credible Persons being in Presence shall be taken, that put their Seals to such Bill. (7) And if the Sheriff will not return Writs delivered unto him, and Complaint thereof be made to the Justices, a Writ judicial shall go unto the Justices assigned to take Assises, that they shall inquire by such as were present at the Deliverance of the Writ to the Sheriff, if they knew of the Deliverance, and an Inquest shall be returned. (8) And if it be found by the Inquest, that the Writ was delivered to him, Damages shall be awarded to the Plaintiff or Demandant ; having respect to the Quality and Quantity of the Action, and to the Peril that might have come to him by reason of the Delay that he sustained ; (9) and by this Mean there shall be Remedy when the Sheriff returneth that the Writ came too late, whereby he could not execute the King's Commandment. (10) Oftentimes also Pleas be delayed by reason that the Sheriff returneth that he hath commanded

P 4

the

3 Ed. 1. c. 17.
The Sheriff
returneth a
Liberty where
none is.

the Bailiffs of some Liberty which did nothing therein, and nameth Liberties that never had the Return of Writs; whereupon our Lord the King hath ordained, That the Treasurer and Barons of the Exchequer shall deliver to the Justices in a Roll all the Liberties in all Shires that have Return of Writs. (11) And if the Sheriff answer that he hath made Return to a Bailiff of another Liberty than is contained in the said Roll, the Sheriff shall be forthwith punished as a Disheiritor of our Lord the King and his Crown. (12) And if peradventure he return that he hath delivered the Writ to a Bailiff of some Liberty that indeed hath Return, the Sheriff shall be commanded, that he shall not spare for the foresaid Liberty, but shall execute the King's Precept; and that he do the Bailiffs to wit, to whom he returned the Writ, that they be ready at a Day contained in the Writ, to answer why they did not execute the King's Precept. (13) And if they come at the Day, and acquit themselves, that no Return was made to them, the Sheriff shall be forthwith condemned to the Lord of the same Liberty, and likewise to the Party grieved by the Delay, for to render Damages. (14) And if the Bailiffs come not in at the Day, or do come, and do not acquit themselves in Manner aforesaid; in every judicial Writ, so long as the Plea hangeth, the Sheriff shall be commanded that he shall not spare for the Liberty, &c. (15) Many Times also Sheriffs make false Returns as touching these Articles, *Quod de exitibus, &c.*

navit Dominus Rex quod The-
saurarius de Scaccario liberet in
rotulo omnes libertates in
quibuscumque comitatibus que
habent returnum brevium. Et
si vicecomes respondeat quod
returnum fecit ballivis alterius
libertatis quam alicujus con-
tente in predicto rotulo statim
puniatur vicecomes tanquam
exheredator Domini Regis &
Corone sue. Et si forte re-
spondeat quod returnavit balli-
vis alicujus libertatis que vera-
citer returnum habet mandetur
vicecomiti quod non omitat
propter predictam libertatem
quin exequatur preceptum Do-
mini Regis & quod scire faciat
ballivis quibus fecit returnum
quod sint ad diem in brevi
contentum ad respondendum
quare de precepto Domini Re-
gis executionem non fecerunt.
Et si ad diem venerint & se ac-
quient quod returnum brevis-
eis non fuit factum statim con-
dempnetur vicecomes domino
illius libertatis & similiter parti
lese per dilationem in restituti-
onem dampnorum. Et si balli-
vi ad diem non venerint vel
venerint supradicto modo se
non acquietaverint in quolibet
brevi de Judicio quam diu du-
rat placitum precipiatur vice-
comiti quod non omitat prop-
ter libertatem, &c. Multoties
etiam falsum dant respon-
sum quoad illum articulum
Quod de exitibus, &c. man-
dantes aliquando & mentientes
quod nulli sunt exitus aliquan-
do quod parvi sunt cum de
majoribus respondere possunt
aliquando non facientes men-
tionem de exitibus propter
quod ordinatum est & concor-
datum quod si querens petat
auditum responsionis vicecomi-
tis concedatur ei & si offerat
verificare

Non omittas
propter ali-
quam liberta-
tem.
3 Ed. 1. c. 17.

The Sheriffs
Defaults in re-
turning of
Issues.

re-

verificare quod vicecomes de majoribus exitibus respondere potuit fiat ei breve de Judicio ad Justitarios ad assisas capiendas assignatas quod inquirent in presentia vicecomitis si interesse voluerit de quibus & quantis exitibus vicecomes respondere potuit a die receptionis brevis usque ad diem in brevi contentum. Et cum inquisitio retornata fuerit si de pleno prius non respondit oneretur de superplufagio per extractas liberatas ad scaccarium & nichilominus graviter amercietur pro concealamento. Et sciat vicecomes quod redditus blada in grangia & omnia mobilia preter equitaturam indumenta & utensilia domus continentur sub nomine *Exituum*. Precipit Dominus Rex quod vicecomes pro hujusmodi falsis responsis semel & iterum si sit necesse per Justic' castigentur Et si tertio deliquerint alius non opponat manum quam Dominus Rex. Multotiens etiam dant responsum mandando quod non potuerunt prosequi preceptum Regis propter resistantiam potestatis alicujus magnatis de quo caveant vicecomites de cetero quia hujusmodi responsio multum redundat in dedecus Domini Regis. Et quam cito ballivi sui testificantur quod invenerunt hujusmodi resistantiam statim omnibus omiſſis assumpto secum posse comitatus sui eat in propria persona ad faciendam executionem Et si inveniatur subballivos mendaces puniat eos per prisonam ita quod alii per eorum penam castigentur Et si inveniatur eos veraces castiget resistantes per prisonam a qua non deliberentur sine speciali precepto Domini Regis. Et si forte vicecomes cum venerit

re-

returning sometime, and lying, that there be no Issues, sometime that there are small Issues, when they may return great, and sometime do make mention of no Issues; (16) wherefore it is ordained and agreed, That if the Plaintiff demand hearing of the Sheriff's Return, it shall be granted him; (17) and if he offer to aver that the Sheriff might have returned greater Issues unto the King, he shall have a Writ judicial unto the justices assigned to take Assises, that they shall inquire in Presence of the Sheriff (if he will be there) of what and how great Issues the Sheriff might have made Return from the Day of the Writ purchased unto the Day contained in the Writ. (18) And when the Inquest is returned, if he have not afore answered for the Whole, he shall be charged with the Overplus by the Extreates of the Justices delivered in the Exchequer, and nevertheless shall be grievously amerced for the Concealment. (19) And let the Sheriff know, that Rents, Corn in the Grange, and all Moveables (except Horse, Harnes, and Householdstuff) be contained within the Name of *Issues*. (20) And the King hath commanded, that Sheriffs shall be punished by the Justices once or twice (if Need be) for such false Returns; (21) and if they offend the third Time, none shall have to do therewith but the King. (22) They make also many Times false Answers, returning that they could not execute the King's Precept for the Resistance of some great Man; wherefore let the Sheriffs beware from henceforth, for such Manner of Answers

What shall be accounted Issues.

The Sheriff returneth that there was Disturbance of Execution of Process. Regist. 83.

re-

redound much to the Dishonour of the King. (23) And as soon as his Bailiffs do testifie that they found such Resistance, forthwith all Things set apart (taking with him the Power of the Shire) he shall go in proper Person to do Execution; and if he find his Underbailiffs false, he shall punish them by Imprisonment, so that other by their Example may be reformed; and if he do find them true, he shall punish the Resisters by Imprisonment, from whence they shall not be delivered without the King's special Commandment. (24) And if per case the Sheriff when he cometh do find Resistance, he shall certifie to the Court the Names of the Resisters, Aiders, Consenters, Commanders, and Favourers, and by a Writ judicial they shall be attached by their Bodies to appear at the King's Court; (25) and if they be convict of such Resistance, they shall be punished at the King's Pleasure: Neither shall any Officer of the King's meddle in assigning the Punishment, for our Lord the King hath reserved it specially to himself, because that Resisters have been reputed Disturbers of his Peace, and of his Realm.

CAP. XL.

A Woman's Suit shall not be deferred by the Minority of the Heir.

A Woman's Suit shall not be delayed by the Minority of the Heir which ought to warrant the Land.

^a Inf. 455, 456.

WHere any doth aliene the Right of his Wife, it is agreed, That from henceforth the Suit of the Woman, or her Heir, after the Death of her Husband, shall not be delayed by the Nonage of the Heir that ought to warrantise, but let the Purchaser tarry, which ought not to have been ignorant that he bought the Right of another, until the Age of his Warrantor, to have his Warranty.

CUM quis alienat jus uxoris sue concordatum est quod de cetero secta mulieris vel ejus heredis non differatur post obitum viri per minorem etatem heredis qui warrantizare debet sed expectet emptor qui ignorare non debuit quod jus alienum emit usque ad etatem warranti sui de warrantia sua habenda.

CAP. XLI.

A Contra formam Collationis; and a Cessavit to recover Lands given in Alms.

^a Inf. 456 — 460.

OUR Lord the King hath ordained, That if Abbots, Priors,

STatuit Dominus Rex quod si Abbates Priores Custodes

des Hospitalium & aliarum domorum religiosarum fundatarum ab ipso vel a progenitoribus suis alienaverint de cetero tenementa domibus ipsis ab ipso vel a progenitoribus suis collata tenementa illa in manum Domini Regis capiantur & ad voluntatem suam teneantur & emptor amittat suum recuperare tam de tenementis quam de pecunia quam pacavit. Si autem domus illa a Comitibus Baronibus vel aliis fundata fuerit de tenementis sic alienatis habeat ille a quo vel a cuius antecessore tenementum sic alienatum collatum fuerit breve ad recuperandum tenementum illud in dominico quod tale est:

Præcipe tali Abbati quod iuste, &c. reddat B. tale tenementum quod eidem domui collatum fuit in liberam elemosinam per predictum B. vel antecessores suos & quod ad predictum B. reverti debet per alienationem quam predictus Abbas fecit de predicto tenemento contra formam collationis predictæ ut dicit.

Eodem modo de tenemento dato pro Cantaria sustentanda vel luminari in aliqua ecclesia vel Capella vel aliis elemosinis sustentandis si tenementum sic datum alienatur. Et si forte tenementum sic datum pro Cantaria luminari potura pauperum vel aliis elemosinis sustentandis vel faciendis non fuerit alienatum sed subtracta fuerit huiusmodi elemosina per biennium competat actio donatori vel ejus heredi ad petendum tenementum sic datum in dominico sicut statutum est in statuto Glouc' de tenementis dimissis ad faciendum vel ad reddendum quartam partem valoris tenementi vel majoris.

Priors, Keepers of Hospitals, and other religious Houses founded by him or by his Progenitors, do from henceforth aliene the Lands given to their Houses by him or by his Progenitors; the Land shall be taken into the King's Hands, and holden at his Will, and the Purchaser shall lose his Recovery as well of the Lands, as of the Money that he paid. (2) And if the House were founded by an Earl, Baron, or other Persons, for the Lands so aliened, he from whom, or from whose Ancestor the Land so aliened was given, shall have a Writ to recover the same Land in Demesne, which is thus:

[II. Præcipe tali abbati, quod iuste, &c. reddat G. F. tale tenementum quod eidem domui collatum fuit in liberam elemosinam per predictum G. vel antecessores suos, & quod ad predictum G. reverti debet per alienationem quam predictus abbas fecit de predicto tenemento, contra formam collationis prædictæ, ut dicit.]

III. In like Manner for Lands given for the Maintenance of a Chantery, or of Light in a Church or Chapel, or other Alms to be maintained, if the Land given be aliened. (2) But if the Land so given for a Chantery, Light, Sustenance of poor People, or other Alms to be maintained or done, be not aliened, but such Alms is withdrawn by the Space of two Years, an Action shall lie for the Donor or his Heir to demand the Land so given in demean, as it is ordained in the Statute of Gloucester

Cont. form. collat. Regist. 238.

Cessavit de Cant.

Stat. 6 Ed. 1.
 stat. 1. c. 4.
 Supra, c. 21.
 Wright's Ten.
 197—202.
 11 Co. 63.

ster, for Lands leased to do or to render the fourth Part of the Value of the Land, or more.

C A P. XLII.

The Several Fees of Marshals, Chamberlains, Porters of Justices in Eyre, &c.

The several Fees of Marshals, Chamberlains, &c. which have the Office in Fee.
 2 Inst. 461 — 464.

CONCERNING the King's Marshals of Fee, Chamberlains, Porters in the Circuit of Justices and Serjeants bearing Vierge before Justices at *Westminster*, which have the same Office in Fee, and that ask more by reason of their Fee than they have used to ask, whereupon many do complain on them, that have known and seen the Order of the Court, of long Time; (2) our Lord the King hath caused to be enquired by an Inquest what the said Officers of Fee have used to have in Times passed, and hath ordained and commanded, That a Marshal of Fee, which of new asketh a Palfray of Earls, Barons, and other holding by a Part of a Barony when they have done Homage, and nevertheless another Palfray when they are made Knights, and of some that ought not to give any, ask a Palfray: (3) It is in like Manner ordained, That the said Marshal of every Earl and Baron, holding by an entire Barony, shall be contented with one Palfray, or with the Price of it, such as he hath used to have of old; (4) so that if he took a Palfray, or the Price of one, at the doing of his Homage in Form aforesaid, he shall take nothing when he is made Knight; and if he took nothing at the doing of his Homage, when he is made Knight he shall take. (5) Of Abbots and Priors holding an whole

DE marescallis Domini Regis de feodo Camerarum Custod' Hostiorum in Itinere Justitiariorum & servientibus virgam portantibus coram Justitiariis apud Westm' qui officium illud habent de feodo & qui plus exigunt ratione feodi sui quam exigere consueverunt secundum quod multi queruntur per eos qui statum Curie a multo tempore viderunt & sciunt Dominus Rex inquiri fecit quem statum predicti ministri de feodo habere consueverunt temporibus retroactis & per inquisitionem statuit & precepit quod Marescallus de feodo qui de novo exigit palefridum de Comitibus Baronibus & aliis per partem Baronie tenentibus quando homagium fecerunt & nichilominus ad militiam eorum alium palefridum & de quibusdam de quibus palefridum habere non debent palefridum de novo exigunt ordinavit quod predictus Marescallus de quolibet Comite & Barone integram Baroniam tenente de unico palefrido sit contentus vel de precio quale antiquitus percipere consueverunt ita quod si ad homagium quod fecit palefridum vel precium ceperit in forma predicta ad militiam suam nichil capiat Et si forte ad homagium nichil ceperit ad militiam capiat. De Abbatibus & Prioribus integram Baroniam tenentibus cum homagium aut fidelitatem fecerint pro Baroniis suis capiat palefridum vel precium ut predictum

tum est. Hoc idem de archiepiscopis & episcopis est observandum. De hiis autem qui partem baronie tenent sive sint religiosi sive seculares capiant secundum portionem partis Baronie quam tenent. De religiosis tenentibus in liberam elemosynam & non per Baroniam vel partem Baronie nichil de cetero exigat mareschallus. Et concessit Dominus Rex quod per hoc statutum non precludatur marescallus suus de feodo in plus petendo si imposterum ostendere poterit quod jus habeat plus petendi. Camerarii Domini Regis habeant de cetero de Archiepiscopis Episcopis Abbatibus Prioribus & aliis personis ecclesiasticis Comitibus Baronibus integram Baroniam tenentibus rationabilem finem cum homagium aut fidelitatem pro Baroniis suis fecerint Et si per partem Baronie teneant capiat rationabilem finem secundum portionem ipsos contingentem. Alii vero Abbates & Priores & alii religiosi & seculares non tenentes per baroniam vel partem baronie non distringantur ad finem faciendum secundum quod de tenentibus per baroniam vel partem baronie dictum est set sit camerarius de superiori indumento contentus vel de precio indumenti quod plus dictum est pro religiosis quam secularibus quia honestius est quod religiosi finem faciant pro superiori indumento quam exuantur.

is done in Favour of Persons religious more than of Lay Persons ; for it is more convenient that religious Men should fine for their upper Garment, than to be stripped.

whole Barony, when they do Homage or Fealty for their Baronies, he shall take one Palfray, or the Price, as afore is said. (6) And this shall also be observed amongst Archbishops and Bishops. Of such as hold but a Part of a Barony, whether they be Religious or Secular, he shall take according to the Portion of the Part of the Barony that they hold.

(7) Of religious Men that hold Religious in free Alms, and not by a Ba- Men.

rony, nor Part of a Barony, the Marshal from henceforth shall demand nothing. (8) And

our Lord the King hath granted, that by this Statute a Marshal of Fee shall not be barred hereafter to demand more, if he can shew that he hath Right unto more. (9) The King's

The King's Chamberlains from henceforth Chamberlains.

shall have of Archbishops, Bishops, Abbots, Priors, and other Persons Spiritual, of Earls and Barons holding an entire Barony, a reasonable Fine when they do their Homage or Fealty; (10) and if they hold by a Part of a Barony, they shall take a reasonable Fine according to the Portion to them belonging. (11) Other Abbots, Priors, and other Persons Spiritual and Temporal, that hold no entire Barony, nor Part of a Barony, shall not be distrained to make Fine, as it is said by them that hold by a Barony, or Part of a Barony, but the Chamberlain shall be contented with his upper Garment, or with the Price thereof; which

CAP. XLIII.

Hospitallers and Templars shall draw no Man into Suit, &c.

Hospitallers
and Templars
shall draw
none into
Suit before
the Conserva-
tors of their
Privileges.

2 Inft. 464 —
466.

BE it prohibited from henceforth to Hospitallers and Templars, that hereafter they bring no Man in Plea before the Keepers of their Privileges for any Matter, the Knowledge whereof belongeth to the King's Court; which if they do, first they shall yield Damages to the Party grieved, and be grievously punished unto the King. (2) The King also prohibiteth to the Keepers of such Privileges, that from henceforth they grant no Citations at the Instance of Hospitallers, Templars, or other Persons privileged, before it be expressed upon what Matter the Citation ought to be made. (3) And if the Keepers do see that a Citation is required upon any Matter, the Knowledge whereof belongeth to the King's Court, the Keepers shall neither make nor knowledge the Citation. (4) And if the Keepers do otherwise, they shall yield Damages to the Party grieved, and nevertheless shall be grievously punished by the King. (5) And forasmuch as such Persons privileged, depute Keepers, Sub-Priors, Chantors, Sextons, which be religious Men, and which have nothing to satisfy the Parties grieved, nor the King, which be more bold to offend the King's Dignity than their Superiors, to whom Punishment may be assigned by their Temporalities. (6) Let the Prelates of such Obedients therefore beware from henceforth, that they do not suffer their O-

Prohibetur de cetero Hospitellar' & Templar' ne de cetero trahant aliquem in placitum coram conservatoribus privilegiorum suorum de aliqua re cujus cognitio ad forum Regium pertineat quod si fecerint primo restitutis. dampnis parti gravate & versus Regem graviter puniantur. Prohibet etiam Dominus Rex conservatoribus privilegiorum eorundem ne de cetero ad instantiam Templariorum Hospitaliariorum aut aliorum privilegiatorum concedant citationes quousque sciverint super qua re fieri debeat citatio. Et si viderint hujusmodi conservatores quod petatur citatio de aliqua re cujus cognitio ad forum spectat regium hujusmodi conservatores nec citationem faciant nec cognoscant. Et si aliter fecerint conservatores respondeant parti lese de dampnis & nichilominus versus Regem graviter puniantur. Et quia hujusmodi privilegiati impetrant conservatores Subprios Precentores Sacristas viros religiosos qui nichil habent unde lesis aut Domino Regi satisfacere possint qui audaciores sunt ad ledendum dignitatem Domini Regis quam eorum superiores quibus per eorum temporalia pena potest infligi. Caveant de cetero prelati hujusmodi obedientiariorum ne permittant obedientarios suos assumere sibi jurisdictionem in prejudicium Domini Regis & Coronae suae quod si fecerint pro facto ipsorum respondeant superiores sui ac si de proprio facto convicti essent.

bedi-

bedients to usurp any Jurisdiction in Prejudice of the King and his Crown; and if they do, their Superiors shall be charged for their Fact, as much as if they had been convict upon their proper Act.

CAP. XLIV.

The Fees of Porters bearing Verges before the Justices; and of Cirographers, Clerks, &c.

DE custodibus hostiorum in Itinere & virgam portantibus coram Justitiariis de Banco ordinatum est quod de quolibet assisa & jurata quam custodiunt capiant quatuor denarios tantum de cirographis nichil. De hiis qui recuperent demandas suas per defaultam redditionem vel alio modo per iudicium sine assisa & jurata nichil. De hiis qui recedunt sine die per defaultam petentis vel querentis nichil capiant. Et si quis recuperaverit demandam suam versus plures per unum breve & per recognitionem assise aut jurate de quatuor denariis sint contenti. Et similiter in uno brevi nominati per recognitionem assise vel jurate de quatuor denariis sint contenti. De hiis qui faciunt homagium in Banco & e superiori panno sint contenti. De magnis assisis atinctis juratis & de duello percusso xii. denarii tantum capiuntur. De hiis qui vocati sunt coram Justitiariis ad sequendum vel defendendum placitum suum nichil dent pro ingressu vel egressu. Ad placita Corone de qualibet duodena xii. denar' tantum capiuntur. De quolibet prisone deliberato quatuor denarii tantum capiuntur. De quolibet cujus pax proclamata fuerit xii. denarii tantum capiuntur. De inventoribus vicinis & aliis villatis attach' quatuor hominibus & preposito decennar' nichil capiatur. De cirographariis pro cirographo

CONCERNING Porters bearing Verge before Justices of the Bench in the Circuit; it is provided, That of every Assise and Jury that they keep they shall take x d. only, and for the Bills nothing. (2) Of such as recover their Demands by Default, Confession, or otherwise by Judgement without Assise and Jury, they shall take nothing. (3) Of such as go without Day by Default of the Demandant or Plaintiff, they shall take nothing. (4) And if any recover his Demand against many by one Writ, and by Recognizance of Assise or Jury, they shall be content with iv d. (5) And likewise if many named in one Writ do recover by Recognizance of Assise or Jury, they shall be content with iv d. (6) Of such as do Homage in the Bench, they shall be content with their upper Garment. (7) Of great Assises, Attaints, Juries, and Battle waged, they shall take xii d. only. (8) Of such as be called before Justices to sue or to defend their Pleas, they shall take nothing for their coming in or forth. (9) At the Pleas of the Crown, for every Dozen xii d. only shall be taken. (10) Of every Prisoner delivered iv d. shall be taken, (11) Of every one whose Peace is proclaimed xiid. only shall be taken, (12) Of the Finders of Men slain, and others of a Town attached, iv d. (13) Of Tyth-

The Fees of Porters carrying Verges before the Justices.
2 Inst. 467, 468.

Tythingmen nothing shall be taken. (14) Of Cyrographers, for making a Cyrografe, it is ordained, that they shall be contented with iv s.

Clerks writing original Writs.

(15) Of Clerks writing Writs original and judicial, it is ordained, that for one Writ they shall take but i d. (16) And the King chargeth all his Justices, upon their Faith and Oath that they owe him, that if such Manner of Officers offend in any Article against this Statute, and Complaint come to them thereof, they shall execute on them reasonable Punishment; (17) and if they offend the second Time, they shall award greater Punishment, that they may be duly corrected: (18) And if they offend the third Time,

St. W. 1. c. 26,
27, 29. & c.
2 H. 4. c. 8.

and be thereupon convicted, if they be Officers of the Fee, they shall lese their Fee; and if they be other, they shall void the King's Court, and shall not be received again, without the special Grace and Licence of the King himself.

C A P. XLV.

The Proceſs of Execution of Things recorded within the Year, or after.

2 Inſt. 469 —
472.
There ſhall be
no Delays in
theſe Things
that be re-
corded.

BECAUSE that of ſuch Things as be recorded before the Chancellor and the Juſtices of the King that have Record, and be inrolled in their Rolls, Proceſs of Plea ought not to be made by Summons, Attachments, Eſſoin, View of Land, and other Solemnities of the Court, as hath been uſed to be done of Bargains and Covenants made out of the Court; (2) from henceforth it is to be obſerved, That thoſe Things which are found inrolled before them that have Record, or contained in Fines, whether they be Contracts, Covenants, Obligations Services, or Cuſtoms knowledged, or other Things whatſoever inrolled,

faciendo ſtatutum eſt quod de quatuor ſolidis ſint contenti. De clericis ſcribentibus brevia originalia & judicialia ſtatutum eſt quod pro brevi de denario ſint contenti. Et injungit Dominus Rex omnibus Juſtitiariis ſuis in fide & ſacramento quibus ei tenentur quod ſi hujusmodi miniſtri contra predictum ſtatutum in aliquo venerint & querimonia ad eos perveniat penam eis inſlegant rationabilem Et ſi iterum deliquerint majorem penam eis inſlegant qua caſtigari merito debeant Et ſi tertio deliquerint & ſuper hoc convicti fuerint ſi ſint miniſtri de feodo amittant feodum ſuum ſi alii ſint amittant curiam Regis nec redeant ſine ipſius Regis ſpeciali gratia ſeu precepto.

QUIA de hiis que recordata ſunt coram Cancellario Domini Regis & ejus Juſtitiariis qui recordum habent & in rotulis eorum irrotulata non debet fieri proceſſus placiti per ſummonitionem attachiamantum eſſoniam viſus terre & alias ſolempnitates Cur' ſicut fieri conſuevit de contractibus & conventionibus factis extra curiam obſervandum eſt de cetero quod ea que inveniuntur irrotulata coram hiis qui recordum habent vel in ſinibus contenta ſive ſint contractus ſive conventiones ſive obligationes ſive ſervicia aut conſuetudines recognitiones vel alia quecumque irrotulata quibus Curia Regis

gis sine juris & consuetudinis of-
fensa auctoritate potest prestare
talem de cetero habeant vigo-
rem quod non sit necesse de hiis
imposterum placitare. Set cum
venerint conquerentes ad Curi-
am Domini Regis si recens sit
cognitio vel finis videlicet infra
annum in brevi levatus statim
habeant breve de executione
illius recognitionis facte. Et si
forte a majori tempore trans-
acto facta fuerit illa recognitio
vel finis levatus precipiatur vi-
cecomiti quod scire faciat parti
de qua sit querimonia quod sit
ad certum diem ostensura si
quid sciat dicere quare hujus-
modi irrotulata vel in fine con-
tenta executionem habere non
debeant. Et si ad diem non ve-
nerit vel forte venerit & ni-
chil sciat dicere quare executio
fieri non debeat precipiatur vi-
cecomiti quod rem irrotulatam
vel in fine contentam exequi
faciat. Eodem modo mandetur
ordinario in suo casu obser-
vato nichilominus quod supra-
dictum est de medio qui per re-
cognitionem aut iudicium obli-
gatus est ad acquietandum.

the Fine to be executed. (6) In like Manner, an Ordinary shall be commanded in his Case, observing nevertheless as before is said of a Mean, which by Recognisance or Judgement is bound to acquit.

Execution of Things re-
corded.

A Scire facias
after the Year.

Ordinary.
A Mean.
13 Ed. 1. stat. 1.
c. 9.

C A P. XLVI.

Lords may approve against their Neighbour. Usurpation of Commons during the Estate of particular Tenants.

CUM in statuto edito apud Merton concessum fuerit quod domini boscorum vastorum & pasturarum appruare se possent de boscis vastis & pasturis illis non obstante contradictione tenentium suorum dummodo tenentes ipsi habeant sufficientem pasturam ad tenementa sua cum libero ingressu

WHereas in a Statute made at Merton it was granted that Lords of Wastes, Woods, and Pastures, might approve the said Wastes, Woods, and Pastures, notwithstanding the Contradiction of their Tenants, so that the Tenants had sufficient Pasture to their Tenements with free Egress and Regress to the same;

same: (2) *And sofarasmuch as no mention was made between Neighbours and Neighbours, many Lords of Wastes, Woods and Pastures, have been hindered heretofore by the Contradietion of Neighbours having sufficient Pasture*: (3) *And because foreign Tenants have no more Right to Common in the Wastes, Woods, or Pastures of any Lord than the Lord's own Tenants*; (4) it is ordained, That the Statute of *Merton*, provided between the Lord and his Tenants, from henceforth shall hold Place between Lords of Wastes, Woods, and Pastures, and their Neighbours, saving sufficient Pasture to their Tenants and Neighbours, so that the Lords of such Wastes, Woods, and Pastures, may make Approvement of the Residue. (5) And this shall be observed for such as claim Pasture as appurtenant to their Tenements. (6) But if any do claim Common by special Feoffment or Grant for a certain Number of Beasts, or otherwise which he ought to have of common Right, whereas Covenant barreth the Law, he shall have such Recovery as he ought to have had by Form of the Grant made unto him. (7) By occasion of a Windmill, Sheepcote, Dayry, inlarging of a Court necessary, or Courtelage, from henceforth no Man shall be grieved by Assise of *Novel disseisin* for Common of Pasture. (8) And where sometime it

Lords may approve against their Neighbours, leaving them sufficient Common.
Enforced by 3 & 4 Ed. 6. c. 3.

For what Cause one may approve.
A Ditch or Hedge of Ground approved cast down.

gressu & egressu ad eandem & pro eo quod nulla fiebat mentio inter vicinum & vicinum multi domini boscorum vastorum & pasturarum hucusque impediti extiterunt per contradictionem vicinorum sufficientium pasturam habentium Et quia forinseci tenentes non habent majus jus communicandi in bosco vasto aut pastura alicujus domini quam proprii tenentes ipsius domini statutum est de cetero quod statutum apud *Merton* provisum inter dominum & tenentes suos locum habeat de cetero inter dominos boscorum vastorum & pasturarum & vicinos Ita quod domini hujusmodi vastorum boscorum & pasturarum salva sufficienti pastura hominibus suis & vicinis approvare se possint de residuo. Et hoc observetur he hiis qui clamant pasturam tanquam pertinentem ad tenementa sua. Sed si quis clamat communam per speciale feoffamentum vel concessionem ad certum numerum averiorum vel alio modo quam de jure communi habere deberet cum conventio legi deroget habeat suum recuperare quale habere deberet per formam concessionis sibi facte Occasione molendini ventritii *bercar' vaccar' augmentationis cur' necessar' aut curtilag' de cetero non gravetur quis per assisam Nove disseisine de communa pasture. Et cum contingat aliquando quod aliquis jus habens approvare se fossatum aut sepem levaverit & aliqui noctanter vel alio tali tempore quo non credant factum suum sciri fossatum vel sepem prostraverint nec sciri poterit per veredictum assise aut jurate qui fossatum aut sepem prostraverint nec velint homines de villatis vicinis indicare*

not

tare

tare de hujusmodi facto culpabiles distringantur propinque villate circumadjacentes levare fossatum aut sepem ad cultum proprium & dampna restituere. Et cum aliquis jus non habens communicandi usurpet communam tempore quo heredes extiterint infra etatem vel uxores sub potestate virorum suorum existentes vel pastura sit in manu tenentium in dotem per legem Anglie vel aliter ad terminum vite vel annorum vel per feodum talliatum & pastura illa diu usi fuerint multi sunt in opinione quod hujusmodi pasture debent dici pertinere ad liberum tenementum & quod hujusmodi possessori competere debet actio per breve Nove disseisine si hujusmodi pastura deforciatur sed de cetero tenendum est quod habentes hujusmodi ingressum a tempore quo currit breve mortis antecessoris si antea communam non habuerunt non habeant recuperare per breve nove disseisine si fuerint deforciati.

no Common before, shall have *vel disseisin*, if they be deforced.

not be known by Verdict of the Assise or Jury, who did overthrow the Hedge or Dyke, and Men of the Towns near will not indict such as be guilty of the Fact, (9) the Towns near adjoining shall be distrained to levy the Hedge or Dyke at their own Cost, and to yield Damages. (10) And where one, having no Right to Common, usurpeth Common what Time an Heir is within Age, or a Woman is covert, or whilst the Pasture is in the Hands of Tenants in Dower, by the Courtesy, or otherwise for Term of Life, or Years, or in Fee-tail, and have long Time used the Pasture, many hold Opinion, that such Pastures ought to be said to belong to the Freehold, and that the Possessor ought to have Action by a Writ of *Novel disseisin*, if he be deforced of such Pasture; (11) but from henceforth this must be holden that such as have entered within the Time that an Assise of *Mortdauncestor* hath lien, if they had

By 6 Geor. I. c. 16. Sect. 1. the Remedy of the Act is extended to the Destroyers of Trees, &c. by Night or Day, &c.

Usurpation of Common during the Estate of particular Tenants. 1 Lutw. 141. 156.

no Recovery by a Writ of *No-*

1 Geo. 1. stat. 2. c. 48.

C A P. XLVII.

A Penalty for taking of Salmones at certain Times of the Year.

PROVISUM EST quod aque de Humbre Ouse Trente Doon Eyre Derwent Werf Nid Yore Swale Tese & omnes alie aque in quibus salmones capiuntur in Regno ponantur in defenso quo ad salmones capiendos a die Nativitatis beate Marie usque ad diem sancti Martini & similiter quod salmunculi non capiantur nec destruantur per retia vel per aliqua ingenia ad stagna molend' a medio Aprilis usque ad Nativitatem beati

IT is provided, That the Waters of *Humber, Ouse, Trent, Done, Arre, Derwent, Wherfe, Nid, Yore, Swale, Tese, Tine, Eden*, and all other Waters (wherein Salmones be taken) shall be in Defence for taking Salmones from the Nativity of our Lady unto St. *Martin's* Day; (2) and that likewise young Salmones shall not be taken nor destroyed by Nets, nor by other Engines at Millpools, from the midst of *April* unto the

The Penalty of killing of Salmon in unseasonable Time. 2 Inst. 477 — 479.

Q 2

Nati-

a Where such
 water-banks
 are.
 13 R. 2. stat. 1.
 c. 19.
 17 R. 2. c. 9.
 22 Ed. 4. c. 2.
 23 H. 8. c. 18.
 25 H. 8. c. 7.
 1 El. c. 17.
 3 Jac. 1. c. 12.
 30 Car. 1. stat.
 1. c. 9.
 4 & 5 W. & M.
 c. 23.
 4 Ann. c. 21.
 9 Ann. c. 26.
 1 Geo. 1. stat. 2.
 c. 18.

Nativity of St. *John Baptist.*
 (3) And in Places ^a [whereas
 fresh Waters be] there shall be
 assigned Overseers of this Sta-
 tute, which being sworn, shall
 oftentimes see and inquire of
 the Offenders; (4) and for the
 first Trespas, they shall be pu-
 nished by burning of their Nets
 and Engines; (5) and for the
 second Time, they shall have
 Imprisonment for a Quarter of
 a Year; and for the third Tref-
 pas, they shall be imprisoned a
 whole Year; and as their Tref-
 pas increaseth, so shall the Pu-
 nishment.

beati Johannis Baptiste. Et in
 partibus ubi hujusmodi riparie
 fuerint assignentur conservato-
 res istius statuti qui ad hoc ju-
 rati sepius videant & inquirent
 de transgressoribus Et in prima
 transgressione puniantur per
 combustionem retium & inge-
 niorum suorum Et si iterato de-
 liquerint puniantur per prison-
 am quarterii unius anni Et si
 tertio deliquerint puniantur per
 prisonam unius anni & sic mul-
 tiplicata transgressione crescet
 pene inflicto.

C A P. XLVIII.

In what Cases the View of Land is grantable, and what not.

In what Cases
 View of Land
 is grantable,
 in what not.
 2 Inst. 479 —
 484.

FOR View of Land it is or-
 dained and provided, That
 from henceforth View shall
 not be granted but in case
 when View of Land is neces-
 sary: As if one lose Land by
 Default, and he that loseth,
 moveth a Writ to demand the
 same Land. And in case when
 one by an Exception dilatory
 abateth a Writ after the View
 of the Land, as by Non-ten-
 ure, or misnaming of the
 Town, or such like, if he pur-
 chase another Writ, in this
 Case, and in the Case before
 mentioned, from henceforth
 the View shall not be granted,
 if he had View in the first
 Writs. (2) In a Writ of Dow-
 er, where the Dower in Dem-
 and is of Land that the Hus-
 band aliened to the Tenant or
 his Ancestors, where the Ten-
 ant ought not to be ignorant
 what Land the Husband did a-
 liene to him or his Ancestor,
 though the Husband died not
 seised, yet from henceforth
 View shall not be granted
 to the Tenant. (3) In a Writ
 of

DE visu terre ordinatum est
 & statutum quod de cete-
 ro non concedatur visus nisi
 in casu quando visus terre est
 necessarius sicuti si aliquis amit-
 tat tenementum per defaultam &
 ille qui amisit suscitet aliud bre-
 ve ad petendum idem tenemen-
 tum. Et in casu quando quis
 per aliquam exceptionem dila-
 toriam cassat breve post visum
 terre sicut per non tenuram vel
 male nominando villam vel hu-
 jusmodi si suscitet aliud breve in
 hoc casu & superiori de cetero
 non concedatur visus terre dum-
 modo habuerit in prioribus bre-
 vibus. In brevi de dote cum
 petitur dos de tenemento quod
 vir uxor' alienavit tenenti vel
 ejus antecessori cum ignorare
 non debeat tenens quale tene-
 mentum vir uxoris alienavit sibi
 vel antecessori suo licet vir non
 obierit seifitus nichilominus te-
 nenti de cetero non erit visus
 concedendus. In brevi etiam
 de ingressu cassato per hoc quod
 petens male nominavit ingres-
 sum si petens suscitet aliud bre-
 ve de aliquo Ingressu si tenens
 in

in priori brevi habuit visum in secundo non habebit. In omnibus etiam brevibus per que tenementa petuntur ratione dimissionis quam petens vel ejus antecessor fecit tenenti & non antecessori sicuti quod ei dimisit dum fuit infra etatem non compos mentis in prisiona & similibus non jaceat de cetero visus sed si dimissio facta fuerit antecessori jaceat de cetero visus sicut prius.

of Entre also, that is abated because the Demandant misnamed the Entre, if the Demandant purchase another Writ of Entre, if the Tenant had View in the first Writ, he shall not have it in the second. (4) In all Writs also where Lands be demanded by reason of a Lease made by the Demandant, or his Ancestor, unto the Tenant, and not to his Ancestor, as that which he leased to him, being within Age, not

whole of Mind, being in Prison, and such like, View shall not be granted hereafter; (5) but if the Demise were made to his Ancestor, the View shall lie as it hath done before.

C A P. XLIX.

The Penalty for buying the Title of Land depending in Suit. A Remedy for Suits where the Law faileth.

LE Chauceller Tresorer ne Justice ne nul Counseil le Roy ne clerks del Eschequier ne de Justice ne de autre Ministre ne nul del hostiel le Roy clerks ne lay ne puisse resceivre esglise ne avowson de esglise ne terre ne tenement nen fee ne par donn ne par achat ne a ferme ne a champert ne en autre manere tant come la chose est en plee devant le Roy ou devant nul de cez Ministrez ne nul lower nen soit pris et qe contre cestez choses face ou per luy ou per autre ou nul bargain face soit puny a la voluntee le Roy auxibien celluy qe le purchacera come celluy qi le fra.

THE Chancellor, Treasurer, Justices, nor any of the King's Council, no Clerk of the Chancery, nor of the Exchequer, nor of any Justice or other Officer, nor any of the King's House, Clerk ne Lay, shall not receive any Church, nor Advowson of a Church, Land, nor Tenement in Fee, by Gift, nor by Purchase, nor to Farm, nor by Champerty, nor otherwise, so long as the Thing is in Plea before us, or before any of our Officers; (2) nor shall take no Reward thereof. (3) And he that doth contrary to this Act, either any Bargain, shall be punished he that purchaseth, as he that

The Penalty of buying of Land depending in Suit.

3 Ed. 1. c. 25.
23 Ed. 1. c. 11.
2 Inst. 484.
Hob. 117.

himself, or by another, or make at the King's Pleasure, as well he that doth sell.

33 Ed. 1. stat. 2 & 3.

C A P. L.

No Man shall depart from the King's Court without Remedy.

OMnia predicta statuta incipiant conservari ad festum sancti Michaelis proximo futurum ita quod occasione delictorum contra aliquod predictorum

ALL the said Statutes shall take Effect at the Feast of St. Michael next coming, so that by occasion of any Offence done on this Side the said

No Man shall depart from the King's Court without Remedy.

Q 3. Feast,

2 Inst. 485.

Feast, contrary to any of these Statutes, no Punishment (Mention whereof is made within these Statutes) shall be executed upon the Offenders. (2) Moreover, concerning the Statutes provided where the Law faileth, and for Remedies, lest Suitors coming to the King's Court should depart from thence without Remedy, they shall have Writs provided in their Cases, but they shall not be pleaded until the Feast of St. Michael aforesaid.

dictorum statutorum citra predictum festum perpetratorum pena delinquentibus de quibus mentio fit in statutis non infligatur. Super vero statutis in defectum legis & ad remedia editis ne diutius querentes cum ad curiam venerint recedant de remedio desperati habeant brevia sua in suo casu provisa set non placentur usque ad predictum festum sancti Michaelis.

STATUTUM WYNTON, A^o 13 Ed. I.

The Statute of WINCHESTER, made 8 Die Octobris, Anno 13 EDW. I. Stat. 2. and Anno Dom. 1285.

CAP. I.

Fresh Suit shall be made after Felons and Robberies from Town to Town, &c.

3 Inst. 197.
3 Ed. 1. c. 9.
1 Ventr. 118.
2 Inst. 172
569, 570.
2 Hawk. Pl.
Cr. 74, 75.

FOrasmuch as from Day to Day, Robberies, Murthers, Burnings, and Theft, be more often used than they have been heretofore, and Felons cannot be attainted by the Oath of Jurors, which had rather suffer Strangers to be robbed, and so pass without Pain, than to indite the Offenders, of whom great Part be People of the same Country, or at the least, if the Offenders be of another Country, the Receivers be of Places near; (2) and they do the same, because an Oath is not given unto Jurors of the same Country where such Felonies were done, and to the Restitution of Damages hitherto no Pain hath been limited for their Concealment and Laches:

(3) Our Lord the King, for to abate the Power of Felons, hath established a Pain in this Case,

PUR ceo que de jour en jour roberies [felonies] homicides artines plus sovenerement sunt fetes que avaunt ne soleyent e felones ne pount estre ateintz par serment de jururs qi plus volunters sufferent felonies fetes as estraunges genz passer sanz peynes que enditer meffessours dunt graunt parties sunt gent de mesmes la pais ou ameyns si les fessours sont doultre pais lur recetturs sunt del visne e coue sunt ils pur taunt que serment nest mie hore ditte as jururs ne au pays ou les felonies furent fetes quant a restitution des damages payne avant ne fu purveu pur lur concelement e lur lachesce nostre Seigneur le Rey pur abatre le poer de feluns si establit peyne en ceu cas issi que par paour

Fresh Suit shall be made after Felons.

our de la peyne plus qe par paour de serement a nuli deforemes ne esparnient ne nule felonie ne concealent E comand que solemnement seit la crieate en tuz cuntees hundrez marchez seyres e tuz autres leues ou solempne assemble des gentz sera issi qe nul par ignorance se puisse efcuser qe chescun pays issi deforemes seit garde qe maintenant apres roberies e felonies fetes seit fete si fresch sute de ville en ville & de pays en pays.

Case, so that from henceforth, for fear of the Pain more than for fear of any Oath, they shall not spare any, nor conceal any Felonies; (4) and doth command, That Cries shall be solemnly made in all Counties, Hundreds, Markets, Fairs, and all other Places where great Resort of People is, so that none shall excuse himself by Ignorance, that from henceforth every Country be so well kept, that immediately, upon such Robberies and Felonies committed, fresh Suit shall be made from Town to Town, and from Country to Country.

28 Ed. 1. stat. 3
c. 17.
Co. pla. 348.
351.
Rast. 406.
27 El. c. 13.
8 Geo. 2. c. 16.

CAP. II.

Inquiry of Felons and Robbers, and the Country shall answer if they be not taken.

ET enquestes ensement seit ent fetes si mester est en viles par celui qi soverain est de la vile e pus en hundrez e en fraunchises e en cunteez e autrefois en deux trois ou en quatre cunteez en cas quaunt felonies serunt fetes en marche de cuntez issi qe meffours pusement estre ateinz. E si le pais de tels manere de mesfours ne respoigne la payne serra tiel qe chescun pays cest asaver genz en pais demoraunz respoignent de roberies fetes e de damages issi qe tut le hundred ou la roberie serra fete ove les fraunchises qe sunt dedeins le preceynt de meisme la hundred respoignent de roberie fete. E si la roberie seit fete en devises dedenz hundrez respoignent ambedeus les hundrez ensemblement ove les fraunchises e plus long terme ne avera le pais apres la roberie e felonie fete qe xl. jours dedenz les quels il covendra qil facent gre de la roberie e du meset ou qil

Likewise, when need requires, Inquests shall be made in Towns, by him that is Lord of the Town, and after in the Hundred, and in the Franchise, and in the County, and sometime in two, three, or four Counties, in case when Felonies shall be committed in the Marches of Shires, so that the Offenders may be attainted. (2) And if the Country will not answer for the Bodies of such manner of Offenders, the Pain shall be such, that every Country, that is to wit, the People dwelling in the Country, shall be answerable for the Robberies done, and also the Damages; (3) so that the whole Hundred where the Robbery shall be done, with the Franchises being within the Precinct of the same Hundred, shall be answerable for the Robberies done. (4) And if the Robbery be done in the Division of two Hundreds, both the Hundreds

The Country shall answer for Robbers and Felons, if they be not apprehended.
3 Ed. 1. c. 9.
2 Hawk. Pl. Cr. 74, 75.
Ball. v. the Hundred of Weymondsey B. R. Mich. 16 Geo. 2.
27 El. c. 13.
Rast. 406.
39 El. c. 25.
Cro. El. 142.
270. 753.
7 Co. 6.
2 Inst. 569.
By 27 El. c. 13. s. 2. the Hundred where fresh Suit is not made shall answer half the Damages.
A Robbery done in the Division of Shires.
1 Sid. 11.
The Country shall have but 40 Days.

28 Ed. 3. c. 11.
Cro. Jac. 106,
187.350.496.
Cro. Car. 37.
St. 8 G. 2. c. 16.
22 G. 2. c. 24.

dreds and the Franchises with-
in them shall be answerable.

And after that the Felony or

Robbery is done, the Country shall have no longer Space than
forty Days, within which forty Days it shall behove them to agree
for the Robbery or Offence, or else that they will answer for the
Bodies of the Offenders.

qil respaignent de cors de me-
sefurs.

C A P. III.

This Act shall be respited until Easter next.

When this
Statute shall
be put in Ex-
ecution.

AND forasmuch as the King
will not that his People
should be suddenly impoverished by
reason of this Penalty, that seem-
eth very hard to many; the King
granteth, That they shall not
incur immediately, but it shall
be respited until *Easter* next
following, within which Time
the King may see how the
Country will order themselves,
and whether such Felonies and
Robberies do cease. (2) Af-
ter which Term let them all
be assured, that the foresaid
Penalty shall run generally,
that is to say, every Country,
that is to wit, the People in the
Country, shall be answerable
for Felonies and Robberies
done among them.

E Pur ceo que le Rey ne
voet pas que gent sodein-
nement seient espoveri de ceste
peyne que semblereit dure a au-
cune gent graunt que le ne-seit
mie meintenaunt encorue mes
preigne la peyne respit deques a
la Paske procheine venaunt e
dedenz cel terme verra le rey
comment le pais se portera e si
cesserunt teles roberies e felo-
nies. Apres quel terme tuz
seient certeinz que lavaundite
payne curra generaument ceo
est asaver que chescun vile ceo
est asaver genz el pais demo-
raunz respaignent des roberies
e felonies fetes en lur pais.

C A P. IV.

*At what Times the Gates of great Towns shall be shut, and
when the Night-Watch shall begin and end.*

At what Time
great Towns
shall be open-
ed and shut.
7 Co. 7.
2 Hawk. Pl. Cr.
74-75.

AND for the more Surety
of the Country, the King
hath commanded, that in great
Towns, being walled, the Gates
shall be closed from the Sun-
setting until the Sun-rising;
(2) and that no Man do lodge
in Suburbs, nor in any Place
out of the Town, from Nine
of the Clock until Day, with-
out his Host will answer for
him. (3) And the Bailiffs of
Towns every Week, or at the
least every Fifteenth Day, shall
make Inquiry of all Persons
being lodged in the Suburbs,
or in foreign Places of the
Town.

EA plus seurer le pais ad le
rey comaunde que en les
graunz viles que sunt closes les
portes seient fermes del solail
rescuse deques au solail levaunt
e quel nul home ne herberge
en suburbe ne enforein chiefs
de la vile si de jour noun ne
uncore de jour si le hoste ne
voille pur lui respundre. E les
bailifs de viles chescune se-
meine ou ameins quinzeime fa-
cent enquestes de genz her-
bergez en suburbes ou enfo-
reines chefs de viles. E sil
trovent nul herbergour que re-
ceive ou herberge en autre ma-
nere

nerre gent dunt suspecian seit
 qil soient gent countre la pes si
 en facent les baillifs dreiture.
 E desoremes est comaunde qe
 veylles soient fetes issi cum aun-
 cienemenz soleyent estre ceo
 est asaver del jour de la Ascen-
 cium deqes le jour soient Mi-
 chel en chescun cite sis homes
 en chescune porte en chescun
 burgh par xii. homes en ches-
 cune vile en terre par vi. homes
 ou iiij. solom nombre des genz
 qi enhabitent e facent la veille
 continuelment tute la nuit del
 solail rescusse jeqes al solail le-
 vaunt. E si nul astraunge
 passe par eus seit arestu jeqes
 au matin e si nule suspeciu
 ne seit trove aille quites. E si
 om trove suspeciu seit livre
 al viscunte maintenaunt e saunz
 daunger le receive e sauvement
 le garde jeqes atant qe en due
 manere seit delivre. E si eus
 ne se soeffrent pas estre aresteuz
 seit heu e cri leve sur eus e ceus
 qi funt la veille les siwent o
 tute la viles ove les visnees viles
 o heu e cri de vile en vile jeqes
 taunt qil serra pris e livres au
 viscunte cum est avauntdit e
 pur le aresterment de tels e-
 straunges nul ne seit enches-
 une.

with Hue and Cry with all the
 Town, and the Towns near, and
 so Hue and Cry shall be made from
 Town to Town, until that
 they be taken and delivered to the
 Sheriff, as before is said; and
 for the Arrestments of such
 Strangers none shall be punished.

CAP. V.

The Breadth of Highways leading from one Market-Town to another.

COMAunde est ensement qe
 les hauts chemins des vi-
 les marchaundes as autres viles
 marchaundes soient enlargiz la
 ou il y ad bois ou haies ou fos-
 sez issi qil ne eit fosse suthboys
 ou busiuns ou lem peut taper
 pur mal fere pres del chemin
 de

Towns. (4) And if they do
 find any that have lodged or
 received any Strangers or sus-
 picious Person, against the
 Peace, the Bailiffs shall do
 Right therein. (5) And the
 King commandeth, that from
 henceforth * all Towns be kept
 as it hath been used in Times
 passed, that is to wit, from the
 Day of the Ascension unto the
 Day of St. Michael, in every
 City Six Men shall keep at e-
 very Gate, in every Borough
 Twelve Men, every Town
 Six or Four, according to the
 Number of the Inhabitants of
 the Town, and shall watch the
 Town continually all Night,
 from the Sun-setting unto the
 Sun-rising. (6) And if any
 Stranger do pass by them, he
 shall be arrested until Morn-
 ing; and if no Suspicion be
 found, he shall go quit; (7)
 and if they find Cause of Sus-
 picion, they shall forthwith de-
 liver him to the Sheriff, and
 the Sheriff may receive him
 without Damage, and shall
 keep him safely, until he be
 acquitted in due Manner. (8)
 And if they will not obey the
 Arrest, they shall levy Hue and
 Cry upon them, and such as
 keep the Town shall follow

* Watches be kept.

At what Time the Night-watch shall begin and end, 5 Ed. 3. c. 14. Cro. El. 204. Savil, 83.

How they shall be used who disobey Arrests.

5 H. 4. c. 3.

AND further it is com-
 manded, That Highways
 leading from one Market-
 Town to another shall be en-
 larged, whereas Bushes, Woods,
 or Dykes be, so that there be
 neither Dyke, Tree, nor Bush,
 whereby a Man may lurk to do
 hurt,

Highways in Market-Towns shall be enlarged.

kurt, within Two Hundred Foot of the one Side, and Two Hundred Foot on the other Side of the Way, so that this Statute shall not extend unto Ashes, nor unto great Trees, * for which it shall be clearly out of this. (2) And if by Default of the Lord that will not abate the Dyke, Underwood, or Bushes, in the Manner aforesaid, any Robberies be done therein, the Lord shall be answerable for the Felony; and if Murther be done the Lord shall make a Fine at the King's Pleasure. (3) And if the Lord be not able to sett the Underwoods, the Country shall aid him therein. (4) And the King willet, that in his demear Lands and Woods within his Forest and without, the Ways shall be enlarged, as before is said. (5) And if percase a Park be * taken from the Highway, it is requisite that the Lord shall set his Park the Space of Two Hundred Foot from the Highways, as before is said, or that he make such a Wall, Dyke, or Hedge, that Offenders may not pass, ne return to do evil.

de deus centz pez de une part e de deus centz pez de autre part issi qe cet estatut point ne estenda as keynes ne as gros sanz par quei ceo seit cler desouz. E si par defaute de seignur qi ne vedra fosse surbois ou buffins en la forme avaunt dite abatre e roberies seient fetes si respoygno le seignur e sil y eyt rardro si seit le seignur reint a la volente le rey. E si le seignur ne suffist a suzbois abatres si lui aide le pais a ceo fere. E le rei vout qe en ses demeines terres e boys dedonz foreste o dehors seient les chemins enlargiz cum avaunt est dit. E si par cas park seit pres del haut chemin si convendra qe le seignur del park ameneuse sun park jeques atantz qil joyt la lœste de deus centz pez pres del haut chemin cum avaunt est dit ou qe il face tel mur fosse ou haye qe messieurs ne pussent passer ne retourner par mal fere.

* So as it be clear underneath.

A Park near unto the Highway.
 • Be near the Highway.
 2 & 3 P. & M. c. 8.
 5 El. c. 13.
 18 El. c. 10.
 29 El. c. 5.

C A P. VI.

That View of Arms be made. Hue and Cry shall be followed. Fairs or Markets shall not be kept in Churchyards.

What Armour each Person shall have in his House.

AND further it is commanded, That every Man have in his House Harnes for to keep the Peace after the ancient Assise; that is to say, (2) Every Man between Fifteen Years of Age, and Sixty Years, shall be assessed and sworn to Armor according to the Quantity of their Lands and Goods; (3) that is to wit, from Fifteen Pounds Lands, and Goods Forty Marks, an Hauberke, a Breast-plate of Iron, a Sword,

Commaunde est ensemment qe chescun home eit en sa mesun armure par la pees garder solum la aunciene assise ceo est asaver qe chescun home entre quinze annz & seisaunte soit assis e jure as armes solum la quantite de lur terres e de lur chateus ceo est asaver a quinze liveres des terres e chateus de quarante marc haubergeon chapel de feer espe cutel e cheval a distz liveres de terre e chateus de vynt marc haubergeon chapel

chapel espe e cutel a cent sou-
deez de terre parpoint chapel
de feer espe e cutel a quarante
soudeez de terre e de plus je-
ques a cent souz espe ark fetes e
cutel e qe meins ad de qua-
raunte souz de terre fait jure a
fauchons gifarmes e cotaus e
autres menues armes qui meins
ad de chateus vynt marcs es-
pees cuteus e autres menues
armes E tuz les autres qui aver
pount eient arcs e fetes hors de
forestes e dedenz forestes arcs
e pilets. E qe veue es armes
fait fete deus foiz par an. E en
chescun hundred e fraunchise
seyent eleus deus conestables a
fere la veu des armes e les
conestables avaunt diz presen-
tent devaunt les justices assigne-
nez quavnt il vendrunt en pays
les defautez qil averount trovéz
de armere e de suites de veilles
e de cheminz E presentent au-
si de genz qi herbergent genz
estraunges en viles de uppe-
laund pur queus il ne volent
respoudre e les Justices assigne-
nez en chescun parlement re-
presentent au rey e le rey sur
ceo en fra remedie. E bien se
gardent desoremes viscontes
baillifs de fraunchises e de hors
greignurs ou maindres qi bail-
lie ou foresterie unt en fee ou en
autre manere qil siwent le cri
ove le pays E solum ceo qil sunt
eient chevaus e armeure a ceo
fere E si nul fait qi ne le face
seient les defautes presentez
par les conestables as Justicez
assignez e puis apres par eus
au rey cum avaunt est dit. E
comaunde le rey e defend qe
seire ne marche desoremes ne
seient tenuz en cimeter pur
honneur de seint eglise. Done a
Wyncestre le utisme jour de
Octobr le an du regne le rey
trezime.

a Knife, and an Horse; (4) and from Ten Pounds of Lands, and Twenty Marks Goods, an Hauberke, a Breast-plate of Iron, a Sword, and a Knife; (5) and from Five Pound Lands, a Doublet, a Breast-plate of Iron, a Sword, and a Knife; (6) and from Forty Shillings Land and more, unto One Hundred Shillings of Land, a Sword, a Bow and Arrows, and a Knife; (7) and he that hath less than Forty Shillings yearly, shall be sworn to keep Gif-arms, Knives, and other less Weapons; (8) and he that hath less than Twenty Marks in Goods, shall have Swords, Knives and other less Weapons; (9) and all other that may shall have Bows and Arrows out of the Forest, and in the Forest Bows and Boulds. (10) And that View of Armor be made every Year Two Times. (11) And in every Hundred and Franchise Two Constables shall be chosen to make the View of Armor: (12) And the Constables aforesaid shall present before Justices assigned such Defaults as they do see in the Country about Armor, and of the Suits of Towns, and of Highways, and also shall present all such as do lodge Strangers in uplandish Towns, for whom they will not answer; (13) and the Justices assigned shall present at every Parliament unto the King such Defaults as they shall find, and the King shall provide Remedy therein. (14) And from henceforth let Sheriffs take good Heed, and Bailiffs, within their Franchises and without, be they higher or lower, that have any Bailiwick or Forestry in Fee, or otherwise,

2 Ed. 3. c.6.

3 Ed. 1. c.9.

that

Hue and Cry shall be followed.

Fairs and Markets shall not be kept in Churchyards.

See 4 & 5 Ph. and M. c. 2. 1 Jac. 1. c. 25. sect. 46.

that they shall follow the Cry with the Country, and after, as they are bounden, to keep Horfes and Armor, or so to do; (15) and if there be any that do not, the Defaults shall be presented by the Constables to the Justices assigned, and after, by them to the King, and the King will provide Remedy as afore is said. (16) And the King commandeth and forbiddeth, that from henceforth neither Fairs nor Markets be kept in Churchyards for the honour of the Church. Given at *Winchester*, the Eighth of *October*, in the Thirteenth Year of the Reign of the King. So much of this Statute as concerns the having, keeping, and viewing of Harnejs and Arms is repealed by 21 Jac. 1. cap. 28.

The Statute of MERCHANTS, made at *Westminster* Anno 13 EDW. I. Stat. 3. and *Anno Dom.* 1285.

CAP. I.

The Form of knowledging a Statute Merchant. The Creditor's Remedy if his Debt be not paid. The King's Seals shall be sent to Keepers of Fairs. Taking of Recognisance.

FOrasmuch as Merchants, which heretofore have lent their Goods to divers Persons, be fallen in Poverty, because there is no speedy Remedy provided, whereby they may shortly recover their Debt at the Day of Payment; (2) and for this Cause many Merchants do refrain to come into the Realm with their Merchandise, to the Damage of such Merchants and of all the Realm; (3) the King and his Council at his Parliament holden at *Acton Burnel*, after the Feast of *St. Michael*, the eleventh Year of his Reign, hath ordained these Establishments thereupon for the Remedy of such Merchants; which Ordinances and Establishments, the King^b commandeth that they shall be firmly kept and observed throughout this Realm, where^c by Merchants^c may have Remedy, and less Trouble and Business to recover their Debts,

PUR ceo qe marchaunz qi avaunt ces hures unt prest lur aver a divers genz sunt cheuz en poverte pur ceo qe il ni avoit pas si redde ley purvewe par la quele il poeient lur dettes hastevement recovrir au jour assis de paye e par cele encheson sunt mult des marchaunz sustrez de venir en ceste terre ove lur marchaundises a damage des marchaunz e de tut le reame le rey par luy e par sun conseil a sun parlement qe il tint a *Acton Burnel* apres la seint *Michell* le an de sun regne uzime fist e ordina establissement sur ceo a remedie des marchaunz le quel ordeinment e establissement le rey continua qe tenuz fuissent e fermement gardez en tut sun reame dunt marchaunz unt eu remedie e a mains meschief e travail unt recovre lur dettes qe avaunt ne soleient. Mes pur ceo qe marchaunz puyz se plaindrent

St. Acton Burnel, 11 Ed. 1.

^b commanded.

^c have had.

indrent al rey qe Viscuntes qui malement enterpreterent sun statut e aconefei par malice e par mal enterpreteifon delarent lexecucion del statut a graunt damage des marchaunz le rey a sun parlement. a Westm' apres Paske lan de sun regne troizime fist reciter la vauntdit statut fet a Acton Burnell e pur declarer aquns articles de sun statut avaunt dit ad ordine e establi qe marchaunt qi veut estre seure de sa dette face venir sun dettur devant le meyre de [* Appelby] ou devaunte autre chief gardeyn de vile ou de autre bone vile ou le rey ordinera e devaunt le meire ou chief gardein ou autre prodhome a ceo esleu e jure quaut meire ou chief gardeyn ne poet entendre e devaunt un des clers qi le rey a ceo atornera quaut ambodeus ne poet entendre conusse la dette e jour de la paie e seit la connoiffaunce enroullee de la main del un des clers avaunt diz qi ferra conue e le roule double dunt le un demorge vers le meire ou chief gardein e lautre vers le clerk qi a ceo primes ferra nome e ostre ceo un des avaunt diz clers de sa main face le escrit de obligacion a quel escrit seit mis le seal del dettur ove le seal le rey qe a ceo est purveu le quel seal ferra de deus pieces dunt la greignour piece demora en la garde le meire ou chief gardein e lautre piece en la main le clerk avaunt dit. E si le dettur ne rende al jour qe lui est assis si veigns le marchaunt al meyre e al clerk ove sa lettre de obligacion e si trove seit par roule ou par lettre qe la dette fust conue e le jour assis

than they have had heretofore. (4) *But forasmuch as Merchants after complained unto the King, that Sheriffs misinterpreted his Statutes, and sometimes by Malice and false Interpretation delayed the Execution of the Statute, to the great Damage of Merchants;* (5) The King at his Parliament holden at *Westminster* after *Easter*, the thirteenth Year of his Reign, caused the said Statute made at *Acton Burnell* to be rehearsed; (6) and for the Declaration of certain Articles in the Statute aforesaid hath ordained and established, That a Merchant who will be sure of his Debt, shall cause his Debtor to come before the Mayor of *London*, or before some chief Warden of a City, or of another good Town, where the King shall appoint, (7) and before the Mayor and chief Warden, or other sufficient Men chosen and sworn thereto, when the Mayor or chief Warden cannot attend, (8) and before one of the Clerks that the King shall thereto assign, when both cannot attend, he shall knowledge the Debt and the Day of payment; (9) and the Recognisance shall be inrolled by one of the Clerks Hands being known, and the Roll shall be double, whereof one Part shall remain with the Mayor or chief Warden, and the other with the Clerks that thereto shall be first named; (10) and further, one of the said Clerks with his own Hand shall write an Obligation, to which Writing the Seal of the Debtor shall be put with the King's Seal provided for the same Intent; which Seal shall be of two Pieces, whereof the greater Piece shall re-

The Form of acknowledging of a Statute Merchant. Co.Lit.289.b.

Dyer, 35.

Sealing of a Statute. Cro. El. 519.

remain in the Custody of the Mayor, or the Chief Warden, and the other Piece in the keeping of the foresaid Clerk. (11) And if the Debtor do not pay at the Day limited unto him, then shall the Merchant come to the Mayor and Clerk with his Obligation; (12) and if it be found by the Roll or Writing, that the Debt was knowledged, and the Day of Payment expired, the Mayor or chief Warden shall cause the Body of the Debtor to be taken (if he be Lay) whensoever he happeneth to come in their Power, and shall commit him to the Prison of the Town, if there be any, and he shall remain there at his own Costs, until he hath agreed for the Debt. (13) And it is commanded that the Keeper of the Town Prison shall retain him upon the Delivery of the Mayor or Warden; and if the Keeper shall not receive him, he shall be answerable for the Debt, if he have whereof; and if he have not whereof, he that committed the Prison to his keeping shall answer. (14) And if the Debtor cannot be found in the Power of the Mayor, or chief Warden, then shall the Mayor or chief Warden send into the Chancery, under the King's Seal, the Recognisance of the Debt; and the Chancellor shall direct a Writ unto the Sheriff, in whose Shire the Debtor shall be found, for to take his Body (if he be Lay) and safely to keep him in Prison until he hath agreed for the Debt; (15) and within a Quarter of a Year after that he is taken, his Chattels shall be delivered him, so that by his own he may levy and pay the Debt; (16) and

assis seït passe si face le meyre ou chief gardeyn prendre les cors al dettur sil est lay quel heure qe il seït trove en son poer e liverer a la prison de la vile si prison y seït e la demorge a ses custages propres desqe ataut qil eit fet gre de la dette. E comaunde est qe le gardein de la prison de la vile le retigne par la livere del meyre ou le gardeyn e fil ne le voille recevoir si respoigne meintenent le gardein de la prison de la dette sil eit de qei e fil n'ad de qei cy respoigne celui qi la prison luy bailla a garder. E si le dettur ne poest estre trove en le poer del meyre ou chief gardein dunqe maunde le meyre ou chief gardein desuz le feel le rey avaunt dit al chaunceler la conoiffaunce fete de la dette e le chaunceler envoie bref al viscounte en qi baille le dettur serra trove qil preigne son cors sil est lay e en save prison le garde desqe ataut qil eit fet gre de la dette e dedenz un quarter del an apres ceo qe il serra pris eit ses chateus e ses terres delivres issint qe par les foens puisse lever e paier la dette e bien luy list dedenz le quarter terre & tenement vender pur ses dettes aquier e sa vente serra ferme & estable. E fil ne face gre dedenz le quarter passe seïnt livreze au marchaunt tutz les biens del detter e totes ses terres par refinable estent a tenir desqe ataut qe la dette pleinement serra levee e ja le plus tart le cors demorge en prison cum avaunt est dit e le marchaunt luy truiffe pain e ewe e eit le marchaunt en ceuls tenemenz a luy livreze ou son assigne

The Creditor's Remedy if the Debt be not paid.
Winch. 83, 84, 85.

Certificate of the Statute in to the Chancery.

Within what Time the Debtor may sell his Land.

assigne tele seisine qil puisse porter bref de Novele disseisine sil seit engete e de redeseisine auxi si cum de frank tenelement a tenir a lui e a ses assignez taunt qe la dette fait paiee e apres la dette levee e pae se fait le cors al dettur delivere ove sa terre. E en le bref qe le chauncelor enverra seit mencion fet qe le viscunte certefie les justices del un baunc ou del autre coment il avera furni le comaundement le rey a un certain jour a quel jour le marchaunt si sun gre ne soit fet sue devaunt les Justices e si le Viscunte ne retourne nul bref ou retourne qe le bref vint trotart ou qil ad maunde al baillifs de la fraunchise si facent les justices solom ceo qil est contenu en le drein statut de Westmr'. E si par cas le Viscunte maunde qe le dettur n'est pas trove ou seit clerk si eit le marchaunt bref a tuz les Viscuntes ou il avera terre qil lui liverent tuz les chateus e les tenemenz al dettur par resnable estent a tenir a luy e a ses assignez en la furme qe est avaunt dite e ja le plus tart eit bref a quel Viscunte qil vodra dependre son cors sil est ley e tenir en la furme avaunt dite. E bien se garde le gardein de la prison qil luy covendra respundre del cors ou de la dette. E apres ceo qe les terres al detter ferrunt livreerez al marchaunt bien lirra au dettur sa terre vendre issint qe le marchaunt neit damage de ses approvementz e sauvez seient touz jours al marchaunt damages e chesunz custages necessaires e resunaabeles en travaux futes delaies e en despenfes. E si le dettur truisse plegges qi se connoissent estre principals detturs apres le jour passe seit fet des

(16) and it shall be lawful unto him, during the same Quarter, to sell his Lands and Tenements for the Discharge of his Debts, and his Sale shall be good and effectual.

(17) And if he do not agree within the Quarter, next after the Quarter expired all the Lands and Goods of the Debtor shall be delivered unto the Merchant by a reasonable Extent, to hold them until such Time as the Debt is wholly levied; and nevertheless the Body shall remain in Prison as before is said; (18) and the Merchant shall find him Bread and Water, (19) and the Merchant shall have such Seisin in the Lands and Tenements delivered unto him or his Assignee, that he may maintain a Writ of *Novel disseisin*, if he be put out, and Redisseisin also, as of Freehold, to hold to him and his Assigns until the Debt be paid; (20) and as soon as the Debt is levied, the Body of the Debtor shall be delivered with his Lands. (21) And in such Writs as the Chancellor doth award, Mention shall be made, that the Sheriff shall certify the Justices of the one Bench or of the other, how he hath performed the King's Commandment, at a certain Day, at which Day the Merchant shall sue before the Justices, if Agreement be not made; (22) and if the Sheriffs do not return the Writ, or do return that the Writ came too late, or that he hath directed it to the Bailiffs of some Franchise, the Justices shall do as it is contained in the latter Statute of *Westminster*. (23) And if in case the Sheriff re-

Regist. 146.

4 Co. 67.

Dyer, 206.

27 Ed. 3. stat. 2.

c. 9.

What Estate the Merchant shall have in the Debtor's Lands.

13 Ed. 1. stat. 1.

c. 39.

be

be found, or that he is a Clerk, the Merchant shall have Writs to all the Sheriffs where he shall have Land, and that they shall deliver unto him all the Goods and Lands of the Debtor by a reasonable Extent, to hold unto him and his Assigns in the Form aforesaid; and at the last he shall have a Writ to what Sheriff he will, to take his Body (if he be Lay) and to retain it in Manner aforesaid.

(24) And let the Keeper of the Prison take Heed, that he must answer for the Body, or for the Debt. (25) And after the Debtor's Lands be delivered to the Merchant, the Debtor may lawfully sell his Land, so that the Merchant have no Damage of the Improvements; (26) and the Merchants shall always be allowed for their Damages, and all Costs, Labours, Suits, Delays, and Expences reasonable. (27) And if the Debtor find Sureties, which do acknowledge themselves to be principal Debtors, after the Day passed the Sureties shall be ordered in all Things as is said of the principal Debtor, as to the Arrest of Body, Delivery of Lands, and other Things.

(28) And when the Lands of the Debtors be delivered unto the Merchant, he shall have Seisin of all the Lands that were in the Hand of the Debtor, the Day of the Recognition made, in whose Hands soever that they come after, either by Feoffment, or otherwise. (29) And after the Debt paid, the Debtor's Lands, and the Issues of Lands of Debtors by Feoffment shall return again, as well to the Feoffee, as the other Lands unto the

des plegges en totes choses cum est dit del principal dettur quant a cors prendre e terres liverer e autres choses. E quant les terres al detturs ferrunt liverer as marchauntz si eit seifine de totes les terres que furent en le main le dettur le jour que la conoissance fu fete en qi mein que eles ferrunt apres devenuz ou par seffement ou par autre manere. E apres la dette paie les terres issuz del dettur par seffement retournent auxibien arere al seffe cum les autres terres as detturs. E si le dettur ou plegge moerge point neit le marchaunt recoverir a prendre le cors le eir mes a ses terres cum avaunt est dit sil est de age ou quant il ferra de age. E seit purveu un seel qi serve as feires e ceo seel ferra envoie a chescune feire desuz le seel le rey par un clerk jure e par le gardein de la feire. E par la communaute des marchaunz seient eslus deus leus marchaunz de la cite de Lundres qil facent le serment e devaunt eus seit le seel overt e la une peee seit baille as avavntdiz marchaunz e lautre demoerge vers le clerk e devaunt eux ou le un des marchaunz si amdeus ni poent estre seient les conoissances fetes cum devaunt est dit. E avaunt ceo que nul reconoissance seit enrouillee seit la peine del statut apertiment leu devaunt le dettur issint qil ne puisse autrefois dire que lom li met autre peine que icele au quele il se obliga. E a sustenir les custages del avaunt-dit clerk si prendra le rey de chescune livre un den' en chescune vile ou le seel ferra horpris faire ou il prendra trois mailles de la livre. Cest ordienement e establisement veut le rei que desoremes seit tenu par tut sun

Dyer, 206.

How the Debtor's Sureties shall be used.

What Lands shall be extended.

fun reame de Engleterre e de Irlaunde entre quelz genz qi ceo soient qi de lour endegre vodrunt tele recohoiffaunce fere forspris Jeus as queus cest establisement ne sestent pas. Et par cest establisement ne seit pas bref de dette abatu e ne seient pas le Chaunceler Baruns del Eschequer Justices del un baunc e del autre e Justices erraunz forclos deprendre reconoiffaunces de dettes de eus qi devaunt eux les vodrunt fere mes les execucions des conoiffaunces devaunt eus fetes nen seient pas fetes par la furme avaundite mes par la ley e le usage e la manere purveue aillors en autre estatut*.

the Debtors. (30) And if the Debtor or his Sureties die, the Merchant shall have no Authority to take the Body of his Heir, but he shall have his Lands, as before is said, if he be of Age, or when he shall be of full Age, until he hath levied of the Lands the Amountance and Value of the Debt. (31) And a Seal shall be provided, that shall serve for Fairs, and the same shall be sent unto every Fair under the King's Seal by a Clerk sworn, or by the Keeper of the Fair. (32) And of the Commonalty of the Merchants of the City of London two Merchants shall be chosen, that shall swear, and the Seal shall be opened be-

The Heir's Lands, but not his Body, shall be extended.

A Seal for Fairs.

The Statute shall be read to the Debtor.

The King's Duty upon a Statute acknowledged.

Taking of Recognifances.

fore them, and the one Piece shall be delivered unto the foresaid Merchants, and the other shall remain with the Clerk; and before them, or one of the Merchants (if both cannot attend) the Recognifances shall be taken, as before is said. (33) And before that any Recognifance be inrolled, the Pain of the Statute shall be openly read before the Debtor, so that after he cannot say that any did put another Penalty than that whereto he bound himself. (34) And to maintain the Cofts of the said Clerk, the King shall take of every Pound a Penny, in every Town where the Seal is, except Fairs, where he shall take one Penny Halfpenny of the Pound. (35) This Ordinance and Act the King willeth to be observed from henceforth throughout his Realm of England and Ireland, amongst the which People they that will may make such Recognifances (except Jews, to whom this Ordinance shall not extend.) (36) And by this Statute a Writ of Debt shall not be abated; (37) and the Chancellor, Justices of the one Bench and the other, the Barons of the Exchequer, and Justices Errants, shall not be estopped to take Recognifances of Debts before them knowledged and made: (38) But the Execution of Recognifances

* The following Memorandum being found on the Roll, it was thought proper to insert it here: Consumile statutum de verbo ad verbum habent major & cives Exon' Memorand' quod statutum predictum consign' fuit in forma subscripta & liberatum Will'o de Bodemynn' deferend' per ipsum communitati ville de Lostwythiel. Edwardus rex, &c. omnibus ad quos &c. salutem. Inspeximus statutum Mercatorum editum tempore domini E. quondam regis Angl' patris nostri in hec verba Pur ceo qe marchanz, &c. Quod quidem statutum pro recognitionibus juxta formam ejusdem statuti in villa de Lostwythiel accipiend' ad eandem villam duximus transmittend'. In cujus, &c. T. R. apud Londin' tertio die Septembr' anno regni sui quinto.

made before them shall not be done in the Form aforesaid, but by the Law and Manner before used, and otherwise provided in other Statutes.

Rex vic' salutem. Quia coram tali majore vel custode talis ville, vel coram custode sigilli nostri de mercatoribus in nundinis in tali loco, & tali clerico nostro A. recognovit debere B. tantum quod solviffe debuit tali die & tali anno, quod idem A. nondum solvit, ut dicit: Tibi præcipimus, quod corpus prædicti A. si laicus sit, capias, & in prisona nostra salvo custodiri facias, quousque de prædict' debito satisfecerit. Et qualiter hoc præceptum nostrum fueris executus, scire facias justitiariis nostris apud Westmonasterium per literas tuas sigillatas, & habes ibi hoc breve. Teste, &c.

27 Ed. 3. stat. 2.
c. 9.
23 H. 8. c. 6.
8 Geo. 1. c. 25.

The Statute of *Circumspecte agatis*, made Anno
13 EDW. I. Stat. 4. and Anno Dom. 1285.

CAP. I.

Certain Cases wherein the King's Prohibition doth not lie.

Cases wherein
the King's Pro-
hibition doth
not lie.

6 Inst. 487 —
493.
13 Co. 41.
7 Co. 44.
5 Co. 67.

THE King to his Judges sendeth Greeting. Use yourselves circumspectly in all Matters concerning the Bishop of *Norwich* and his Clergy, not punishing them if they hold Plea in Court Christian of such Things as be meer spiritual, that is to wit, of Penance enjoined by Prelates for deadly Sin, as Fornication, Adultery, and such like, for the which sometimes Corporal Penance, and sometime Pecuniary is enjoined, specially if a Freeman be convict of such Things. (2) Also if Prelates do punish for leaving the Church-yard unclosed, or for that the Church is uncovered, or not conveniently decked, in which Cases none other Penance can be enjoined but Pecuniary.

(3) *Item*, If a Parson demand of his Parishioners Oblations or Tithes due and accustomed, (4) or if any Parson do sue against another Parson for Tithes greater or smaller,

so

Circumspecte agatis de negotio tangente dominum Episcopum *Norwicen'* & clericum non puniendo eos si placita tenuerint de hiis que mere sunt spiritualia videlicet de correctionibus quos Prelati faciunt pro mortali peccato videlicet fornicatione adulterio & hujusmodi pro quibus aliquando infligitur pena corporalis aliquando pecuniaria maxime si convictis sit de hiis liber homo.

Item si Prelatus pro cimiterio non clauso ecclesia discooperata vel non decenter ornata in quibus casibus alia pena non potest infligi quam pecuniaria penam imponat.

Item si Rector petat decimam majorem vel minorem dummodo non petatur quarta pars alicujus ecclesie.

Item si Rector petat mortuarium in partibus ubi mortuar' dari consueverit.

Item si Prelatus alicujus ecclesie petat pensionem a Rectore sibi debitam omnes hujus pensiones

Tithes and
Offerings.
Mortuaries.

ones faciente sunt in foro ecclesiastico.

De violenta manuum injectione in clericum & in causa diffamationis concessum fuit alias quod placita inde teneantur in Cur' Christianitatis dummodo non petatur pecunia sed agatur ad correctionem peccati.

In omnibus istis casibus habet iudex ecclesiasticus cognoscere regia prohibitione non obstante licet porrigatur ob quod impetrant laici prohibitionem in genere super decima oblationibus mortuar' redemptionibus penitentiarum violenta manuum injectione in clericum & conversum & in causa diffamationis in quibus casibus agitur ad penam canonicam capiend'.

Respondit dominus Rex ad istos articulos quod in decimis obventionibus oblationibus mortuar' quando agitur ut predictum est prohibitioni non est locus. Et si clericus vel Religiosus decimas suas in horreo congregatas vel alibi existentes vendiderit pro pecunia alicui & implicetur in Cur' Christianitatis locum habet regia prohibitio quia per venditiones res spirituales sunt temporales & sic transeunt decime in catallis.

Item si contentio sit de jure decimarum originem habens de jure Patronatus & earum decimarum quantitas excedat quartam partem ecclesie locum habet regia prohibitio.

Item si Prelatus imponat penam pecuniariam alicui pro peccato & petat illam pecuniam locum habet regia prohibitio si coram Prelatis pecunia exigatur.

Item si quis manus violentas injecerit in clericum pro pace domini Regis debent emende fieri coram Rege pro excommunicatione vero coram Episcopo & si imponatur pena corporalis quam si reus velit redimere dando prelo vel lesio pecuniam potest nec in talibus locus est prohibitioni.

In diffamationibus liberorum corrigant Prelati regia prohibitionem non obstante licet porrigatur.

so that the fourth Part of the Value of the Benefice be not demanded.

(5) *Item*, If a Parson demand Mortuaries in Places where a Mortuary hath been used to be given.

(6) *Item*, If a Prelate of a Church, or of a Patron, demand of a Parson a Pension due to him, all such Demands are to be made in a Spiritual Court. (7) And for laying violent Hands on a Clerk, (8) and in Cause of Defamation, it hath been granted already, that it shall be tried in a Spiritual Court, when Money is not demanded, but a Thing done for Punishment of Sin, and likewise for breaking an Oath. (9) In all Cases afore rehearsed, the Spiritual Judge shall have Power to take Knowledge, notwithstanding the King's Prohibition.

Defamation.
4 Co. 20.
Breach of an Oath.
Regist. 36, 45,
50, 51, 57, &c.
Rast. pla. 483.
9 Ed. 2. stat. 1.
c. 1.

Statuta Civitatis LONDON' edita apud *Westm'*

Anno 13 EDW. I. Regis, Stat. 5. *

CES sont les articles le queus notre Seignur le Rey comaunde que bien seient gardez en sa Citee de Loundres pur sa pes garder. Primerement pur ceo que multz des mals com des mardres robberyes e homycides ont este fetz ca en arrere deinz la Citee de nuyt e de jour e gentz batues e mal trètes e autres diverses aventures de mal avenuz encontre fa pes defendu est que nul seit si hardi estre trove alaunt ne batraunt parmy les ruwes de la Citee apres coeverfu parfone a seint Martyn le grant a espey ne a bokuyler ne a autre arme pur mal fere ne dount mal suspencion poet venir ne en autre manere nule sil nie seit grant seignur ou altre prodome de bone conyssaunce ou lour certeyn mesfage que de els serra garaunty que vount la un a lautre par conduyt de lumere. E si nul seit trove alant encontre la fourme avaunt dite ou que il seit encheson de tart venir en vyle seit pris par les gardeyns de la pes & seit mys en le tonel la quel pur tiels messesours est assigne e lendemeyn seit amene e presente devant le gardeyn ou le meyre de la Citee que pur tens serra e devant les aldermans e solong ceo que il troveront qil eit trespasse e a ceo seit coustumers seit puny. E pur ceo que tiels messesours avaunt ditz alaunt nuitauntre communalment ont lour recet e lour covynes e font lour mavveyfes purparlances en taverne plus que ail liours e fillokes quent umbrage attendant e geitant lor tens de mal fere defendu est que nul ne tiegne taverne overte de vyn ne de cerveyse apres le coeverfu avaunt dit parfone mes que il tiegne sa taverne close apres cel heure e nul leiuz bevaunt ne recitant ne en sa mesoun hors de communes tavernes nul ne recette pur quy il ne voillu estre respoignant a la pes le rey. E si nul taverner seit trove que autrement face primerement seit degage par soen hanap de la taverne ou par altre bon gage leinz trove e seit amercye a quaraunte deniers e si altre fiez seit trove que ceo faceo seit amercye a demy mark e a la tierce fiez a dyz souz e a la quarte fiez paie tute la peyne double cest asaver vynt sous e la quynte fiez seit fors jugge del mestier pur toutz jours. Ensement pur ceo que fous que sei delitent a mal fere vount aprendre eskirmye de bokyler e de ceo plus sei abauidissent de fere lour folyes purveu est e defendu que nul ne tiegne eskole ne aprife de eskirmye de bokyler de deinz la Citee de nuyt ne de jour e si nul le faceo eit la prison de xl. jours. E pur ceo que mals fesours pur trespas com de bateryes sanc espaundu e autres malfetz encontre la pes nostre seignur le Rey e par mal suspecioun pris e arestutz sovent sont delivres par trop legiere manere par quey autres meyns doutantz tiels punyissementz sei abauidissent en lour folyes e en sovent mesprendre encontre la pes par veiaunce de tiele eyse deliveraunce purvey est que nul en tiele manere enprisonne seit delivres par viscounte ne par mynystre de south ly sanz agard del gardeyn ou del meyre que pur tens serra e de les aldermans

* This Statute was first printed in Mr. Serjeant Hawkins' Edition,

mans si le trespas ne seit mult petit e adunqs seit prise bone meyn prise e sollempne e des gentz justizables a les bayllifs de la Citee qil seit devant le dit gardeyn ou meyre e les aldermans a certeyn jour a receyvre agard e juggement solong soen trespas. Derichief purveu est qe chescun alderman en soen gardemot ententivement enquerge de tiel meffesours repeirantz e demorantz en sa garde e si nuls tiels soient trovez par presentement ou enditement des bones gentz de la garde ou de male suspetioun tantost soient atachez par lour cors e veignent devant le gardeyn ou meyre e les aldermans e soient arefoncez de ceo dont il sont enditez ou sour eus presentez e cels qe aquiter ne sei poent soient punyz par emprisonement ou autre punyffement par lour discretion e solong ceo qe le trespas demaunde.

E pur ceo qe akunes gent soient repeirantz en la Citee acuns des terres de outre mer e acuns de la terre meismes e illoeskès querent umbrage e refu pur bannyffement hors de lour pays ou pur grant trespas ou autre forfet sei sont de lour pays aloignez e des tiels les uns sei sont abroceurs hostillurs e herberjours denz la Citee des privez e des estranges si avant com il fuyffient bons e leals de la franchise de la Citee e les uns riens ne sont fors qe aler sus e jus parmy les ruwes plus de nuyt qe de jour e sont bien atirez com de vesture e munture e sei sont pestre de deliciouses vyaundes e coustouses ne il ne sont mestier ne marchaundise nule ne terres ne tenementz ne ount de quei vivre ne amy qe les trove e des tiels avenent multz des perils en la Citee sovent e multz des mals e les uns ont aperte mauveytez sont trovez com des robberyes e brufures des mesons de nuytz murdres e autres mals purveu est qe nul de strange terre ne altre dont qe il seit ne seit reseant herberjour ne hostiler denz la Citee sil ne seit franc home de la Citee receue a forme devant le gardeyn ou meyre e les aldermans com bon home e leal e qe il eit bone tesmoignance del luy dont il serra venu qe il seit bien e lealment departy e trove saufs plegges justizables a les bayllifs de la Citee destre respoignant a la pes le Rey e les citeyns e la Citee garder sanz dammage. Ne nul abrocour ne seit denz la Citee forceaus qe soient receuz e jures devant le gardeyn ou meyre e aldermans. E touz ceus qe sont herberjours hostilliers e abrocours en la Citee encontre la fourme avaunt dite del jour qe ces articles ferront lus e publiez denz la Citee desks a un moys sei demettent e retriennent qe mes ne le facent e si nul seit trove qe le faceo apres la dist meys ou altre de quy len eit male suspecioun par soen mauveys port com par mauveyse compaignye ou par bone tesmoignance del vyfne tantoit seit arestu par soen cors par le gardeyn ou meyre ou les viscontes ou par alderman en qui garde il serra trove e solong ced qe il serra trove contravenaunt la fourme avant dite ou en altre trespas sient punyz cestasaver les herberjours e hostilliers e abrocours soient noun recevables a la franchise pur tutz jours e a la prison e ajuggez e les autres soient punyz par emprisonement ou en altre manere selong ceo qe le trespas demaunde. Le Rey qe veut la pes de sa Citee estre bien garde entre tutes gentz ad entendu qe ces distz articles ne sont poynt tenez ne estre ne

poent pur ceo qe ses mynystres sovent ou ceste enqueralez e grevement punyz devant les avotours des pleyntes e aillours en la court pur enprisonementz e altres punyissementz de meffours e de suspecionous de mal pur ceo qe il ne eurent de Rey garaunt a ceo fere dont les distz mynystres ouceste e sunt meyns osez a chastier e punir les trespasours e par tant sei abaudissent do meffere e donna as altres ensauple de mauveyste a grant peril de la Citee a grant nuture des meffours veut e comande qe de-formes nul de ses mynystres seit enquerale devant ses auditours des pleintes ne aillours en la court pur nul enprisonement ou altre punyissement de meffours ou suspecionous de mal si ens ne seit qe mynystre le face par aperte malice e sa propre venjaunce ou par venjaunce de autri qe par malice le protrire e ne mys pur la garde de sa pes. E le Rey cestes purveaunces e ajouste mentz veut qe en lavantdite Citee soient bien e sauvement gardez pur sa pes meyntenir ove les amendementz quant il li pierra mettre pur le proffist de sa Citee.

Forma concessionis et exemplificationis Cartarum. *Anno 13 EDW. I. Stat. 6. **

Supplicabant Domino Regi in Parlamento suo apud Westm. post Pasch. anno regni sui xiii plures de regno suo, tam Prelati, viri religiosi, & alie Persone Ecclesiastice, quam Comites, & Barones, & cetera persone seculares seu laice, ut idem Dominus Rex Cartas a progenitoribus suis Regibus Angl. vel ab aliis concessas predecessoribus seu antecessoribus ipsarum personarum, eis de sua gratia confirmaret, unde idem Dominus Rex habito super hoc cum suo consilio tractatu, concessit quod confirmationes Cartarum illarum fiant sub formis subscriptis.

Carta confirmationis libertatum sub hac forma. Edwardus, &c. Inspeximus Cartam donationis, concessionis, vel confirmationis, quam Dominus Hen. Rex pater noster, vel talis progenitor noster, avus vel proavus, vel talis antecessor noster, vel alius, fecit in hec verba, vel fecit tali in hec verba, Henr. &c. vel talis antecessor, vel predecessor, &c. Et Carta confirmanda de verbo ad verbum, sine additione, mutatione, transmutatione, vel aliqua diminutione, scribatur. Et in fine sic. Nos autem predictam concessionem, vel predictas concessiones, ratas habentes & gratas, eam vel eas, pro nobis, & heredibus nostris, predicto tali, & heredibus suis, vel tali, & successoribus suis, concedimus & confirmamus sicut ipse talis & predecessores seu antecessores sui, libertatibus illis hucusque juste & rationabiliter usi sunt. Hiis testibus, &c. vel In cujus, &c.

Si autem Carta confirmationis doni, de terr. five de ten. dato a Rege vel ab alio, tunc sic. Inspeximus, &c. sicut prius. Et in fine sic. Nos autem predictas donationem & concessionem ratas habentes & gratas, eas pro nobis & heredibus nostris, tali &

* First printed in the Appendix to Mr. Serjeant Hawkins' Edition.

& heredibus suis, vel tali & successoribus suis, concedimus & confirmamus, sicut Carte predictæ juste & rationabiliter testantur. Hiis testibus, &c.

Si autem in Carta confirmanda contineantur utraque, scilicet, concessio libertatum, & donum de ten. a predecessoribus nostris seu aliis, tunc sub hac forma. Edwardus, &c. Inspeximus Cartam quam talis predecessor vel antecessor noster fecit tali, de tali terr. vel de talibus ten. de libertatibus subscriptis, in hec verba. Et tunc in fine confirmationis illius fiat mentio de utriusque sic. Nos autem predictas donationes & concessiones ratas habentes & gratas, eas pro nobis & heredibus nostris, tali & heredibus suis, vel tali & successoribus suis concedimus & confirmamus, sicut predicta Carta, vel predictæ Carte, talis predecessoris, vel antecessoris nostri, de tali terr. vel de talibus ten. & sicut Carta vel Carte ejusdem vel eorundem, de predictis libertatibus quibus ipse & predecessores seu antecessores sui, hucusque rationabiliter usi sunt, juste & rationabiliter testantur.

Si autem Carta vel Carte, alterius vel aliorum, de novo dono & nova concessione, de terr. sive de tenementis petatur confirmari, tunc sic. Edwardus, &c. Inspeximus Cartam talis vel talium, &c. in hec verba. Nos autem predictas donationes & concessiones ratas habentes & gratas, eas pro nobis & heredibus nostris, salvo jure nostro & jure cujuslibet, concedimus & confirmamus, sicut Carta vel Carte predictæ rationabiliter testantur. Hiis testibus, &c. vel In cujus, &c.

Et si contingat quod post hujusmodi confirmationes oriatur dubitatio utrum articulus vel articuli in Carta contentus vel contenti plene fuerit vel fuerint usitatus vel usitati, vel non, tunc cum deventum fuerit ad illam dubitationem, fiat discussio coram Thesaurario & Baronibus de Scaccario de usu articuli vel articulorum, de quo vel quibus orta fuerit dubitatio. Et ad istam discussionem faciendam associent sibi Thesaurarium & Barones Justiciarios de utroque Banco & omnes alios Justiciarios quos tunc London. presentes esse contigerit. Ita tamen quod si absentes fuerint Justiciarii de Banco Regis, & forte absens fuerit aliquis Justiciarius de alio Banco, vel aliquis de Baronibus predictis, non propter hoc remaneant illa facienda, set Thesaurarius & ceteri Barones, assumptis secum Justiciariis tunc ibi presentibus, procedant ad discussionem illam faciendam, & determinetur per eos, ut de illo articulo vel de illis articulis per usum vel abusum eorum quid debeat imposterum observari. Et si quis petat alterius factum vel donum per Dominum Regem confirmari, primo videndum est utrum donatio, vel concessio, vel factum, vel donum, sit novum, vel antiquum a Rege confirmatum; & si sit novum, differatur confirmatio quousque constiterit Domino Regi quod jus non habeat in ten. per alium Datum.

STATUTUM EXONIE, 14 EDW. I.

De Inquisitione facienda super Coronatores. *

Purveu est & ordene qe les enquerrours maudent al viscounte del lieu qil face venir au certain jour & en certain lieu qe maunde lui est per les avaunt dites enquerrours les Baillifs de touz les fraunchises qe sount & quount este baillifs ou bedels fils soient en vie del temps qe P. de T. fust Coron' nostre Seigneur le Roi en tieles Countees & ceo fait a entendre touz les Bailifs & bedeux qi sount & qe ount este dedeinz la purceinte de la baillie & appartenant a celui Coron' de qi ils prendront lenquest ou touz ses roules de tout son temps de quel il fust Coron' nostre S' le Roi & touz ses Clercs qen vie sount & les enquerrours maintenant mettent leur seals sur touz les roules lavaunt dit Coroner & sauvement les ensealent & les rebailent au Coron' qil les eit prest quele heure qe Justices en Eire vieignent faire en cele Countee ou qe le Roi ordeine de cele chose autrement. Et si le Coroner soit mort soit fait en mesme la manere a son' Heire del temps son Peire issint qe le Coroner ou son Heire ne leur Clercs puisse forger leur roules encountre la venue des Justices nautrement qe soit encountre les pointz de la Corone & en prejudice du Roi & a damage du poeple & en arerissement de droit come avant ces heures ount fait.

Et apres facent les avaunt nomez enquerrours touz les avaunt ditz Baillifs jurer qe bien & loialment ferrount ceo qe eux leur chargeront per le Roi & son Conseil & riens ne conceleront & puis quant ils averont fait le serement soit chescun Baillif de Wappn' Hundr' & Fraunchise charge per soi qil eit avant les avaunt nomez enquerrours au jour & lieu certain qe done leur ferra per eux leur nouns de tous villes demy villes & hamelettes qe sount en son' Wappn' Hundr' & Fraunchise escript en roule & a mesme le jour & a mesme le lieu les deliverent puis as avaunt ditz enquerrours & apres chargeant les avaunt ditz enquerrours les Baillifs au jour & lui certain qils ordeineront facent venir devant eux de chescun ville entiere viij hommes & demy ville vi hommes & de Hamelet iiij hommes & de plus sages & plus loialx horspris les Seignurs des villes demy villes Hamelettes avaunt nomez per les queux les avaunt ditz enquerrours puissent eslire la graunt enqueste xij de chescun Wappen' Hundr' & Fraunchise & villes qe respoignent per xij si en la purceinte avaunt dit soient. Et chescun des avaunt dites Villes demy Villes & Hamelettes qils neit mye tauntz des fraunches hommes soient pris de plus loialx & sages bondes esluz & qe chescun eit seal Et adonques elisent les enquerrours hors de viij vj & de vi iiij & de iiij ii des meillours & plus loialx a ceo qils entendrent si les enchargent per tiel serement de part le Roi.

Ceo oiez vous A. & B. enquerrours assignez de par le Roi qe jeo verite dirrai & riens ne celerai ne sufferai estre celec ne murdre

* This is in the Secunda Pars veterum Statutorum, fol. 20.

dre devaunt vous pur promesse ne pur doun ne pur tremor ne pur doute ne pur affinite ne pur amistee ne pur amour ne pur haiour ne pur autre abettement ne procurement ne pur nul autre riens ne lerroie qe jeo verite ne dirroie & presenteroi a vous de ceo qe vous me dirrez & chargerez en cest enquest pur le Roi Si Dieu maide & les seintz a mon escient de ceo qe foi enquere ou purroi en nule manere aver.

Ceo serement ferrount Ville demye Ville & Hamelett per foi & de mesme cele serement si chargent les enquerrouns avauntnomez les xij & deliverount & apres banderount a les enquerrouns & a les Jurez de chescun ville & Hamelet & chescun Wapent' Hundr' & Fraunchise dedeinz la purceinte avauntnome & dehors si miestre y soit les Chapters dessouz escriptz & les commanderount de par le Roi qe les franchises hommes sur peine desheritefon & les bondes sur peine de perpetuel prisone si riens concelent ou murdrissent pur nulle chose ou pur nul rien de ceo qils sceivent ou est nulle manere enquere purrount a les avantnomez enquerrouns e la duszeine de lour Wapentak' Hundr' & Fraunchise desouz lour seals en la fourme qe les enquerrouns dirrount & presenterount.

En chescun Ville demye Ville & Hamelet per foi doit estre endente lour presentement en la manere de Cyrograf ambedeux les parties & lour seals pendauntz & enseales & lune partie liverount a les enquerrouns & lautre partie retenderount vers eux & les banderount suis a la xij quant ils ferrount jurez quele heure qe les enquerrouns lour dirrount issint qe les xij apres cele presentement poent'estre mieux certifiez de lour verdit devaunt les avauntditz enquerrouns quant ils prenderount les enquestes de eux.

ARTICULI super precedens STATUTUM EXONIE. *

A Deprimis fait enquere de chescune Ville demy Ville & Hamelet & comandent eux de par le Roi & sur lour serement que loialment presenterent saunz rien celer les aventures racions & la manere des murders sacraburg & felonies faites per qi queux & quaunt en terre bois marreis et ewes ou dehors & per tout & dedeinz les marches de lour hundrede & de chescun Ville & demy Ville Hamelet en tout le temps le coroner avantnome primes si le Coroner en sa persone y alast de faire son office ou autre en son lieu envoia a faire ceo que lui appent de faire : Et si le fist quaunt des foitz le fist & as queux aventures & que celui feust qil envoia en son lieu. Et si le Coroner a chescun aventure qil feust demaunde de venir faire son office vient faire voluntiers saunz delaie ou esfoigne a son poair ou noun ou si rien demaunda ou son Clerc ou rien prist per issint qil se hasta affaire son office ou si rien targent malicieusement pur rien avoir puis

* This is in the Secunda Pars veterum Statutorum, fol. 22.

puis qil favoit daventure apres ceo qil estoit demaunde quei quele chose & combien & per qi main et quaunt des foitz il fesoit. Et si les chateux as Felons lour armes pur lour avis auxibien come autre gent avant ces heures greindres ou meindres loialment per les Coroners feussent pris & a la ville baillez en garde come estre deussent per bone enqueste ou noun prises & enrollez. Et le Coron' prist rien pur prendre une fause procurement de nulluy pur murdre le droit de nulluy ou preiser les chateux meins que ne vailent en prejudice de la Corone & a la perde nostre Seignur le Roi ou as autres ou autrement fausement enroller fesoit les choses enrollez ou enrollast en autre manere que ne feust per lenqueste dit ou presentee quei & quele chose & combien pur tieux fausines & quant des foitz il le prist & per qi main. Et sil ou son Clerc prist riens des chateux vers lui puis qils furent preises a meindre pris qil fist enroller en ses rolles que preises ne furent per lenqueste pur descharger en partie a la venue des justices & la ou il se fausement deschargea quei & quele chose & combien ou si nule appelle de rape ou de tiel chose appendaunt a son office fesoit enroller fausement ou suffreit estre murdre per lui ou per autre ou hors tret de ses rolles puis qils furent enrollez ou avaient ne voleit le plainte del pleintif pur poverté ou pur haunge recevoir en prejudice du Roi & de sa Corone et a le plainte del pleintif ou areissement del droit dascun ou de tiele plainte pur promesse ou pur doun ou daffinite tremur amour del adverse partie fesoit ceste chose estre murdre ou retret come est dit ou si rien prist pur tiele choses quoi & combien & per qi main.

En meisme la manere ou nul desoremes pristerent ou emporterent des biens au mort de qi corps ils fesoient la veu quoi quel chose & quaunt des foitz ils le fesoient. Et si le fist ou faire fesoit toutes les attachementz appendantz a son office en due manere ou noun & sil fesoit nul attacher pur lui grever ou del soen attort avoir en autri noun ou pur autre fausement grever per qi procurement & pur quele chose ou fit a ses costages demaigne sanz rien prendre dautri selonc lestatut fesoit son office ou noun ou sil a nul Countee rien cela murdre ou procura estre murdre en grevaunce del appellour ou del appelle ou dautri en prejudice le Roi ou a sa perde pur tremour doute affinite amour promes ou procurement de nully & sil le fesoit ou noun a la manere coment & per queux & pur lower & pur quele enchesone & quaunt des foitz & en quele cas. Et si touz les attachementz appendantz a son office loialment & redement purfuist come faire deust pur le Roi & pur le pleintif ou si poursuivre fesoit ou noun. Et si les chateux as gentz retretz hors des villes ou ils mainent pur malueis suspecion de laroun murdre & rettement apres ceo qils soient retrez lour chateux & lour hommes qi furent trovez dedeinz la poursuite de sa baillie fesoit attacher & loialment per bone enqueste preiser & selonc lenqueste en ses rolles entrer & ala per ville per la ou ceux biens furent trovez bailler en garde tanque al Eire des Justices come faire le deust. Et si a nul a qi & per quele garant & quele chose & si appelle ou nul manere de plainte a lui faite sustresit ou sustrete ou anienti ou per

per lui ou per autre procurement retrere hors des rolles per le pleintif ou per lautre partie ou per nulle abettement ou par autre chose.

Et sil pur cel faufyne rien prift our pur tiele murdressement quei quele chose & combien & pur quele encheson & en quele manere & quaut des foitz. Et si nul Tresore feust trove en le temps le Coroner avaundit desouz terre ou demount en quele lieu & queu manere & combien & que tresour & en qi meson ou mains est ore mys & per qi baillie.

En ceste manere deivent les enquerrours aler de Wapentak en Wapentak de Hundred en Hundred de fraunchise en fraunchise & en villes respoignantz per xii si y soient en la poursuite ou baille appartenant al avantdit Coroner & bailler as Jurours avantditz des avaunditz Villes demy Villes Hamelettes touz les Chapiters avantnomez escriptz pur eux celement counseiller denquere des avantditz choses.

Et done leur soit jour de quart jour apres ceo qils averont les Chapiters receux a rendre suz leur presentementz a les avantnomez enquerrours en lieu certain ovesque leur sealx pendantz a leur presentementz. Et si miestr' soit qils eient plus long jour pur eux mieux certifier done & graunte leur soit per les enquerrours & puis quant les enquerrours averont resceux vers eux touz leur presentementz des Villes demy Villes & Hamelettes adonques facent venir devant eux xii de chescun Wapentak Hundred Fraunchise et Ville respoignant per xii & selonc les pointes des Chapiters avantnomez & en touz autres maneres coment les enquerrours faveront mieux ordeigner soient chargez.

Et si aviegne qe les enquerrours trovent faufyne ou concelement per leur entendement en leur enquestes prises per les duszeins preignent adonques sur les xii. xxiiii. a touz jours ceux qi fount tenuz pluis sages & pluis loialx de tout le Countee & per mesme le serement avantnome & per la manere qe le Chapiters soient chargez.

Et sil aveigne qe les xii. soient atteintz per les xxiiii. soit chescun per foi per bones mainperours mainprifez davoir leur corps ou quele heure qe le Roi maundera.

Et si le Coron' ou son Clerc ou autre faux procurour en prejudice de la Corone soit atteint soit attache & per bones mainperours mainprife en la manere avantnome & quant les duszeins rendront sus leur verditz & les avantnomez enquerrours rendout ensemment a eux touz leur presentementz qe liverez leur ferront per les avaundits Villes & Hamelettes.

Et quant les enquerrours averont pris les en celle manere si eux sealent le verdit de xii. & de vint de quarte les queux ils tiegnent pluis veritables desouz leur sealx si les envoient au Roi per un de les enquerrours si en fra le Roi remedie et justicement fort & dure de la Coron' de son Clerc & de touz les autres qi soient atteintz de murdrissement & concelement en prejudice de la Corone ou procurours de celles choses per ount le Roi ou autre fu perdaunt. *Done a Excestre le xviii. jour de Sept. lan du regne le Roy Edward xiiii.*

Ordinatio pro statu HIBERNIÆ, made Anno
17 EDW. I. and Anno Dom. 1288. *

EDWARD, by the Grace of God, King of England, Lord of Ireland, Duke of Aquitain, to all those who shall see or hear these Letters, doth send Salutation. Know you, that for the Amendment of the Government of our Realm of Ireland, and for the Peace and Tranquility of our People of the same Land, at Nottingham, the Octaves of Saint Martin, in the seventeenth Year of our Reign, by the Assent of our Council there being, the Points hereafter mentioned be made and agreed upon, to the Intent that they may be firmly observed in the same Realm.

EDWARD par le grace de Dieu Roi d'Engleterre seigneur d'Irland ducs d'Aquitaine a touz ceuz qi cestes presentes lettres verrount ou orrount salut. Sachez qe a lamendement du gueyement de nostre terre d'Irland a plus grant pees & tranquillite de nostre poeple en cele terre a Notyngham as oytaves sel seint Martyn lan de nostre regne dis septisme par assent de nostre conseil illoeqs font les pointz soutezscriz assentuz & accordez a fin qe euz soient tenuz & fermentent gardez en meisme la terre.

CAP. I.

The King's Officers in Ireland shall purchase no Land there without the King's Licence.

FIRST, That the Justice of Ireland, nor any other Officer of ours of the same Realm, so long as they are in our Service there, shall purchase any Land or Tenement within the List or Bound of their Bailiwicks, without our special Licence: (2) And if any do the contrary, that which he shall purchase shall accrue and be forfeit to us and our Heirs; (3) saving to the chief Lord of the Fee the Services due and accustomed for the Lands and Tenements so accruing and forfeit to us.

PRimerement qe la Justice d'Irland ne nul autre nostre ministre en cele terre tantom ils sont en nos offices illoeqs ne purchacent terre ne tenement dedeinz les listes ou boundes de leur baillies sanz nostre congie especiale & si nul face le contraire ceo qil avera purchase soit encoru & forfait a nous & nous heirs sauve as chiefs seignurages de fee services dues & accustumez de terres & tenementes issint encuruz & forfaitz a nous.

CAP. II.

In what Case only Purveyance may be made in Ireland.

ALSO, That neither our Justice of Ireland, nor any other of our Officers there, by colour of their Offices, shall take Victuals, or any other Things,

ITEM qe nostre Justice d'Irland ne nul de noz autres ministres illoeqs par colour de leur offices ne preignent vitailles ne autres choses de nuli countre

* This is in the Secunda pars veterum Statutorum, fol. 76.

tre son gre horpris en cas de necessite pur le comun profit de la terre & adunqs qe ceo ce face par lavis & lassent de plus grantz de nostre conseil celes parties & par bref de nostre Chauncellerie d'Irland & en cas qe nous ou noz heirs les commanderoms par brief de nostre Chauncellerie d'Engleterre ou par noz autres lettres.

Things, of any Person against his Will, but in Time of Necessity, for the common Profit of the Realm; and that then he shall do it by the Advice and Assent of the greatest Part of our Council in those Parts, and by a Writ awarded out of our Chancery of *Ireland*; and in such Case as we or our Heirs do command by a Writ awarded out of our Chancery of *England*, or by other Warrants.

CAP. III.

Transporting of Merchandises out of Ireland.

ITEM qe nostre dite Justice ne nul de noz autres ministres iloeqs par colour de lour office ne arestent nyefs ne autres biens des estraunges ne des privez mez qe touz marchanz & autres puissent carier bledz & autres vitailles & merchandises hors de nostre terre d'Irland jefqs en nostre roialme d'Engleterre & en nostre terre de Gales horpris en les cas fufditz fesauntz les custumes dues & useez issint totes voies qil facent convenable seurte qil ne irrount ne ne comunerent od noz enemis de Scoce ne noz autres enemis si nul fuissent. Et si nul Justice ou autre ministre face le contrair des choses fufdites & de ceo soit atteint face gre au plentif de ses damages a double & jademeys soit grevement puni devers nous.

Moreover, That none of ^{34 Ed. 3. c. 18.} our Justices, nor any of our other Ministers, by colour of their Office, shall arrest Ships nor other Goods of Strangers, or of our own People; (2) but that all Merchants and others may carry their Corn, and other Victuals and Merchandises, forth of our Realm of *Ireland* unto our Realm of *England*, and unto our Land of *Wales* (saving in the Case aforesaid) paying the Customs due and used, so that they make good Security that they shall not go unto, nor commerce with our Enemies of *Scotland*, nor other of our Enemies, if any shall be. (3) And if any Justice or other Officer do the contrary in the Things aforesaid, and be thereof attainted, he shall satisfie the Plaintiff double Damages; and also shall be grievously punished by us. 28 Car. 2. c. 2.

CAP. IV.

The Fees of a Bill of Grace in Ireland.

ITem pur le seal nostre Justice d'Irland de chescun bille de grace quater deniers &

Hereafter there shall be taken and paid for the Seal of our Justice of *Ireland*, for

for every Bill of Grace, iv d. & pur lescripture de chescune
and for the writing of every bille deux deners defore soient
Bill, ii d. and no more. pris & paieiz & nient plus.

CAP. V.

The Marshal's Fee in Ireland.

AND there shall be taken of him which is committed to Prison by Authority of our Court, when he shall be delivered, iv d. for the Marshal's Fee, and no more, (2) And if any do offend the Ordinances aforesaid, and thereof be attainted at our Suit, or the Suit of the Party, he shall make Satisfaction to the Party, and be grievously punished by us.

ITEM de celui qest commaunde a la prisone par auctorite de nostre Court quant il serra delivres quater deners soient pris pur le fee du mareschal & nient plus. Et si par cas nul veigne encountre les choses susdites & de ceo soit atteint a nostre seute ou a seute de partie face gree a la partie & soit grevement puny devers nous.

CAP. VI.

In what Cases the Justice of Ireland may grant Pardon of Felony, &c. and where not.

AND that no Pardon from henceforth shall be granted by our Justice of *Ireland*, of the Suit of our Peacc for the Death of a Man, nor for other Felony, nor for flying for the same, to them which shall be accused or indicted of such Felonies. (2) Nor shall be sealed with our Seal there, without the special Commandment of us ourselves under some of our Seals of *England*; saving that our said Justice of *Ireland*, and our Chancellor of *Ireland*, with the Advice of our Council of *Ireland*, may grant Pardon of Felonies committed before the Date hereof, as they shall perceive it may stand with our Honour and Profit, and Peace and Tranquility of our People there, and with the Commandment which they have received from us; (3) so always that there be no Pardon or Protection granted of those Felonies which shall be

ITEM qe nul pardoun de la seute de nostre pees pur mort de homme ne a autre felonie ne tuicion pur celui qi serra des tieux felonies rette ou endite ne soit fait ne graunte defore par nostre Justice d'Irland sur seales de nostre seal iloeqs santz especial commandment de nous meismes desouz ascuns de noz seals d'Engleterre sauve qe nostre dite justice & nostre Chancelier d'Irland ove lavisement de nostre Conseil d'Irland puissent faire pardon des felonies faites devant la date de cestes solonc ce qe pur nostre honur & profit & pees & tranquilite de nostre poeple illoeqs vient qe fait a faire & solom le commandement qils evout de nous Issint totes voies qe des felonies qe se feront defore nul pardoun se face ne tuicion soit grauntie sanz especial commandement de nous meismes si com desus est dit.

hereafter

hereafter committed, without the special Commandment of ourselves, as is aforesaid.

CAP. VII.

By what Seal Writs in Ireland shall be sealed.

ITEM qe nul brief original pleuable a la commune lei ne soit resceu par nul de noz ministres forsqe briefs seale de fouz nostre grant Seal d'Irland ne nul proces fait par autre brief sauve qe par nostre Seal de nostre Eschequer d'Irland des choses tochantz cele place soit fait aussi come doit estre fait de reson & solonc ceo qe cea en arers ad este acustume.

AND that none of our Officers shall receive an original Writ pleuable at the Common Law, but such as be sealed by the Great Seal of Ireland; (2) nor any Process shall be made by any other Writ saving that by our Seal of our Exchequer of Ireland, of Things touching that Court, it shall be done as by Reason it ought to be, and according as it hath been heretofore accustomed.

CAP. VIII.

Adjournment of Assises in Ireland.

ITEM qe nostre Justice de la dite terre par ses briefs ou lettres ne targe ne ajorne assise de Novele disseisine devaunt lui forsqe en le conte ou il ferra present & tancome il demorra en meisme le conte. En tesmoignance de quele chose nous avoms fait faire cestes noz lettres overtes. Don a Nottingham le xxiv. jour de Novembr lan de nostre regne dis septisme.

ITEM, That our Justice of the same Realm shall not by his Writs or Letters delay or adjourn any Assise of *Novel disseisin* before him, but in the County where he shall be present, and during that Time as he shall remain in the same County. In Witness whereof we have caused these our Letters Patents to be made. Dated at *Nottingham* the four and twentieth Day of *November*, the seventeenth Year of our Reign.

The Statute of WESTMINSTER the Third,
viz. Quia emptores terrarum, made Anno 18
EDW. I. Stat. I. and Anno Dom. 1290.

CAP. I.

The Feoffee shall hold his Land of the chief Lord, and not of the Feoffor.

QUIA emptores terrarum & tenementorum de feodis Magnatum & aliorum in prejudicium eorumdem temporibus retroactis multotiens in feo-

FOrasmuch as Purchasers of Wright's Ten. Lands and Tenements of the 154.—174. Fees of great Men and other Lords, 2 Inst. 501, 502. have many Times heretofore entered into their Fees, to the Prejudice of

of the Lords, to whom the Freeholders of such great Men have sold their Lands and Tenements to be holden in Fee of their Feoffors, and not of the chief Lords of the Fees, whereby the same chief Lords have many Times lost their Escheats, Marriages, and Wardships of Lands and Tenements belonging to their Fees; which Thing seemed very hard and extrem unto those Lords and other great Men, and moreover in this Case manifest Disheritance: (2) Our Lord the King, in his Parliament at Westminster, after Easter, the eighteenth Year of his Reign, that is to wit, in the Quinzime of Saint John Baptist, at the Instance of the great Men of the Realm, granted, provided, and ordained, That from henceforth it shall be lawful to every Freeman to sell at his own Pleasure his Lands and Tenements, or Part of them, so that the Feoffee shall hold the same Lands or Tenements of the chief Lord of the same Fee, by such Service and Customs as his Feoffor held before.

The Feoffee shall hold his Land of the chief Lord, and not of the Feoffor.
12 Car. 2. c. 24.

feodis suis sint ingressi quibus libere tenentes eorundem Magnatum & aliorum terras & tenementa sua vendiderunt tenenda in feodo sibi & hereditibus suis de feoffatoribus suis & non de Capitalibus dominis feodorum per quod iidem Capitales domini escaetas maritagia & custodias terrarum & tenementorum de feodis suis existentium sepius amiserunt quod eidem Magnatibus & aliis dominis quam plurimis durum & difficile videbatur & similiter in hoc casu exheredatio manifesta Dominus Rex in parlamento suo apud Westm' post Pascha Anno Regni sui decimo octavo videlicet in quindena sancti Johannis Baptiste ad instantiam Magnatum regni sui concessit providit & statuit quod de cetero liceat unicuique libero homini terram suam seu tenementum seu partem inde pro voluntate sua vendere. Ita tamen quod feoffatus teneat terram illam seu tenementum de Capitali domino per eadem servicia & consuetudines per que feoffator suus illa prius tenuit.

CAP. II.

If Part of the Land be sold, the Services shall be apportioned.

If Part of the Land be sold, the Services shall be apportioned.

AND if he sell any Part of such Lands or Tenements to any, the Feoffee shall immediately hold it of the chief Lord, and shall be forthwith charged with the Services, for so much as pertaineth, or ought to pertain to the said chief Lord for the same Parcel, according to the Quantity of the Land or Tenement so sold. (2) And so in this Case the same Part of the Service shall remain to the Lord, to be taken by the Hands of the Feoffee, for the which he ought to be

ET si partem aliquam eorundem terrarum & tenementorum alicui vendiderit feoffatus illam teneat immediate de Capitali domino & oneretur statim de servicio quantum pertinet sive pertinere debet eidem capitali domino pro particula illa secundum quantitatem terre seu tenementi venditi & sic in hoc casu decidat Capitali domino ipsa pars servicii per manum feoffati capienda ex quo feoffatus debet eidem Capitali domino juxta quantitatem terre seu tenementi venditi

2 Inst. 503, 504.

diti de particula illa servicii sic debiti esse intendens & responderis.

attendant and answerable to the same chief Lord; according to the Quantity of the Land or Tenement sold for the Parcel of the Service so due.

CAP. III.

No Feoffment shall be made to assure Land in Mortmain.

ET sciendum est quod per predictas venditiones seu emptiones terrarum seu tenementorum seu partis alicujus eorundem nullo modo possunt terre seu tenementa illa in parte vel in toto ad manum mortuam devenire arte vel ingenio contra formam statuti dudum super hoc editi. Et sciendum est quod istud statutum tenet locum de terris venditis tenendis in feodo simpliciter tantum & quod se extendit ad tempus futurum Et incipiet locum tenere ad Festum Sancti Andree Apostoli proxime futurum.

AND it is to be understood, that by the said Sales or Purchases of Lands or Tenements, or any Parcels of them, such Lands or Tenements shall in no wise come into Mortmain; either in Part or in Whole; neither by Policy ne Craft, contrary to the Form of the Statute made thereupon of late. (2) And it is to wit, that this Statute extendeth but only to Lands holden in Fee simple; (3) and that it extendeth to the Time coming, and it shall begin to take Effect at the Feast of Saint Andrew the Apostle next coming. Given

¹ Inst. 504, 505. No Feoffment shall be made to assure Land in Mortmain.

This Statute extends to Fee Simple Land only.

the eighteenth Year of the Reign of King Edward, Son to King Henry.

⁹ H. 3. stat. 1. c. 32.

The Statute of *Quo Warranto*, made Anno 18 EDW. I. Stat. 2. and Anno Dom. 1295.

How they shall hold their Liberties which claim them by Prescription or Grant. A Quo Warranto shall be pleaded and determined before Justices in Eyre.

QUIA brevia de quo Warranto & etiam judicia super placitis eorundem brevium reddenda distinam ceperunt dilationem eo quod Justic' in judiciis illis reddend' de voluntate domini Regis non fuerunt hucusque certiorati idem dominus ad Parliamentum suum post Pascha apud Westm' anno regni sui decimo octavo de gratia sua speciali & etiam propter affectionem quam habet erga Prelatos Comitēs Barones & ceteros de regno suo concessit quod omnes de regno suo quicum-

FQuas much as Writs of Quo Warranto, and also Judgements given upon Pleas of the same, were greatly delayed, because the Justices in giving Judgment were not certified of the King's Pleasure therein; (2) our Lord the King, at his Parliament holden at Westminster, after the Feast of Easter, the eighteenth Year of his Reign, of his special Grace, and for the Affection that he beareth unto his Prelates, Earls, and Barons, and other of his Realm, hath granted, That all under

They which have Liberties by Prescription shall enjoy them.

his Allegiance, whatsoever they be, as well spiritual as other, which can verify by good Enquest of the Country, or otherwise, that they and their Ancestors or Predecessors have used any Manner of Liberties, whereof they were impleaded by the said Writs, before the Time of King *Richard* our Cousin, or in all his Time, and have continued hitherto (so that they have not misused such Liberties) that the Parties shall be adjourned further unto a certain Day reasonable before the same Justices, within the which they may go to our Lord the King with the Record of the Justices, signed with their Seal, and also return; and our Lord the King, by his Letters Patents, shall confirm their Estate. (3) And they that cannot prove the Seisin of their Ancestors or Predecessors in such Manner as is before declared, shall be ordered and judged after the Law and Custom of the Realm; (4) and such as have the King's Charter shall be judged according to their Charters.

Liberties by the King's Grant.

II. Moreover, the King of his special Grace hath granted, that all Judgements that are to be given in Pleas of *Quo Warranto*, by his Justices at *Westminster*, after the foresaid *Easter*, for our Lord the King himself, if the Parties grieved will come again before the King, he of his Grace shall give them such Remedy as before is mentioned. (2) Also our said Lord the King hath granted, for sparing of the Costs and Expences of the People of his Realm, that Pleas of *Quo Warranto* from henceforth shall be pleaded and determined in the Circuit of the Justices, and that all Pleas
now

Where Pleas of *Quo Warranto* shall be determined. Rait. 340.

que fuerint tam viri religiosi quam alii qui per bonam inquisitionem patrie aut alio modo sufficienti verificare poterint quod ipsi & eorum antecessores vel predecessores usi fuerint libertatibus quibuscumque de quibus per breviam fuerint impletati ante tempus Regis *Ricardi* consanguinei sui aut toto tempore suo & hucusque sine interruptione continuarunt & ita quod libertatibus illis non sint abusi quod partes adjournentur ulterius coram eisdem justic' usque ad certum diem & rationabilem infra quem dominum Regem adire possint cum recordo justic' sub sigillo suo & redire & dominus Rex statum eorum affirmabit per litteras suas. Et illi qui non poterunt seisinam antecessorum seu predecessorum suorum verificare modo quo predictum est deducantur & judicentur secundum legem communem. Et illi qui habent cartas regales secundum cartas illas & earum plenitudinem judicentur.

Preterea dominus Rex de gratia sua speciali concessit quod omnia judicia que reddita sunt in placitis de quo *Warranto* per justic' suos apud *Westm'* post Pascha predictum & pro ipso domino Rege si partes que amiserunt ad ipsum dominum Regem reverire voluerint tale habebunt remedium de gratia domini Regis sicut superius est concessum. Concessit etiam idem dominus Rex ad parcandum missis & expensis populi de regno suo quod placita de quo *Warranto* de cetero placitentur & terminentur in itineribus justic' & quod placita adhuc pendencia readjornentur in singulis suis Com' usque adventum justic' in partibus illis, & quod

quod interim post adjornationem sic factam remaneant sine die. now depending shall be adjourned into their own Shires, until the coming of the Justices into those Parts.

Another new Statute of *Quo Warranto*, Stat. 3. made the same Year to that Effect. *

PUR ceo bref qest dit quo Warranto establiff nostre Seign' le Roi le jour de la Pentecost lan de son regne xviii. qe touz ceux qi cleiment avoir quite possession des fraunchises avant le temps le Roi Richard saunz interrupcion & ceo puissent monstrier per bone enqueste bien se joient de cele possession. Et si celle possession soit demaunde per raison nostre Seign' le Roi le confermera per title Et ceux qui ount veux chartres des fraunchises serrount les chartres ajuggez selonc la tenure & la fourme de mesmes celes chartres. Et ceuz qui ount perdu lour fraunchises puis le Patqe darrein & per levantdit brief en la fourme avant use en plee del avantdit brief eient restitution de lour fraunchises perduz & de rechief pledent selonc la nature de la presente constitution.

CONCERNING the Writ that is called *Quo Warranto*, our Lord the King, at the Feast of *Pentecost*, in the eighteenth Year of his Reign, hath established, That all those which claim to have quiet Possession of any Franchise before the Time of King *Richard*, without Interruption, and can shew the same by a lawful Enquest, shall well enjoy their Possession; (2) and in case that such Possession be demanded for Cause reasonable, our Lord the King shall confirm it by Title. (3) And those that have old Charters of Franchise, shall have the same Charters adjudged according to the Tenor and Form of them. (4) And those that have lost their Liberties sith *Easter* last passed by the foresaid Writ, according to the Course of Pleading in the same Writ heretofore used, shall have Restitution of

Liberties by Prescription, or the King's Grant.

their Franchise lost, and from henceforth they shall have according to the Nature of this present Constitution.

Raft. 347.

Modus levandi *Fines*, Anno 18 EDW. I. Stat. 4. Anno Dom. 1290.

The Manner of levying of Fines: What Things be requisite to make them good, and who are bound by them.

QUANT le brief original soit lieu in presence des parties devant Justices Donques dirra

WHEN the Writ original is delivered in Presence of the Parties before Justices, a S 2 Plead-

a Inst. 510 — 510. 5 Co. 39. The Order of levying of a Fine.

* This is taken from the *Secunda Pars veterum Statutorum*, fol. 2. a. and is inserted in the Editions of Berthelet, Raftal, Pulton, Kable, &c.

Pleader shall say this, *Sir Justice, Conge de accorder*: (2) and the Justice shall say to him * *What saith Sir R.* and shall name one of the Parties. (3) Then, when they be agreed of the Sum of Money that must be given to the King, then the Justice shall say, *Cry the Peace.* (4) And after the Pleader shall say, *In so much as Peace is licensed thus unto you W. S. and A. his Wife, that here be, do acknowledge the Manor of B. with the Appurtenances contained in the Writ, to be the Right of our Lord the King, which he hath of their Gift, (5) to have and to hold to him and his Heirs, of the said W. and A. and the Heirs of A. as in Demearns, Rents, Seignories, Courts, Pleas, Purchases, Wards, Marriages, Reliefs, Escheats, Mills, Advowsons of Churches, and all other Franchises and free Customs to the said Manor belonging, paying yearly to R. and his Heirs, as chief Lords of the Fee, the Services and Customs due for all Services.* (6) And it is to be noted, That the Order of the Law will not suffer a final Accord to be levied in the King's Court without a Writ original, and that must be at the least before Four Justices in the Bench or in Eyre, and not † otherwise, and in Presence of the Parties named in the Writ which must be of full Age, of good Memory, and out of Prison. (7) And if a Woman Covert be one of the Parties, then she must be first examined by Four of the said Justices; and if she doth not assent thereunto, the Fine shall not be levied. (8) And the Cause wherefore such Solemnity ought to be done in a Fine, is, because a Fine is so high

dirra un countour issint Sire Justice conge daccorder Le Justice luy dirra que durra Sire Robt & nomera un des parties dount quant ils serrount une gent de la somme de la peccune qest done au Roi donques dirra le Justice criez la pees & puis dirra le countour issint *Que la pees est ycele a voz congez* qe William & Alicè sa femme qe cy fount recordissent le manoir de B ove les appartenantz contenuz en le brief estre droit de R: come cel qil ad de le doun a aver & tenir a luy & ses heirs de William & Alice & a lis heirs Alice come in demaigne rentes seigneries countes plees purchaces gardes mariages reliefs eschetes molours Avqesouns deglises & toute auters fraunchises & fraunks custumes a lavantdit manoir appettenauntz rendant per an a Robt & A ses heirs a chief seignarages de fee services dues & customee pur tous services. Et fait assavoir qe ordre de ley ne suffre mie qe finale accorde soit leve en la courte le Roi faunz brief original & ceo a tote le meins devant quatre Justices en Bank ou en Eire & nourpas aillours et en presence des parties nomez en le brief qe sont de pleine age & de bone memorie & hors du prison. Et si femme covert de Baroun soit une des parties donque covient qele soit primerement confesse des quatre Justices avantditz Et si ele ne sent la fine ne se levera mye. Et la cause pur quoi tiele solempnite doit estre faite en cele fine qe fine est si haute bare & de si graunt force & de si puisaunt nature en si qel forclos nemye soulement ceux qi sount parties & prises a la fine & lour heirs mes tous auters gentz du monde qe sount de plein

• Or, Who will give? Sir, R.

Raft. 349. The Form of a Fine.

What Things be requisite to make a Fine good. 27 Ed. 1. Stat. 1. c. 1.

† Elsewhere.

What Persons shall be concluded by a Fine. 1 R. 3. c. 7. 4 H. 7. c. 24. 4 Co. 125. 4 Ed. 3. f. 46. 15 Ed. 2. Stat. of Carlisle.

plein age hors du prison de bone
memorie de dedeinz les qua-
ters meers le jour de la fine leve
sils ne mettront leur clayme de
leur accion sur la pie dedeinz
Jan & le jour.

a Bar, of so great Force, and
of so strong Nature in itself,
that it concludeth not only
such as be Parties and Privies
thereto, and their Heirs but all
other People of the World,
being of full Age, out of Pri-

son, of good Memory and within the Four Seas, the Day of
the Fine levied, (9) if they make not their Claim of their Ac-
tion within a Year and a Day by the Country,

The Statute of *Vouchers*, made Anno 20 EDW. I.
Stat 1. and *Anno Dom.* 1292.

*In a Plea of Land the Tenant voucheth, and the Demandant
counterpleadeth.*

CUM tenens in placito ter-
re vel ten' temporibus re-
troactis vocaverit aliquem ad
Warrantum & petens super hoc
verificare voluerit quod nec vo-
catus nec aliquis antecessorum
suorum a tempore seisme ante-
cess. ipsius petentis fuerit in sei-
fina de tenementis predictis nec
in dominico nec in servitio si
ille vocatus ad Warrantum
presens fuerit & gratis tenenti
warrantizare voluerit predicta
verificacio petentis admitti non
consuevit nisi vocatus absens
fuerit & hoc ratione cujusdam
statuti domini Regis nuper
editi inter cetera prima statuta
Westm'.

Propter quod dominus Rex
animadvertens fraudem decep-
tionem & malitiam & etiam
dampnum suum & exheredita-
tionem corone sue in casu pre-
dicto in Curia sua multotiens
posse intervenire & isto die in-
tervenerit cum quidem tenen-
tes de ipso domino Rege in ca-
pitate per baroniam integram in
quodam placito pendente coram
Justic' de banco vocaverint ad
Warrantum de demanda par-
ticulariter quodam garcones ig-
notos

WHEREAS the Tenant im-
pleaded in a Plea of Land
heretofore had vouched to War-
ranty, and thereupon the Deman-
dant would aver, that neither he
that is vouched, nor any of his An-
cestors (since the Time that the An-
cestor of the Demandant was seif-
ed) was in Possession of the said
Lands, neither in Demean nor in
Service, (2) if the Party vouched
were present, and would warrantise
the Land freely unto the Tenant,
such Averment of the Demandant
hath not been used to be admitted,
unless the Party vouched had
been absent, and that by Reason
of a certain Statute of the King's
lately made amongst other Statutes
of West. 1.

II. Wherefore our Lord the
King, considering the Fraud, De-
ceit, and Malice, and also his own
Damage and Disberison of his
Crown, that in the said Case hath
many Times happened in this Court,
and daily doth, whereas some hold-
ing of the King in chief by a whole
Barony, in a Plea hanging before
the Justices of the Bench, upon
their Demand do vouch particular-
ly, base Persons unknown and
Strangers (which they will bring
forth)

3 Ed. 1. c. 40.

In Plea of
Land the Ten-
nant voucheth
one present,
and the De-
mandant
counterplead-
eth the
Voucher.

forth) and of whom neither they nor their Ancestors had ever any Thing in the Lands that they warranted, nor in any other Lands or Tenements within this Realm neither in Demean nor in Service, as hath been testified by divers of the King's faithful Subjects; (2) so that by such Cautel, Fraud, and Malice, the same Tenants, holding by an entire Barony, do defraud the King of the Amerciament that they should incur, if the Demandant should recover against them.

III. And likewise when such base Persons have warranted, that is to wit, every one for his Portion that he ought to warrant, he may defend himself by the Body of his Servant procured and hired by them that hold Baronies, and so upon one Writ and one Demand there were two or three Wagers of Battail, the which was a hard and perilous Example for poor Men in Time coming, that shall be Demandants against great and rich Men which will defend themselves by the Malice aforesaid; (2) and the Demandant cannot have his Averment against such Warrantors, when they be vouched in Form aforesaid, because they be present, and will warrantise freely: (3) By his Common Council hath ordained, and from henceforth, that is to say, from the Feast of St. Hilary, the Twentieth Year of his Reign, he hath commanded to be observed, that when the Tenant doth vouch any to Warranty, and the Demandant will aver in Form before rehearsed, his Averment shall be admitted, whether the Party vouched be absent or present, without any Respect had unto his Absence or Presence.

notos & extraneos quos presentēs duxerint & quorum antecessores aut ipsimet nunquam in terris que warrantizaverint aliquod jus habuerint aut in aliquibus terris aut tenementis aliis in regno suo neque in dominico neque in servicio prout a diversis domini Regis fidelibus testatur ut per cautelam illam fraudem & maliciam ipsi per baroniam tenentes auferre possent domino Regi misericordiam suam in quam inciderint si petentes demandam suam recuperarent.

Et similiter cum garcones warrantizaverint videlicet quilibet de portione quam warrantizaverit possunt se defendere per corpus servientis provisi & conducti per ipsos baroniam tenentes & sic super uno brevi de una demanda jam fuerint duo vel tria duella vadiata quod durum est & exemplum perniciosum tempore futuro pro pauperibus petentibus versus magnates & divites qui se per maliciam predictam defendere voluerint nec petens contra dictos warrantos qui vocati fuerunt verificationem suam in forma predicta habere possent eo quod ipsi vocati presentes fuerint & gratis warrantizaverint; de consilio suo communi statuit & confirmavit, quod de cetero videlicet a festo sancti Hillarii anno regni sui xx° & precepit observari; quod quicumque tenens aliquem vocaverit ad Warrantum & petens in forma predicta verificare voluerit, admittatur ejus verificatio sive vocatus fuerit absens sive presens, nullo habito respectu ad ejus presentiam vel absentiam.

Averment.

2 Inst. 240 —
246.
Pigot on Re-
COV. 142—152.

A Sta-

A Statute of *Waſte*, made Anno 20 EDW. I. Stat. 2.
and Anno Dom. 1292.

Tenant for Life committeth Waſte, be in the Reverſion brought an Action of Waſte, and dieth before Judgement, his Heir brought an Action for the ſame Waſte.

WILLELMUS le Botiler qui infra etatem eſt & in custodia domini Regis monſtravit domino Regi quod cum Gawynus le Botiller frater ejus cujus heres ipſe eſt implacitaſſet Walterum de Hopton' per breve domini Regis de vaſto & deſtructione factis per ipſum in quibusdam terris & ten' ſuis que idem Walterus tenuit ad terminum vite ſue de hereditate predicti Gawyni in W. & Tirlegh' Et Gawynus antequam judicium executus fuiſſet obiit poſt cujus mortem predictus Willelmus per conſimile breve predictum Willelmum de predictis vaſto & deſtructione factis per multum tempus implacitaverit Idem Willelmus coram Gilberto de Thornton' & ſociis ſuis ad placita ejuſdem domini Regis assignatis venit & dixit quod non debet ipſo Willelmo de vaſto & deſtructione factis tempore alieno reſpondere deficit nichil de hereditate predicta ei defendebat & ſuper hoc petiit judicium Et quia quidem Juſtic' de reddicione predicti judicii non concordarunt prout quibusdam videbatur quod non eſſet juri conſonum ſi per predictum breve quod eſt quoddam breve de transgreſſione certe perſone facta ſi altera perſona commodum aut emendas conſequatur quam eadem perſona cui & in cujus tempore transgreſſio facta fuerit Aliis autem Juſtic' & majori parte totius Anglie de conſilio domini Regis

William Butler, which is Not a Statute. within Age, and in Ward Maynard's Ed. 2. 231. of our Lord the King, hath ſhewed unto his Highneſs, that where Gawin Butler his Brother (whoſe Heir he is) had impleaded one Walter de Hapeton by the King's Writ for Waſte and Deſtruction made by him the ſaid Walter in certain his Lands and Tenements, which the ſame Walter held for Term of his Life, of the Inheritance of the foreſaid Gawin in Wimme and Thirke; and the foreſaid Gawin, before he had obtained Judgement, died, after whoſe death the foreſaid William by like Writ impleaded the foreſaid Walter for the Waſte and Deſtruction made by him of long Time. The ſame Walter, before Gilbert Thornton and his Companions assigned to hear the King's Pleas, came in, and ſaid, that he ought not to answer to the ſame William for the Waſte and Deſtruction made in the Time of another, before the Right of the ſaid Inheritance deſcended unto him, and thereupon demanded Judgement. (2) And forasmuch as certain Juſtices did not agree in giving of the ſaid Judgement, because it ſeemed to ſome that it ſhould not be agreeable to the Law, that any Perſon ſhould obtain Advantage and Recompence by the foreſaid Writ, which is a Writ of Treſpaſs done to a Perſon certain, but only the ſame Perſon to whom and in whoſe Time the Treſpaſs was done; (3) other Juſtices, with the more Part of the King's Council, were

were in the contrary Opinion, al-
 ledging by divers Reasons, that
 the said William ought to be
 heard and answered unto, and all
 other whatsoever they be, in like
 Cases or in like Trespasses: And
 because like Matters have remain-
 ed not amended, and Trespasses un-
 punished, which was inconvenient:

II. Wherefore our Lord the
 King, in his full Parliament
 holden the Day after the Feast
 of the Purification, in the Twen-
 tieth Year of his Reign, by a
 general Council hath ordain-
 ed, and from henceforth hath
 commanded to be straitly ob-
 served, That every Heir (in
 whose Ward soever he be, and
 as well within Age, as of full
 Age,) shall have his Recovery
 by a Writ of Waste in the
 foresaid Case, and also in other
 where the same Writ ought to
 hold Place; (2) and it shall
 hold Place as well for Waste
 and Destruction made in Lands
 and Tenements of his own In-
 heritance, and as well in the
 Times of his Ancestors, as at
 any other Time that the Fee
 and Inheritance descended un-
 to him, and shall be answered
 unto therefore; (3) and that
 he shall recover the Tenements
 wasted, and Damages, as it is
 ordained in the Second Statute
 of *Westminster*, of Damages to be
 recovered in a Writ of Waste, if
 the Tenant be convict of Waste.
 (4) And it is commanded by
 the King himself unto the same
Gilbert Thornton and his Com-
 panions, that they do proceed
 in the foresaid Matter, and in otherlike from henceforth, and
 Judgement shall be given according as the Matter is found. (5)
 And likewise it is commanded unto the Justices, that they shall
 cause all the foresaid Things to be straitly observed before them
 from henceforth.

gis in contraria opinione existi-
 entibus & per diversas rationes
 asserentibus quod predictus
 Willelmus inde audiri deberet
 & responderi & aliis quando-
 cumque in casibus consimilibus
 & in casu consimili res per-
 manserunt non emendate &
 transgressores impuniti quod es-
 set inconueniens.

Dominus Rex habito tracta-
 tu diligenti in pleno parliamen-
 to suo in Crastino Pur' beate
 Marie Anno regni sui vicesimo
 de communi consilio statuit &
 extunc iussit firmiter observari,
 quod heres in cuiuscumque
 custodia fuerit & tam plene eta-
 tis quam infra etatem habeat
 suum recuperare per breve de
 vasto in casu predicto & aliis
 casibus ubi breve illud locum
 habeat tam de vasto & destruc-
 tione factis in terris & ten. de
 hereditate sua temporibus An-
 tecessorum quam a tempore
 quo jus & feodum hereditatis
 ei descendebant & ei responde-
 atur & quod recuperet ten' va-
 stata & dampna prout statuitur
 in ultimo statuto Westm' de
 dampnis recuperandis si tenens
 de vasto convincatur Et pre-
 ceptum est per ipsum domi-
 num Regem Gilberto de Torn-
 ton' & sociis suis quod in lo-
 quela predicta & consimilibus
 procedant & secundum quod
 inveniri contigerit iudicium
 reddant. Et similiter precep-
 tum est aliis Justic' quod hoc
 idem coram eis de cetero faci-
 ant firmiter observari.

Tenant for
 Life commit-
 teth Waste;
 and he in the
 reversion
 committeth
 an Action of
 Waste, and
 dieth be-
 fore Judge-
 ment, and his
 Heir bring-
 eth an action
 of the same
 Waste, and re-
 covereth:

Ed. 1. stat. 1.
 c. 14.

1 Inst. 299 —
 107.
 Regist. 73.
 2 Roll. Abr.
 324. pl. 9. 825.

The

The Statute *De Defensione Juris*, made 20 EDW. I.
Stat. 3. and *Anno Dom.* 1292.

Where a Stranger coming in by a collateral Title, not Party to the Suit, shall be received.

CUM quis per breve domini Regis petat tenementa versus tenentem per legem Anglie per feodum talliatum nomine dotis vel alio modo ad terminum vite vel annorum & petens tantum fuerit profecutus quod tenementa sint quasi admittenda & sibi adjudicanda & super hoc venerit ante judicium redditum aliquis a latere dicens se habere feodum & jus in tenementis illis & Curie supplicaverit quod ex quo ante judicium venerit tenementum suum defensus & paratus inde petenti responsurus quod ad hoc admittatur ratione cujusdam statuti domini Regis nunc inter cetera ultima statuta Westm' editi per quod statutum tam nullum jus habentes quam illi qui jus habuerunt multotiens in casu predicto falso & in deceptionem Curie supervenerunt & petierunt se admitti responsuros ut per admissionem suam possent petentes de novo implacitare & sic petentes in Curia Regis in casu predicto sepius elegantur jure suo per maliciam supradictam de statuto predicto supervenientem quam ex justa causa aut rationabili prout coram Justic' multotiens contingit & invenitur propter quod dominus Rex ad malitiam predictam in casu predicto destruendam, remedium volens apponere, in pleno parlamento suo, & de communi consilio suo statuit & firmiter de cetero videlicet a die lune proxima post Purificationem beate

WHERE one by the King's Writ doth demand any Tenement; against Tenant by the Courtese, in Tail, in Dower, or for Term of Life, or of Years, and the Demandant sueth so far that the Lands be in Manner recovered, wherupon another, not Party to the Suit, cometh in before Judgement given, and saith, That he hath Fee and Right in those Lands, and prayeth the Court, that in as much as he is come before Judgement, ready to defend his Tenement, and to make Answer unto the Demandant, that he may be admitted thereunto by Force of a Statute made by the King that now is, amongst other the last Statutes made at Westminster; (2) By which Statute as well such as had no Right, as they which had Right, oftentimes in the Case before mentioned, falsly, and in Deceit of the Court did come in, and pray to be received to make Answer, that by their Admission they might prolong the Demandant from the Judgement and Seisin of his Land, and to cause those Demandants to plead of new; and so the Demandants are greatly deferred in the Case aforesaid to recover their Right in the King's Court, by reason of such Malice, as well by mistaking of the said Statute, as for any other Cause just and reasonable; and this is used and found often before our Justices. (3) Wherefore our Lord the King, for to withstand all such Malice in the aforesaid Case, and intending to provide a Remedy there-

13 R. 2. stat. 1.
c. 17.
Kel. 110, 160.

in,

in, in his full Parliament, and by his Common Council hath ordained, and from henceforth commanded ſtraitly to be obſerved, that is to wit, from the *Monday* next after the Feaſt of the *Purification* of the Virgin, the Twentieth Year of his Reign, that when any before Judgement in the foreſaid Caſe cometh in by a collateral Title, and deſireth to be received, before his Receipt he ſhall find ſufficient Surety (as the Court will award) to ſatiſſie the Demandant of the Value of the Lands ſo to be recovered from the Day that he is received to make Answer until the Time that final Judgement be given upon the Petition of the Demandant. (4) And if the Demandant recover his Demand, the Deſender ſhall be grievouſly amerced, if he have whereof; and if he have not, he ſhall be imprifoned at the King's Pleaſure. (5) And if he can prove his Right to be as good as he affirmed at ſuch Time as he was received, he ſhall go quit.

Where a Stranger cometh in by a collateral Title to be received, he ſhall find Sureties.

beate Virginis anno regni ſui viceſimo precepit obſervari, quod cum aliquis a latere ante judicium in caſu predicto ſuper-venierit & petierit ſe admitti inveniet ſufficientem ſecuritatem prout viſum fuerit curie ad reſpondendum petenti de valore exituum tenementiſcadmittendi a die quo recipitur reſponſurus uſque diem quo judicium finale fiet ſuper petitione petentis & ſi ille petens demandam ſuam recuperet graviter amer- cietur ſi habeat unde & ſi non habeat committatur gaole ad voluntatem Regis Et ſi verificare poterit jus ſuum eſſe tale quale illud aſſeruit quando petiit ipſum admitti eat quietus, &c.

STATUTUM DE MONETA, 20 EDW. I.

*Stat. 4.**

1 Hales Hiſt. Pl. Cr. 189, 197, 200.

ENccontre les damages & les perils que ſount avenuz cea en ariere & purrount aven' de la Monoye Dengleterre eſt iſſint ordenez qil ſoit crie & defendu per le Roi en toute le Roi- alme en toutes les villes marchaundes qe nul homme ſur grief forfaiture ne ſoit ſi hardy deſpendre mettre ou reſceiv' autre monioie dautre coigne que del coigne le Roi Dengleterre Dirland' & Deſcoce.

Unqore qil defendu de par le Roi qe nul apporte deniers en ceo pais ſi ceo ne ſoit pur ſes deſpences ne ſoit ſi hardy de ariver en Engleterre ſi force de tournement ne lui chace per bone teſt- moignance forſpris a Devorr' & a Sandewyz a Loundres & a ſeint Botolf a Southampton & as autres de cynk portes quant il vendra as aſcuns de ceux lieux qil bien & loialment monſtre ſes deniers a celui qi ſerra aſſigne dep'ar le Roi ſanz nul concele- ment ſur forfaiture du corps & des averes.

Et qi dilloeqes ne apporte ne alloigne le av' per lui ne per au- tre jeſques a taunt qe la monoye ſoit vewe & examine per celui qe le Roi aſſignera. Derechief

* This Statute is taken from the *Secunda Pars veterum Statuto- rum.* 38. a.

Derechief qil soit crie & defendu depar le Roi sur forfaiture du corps & de avoir qe nulle homme soit si hardy de mettre nulle monoye entre draps & fardeux nen hales ou en ascune manere dount suspicion puisse estre de nul concelement Et si null tiel soit trove celui qe lui trovera eiet quatre deniers de la livre & tout le remnaunt soit au Roi,

Unquoré qil soit crie & commaunde per le Roi qi qe trove denier feru dautri coigne qe del coigne le Roi Dengleterre ou Descoce ou Dirland ou denier retoundu qe il le perde Et qe null' ne soit si hardy de countredire le sure forfaiture & ceo qil trovera faux qil soit despece saunz rendre Et le corps celui en qi main le faux denier ou retoundu appiert trove soit pris & resceu jefques a taunt qil eit trove son garaunt si tiel soit homme suspicionous,

Et purceo qe nuls des gentz poures ou riches ne s'avent conuistre les legier deniers & les retounduz si est ordene que qui desoremes devera resceiv' ou deliverer deniers les resceive ou livre per pois de v. s. enamunt & de v. s. enavale per toumbrell livere per gardein del eschaunge merche del merche le Roi sicome sount les mesures.

Et bien list a chescun de percer le denier qe de riens passera le Toumbrell' & le denier dautre coigne qe del coigne le Roi Dengleterre Dirland' & Descoce les pois serrount auxibien liverez & merchez per le gardein del change come le Toumbrell'.

De veours & gardours de la monoie qe vendra de la outre quant quil avera regarde al oiel il poisera & fil trove de novelx deniers qe la livre ne poise mye xx. s. per noubre de quatre deniers donques regarde il per le Toumbrell' la ou le defaute serra Et fil soit devers deniers qe molt sount uzez si tost enterent la liv' xx. s. & al meins soient liverez a celui qe les avera porte saunz countredit mes si plus y entrent face auxi de ceux come des autres & le gardour avantdit si preigne bone garde qil ne preigne doun ou louer pur faire nulle manere de desport ne extorcion ne face noundue auxint come ils voillent sauver foi & ses biens.

Statutum de Moneta parvum, 20 EDW. I.

Stat. 5.*

EDWARDUS Dei Gratia Rex Anglie Dominus Hibernie & Dux Aquitanie Vic. Lincoln salutem. Quia mercatores alienigene & etiam quidam indigene regni nostri de die in diem deferunt in idem regnum de partibus transmarinis monetam nostram retonsam & aliam de diversis cuneis contrafactam monete nostre commixtam negotiantes & mercantes de eadem moneta in nostri damnum & totius populi nostri non modicum acetiam

* This Statute is taken from the Secunda Pars veterum Statutorum. 39. a.

acceptionem in subversionem totius monete nostre Nos super hoc ne fortassis per tolerantiam longiorem periculum majus immineat remedium adhibere volentes tibi precipimus sicut alias quod in pleno comitatu tuo & in singulis civitatibus & villis mercatoris ejusdem comitatus firmiter inhiberi & publice proclamari facias Ne quis mercator alienigena vel quicumque alius hujusmodi monetam nostram retonsam seu etiam aliam de alienis cuneis contrafactam de cetero in regnum deferat vel etiam ea in mercandizando vel negotiando utatur Quod si fecerint prima vice qua super hoc deprehensi fuerint monetam illam retonsam vel etiam aliam contrafactam amittant Et si iidem iterum in consimili delicto deprehensi fuerint monetam illam & etiam alia bona sua secum inventa amittant Et si tertia vice idem delictum commiserint & deprehensi fuerint de corporibus suis & etiam de omnibus bonis & catallis suis nobis totaliter incuratur. Alii autem qui mercatores non fuerint & monetam nostram retonsam vel aliam contrafactam habuerint statim eam perforant & ad ex-cambium nostrum transmittant de novo subcuneo nostro cudendam Alioquin in quorum manibus hujusmodi moneta reperta fuerit Nobis sit penitus forisfacta. Et nisi hoc mandatum nostrum plene exequaris Nos ad te & tua graviter capiemus T. W. de Marchia Thef. nostro xxi die Jun. Anno regni nostri xx.

ARTICULI DE MONETA, 20 EDW. I.

Stat. 6.*

CES fount les articles que fount dela la meer & de cea a graunt damage nostre Signur le Roi & de son poeple & a graunt corrupcion de sa monoye Dengleterre.

Primerement homme fait la outre une manere de monioe d'argent ove une mitre les xx. s. de la quele monioe ne poise melque xvi. s. iiij. d. Dengleterre.

Derechief lem fait autres deux maneres de monioe ove li-ouns dont il y ad bendes en la une monioe & en lautre nient mes qils fount auxi legiers come la monioe de mytre.

Unqore lem fait auxibien de cea come de la une manere de faux monioe que est pure dequiver & est blanche & quant ele est novele ele ressemble la monoye Dengleterre.

Il y ad unqore une manere de moneye qest fait en Avynein desouz le noun EDWARD Roi Dengleterre que pois auxi poi ou meins que la monioe de la mitre & ceo ne poet estre conuesi seo ne soit per pois.

Lautre fausin que lem faite en la monioe si est qil ad alguns qi portent plates de peutre ou de plombe a la fourme dun denier si les mettent entre deux foilles d'argent & puis les ferrount ou est coigne ou en quire ou autre denier bien forge ad este feru.

Les

* This Statute is taken from the *Secunda Pars veterum Statutorum*. 40 a.

Les autres auxibien de cea come de la retoundent la bone & loial monoie au damage de toute la comunalte.

Ceſtes monoyes que ſount faites ou retounduz hors Dengleterre ſount apportez per treſpaſſourouz & nomement per marchantz Et purceo qils ſavent bien que homme les ſerche a Dovorr' il les mettent entre draps en bales ſi ne viegent nient a Dovorr' ne a Sandewiz mes ils vignent a Loundres ou en Eſſex' ou en Suffex' ou en Lyndefey les queux choſes ſi eles fuiſſent longement ſuffertz celes metteront la monoye Dengleterre toute a nient.

Stat. *De iis qui ponendi ſunt in Aſſiſis*, made 21 EDW. I. Stat. 1. and *Anno Dom.* 1293.

What Freehold Lands Jurors muſt have, which ſhall paſſ in Trial within the ſame County, or without.

QUIA Dominus Rex per publicam & frequentem querimoniam mediocriſ populi ſui attendens quod quamplures de regno ſuo minus ſufficientes ad recognitiones juratarum inquisitionum aſſiſarum & attinetarum extra comitatus proprios faciend' per viccomes ballivos ſuos & ballivos libertatum ditioribus & magis ſufficientibus per quos rei veritas melius ſciri poſſet parentes ſepius & intolerabiliter fatigantur per quod multa diſpendia & incommoda quoad depauperationem populi predicti & exheredationem multorum ſimilliter de die in diem imminent manifeſte Idem Dominus Rex indempnitati ejuſdem populi proſpiciens ac ſalubre remedium in premiſſis deſiderans adhiberi ad communem utilitatem in parlamento de termino ſancti Michaelis anno regni ſui viceſimo primo incipiente anno ſecundo ſtatuit in hac parte quod nullus vicecomes ſubvicecomes vel eorum ballivi ſeneſchalli ſive ballivi libertatum de cetero ponant in aliquibus

FOrasmuch as our Lord the King, by the continual and grievous complaint of his inferior People, doth perceive that divers Persons, being of leaſt Ability of his Realm are many Times intolerably troubled by Sberiffs and their Bailiffs, Bailiffs of Liberties, which impanel them to the Recognifances of Aſſiſes, Juries, Inqueſts, and Attaints, triable out of the Shires where they be dwelling; and do ſpare the Rich People, and juſt as be more able, by whom the Truth of the Matter might be better known, where by great Expences and Trouble doth daily manifeſtly enſue, to the Impoveriſhment and utter Diſheriting of many: (2) Our ſaid Lord the King, providing for the Indempnity of his People, and deſiring to ſet convenient Remedy in the Premiſſes for the publick Weal of his Realm, in his Parliament holden in the Term of Saint Michael, the one and twentieth Year of his Reign, hath ordained in this Behalf, That no Sheriff, Under-ſheriff, or their Bailiffs, Stewards, or Bailiffs of Liber-

What Freehold land thoſe Jurors muſt have which paſſ in Trials.
Kel. 97.
13 Ed. 1. ſtat. 1. c. 38.
34 Ed. 3. c. 4.
1 R. 3. c. 4.
42 Ed. 3. c. 12.
35 H. 8. c. 6.
2 & 3 Ed. 6. c. 32.
4 W. & M. c. 24.
3 G. 2. c. 25.

ties, ſhall from henceforth put in any Recogniſance aboveſaid, that ſhall paſs out of their proper Counties, any of their Bailiffs, except he have Lands and Tenements to the yearly Value of an hundred Shillings at the leaſt. (3) And the King intendeth not by this Statute to reſtrain the laſt Statute of *Westminster*, wherein Mention is made of Recogniſors to be put in Juries and Aſſiſes, but of ſuch only as ought to paſs in Aſſiſes, Juries, and Recogniſances triable out of their proper Counties; (4) ſo that within the County before Juſtices of our Lord the King, or other Miniſters aſſigned to the taking of any ſuch Inqueſts, Juries, or other Recogniſances, none ſhall be impanelled, except he have Lands or Tenements to the yearly Value of forty Shillings; (5) and likewise ſaving that before Juſtices Errant, that hold Common Pleas in their Circuit, and alſo in Cities, Boroughs, and other Market Towns, where Recogniſances, Aſſiſes, and Juries or Inqueſts do paſs upon any Matter touching the ſaid Cities, Boroughs, and other Towns, it ſhall be done like as hath been accuſtomed in Times paſ-

Juries in Cities
or Boroughs.

recognitionibus ſupradictis aliquem de ballivis ſuis extra comitatus ſuos proprios faciendis niſi habeat terras aut ten' ad valentiam centum ſolidorum per annum ad minus. Nec intendit Dominus Rex per ſtatutum iſtud infringere ultimum ſtatutum *Westm'* in quo fit mentio de recognitoribus ponendis in juratis & in aſſiſis niſi de hiis tantummodo qui extra com' proprium ire debeant ad recognitiones aliquas faciend'. Ita tamen quod infra eom' coram Juſticiar' aſſignatis vel aliis miniſtris Domini Reg' ad juratas inquisitiones ſeu alias recognitiones capiendas non ponatur aliquis niſi habeat terras vel ten' ad valentiam quadraginta ſolidorum per annum ad minus Et ſalvo ſimiliter quod coram Juſticiar' itinerantibus ad communia placita in Itineribus ſuis & etiam in Civitatibus Burgis & aliis villis mercatoriis in quibus recognitiones aſſiſe jurate ſeu inquisitiones emerſerint faciende ſuper quibuſcumque Civitates Burgos ſeu villas illas tangentibus fiat prout temporibus preteritis fieri conſuevit. Teſte R. apud *Turrim London* xiiij. die Decembr' anno regni ſui viceſimo ſecundo *.

1 Ed. 1. ſtat. 3.
c. 9.
27 El. c. 6.
A Writ to the
Sheriff to pro-
claim this Sta-
tute.

ſed. *T. R.* at the *Tower of London*, the xiiij Day of *December*, in the xxii Year of his Reign.

(6) *Rex*, &c. Quia ad communem utilitatem populi noſtri & regni, de commun concilio ejuſdem regni ſtatuerimus, ne aliquis ponatur in juratis, aſſiſis, ſeu recognitionibus aliquibus extra comitatum ſuum proprium faciendis, niſi habeat terras aut tenementa ad valentiam centum ſolidorum per annum ad minus, nec infra comitatum ſuum, niſi habeat terras aut tenementa ad valentiam xl. s. per annum ad minus, prout in ſtatuto illo quod

* This Note is on the Roll, viz. Et memorand' quod iſtud ſtatutum de verbo ad verbum miſſum ſuit in Hibern'. *T. R.* apud *Kenynnton* xiiij die Auguſti anno regni ſui viceſimo ſeptimo. Et mandatum fuit *Johanni Wogan juſtic' Hibern'* quod predictum ſtatutum per totam Hibern' in locis quibus expedire viderit legi & publice proclamari ac firmiter teneri faciat. *T. R.* ut ſupra.

quod tibi mittimus sub figillo nostro, & quod in omnibus & fingulis articulis suis de cetero observari volumus, & firmiter teneri, plenius continetur: Tibi præcipimus, & firmiter injungimus, quod statutum illud in pleno comitatu tuo, & in civitatibus, burgis, & villis mercatoriis, & aliis locis publicis & solemnibus in balliva tua, ubi necesse fuerit, & in expedire videris, legi & publice proclamari, & illud in omnibus & fingulis suis articulis (quantum in te est) observari facias & firmiter teneri. Et hoc sicut grave dampnum tuum vitare volueris, nullo modo omittas. Teste, &c.

Stat. *De Malefactoribus in Parcibus*, made Anno 21
EDW. I. Stat. 2. and Anno Dom. 1293.

In what Cases the Killing of Offenders in Forests, Chases, or Warrens, is punishable, in what not.

UT malefactores in forestis chaceis parcis & Warrennis de cetero plus timeant in eisdem intrare & malefacere quam contueverunt, Dominus Rex ad parlamentum suum post Pascha Anno regni sui vicefimo primo ad instantiam Magnatum regni sui concessit et firmiter extunc precepit observari quod si quis forestarius parcarius aut warrennarius in balliva sua malefactores aliquos invenirit in balliva sua vacantes ad dampnum ibidem faciend' & qui se forestariis parcariis aut warrennariis illis post clamorem & utesum levatum ad pacem Regis adstand' recto reddere noluerint immo maliciam suam prosequendo & continuando & pacem Regis diffugiendo fugam fecerint & vi & armis se defenderint licet forestarii parcarii & warrennarii illi seu alii quicumque ad pacem Domini Regis existentes & in comitiva forestariorum parciorum aut warrennariorum illorum venientes ad tales malefactores sic inventos arestandos seu capiendos aliquem seu aliquos hujusmodi malefactorum inter-

TO the Intent that Trespassers in Forests, Chases, Parks, and Warrens, may more warily fear hereafter to enter and trespass in the same, than they have heretofore, Our Lord the King, at his Parliament after Easter the xxi Year of his Reign, at the Instance of the Nobles of his Realm, hath granted and commanded to be from henceforth firmly observed, That if any Forester, Parker, or Warrener shall find any Trespassers wandering within his Liberty, intending to do Damage therein, and that will not yield themselves to the Foresters, Warreners, or Parkers, after Hue and Cry made to stand unto the Peace, but do continue their Malice, and disobeying the King's Peace, do flee, or defend themselves with Force and Arms; although such Foresters, Parkers, and Warreners, or any other coming in their Company, and aiding such Foresters, Parkers, and Warreners in the King's Peace, do kill any Offender or Offenders being so found, either in arresting or taking them, or

Co. Lit. 233.
Co. Ent. 643.
In what cases
the killing of
Some Persons
in Forests,
Chases or
Parks, is law-
ful, in what
not.

Dyer, 317
8 Co. 138.

or any of them, they shall not be troubled upon the same before the King and his Justices, or before any other the King's Bailiffs, or any other within any Franchise or without, nor shall leese for so doing either Life or Limb, or suffer any other Punishment, but shall enjoy the King's Peace as they did before.

II. Notwithstanding, let all such Foresters, Parkers, Warreners, and all other beware, that by reason of any Malice, Discord, Debate, or other evil Will had before time, they do not maliciously pretend against any Person passing through their Liberties, that they came thither for to trespass or misdo, when of truth they did nothing, nor were not found as Trespassers, and so kill them; for if they do, and be convict thereupon; the Death of such Persons shall be inquired, and execution shall be done in like manner as is done for other of the King's Subjects standing in his Peace, and like as it ought to be done of Right, and according to the Law and custom of the Realm.

interfecerint non propter hoc occasionentur coram Domino Rege vel Justic' suis quibuscumque aut aliis ballivis Domini Regis seu aliorum quorumcumque infra libertatem aut extra nec propter hoc amittant vitam vel membrum aut aliam penam subeant immo firmam pacem Domini Regis inde habeant.

Sed bene caveant forestarii parcarii warrenarii & alii quicumque ne occasione contentionis discordie contumelie aut alicujus malivolencie seu odii prehabitorum aliquibus per ballivas suas transeuntibus maliciose imponant quod causa malefaciendi in ballivis suis intrant eum hoc non fecerint nec ipsos vagantes ut malefaciant nec malefacientes invenerint nec causam malefaciendi querentes & sic eos occidant quod si fecerint & de hoc fuerint convicti fiat de morte sic intersectorum prout aliorum ad pacem Domini Regis existencium & prout de jure & secundum consuetudinem regni fuerint faciendum.

The Statute of the Writ of Consultation, made 24 EDW. I. and Anno Dom. 1296.

In what Case a Consultation is grantable.

50 Ed. 3. c. 4.

WHEREAS Ecclesiastical Judges have often surceased to proceed in Causes moved before them, by Force of the King's Writ of Prohibition, in Cases whereat Remedy could not be given to Complainants in the King's Court, by any Writ out of the Chancery, because that such Plaintiffs were deferred of their Right and Remedy in both Courts, as well Temporal as Spiritual, to their great Damage,

CUM Judices ecclesiastici ad prosequend' in causis coram ipsis agitatis per prohibic' Domini Regis sepius superfeedant in casibus ubi remedium conquerentibus ad Cur' Domini per breve de Cancellar' sua fieri non possit propter quod querentes illi in utraque Cur' tam Regia quam ecclesiastica jure suo & remedio sunt elongati ad grave dampnum ipsorum

rum prout Dominus Rex ex gravi querela quorundam intellexit.

Dominus Rex vult & precepit quod cum Judices ecclesiastici per prohibitionem Regiam sibi porrectam superfedant in casibus predictis quod Cancellar' vel Capitalis Justic' ipsius Domini Regis qui pro tempore fuerit viso libello illius cause ad instanciam querentis si viderint quod per breve de Cancellar' querenti remedium in suo casu fieri non possit set quod ad Cur' ecclesiasticam pertineat causam illam determinare scribant Judicibus coram quibus causa illa prius fuit agitata quod in causa illa procedant non obstante prohibitione Regia sibi prius inde directa, &c. Dat. anno xviii^o.

mage, like as the King hath been advertised by the grievous Complaint of his Subjects: (2) Our Lord the King willeth and commandeth, That where Ecclesiastical Judges do surcease in the aforesaid Cases, by the King's Prohibition directed unto them, that the Chancellor, or the chief Justice of our Lord the King, for the Time being, upon Sight of the Libel of the same Matter, at the Instance of the Plaintiff (if they can see that the Case cannot be redressed by any Writ out of the Chancery, but that the Spiritual Court ought to determine the Matters) shall write to the Ecclesiastical Judges, before whom the Cause was first moved, that they proceed therein, notwithstanding the King's Prohibition directed to them before.

Regist. 44.
Ralf. 483.

Statutes made at LONDON the Tenth Day of October, Anno 25 EDW. I. and Anno Dom. 1297. *

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Forest.

EDWARD par le grace de Dieu roy dEngleterre seignur dIrland e Ducs dAquitaine a toutz ceus qui cestes presentes lettres verront ou orront salut. Sachiez nous al honneur de Dieu e de seinte eglise e au profit de tut nostre Roiaume aver grante pur nous e pur nos heirs qe la Grand Chartre des Franchises e la Chartre de la Forest les queles furent

EDWARD, by the Grace of God, King of England, Lord of Ireland, and Duke of Guian, to all those that these present Letters shall hear or see, Greeting. Know ye that we, A Confirmation to the Honour of God and of Holy Church, and to the Profit of our Realm, have granted for us and our Heirs, that the Charter of Liberties, and the Charter of the Forest, which were

2 Inst. 525, 526.
A Confirmation of the Great Charter, and the Charter of the Forest.

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were

* This is taken from the Secunda pars veterum Statutorum, 35. a. and is called Confirmatio Chartarum de Libertatibus Angliæ et Forestæ, and is in the English Editions.

28 Ed. 1. stat. 3.
c. 1.

were made by common Assent of all the Realm, in the Time of King HENRY our Father, shall be kept in every Point without Breach. (2) And we will that the same Charters shall be sent under our Seal, as well to our Justices of the Forest, as to others, and to all Sheriffs of Shires, and to all our other Officers, and to all our Cities throughout the Realm, together with our Writs, in the which it shall be contained, that they cause the foresaid Charters to be published, and to declare to the People that we have confirmed them in all Points; (3) and that our Justices, Sheriffs, Mayors, and other Ministers, which under us have the Laws of our Land to guide, shall allow the said Charters pleaded before them in Judgement in all their Points, that is to wit, the Great Charter as the Common Law, and the Charter of the Forest, for the Wealth of our Realm.

The Great
Charter the
Common Law.

rent faites par commun assent de tut le Roiaume en tens le rey HENRY nostre pere seient tenuz en toutz leur pointz sanz nul blemisement. E voloms qe meismes celes chartres de suth nostre seal seient envoiez a nos Justices ausibien de la forest come as autres e a toutz les viscontes des contez e a toutz nos autres ministres e a totes nos citees parmi la terre ensemblement ove nos briefs en les queux serra contenu qil facent les avantdites chartres pupplier e qil facent dire au poeple qe nous les avoms grauntees de tenir les en toutz leur pointz E a nos Justices viscontes maires a autres ministres qi la ley de la terre de suth nous e par nous ount a guier meismes les chartres en toutz leur pointz en plez devant eus e en Judementz les facent alower cest asavoir la Grand Chartre des Franchises come ley commune e la Chartre de la Forest solom lassise de la forest al amendement de nostre poeple.

C A P. II.

Judgements given against the said Charters shall be void.

2 Inst. 516.
Judgements
given against
the Great
Charter shall
be void.

AND we will, That if any Judgement be given from henceforth contrary to the Points of the Charters aforesaid by the Justices, or by any other our Ministers that hold Plea before them against the Points of the Charters, it shall be undone, and holden for nought.

41 Ed. 3. c. 1.

E Voloms qe si nuls jugementz seient donez deforemtes encontre les pointz des chartres avantdites par Justices e par autres nos ministres qui contre les pointz des chartres tenent plez devant eus seient defaitz e pur nient tenuz.

C A P. III.

The said Charters shall be read in Cathedral Churches twice in the Year.

The Charters
sent to Cathed-
ral Churches.

AND we will, That the same Charters shall be sent, under our Seal, to Cathedral

E Voloms qe mesmes celes chartres de suth nostre seal seient envoies as eglises cathedrales

thedrales parmi nostre Roiaume e la demorgent E seient deufoitz par an lues devant le poeple.

thedral Churches throughout our Realm, there to remain, and shall be read before the People two Times. by the Year.

2 Inst. 527.

CAP. IV.

Excommunication shall be pronounced against the Breakers of the said Charters.

EQE Ercevesques e Evesques doignent sentences du grant escomeng' contre toutz ceus qui contre les avantdites chartres vendront en fait ou en ayde ou en conseil ou nul point enfreindront ou encontre vendront. E qe celes sentences seient denuncies e pupplies deuofoitz par an par les avantditz prelatz. E si mesmes les prelatz evesques ou nul de eus seient negligentz en la denunciacion susdite faire par les Ercevesques de Canterbire e de Everwyk qui per tens seront sicome covient soient repris e distreinz a mesme cele denunciacion faire en la fourme avaunt dite.

AND that all Archbishops and Bishops shall pronounce the Sentence of Excommunication against all those that by Word, Deed, or Counsel do contrary to the foresaid Charters, or that in any Point break or undo them. (2) And that the said Curfes be twice a Year denounced and published by the Prelates aforesaid. (3) And if the same Prelates, or any of them, be remis in the Denunciation of the said Sentences, the Archbishops of *Canterbury* and *York* for the time being shall compel and distrein them to the Execution of their Duties in Form aforesaid.

2 Inst. 527. The Bishops Excommunication against the Breakers of the Charters.

CAP. V.

Aids, Tasks, and Prises granted to the King shall not be taken for a Custom.

EPur ceo qe aucunes gentz de nostre Roiaume se doutent qe les aides e les mises les queles il nous ount fait avant ces oures pur nos guerres e autres bosoignes de leur grant e leur bone volunte en quele manere qe faits seient pussent turner en servage a eus e a leur heirs par ce qil serroient autrefoitz trevez en roule e ausi prises qe ont este faites par my le Roiaume par nos ministres en nostre noun avoins grante pur nous & pur nos heirs qe mes tieles aides mises ne prises ne treroms a custume pur nule chose

AND for so much as divers People of our Realm are in Fear that the Aids and Tasks which they have given to us beforetime towards our Wars and other Business, of their own Grant and good Will (howsoever they were made) might turn to a Bondage to them and their Heirs, because they might be at another Time found in the Rolls, and likewise for the Prises taken throughout the Realm by our Ministers:

(2) We have granted for us and our Heirs, that we shall not draw such Aids, Tasks, nor Prises into a Custom, for any

2 Inst. 527 —

529.

Aids and Tasks granted to the King shall not be taken for a Custom.

any Thing that hath been done chose qe soit fait ou qe par heretofore, be it by Roll or roule ou en autre maniere peust any other Precedent that may estre trove. be founden.

CAP. VI.

The King or his Heirs will take no Aids or Prises, but by the Consent of the Realm, and for the common Profit thereof.

2 Inst. 529. The King will take no Aids, &c. but by the common Consent of the Realm, and for the Profit thereof.

Moreover we have granted for us and our Heirs, as well to Archbishops, Bishops, Abbots, Priors, and other Folk of holy Church, as also to Earls, Barons, and to all the Communalty of the Land, that for no Business from henceforth we shall take such Manner of Aids, Tasks, nor Prises, but by the common Assent of the Realm, and for the common Profit thereof, saving the ancient Aids and Prises due and accustomed.

34 Ed. 1. stat. 4. c. 1.

Eausi avoms grante pur nous e pur nos heirs as Ercevesques Evesques Abbes e Priurs e as autres gentz de seinte eglise e as Conteſ e Barons e a tote la communaute de la terre qe mes pur nule buſoigne tieu manere des aides mises ne prises de nostre Roiaume ne prendroms fors qe par commun assent de tut le Roiaume e a commun profit de meisme le Roiaume sauve les aucienues aides e prises dues e custumees.

CAP. VII.

A Release of Toll taken by the King for Wool; and a Grant that he will not take the like without common Consent and good Will.

AND for so much as the more Part of the Communalty of the Realm find themselves sore grieved with the Maletent of Wools, that is to wit, a Toll of Forty Shillings for every Sack of Wool, and have made Petition to us to release the same; We at their Requests have clearly released it, and have granted for us and our Heirs, that we shall not take such Things without their common Assent and good Will, saving to us and our Heirs the Custom of Wools, Skins, and Leather, granted before by the Communalty aforeſaid. In Witness of which Things we have caused these our Letters to be made Patents.

A Release of Toll of Wool.

2 Inst 530, 531.

EPur ceo qe tut le plus de la communaute del Roiaume se sentent durement grevez de la male toute des leines cest aſavoir de chescun sak de leine quarante souz e nous ont prie que nous les vouſſions releſſer nous a lour priere les avoms pleinement releſſe e avoms grante qe cele ne autre mes ne prendroms sanz lour commun assent e leur bone volunte sauve a nous e a nos heirs la custume des leines peaus e quirs avaunt grantez par la communaute du Roiaume avaunt dit. En tesmoignance de queux choses nous avoms fait faire cestes nos lettres overtes. Tesmoigne EDWARD

WARD noſtre fitz a Londres le tents. Witneſs EDWARD our
diſme jour de Octobr' lan de Son at London the tenth Day of
noſtre regne vintifme quynt *. October, the five and twentieth
Year of our Reign.

* The following Memorandum is found upon the Roll, viz. E fet a remembrer qe meſme ceſte chartre futh meſmes les paroles de mot en mot fuit ſele en Flaundres de futh le grant ſeale le rey ceſt aſaver a Gaunt le quint jour de Novembr' lan del regne laaantdit noſtre ſeignur le rey vintifme quint e envee en Engleterre.

Sententia Domini R. Archiepiſcopi ſuper premif-
fis, Anno 25 EDW. I. Stat. 2.

*The Sentence of the Clergie giuen againſt the Breakers of the
Articles aboute written.*

IN the Name of the Father, the Sonne, and the holy Ghoſt, Amen. Whereas our Soueraigne Lord the King, to the honour of God, and of holy Church, and for the common Profit of the Realme, hath graunted for him and his Heires for euer theſe Articles aboute written, *Robert* Archbiſhop of Canterbury, Primat of all England, admoniſhed all his Prouince once, twice, and thrice. Becauſe that ſhortneſſe will not ſuffer ſo much delay, as to giue knowledge to all the people of England of theſe Preſents in writing: We therefore enioyne all perſons, of what eſtate ſoeuer they be, that they and euery of them, as much as in them is, ſhall maintain and vphold theſe Articles graunted by our Soueraigne Lord the King in all points. And all thoſe that in any point doe reſiſt or breake, or in any maner hereafter procure, counſell, or any wiſe aſſent to reſiſt or breake thoſe Ordinances, or goe about, by word or deed, openly or priuily, by any maner of pretence or colour: We the foreſaid Archbiſhop by our authoritie in this writing expreſſed, doe excommunicate and accuſe, and from the Body of our Lord Ieſus Chriſt, and from all the company of heaven, and from all the Sacraments of holy Church, doe ſequeſter and exclude.

The Sentence
of the Clergy
giuen againſt
the Breakers
of the Articles
above written.

Stat. *De Finibus levatis*, made Anno 27 EDW. I.
Stat. 1. and Anno Dom. 1299.

EDWARDUS Dei gracia Rex Angl' Dominus Hibernie & Dux Aquitanie Vicecomiti Lancaſtr' Salutem. Cum nuper ante transfretacionem noſtram in Flandr' apud Weſtm' nos habentes reſpectum ad graves miſas & expenſas que populus regni noſtri fecerat & ſuſtinuerat diverſis modis pro nobis tam tempore pacis quam guerre habuiſſemus non modicam Voluntatem & deſiderium populum ipſum reſpicere prout tunc temporis

poris potuimus concessimus eidem populo de nostra propria voluntate pro nobis & heredibus nostris quod magna carta de libertatibus observetur in omnibus punctis suis & similiter carta de foresta servetur salvis tamen juramento nostro jure corone nostre & rationibus nostris ac etiam aliorum que quidem per Venerabilem Patrem R. Archiepiscopum Cantuar' ex parte nostra & in nostra presencia tunc pronunciarum fecimus et deinde apud Odimere in ipso passagio nostro in Flandr' eandem concessionem sub sigillo nostro observari precipiendo mandavimus & teneri per totum regnum nostrum in quolibet Comitatu. Et quia a tempore illo citra per artacionem & districtionem guerrarum eramus occupati multipliciter & distracti in diversis Patriis & longinquis propter quod scire nequivimus statum regni nostri Nos diebus istis quatenus nobis vacat nostram continuantes primariam voluntatem habuimus deliberacionem super concessione nostra predicta et ad honorem Dei & sancte matris ecclesie ac commodum totius populi regni nostri Volumus quod predicta magna carta de libertatibus observetur in omnibus punctis suis et carta etiam de Foresta secundum subscriptos articulos qui sunt tales Inquificio vel Visus, &c. [*Prout in Cart. de Forest. c. 6. et deinde ad coram eo terminentur.*] Quos autem Articulos supradictos firmiter & inviolabiliter observari Volumus & teneri volentes nichilominus quod perambulacio fiat Salvis semper juramento nostro jure Corone nostre & rationibus nostris atque calumpniis Ac omnium aliorum Ita quod perambulacio illa nobis reportetur antequam aliqua Executio vel aliquid aliud inde fiat quam quidem perambulacionem Volumus quod fiat sicut predicatur adicius quod fieri poterit post negocia que habemus expedienda cum nunciis qui de Romana Curia sunt venturi que vero ita sunt ardua quod non solum nos & regnum nostrum set totam Christianitatem contingunt & ad ea sanius pertractanda totum consilium nostrum habere plenarie indigemus Et post concessionem nostram factam sicut superius exprimitur de premiffis diligenti Meditatione pensavimus quosdam juris Defectus multimoda gravamina & oppressiones que pluribus aliis modis prefato populo sunt illata temporibus retroactis & Volumus super illis que nobis occurebant adpresens ad alleviacionem & commoditatem ejusdem populi pro legis certitudine stabilire & remedium apponere in hunc modum.

CAP. I.

*No Exception to a Fine that the Demandant was seised.
Fines shall be openly read.*

2 Inst. 521 —
524.

FOrasmuch as Fines levied in our Court ought and do make an End of all Matters, and therefore are called Fines principally, where after waging of Battail or the great Assise in their Cases ever they hold the last and final Place. (2.) And now by a certain Time

QUIA fines in Curia nostra levati finem litibus debent imponere & imponunt & ideo fines vocantur maxime cum post duellum & magnam assisam in suo casu ultimum locum & finalem teneant & perpetuum Jamque per aliquod tempus

tempus preteritum tam tempore clare memorie domini HENRICI regis patris nostri quam nostro partes eorundem finium & earum partium heredes contra leges & consuetudines regni antiquitus usitatas super huiusmodi finibus evacuandis & adnullandis admittebantur proponentes quod ante finem levatum & tempore levationis eiusdem & postea petentes seu querentes aut eorum antecessores de tenementis in finibus contentis aut de aliqua parte eorum semper fuerunt seifiti & sic fines huiusmodi rite levati per juratores patrie falso subornatos & maliciose procuratos multotiens evacuabantur & adnullabantur minus iuste volentes super premissis remedium adhibere in parlamento nostro apud Westm' statuimus quod dicte exceptiones seu responsiones vel inquisitiones patrie super huiusmodi exceptionibus seu responsionibus nullo modo contra huiusmodi recognitiones & fines de cetero admittantur. Et volumus quod statutum istud tam locum habeat ad fines prius levatos quam imposterum levandos. Et videant Justiciarii quod note & fines in Curia imposterum levandi publice & solempniter legantur & quod placita interim cessent omnino & hoc fiat per duos dies in septimana secundum discretionem Justiciar'.

C A P. II.

A Sberiff shall levy no more Issues than be bath Warrant for. His Tallies.

ITEM ordinavimus de concilio nostro quod vicecomites de cetero non onerentur de aliquibus exitibus levandis nec aliquos levent antequam excant

Time passed, as well in the Time of King HENRY of famous Memory, our Grandfather, as in our Time, the Parties of such Fines and their Heirs, contrary to the Laws of our Realm of ancient Time used, were admitted to admul and defeat such Fine, alledging that before the Fine levied, and at the levying thereof, and since, the Demandants or Plaintiffs, or their Ancestors, were aaway seised of the Lands contained in the Fine, or of some Parcel thereof; and so Fines lawfully levied were many Times unjustly defeated and adnullled by Jurors of the Country falsly and maliciously procured;

(3) we therefore, intending to provide a Remedy in the Premisses, in our Parliament at Westminster have ordained, that such Exceptions, Answers, or Inquisitions of the Country, shall from henceforth in no wise be admitted contrary to such Recognifances or Fines. And further we will, That this Statute shall as well extend unto Fines heretofore levied, as to them that shall be levied hereafter. And let the Justices see that such Notes and Fines, as hereafter shall be levied in our Court, be read openly and solemnly, and that in the mean Time all Pleas shall cease; and this must be at two certain Days in the Week, according to the Discretion of the Justices.

No Exception to a Fine, that the Demandant was always seised. Rast. 349, &c. 3 Co. 88.

Fines shall be openly read, and then all Pleas shall cease.

18 Ed. 1. stat. 4. of Fines.

1 R. 3. c. 7.

4 H. 7. c. 24.

31 El. c. a.

WE have also ordained, by the Advice of our Council, That from henceforth Sheriffs shall not be charged of any Issues to be levied, nor

A Sheriff shall execute his Warrant in levying of Issues, and no more.

T 4

shall

shall levy any before they pass out of the Exchequer, there to be delivered by the Extreats of the Justices; (2) and that in the Extreats of Justices every Head shall be charged for Issues forfeited, like as of Amerciaments. (3) And if Peradventure any Sheriff will answer for the Issues of any Recognisor, Pledge or Mainpennor, by him undertaken and returned into our Court, which at the Time of the Return is not able to pay such Issues or Amerciaments, the Sheriff shall be charged, and shall answer therefore in our Exchequer. (4) And let the Sheriffs beware under Pain of great Forfeiture, that from henceforth they do make Tallies of all such Money as they or their Officers have received by our Commandment; (5) and that they do not return any where the Names of any Mainpennors, Jurors, or any other, except such Mainpennors, Jurors, or others, according to the Tenour of our Writs being directed to the Sheriffs for the same Cause, be lawfully and manifestly impanelled thereupon. (6) And they shall not return the Names of any Freemen as Pledges, without that they will plainly consent and agree to the same. (7) And hereupon we have enacted, That at one Time certain every Year, one Baron and one Clerk of our said Exchequer shall be sent through every Shire of *England*, to inroll the Names of all such as have paid that Year's Debts exacted on them by green Wax. (8) And the same Baron and Clerk shall view all such Tallies, and inroll them, and shall hear and determine Complaints made against Sheriffs and their Clerks

cant de scaccario per extractas Justic' ibidem liberandas & quod in extractis Justic' singula capita onerentur de exitibus suis forisfactis sicut & de amerciamentis. Et si forsitan aliquis vicecomes responderit de exitibus alicujus recognitoris vel plegii seu manucaptoris per ipsum appositi & in Cur' nostra retornati qui ad solutionem eorundem exituum seu amerciamentorum tempore returni non sufficiat idem vicecomes ad scaccarium nostrum inde oneretur & respondeat. Et caveant sibi vicecomites sub gravi forisfactura quod de cetero faciant singulis tallias de denariis quibuscumque per preceptum nostrum per ipsos vicecomites & subditos suos receptis. Et quod non retornent alicubi nomina manucaptorum juratorum seu aliorum nisi ipsi manucaptos juratores seu alii secundum tenorem brevium nostrorum vicecomitibus inde directorum ad hoc legaliter manifeste premuniantur. Nec retornent aliqua nomina plegiorum liberorum hominum nisi ipsi manifeste pleg' se concesserunt. Et super hoc statimus quod quolibet anno semel per annum mittantur unus Baronum & unus clericus de dicto Scaccario nostro per singulos com' Angl' ad imbrevidandum nomina omnium qui anno illo debita per viridem ceram ab eis exacta solverunt. Et iidem Baro & clericus tallias illas videant & imbrevident & audiant & terminent querelas super vicecomites & ballivos contra premissa venientes & graviter puniantur transgressores.

What Tallies
Sheriffs shall
make.

The Sheriff's
Return of
Mainpennors,
Jurors, &c.

A Baron and
Clerk of the
Exchequer to
be sent into
every County.

and Bailiffs that have done contrary to the Premifes, and the Offenders fhall be grievoufly punifhed.

CAP. III.

Justices of Affife fhall be of Gaol-delivery. Who fhall punifh Officers bailing fuch as are notailable.

QUIA vicecomites & alii temporibus retroactis latrones notorios & manifestos & pro morte hominis & aliis felonis captos & imprisonatos & qui non sunt repleg' per plevinam dimiferunt contra formam statuti nostri de hijs qui sunt irreplegiabiles & qui non nuper editi per quod ipsi malefactores irrepleg' sic replegiati ad eorum deliberationem falso faciendam juratores patrie per se & amicos suos ante adventum Justic' itinerantium aut aliorum ad eorum deliberationem assignatorum procurant & subornant aliisque minantur per quod tam propter metum vicecomitum & aliorum per talem plevinam illos dimittentium quam timorem eorundem latronum seu felonum sic liberatorum coram Justic' ad gaolas deliberandas assignatis homicidia & latrocinia suffocantur & ipsa sic conclata penitus remanent impunita Nos pro utilitate regni nostri & pace nostra firmitus observanda statuimus & ordinavimus quod Justic' ad assisas capiend' assignati in singulis com' ubi capiunt assisas prout ordinantur statim post assisas captas in eisdem com' remaneant ambo si laici fuerint & si unus ipsorum fuerit clericus tunc associato illi Justic' qui laicus est uno de discretioribus militibus comitatus illius per breve nostrum deliberent gaolas in com' illis tam infra libertates quam extra de prisonibus quibuscumque secundum formam deliberationis

FOrasmuch as Sheriffs and ^{3 Ed. 1. c. 15.} others heretofore have let out by Replevin common Felons, and openly defamed, being taken and imprisoned for Murther and Felony, and such as be not replevisable, contrary to the Form of our Statute of Persons replevisable and not replevisable, lately made, whereby such Transgressors not replevisable be let out, (2) and to deliver them deceitfully before the coming of the Justices Errant, or other assigned for their Deliverance, they procure by themselves and by their Friends Jurors of the Country, and some they threat, whereby as well for fear of the Sheriff, and other that let them at large by Plevin, as for fear of the Thieves being so delivered, before the Justices assigned for Gaol-deliveries such Felonies and Murthers are concealed, and so being concealed, remain still unpunished; (3) We, for the Utility of our Realm, and for the more assured Conservation of our Peace, have provided and ordained, That Justices assigned to take Assises in every County where they do take Assises, as they be appointed, incontinent after the Assises taken in the Shires, shall remain both together if they be Lay; and if one of them be a Clerk, then one of the most discreet Knights of the Shire being associate to him that is a Layman, by our Writ shall deliver the Gaols of the Shires, as well within Liberties as without, of all Manner of Prisoners, after the Form of the Gaol-

Justices of Assise shall be also Justices of Gaol-delivery. Stat. 2. Ed. 3. c. 2.

Punishment of
Sheriffs for
their Offences.
1 & 2 P. & M.
c. 13.

28 Ed. 1. stat. 2.
for Persons
appealed.

Gaol-deliveries of those Shires beforetime used. (4) And the same Justices shall inquire then, if Sheriffs or any other have let out by Replevin Prisoners not replevisable, or have offended in any Thing contrary to the Form of the foresaid Statute lately made at *Westminster*; and whom they shall find guilty, they shall chasten and punish in all Things according to the Form of the Statute aforesaid.

rationis gaole com' illorum hactenus usitatam. Et iidem Justic' tunc inquirent qui vicecomites & alii prisiones aliquos irreplegiabiles per plevinam dimiserunt vel in aliquo contra formam statuti predicti nuper apud *Westm'* editi deliquerunt et quos inde culpabiles invenerint ipsos in omnibus secundum formam statuti predicti puniant & castigent.

C A P. IV.

Nisi Prius shall be granted before one of the Justices of the Court where the Suit is commenced.

ALSO where we have provided, that none shall be impanelled any where out of the Shire where he is dwelling, in Recognisances, Enquests, and Juries, that have less than an hundred Shillings of Land or Rent, whereby they that have more Lands, by too often appearing as well in our Exchequer, as before our Justices of either Bench, are much impoverished:

12 Ed. 1. stat. 1.
c. 3.
14 Ed. 3. stat. 1.
c. 16.

A Nisi Prius shall be granted before one of the Justices of the Court where the Suit is commenced.

II. We therefore, considering the intolerable Damage of our People, not only for the Discharge of such Jurors, but also for the more speedy Ministration of Justice to all Parties suing in our Court, have provided and ordained, That Enquests and Recognisances determinable before Justices of either Bench, from henceforth shall be taken in Time of Vacation before any of the Justices before whom the Plea is brought, being associate with one Knight of the same Shire where such Enquests shall pass, unless it be an Enquest that requirerth great Examination. (2) And so from henceforth in taking such Enquests, the Justices

ITEM cum statuerimus quod nullus ponatur alicubi extra com' in inquisitionibus recognitionibus & juratis aliquibus qui minus quam centum solidatas terre habeat per quod tam ipsi quam plus terre habentes propter frequentes tam ad Scaccarium quam coram Justic' de utroque Banco summonitiones depauperantur.

Nos tantam intolerabilem populi nostri jacturam advertentes non solum ad eorundem juratorum exonerationem set etiam ad celerem partibus incur' nostra placitantibus justitiam exhibendam statuimus & ordinavimus quod inquisitiones & recognitiones coram Justic' de utroque Banco de cetero adjudicande capiantur tempore vacationis coram aliquo Justic' eorundem coram quibus placitum deductum fuerit associato illi uno milite com' illius ubi tales inquisitiones emerferint nisi fuerit inquisitio magna indigens examinatione. Et sic in hujusmodi inquisitionibus capiendis de cetero fiat prout Justic' ad utilitatem regni nostri potius esse viderint faciendum

ciendum non obftante ftatuto nuper apud Weftm' fuper inquisitionibus capiendis edito continente quod fi omiffa forma in ftatuto illo ordinata ali- que inquisitiones capiantur pro nullis penitus habeantur. Et ideo tibi precipimus firmiter injungentes quod ftatim & fine dilatione aliqua fac' legi & publicari in civitatibus burgis villis mercatoriis & locis aliis folempnibus per totam ballivam tuam ubi videris expedire omnes articulos fupradictos ut illos quos concessimus ac teneri volumus & firmiter observari in forma predicta integre & inconcuffe ac omnia & fingula fuprafcripta omnibus fcire fac' indilate. T. R. apud Weftm' fecondo die April. *

tices fhall do as to them fhall feem moft expedient for the common Utility of our Realm, notwithstanding the Statute lately made at *Westminster* upon the taking of fuch Enquefts, containing, that if any Enquefts be taken contrary to the Form of the faid Statute, they fhould be of none Effect.

13 Ed. 1. ftat. 1. c. 30.

* This Note is on the Roll, Confimile ftatutum ufque ibi Et ideo tibi precipimus, &c. miffum fuit fubfcriptis videlicet Thefaurario & Baronibus de Scaccario Rogero de Brabanzoun & fociis fuis Justic' ad placita R. audienda & terminanda assignatis Johanni de Metingham & fociis fuis Justic' de Banco Regis cum claufula ifta Et ideo vobis mandamus quod cartam predictam coram vobis in Banco predicto legi & omnes & fingulos articulos fupradictos ut illos quos concessimus & teneri volumus quatenus vos & partes coram vobis placitantes contingunt integre & inconcuffe observari faciatis. T. R. apud Weftm' fecondo die April.

*Ordinatio de Libertatibus perquirendis, made 27
EDW. I. Stat. 2. and Anno Dom. 1299.*

*In what Cafes the Writ of Ad quod damnum is to be sued.
A Commission may be granted to receive Attorneys for fuch
as be impleaded.*

FAIT affaver qe le Roy ordeina a Weftm' le primer jour Davarell' lan de fon regne xx^o qe ceux qe voudreient purchacer novel emparkement & gentz de Religion qe vodreient terrez ou tenementz amortireient briefe en la Chaunc' pur enquere folom lez pointz acustumez en tiels chofez Et qe lez enquestez dez terres & tenementz qe vaillent per an au plus de xx s. soient mandez al Eschequier & la facent la fin pur le amortizement ou pur lem-

IT is to be known, That the King ordained at *Westminster*, the first Day of *April*, the Seven and twentieth Year of his Reign, that fuch as would purchase a new Park, and Men of Religion that would amortise Lands or Tenements, should have Writs out of the Chancery to enquire upon the Points accustomed in all Things; (2) and that Enquefts of Lands or Tenements that be worth yearly more than Twenty Shillings, that is to

In what Cafe the Writ Ad quod damnum is to be sued.

to wit, by Extent, be returned into the Exchequer, and there to make Fine for the Amortifements, or for the Park, having, if the Enqueſts do paſs for him that purchaſed them; (3) and after it ſhall be certified unto the Chancellor or his Deputy, that he take a reaſonable Fine therefore, and after make Delivery.

Purchase of Lands holden in chief.

II. In like Manner they ſhall do, that will purchaſe Lands or Tenements holden of the King in chief.

Purchaſing of Protections, Making general Attorneys.

III. Alſo People dwelling beyond the Sea, that have Lands, Tenements, or Rents in *England*, if they will purchaſe Letters of Protection, or will make general Attorneys, they ſhall be ſent unto the Exchequer, and there ſhall make their Fines, and from thence ſhall be ſent unto the Chancellor or his Deputy, for that which he ought to do therein.

Purchaſing of Liberties.

IV. In like Manner they ſhall do, that will purchaſe any Fair, Market, Warren, or any other Liberty. (2) Alſo ſuch as will purchaſe atterming of their Debts ſhall be ſent into the Exchequer.

Attorney.
20 H. 3. c. 10.
Raſt. 96.

V. Alſo, ſuch as be not able to travel, and People that dwell in far Countries from the Chancery, which plead or be impleaded, ſhall have a Writ out of the Chancery to ſome ſufficient Man, that ſhall receive their Attorneys when Need is.

Regiſt. 247,
ſc.
Raſt. 25.

VI. And for a Remembrance of theſe Things, there is an Indenture made, divided into Three Parts, whereof One Part remaineth in the Chancery, another in the Exchequer, and the Third in the Wardrobe.

lemparkement auxi come lez enqueſtez averrent pur eux que lez purchacent Et dillenqs ſoit mande au Chaunc' ou a ſon lieu tenant ceo qil deuera faire Et dez enqueſtez faitz pur terre amortir dez tenementz que namont per an outre xx. s. per eſtente & de xx. s. en aval voet le Roy que cellez ſoient envoiez au Chauceller ou a ſon lieu tenant & quil preignent reſonable fin ſolom la quantite de la choſe & puis lez delivere.

En meſme la manere ſoit fait de ceux que voudrent purchacer terre ou tenementz que ſont tenuz du Roy en chief.

Item lez gentz demurantz la outre que voillent purchac' briefe de protection ou general attourne faire ſoient envoiez al Eſchequier & la facent leur fin.

Item gentz de non poer de travailler & gentz de lointains Countrez que pledent ou que ſont empledez eient brief de la Chaunc' a aſcun ſuffiſant homme que reſceive leur attournez qant meſtre ferra.

Et pur remembrance de ceſte choſe eſt ceſte endenture fait en treys parties dont lune demurge en la Chaunc' lautre en leſchequier & la tierce partie en la garderobe.

Stat. *De falſa Moneta*, made Anno 27 EDW. I. *

EDWARD par le grace de Dieu roi dEngleterre feignur d'Irland e Ducs d'Aquitaine a viſcunte de Sumerſete e Dorſete ſaluz. Pur ceo qe noſtre Roiaume e les autres terres de noſtre feignurie ſunt replenis de diuerſe mauueiſes monees que ſunt appelez Pollardz e Crokardz e par autres nons les queles ſont portees e mys en dit Roiaume e aillours en noſtre poer par diuerſe gentz de la outre e la eins deſpendues diuerſement a grant damage de nous e de tout noſtre poeple nous par commun aſſentement des Prelatz des Countes e des Barouns de meifme le roiaume avoms fur ceo ordene e eſtable remedie ſolonc les articles que ſenſuyent. Primerement qe nul deſormes teles moneies ne porte en le dit noſtre Roiaume ne aillours en noſtre poer ſur forfeiture de vie e des biens e de quant qil porra forfaire iſſint tote voies qe totes gentz de queq' terre ou de queq' pais qil ſoient puiſſent ſauvement porter a noſtre chaunge totes maneres des moneies de bon argent de queq' coign de la outre ou de queque value qe eles ſoient ſaunz ceo qe eles ſoient forſaites. E pur ceo qe ceſt eſtablifſement valer ne porra ſi bien ne ſoit mayntenu ordene eſt qe bone garde e eſtraite ſe face en touz les lieux ſur la coſtere de la mer es portz e aillours ou nule manere de arivail eſt par bons e loiaux juretz qe ceux qi teles ou autres mauueiſes monees porteront arreſteint ove meifmes les moneies e ove tout ceo qil averont e qe meifmes ceux envoient a cely ou a ceux qi de par nous poer avera ou averont pur myſe de eux Mes ceſti poer pur ceo qe nous ne fumes pas uncore aviſes quele manere de myſe nous envoderoms faire avoms nous retenutz a nous meifmes. E voloms quant al areſt avandit qil ce face en cete manere ceſt aſavoir qe la communaute de cheſcun port ellife deuz bons e loials hommes de meifmes le ports pur les queux les ellifours vouderont reſpondre qi ove les baillifs de meifmes le ports arreſtent e ſerchent loiaument e ſaunz deſports touz ceux qui ariveront deinz leur gardes e tout ceo qil porteront e les cors de ceux qil troveront qi teles ou autres mauueiſes moneies averont portetz envoient ſaunz delay a noſtre chef priſon du counte en quel il ferront arrivetz. E voloms e comaundoms qe le gardeyn de meifme la priſon les reteyne e ſauvement les garde taunt qe nous ſacchoms la manere du fait e qe nous eoms ſur ceo maunde noſtre volente. E la moneye e autre argent ſi lui eit deyvent meifmes les gardeyns envoier e liverre a noſtre grant chaunge e des autres biens eux meifmes charger e reſpoudre a noſtre eſcheker. Dautre part pur ceo qe nous avoms entendu qe len contrefait par de la le bon eſterling de mauvais e de faus metal pur plus grant damage faire a noſtre Roiaume auantdit nous avoms enſement ordene qe touz ceux qi eſterlings porteront de la outre en meifme le Roiaume ou aillours en noſtre poer doivent bailler e baillent meifmes ceux eſterlings a ditz gardeins des portz ou il ariveront e qe meifmes ceux gardeins ſouz leur ſeaux e ſouz les ſeaux de ceux qi les porteront e par bon

* This was firſt inſerted by Mr. Serjeant Hawkins.

bon tefmoignage des bones gentz de meifmes les portz les envoient tauntoft a procheyns affaiours qi assignetz ferrount depar nous pur le afay faire de moneye. E deyvent meifmes les gardeyns envoyer les cors ove les deners fauvement e en curteife manere. E fi les affaiours trouffent les deners bons e loiaux en pois e en argent e en totes autres choses folonc la veil eftandard dEngleterre mayntenaunt defarreftent les cors e leur deliverent les deners qil averont ensuit portetz e fi faufes foient troves forfaitz foient e les cors a nostre volunte. Derechef ordene eft qe nuls deformes de nostre Roiaume ne de nostre poer ne vende ne leffe laines ne quirs ne peaux ne plum ne eftaim forke pur bons e loiaux eferlings ou pur plate de argent affaie e merche a nostre grant change ou en efchange de bone de loiale e de fuffifant marchaundise e fi nul le fait autrement e de ceo soit atteynt par les ditz gardeyns ou par autres de nos ministres qe les choses iffint vendues ou leffees nous foient forfaites. Uncore eft ordene qe nule bone moneye de argent de nostre coign ne de autri ne nule argent en plate ne en autre manere ne iffie ne porte ne soit hors de nostre Roiaume ne hors de nostre poer en les parties de la outre faunz efpeciale conge de nous sur la peyne defufdite. E a cete chose garder enemblement ove les autres pointz avantditz devient meifmes gardeyns mettre diligence e peine en toutes les bones maneres qil porront. E ceux meifmes gardeyns avant qe il reçoivent la garde avantdite deyvent jurer devant les vifcuntes ou devant leur chefs gardeyns la ou il ne fuint a vifcuntes refponantz qe il feront e tēderont loiaument e faunz nule lafcheffe tant com en eux eft tut ce qe a cete garde apertient felonqe la forme avandite. E fil facent releis ou desportz a nuly pur doen ou pur favour ou en aucune autre maniere e de ceo soit atteynt qil foient en forfaiture de vie e de quant qil ount. Derechef come ordene soit qil y eit table a Dovre e ailleurs ou nous ordeneroms paffages certeyns pur chaunger despens neceffaires as alantz e as venantz si avoms ja assigne Johan Bellard Johan Galeys e leur compaignons a tenir table a Dovre de par nous de totes maneres de moneies. E voloms qe il facent iloeques change pur despens neceffaires as alauntz la outre e as venaunz de dela par vewe e tefmoignance de countre-rolleour qe nous y metteroms e qe totes gentz qe venderont de la outre portaunz moneie qe curt en poer le roi de Fraunce portent meifme la moneie a la dite table e illoeques receyvent al aveignaunt de la moneie qe curt en nostre Roiaume. E fil foient trove nule part ailleurs ove tiele moneie qe meifme la moneie nous soit forfait e le forfait tourne a la dite table a nostre oeps. Pur quoi nous vous mandoms fermement enjoignantz qe meynテナunt vewes cetes lettres touz les articles e pointz avantditz facent crier e publier en cites e burghs viles marchaundes portz e touz autres lieux parmy vofre ballie la ou vous verretz qe soit affaire E gardeyns eitabliir e jurer e cete nostre ordenaunce tenir e garder en la forme defufdite sur les peynes en meifme cete forme contenues. Don' a Stebenheth le quintime jour de May lan de nostre regne vint feptifme.

The Statute of Wards and Relief, made Anno 28 EDW. I. Stat. 1. Anno Dom. 1300.

Who shall be in Ward and pay Relief, and who not. How many Writs there be to recover Wards.

IT is to wit, that where any Relief is given, there Wardship is incident, and contrariwise. (2) And such as hold by Serjeanty, to go with the King in his Host, there Ward and Relief are incident. (3) And such as hold by Petty Serjeanty as to bear Shield or Spear in the King's Host, or to bear or to carry, there is neither Ward, Marriage, or Relief. (4) Also a free Sokeman shall not give Ward, nor Relief, but he shall double his Rent after the death of his Ancestor, according as he hath used to pay to his Lord, and shall not be unmeasureably grieved. (5) Now somewhat is to be said of the Nature of having Wards. There be two manner of Writs to have Wards; one is, where Lands be holden in Knights-services; the other is, where Lands be holden in Socage. (6) The Ward of Land that is holden in Knights-service belongeth to the chief Lord, and the Marriage, which ought to be without Disparagement, as the great Charter limiteth, until he cometh to the Age of one and twenty Years. (7) The Ward of an Heir that holdeth in Socage, if the Land or Inheritance descend of his Mother's Side, then it belongeth to the next Friend on the Father's Side, and contrariwise. (8) And a Writ to recover Ward may be brought in three Manners, One is, when a Man demandeth Ward of the Land and of the Heir, and that is in Case, when a Man holdeth Land of another, by Knights-service, and the Tenant dieth, then may the chief Lord (if he be deforced) demand the Ward of his Land and Heir, and shall have both Ward and Marriage. (9) Another Manner is, when a Man is infeoffed of a Verge of Land by one Man, and by another of a Carve Land, the second Lord, may not bring a Writ of Ward to recover either the Land or the Heir, for the Ward belongeth to him, of whom he was first infeoffed. (10) The third Manner is, where a Man hath Land in his Hands by Reason of a Ward, and hath not the Heir, then he may bring a Writ to demand the Heir, and not the Land. Altered by Stat. 12 Car. 2. cap. 24.

Wright's Ten. 86. to 105. Tenure by Knights-service. Tenure by Petty Serjeanty. A Sokeman Who shall be Gardian in Chivalry. Who shall be Gardian in Socage. A Writ de Communi custodia. Priority of feoffment. Ravishment of Ward.

A Statute for Persons Appealed, made Anno 28 EDW. I. Stat. 2. and Anno 1300.

What Procefs shall be awarded against those that be appealed by Approvers.

CUM certi Justic' in singulis Comitatus regni ad Af-fisas

Whereas certain Justices of late were assigned to take Assises

27 Ed. 1. stat. 1. c. 3. 2 Hawk. Pl. Cr. 208.

Aſſeſes in all Shires of the Realm, and alſo to deliver the Goals of the ſame Shires at every of their Comings after the taking of ſuch Aſſeſes, as more plainly is contained in a Statute made by the King thereupon; (2) our Lord the King, at his Parliament holden at Weſtmiſter, the eight and twentieth Year of his Reign, for more ſure Obſervation of his Peace, and Felonies to be more quickly puniſhed, and Priſoners to be ſooner delivered, hath granted, ordained, and provided, That whoſoever be appealed by Provors, being in Priſons which the ſame Juſtices do deliver (and whereſoever in our Realm that ſuch Appealees be dwelling,) that immediately it ſhall be commanded to the Sheriff in whoſe Bailiwick the Parties ſo appealed be commorant or may be found, by the King's Writ, under the Teſtimony of the ſame Juſtices, that he do take ſuch Perſons appealed, and cauſe them to be brought unto the Goals where the Appealors be kept that appealed them, and they ſhall answer there before the ſame Juſtices. (3) And if they that be appealed will put themſelves upon the Country, it ſhall be commanded in like Manner by a Judicial Writ, from the ſame Juſtices to the Sheriff, in whoſe Liberty the Felonies were done, of which they were appealed, that he ſhall cauſe an Enqueſt of the Country to come before the ſame Juſtices, unto the ſame Place where the Appealors be kept, at a certain Day. (4) And the Sheriffs and other (in whoſe keeping ſuch Appealors be detained) ſhall receive without Contradiſtion thoſe that be

ſiſas in eiſdem capiend' de novo ſunt aſſignati ſimulque ad liberationem gaolarum eorundem Comitatuum in ſingulis adventibus ſuis faciend' poſt captiorem earundem Aſſifarum prout in ſtatuto domini Regis inde conſecto plenius continetur.

Dominus Rex ad Parliamentum ſuum apud Weſtm-tum ſui viceſimo octavo propace firmius obſervanda felonisſique celerius convincend' & priſonibus citius deliberandis conceſſit ordinavit & ſtatuit quod quicumque fuerint appellati per probatores exiſtentes in gaolis quas ipſi Juſtic' deliberant & ubicumque in regno ipſi appellati commorantes fuerint aut latitantes quod ſtatim mandetur Vic' in quorum balliva taliter appellati fuerint commorantes aut poterint inveniri per breve domini Regis ſub teſtimonio eorundem Juſtic' quod taliter appellatos capiant & ducere faciant ad gaolas ubi appellatores per quos appellantur fuerint detenti & ibidem coram ipſis Juſtic' reſpondeant. Et ſi ipſi appellati ſe ſuper patriam poſuerint ſimiliter mandetur per breve de iudicio per eoſdem Juſtic' Vic' in cujus balliva felonie facte fuerint de quibus appellantur (quod venire fac' coram eiſdem Juſtic' inquisitionem patrie ad eundem locum ubi appellatores ſunt detenti & ad certum diem. Et Vicecomites & alii in quorum custodia appellatores detinentur admittant ſine contraditione appellatos per eoſdem probatores cum iſdem appellati capti fuerint in forma predicta & ad appellatores adducti.

Proceſs a-warded to apprehend them which be appealed by Approvers.

appealed

appealed by such Provors, when the Parties appealed be taken in the Form abovesaid, and brought unto the same Appealors.

Articuli super Chartas, made at Westminster, Anno 28 EDW. I. Stat. 3. and Anno Dom. 1300.

PUR ceo qe les poyntz de la grant Chartre des Franchises e la Chartre de la Forest les quieus le Roy HENRI pere le Roi qe ore est granta a soen poeple pur le pru de soen Roiaume ne eunt pas este tenuz ne gardes avant ces heures pur ceo qe peyne ne fust avant establie en les trespassours contre les poyntz des chartres avantdites nostre seigneur le Roi les ad de novel grante renovele e conferme et a la requeste des Prelats Contes e Barouns en soen parlement a Westmonster en quaremmes lan de soen Regne vynt & utisme ad certaine fourme e peyne ordene e establi encontre tuz iceaus qe contre le poyntz des avantdites chartres ou nul poynt de eles en nule manere vendront en la fourme qe sensuit.

FOrasmuch as the Articles of ^{2 Inst. 537.} the Great Charter of Liberties, and of the Charter of the Forest, the which King HENRY, Father of the King that now is, granted to his People for the Weal of his Realm, have not been heretofore observed ne kept, because there was no Punishment executed upon them which offended against the Points of the Charters before mentioned; our Lord the King hath again granted, renewed, and confirmed them, at the Request of his Prelates, Earls, and Barons, assembled in his Parliament holden at Westminster, the eight and twentieth Year of his Reign, and hath ordained, enacted and established certain Articles against all them that offend contrary to the Points of the said Charters or any Part of them, or that in any wise transgress them, in the Form that ensueth.

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Forest.

CEST asavoir qe de ci en avant la Grant Chartre des Franchises d'Engleterre grantee a tote la commune d'Engleterre e la Chartre de la Foreste en meisme la manere grantee soient tenues gardees e meyntenues en chescun article e chescun poynt aussi pleinement come le Roi ad grante renovele e par sa chartre conferme. E qe celes chartres soient baillees a chescun viscont d'Engleterre desoutz le seal le
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THAT is to say, that from ^{2 Inst. 539, 540.} henceforth the great A Confirmation of the Charter of the Liberties of the Great Charter, and the Commonalty of the Realm, and the Charter of the Forest, in like Manner granted, shall be observed, kept, and maintained in every Point, in as ample wise as the King hath granted, renewed and confirmed them by his Charter. (3) And that the ^{25 Ed. 1. c. 1.} Charters be delivered to every Sheriff of England under the
. U King's

King's Seal, to be read four Times in the Year before the People in the full County, that is to wit, the next County-day after the Feast of Saint *Michael*, and the next County-day after *Christmas*, and at the next County after *Easter*, and at the next County after the Feast of Saint *John*. (3)

Commissioners to enquire of Offences done contrary to the Charters.

And for these two Charters to be firmly observed in every Point and Article (where before no Remedy was at the Common Law) there shall be chosen in every Shire-Court, by the Commonalty of the same Shire, three substantial Men, Knights, or other lawful, wife, and well-disposed Persons, which shall be Justices sworn and assigned by the King's Letters Patents under the Great Seal, to hear and determine (without any other Writ, but only their Commission) such Complaints as shall be made upon all those that commit or offend against any Point contained in the foresaid Charters, in the Shires where they be assigned, as well within Franchises as without, and as well for the King's Officers out of their Places, as for other, and to hear the Complaints from Day to Day without any Delay, and to determine them, without allowing the Delays which be allowed by the Common Law. (4) And the same Knights shall have Power to punish all such as shall be attainted of any Trespas done contrary to any Point of the foresaid Charters (where no Remedy was before by the Common Law) as before is said, by Imprisonment, or by Ransom, or by Amerciament, according to the Trespas. (5)

Ne-

Roi a lire quatre foiz par an devant le poeple en plein conte cest a avoir a prochein conte apres la seint Michel al prochein conte apres le Noel al prochein conte apres la Pasqe & al prochein conte apres la saint Johan. Et a celes deus chartres en chescun poynt e en chescun article de eles fermement tenir ou remedie ne fust avant par la commune ley soient essus en chescun conte par la commune de meisme le conte trois prodes hommes chevaliers ou autres loiaux sages e avises qui soient Justices jures e assignes par les lettres le Roi overtes de soen grant seal de oyr e determiner sanz autre bref qe leur commun garant les plaintes qe le ferront de touz iceaus qe vendront ou mesprendront en nul des ditz poyntz des avantdites chartres les contetz ou il sont assignes ausi bien dedenz franchises come dehors e ausi bien des ministres le Roi hors de leur places come des autres. Et les plaintes oyes de jour en jour sanz delay les terminent sanz alluer les delais qe sont allues par commune ley. E qe meismes ceaus chevaliers eint poer de punir touz ceaus qe ferront atteintz de trespas fait encontre nul point des chartres avantdites ou remedie ne fust avant par commune ley ausi come avant est dit par enprisonment ou par ranceoun ou par amerciement selonc ceo qe le trespas le demande. Et par ceo nentent pas le Roi ne nul de ceaus qe fust a cest ordenement fere qe les chivaliers avantditz tiegnent nul play par le poer qe done leur ferrances ou avant ces heures fust remedie purveu selonc la commune ley par bref ne qe prejudice

dice ensoit fet a la commune ley ne a les chartres avantdites en nul de leur pointz. E voet le Roi qe si touz treis ne soient presentz ou ne purront as totes les foiz entendre a faire leur office en la fourme avantdite qe deus des trois le facent. E ordene est qe les viscontes e les bailiffs le roi soient entendantz as les commandementz des avantdites justices en quant qe apent a leur office. E estre cestes choses grantees sur les pointz des chartres avantdites le Roi de sa grace especiale en aleggeance des grevances qe soen poeple ad eu par les guerres qe unt est e en amendment de leur estat e pur taunt qil soient plus prestez a son service e plus voluntiers aidantz quaut il enavora asere ad grante ascuns articles les quieus il entent qi tendront ausi grant lieu a son poeple & ausi grant profit feront ou plus qe les points avant grantes.

Nevertheles the King, nor none of those that made this Ordinance, intend, that by virtue hereof any of the foresaid Knights shall hold any Plea by the Power which shall be given them in such Case, where there hath been Remedy provided in Times passed, after the Course of the Common Law by Writ, nor also that any Prejudice should be done to the Common Law, nor to the Charters aforesaid in any Point. (6) And the King willeth, That if all three be not present, or cannot at all Times attend to do their Office in Form aforesaid, that two of them shall do it. (7) And it is ordained That the King's Sheriffs and Bailiffs shall be attendant to do the Commandments of the foresaid Justices, as far forth as appertaineth unto their Offices. (8) And besides these Things granted upon the Articles of the Charters aforesaid, the King of his special Grace, for Redress of

Other Officers shall be attendant upon the Commissioners.

the Grievances that his People hath sustained by reason of his Wars, and for the Amendment of their Estate, and to the Intent that they may be the more ready to do him Service, and the more willing to assist and aid him in Time of Need, hath granted certain Articles, the which he supposeth shall not only be observed of his liege People, but also shall be as much profitable, or more, than the Articles heretofore granted.

CAP. II.

None shall take Prises, but the King's Purveyors and their Deputies.

EMprimechief pur ceo qe une grant grevance est en cest Royaume e damage sanz noumbre de ceo qe le Roi e ses ministres de sa meignee au sibien les aleins come les denzeyns fount leur prises la ou il passent par mi le Roiaume e pernent les biens de gents des

SEcondarily, Forasmuch as ^{2Inst. 541} there is a great Grievance in ⁵⁴⁶ this Realm, and Damage without Measure, for that the King and the Ministers of his House, as well of Aliens as Denizens, do make great Prises where they pass through the Realm, and take the Goods as well of Clerks as of Lay people,

U 2

people, without paying therefore any thing, or else much less than the Value :

No Purveyors shall take any Prises but the King's, and they only for his House.
 4 Ed. 3. c. 4.
 5 Ed. 1. c. 2.
 10 Ed. 3. stat. 2. c. 1.
 25 Ed. 3. c. 1.

II. It is ordained, That from henceforth none do take any such Prises within the Realm, but only the King's Takers, and the Purveyors for his House; (2) and that the King's Takers and Purveyors of his House shall take nothing, but only for his House. (3) And touching such Things as they shall take in the Country, of Meat and Drink, and such other mean Things necessary for the House, they shall pay or make Agreement with them of whom the Things shall be taken.

III. And that all the King's Takers, Purveyors, or Catours, from henceforth shall have their Warrant with them, under the King's great or petty Seal, declaring their Authority, and the Things whereof they have Power to make Prise or Purveyance; (2) the which Warrant they shall shew unto them whose Goods they take, before they take any Thing.

Purveyors shall have their Warrant, and shew it.
 36 Ed. 3. c. 1.
 Purveyors shall take no more than is needful.
 12 Car. 1. c. 24.
 All Purveyance taken away.

IV. And that those Takers, Purveyors, or Catours for the King, shall take no more than is needful or meet to be used for the King, his Household, and his Children.

V. And that they shall not take any Thing for them that be in Wages, nor for any other.

VI. And that they shall make full Answer in the King's House, or in the Wardrobe, for all Things taken by them, without making their Largeesses any other where, or Liveries, of such Things as they have taken for the King.

VII, And

clers e des lays sanz rien paer ou bien meins qe la value.

Ordene est qe de ci en avant nul ne preigne prises par mi le Roiaume fors qe les parnours le Roi e ses purveours pur lostel le Roi. E qe ceus parnours le Roi e purveyors pur soen Hostel ne preignent riens fors qe pur meisme lostel. E des prises quil ferront par mi les pais de manger ou de boiure e autres menuz necessaires pur lostel qil facent la paye ou gre a ceus des queus les choses ferront prises.

E qe touz tieus parnours le Roi purveours ou achatours eient de ci en avant leur garant ovesques eus du grant seal ou de petit seal le Roi contenant leur poer e les choses dount il frount prises ou purveyance le quel garant il munstreront as ceus des quieus il frount la prise avant ceo qil en preignent rien.

E qe ceus parnours purveours ou achatours le Roi ne preignent plus qe busoigne e mester ne seit pur le Roi e soen hostel e de ses enfantz.

E qe riens ne preignent pur ceus qe sont a gages ne pur nul autre.

E qil respoignent en lostel e en la garde robe pleinement des totes leur prises sans fere ailleours leur largesces ou liverrees de chose qe pur le Roi soit prise.

E si nul parnour de lostel le Roi par garant qil eit face prises ou liverrees en autre manere qe desus nest dit par plainte fete a Seneschal e el Tresourer del hostel le Roi soit la verite enquisse. E si de ceo seit atteint soit gre maintenant fait au plenteif e soit hoste du servise le Roi pur touz jours e demoege en prison a la volente le Roi.

E si

E si nul face prises sanz garant e lemport encoultre la volunte de celui a qi les biens sont soit maintenant arestu par la ville ou la prise ferra fete e mene a la procheinne gaole e si de ceo soit atteint soit la fait de lui come de larroun si la quantite des biens le demande.

E quant as prises fere en feires e en bones villes e portz pur la grant garderobe le Roi eient les parnours leur commun garant par le grant seal.

E des choses qil prendront eient la tesmoignance du seal du gardein de la garderobe e des choses, issint par eus prises de nombre de quantite e de la value soit faite dividende entre les parnours e les gardeins des feires Meire ou chiefs baillifs des villes e portz par la veue des marchants des quieus les biens ferront issint pris. E riens ne lui soit suffert de plus prendre qil ne mette en dividende e cele dividende soit porte en garderobe desutz le seal le gardein Meire ou chief baillif avantditz & lenz demoege tant qe sur la conte du garderobe le Roi. E sil soit trouve qe nul eit autrement pris qe fere ne deveroit soit puny sur la conte par le gardein de la garderobe le Roi solom sa deserte e si nul face tieus prises sanz garant e sur ceo soit atteint soit fait de lui come de ceus qe fount prises pur lostel le Roi sanz garant come desuf est dit.

E ne entent mie le Roi ne soent consail qe par cest estatut rien destresse au Roi de soen droit des auncienes prises dues e acustumes come des vyns & autres biens mes qe en touz pointz pleinement lui soit sauve.

tained in their Divident; (4)

VII. And if any Taker for the King's Houfe, by reason of his Warrant, make any Prise or Livery, otherwise than before is mentioned, upon Complaint made to the Steward, and to the Treasurer of the King's House, the Truth shall be enquired. (2) And if he be attainted thereof, he shall forthwith make Agreement with the Party, and shall be put out of the King's Service for ever, and shall remain in Prison at the King's Pleasure.

VIII. And if any make Prise without Warrant, and carry it away against the Will of the Owner, he shall immediately be arrested by the Town where the Prise was made, and shall be committed to the next Gaol; (2) and if he be attainted thereupon, it shall be done unto him as unto a Felon, if the Quantity of the Goods do so require.

Taking without Warrant Felony.

IX. And concerning Prises made in Fairs, and good Towns, and in Ports, for the King's great Wardrobe, the Takers shall have their common Warrant under the Great Seal.

Purveyances made for the King's Wardrobe.

X. And for the Things that they shall take, it shall be testified under the Seal of the Keeper of the Wardrobe; (2) and of those Things that they have taken, the Number of the Things, the Quantity, and the Value, shall be specified in a Divident made between the Takers and the Keepers of Fairs, Mayors, or chief Bailiffs of Towns and Ports by the View of Merchants, whose Goods shall be so taken; (3) and they shall not be suffered to take any more than is contained in the said Divident shall be taken

Repealed by
12 Car. 2. c. 24.

The King's
Prerogative
ſaved.

taken into the Wardrobe under the Seal of the Warden, Mayor, or chief Bailiff aforeſaid, and there ſhall remain until the Accompt of the Keeper of the King's Wardrobe; (5) and if it be found, that any hath taken otherwiſe than he ought to do upon his Accompt, he ſhall be puniſhed by the Keeper of the King's Wardrobe after his Deſert; (6) and if any make ſuch Priſes without Warrant, and be attainted thereupon, he ſhall incur the ſame Pain as they which take Priſes for the King's Houſe without Warrant, as before is ſaid.

XI. Nevertheleſs the King and his Council do not intend, by reaſon of this Eſtate, to diminiſh the King's Right, for the ancient Priſes due and accuſtomed, as of Wines and other Goods, but that his Right ſhall be ſaved unto him whole in all Points.

C A P. III.

Of what Things only the Maſhal of the King's Houſe ſhall hold Plea. Which Coroners ſhall enquire of the Death of a Man ſlain within the Verge.

Of what
Things only
the Maſhal of
the King's
Houſe ſhall
hold Plea.
10 Ed. 3. ſtat. 2.
c. 2.
13 R. 2. ſtat. 1.
c. 2.
15 H. 6. c. 1.
4 Inſt. 547—
550.
10 Co. 68. b.—
77. b.

CONCERNING the Authority of Stewards and Maſhals, and of ſuch Pleas as they may hold, and in what Manner, it is ordained, That from henceforth they ſhall not hold Plea of Freehold, neither of Debt, nor of Covenant, nor of any Contract made between the King's People, (2) but only of Treſpaſs done within the Houſe, and of other Treſpaſſes done within the Verge, and of Contracts and Covenants that one of the King's Houſe ſhall have made with another of the ſame Houſe; and in the ſame Houſe; and none other where. (3) And they ſhall plead no Plea of Treſpaſs, other than that which ſhall be attached by them before the King depart from the Verge where the Treſpaſs ſhall be committed; (4) and ſhall plead them ſpeedily from Day to Day, ſo that they may be pleaded and determined before that the King depart out of the Limits of the ſame Verge where the Treſpaſs was done. (5) And if it ſo be that they cannot be determined within the Limits

DE leſtat du ſeneſchals e des marchals e des plez qe eus devient tenir e coment ordene eſt qe deſoremes ne tiegent plai de frank tenement ne de dette ne de covenant ne de contract des gentz du p.eple fors tantſulement des treſpas de loſtel & autres treſpas faitz dedenz la verge e de contractz e covenantz qe aucun de loſtel le Roi avera fait a autre de meſme loſtel e en meſme loſtel e ne mie aillours. E nul plai de treſpas ne pledront autre qe ne ſoit attache par eus avant ceo qe le Roi iſſe hors de la verge ou le treſpas ferra fait e les pledera haſtivement de jour en jour iſſint qil ſoient parpledez e termes avant ceo qe le Roi iſſe hors des bundes de cele verge ou le treſpas fut fait. E ſi par cas dedenz les bundes de cele verge ne poent eſtre termes ceſſent ceus plais devant le ſeneſchal & ſoient les plaintifs a la commune lei. Ne deſoremes ne preigne le Seneschal conſances des dettes ne dautre choſe fors qe des gentz del loſtel ayantdit. Ne nul autre plai

ne teignent par obligacion faite a la deftrece du Senefchal e des Marefchaus. E si le Senefchal ou les Marefchaus rien facent coudre cest ordenement soit leur fet tenu pur nul. E pur ceo qe devant ces heures moutz des felonies fetes dedenz la verge unt este dispuines pur ceo qe les Coroners des pais ne se font pas entremis denquerre de tieus maneres des felonies dedenz la verge mes le Coroner de l'ostel le Roy qui est passant de qui issue ne ad mie este fete en due manere ne les felons mis en exigendes ne utlaghes ne rien de ceo presente en Eire qe ad este a grant damage du Roi e a meins bone garde de sa pees ordene est qe desoremes en cas de mort de home ou office de Coroner appent as vewes & enquestes de ceo fere soit mande le Coroner du pais qi ensemblement ove le Coroner del Hostel face l'office qi appent & le mette en roulle. E ceo qe ne porra mie devant le Senefchal estre termine par ceo qe les felons nei porront estre attachetz ou par autre encheson demoeige a la commune lei isint qe les exigendes utlagheries e presentementz en Eire soient de ceo fetz par le Coroner du pais ausint come des autres felonies fetes dehors la verge. Mes pur ceo ne soit leffe qe les attachementz ne soient fetz freschement sur les felonies faites.

of the same Verge, then shall the same Pleas cease before the Steward, and the Plaintiffs shall have Recourse to the Common Law. (6) And from henceforth the Steward shall not take Cognifance of Debts nor of other Things, but of People of the same House, nor shall hold none other Plea by Obligation made at the Distress of the Steward and of the Marshals. (7) And if the Steward or Marshals do any Thing contrary to this Ordinance, it shall be holden as void. (8) And forasmuch as heretofore many Felonies committed within the Verge have been unpunished, because the Coroners of the Country have not been authorized to enquire of such manner of Felonies done within the Verge, but the Coroner of the King's House, which never continueth in one Place, by reason whereof there can be no Trial made in due Manner, nor the Felons put in Exigent, nor out-lawed, nor any Thing presented in the Circuit, the which hath been to the great Damage of the King, and nothing to the good Preservation of his Peace; (9) It is ordained, That from henceforth in Cases of the Death of Men, whereof the Coroner's Office is to make View and Enquest, it shall be commanded to the Coroner of the Country, that he, with the Coroner of the

Which Coroners shall inquire of the Death of a Man slain within the Verge.
33H. 8. c. 12.
4 Co. 46.

King's House, shall do as belongeth to his Office, and inroll it. (10) And that Thing that cannot be determined before the Steward, where the Felons cannot be attached, or for other like Cause, shall be remitted to the Common Law, (11) so that Exigents, Outlawries, and Presentments, shall be made thereupon in Eyre by the Coroner of the Country, as well as of other Felonies done out of the Verge; (12) nevertheless they shall not omit, by reason hereof, to make Attachments freshly upon the Felonies done.

CAP. IV.

Common Pleas ſhall not be bolden in the Exchequer.

9 H. 3. c. 11.
2 Inſt. 550.

Moreover no Common Pleas ſhall be from henceforth holden in the Exchequer, contrary to the Form of the Great Charter.

ESTRE ceo nul commun plai ne ſeit deſoremes tenu al Eſchequer cowntre la fourme de la Grant Chartre.

CAP. V.

The Chancellor and the Juſtices of the King's Bench ſhall follow the King.

2 Inſt. 551—
554.
Attendants upon the King.

AND on the other Party, the King will, that the Chancellor and the Juſtices of his Bench ſhall follow him, ſo that he may have at all Times near unto him ſome Sages of the Law, which be able duly to order all ſuch Matters as ſhall come unto the Court at all Times, when Need ſhall require.

DAutre part le Roi voet qe le Chauncelerie e les Juſtices de ſoen banç lui ſuivent iſſint qil eit touz jours pres de lui aſcuns Sages de la lei qui ſachent les buſoignes qe viennent a la curt duement delivrer a tote les foiz qe meſter ſerra,

CAP. VI.

No Writ concerning the Common Law ſhall be awarded under any petit Seal.

9 Inſt. 554.

THere ſhall no Writ from henceforth, that toucheth the Common Law, go forth under any of the petty Seals.

DEſutz le petit Seal ne iſſe deſoremes nul bref qe touche la commune lei.

CAP. VII.

The Authority of the Conſtable of the Caſtle of Dover, touching holding Plea and Diſtreſſes.

Conſtable of Dover.

THE Conſtable of the Caſtle of Dover ſhall not from henceforth hold any Plea of a foreign County within the Caſtle Gate, except it touch the keeping of the Caſtle. (2) Nor ſhall the ſaid Conſtable diſtrain the Inhabitants of the Cinque Ports to plead any otherwhere, nor otherwiſe, than they ought after the Form of their Charter obtained of the King for their old Franchiſes confirmed by the Great Charter.

LE Coneſtable du chaſtel de Dovere ne plede deſoremes a la porte du chaſtel nul plai forein du Conte qe ne touche la garde du chaſtel. Le dit Coneſtable ne deſtreigne les gentz de cink portz a pleder aillours ne en autre manere qil ne deyvent ſolonc la fourme des chartres qil unt des Rois de leur franchiſes aunciens afermees par la Grant Chartre.

Five Ports.

Regiſt. 185.
2 Inſt. 556.

CAP.

CAP. VIII.

The Inhabitants of every County shall make Choice of their Sberiffs, being not of Fee.

LE Roi ad grante a foen poeple qil eient eleccion de leur viscontes en chefcun Conte ou visconte ne est mie de fee sil voelent,

THE King hath granted unto his People, that they shall have Election of their Sheriff in every Shire (where the Shrivalty is not of Fee) if they list.

Post. cap. 13.
9 Ed. 2. stat. 2.
14 Ed. 3. stat. 1.
c. 7.
2 Inst. 558—
560.

CAP. IX.

What Sort of People shall be returned upon every Jury.

LE Roi voet e comande qe nul visconte ne baillif ne mette en enquestes ne en jurees plus des gentz ne autres ne en autre manere qil nest ordene par estatut e qil mettent en teles enquestes e jurees les plus procheins plus suffisantz e meins suspencous. E qi autrement le fra & de ceo soit atteint rende au pleintif ses damages au double & soit en la grevz merci le Roi.

THE King willeth and commandeth, That no Sheriff nor Bailiff shall impanel in Inquests nor in Juries over many Persons, nor otherwise than it is ordained by Statute; (2) and that they shall put in those Inquests and Juries such as be next Neighbours, most sufficient, and least suspicious. (3) And he that otherwise doth, and is attainted thereupon, shall pay unto the Plaintiff his Damages double, and shall be grievously amerced unto the King.

Co. Lit. 158. a.
2 Inst. 560, 561.
What Sorts of Persons shall be returned in Juries.

13 Ed. 1. stat. 1.
c. 38.
34 Ed. 3. c. 4.
42 Ed. 3. c. 11.

CAP. X.

The Remedy against Conspirators, false Informers, and Embracers of Juries.

EN droit des conspiratours faus enfourmours e mauveis procureours des duzeines enquestes assises e jurees le Roi ad ordene remedie as pleintifs par bref de Chancellerie. E ja dumeins voet qe ses Justices de lun banc e de lautre e Justices as assises prendre assignes quant il viegnent en pais a fere leur office de ceo facent leur enquestes a chefcunuy pleinte sanz bref e sanz delai e facent droit as pleintifs.

IN Right of Conspirators, false Informers, and evil Procurers of Dozens, Assises, Inquests and Juries, the King hath provided Remedy for the Plaintiffs by a Writ out of the Chancery. (2) And notwithstanding, he willeth that his Justices of the one Bench and of the other, and Justices assigned to take Assises, when they come into the Country to do their Office, shall, upon every Plaint made unto them, award Inquests thereupon without

2 Inst. 561, 562.

A Remedy against Conspirators and Procurers of Juries, &c.

out Writ, and shall do Right unto the Plaintiffs without Delay.

CAP.

CAP. XI.

Nothing shall be taken to maintain any Matter in Suit.

3 Ed. 1. c. 25. 28.
13 Ed. 1. stat. 1.
c. 49.
2 Inst. 562—
565.
1 Ed. 3. stat. 2.
c. 14.
1 R. 2. c. 4.
32 H. 8. c. 9.

Nothing shall be taken to maintain any Matter in Suit.

AND further, because the King hath heretofore ordained by Statute, that none of his Ministers shall take no Plea for Maintenance, by which Statute other Officers were not bounden before this Time; (2) The King will, that no Officer nor any other (for to have Part of the Thing in Plea) shall not take upon him the Business that is in suit; (3) nor none upon any such Covenant shall give up his Right to another; (4) and if any do, and he be attainted thereof, the Taker shall forfeit unto the King so much of his Lands and Goods as doth amount to the Value of the Part that he hath purchased for such Maintenance. (5) And for this Atteindre, whosoever will, shall be received to sue for the King before the Justices before whom the Plea hangeth, and the Judgement shall be given by them. (6) But it may not be understood hereby, that any Person shall be prohibit to have Counsel of Pleaders, or of learned Men in the Law for his Fee, or of his Parents and next Friends.

DErechief pur ceo qe le Roi avoit avant ordene par estatut qe nul de ses Ministres ne preist nul plai a champart e par cel estatut autres qe Ministres ne estoient pas avant ces heures a ceo lieez voet le Roi qe nul Ministre ne nul autre pur part aver de chose qe est en plai enpreigne les busoignes qe sont en plai. Ne nul sur tieu covenant soen droit ne lesse a autri. E si nul le fet e de ceo soit atteint soit forfet e encoru devers le Roi des biens ou de terres lempernour la value dauttant come fa partie de son purchaz par tele enprise amontera. E a ceo atteindre soit rescue celui qui suivre vodra pur le Roi devant les Justices devant quieus le plai avera este e par eus soit le agard fet. Mes en ceo cas ne est mie a entendre qe home ne puet aver conseil de contours e des sages gentz pur du soen donant ne des ses parentz e ses procheins.

CAP. XII.

What Distresses shall be taken for the King's Debt, and how it shall be used.

2 Inst. 565.
32 H. 3. stat. 4.
32 H. 3. c. 4.
What Distresses shall be taken for the King's Debt, and how it shall be used.

FROM henceforth the King will, that such Distresses as are to be taken for his Debts shall not be made upon Beasts of the Plough, so long as a Man may find any other, upon the same Pain that is elsewhere ordained by Statute, &c. (2) And he will not that overgreat Distresses shall be taken for his Debts, nor driven too far; (3) and if the Debtor can find able and convenient Surety

DErechief voet le Roi qe destresces qe sont a fere pur sa dette ne soient fetz par bestes des carues tant come home puet autre trover solunc ceo qe ordene est aillours par estatut ove la peine &c. E ne voet qe trop grive destresce soit prise pur sa dette ne trop loinz mene e si le dettour pousse trover suffissaunte e covenable seurte jesques a un jour deinz le jour le visconte dedenz le quel home

home en puiſſe purchaſer reme-
die ou fere gre de la demande
ſoit la deſtreſce releſſee ende-
menters. E qui autrement fra
ſoit grevement puny.

ty until a Day before the Day
limited to the Sheriff, within
which a Man may purchaſe
Remedy to agree for the De-
mand, the Diſtreſs ſhall be re-
leaſed in the mean Time; (4)
and he that otherwiſe doth, ſhall
be grievouſly puniſhed.

Regiſt. 97, 185.
Ralt. pla. 226.

CAP. XIII.

*What Sort of Persons the Commons of Shires ſhall chuſe for
their Sheriffs.*

E Pur ceo qe le Roi ad gran-
te la eſlection de viſconte
a eus des contez voet le Roi
qil eſliſent tieu viſconte qe ne
les charge mie ne mette nul
miniſtre en baille pur lower ne
pur donn e tieus qe ne ſe her-
bergent mie trop ſovent en un
lieu ne ſur les poveres ne ſur
les religious.

AND forasmuch as the King ante. cap. 8.
hath granted the Election of 2 Inſt. 566.
Sheriffs to the Commons of the
Shire; (2) the King will, that
they ſhall chuſe ſuch Sheriffs
that ſhall not charge them,
and that they ſhall not put any
Officer in Authority for Re-
wards or Bribes; and ſuch as
ſhall not lodge too oft in one
Place, nor with poor Perſons,
or Men of Religion.

CAP. XIV.

*Bailiwicks and Hundreds ſhall not be letten too dear, to
charge the People with Contribution.*

Derechief qe les baillifs e
les hundredz du Roi ne
des autres grantz feignurs de
la terre ne ſoient leſies a trop
grant ſomme a ferme par quei
le people ſoit greve ne charge
par contribution faire a teles
fermes.

FROM henceforth the King 2 Inſt. 566.
will, That the Bailiwicks
and Hundreds of the King,
nor of other great Lords of the
Land, be not let to Ferm at
over great Sums, whereby the
People are over-charged by
making Contribution to ſuch
Ferms.

CAP. XV.

*In Summons and Attachments in Plea of Land the Writ ſhall
contain Fifteen Days.*

EN ſomonſes e en attaché-
mentz en plai de terre de-
foremes contiegne la ſomonſe e
l'attachement le terme de xv. jours
a tot le meins ſolon la com-
mune lei ſil ne ſeit en attache-
ment des aſſiſes prendre en pre-
ſence le Roi ou des ples de-
vant Juſtices en eire durant
leire.

IN Summons and Attach- 2 Inſt. 567, 568.
ments in Plea of Land, the
Summons and Attachments
from henceforth ſhall contain
the Term of Fifteen Days full
at the leaſt according to the
common Law, if it be not in
Attachment of Aſſiſes taken in
the King's Preſence, or of Pleas
before Juſtices in Eyre during
the Eyre.

CAP.

CAP. XVI.

What shall be done with them that make false Return of Writs.

2 Inft. 568.
False Return
of Writs.
13 Ed. 1. stat. 1.
c. 39.

THAT shall be done with them that make false Returns (whereby Right is deferred) as it is ordained in the second Statute of *Westminster*, with like Pain,

Soit fet de ceus qe font faus retourns au mandement le Roi par quei dreiture est de laie ausi come ordene est en le secund estatut de Westm' ove la peine.

CAP. XVII.

The Statute of Winchester shall be read four Times in the Year, and put in Execution.

2 Inft. 569, 570.

AND forasmuch as there be more Malefactors in the Realm, than had wont to be, and that Robberies, Burnings, and Man-slaughters are committed out of Measure, and the Peace little observed, by Reason that the Statute which the King not long past caused to be made at Winchester is not observed; (2) the King will, That the same Statute be sent again into every County, to be read and published four Times in the Year, and kept in every Point as straitly as the two Great Charters, upon the Pains therein limited. (3) And for the Observing and Maintenance of this Statute, the three Knights that be assigned in the Shires for to redress Things done against the said Great Charters, shall be charged, and

13 Ed. 1. stat. 2.
c. 1.
Execution of
the Statute of
Winchester.

Commissioners
for that
purpose.

EPur ceo qe moutz des messesours sont en la terre plus qe mes ne soleient e roberies arfuns e homicides fetes sanz nombre e la pees meins bien garde par ceo qe lestatut qe le Roi fist faire nadgues a Wyncestre nad pas este tenu voet le Roi qe cel estatut soit de novel envoie en chescun conte e leu e pupplie quatre foiz par an ausi come les deus Grantz Chartres e fermement garde en chescun point sur les peines qe lenz sont assises. Et a cel estatut garder e meintener soient charge les trois chivalers qui sont assignez par mi les contez pur adrestre les choses fetes contre les Grantz Chartres e de ceo eient garant.

shall have their Warrant therefore.

CAP. XVIII.

Escheators shall commit no Waste in Wards Lands.

2 Inft. 571.
Escheators
shall commit
no Waste in
Wards Lands.

FOR Redress of Wastes, and Destructions done by Escheators or Subescheators in the Lands of Wards, as of Houses, Woods, Parks, Warrens, and of all other Things that fall into the King's Hands; (2) the King will, That he which hath sustained Damage, shall have a Writ of Waste out of

EN dreit de wastz e destructions fetz en gardes par eschetour e suteschetour des mafons parks bois e viviers e totes autres choses qe eschient en la mein le Roi voet le Roi qe celui qe avera le damage receu eit bref de wast en chancelerie vers leschetour de soen fet ou le suteschetour de son

Yct

fet fil eit de quei respoudre. E sil nad de quei si respoigne son sovereign par autele peine quant a damages come derrein fust ordene par estatut sur ceus qui fount wastz en gardes.

of the Chancery against the Escheator for his Act, or the Subescheator for his Act (if he have whereof to answer) (3) and if he have not, his Master shall answer by like Pain concerning the Damages, as is ordained by the Statute for them that do Waste in Wardships.

3 Ed. 1. c. 27.
6 Ed. 1. stat. 1.
c. 5.
14 Ed. 3. stat. 1.
c. 13.
16 Ed. 3. c. 13.
12 Car. 2. c. 24.

C A P. XIX.

In what Case the Owner shall have his Lands delivered out of the King's Hands with the Issues.

Derechief la ou lescchetour ou le visconte seifist en la mein le Roi autri terres la ou il nad reson de seifir e puis quant trové est la non reson les issues du meen temps unt este cea en arere retenuz e ne mie renduz quant le Roi ad la mein oste voet le Roi qe desoremes la ou terres sont issint seifies e puis le mein oste par ceo qil nad reson de seifir ne detenir soient les issues pleinement rendues a celui a qui la terre demuert e avera le damage receu.

FROM henceforth, where the Escheator or the Sheriff shall seife other Mens Lands into the King's Hands (where there is no Cause of Seifer) and after, when it is found no Cause, the Profits taken in the mean Time have been still retained, and not restored, when the King hath removed his Hand; (2) the King will, That if hereafter any Lands be so seised, and after it be removed out of his Hands by Reason that he hath no Cause to seife nor to hold

2 Inst. 572, 573.
36 Ed. 3. c. 13.
In what Case the Owner shall have his Land out of the King's Hands with the Issues thereof.

Ld. Sommers' Argument in the Banker's Case, 65, &c.

it, the Issues shall be fully restored to him to whom the Land ought to remain, and which hath sustained the Damage.

C A P. XX.

Vessels of Gold shall be essayed, touched, and marked. The King's Prerogative shall be saved.

Ordene est qe nul oufture d'Engleterre ne daillours dela seignurie le Roi ne overe ne face de ci en avant nule manere de vessele de joiaus nautre chose dor ne dargent qe ne seit de bon e de verrai alai cest a savoir or de certain tuche e argent de alay de le esterling ou de meilur alay solunc la volente de celui a qui les ovres sont. E qe nul ne overe pir argent qe moneie. E qe nul manere de vessele de argent ne parte hors des meins as overers tant qe ele soit assaie par les gardeins

IT is ordained, That no Goldsmith of England, nor none otherwhere within the King's Dominions, shall from henceforth make, or cause to be made, any manner of Vessel, Jewel, or any other Thing of Gold or Silver, except it be of good and true Allay, that is to say, Gold of a certain Touch, and Silver of the Sterling Allay, or of better, at the Pleasure of him to whom the Work belongeth; and that none work worse Silver than Money. (2) And that no Manner of Vessel

2 Inst. 574—
579.
Vessels of Gold and Silver shall be essayed and touched.

Veffels marked
with the Leo-
pard's Head.
Altered by 8
& 9 W. 3. c. 8.
f. 9. and 6 G. 1.
c. 11. f. 41.

* None ſhall
make anneal-
ed Croſſes, nor
vermilioned
Croſſes.
Repealed by
21 Jac. 1. c. 28.
What Stones
may be ſet in
Gold.

† Jewels of
Gold of old
Work.

‡ Make the
ſame Statutes.

The Preroga-
tive of the
Crown ſhall
be ſaved.
37 Ed. 3. c. 7.
2 H. 6. c. 14.
17 Ed. 4. c. 1.
4 H. 7. c. 2.
18 El. c. 15.

of Silver depart out of the Hands of the Workers, until it be affayed by the Wardens of the Craft; and further, that it be marked with the Leopard's Head; (3) and that they work no worſe Gold than of the Touch of *Paris*. (4) And that the Wardens of the Craft ſhall go from Shop to Shop among the Goldſmiths, to eſſay if their Gold be of the ſame Touch that is ſpoken of before; (5) and if they find any other than of the Touch aforeſaid, the Gold ſhall be forfeit to the King. (6) And that none ſhall make * Rings, Croſſes, nor Locks, (7) and that none ſhall ſet any Stone in Gold, except it be natural. (8) And that Gravers or Cutters of Stones and of Seals ſhall give to each their Weight of Silver and Gold (as near as they can) upon their Fidelity; (9) and the † Jewels of baſe Gold which they have in their Hands, they ſhall utter as faſt they can; (10) and from henceforth, if they buy any of the ſame Work, they ſhall buy it to work upon, and not to ſell again; (11) and that all the good Towns of *England*, where any Goldſmiths be dwelling, ſhall ‡ be ordered according to this Eſtate as they of *London* be; (12) and that one ſhall come from every good Town for all the Reſidue that be dwelling in the ſame, unto *London*, for to be aſcertained of their

deins du meſter e qe ele ſoit ſignee de une teſte de leopart qe nul ne overe pir or qe tuche de Parys. E qe les gardeins du meſter aillent de thope en thope entre les overers affaiant qe lor ſoit tiele come le tuche avantdite e ſil trovent nul pir qe la tuche qe lovere ſoit forſet au Roi. Qe nul ne face anels croys ne fernail crois qe nul ne mettet pere en or ſi il ne ſoit naturele. Qe tajllurs de amans e de ſeals qe il rendent a cheſcun ſon poys d'argent e dor auſi avant come il le poent ſaver ſur leur leaute e les jueus dor qil unt entre meins de viele overe qil ſen deliverent a pluſtoſt qil poent e ſil achatent deſore en avant de meifme eele overe qil le achatent pur deſpecer e ne mie pur revendre e eutotes les bones viles d'Engleterre ou y a orſeures qil facent meifmes les eſtatutz qe ceus de Loundres fount e qe un viegne de cheſcune vile pur touz a Loundres de querre lour certain tuche. E ſi nul orſeure ſoit atteint qe autrement le face qe deſus ne eſt ordene ſoit puny par priſon e par rancon a la volunte le Roi. Errtotes les choſes deſuſdites a cheſcune de eles voet le Roi e entent il & ſoen conſail e touz ceus qui a ceſt ordenement furent qe le droit e la Seignurie de ſa Coroune ſavez lui ſoient par tout.

Touch. (13) And if any Goldſmith be attainted hereafter, becauſe that he hath done otherwiſe than before is ordained, he ſhall be puniſhed by Imprifonment, and by Ransom at the King's Pleaſure. (14) And notwithstanding all theſe Things before-mentioned, or any Point of them, both the King and his Council, and all they that were preſent at the making of this Ordinance, will and intend that the Right and Prerogative of his Crown ſhall be ſaved to him in all Things.

tat.

Stat. *De Eſcheatoribus*, made at *Lincoln*, Octabis
Hilarii, Anno 29 EDW. I. and *Anno Dom.*

1301.

*In what Caſe an Amoveas manum ſhall be granted, and in
what a Reſciſer.*

AD parliamentum domini
Regis apud Lincoln in
octabis Sancti Hilarii anno regi-
ni ſui viceſimo nono per con-
ſilium Regis concordatum eſt
coram domino Rege ipſo Rege
conſentiente & illud extunc
fieri & obſervari precipiente
de conſilio venerabilis patris
Walteri de Langeton Coventr'
& Lich' Epilcopi tunc ejuſdem
domini Regis Theſaurarii Jo-
hannis de Langeton tunc Can-
cellarii Rogeri le Brabazon
Johannis de Mettingham Ra-
dulphi de Hengham Willielmi
de Bereford Rogeri de Hengham
Gilberti de Roubury Willielmi
Haward Willielmi de Carleton
Willielmi Inge Johannis de
Lythegreyns Ade de Crokedayk
Willielmi de Brompton Johan-
nis de Drogenesford Johannis
de Benſted Willielmi de Mor-
tuo Mari Walteri de Glouc'
tunc Eſcaetore citra Trentam
videlicet quod cum inquis' per
Eſcaetores ſuos capte per que-
cumque brevia regis in Canc'
ipſius domini Regis fuerint re-
tornate & per eaſdem inquis'
compertum fuerit quod nichil
teneatur de ipſo domino Rege
per quod custodia terrarum &
tenementorum ratione hujus-
modi inquis' in manu domini
Regis per ipſos Eſcaetores cap-
te ad ipſum dominum Regem
ullo modo pertineat quod ſta-
tim & abſque dilatione aliqua
mandetur per breve domini
Regis per Canc' precipiend'
quod Eſcaetores de terris &
ten'

AT the Parliament of our
Lord the King at *Lin-*
coln; in the *Utas* of *St. Hilary*,
the twenty ninth Year of his
Reign, by his Council it was
agreed, and alſo commanded
by the King himſelf, That
from thence it ſhould be ob-
ſerved and done according to
the Advice of the Reverend Fa-
ther *W. Langton*, the Biſhop
of *Coventree* and *Litchfield*, and
Treaſurer to the King, *John*
Langton then being Chancellor,
and other of the Council there
preſent before the King; That
where Inqueſts taken by his
Eſcheators, by any of the King's
Writs purchaſed out of the
Chancery being returned, and
it be found by ſuch Inqueſts,
that nothing is holden of the
King whereby the King ought
to have the Cuſtody of ſuch
Lands and Tenements by Rea-
ſon of the Inqueſts taken by
his Eſcheators, that immedi-
ately and without any Delay
the Eſcheators ſhall be com-
manded by the King's Writ
had out of the Chancery, to
put from their Hands all the
Lands and Tenements ſo taken
into the King's Poſſeſſion; (2)
and if they have taken any
Profits of ſuch Lands and Te-
nements ſo taken into the
King's Hands by them, from
the Time that ſuch Lands and
Tenements fell into the King's
Hands, they ſhall make full
Reſtitution to him or them,
for whom it was found by In-
queſts

28 Ed. 1. ſtat. 3.
c. 19.
Ld. Sommers'
Argument in
the Banker's
Caſe, 65, &c.
2 Inſt. 572.

*In what Caſe
an Amoveas
manum cum
exitibus ſhall
be granted.*

quests taken by the same Escheators, that such Lands ought to remain ; (3) Saving alway to the King (in case that after such Time as his Escheators have discharged their Hands by Force of the King's Writ, as before is said) if any Thing happen to be found in the Chancery or the Exchequer, or in any other of the King's Courts, whereby the Custody of such Lands, whereof the Escheators have discharged their Hands in Form aforesaid, should belong unto the King, that immediately he in whose Possession such Lands happen to be, shall be summoned by a Writ out of the Chancery, to be before the King at a certain Day wheresoever, &c. to shew if he can say any Thing, wherefore the King ought not to have the Custody of such Lands, according to the Form of the Evidences or Remembrances found for the King ; (4) and if he come in, and shew why the Custody of such Lands do not belong, or ought not to belong unto the King, but that it ought to remain to himself, he shall go quit, and retain the Custody ; (5) but if the Party warned doth not come, or if that he come, and can shew nothing to put the King from the Custody, the Lands and Tenements shall be forthwith relesed into the King's Hands, to be kept in Name of Wardship until the lawful Age of such Heirs, as before is said. (6) And as it is said before, if it be found by Inquests taken by the Escheators, and returned, that the Custody of the same Lands and Tenements contained in the Inquest, and seised into the

ten' in manum Regis per ipsos captis manum suam amoveant omnino & exitus si quos levaverint de ipsis terris & ten' sic in manum Regis per ipsos captis de tempore quo terre & ten' in manu Regis extiterint integre reddant ipsi vel ipsis cui vel quibus per inquis' prius per eosdem Escheatores captas compertum fuerit quod terre & ten' illa debeant remanere salvo semper domino Regi quod si postquam Escheatores sui manus suas amoverint per breve ipsius domini Regis ut predictum est aliquid contigerit inveniri in Canc' vel ad Scaecarium seu alibi in Curia Regis per quod custodia terrarum & ten' eorundem de quibus Escheatores manus suas amoverint in forma predicta domino Regi pertineat quod statim premuniatur ille in cuius seisin' ten' predicta fuerint per breve de Canc' quod sit ad certum diem coram domino Rege ubicumque fuerit &c. ostens' si quid pro se habeat vel dicere sciat quare dominus Rex custodiam eorundem ten' habere non debeat juxta formam evidentiary seu memorandum pro ipso Rege compertorum. Et si venerit & pro se ostendat quare eadem custodia ad dominum Regem non pertineat aut pertinere non debeat [*immo quod sibi remanere debeat recedat quietus & custodiam illam retineat si autem premunitus non venerit vel si venerit, & nichil dicit quare Rex custodiam illam habere non debeat*] statim relesentur terre & ten' illa in manum domini Regis nomine custodie tenend' usque ad legitimam etatem heredum eorundem. Et sicut superius dictum est quod si compertum fuerit per inquis' per Esc' factas & retornatas quod custodia

A Releser of the Land into the King's Hand.

custodia eorundem terrarum & ten' in inquis' contentorum & in manum Regis feistorum domino Regi remanere non debeat quod statim mandetur Esc' quod manus suas amoveant & exitus integre reddant &c. Eodem modo si postquam compertum fuerit per evidencias & memoranda in Canc' ad Scaccarium aut alibi ut predictum est quod dominus Rex custodiam eorundem habere debeat respondeatur ipsi domino Regi de exitibus integre per manus illorum qui terras & tenementa illa tenuerunt a toto tempore postquam ten' illa primo in manum ipsius domini Regis per Escautores suos capta fuerunt per brevia suprascripta. Et iste modus observetur de cetero in Canc' non obstante quadam ordinatione nuper per dominum Regem facta de terris & ten' in manum suam per ministros suos captis & non liberandis nisi per ipsum dominum Regem & prout continetur in quadam dividenda inter ipsum Regem & Canc' facta & cujus una pars penes Canc' remanet.

King's Hands, ought not to remain unto the King, then the Escheator shall be commanded forthwith to discharge his Hands thereof, and to restore the Issues wholly. (7) In like Manner, if it be found afterward by Evidences, and Remembrances in the Chancery, Exchequer, or otherwise, as before is said, that our Lord the King ought to have the Wardship thereof, the King shall be answered for the whole Issues and Profits, by the Hands of such as held the same Lands and Tenements, from the Time they were first taken into the King's Hands by his Escheators by the Writs abovesaid. (8) And this Order shall be held from henceforth in the Chancery, notwithstanding a certain Ordinance lately made by our Lord the King, concerning Lands and Tenements taken into his Hands by his Officers, and not to be delivered but by the King himself, and as it is contained in a certain *Dividenda*, or Indenture, made between the King himself and his Chancellor, whereof one Part remaineth in the Custody of the Chancellor.

Tractatus de Ponderibus et Mensuris, Anno 31
EDW. I.

PER Ordinationem totius regni Anglie fuit mensura Domini ^{12 H. 7. c. 5.} Regis composita videlicet quod denarius qui vocatur sterlingus rotundus & sine tonsura ponderabit triginta duo grana frumenti in medio Spice. Et uncia ponderabit viginti denarios. Et duodecim uncie faciunt libram London. Et duodecim libre & dimid' faciunt petram London. Et octo libre frumenti faciunt galonem Libra continet viginti solidos. Et octo galones faciunt bussellum London *. Saccus lane debet ponderare viginti

VOL. I.

X

ginti

* The Translation of the Beginning of this Ordinance, thus far, is printed before, in the Assisa panis, &c. fol. 34—36. V. The Secunda Pars veterum Statutorum, 23. b. 31. b.

ginti & octo petras & solebat ponderare unam summam frumenti & ponderat sextam partem unius carri de plumbo sexcies viginti petre faciunt carrum plumbi scilicet magnum carrum London' set carrus del Peek est multo minus. †

† Denarius Sancti Petri est elemosina Regis, & omnes qui habeant xxx denar. vive pecunie in domo sua dabunt illum denarium in festo Apostolorum Petri & Pauli. Al. MS.

Item carrus plumbi constat ex triginta fotmallis & quodlibet fotmal continet sex petras duabus libris minus. Et quelibet petra habet duodecim libras & quelibet libra constat ex viginti quinque solidis in pondere summa librarum in le fotmal lxx. summa petrarum in le Carre viii. xx. & xv. petre & probetur per sexies triginta que sunt novies viginti set in quolibet fotmal subtrahuntur due libre a predicta multiplicacione que sunt lx. libre constituentes quinque petras. Ita sunt in le Carre viii. xx. xv. petre secundum vero quosdam alios le Carre consistit ex xii. Weyes & hoc secundum troñi ponderacionem Weya enim tam plumbi quam lane lini sepi casei ponderabunt xiiii. petras. Et duo Weye lane faciunt sacco. Et xii. sacci faciunt le last. † Last vero allecis continet decem miliaria. Et quodlibet miliare continet x. c. Et quodlibet c. continet vi. xx.

† Vragina est pondus ii. d. et ob. et scribitur secundum Physicos s. Alio MS.

Item last coriorum constat ex viginti dacris & quodlibet dacre constat ex decem coriis.

Item dacre. Cirotecarum constat ex decem paribus dacre vero ferrorum equorum constat ex viginti ferris.

Item duodena cirotecarum pergameni & alute continet in suo genere xii. pelles vel xii. paria cirotecarum.

Item centena cere zucarii piperis cumini amigdarum & alo-me continet xiii. petras & dimid' & quelibet petra continet viii. li. summa librarum in centena cviii. libre. Et constat centena ex v. xx. Et quelibet libra ex viginti quinque solidis. Et sciend' quod quelibet libra de denariis & speciebus utpote in electuariis consistit solummodo ex pondere xx. s. Libra vero omnium aliarum rerum consistit ex viginti quinque solidis Uncia vero in electuariis consistit ex viginti denariis. Et libra continet xii. uncias. In aliis vero rebus libra continet quindecim uncias uncia est hinc inde in pondere viginti denariorum Centena lini & Canabi & linee tele consistit ex cent' ulnis. Et quelibet Centena consistit ex vi. xx. Centena vero ferri & solidorum constat ex v. xx. Garba § asseris constat ex triginta peciis Duodena ferri ex sex peciis Item seem vitri constat ex xxiiii. petris & quelibet petra constat ex quinque libris. Et ita continet le seem vi. xx. libras.

§ Chalybis Al. MS.

Item binda anguillarum constat ex decem stiks Et quelibet stik ex viginti quinque anguillis Binda pellium continet xxxii. timbr' fenello cuniculorum & grifi continet quadraginta pelles Cheef de fustiano constat ex tredecim ulnis Caput sindonis ex decem ulnis Le rees allecium continet quindecim glenes Et quodlibet glene continet viginti quinque capita.

Item centene Mulvellorum & durorum piscium constat ex viii. xx.

Stat. De Protectionibus, made at Westminster 18 die Novembris, Anno 33 EDW. I. Stat. 1. and Anno Dom. 1304.

A Clause to repeal a Protection of the King's Service.

Purceo qe moltz des gentz purchace la protection le Roi en affermant qils furent hors du terre en le service le Roi fausement purveu est qe si lour adversaires le voille challenge la protection maintenant quant il est mise en Courte & voille averre per quazunt le Courte agardera qil fuisit dedeinz les quatre mières & hors du service le Roi & en certain lieu issint qils purrount bien aver venuz soit lour challenge entre mès soit la protection faunz jour selonc sa nature Et quazunt la partie fuera refomons & il viegne en Courte & demaunde judgement & dira la proces & tendra daverer fil lui voille atteindre Et si la pais die encountre lui qi port la protection il ferra tourne en une defaute fil soit tenaunt.

Et fil soit demandaunt perdera son brief & ferra en la greve mercie le Roi Dat' apud Westm' xviii. die Nov' Anno regni Regis EDWARDI tricesimo quarto.

shall leese his Writ, and shall be at Westminster the Eighteenth Day of November, the Thirty third Year of King EDWARD, Son of King HENRY.

EDWARD by the Grace of God, &c. to all his true and faithful Subjects, Greeting. Forasmuch as many do purchase the Protection of our Lord the King, affirming that they were out of the Realm in the King's Service; (2) it is provided, That if their Adversary will challenge the Protection, and immediately, when it is shewed in the Court, will aver that they were within the four Seas, and out of the King's Service in a Place certain, so that they might have well come, their Challenge shall be entered, and the Matter shall remain without Day; according to the Nature of the Protection. (3) And when it shall be resumed, and he cometh into the Court, he shall demand Judgement and Hearing of the Process, and offer to aver his Challenge, if his Adversary will attend; (4) and if the Country do pass against him that cast the Protection, it shall turn to a Default, if he be Tenant; (5) and if he be Demandant, he

Co. Lit. 130,
131.

1 R. 2. c. 8.
13 R. 2. stat 1.
c. 16.

A Definition of Conspirators, made Anno 33 EDW. I. Stat. 2. and Anno Dom. 1304.

Who be Conspirators, and who be Champertors.

Conspiratours sont ceux qi se entrelent per serement covenant ou per autre alliaunce qe

Conspirators be they that do confeder or bind themselves by Oath, Covenant, or other

Who be Conspirators.

3 Co. 37.
F.N.B. 117.H.
Raft. 122.
2 Inst. 563.
3 Inst. 143.

other Alliance, that every of them shall aid and bear the other falsly and maliciously to indite, or cause to indite, (2) or falsly to move or maintain Pleas; (3) and also such as cause Children within Age to appeal Men of Felony, whereby they are imprisoned and foregrieved; (4) and such as retain Men in the Country with Liveries or Fees for to maintain their malicious Enterprises; and this extendeth as well to the Takers, as to the Givers. (5) And Stewards and Bailiffs of great Lords, which by their Seignory, Office or Power, undertake to bear or maintain Quarrels, Pleas, or Debates, that concern other Parties than such as touch the Estate of their Lords or themselves. (6) This Ordinance and final Definition of Conspirators was made and accorded by the King and his Council in his Parliament the Thirty third Year of his Reign. (7) And it was further ordained, That Justices assigned to the hearing and determining of Felonies and Trespasses, should have the Transcript hereof. (8) Champertors be they that move

Who be
Champertors.

Pleas and Suits, or cause to be moved either by their own Procurement, or by others, and sue them at their proper Costs for to have Part of the Land in Variance, or Part of the Gains.

que chescun eidera & sustendra autri emprise de fausement & malicieusement enditer ou faire enditer ou fausement mover plees ou maintenir & auxi ceux qi sont enfauntz deinz age apeller les gentz des felonies per quoi ils sont emprisonnez & moult grevez & ceux qi reteignent gentz a lour robes & a lour fees pur maintenir lour malveis emprises & pur verite esteindre auxibien les pernours come les donours & Seneschalx & Bailiffs des grauntz Seignurs qi per leur seignurie office ou poer emprenent a meinttenir ou a sustenir plees ou barettez pur autres parties que cels que touchent lestat lour seigneur ou eux mesmes.

Ista ordinacio & finalis definitio Conspiratorum facta fuit & finaliter concordata per Regem & consilium suum in parlamento suo anno tricesimo tertio & ordinatum est quod Justic' assignati ad diversas felonias & transgressiones audiend' & terminand' habeant transcriptum.

The Statute of *Champerty*, made 18 *Septembris*,
Anno 33 EDW. I. Stat. 3. *Anno Dom.* 1305.

The Punishment of such as commit Champerty.

3 Ed. 1. c. 25.
13 Ed. 1. stat. 1.
c. 49.
28 Ed. 1. stat. 3.
c. 11.
1 R. 2. c. 4.
Raft. 119.

WHERE it is contained in our Statute, that none of our Court shall take any Plea to *Champerty* by Craft nor by Engine; (2) and that no Pleaders, Apprentises, Attornies, Stewards of great Men, Bailiffs, nor any other

COME contennu soit en nostre estatut que nulle homme en nostre Courte nempreigne plai en Champart ne per arte ne per engine & Countours Attournees Apprentis Seneschalx Baillifs a hautes hom-

hommes & autres de la terre
la empernent a champart & per
autres bars touz maneres de
plees encoutre toute manere de
gent peount toute la terre est
trop greve & riches & povres sont
travaillez en moltzmaneres.

other of the Realm, shall take for
Maintenance, or the like Bargain,
any Manner of Suit or Plea a-
gainst other, whereby all the Re-
alm is much grievied, and both
Rich and Poor troubled in divers
Manners; (3) it is provided
by a common accord, That
all such as from henceforth
shall be attainted of such Em-
prises, Suits, or Bargains, and
such as consent thereunto,
shall have Imprisonment of
Three Years, and shall make
fine at the King's Pleasure.

Regist. 183.

The Punish-
ment of those
that commit
Champerty.

Purveu est per commune A-
corde qe touz ceux qe desore-
mes serront atteintz de tiels
emprises seutes & bargaines &
ceux qe a tiel chose se assente-
ront eient la prisone le Roi de
trois annz & nepurqaunt ser-
ront reint a la volunte le Roy.

Given at Berwick upon Tweed

the Twentieth Year of the Reign of King Edward. (4) Our
Lord the King, at the Information of Gilbert Rowberry, Clerk
of his Council, hath commanded, that whosoever will complain
himself of Conspirators, Inventors, and Mainteners of false
Quarrels, and Partakers thereof, and Brokers of Debates, that
Gilbert Thornton shall cause them to be attached by his Writ,
that they be before our Sovereign Lord the King, to answer
unto the Plaintiffs by this Writ following :

[II. Rex vic' salutem. Præcipimus tibi quod si A. de G. fe-
cerit te securum de clamore suo prosequendo, tunc pone per va-
dium & salvos plegios G. de C, quod sit coram nobis in octabis
sancti Joh' Baptistæ, ubicunque tunc fuerimus in Anglia, ad respon-
dendum prædicto A. de placito conspirationis & transgressionis,
secundum ordinationem nostram nuper inde provisam sicut idem
A. rationabiliter monstrare poterit, quod ei inde respondere de-
beat, & habeas ibi nomina plegiorum & hoc breve. Teste, &c.

Writ of Con-
spiracy.

An Ordinance for Inquests, made 18 Septembris,
Anno 33 EDW. I. Stat. 4. and Anno Dom. 1305.

He that challengeth a Jury or Juror for the King shall shew
his Cause.

DE inquisitionibus coram
Justic' quibuscumque ca-
piend' & in quibus dominus
Rex est pars qualitercumque
concordatum est per dominum
Regem & totum consilium or-
dinatum quod de cetero licet
per ipsos qui pro domino Rege
sequuntur dicatur quod jurato-
res inquisitionum illarum seu
aliqui illorum non sunt boni
pro

OF Inquests to be taken
before any of the Justi-
ces, and wherein our Lord
the King is Party howsoever it
be; it is agreed and ordained
by the King and all his Coun-
cil, That from henceforth not-
withstanding it be alleged by
them that sue for the King,
that the Jurors of those In-
quests, or some of them be not
in-

He that chal-
lengeth a Jury
or a Juror for
the King shall
shew the Cause.

indifferent for the King, yet such Inquests shall not remain untaken for that Cause ; (2) but if they that sue for the King will challenge any of those Jurors, they shall assign of their Challenge a Cause certain, and the Truth of the same Challenge shall be enquired of according to the Custom of the Court ; and let it be proceeded to the Taking of the same Inquisitions, as it shall be found, if the Challenges be true, or not, after the Discretion of the Justices.

2 Hawk. Pl. Cr. c. 43.

II. This Ordinance precedent, and the Ordinance following of the Forest, were made in the Parliament at *Westminster*, the Sunday next before the Feast of Saint *Matthew* the Apostle, the three and thirtieth Year of the Reign of King EDWARD, Son of King HENRY.

pro Rege non propter hoc remaneant inquisitiones ille capiende set si illi qui sequuntur pro Rege aliquos juratorum illorum calumpinati fuerint assignent certam causam calumpnie sue & inquiretur veritas illius clumpnie secundum consuetudinem Cur' & procedatur ad captionem illarum inquisitionum prout compertum fuerit si calumpnie vere sint nec ne juxta discretionem Justic' Ista ordinatio precedens & ordinatio de foresta facte fuerint in Parliament' apud Westm' die dominica prox' post festum sancti Michaelis Anno regni Regis E. fil' Regis H. tricesimo tertio.

Ordinatio Forestæ, made Anno 33 EDW. I. Stat. 5. and Anno Dom. 1305.

They whose Woods are disforested, shall not have Common or other Easement in the Forest.

4 Inst. 303, 304.

WHEREAS certain People that be put out of the Forest for the Purliew, and by the great Men have made Request to our Lord the King at this Parliament, that they might be acquitted of their Charge, and of Things that the Foresters demand of them, as they were wont to be ; (2) our Lord the King answered, first, That where he had granted Purliew, that he was pleased that it should stand in like manner as it was granted, albeit that the Thing was sued and demanded in an evil Point ; (3) nevertheless he willeth and intendeth, that all his demean Lands wheresoever they be, that

They whose Woods are disforested shall not have Common within the Forest.

QUIE ascuns gentz qe sont mys hors de Foreste per la puraille & per le graunt nostre Seigneur le Roy cient requis a ceste parlement qil soient quitz de la pasture & des choses qe lez foresters lour demandont sicom ils solient avant faire nostre Seigneur le Roy respont puis qil ad graunte la puraille qil luy plest bien qe estoit auxicome il ad graunte Ja soit ceo qe la busoigne estoit suy & mande en maveys point Mes au meyns entent il & voet il qe touz sez demeyns terre qe le part qil soient qont estee de la coroune auncienement ou qa la Coroune soient retournez per

per voye deschete ou en autre manere eient estee de franche chace & de franche gareyn & en tiel manere soient tenuz & gardez a son oeps pur toutz manerez dez bestez & pur toutz manere dez duytz qe luy plerra Et en droit de celes qe terrez & tenementz sont deforestes per la dite puraille & qe demandent daver comune dedeinz lez bondez dez forestes lentencion & la voluntee nostre Seigneur le Roy est puis qe per lez purailles ils cleyment estre quitez de pasture dez forestez & qe lez bestes le Roy ne poent avoir leur haunt ne leur repeire sur lez terrez dezaforestez sicom ils avoient tanqe come mesmes lez terrez estoient deinz foreste qe tiels gentz ne devyent avoir commune nature eyslement deinz lez bondez dez boys ne dez terrez qe demurent en forest mes si ascun de teux qe sont dezaforestees per la puraille voillent estre mieux dedeinz foreste come avant furent qe de hors sicom sont ore il plest bien al Roy qils soient a ceo refusez issint qils puissent demurer en leur estat aunciene & commune & autre esement aver dedeinz cez forestez auxicom il avoient devant Pur quei nostre Seigneur le Roy voet & commande qe sez Justicez de sez forestez de ca Trente & de la Trente ensemment tiegnent & gardent & tenir & garder facent fermement lez ditz pointz en leur bailliez en la foreste avant dite. Irrotulatur in banco.

that have been of the Crown, being returned by Way of Escheat, or otherwise, shall have Estate of Free-chase and Free-warren, and in such manner shall be saved and kept to his Use for all manner of Escheats, and for all manner of Things that pleaseth him. (4) And in Right of them that have Lands and Tenements disafforested for the said Purliew, and such as demand to have Common within the Bounds of Forests, the Intent and Will of our Lord the King is, That from henceforth (where Purliew is) they may claim to be quit of Charge of the Forests. (5) And whereas the King's Beasts cannot have their Haunt and Repair unto the Forest ground, as they had so long as they were within the Forests, that such Folk shall not have Common, nor other Easement within the Bounds of the Woods, nor of the Lands, the which remain in Forest: But if any of them that be disafforested by the Purliew, would rather be within the Forest as they were before, than to be out of the Forest as they be now; it pleaseth the King very well that they shall be received thereunto, so that they may remain in their ancient Estate, and shall have Common and other Easement as well as they had before. (6)

They which will return their Woods into the Forest, shall have Common as they had before.

See 16 Car. 1. c. 16. f. 9.

Whereupon our Lord the King willeth and commandeth, That his Justicez of the Forest, on this Side *Trent*, and beyond

Trent, in like manner shall keep and hold, and cause to be kept and holden straitly the foresaid Points within their Liberties in the Form above mentioned.

An Ordinance for *Measuring of Land*, made *Anno*
33 EDW. I. Stat. 6. and *Anno Dom.* 1305.

WHEN an Acre of Land containeth x Perches in Length, then it shall be in Breadth xvi Perches; (2) when it containeth xi Perches in Length, then it shall be in Breadth xiv di, and three Quarter of one Foot; (3) when it is xii, then xiii, v Foot, and di. (4) when it is xiii, then xiii, v Foot, and almost an Inch; (5) when xiv, then xi. vii Foot, and almost an Inch: (6) when xv, then x and di. ii Foot, and iii Quarter of a Foot; (7) when xvi, then x. (8) when xvii, then ix, vi Foot, iii q. of a Foot, and almost half an Inch; (9) when xviii, then viii, xiv Foot, and viii Inches; (10) when xix, then viii. vj Foot and xi Inches, and di. (11) when xx, then viii Perches; (12) when xxi, then v. i Perches, x Foot, ii Inches, and iii q. of an Inch; (13) when xxii, then vii, iv Foot and a half; (14) when xxiii, then vi, iii q. ii Foot, and xi Inches and di. (15) when xxiv, then vi and di. ii Foot, and vi Inches; (16) when xxv, then vi, vi Foot, and almost ii Inches; (17) when xxvi, then vi, ii Foot, and almost di. (18) when xxvii, then v, iii Quarter, v Inches, and di. (19) when xxviii, then v, xi Foot, x Inches and di. (20) when xxix, then v, viii Foot, v Inches and di. (21) when xxx, then v, v Foot and di. (22) when xxxi, then v, ii Foot, and viii Inches; (23) when xxxii, then v. (24) when xxxiii, then iv, xiv Foot, and iv Inches;

QUando acra continet decem perticas in longitudine tunc continebit in latitudine xvi. Qu. xi. tunc xiv. di. & j pedem. Qu. xij. tunc xiiij. dimid. ped. Qu. xiiij. tunc xiiij. j ped. & di. Qu. xiiij. xj. j ped. & j pollicem. Qu. xv. x. & di. ij. ped. & dimid. Qu. xvj. x. Qu. xvij. ix. iij. pedes iij. pollices & di. tunc viij. xiiij. ped. di. Qu. xviii. tunc viij. vi. pedes. Quando xx. tunc viij. pertic. Quando xxj. tunc vij. & demy ij. ped. Quando xxij. tunc vij. iij. ped. & di. Quando xxiiij. tunc vj. & di. iij. pedes. Quando xxiiij. tunc v. di. ij. ped. & j pollic'. Quando xxv. tunc v. viij. ped. & iij. pollic'. Quando xxvi. tunc v. iij. ped. Quando xxvij. tunc v. j. ped. Quando xxviiij. tunc v. di. ped. Quando xxix. tunc v. iij. pollic'. Quando xxx. tunc v. v. ped. pollic'. Quando xxxj. tunc v. Quando xxxij. tunc iij. di. iij. pedes. Quando xxxiiij. tunc iij. j. ped. Quando xxxiiij. tunc iij. & di. iij. ped. Quando xxxv. tunc iij. viij. pedes. Quando xxxvj. tunc iij. qrt'. iij. pedes. Quando xxxvij. tunc iij. iij. ped. & di. Quan-

Quando xxxviii.	tunc iij. ij. & j. pollic'.	(25) when xxxiv, then iv and di. iii Foot and iv Inches; (26)
Quando xl.	tunc iij.	when xxxv, then iv and di. i
Quando xlj.	tunc iij. di. j. qrt' ij. ped.	Foot, iii Inches and di. (27)
Quando xlij.	tunc iij. ij. ped. & di. ped.	when xxxvi, then iv, vii Foot and iv Inches; (28) when xxxvii, then iv, v Foot and iv Inches; (29) when xxxviii, then iv, iii Foot, and almost di.
Quando xliij.	tunc iij. ij.	(30) when xxxix, then iv, i
Quando xliiij.	tunc iij. d. ped. & v. pollic'.	Foot, and almost ix Inches; (31) when xl, then iv, (32)
Quando xlv.	tunc. iij. & di. ped.	when xli, then iii, iii q. i
Foot, and x Inches;	(33) when xlii, then iii, iii q. and vii Inches; (34) when xliii, then iii and di. iii Foot, and an Inch, and di. (35) when xliv, then iii and di. ii Foot, and iii Inches; (36) when xlv, then iij and di. di. a Foot, and iii Inches.	

The Statute *De conjunctim Feoffatis*, made 27
Maii, Anno 34 EDW. I. Stat. 1. and Anno
Dom. 1306.

Jointenancy pleaded in Abatement of a Writ, &c.

REX omnibus ad quos
 &c. salutem. Non est
 novum quod nos inter ceteras
 legum editiones quas tempori-
 bus nostris adinvenimus pro
 nimia enormi transgressione que
 in brevibus Nove disseisine
 contingit pre ceteris in illis
 brevibus celerius apponi de-
 crevimus remedium. Et quia
 quampluries contingit quod in
 assisis Nove disseisine tenens
 excipit contra querentem quod
 tenet tenementa petita con-
 junctim feoffatus cum uxore
 sua non nominata in brevi ali-
 quando cum aliquo extraneo
 qui similiter non nominatur in
 brevi & profert cartam que
 hoc testatur & petit iudicium
 de brevi concordatum est &
 statutum quod si pars querens
 offerat verificare per assisam
 quod die impetrationis brevis
 sui ille qui talem exceptionem
 proposuit fuerat solus tenens
 ita

THE King unto all to whom
 these, &c. Greeting. It is
 no new Thing, that among divers
 Establishments of Laws, which
 we have ordained in our own
 Time upon the great and heinous
 Mischiefs that happen in Writs
 of Novel disseisin chiefly above
 other, we have devised more speedy
 Remedy in those Writs than
 was before. (2) And forasmuch
 as it chanceth many Times in As-
 sises of Novel disseisin, that the
 Tenant doth except against the
 Plaintiff, that he holdeth the
 Tenements in Demand jointly with
 his Wife, not named in the Writ,
 and sometimes with a Stranger
 not named in the Writ, and
 sheweth forth a Deed testifying
 the same, and demandeth
 Judgement of the Writ; (3)
 it is agreed and ordained, That
 if the Plaintiff will offer to a-
 ver by Assise, that the Day of
 his Writ purchased, he that
 al-

^{13 Ed. 1. stat. 1.}
^{c. 25.}
^{2 Inst. 524.}
 Hob. 95.
 What shall be
 done when the
 Tenant in As-
 sise doth plead
 jointenancy.

alleged the Exception was sole Tenant, so that neither his Wife nor any other had any Thing in the said Lands, then the Justices, before whom the Assize is arraigned, shall retain the same Deed safely in their Keeping, (until the Assise be tried between them thereupon) as that which is in a fort denied. (4) And they shall let the Party absent to understand by their Writ under their Testimony, and also to the Jointenant that is present, of whom the Deed maketh mention, that he be present at a certain Day with the other Tenant to answer unto the Party Plaintiff, as well upon the Exception alleged, as of the Lands demanded and put in View, if it seem expedient for him; (5) at which Day if both that are named Tenants do come in, and do justify the same Feoffment, they shall answer and maintain the Exception alleged by one of them, and further shall answer unto the Assise as though the original Writ had been purchased against both of them jointly. (6) And if it be proved by Assise, that the Exception was alleged maliciously, to delay the Plaintiff of his Right, so that they held not the same Land jointly the Day of the Writ purchased, then albeit the same Assise do pass for the Tenants, and against the Plaintiff, yet they that allege the Exception shall be punished by one Year's Imprisonment, whence they shall not be delivered without a grievous Fine. (7) And let the Justices be well advised, that from henceforth they do not allow an Exception alleged by the

ita quod uxor sua nec alius aliquid habuit in predictis tenementis tunc Justiciarii coram quibus predicta assisa arrainata est retineant predictam cartam salvo in custodia eorundem quousque assisa inde inter eos transferit ut illam que quasi deducta est. Et scire faciant per breve nostrum sub eorum testimonio parti absentem quam carta testatur simul cum tenente qui presens est conjunctim feoffatos quod sit ad certum diem responsura simul cum alio tenente parti querenti tam de exceptione proposita quam de tenementis petitis & positis in visu si sibi videri expedire. Ad quam diem si ambo qui dicuntur tenentes venerint & feoffamentum illud advocaverint respondeant & manteneant exceptionem per unum eorum propositam & similiter ulterius ad assisam ac si breve originale super eos conjunctim fuisset impetratum. Et si convincatur per assisam quod exceptio illa in retardationem juris querentis malitiose fuit proposita eo quod ipsi non fuerunt conjunctim feoffati de tenementis illis die impetrationis predicti brevis tunc licet assisa illa transferit pro tenentibus & contra querentem nichilominus puniantur talem exceptionem proponentes per prisonam unius anni a qua non exeant absque gravi redemptione. Et caveant de cetero Justiciarii quod talem exceptionem sic propositam per ballivos aliquorum tenentium non admittant. Si autem ille qui exceptionem proposuit se ad diem illum absentaverit & alter qui dicitur conjunctim feoffatus comparuerit licet ipse comparens predictam cartam disadvocaverit &

A Scire facias awarded to the Jointenant.

Jointenancy in Assises shall not be pleaded by Bailiffs.

Bai-

dix-

dixerit se nichil habere in predictis teneamentis nichilominus adjudicetur assisa versus tenentem absentem per ejus defaultam. Et si convincatur per assisam quod ipsi non fuerant conjunctim feoffati die impetrationis brevis predicti & similiter convincatur quod tenens super quem breve fuit impetratum vel alius nominatus in brevi disseiserit querentem tunc habita consideratione ad exceptionem in lesionem partis falso & malitiose propositam & ad disseisinam per eos factam pars querens recuperet seisinam suam & dampna sua in duplo et proponentes exceptionem illam habeant penam supradictam. Si autem neuter tenentium ad diem illum venerit tunc per eorum defaultam versus eos capiatur assisa. Et si compertum sit per eandem assisam quod exceptio illa vere & rite fuit proposita quod ipsi qui eam proponunt fuerant conjunctim feoffati antequam querens breve suum versus ipsos impetravit non procedatur ulterius ad assisam set cassetur breve querentis. Hoc idem observetur si ambo vel unus tantum venerit si comperiat per assisam quod exceptio predicta ut predictum est veraciter fuit proposita. Eodem modo statutum & concordatum est quod in assis Mortis antecessoris & Juratis de utrum ad primum diem quo partes comparuerint in Curia si tenens proponat predictam exceptionem contra petentem & de hoc pretendat cartam & petens offerat verificare per assisam vel juratam quod die impetrationis brevis sui ille qui talem exceptionem proposuit fuit solus tenens extunc idem processus & mo-

Bailiffs of any such Tenants, (8) And if he that alledgeth the Exception absent himself at his Day, and the other that is named Jointenant do appear, although he that doth appear doth disavow the same Deed, and say that he hath nothing in the foresaid Tenements; nevertheless the Assise shall pass against the Tenant that is absent by his Default. (9) And if it be found by Assise, that they were not jointly enfeoffed the Day of the Writ purchased, and likewise that the Tenant against whom the Writ was purchased, or another named in the Writ, did disseise the Plaintiff, then having regard to the Exception that was falsely and maliciously alledged to the Hurt of the Party, and to the Disseisin that they made, the Party Plaintiff shall recover his Seisin and double Damages, and they that alledge the false Exception shall have the Punishment aforesaid. (10) But if neither of the Tenants do come at the Day, then upon their Default the Assise shall pass against them. (11) And if it be found thereby that the same Exception was lawfully and truly alledged, and that they which alledged it were jointly seised before the Plaintiff purchased his Writ against them, the Assise shall pass no further, but the Writ shall be abated. (12) The same shall be observed, if both or one only do appear, if it be found by Assise that the Exception aforesaid was truly alledged, as before is said. (13) In the same Order it is established and agreed, that in Assises of *Mortdauncestor*, and *Juris utrum*, at the first Day that the

Jointenancy
pleaded in
Mortdaun-
cestor and Ju-
ris utrum.

Jointenancy
pleaded in
other real
Actions.

the Parties appear in Court, if the Tenant alledge the foresaid Exception against the Demandant, shewing a Deed thereupon, and the Demandant will offer to aver by the Assise or Jury, that at the Day of his Writ purchased, he that alledged the Exception was sole Tenant, from thence the same Proceſs and Manner of Proceeding shall be used in Assises of *Mortdaunceſtor* and Writs of *Juris utrum*, as before is ordained in Assises of *Novel disseisin*, and like Punishment shall be inflicted upon the Offenders and those that be convict. (14) In other Writs whereby Tenements are demanded, such Proceſs shall be made, that if at the first Day that the Parties appear in Court, the Tenant doth alledge the foresaid Exception of a joint Feoffment, and the Demandant will offer to aver by the Country, that the Day of the Writ purchased, he that alledged the Exception was sole Tenant, then the same Proceſs and Manner of Proceeding shall be observed betwixt the Parties until a Jury have passed between them thereupon. (15) And if it be found by the Jury, that the same exception was truly alledged, then the Writ of the Demandant shall abate; (16) and if it be founden by the Jury, that the same Exception was falsely alledged, and to the Hindrance of the Party, then the Demandant shall recover his Seisin of the Tenements in Demand, and the Tenant shall be punished by the Pain above limited in Assises of *Novel disseisin* as to the Imprisonment, and as to the Damages, ac-

modus procedendi *ſervetur in hujusmodi assis Mortis antecessoris & Juratis de utrum qui preordinatus est et statutus in assis Nove disseisine & eadem pena delinquentibus & convictis infligatur. In aliis vero brevibus per que ten' petuntur talis fiat processus quod si primo die quo partes comparuerint in Cur' tenens proponat exceptionem predictam de conjuncto feoffamento & petens offerat verificare per juratam patrie quod die impetrationis brevis sui ille qui exceptionem illam proposuit fuit solus tenens tunc idem processus & modus procedendi ſervetur inter partes quousque jurata inde inter eas transferit. Et si convincatur per juratam quod exceptio illa veraciter fuit proposita tunc cassetur breve petentis & si comperiat per juratam quod exceptio illa falso & in lesionem partis proposita fuit tunc petens recuperet seisinam suam de tenementis petitis & tenens puniatur per penam statutam supra in Assis Noye disseisine quoad prisonam & quoad dampna secundum discretionem Justic'. Et volumus & concedimus quod istud statutum incipiat tenere locum in crastino festi Sancti Petri ad vincula proximo futur'. Quia etiam lites in Curia Christianitatis hactenus indebitas dilaciones multotiens fortiebantur per hoc quod breve nostrum quod vocatur Indicavit Judicibus talium litium in initio earum delatum fuit et super hoc capitalis Justiciarius noster ad consultationem super tali processu faciendam rite seu debito modo nequivit procedere concordatum est quod tale breve Indicavit alicui de cetero non concedatur*

cedatur antequam lis in Curia Christianitatis inter partes fuerit contestata et quod per inspectionem libelli Cancellarius noster super hoc certioretur. In cuius rei testimonium &c. T. R. apud Westm' xxvii die Maii.*

had many Times unmeet Delays, for that our Writ that is called *Indicavit* was many Times brought before the Judges of such Matters when they were begun, and thereupon our chief Justices could not proceed lawfully, nor in due Manner, to award a Writ of Consultation upon such manner of Process; (19) it is agreed, That such a Writ of *Indicavit* shall not be granted from henceforth to any before the Matter hanging in the Spiritual Court between the Parties be recorded, and that our Chancellor shall be certified thereof by the Sight and Inspection of the Libel. (20) In Witness of which Thing we have caused these our Letters to be Patent, I myself being Witness at *Westminster*. Given the seven and twentieth Day of the Month of *May*, the four and thirtieth Year of our Reign.

* On the Roll, it is said — *Istud statutum missum fuit Justice de banco & in singulis comitatibus per Angliam. Et mandatum est prefatis justice quod statutum illud in dicto banco publice faciant proclamari & quantum ad ipsos pertinet firmiter observari. Eodem modo mandatum est singulis viccomitibus per Angliam.*

ording to the Discretion of the Justices. (17) And we will and grant, That this Statute shall take his Effect the Morrow after the Feast of Saint *Peter ad vincula* next coming. (18) Forasmuch also as Pleas in Court Spiritual heretofore

When the Writ of *Indicavit* is to be granted. Reg. ist. 35. 2 Inst. 364, 365.

Articles of Inquisition upon the Statute of *Winchester*, viz. *An Inquiry how the particular Branches of that Statute be performed, and by whom broken*, made 34 EDW. I. Stat. 2. Anno Dom. 1306.

MODUS inquirendi de statuto *Winton'* Quomodo observetur. Et qui ea que constituuntur in statuto ex statuto edito observaverint aut non permiserint observari. De roberiiis & feloniiis factis post pascha anno regni Regis EDWARDI XIII. et qualiter de roberiiis secte fuerint facte et ubi et per quos dicte roberie facte sunt. Et si de corporibus huiusmodi malefactorum vicecomites hucusque responderunt secundum statutum. Et si porte civitatum & magnorum burgorum clause sint ab occasu solis

THE Manner of inquiring upon the Statute of *Winchester*: when it is observed, and when not, (2) and of such as have observed the said Statute, and of such as have not suffered the Contents thereof to be observed. (3) Of Felonies and Robberies committed after *Easter*, the thirteenth Year of the Reign of King EDWARD, and in what Manner such Felonies were done, where and by whom done; (4) and the Suits by Inquests, according to the Tenor of the Statutes made thereupon

9 Ed. 1. stat. 2. c. 6. An Inquiry shall be made of the particular branches of the Statute of *Winchester*.

upon after; (5) and if the Sheriffs have answered for the Bodies of such Offenders, or not. (6) And if the Gates of the Cities or great Towns were shut from the Time of the Sun going down until the Sun-rising. (7) And if any Strangers or their Chattles were lodged in the Suburbs, or in the Out-parts of the City, except it were in the Day, for whom their Hosts would not answer; (8) and also how Bailiffs and other Officers of Towns have made Inquiry thereof. (9) And if Watches have been kept in such Sort, as is contained in the said Statute, or not, and how the Watchmen have kept their Watch. (10) And if the King's Highways from one Market Town to another be enlarged, as well in our Lord the King's own Woods, as elsewhere, according to the Statute; and if they be not enlarged, to enquire what Ways, and where they be, and who ought to have enlarged them, and of such as do hinder such Enlargements, as well in Parks as in other Woods. (11) Also if all between the Age of Fifteen and Sixty be sworn to keep the Peace: (12) Also if they have Weapons in their Houses, according to the Quantity of their Lands and Goods, for Maintenance of the Peace according to the Statute. (13) And also if Constables do make View of Armour in due Manner, and of other Things belonging to their Office, or not. (14) Also if Sheriffs, Hundreders, Bailiffs of Liberties, and Foresters, have come at Huy and Cry levied, and if they have made Pursuit for keeping the King's Peace according to the Statute, or not.

A Statute of *Amortifing Lands*, made *Anno 34*
EDW. I. Stat. 3.*

*That Lands shall not be aliened in Mortmain, where there be
Mesnes, without their Consent.*

Lands shall not be given into Mortmain without the Consent of the Mesne.

TOUCHING the King's Grant to be made upon Inquests returned into the Chancery for Lands to be aliened into *Mortmain*, the King commandeth

DE concessione Domini Regis facienda super inquisitionibus returnatis in Cancellaria de terris ad manum mortuam ponendis Rex precepit quod

* This is taken from the *Secunda pars veterum statutorum* 57. b. into the English Editions.

quod nihil fiat ubi medii sunt nisi religiosi ostendant eorum assensum Domino Regi per literas patentes eorundem mediorum sigillis signatas Et etiam quod nihil fiat ubi donator penes se nihil retinet Et similiter ubi inquisitiones facte sunt et returnate sine warranto videlicet brevi originali returnato cum inquisitione Et similiter nisi breve originale mentionem faciat de singulis secundum novam formam per ipsum Regem adjectis, &c.

mandeth that nothing shall be done (where there be any Lords) except the Religious Persons can shew to our Lord the King their Assent under their Patents sealed with their Seals; (2) and that nothing shall pass in Case where the Donor reserveth nothing to himself. (3) And likewise where Inquisitions be made and returned without Warrant, that is to wit, the Writ Original returned with the Inquest, (4) and likewise unless the Writ Original make Mention of every Thing, according to the new Ordinance devised by the King.

9 H. 3. stat. 1. c. 36.
7 Ed. 1. stat. 2.
13 Ed. 1. stat. 1. c. 32.
Ordin. de Libertat. perquir.
27 Ed. 1.

*Statutum de Tallagio non concedendo, factum Anno 34 EDW. I Stat. 4. whereby the King granted Liberties, &c.**

CAP. I.

The King or his Heirs shall have no Tallage or Aid without Consent of Parliament.

NULLUM tallagium vel auxilium per nos vel heredes nostros in regno nostro ponatur seu levetur sine voluntate et assensu Archiepiscoporum Episcoporum Comitum Baronum Militum Burgensium & aliorum liberorum communium de regno nostro.

NO Tallage or Aid shall be taken or levied by us or our Heirs in our Realm, without the good Will and Assent of Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other Freemen of the Land.

The King shall have no Aid without assent of Parliament.
25 Ed. 1. stat. 1. c. 6.
2 Inf. 532, 533.
Dr. Blackstone's Introduction to Mag. Chart. 65—68.

CAP. II.

Nothing shall be purveyed to the King's Use without the Owner's Consent.

NULLUS minister noster vel heredum nostrorum capiat blada coria aut alique alia bona cujuscunque sine voluntate et assensu illius cujus fuerint bona.

NO Officer of ours, or of our Heirs, shall take Corn, Leather, Cattle, or any other Goods, of any Manner of Person, without the good Will and Assent of the Party to whom the Goods belonged.

12 Co. 19.
2 Inf. 534, 543.
No Purveyance without the Owner's Consent.

CAP.

* This is taken into the English Editions from the Secunda pars veterum statutorum 37.

CAP. III.

Nothing shall be taken of Sacks of Wooll by Colour of Male-tolt.

² Inft. 534.

Nothing from henceforth shall be taken of Sacks of Wooll by Colour or Occasion of Male-tent:

Nihil capiatur de cetero nomine vel occasione male-toutte de sacco lane.

CAP. IV.

All Laws, Liberties, and Customs confirmed.

² Inft. 534, 535.
All Laws Liberties and Customs confirmed.

WE will and grant for us and our Heirs, That all Clerks and Laymen of our Land shall have their Laws, Liberties, and free Customs, as largely and wholly as they have used to have the same at any Time when they had them best; (2) and if any Statutes have been made by us or our Ancestors, or any Customs brought in contrary to them, or any Manner of Article contained in this present Charter, we will and grant, that such Manner of Statutes and Customs shall be void and frustrate for evermore.

Volumus et concedimus pro nobis et heredibus nostris quod omnes clerici et laici de regno nostro habeant omnes leges libertates et liberas consuetudines suas ita libere et integre sicut eas aliquo tempore melius & plenius habere consueverunt. Et si contra illas quocunque articulo in presenti carta contento statuta fuerint edita per nos et antecessores nostros vel consuetudines introducte Volumus et concedimus quod hujusmodi consuetudines et statuta vacua et nulla sint in perpetuum.

CAP. V.

Pardon granted to certain Offenders.

² Inft. 535, 536.

Moreover, we have pardoned *Humfrey Bobun* Earl of *Hereford* and *Essex*, Constable of *England*, *Roger* Earl of *Norfolk* and *Suffolk*, Marshal of *England*, and other Earls, Barons, Knights, Esquires, and namely *John de Ferrariis*, with all other being of their Fellowship, Confederacy and Bond, and also to all other that hold xx Pound Land in our Realm, whether they hold of us in chief, or of other, that were appointed at a Day certain to pass over with us into *Flanders*, the Rancour and Evil-will born against us, and all other Offences that they have done against us,

Remissimus etiam *Humfredo* de *Boun* Comiti *Hereford* et *Essex* Constabulario *Anglie* et *Rogero Bigot* Comiti *Norf.* & *Suff.* *Marscallo* *Anglie* et aliis Comitibus Baronibus Militibus Armigeris et *J. de Ferreres* ac omnibus aliis de eorum societate confederatione et concordia existentibus necnon et omnibus viginti libratas terre tenentibus in regno nostro sive de nobis teneant in capite sive de alio quocunque ad transfretandum nobiscum in *Flandriam* certo die vocatis rancorem et malam voluntatem ergo nos habitam ac etiam transgressiones si quas nobis fecerint usque

usque ad presentis carte confec- us, unto the making of this
tionem. present Charter:

CAP. VI.

*The Curse of the Church shall be pronounced against the
Breakers of this Charter.*

ET ad majorem hujusmodi rei securitatem volumus et concedimus quod omnes Archiepiscopi et Episcopi in perpetuum habeant in suis Cathedralibus ecclesiis habita ante presentis carte lectione excommunicare et publice in singulis Parochialibus ecclesiis suarum dioecesum excommunicatos denunciare bis in anno omnes illos qui contra tenorem presentis carte vim & effectum quoquo modo vel articulo scienter fecerint aut fieri procuraverint In cujus rei testimonium presentis carte sigillum nostrum est appensum una cum sigillis Archiepiscoporum Episcoporum, &c. qui sponte juraverunt quod tenorem presentis carte quantum in eis est in omnibus causis et singulis articulis servabunt et ad observationem fidele auxilium prestabunt, &c.

AND for the more Assurance of this Thing, we will and grant, That all Archbishops and Bishops for ever shall read this present Charter in their Cathedral Churches twice in the Year, and upon the reading thereof in every of their Parish Churches, shall openly denounce accursed all those that willingly do procure to be done any Thing contrary to the Tenor, Force, and Effect of this present Charter in any Point and Article. (2) In Witness of which Thing we have set our Seal to this present Charter, together with the Seals of the Archbishops, Bishops, &c. which voluntarily have sworn that, as much as in them is, they shall observe the Tenor of this present Charter in all Causes and Articles, and shall extend their faithful Aid to the keeping thereof, &c.

*Ordinatio Forestæ, made Anno 34 EDW. I. Stat. 5.
and Anno Dom. 1306.**

REX omnibus ad quos &c. salutem: Dum imbecillitatis humane conspicimus imperfectum ac onera longe lateque diffusa nostris humeris incumbentiâ attenta consideratione pensamus intus nimirum puncturis diversis torquemur diversorum cogitatum fluctibus agitati & vexamur frequenter noctes ducendo insomnes quid agendum quid tenendum quidve exequendum existat inter precordia hesitantes in eo tamen qui supra cuncta tenens in excelsis imperium qui dat esse rebus & dispensat prout vult munera gratiarum cum sapientie sue magnitudinem humani non capiant intellectus virtutes resumimus sperantes quod in serviciis suis perficiat ætus nostros & sue bonitatis

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* This is taken from the Secunda pars veterum statutorum, 67, and Mr. Pulton's Statutes.

clementia nostram misericordiam videat & suppleat imperfectum ut ipsius fulti presidio per viam mandatorum Domini dirigamur. Profecto inter omnia sollicitudini nostre & cure inherencia circa illud precipue nostra non intermissive versatur intentio ut subditis nostris regni nostri incolis quietis & tranquillitatis dulcedinem preparemus in quorum quiete quiescimus & in eorum tranquillitate non sine suavitatis odore in floribus pacis desiderate interius confoveamur. Sane ex fidelium nostrorum relictibus & oppressorum crebris clamoribus de quibus nimia mentis commotione turbamur didicimus quod per ministros forestarum nostrarum populum ejusdem regni miserabiliter opprimitur depauperatur & diversis afficitur injuriis undique molestatus. Nonnunquam etenim fiunt accusatores de Foresta & indictationes vulgariter sic appellate non per legitimas inquisitiones proborum & legalium hominum patrie procedentes ut justitia requirit set ad dictum unius vel forsitan duorum de forestariis aut ad dictum unius vel forsitan duorum de viridariis qui ex odio aut alias maliciose ut ab aliquo pecuniam extorqueant quenquam accusant vel indictant & exinde sequuntur attachiamenta gravia & puniuntur innocens quem nulla omnino culpa seu delictum constringit. Opprimitur etiam populus pre multitudine forestariorum & aliorum ministrorum quos cum non habeant unde aliunde vivant per patriam foreste adjacentem vivere oportebit eosdem et quod est deterius pro jure officii sui vendicant ut sic vivant isti nichilominus pro suis victualibus quibus egent boscum sue custodie aut sub suis custodiis deputatum & feras in eisdem existentes vendendo donando & multipliciter minuendo ac minui permitiendo successivis dierum processibus destruunt & adnichilant ad nostrum & heredum nostrorum intolerabile detrimentum. Quid plura? dampna & gravamina que circa hec proveniunt ut accepimus difficile foret per singula enarrare. Cupientes itaque oppressionibus & gravaminibus hujusmodi que absque gravi scandalo diutius sub dissimulatione preterire nequimus modis & viis omnibus quibus possumus obviare ac regni nostri incolarum paci & tranquillitati pervigili studio providere.

CAP. I.

How Offences done in the Forest shall be presented.

Presentment
of Offences
done in the
Forests.

FIRST, We have ordained for ourselves and our Heirs, that all Trespasses hereafter to be done in our Forests of Green-hugh, and of Hunting, the Foresters within whose Bailiwicks such Trespasses shall happen to be committed, shall present the same at the next *Swanimote* before the Foresters, Verdors, Regardors, Agistors, and other Ministers of the same Forest; and upon such

Pre-

Volumus imprimis & ordinamus pro nobis & heredibus nostris quod de transgressionibus in forestis nostris de viridi & venacione de cetero faciendis forestarii infra quorum ballivas hujusmodi transgressionis fieri contigerit presentent easdem ad proxima swanimota coram forestariis viridariis regardatoribus agistoribus & aliis earundem forestarum ministris et super presenta-

sentationibus hujusmodi ibidem coram forestariis viridariis & omnibus aliis ministris supra dictis per sacramentum tam militum quam aliorum proborum & legalium hominum de partibus vicinioribus ubi transgressiones sic presentate facte fuerint non suspectorum veritas plenius inquiratur et sic inquisita veritate presentationes ille per communem concordiam & assensum omnium ministrorum predictorum solemniter roborentur & sigillis suis sigillentur. Et si alio modo fiat indictamentum pro nullo penitus habeatur.

Presentations there before the Foresters, Verdors, and all other Ministers aforesaid, by the Oath as well of Knights as of other lawful and honest Men of the nearest Parts where the Trespass so presented shall be done, not suspected, the Truth of the Matter shall be lawfully inquired of, and the Truth so inquired of, the same Presentations by the common Accord and Assent of all the Ministers aforesaid, shall be solemnly confirmed and sealed with their Seals. And if an Indictment be in any other Manner, it shall be adjudged void.

CAP. II.

An Officer dying, or being absent, another shall be put in his Place.

ET si aliquem predictorum forestariorum regardatorum aut aliorum ministrorum forestarum ipsarum obire contingat seu per egritudinem vel alio modo impediri quo minus interesse valeat hujusmodi swanimotis incontinenti Justiciarius foreste seu locum ejus tenens ponat alium loco suo ita videlicet quod indictamentum fiat per omnes in forma predicta quodque ministri qui ponendi sunt ponantur sicut hactenus fieri consuevit exceptis viridariis qui per electionem & per breve nostrum deputabuntur.

AND if it happen any of the said Foresters, Regardors, or other Ministers of the same Forest do die, or by Sicknes or other Means to be hindred, whereby he cannot be present at the same *Swanimote*, presently the Justice of the same Forest, or his Lieutenant, shall put another in his Place, so that the Indictment may be made by all in Form aforesaid; (2) and that the Officers which are to be placed, shall be put in as heretofore it hath been used to be, except the Verderors, who shall be ordained by Election, and by our Writ.

An Officer dying or being absent.

CAP. III.

No Forester shall be put in any Assises or Juries.

ET volumus quod nullus ministrorum predictorum in assisibus juratis seu inquisitionibus extra forestam capiendis de cetero ponatur.

AND we will, That none of the foresaid Ministers shall hereafter be put in any Assises, Juries, or Enquests to be taken without the Forest.

No Forester shall be put in a Jury.

C A P. IV.

The Punishment of Officers surcharging the Forest.

Surcharge of
the Forest by
Officers.

AND if there be any Surcharge found of the Foresters, or by such other as take upon them to be Officers of the Forests, such Surchargers shall be removed and imprisoned according to the Discretion of the Justice of the Forest, or his Lieutenant; (2) and they by whom they were placed shall be also punished at our Pleasure. (3) And at every *Swanimote* Inquisition shall be made of Surcharges of Foresters, and other Ministers of the Forest, and of their Oppressions done to our People; and Reformation and Punishment shall be done as it is ordained before.

ET si superoneratio forestariorum aut aliorum qui se gerunt ut ministros foreste inveniatur amoveantur hujusmodi superonerantes & imprisonentur secundum discretionem Justiciarii foreste vel ejus locum tenentis nec non & illi per quos positi fuerant ad voluntatem nostram similiter puniantur. Et ad quodlibet swanimotum inquiratur solempniter de superoneratione forestariorum & aliorum ministrorum foreste & de eorum oppressio[n]ibus populo nostro illatis & fiant inde emende & punitiones prout superius est expressum.

C A P. V.

Grounds disafforested.

Grounds dis-
afforested.

AStouching them that commit Trespases of Greenhugh, or Hunting, at such Times as the Forest was disafforested; we will that those Offences shall be pardoned, saving such Trespases which were committed in that Part which doth remain Forest; (2) yet so, as that the Hedges and Ditches made in the mean Time shall be wholly cast down, removed, and avoided; (3) saving our Arrentations, which we will have remain according to the Assise of the Forest. (4) The Wood which is felled and cut down shall be removed, and the Wood which is standing shall remain in the Forest. (5) And if any such Wood yet standing be sold, it shall remain in the Forest, and the Seller shall satisfy the Buyer according to the Quantity of

QUoad illos vero qui tempore quo foresta deafforestata fuit transgressiones de viridi aut venatione in foresta fecerunt quia deafforestationem eandem & ut sententia excommunicationis in contravenientes fulminaretur quamquam de nostra bona voluntate minime processisset concessimus quam quidem sententiam dominus summus pontifex postmodum revocavit & quas concessionem & deafforestationem ex certis causis revocamus & etiam annullamus volumus quod transgressiones hujusmodi pardonentur transgressionibus illis exceptis que in ea parte que foresta remansit commisse fuerunt Ita tamen quod haye & fossata facta medio tempore prosterantur & penitus amoveantur & adnichilentur. Salvis arentationibus nostris quas secundum assisam

affisam foreste volumus remanere. Bofcus autem cesus & prostratus amoveatur & bos stans remaneat in foresta. Et si forte aliquis talis bos adhuc stans sit venditus in foresta remaneat & venditor satisfaciat emptori juxta quantitatem portionis bosci stantis in foresta & taliter medio tempore venditi & prout ceperit de eodem.

CAP. VI.

Common in the Forest.

Volumus etiam quod Justiciarius foreste nostre vel ejus locum tenens in presentia Thesaurarii nostri & per assensum ejusdem habeat potestatem capiendi fines & redemptiones illorum qui sunt indictati de transgressionibus usque nunc in foresta commissis itinere Justiciarii minime expectato. Volumus insuper quod illi qui communem pasturam in foresta ante perambulationem factam habebant et qui sunt postea repositi in foresta quique de dicta communa per perambulationem predictam fuerant impediti habeant communem pasturam de cetero in forestis adeo large & libere sicut ante perambulationem factam habere solebant Salvis arentationibus nostris in forma predicta. In cujus &c. T. R. apud Westm' xxvii die Maij. *

WE will also, That our Justice of the Forest, or his Lieutenant, in the Presence of our Treasurer, and by his Assent, shall have Authority to take Fines and Amerciaments of those which be indicted for Trespasses committed in our Forests, and not tarry for the Eyre of the Justice. (2) And moreover we will, that they which had Common of Pasture in the Forest before the Perambulation was made, and which were after returned into the Forest, and that were restrained of Common by the said Perambulation, shall have their Common of Pasture hereafter in the Forest, as freely and largely as they were wont to have before the Perambulation made, (3) saving our Arrentations in Form aforesaid. In witness whereof, &c. at Westminster, 28 die Maii, anno 34 EDWARDI primi.

Assessing Fines for Trespasses in the Forest.

Regist. 80.

* The following Paragraphs are upon the Roll, viz.—Consimiles littere misse fuerunt ad singulos comitatus per Angl'.

Et mandatum est singulis vicecomitibus per Angl' quod litteras illas in plenis comitatibus suis legi & ordinationem regis in eisdem contentam publice faciant proclamari.

Rex justiciario forest. suarum ultra Trentam vel ejus locum tenenti salutem. Dum imbecillitatis &c. salvis arentationibus in forma predicta. Et ideo vobis mandamus quod ordinationem nostram predictam in balliva vestra faciatis publice proclamari & eam de cetero in omnibus & singulis suis articulis observetis & per totam ballivam vestram faciatis firmiter & inviolabiliter observari. Teste ut supra.

Eodem modo scribitur justiciario forestarum regis citra Trentam vel ejus locum tenenti.

Le Serement du Visconte.

VOUS jurrez qe bien & loiaument servirez le roi en loifice de visconte & a la preu le roi freetz en totes choses qe a vous apendent a faire selonc vostre sen & vostre poair & ses droittures & quant que a la coronne apent loiaument garderetz ne ne assenturez au descres ne au concelement des droitz ne des franchises le roi. Et par la ou vous sauveretz les droitz le roi ou de la coronne soit en terres ou en rentes ou en franchises ou en suites concelees ou sustretes vostre loiale peine mettrez de ceo repeler et si vous ne le poetz faire vous le dirretz au Roi ou a ceux de son conseil de qi vous soietz certain queuz le dirrount au Roi et les dettes le Roi por donn ne por favour respirez par la ou vous les porretz sauntz trespraunte grevance de dettours lever e qe loiaument & a droiture tretteretz le peuple de vostre baillie & a chescuni freetz droit auxibien a poire come a riche en ce qe a vous apent afaire & qe por donn ne por promesse ne por favour ne por haïour tort ne freetz a null ne autre droiture ne ne desturberetz & qe loiaument acquiteretz al aschequier la gent de qi vous averetz rien receu des dettes le Roi & qe riens ne prendretz par quoi le Roi perde ou par quoi droiture soit desturbe ou la dette le Roi delae e qe loiaument freetz retourner & loiaument suire les brefs le Roi a vostre sen & a vostre poair & qe vous ne prendretz nul ballif en vostre service por qi vous ne voletz respoundre et qe vous freetz voz ballifs faire autiel serment come a eux apent et que nul brief ne recevretz par vous ne par les voz souz seal des Justices forke en eyre ou autres justices assignetz en meisme la counte ou Justice de Neugate & qe vous mettrez voz ballifs de plus loiaux du pais & qe nul ballif ne ministre qj ad este ed lautre viscounte attendretz en vostre service.

Statutum De Asportatis Religiosorum, made Anno
35 EDW. I. Stat. I. and *Anno Dom. 1307. **

CAP. I.

The Causes of Erection of Abbies. Impositions set by Priors
Aliens.

* Inft. 580—
588.
25 Ed. 3. stat. 6.

OF late it came to the Knowledge of our Lord the King, by the grievous Complaint of the honourable Persons, Lords, and other Noblemen of his Realm, that whereas Monasteries, Priories, and other Religious Houses were founded to the Honour and Glory of God, and the Advancement of the Holy Church, by the King and his Progenitars, and by the said Noblemen and their Ancestors, (2) and a very great Portion of Lands and Tenements have been given by them to the said Monasteries, Priories, and Houses, and the Religious Men serving

Nuper ad notitiam domini Regis ex gravi querela Magnatum Procerum & aliorum nobilium regni sui pervenit quod cum Monasteria Prioratus & domus religiose ad laudem & honorem Dei ad exaltationem sancte ecclesie per Regem & progenitores suos & per dictos Magnates & nobiles & eorum antecessores fundata fuissent & terre & tenementa quamplurima essent data per ipsos dictis Monasteriis Prioratibus & domibus ac viris religiosis in eisdem Deo servientibus ut in hujusmodi Monasteriis

* This is taken from the Secunda pars veterum Statutorum, 25. 2. — 27. b. and Mr. Pulton's Statutes.

riis & domibus religiosis tam clerici quam laici admitterentur secundum suarum sufficientiam facultatum & infirmi ac debiles sustentarentur hospitalitates elemosinarum largitiones & alia pietatis opera exercerentur & pro animabus predictorum fundatorum & heredum suorum fierint in eisdem Abbates Priores & Custodes earundem domorum & quidam eorum superiores alienigene utpote Abbates & Priores Cluniacen' Cisterciens' & Premostr' & Sanctorum Augustini & Benedicti ordinum & ceteri quamplures alterius religionis & ordinis noviter per singula Monasteria & domos eis subiecta in Angl' Hibern' Scotia & Wallia diversa tallagia census & impositiones insolitas graves & importabiles domino Rege Magnatibusque suis inconsultis fieri statuerunt & pro suo libito ordinarunt contra leges & consuetudines dicti regni ex quo fit ut numerus religiosorum & aliorum servitorum in huiusmodi domibus & locis religiosis per tallagia huiusmodi census & impositiones oppressis minuitur cultus divinus & alimonie pauperibus infirmis & debilibus subtrahantur & salutes vivorum & anime mortuorum miserabiliter defraudantur hospitalitates elemosinarum largitiones ac cetera cessant opera caritatis sicque quod olim in usus pios & ad divini cultus augmentum caritative fuerat erogatum jam in census reprobum est conversum unde preter ea que premituntur scandalum non modicum crescit in populo & dampna innumera in exheredationem predictorum fundatorum ac heredum suorum procul dubio provenisse noscuntur & adhuc

serving God in them, to the Intent that Clerks and Laymen might be admitted in such Monasteries, Priors, and Religious Houses, according to their sufficient Ability, and that sick and feeble Men might be maintained, Hospitality, Almsgiving, and other charitable Deeds might be done, and that in them Prayers might be said for the Souls of the said Founders and their Heirs; (3) the Abbots, Priors, and Governors of the said Houses, and certain Aliens their Superiours, as the Abbots and Priors of Cisterciencies, and Premonstratenses, and of the Order of St. Augustine, and St. Benedict, and many more of other Religion and Order, have at their own Pleasures set divers unwonted, heavy and importable Tallages, Payments, and Impositions upon every of the said Monasteries and Houses in Subjection unto them in England, Ireland, Scotland, and Wales, without the Privy of our Lord the King and his Nobility, contrary to the Laws and Customs of the said Realm; (4) and thereby the Number of Religious Persons, and other Servants in the said Houses and Religious Places being oppressed by such Tallages, Payments, and Impositions, the Service of God is diminished, Alms being not given to the Poor, the Sick, and Feeble, the Healths of the Living and the Souls of the Dead be miserably defrauded, Hospitality, Almsgiving, and other godly Deeds do cease; (5) and so that which in Times past was charitably given to godly Uses, and to the Increase of the Service of God, is now converted to an evil End; by Permission whereof there groweth great Scandal to the People, and infinite Losses and Disheritances are like to ensue to

Y 4

The Cause of Foundation of Religious Houses.

Hob. 148.

Impositions set by certain Religious Houses upon their Inferiours.

of the said Houses and their Heirs, unless speedy and sufficient Remedy be provided to redress so many and grievous Detriments.

3 Bulfr. 45.

II. *Wherefore our foresaid Lord the King, considering that it would be very prejudicial to him and his People if he should any longer suffer so great Losses and Injuries to be winked at, and therefore being willing to maintain and defend the Monasteries, Priors, and other Religious Houses erected in his Kingdom, and in all Lands subject to his Dominion, and from henceforth to provide sufficient Remedy to reform such Oppressions, as he is bound, by the Counsel of his Earls, Barons, Great Men, and other Nobles of his Kingdom in his Parliament holden at Westminster, in the five and thirtieth Year of his Reign, hath ordained and enacted,*

5 Ed. 3. c. 3.

anno regni sui tricesimo tertio habito ordinavit & statuit,

CAP. II.

Religious Persons shall send nothing to their Superiors beyond the Sea.

Religious Persons shall send nothing to their Superiors beyond Sea.

THAT no Abbot, Prior, Master, Warden, or other Religious Person, of whatsoever Condition, State, or Religion he be, being under the King's Power or Jurisdiction, shall by himself, or by Merchants or others, secretly or openly, by any Device or Means, carry or send, or by any Measurment to be sent, any Tax imposed by the Abbots, Priors, Masters or Wardens of Religious Houses their Superiors, or assessed amongst themselves, out of his Kingdom and his Dominion, under the Name of a Rent, Tallage, or any kind of Imposition, or otherwise by the way of Exchange, mutual

huc verisimiliter presumitur provenire nisi tantis & tam gravibus detrimentis celeri & salubri remedio obvietur.

Considerans igitur prefatus Dominus Rex sibi & populo suo valde fore dampnosum si tam grandes jacturas & insolentias sustineret diutius sub dissimulatione transire volensque idcirco Monasteria Prioratus & alias religiosorum domos & loca in regno & terris dominio suo subjectis constituta secundum voluntatem & pia vota fundatorum ipsorum manuteneat & defendere & contra hujusmodi oppressiones de congruo remedio providere de cetero ut tenetur de consilio Comitum Baronum Magnatum Procerum & aliorum nobilium & regni sui communitatis in parlamento suo apud Westm' die Dominica proxima post festum sancti Mathie apostoli

NEquis Abbas Prior Magister Custos seu quisvis alius religiosus cujuscumque conditionis seu status aut religionis existat sub potestate & ditione sua constitutus censum aliquem per superiores suos Abbates Priores Magistros Custodes Religiosorum domorum vel locorum impostum vel inter seipsos aliquantulum ordinatum extra regnum & dominium suum sub nomine redditus tallagii apporti seu impositionis cujuscumque vel alias nomine escambii venditionis mutui vel alterius contractus quocumque nomine censeatur per se vel per mercatores aut alios clam vel palam arte vel ingenio deserat

ferat vel transmittat seu deferri faciat quoquomodo nec etiam ad partes externas se divertat causa visitationis aut alio colore quesito ut sic bona monasteriorum & domorum suarum extra regnum & dominium predictum adducat. Et si quis contra presens statutum venire presumpserit considerata qualitate delicti & regis prohibitionis pensato contemptu graviter puniatur.

mutual Sale, or other Contract howsoever it may be termed ; (2) neither shall depart into any other Country for Visitation, or upon any other Colour, by that Means to carry the Goods of their Monasteries and Houses out of the Kingdom and Dominion aforesaid. (3) And if any will presume to offend this present Statute, he shall be grievously punished according to the Quality of his Offence, and according to his Countempt of the King's Prohibition.

4 Ed. 3. c. 6.

CAP. III.

No Impositions shall be taxed by Priors Aliens.

PRETEREA inhibet prefatus dominus Rex omnibus & singulis Abbatibus Prioribus Magistris Custodibus religiosarum domorum & locorum alienigenis quorum potestati subjectioni & obedientie domus eorundem ordinum in regno & dominio suo existentes subduntur ne de cetero tallagia census impositiones apporta seu alia quecumque onera aliquibus monasteriis prioratibus seu alijs domibus religiosis eis ut predicatur sic subiectis imponant vel faciant aliquantulum assidere & hoc sub forisfactura omnium que in potestate sua optinent & forisfacere poterunt infuturum.

MOREOVER, our foresaid Lord the King doth inhibit all and singular Abbots, Priors, Masters and Governors of Religious Houses and Places, being Aliens, to whose Authority, Subjection, and Obedience the Houses of the same Orders in his Kingdom and Dominion be subject, that they do not at any Time hereafter impose, or by any Means assess any Tallages, Payments, Charges, or other Burdens whatsoever, upon the Monasteries, Priories, or other Religious Houses in Subjection unto them (as is aforesaid) and that upon Pain of all that they have or may forfeit.

Impositions
taxed by
Aliens.

CAP. IV.

By whom the common Seal of an Abbey shall be kept, and how used.

ET insuper ordinavit dominus Rex & statuit quod Abbates Cisterciens' & Premonstraten' ordinum & aliorum religiosorum quorum sigillum in custodia Abbates & non Conventus prius residere tantummodo consuevit de cetero habeant

AND further our Lord the King hath ordained and established, That the Abbots of the Orders of *Cisterciens* and *Premonstratens*, and other Religious Orders, whose Seal hath heretofore been used to remain only in the Custody of the

The Common
Seal of Ab-
beys.
8 Co. 118.

the Abbot, and not of the Co-vent, shall hereafter have a Common Seal, and that shall remain in the Custody of the Prior of the Monastery or House, and four of the most worthy and discreet Men of the Covent of the same House, to be laid up in safe Keeping under the private Seal of the Abbot of the same House; (2) so that the Abbot or Prior, which doth govern the House, shall be able of himself to establish nothing, though heretofore it hath been otherwise used. (3) And if it fortune hereafter, that Writings of Obligations, Donations, Purchases, Sales, Alienations, or of any other Contracts, be sealed with any other Seal than such a common Seal, kept as is aforesaid, they shall be adjudged void and of no Force in Law. (4) But it is not the Meaning of our Lord the King to exclude the Abbots, Priors, and other Religious Aliens, by the Ordinances and Statutes aforesaid, from executing their Office of Visitation in his Kingdom and Dominion; but they may visit at their Pleasures, by themselves or others, the Monasteries and other Places in his Kingdom and Dominion in Subjection unto them, according to the Duty of their Office, in those Things only that belong to regular Observation, and the Discipline of their Order.

II. Provided, That they which shall execute this Office of Visitation, shall carry, or cause to be carried out of his Kingdom and Dominion, none of the Goods or Things of such Monasteries, Priories, and Houses, saving only their rea-

son-

beant sigillum commune & illud in custodia Prioris monasterii sive domus & quatuor de dignioribus & discretioribus ejusdem loci Conventus sub privato sigillo Abbatis ipsius loci custodiend' deponant. Ita quod Abbas seu Superior domus cui preest per se contractum aliquem seu obligationem nullatenus possit firmare sicut hactenus facere consuevit. Et si forsan aliqua scripta obligatoria donationum emptionum venditionum alienationum seu aliorum contractuum quorumcumque alio sigillo quam tali sigillo communi sicut premittitur custodito inveniuntur amodo sigillata pro nullis penitus habeantur omnique careant firmitate. Ceterum intentionis domini Regis non existit Abbates Priores & alios religiosos alienigenas per ordinationes & statuta expressa superius ab officio visitationis in regno & dominio suis exercendo excludere quin per se ipsos vel alios monasteria & alia loca eis in regno & dominio suis predictis subjecta juxta officii sui debitum in hiis dumtaxat que ad observantiam regularum & ordinis sui disciplinam pertinent libere valeant visitare.

Provisio quod illi qui officium hujusmodi visitationis exercuerint nichil de bonis aut rebus hujusmodi monasteriorum prioratum & domorum extra presatum regnum & dominium preter rationabiles & moderatas eorum expensas deferant vel deferri procurent.

Et licet ordinationum & statutorum prescriptorum pronuntiatio & publicatio a parlamento proximo preterito usque ad presens parlamentum apud

Abbots Aliens
may visit their
Inferiors in
England.

apud Karliolum in octabis Sancti Hilarii anno regni ejusdem domini Regis EDWARDI tricesimo quinto certis ex causis & ut cum majori deliberatione & maturitate procederent remanserint in suspenso dominus Rex post deliberationem plenariam & tractatum cum Comitibus Baronibus Proceribus & aliis nobilibus ac communitatibus regni sui habitum in premissis de consensu eorum unanimi & concordi ordinavit & statuit ut ordinationes & statuta predicta sub forma modis & conditionibus supra contentis a primo die Maii proximo futuro in antea inviolabiliter observentur perpetuis temporibus valitura quodque transgressores ipsorum penis extunc subjaceant annotatis.

sonable and competent Charges.

III. *And though the Publication and open Notice of the Ordinances and Statutes aforesaid was stayed in Suspence for certain Causes sithence the last Parliament, until this present Parliament holden at Carlisle in the Octaves of Saint Hilary, in the five and thirtieth Year of the Reign of the same King EDWARD, to the Intent they might proceed with greater Deliberation and Advice;* (2) our Lord the King, after full Conference and Debate had with his Earls, Barons, Nobles, and other great Men of his Kingdom, touching the Premises, by their whole Consent and Agreement hath ordained and enacted, That the Ordinances and Statutes aforesaid, under the Man-

ner, Form, and Conditions aforesaid, from the first Day of May next ensuing, shall be inviolably observed for ever, and the Offenders of them shall be punished as is aforesaid.

4 Ed. 3. c. 6.
5 Ed. 3. c. 3.
25 Ed. 3. stat. 5.
C. 22.
25 Ed. 3. stat. 6.

Consimile statutum de verbo ad verbum mittitur in singulis comitatibus per Angliam.

REX vic' Salop' salutem. Quia ad communem populi regni nostri utilitatem & totius domini nostri status meliorationem in instanti parliamento nostro apud Karliolum de consilio magnatum & procerum nostrorum quedam edidimus statuta que tibi signata mittimus observanda tibi precipimus firmiter injungentes quod ea in duobus comitatibus tuis publice legere & recitare facias & ea in singulis suis articulis inviolabiliter observari & hoc nullatenus omittas. T. R. apud Karliolum xx die Martii.

Consimilia brevia mittuntur singulis vicecomitibus per Angliam.

REX dilecto sibi in Christo abbati de Waverle salutem. Quia ad communem populi regni nostri utilitatem &c. (ut supra) vobis mandamus firmiter injungentes quod ea quolibet anno bis in pleno capitulo domus vestre publice legere & recitare faciatis & in singulis suis articulis sub pena in predictis statutis contenta inviolabiliter observari. Teste ut supra.

Supradictum statutum missum fuit cum literis regis patentibus in forma predicta abbatibus locorum subscriptorum videlicet,

- | | | |
|------------------|-------------|---------------------|
| De Egliston | De Fontibus | De Rughford |
| De Sancta Agatha | De Rupe | De Gerwedon |
| De Jeroval | De Wellebek | Priori de Spaldyng. |
| De Bella Landa | | |

Quatuor paria litterarum ad instantiam principis dirigenda quibusdam abbatibus in Wallia.

Stat.

Stat. *Ne rector prosternat arbores in cemiterio*, made
Anno 35 EDW. I. Stat. 2. and Anno Dom.
 1307. *

In what Cases and by whom Trees may be felled in Church-yards.

BEcause we do understand, that Controversies do oftentimes grow between Parsons of Churches and their Parishioners, touching Trees growing in the Church-yard, both of them pretending that they do belong unto themselves, (2) we have thought it good rather to decide this Controversy by Writing than by Statute. (3) Forasmuch as a Church-yard that is dedicated is the Soil of a Church, and whatsoever is planted belongeth to the Soil, it must needs follow, That those Trees which be growing in the Church-yard are to be reckoned amongst the Goods of the Church, the which Laymen have no Authority to dispose, but, as the Holy Scripture doth testify, The Charge of them is committed only to Priests to be disposed of.

In what Cases
 Trees may be
 felled in
 Church-yards.

II. *And yet seeing those Trees be often planted to defend the Force of the Wind from burting of the Church*; we do prohibit the Parsons of the Church, That they do not presume to fell them down unadvisedly, but when the Chancel of the Church doth want necessary Reparations; (2) neither shall they be converted to any other Use, except the Body of the Church doth need like Repair: (3) In which Case the Parsons of their Charity shall do well to relieve the Parishioners with bestowing upon them the same Trees;

11 Co. 49.
 Watson's
 Compl. In-
 cumb. 387,
 388. 400, 401.

* This is taken from the *Secunda Pars veterum Statutorum*, 27. b. and Mr. Pulton's Statutes.

Trees; which we will not command to be done, but we will commend it when it is done.

A Statute for Knights, made *Anno 1. Regis*
EDW. II. Stat. 1. *Anno Dom. 1307.*

Ex Edit.
Pulton.

Causes to excuse a Man from undertaking of Knighthood.

OUR Lord the King hath granted, That all such as ought to be Knights, & be not, and have been distrained to take upon them the Order of a Knight, within the Feast of the Nativity of our Lord, shall have respite to take the foresaid Arms of a Knight, vntill the *utis* of S. *Hillary*, without occasion, and after that, they shal be distrained, except they make some other meane. Also he hath granted that if any will complaine in the Chancery, because he was distrained, &c. and hath not twenty pound yearly in Fee, or for term of Life, and will proue that by the Countrey, then it shall be written vnto the more discreet and sage Knights of the Shire to take the said Inquisition, and if it be tried so by the same Inquest, he shall have remedy, and the distresse shall cease.

2 Inf. 593—
598.
Causes to excuse a Man from Undertaking of Knighthood.

Also if any be impleaded for all his land, or for part of the same, so that the residue be not sufficient to the value of twenty pound, and can proue the same, then the distresse shall cease, vntill the same plea be determined. Also if any of them be bounden in certain debts stalled in the Eschequer at a certain summe to be receiued yearly, out of his lands, so that the residue of his lands doth not amount to the yearly value of twenty pounds besides the same summe, the distresse shall cease, vntill the foresaid debt be clearly payed. And none shal be distrained to take upon him the Order of a Knight before that he come vnto the age of one and twenty yeares.

None shall be forced to be Knight before he be xxi. Years of Age.

Also none by reason of any land that he holdeth in Mannors, which now are ancient Demean of the Crown as Sokeman, & which lands must also giue tallage when the Kings Demeans are tallied, shal be distrained to take vpon him the Order of a Knight. Also of them that hold their lands in Socage, of other Mannors then of the Mannors of the Crown, doing no forraine Seruice, the Rolles of the Chancery shall be searched for the times of the Kings Predecessors, and it shall be done as it hath been vsed to be done.

A Sokeman.

In like manner shall be done of Clerks being within holy Orders, holding Lay fee, which should be Knights if they were lay. Also none shall be distrained for his Burgage lands, although they do amount to the value of twenty pound yearly or more.

Clerks within holy Orders.
Burgage Land.

Also they that ought to be Knights and be not, which have holden their lands in their hands but a small time, and likewise such as should be Knights that do pretend great age, or default of their members, or any other incurable disease, or charge of their

Great Age, incurable Disease, Charges of Children, or of Suits.

Stat. 16. Car. 2. c. 29. their children, or of suits, or do alledge such necessary excuses, they shall resort unto *Robert Tiptoft*, and *Anthony de Berke*, and shall make fine before them, to whom it is enjoyned, that according to their discretions they shall admit the reasonable fines of all such persons.

Statute *De frangentibus Prisonam*, made Anno 1 EDW. II. Stat. 2. and *Anno Dom.* 1307.

In what case it is Felony to break Prison, in what not.

In what Case it is Felony to break Prison.

Concerning Prisoners which break Prison, our Lord the King willeth and commandeth, That none from henceforth that breaketh Prison shall have Judgement of Life or Member for breaking of Prison only, except the Cause for which he was taken and imprisoned did require such Judgement, if he had been convict thereupon according to the Law and Custom of the Realm, albeit in Times past it hath been used otherwise.

1 Inft. 589—
591.
3 Inft. 69, 70.
2 Hawk. Pl.
Cr. 123.

DE prisonibus prisonam frangentibus dominus Rex vult & precepit quod nullus de cetero qui prisonam fregerit subeat iudicium vite & membrorum pro fractione prisonae tantum nisi causa pro qua captus & imprisonatus fuerit tale iudicium requireret si de illa iuxta legem & consuetudinem terre fuisset convictus licet temporibus preteritis aliter fieri consuevit.

STATUTUM 2 EDW. II. apud Staunford. †

28 Ed. 1. stat. 3. c. 2.

CES sont les Articles que le Roi EDWARD Pierre le Roi que ore est a son parlement a Westmunstr en quaresme lan de son regne vint & oitisme entre les autres choses qil adonqe ordena en allegance des grevances que soen poeple avoit eu par les guerres que avoient este & en amendement de leur estat e purtant qil fussent plus prestez, a son service e plus voluntiers eidantz quant il en averoit afaire ordene e establi en la forme que sensuyt. En primes chief purceo, &c. [Then is entered on the Record the Statute Artic. super Chart. 28 E. 1. st. 3. c. 2 & 3. to sect. 8. and c. 6. to que touche la commune ley. Then the Record goes on thus :] Les queux articles le Roi que ore est a la requeste de ses bones gentz de son Roiaume eant regard a les acheisons defusdites voet & commande que desormes soient pleinement tenez & gardez en toutz leur pointz. Et quant a la requeste des dites bones gentz endroit des plectrere & tenir a les portes des chasteux le Roi veut le Roi que les Conestables de ses chasteux ne distreignent gentz a pleider devant eux nul plai de forein conte ne deinz conte autrement que auancienement soleit estre fait. E quant a les custumes que le Roi prent par ses ministres cest a savoir de chesku

† First printed in Mr. Serjeant Hawkins's Edition.

chescun tonel de vin ii. s. de chescun drap qe marchaundz aliens font venir en sa terre ii. s. & de chescun livre de aver de poys iii. d. Voet le Roi a la requeste de ses dites bones gentz qe les dites custumes de vins draps & aver de poys cessent a sa volunte par saver & estre avise quel profit & quel avantage acrestera a lui & a son poeple par cesser de la prise de celes custumes & puis avera le Roi conseil solonc lavantage qil y verra sauveez totevoies au Roi les aucienes prises & custumes aucienement dues & approvees. E quant a les autres requestes qe les dites bones gentz fesoient au Roi le Roi les ad grante bonement & ad charge son Chauncellier & ses autres ministres qe eux les facent garder fermement. Et voet le Roi qe si nul se sente greve en nul point contre le dit ordenement & les ditz articles issint par lui granteez & pleindre se voill qe le Chauncellier luy face remedie par bref solonc son cas & solonc ceo qil verra qe mieutz soit a fere.

Litere patentes super prisīs bonorū Cleri de
Statuto pro Clero inviolabiliter observando.
Fact. Anno tertio EDW. II. †

REX omnibus ad quos &c. salutem. Sciatis quod cum celebris memorie dominus Edwardus quondam Rex Anglie Pater noster in primo parlamento suo apud Westm' anno regni sui tertio inter cetera que ibidem pro emendatione status populi regni sui & pro tranquillitate & quiete prelatorum & cleri dicti regni ordinavit statuisse quod nullus blada aliqua triturare & ea vel victualia aut aliqua alia bona prelatorum religiosorum rectorum ecclesiarum aut aliorum de clero sub colore emptionis vel alio modo quocumque infra villam mercatoriam vel extra nec etiam equos boves plaustra carectas naves aut batellos suos ad cariagia aliqua inde facienda capere asportare vel abducere presumeret contra voluntatem illorum quorum forent vel custodum eorundem et quod si quis de voluntate illorum aliquod hujusmodi faceret statim inde satisfaceret illis secundum quod conveniri contingeret inter eos et similiter quod omnes qui contra premissa vel aliquod illorum venirent & inde convicti fuissent prisonē regie adjudicarentur & exinde secundum qualitatem & modum delicti & prout curie regie expediens visum fuisset redimerentur et quod si illi quibus in aliquo premissorum transgressum foret versus transgressores hujusmodi sequi vellent dampna que eos sustinere contingeret eis in duplum adjudicarentur & restituerentur et transgressores in forma predicta nichilominus punirentur quodque & forsitan aliquis cui contra formam statuti predicti transgredi contigeret contra transgressores hujusmodi sequi nollet nichilominus dictus pater noster contra transgressores predictos sectam suam tanquam de re contra prohibitionem & pacem suam facta.

† This is taken from the Secunda Pars veterum Statutorum, 46. a. where it is dated as the 10th Ed. 2. and is in Mr. Serjeant Hawkins's and Mr. Cay's Edition as the 3d Ed. 2.

facta haberet & quod idem pater noster de anno in annum inquiri faceret prout expedire videret qui aliquam transgressionem hujusmodi commisissent et insuper quod omnes illi qui per tales inquisitiones indictati essent attacharentur & postmodum ad veniendum in curia dicti patris nostri ad certum diem unius mensis spatium continentem per magnam distinctionem distringerentur et quod si tunc non venirent iterato distringerentur per consimilem distinctionem ad veniendum in curia regia ad terminum sex septimanarum spatium continentem et quod si tunc non venirent tanquam convicti judicarentur & dampna in duplum illis qui dampna illa receperant ad sectam dicti patris nostri reddere tenerentur & quod nichilominus secundum modum & quantitatem transgressionis ipsorum ad voluntatem regiam graviter redimerentur prout in statuto predicto plenius continetur ac subsequenter tempore dicti genitoris nostri & similiter tempore nostro postquam suscepimus regimen regni nostri in diversis parliamentis ipsius patris nostri & nostris ex parte prelatorum & cleri regni predicti graves propositae fuissent querimonie continentes quod vicecomites & alii ministri dicti patris nostri dum vixit nec non ministri tempore nostro statutum predictum nullatenus observarunt et quod ipsi penas predictas in dicto statuto ut premittitur expressas non ponderantes in aliquo seu timentes blada victualia & alia bona & similiter equos boves plaustra carectas naves & batellos prelatorum & aliorum de clero tam infra sanctuarium quam extra sub colore officiorum suorum & alias pro eorum libito voluntatis contra dictorum prelatorum & cleri ac custodum rerum & bonorum hujusmodi voluntatem ceperunt & abduxerunt super quibus dicti prelati & clerus remedium sibi fieri sepius cum instantia supplicarunt. Nos ad honorem Dei & pro pace & tranquillitate ecclesie Anglicane futuris temporibus observand' volentes quod statutum predictum quod per dictum patrem nostrum & totum commune consilium regni sui editum extitit ut est dictum quamvis in aliquibus vel aliquo articulo- rum in ipso contentorum hactenus minus plene fuerit observatum nichilominus imposterum perpetuis temporibus inviolabiliter in omnibus observetur concedimus & firmiter precipimus pro nobis & heredibus nostris quod nulli vicecomites aut alii ministri nostri vel heredum nostrorum seu alius quicumque blada aliqua triturare & ea vel aliqua alia victualia vel bona aut etiam equos boves plaustra carectas naves seu batellos prelatorum religiosorum rectorum ecclesiarum vel aliorum de clero sub colore emptionis vel alio modo in villis mercatorii aut alibi contra voluntatem illorum quorum fuerint vel custodum eorundem capere asportare vel abducere aut etiam occasione illa extorsionem aliquam ab aliquo facere presumant sub omnibus & singulis penis supradictis et quod omnes & singuli contra premissa venientes absque excusatione quacumque penis subjaceant antedictis quodque omnes & singuli ministri nostri & heredum nostrorum quilibet videlicet ipsorum quatenus ad ipsum ratione officii sui poterit pertinere in hujusmodi contravenientes penas exerceant antedictas et quod illi quibus prisone

ea occasione committi contigerit ab eadem non deliberentur sine nostro & heredum nostrorum mandato speciali. In cujus, &c.

Per ipsum Regem & consilium.

Statutum ne quis occasionetur pro reditu Petri de Gaveston. Fact. Anno 7. EDW. II. *

EDWARD par le grace de Dieu &c. as touz ceux qi cestes lettres verrount ou orrount saluz.

Sachez qen nostre Parlement comence a Westm' le dymain preschein apres le feste de seint Mathieu l'apostoil en lan du nostre regne septisme pur certains & convenables enchesons purveu est & graunte per nous & per Ercevesques Evesques Abbees Priours Countes et Barouns & toute la comunalte de nostre roialme illoeqes a nostre maundement assemblez unement assentuz & acorde qe nul de quele estat ou condicion qil soit en nullé temps avenir soit chalenge pris nenprisone empesche moleste ne greve nen jugement mesme per nous ne per autres a nostre seute ne a seute dautri qi qil soit en nostre Courte ne nul part aillours pur encheson de revenir de Monsieur Piers de Gaveston en Engleterre ne deide maintenaunce aerdaunce ne du conseil ne de rescite de lui ne dalliaunce fait a lui ou pur lui per escrit ou autrement ne pur encheson de demoer en sa compagnie nen service en nul temps passe cea en ariere. Et volons qe ceo graunt e acorde soit ferme & establie en touz ces pointz & chescun de eux soit tenuz & gardez a perpetuite. En tesmoignance de quelé chose nous avons faite faire cestes nöz lettres patentz. Don' a Westm' le septisme jour de Novembre lan de nostre Regné septisme.

• Secunda Pars veterum Statutorum, 43. b.

Statutum ne quis occasionetur pro captione et Morte Petri de Gaveston. Fact. Anno 7 EDW. II. Stat. 2. *

EDWARD par le grace de Dieu, &c. A ses Justices du Baunk saluz Sachent touz qe pur certaines & convenables enchesons en nostre parlement a Westm' le lundy preschein apres le feste de seint EDWARD le Confessour cest assavoir le quinze jour d'octobre lan de nostre regne septisme purveu est & graunte per nous & per Ercevesques Evesques Abbatees Priours Countes Barouns & la cominalte. de nostre roialme illoeqes a nostre maundement assemblez unement assentuz & acordez qe nul de quele estate ou condicion qil soit en temps avenir ne soit appellez ou chalengez pur lencheson de la pris la detenue ne de la morte Piers de Gaveston ne pur mesme la morte ne soit pris

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nemprisonez

• Secunda pars veterum Statutorum, 44. a.

nemprifonez empeschez molestez ne grevez nen jugement mefnez per nous ne per autres a nostre seute ne a seute dautri qi qil soit en nostre Courte ne nulle part aillours et volons qe ce graunt & concord soit ferme & establie en touz ses pointes & chescun de eux soit tenuz & gardez aperpetuite Et purce nous maundons qe ceo graunt & concord facez en le Baunk avantdit lire enrouler & fermement garder aperpetuite sicome desuis est dit.

Done a Westm' le xvj. jour Doctobr' lan de nostre regne avantdit.

De diversis Libertatibus Clero concessis.

*Articuli Cleri, made at Lincoln, Anno 9 EDW. II.
Stat. 1. and Anno Dom. 1315.*

a Inst. 599 —
619.

THE King to all to whom, &c. sendeth Greeting. Understand ye, That whereas of late Times of our Progenitors sometimes Kings of England, in divers their Parliaments, and likewise after that we had undertaken the Governance of the Realm, in our Parliaments many Articles containing divers Grievances (committed against the Church of England, the Prelates and Clergy) were propounded by the Prelates and Clerks of our Realm; and further, great Instance was made that convenient Remedy might be provided therein: (2) And of late in our Parliament holden at Lincoln, the ninth Year of our Reign, we caused the Articles underwritten, with certain Answers made to some of them heretofore, to be rehearsed before our Council, and made certain Answers to be corrected; and to the Residue of the Articles underwritten, Answers were made by Us and our Council; of which said Articles, with the Answers of the same, the Tenors here ensue.

REX omnibus ad quos &c. salutem. Sciatis quod cum dudum temporibus progenitorum nostrorum quondam Regum Anglie in diversis parliamentis suis et similiter postquam regni nostri gubernacula suscepimus in parliamentis nostris per prelatos & clerum regni nostri plures articuli continentes gravamina aliqua ecclesie Anglicane & ipsis prelati & clero illata ut in eisdem assereretur porrecti fuissent & cum instantia supplicatum ut inde apponeretur remedium opportunum ac nuper in parlamento nostro apud Lincoln' anno regni nostri nono articulos subscriptos & quosdam responsiones ad aliquos eorum prius factas coram consilio nostro recitari ac quosdam responsiones corrigi & ceteris articulis subscriptis per nos & dictum consilium nostrum fecerimus responderi quorum quidem articulorum & responsionum tenores subsequuntur in hunc modum.

CAP. I.

No Prohibition shall be granted where Tythes are demanded, but where Money for them.

IN primis laici impetrant prohibitionem in genere super decimis obventionibus oblationibus mortuariis redemptionibus penitentiarum violenta manuum iniectione in clericum vel conversum & in causis difamationis in quibus agitur ad penam canonicam imponendam Rex ad istum articulum respondet quod in decimis oblationibus obventionibus mortuariis quando super istis nominibus proponuntur prohibitioni regie non est locus etiam si propter detentionem istorum diuturnam ad estimationem earundem pecuniariam veniatur. Set si clericus vel religiosus decimas suas in orreo suo congregatas vel alibi existentes vendiderit alicui pro pecunia si petatur pecunia coram Iudice ecclesiastico locum habet prohibitio quia per venditionem res spirituales fiunt temporales & transeunt decime in catalla.

FIRST, whereas Lay-men do purchase Prohibitions generally upon Tythes, Obventions, Oblations, Mortuaries, Redemption of Penance, violent laying Hands on Clerks or Converts, and in Cases of Defamation, in which Cases Spiritual Penance ought to be enjoined; (2) the King doth answer to this Article, That in Tythes, Oblations, Obventions, Mortuaries (when they are propounded under these Names) the King's Prohibition shall hold no Place, although for the long withholding of the same the Money may be esteemed at a Sum certain. (3) But if a Clerk or a religious Man do sell his Tythes being gathered in his Barn, or otherwise, to any Man for Money, if the Money be demanded before a Spiritual Judge, the King's Prohibition shall lie; for by the Sale the spiritual Goods are made temporal, and the Tythes turned into Chattels.

12 Co. 29.
13 Co. 41.
2 Inst. 619.
Rast. 484, &c.

13 Ed. 1. stat. 4.
c. 1.

No Prohibition shall be granted but where Money is demanded for the Tythes.

CAP. II.

Debate upon the Right of Tythes exceeding the Fourth Part. Enjoining Penance Corporal or Pecuniary.

ITEM si fit contentio de jure decimarum originem habens ex jure patronatus & earundem decimarum quantitas ascendat ad quartam partem bonorum ecclesie locum habet regia prohibitio si hec causa coram ecclesiastico Iudice ventiletur. Item si prelatus imponat penam pecuniariam alicui pro peccato & repetat illam regia prohibitio locum habet verumptamen si prelati imponant pe-

ALSO if Debate do arise upon the Right of Tythes, having his Original from the Right of the Patronage, and the Quantity of the same Tythes do come unto the fourth Part of the Goods of the Church, the King's Prohibition shall hold Place, if the Cause come before a Judge Spiritual. (2) Also if a Prelate enjoin a Penance Pecuniary to a Man for his Offence, and it be demand-

2 Inst. 619.
Debate of the Right of Tythes coming to the fourth Part.

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Enjoyning
Penance Cor-
poral or Pe-
cuniary.

ed, the King's Prohibition shall hold Place. (3) But if Prelates enjoin a Penance Corporal, and they which be so punished will redeem upon their own Accord such Penances by Money, if Money be demanded before a Judge Spiritual, the King's Prohibition shall hold no Place.

penitentias corporales & sic puniti velint hujusmodi penitentias per pecuniam sponte redimere non habet locum regia prohibitio si coram prelati pecunia ab eis exigatur.

CAP. III.

Laying violent Hands upon a Clerk. Excommunication for Penance Corporal.

Regist. 51,
52-57.
2 Inst. 620.
Laying violent
Hands upon a
Clerk.

Moreover, if any lay violent Hands on a Clerk, the Amends for the Peace broken shall be before the King, and for the Excommunication before a Prelate, that Penance Corporal may be enjoined; which if the Offender will redeem of his own good Will, by giving Money to the Prelate, or to the Party grieved, it shall be required before the Prelate, and the King's Prohibition shall not lie.

Insuper si aliquis violentas manus injecerit in clericum pro violata pace debet emenda fieri coram rege pro excommunicatione vero coram prelato ut imponatur penitentia corporalis quam si reus velit sponte per pecuniam redimere dandum prelato vel leso potest repeti coram prelato nec in talibus regia prohibitio locum habet.

CAP. IV.

Prelates may correct for Defamation.

4 Co. 20.
2 Inst. 620.
Regist. 49.
Rast. 487, &c.

IN Defamations also Prelates shall correct in Manner above said, the King's Prohibition notwithstanding; first injoyning a Penance corporal, which if the Offender will redeem, the Prelate may freely receive the Money, though the King's Prohibition be shewed.

IN diffamationibus etiam corrigant prelati supradicto modo regia prohibitionem non obitante.

CAP. V.

No Prohibition where Tithe is demanded of a new Mill.

2 Inst. 621.
No Prohibition
where
Tithe is de-
manded of a
new Mill.

ALSO if any do erect in his Ground a Mill of new, and after the Parson of the same Place demandeth Tithe for the same, the the King's Prohibition doth issue in this Form: [Quia de tali molendino hactenus decimæ non fuerunt solutæ, prohibemus, &c. et sententiam excommunicationis, si quam hac occasione promulgaveritis, recovetis omnino.] (2) *The Answer.*

ITEM si aliquis in fundo suo molendinum erexerit de novo & postea a Rectore loci exigatur decima de eodem exhibetur prohibitio regia sub hac forma Quia de molendino tali hactenus decime non fuerunt solute prohibemus &c. et sententiam excommunicationis si quam hac occasione promulgaveritis revocetis omnino. *Responsio.* In tali casu nunquam

nunquam exivit prohibitio de principis voluntate qui & decernit talem perpetuo non exire.

swer. In such Case the King's Prohibition was never granted by the King's Assent, nor never shall, which hath decreed that it shall not hereafter lie in such Cases.

CAP. VI.

Where a Suit for one Offence may be prosecuted both in Court Spiritual and Temporal.

ITEM si aliqua causa vel negotium cujus cognitio spectat ad forum ecclesiasticum & coram ecclesiastico Judice fuerit sententialiter terminata & transferit in rem judicatam nec per appellationem fuerit suspensa et postmodum coram iudice seculari super eadem re inter easdem personas questio moveatur & probetur per testes vel instrumenta talis exceptio in foro seculari non admittetur. *Responsio.* Quando eadem causa diversis rationibus coram Judicibus ecclesiasticis & secularibus ventilatur ut supra patet de injectione violenta manuum in clericum dicunt quod non obstante ecclesiastico iudicio Cur' Regis ipsum tractat negotium ut sibi expedire videtur ecclesiastico iudicio non obstante.

ALSO if any Cause or Matter, the Knowledge whereof belongeth to a Court Spiritual, and shall be definitively determined before a Spiritual Judge, and doth pass into a Judgement, and shall not be suspended by an Appeal; and after, if upon the same Thing a Question is moved before a Temporal Judge between the same Parties, and it be proved by Witness or Instruments, such an Exception is not to be admitted in a Temporal Court. (2) *The Answer.* When any one Case is debated before Judges Spiritual or Temporal (as above appeareth upon the Case of laying violent hands on a Clerk) it is thought, that notwithstanding the Spiritual Judgement, the King's Court shall discuss the same Matter as the Party shall think expedient for himself.

2 Inf. 622.

Where a Suit may be commenced both in a spiritual and temporal Court.

4 Co. 16, 20.

CAP. VII.

In what only Case the King's Letters shall be sent to discharge an Excommunicate.

ITEM littera regia ordinariis dirigitur qui aliquos suos subditos excommunicationis vinculo innodarunt quod eos absolvant inira certum diem alioquin quod compareant responsuri quare eos excommunicaverunt. *Responsio.* Rex decernit quod talis littera nunquam exire imposterum permittatur nisi in casu quo possit inve-

ALSO the King's Letter directed unto Ordinaries that have wrapped those that be in Subjection unto them in the Sentence of Excommunication, that they should assail them by a certain Day, or else that they do appear, and shew wherefore they have excommunicated them. (2) *The Answer.* The King decreeth, that hereafter no such Letters shall

The King's Letter sent to discharge one excommunicate.

2 Inf. 622, 623.

5 El. c. 23.

shall be suffered to go forth, but in case where it is found that the King's Liberty is prejudiced by the Excommunication.

inveniri ledi per excommunicationem regiam libertatem.

C A P. VIII.

Clerks in the King's Service shall be discharged of their Residence, but shall be corrected by the Ordinary.

Privilege of the Exchequer.

ALSO Barons of the King's Exchequer claiming by their Privilege, that they ought to make Answer to no Complainant out of the same Place, extend the same Privilege unto Clerks abiding there, called to Orders or unto Residence, and inhibit Ordinaries that by no Means, or for any Cause, so long as they be in the Exchequer, or in the King's Service, they shall not call them to Judgement. (2) *The Answer.*

Clerks in the King's Service shall be corrected by their Ordinaries.

Clerks in the King's Service not bound to Residence. 2 Inst. 623 — 627.

It pleaseth our Lord the King, That such Clerks as attend in his Service, if they offend, shall be correct by their Ordinaries, like as other; but so long as they are occupied about the Exchequer, they shall not be bound to keep Residence in their Churches. (3) *This is added of new by the King's Council.* The King and his Ancestors since Time out of Mind have used, That Clerks, which are employed in his Service, during such Time as they are in Service, shall not be compelled to keep Residence at their Benefices. (4) And such Things as be thought necessary for the King and the Commonwealth, ought not to be said to be prejudicial to the Liberty of the Church.

ITEM Barones de Scaccario domini Regis vendicantes sibi ex privilegio quod non debent extra illum locum conquerenti cuiquam respondere extendunt illud privilegium ad clericos commorantes ibidem vocatos ad ordines seu ad residentiam et diocesanis inhihent ne aliquo modo aliquave ex causa dum sunt in Scaccario & in servitio domini Regis trahant ad iudicium quovis modo. *Responsio.* Placet domino Regi ut clerici suis obsequiis intendentes si delinquant per ordinarios ut ceteri corrigantur set tempore quo occupantur circa Scaccarium ad residentiam in suis faciend' ecclesiis non tenentur. *Hic additur sic de novo per consilium domini Regis.* Rex et antecessores sui a tempore cujus contrarii memoria non existit usi sunt quod clerici suis immorantes obsequiis dum obsequiis illis intendunt ad residentiam in suis beneficiis faciend' minime compellantur nec debet dici tendere in prejudicium ecclesiastice libertatis quod pro Rege & Republica necessarium invenitur.

C A P. IX.

Distresses shall not be taken in the Highways, nor in the ancient Fees of the Church.

2 Inst. 627. 628.

ALSO the King's Officers, as Sheriffs and other, do enter

ITEM ministri domini Regis ut vicecomitis & alii ingre-

grediuntur feodum ecclesie ad distractiones faciend' & aliquando capiunt animalia Rectorum in via Regia quando non habent nisi terram pertinentem ad ecclesiam. *Responso.* Placet domino regi ne de cetero distractiones fiant hujusmodi nec in via regia nec in feodis quibus olim ecclesie sunt dotate vult tamen distractiones fieri in possessionibus de novo a personis ecclesiasticis adquisitis.

ter into the Fees of the Church to take Distresses, and sometime they take the Parson's Beasts in the King's Highway, where they have nothing but the Land belonging to the Church. (2) The Answer. The King's Pleasure is, That from henceforth such Distresses shall neither be taken in the King's Highway, nor' in the Fees wherewith Churches in Times past have been endowed; nevertheless he willet Distresses

Distresses shall not be taken in the Highway, nor in the ancient Fees of the Church.

to be taken in Possessions of the Church newly purchased by Ecclesiastical Persons.

52H.3 c.15.

C A P. X.

They that abjure the Realm shall be in Peace, so long as they be in the Church or Highway.

ITEM quandoque aliqui confugientes ad ecclesiam abjurant terram secundum regni consuetudinem & prosequuntur laici eos vel inimici eorum & a publica strata abstrahuntur & suspenduntur vel statim decapitantur & dum sunt in ecclesia custodiuntur per armatos infra cimiterium & quandoque infra ecclesiam ita arcte quod non possunt exire locum sacrum causa superflui ponderis deponendi nec permittitur eis necessaria victui ministrari. *Responso.* Qui terram abjurarunt dum sunt in strata publica sunt in pace regis nec debent ab aliquo molestari et dum sunt in ecclesia custodes eorum non debent morari infra cimiterium nisi necessitas vel evasionis periculum hoc requirat. Nec arcentur confugi dum sunt in ecclesia quin possint habere vite necessaria & exire libere pro obsceno pondere deponendo. Placet etiam domino Regi ut latrones appellatores quancumque voluerint possint sacerdotibus sua facinora confiteri

set

ALSO where some flying unto the Church, abjure the Realm, according to the Custom of the Realm, and Lay-men or their Enemies do pursue them, and pluck them from the King's Highway, and they are banged or headed; and whilst they be in the Church, are kept in the Church-yard with armed Men, and sometime in the Church, so straitly, that they cannot depart from the ballowed Ground to empty their Belly, and cannot be suffered to have Necessaries brought unto them for their Living. (2) *The Answer.* They that abjure the Realm, so long as they be in the Common Way, shall be in the King's Peace, nor ought to be disturbed of any Man; and when they be in the Church, their Keepers ought not to abide in the Church-yard, except Necessity or Peril of escape do require so. (3) And so long as they be in the Church, they shall not be compelled to flee away, but they shall have Necessaries for their Living, and may go forth to empty their Belly.

2Inst.628,629.

They that abjure the Realm shall be in Peace whilst they be in the Church, or in the Highway.

Rep. 1. Jac. 1. c.25. & 21 Jac. 1. c.28.

Belly. (4) And the King's Pleasure is, that Thieves or Appellors (whensoever they will) may confess their Offences unto Priests; but let the Confessors beware that they do not erroneously inform such Appellors.

set caveant confessores ne erronee hujusmodi appellatores informent.

CAP. XI.

Religious Houses shall not be charged by Compulsion with Corodies, Pensions, Resort, or taking of their Horses or Carts.

2 Inft. 629, 630.

ALSO it is desired that our Lord the King, and the Great Men of the Realm do not charge Religious Houses, or Spiritual Persons, for Corodies, Pensions, or sojourning in Religious Houses, and other Places of the Church, or with taking up Horse or Carts, whereby such Houses are impoverished, and God's Service diminished, and, by reason of such Charges, Priests, and other Ministers of the Church deputed unto Divine Service, are oftentimes compelled to depart from the Places aforesaid. (2) The Answer. The King's Pleasure is, That upon the Contents in their Petition, from henceforth they shall not be unduly charged. (3) And if the contrary be done by great Men or other, they shall have Remedy after the Form of the Statutes made in the Time of King EDWARD, Father to the King that now is. And like Remedy shall be done for Corodies and Pensions extracted by Compulsion, whereof no Mention is made in the Statutes.

Religious Houses shall not be charged with Pensions, Resort, or Purveyors. 3 Ed. I. c. 1.

ITEM petitur quod dominus Rex & regni Magnates non onerent domos religiosas vel ecclesiasticas personas pro corrodiis pensionibus vel prehensionibus faciendis in domibus religiosis & aliis locis ecclesiasticis carectis & equis sibi mittendis cum per hoc predictae domus depauperentur cultusque divinus in hac parte diminuatur et propter hujusmodi onera compelluntur sepius presbyteri & alii ministri ecclesiastici divinis officiis deputati a locis recedere supra dictis. *Responsio.* Placet domino Regi quod super contentis in petitione decetero indebite non onerentur. Et si per magnates aut alios contra fiat habeant inde remedium juxta formam statutorum tempore domini E. Regis patris regis nunc editorum. Et fiat consimile remedium de corrodiis & pensionibus per coercionem exactis de quibus non fit mentio in statutis.

CAP. XII.

A Clerk excommunicate may be taken out of the Parish where he dwelleth.

2 Inft. 530, 631.

ALSO if any of the King's Tenure be called before their Ordinaries out of the Parish where they continue, if they be excom-

ITEM si aliqui de tenura domini Regis vocati coram ordinariis extra parochiam in qua degunt si propter suam ma-

manifestam contumaciam excommunicentur ac post quadraginta dies pro eorum captione scribatur pretendunt se privilegiatos quod extra villam seu parochiam suam non debent vocari et sic denegatur breve regium pro captione eorundem. *Responsio.* Numquam fuit negatum nec negabitur in futurum.

municate for their manifest Contumacy, and after forty Days, a Writ goeth out to take them, they pretend their Privilege, that they ought not to be cited out of the Town and Parish where their Dwelling is; and so the King's Writ that went out for to take them is denied. (2) *The Answer.* It was never yet denied, nor shall be hereafter.

A Clerk excommunicate may be taken out of the Parish where he dwelleth.

CAP. XIII.

The Examination of a Parson presented to a Benefice belongeth to a Spiritual Judge.

ITEM petitur quod persone ecclesiastice quas dominus Rex ad beneficia presenat ecclesiastica si Episcopus eas non admittat ut puta propter defectum scientie vel aliam causam rationabilem non subeant examinationem laicarum personarum in casibus antedictis prout hiis temporibus attemptatur de facto contra canonicas sanctiones set adeant Judicem ecclesiasticum ad quem de jure pertinet pro remedio prout justum fuerit consequendo. *Responsio.* De idoneitate persone presenatate ad beneficium ecclesiasticum pertinet examinatio ad Judicem ecclesiasticum & ita est haec usitatum & fiet in futurum.

ALSO it is desired that *Spiritual Persons, whom our Lord the King doth present unto Benefices of the Church (if the Bishop will not admit them either for lack of Learning, or for other Cause reasonable) may not be under the Examination of Lay Persons in the Cases aforesaid, as it is now attempted, contrary to the Decrees Canonical, but that they may sue unto a Spiritual Judge for Remedy, as Right shall require.* (2) *The Answer.* Of the Ability of a Parson presented unto a Benefice of the Church the Examination belongeth to a Spiritual Judge; and so it hath been used heretofore, and shall be hereafter.

²Inst. 631, 632, The Examination of a Clerk belongeth to a Spiritual Judge.

⁴Mod. 135—^{140.}Watson's Compl. Incumb. 213, 214.

CAP. XIV.

There shall be free Election of Dignities of the Church.

ITEM si vacet aliqua dignitas ubi electio est facienda petitur quod electores libere possint eligere absque incussione timoris a quacumque potestate seculari & quod cessent preces & oppressiones in hac parte. *Responsio.* Fiant libere juxta formam statutorum & ordinationum.

ALSO if any Dignity be vacant where Election is to be made, it is moved that the Electors may freely make their Election without Fear of any Power Temporal, and that all Prayers and Oppressions shall in this Behalf cease. (2) *The Answer.* They shall be made free according to the Form of Statutes and Ordinances.

²Inst. 632.
³E. 1. c. 5.

CAP.

CAP. XV.

A Clerk fleeing into the Church for Felony, shall not be compelled to abjure.

2 Inft. 633 —
637.

A Clerk fleeing to the Church for Felony, shall not be compelled to abjure.

MOREOVER, though a Clerk ought not to be judged before a Temporal Judge, nor any Thing may be done against him that concerneth Life or Member; nevertheless Temporal Judges cause the Clerks fleeing unto the Church, and peradventure confessing their Offences, do abjure the Realm, and for the same Cause admit their Abjurations, although hereupon they cannot be their Judges, and so Power is wrongfully given to Lay Persons to put to Death such Clerks, if such Persons chance to be found within the Realm after their Abjuration; the Prelates and Clergy desire such Remedy to be provided herein, that the Immunity or Privilege of the Church and Spiritual Persons may be saved and unbroken. (2) *The Answer.* A Clerk fleeing to the Church for Felony, to obtain the Privilege of the Church, if he affirm himself to be a Clerk, he shall not be compelled to abjure the Realm; but yielding himself to the Law of the Realm, shall enjoy the Privilege of the Church, according to the laudable Custom of the Realm heretofore used.

28 H. 8. c. 7.
1 Jac. 1. c. 25.
21 Jac. 1. c. 28.

ITEM licet clericus coram seculari Iudice judicari non debeat nec aliquid contra ipsum fieri per quod ad periculum mortis vel mutilationem membri valeat proveniri seculares tamen iudices clericos ad ecclesiam confugientes & reatus suos forte confitentes faciunt abjurare regnum & eorum abjurationem admittunt ex illa causa quamquam eorum iudices super hiis non existant sicque datur laicis indirecte potestas hujusmodi clericos trucidandi si ipsos post hujusmodi abjurationem in regno contigerit inveniri super quo petunt prelati & clerus tale remedium adhiberi ut immunitas ecclesie & ecclesiasticarum personarum conservetur illesa. *Responsio.* Clericus pro feloniam fugiens ad ecclesiam pro immunitate ecclesiastica optinend' si asserit se esse clericum regnum non compellitur abjurare set legi regni se reddens gaudebit ecclesiastica libertate juxta laudabilem consuetudinem regni hactenus usitatam.

CAP. XVI.

The Privilege of the Church being demanded by the Ordinary, shall not be denied to a Clerk that hath confessed Felony.

2 Inft. 637, 638.
1 Hawk. Pl Cr.
337, &c.

ALSO notwithstanding that a Confession made before him that is not lawful Judge thereof, is not sufficient whereon Process may be awarded, or Sentence given; yet some Temporal Judges (though they have been instantly desired thereto) do not deliver to their Ordinaries, according

to

ITEM quamquam confessio coram illo qui non est iudex confitentis non teneat nec sufficiat ad faciendum processum vel sententiam proferendam quidam tamen seculares iudices clericos qui de foro suo in hac parte non existunt reatus proprios & enormes ut puta

ta

ta furta roberias & homicidia coram eis confitentes admittunt ad accusationem aliorum quam ipsi communiter vocant appellum ipsosque sic confitentes accusantes seu appellum facientes non liberant prelatos eorum post premissa quamquam super hiis fuerint sufficienter requisiti licet coram eis etiam per confessionem propriam iudicari vel condemnari nequeant absque violatione ecclesiastica libertatis. *Responsio.* Appellatori in forma debita tanquam clerico per ordinarium petite libertatis ecclesiastica beneficium non negatur. Nos desiderantes statui ecclesie Anglicane & tranquillitati & quieti prelatorum & cleri predictorum quatenus de jure poterimus providere ad honorem Dei & emendationem status dicte ecclesie & prelatorum & cleri predictorum omnes & singulas responsiones predictas ac omnia & singula in eisdem responsionibus contenta ratificantes & approbantes ea pro nobis & heredibus nostris concedimus & precipimus imperpetuum inviolabiliter observari volentes & concedentes pro nobis & heredibus nostris quod predicti prelati & clerus & eorum successores imperpetuum in premissis jurisdictionem ecclesiasticam exercent juxta tenorem responsionum predictarum absque occasione inquietatione vel impedimento nostri vel heredum nostrorum seu ministrorum nostrorum quorumcumque. In cujus &c. T. R. apud Ebor' xxiiij. die Novembr' anno regni Regis E. fil. Regis E. decimo.

Per ipsum Regem & consilium.

to the Premisses, such Clerks as confess before them their heinous Offences, as Theft, Robbery, and Murder, but admit their Accusation, which commonly they call an Appeal, albeit to this Respect they be not of their Court, nor can be judged or condemned before them upon their own Confession, without breaking of the Churches Privilege. (2) *The Answer.* The Privilege of the Church, being demanded in due Form by the Ordinary, shall not be denied unto the Appealour, as to a Clerk. (3) We desiring to provide for the State of holy Church of England, and for the Tranquillity and Quiet of the Prelates and Clergy aforesaid, as far forth as we may lawfully do, to the Honour of God, and Emendation of the Church, Prelates, and Clergy of the same; ratifying, confirming, and approving all and every of the Articles aforesaid, with all and every of the Answers made and contained in the same, do grant and command them to be kept firmly, and observed for ever; (4) willing and granting for us and our Heirs, that the foresaid Prelates and Clergy, and their Successors, shall use, execute, and practise for ever the Jurisdiction of the Church in the Premisses after the Tenour of the Answers aforesaid, without Quarrel, Inquieting, or Vexation of us or of our Heirs, or any of our Officers whatsoever they be. T. R. at York, the xxiv. Day of November, in the Tenth Year of the Reign of King EDWARD, the Son of King EDWARD.

The Privilege of the Church being demanded by the Ordinary, shall not be denied to a Clerk that hath confessed Felony.

The Statute of *Sheriffs*, made at *Lincoln Anno*
9 EDW. II. Stat. 2. and *Anno Dom.* 1315.

Sheriffs shall be assigned by the Chancellor, &c. A Sheriff must have sufficient in the same County, and not be Bailiff, &c. to any. Bailiffs of Hundreds shall have sufficient in the same Shire.

Cro. Car. 13.

FOrasmuch as our Lord King EDWARD, Son to King EDWARD, at his Parliament holden at Lincoln in quindena Hillarii, in the Ninth Year of his Reign by the Information of his Prelates, Earls, Barons, and other great Men of the Realm, being summoned to the same Parliament, and also by the grievous Complaint of the People, did perceive great Damage to be done to him, and great Oppressions and Disheritances to his People, by reason insufficient Sheriffs and Hundreders have been before this Time, and yet be in the Realm;

(1) our Lord the King, intending to eichew such evil Oppressions and Disheritances by the Assent of the Prelates, Earls, Barons, and other great Estates aforesaid, hath ordained and established, in the said Parliament, That the Sheriffs from henceforth shall be assigned by the Chancellor, Treasurer, Barons of the Exchequer, and by the Justices; (2) and in the Absence of the Chancellor, by the Treasurer, Barons, and Justices. (3) And that none shall be Sheriff, except he have sufficient Land within the same Shire where he shall be Sheriff to answer the King and his People. (4) And that none that is Steward or Bailiff to a great Lord shall be made Sheriff, except he be out of Service, so that he may attend

POR ce que nostre seigneur le Roi EDWARD fiz le Roi EDWARD a son parlement a Nicole a la quinzeme de la feint Hiller lan de son regne neuf par demonstraunce des Prelatz Contes Barons & autres grauntz du Roiaume somuns a cel parlement & par greveufes pleintes del poeple entendi grantz damages estre faitz a lui & trop griefs oppressions & disheritaunces a son poeple par le meson que meins suffisants viscontes & gardeins des hundreds ont este avant ces heures & uncore sont en dit roiaume nostre seigneur le Roi voillant escheure ceux maux oppressions & disheritances del assent des Prelats Contes Barons & les grantz avantditz en son dit parlement purvit & establi que Viscontes de foremes soient mis par le Chancellier le Tresorer & les Barons del lefchequer & par les Justices & en absence del Chauncellier par le Tresorer Barons et Justices. Et que nul ne soit visconte sil neit terre suffisamment in meisme la contee ou il ferra visconte por respondre au Roi & au poeple. Et que nul que soit seneschal ou baillif de grant seigneur fait fait visconte sil ne oste de autre servise. Mes tiel le seit que de tut puisse entendre al office de visconte faire pur le Roi et pur le poeple et que Chauncellier Tresorer Barons et Justices facent

Who shall assign Sheriffs.
28 Ed. 1. stat. 3.
c. 8. 13.
14 Ed. 3. stat. 1.
c. 7.

Who shall be Sheriffs and of what Estate they shall be.
4 Ed. 3. c. 9.
5 Ed. 3. c. 4.

cent et mettent en la manere avantdite saunz autre regard aver. En meisme la manere est accordez et establi que les hundredz le quel qil soient au Roi ou as autres soient gardez par gentz convenables eantz terre suffisamment en meisme le hundred ou en le Countee ou le hundr' serra. Et si aucuns viscountes ou hundreders soient a ceo meins suffisantz soient tantost remuez et autres convenables meins en la forme avantdite. Et que les hundredz soient lesez et bailletz a tieux gentz a renable poer issint qil ne coveigne pas qil facent extortion sur le poeple pur trop outrageouse ferme et que nul Visconte ne Hundredor ne baille a autre son office agarder a ferme ne en autre manere. Et que les execucions des briefs que vendroint as viscontes soient faites par les hundredors conuz et juretz en plein countee et nemie par autres fil ne soit en grant defaute ou notoire destorbance des hundredors et adonques soient faites par autres convenables et juretz issint que le poeple puisse savor a qi seure tieles execucions sauve touzjours retorn des brefs a ceus que les ont et aver devient.

and then Execution shall be and sworn, so that the People have them, or ought to have them.

REX vic' Ebor' salutem. Mittimus tibi quoddam statutum in parlamento nostro apud Lincoln' editum de forma constituendi vicecomites & ballivos hundredorum & de aliis articulis in eodem statuto contentis sigillo nostro consignatum precipientes quod statutum illud in pleno comitatu tuo legi publicari & in omnibus articulis suis quantum ad te pertinet firmiter & inviolabiliter facias observari. T. Rege apud Lincoln' xx. die Febr' anno &c. nono.

Consimiles litere diriguntur singulis vicecomitibus per Angliam.

Et fait a remembrer que meisme lestatur fu seal souz le grant seal & maunde as tresorer & barons del eschekier & auxint as justices de lun bank & de lautre de fermement garder en tuz ses pointz.

to execute the Office of a Sheriff for the King and his People. (6) And in like Manner it is agreed and established, that Hundredes, whether they belong to the King, or to other, shall be kept by convenient and able Persons, that have sufficient Land within the same Hundred or Shire where the Hundred is; and that the Chancellor, Treasurer, Barons, and Justices shall do and assign in Manner aforesaid, without having other Regard.

(7) And if any Sheriffs or Hundreders be insufficient at this Time, they shall be removed, and other more convenient put in their Rooms.

(8) And that such Hundredes be leased and bailed to such Persons for a reasonable Rent, so that they need not to use Extortion upon the People by reason of too outrageous Ferm;

(9) and that no Sheriff nor Hundreder shall lease his Office to any other in Ferm or otherwise.

(10) And that the Execution of Writs that come to the Sheriffs, shall be done by the Hundreders sworn and known in the full County, and not by other, if it be not the open Default or notorious Disturbance of the Hundreders; done by other Persons meet

Who shall have the keeping of Hundredes. Regist. 178. 2Ed.3.c.4.

By whom Execution of Writs shall be done. 13 Ed.1.stat.1. c.39.

13 & 14 Car. 2. c.21.

The

The Statute of *Gavelet*, made at *London*, Anno
10 EDW. II. and *Anno Dom.* 1316.

*The Lords of Rents in London may recover them by a Writ
of Gavelet, and in Default thereof the Lands in Demesne.*

Lords of Rents
in London
may recover
them by a
Writ of Ga-
velet, and in
Default there-
of, the Lands
in Demesne.

IT is provided by our Lord the King and his Justices, and also granted unto the Citizens of *London*, That Archbishops, Bishops, Abbots, Priors, Earls, Barons, and other that have Rents in *London*, and for some Tenements the Rents are behind, and cannot recover those Rents, that it shall be lawful for them to distrain their Tenants for their Arrerages, so long as any Thing is found in the Fee, whereby they may be distrained; (2) and if they have nothing in the Fee, whereby they may be distrained; then the Tenants shall be impleaded by a Writ of *Gavelet* of Customs and Services, which may be well done by the Freemen of their City presented in their Hustings, for the keeping of their Suit, together their Rents; so that if the Tenants do acknowledge their Services, they shall presently and without Delay satisfy their Lords of their Arrerages. (3) And if they deny them their Services, the Demandants shall immediately name two Witnesses, whose Names shall be inrolled, and shall have Day to bring them forth at the next Hustings; (4) at which Day if they bring forth Witnesses, and it is shewed by them in the full Court of their own Sight and Hearing, that the said Plaintiffs have any Time received the Rents which they demand of the Tenements, then the Tenants shall

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PROVISUM est per dominum Regem & Justiciarios suos & Civibus Londoniæ concessum est quod si Archiepiscopi Episcopi Abbates Priores Comites Barones & Alii qui habent redditus in Civitate Londoniæ in aliquibus tenementis & redditus illi aretro fuerint nec redditus illos possunt recuperare quod bene liceat eis distringere tenentes suos pro arreragiis suis quamdiu aliquid inveniatur in feodo per quod distringere possunt * Cum ipsi tenentes implacentur de Gavelet per quoddam breve de consuetudinibus & serviciis quod bene potest fieri per Sokereus eorundem in hustengo presentatos ad eustodiend' Sok' sue ad redditus suos colligend' ita quod tenentes sui cognoverunt servicia sua statim & sine difficultate satisfaciant dominis suis de arreragiis suis Si autem servitia sua denegaverint petentes nominabunt statim sectam suam scilt' duos testes & abbreviantur & habebunt diem ad producendum eos ad proximum Hustingum ad quem diem si ipsos testes producerint & per eos in plena Curia ostendatur ut de pleno visu et auditu quod ipsi conquerentes aliquando percepserint redditus quos petunt de tenementis tunc ipsi tenentes amittant feoda per judicia Curie & querentes recuperabunt tenementa sua in dominico si autem ut predictum est cognoverint dominis suis servitia & super

* Si autem nichil inveniatur in feodo per quod possint distringi Tunc ipsi tenentes implacentur, &c. In alio MS.

super arreragiis tunc ad iudicium dicte Curie duplicabunt arreragia & dabunt vic' pro injusta detentione si ad hoc sufficienter absque gravamine C. s. si autem post debitam summotionem ad Hustengum non venerint tunc feoda illa in pleno Hustengo liberabuntur conquerenti tenenda in manibus suis per unum annum & unum diem ad quem terminum si tenentes venerint ad eos & optulerint eis satisfacere de arreragiis suis duplicandis et vic' de missa sua ut predictum est tunc rehabebunt tenementa sua sin autem post annum & diem completum remanebunt tenementa illa dominis feodorum illorum per iudicium ejusdem Curie in dominio suo imperpetuum.

Et tunc vocantur tenementa illa forfeet eo quod imperpetuum remanebunt in dominio dominis feodorum illorum pro defectu.

Idem tamen est observand' si tenentes cognoscant arreragia sua & non possunt inde satisfacere sicut predictum est.

mean for ever; (9) and then such Lands shall be called *Forfechoke*, because such Tenements shall remain for ever in demean to the Lords of the Fees for Default of the Service. (10) The same Ordinance shall be kept and observed if the Tenants do knowledge the Arrerages, and be not able to make Satisfaction therefore, as it is said before.

The Statute of *York*, made the Twentieth of *October*, Anno 12 EDW. II. Stat. 1. and Anno Dom. 1318.

PUR ceo qe plusurs gentz du Roialme dEngleterre & de la terre dIrlande unt einz ces heures soventefeth soffert meschefs & disheritefons parencheison de ceo qe en ascun cas ou defaute de lei fust remedie

FORasmuch as divers People of the Realm of England and Ireland have heretofore many Times suffered great Mischief, Damages, and Disberisons, by Reason that in some cases where the Law failed, no Remedy was

ordained; (2) and also forasmuch as some Points of the Statutes heretofore made had Need of Exposition: (3) Our Lord King EDWARD, Son to King EDWARD, desiring that full Right be done to his People, at his Parliament holden at York, the third Week after the Feast of Saint Michael, the Twelfth Year of his Reign, by the Assent of the Prelates, Earls, Barons, and the Commonalty of his Realm there assembled, hath made these Acts and Statutes here following, the which he willet to be straitly observed in his said Realm and Land.

ne fust ordene & aussynt pur ceo qe aucuns pointz des estatutz avant faitz avoient mestier desclariffement Nostre Seignour le Roi EDWARD fiz au Roi EDWARD desiraunt plener dreit estre faite a son poeple a son parlement a Everewyk as tres simeignes de seint Michel lan de son regne duzifime par assent des Prelatz Countes Barons & la communaute de son reame illoeqs assemblez fist les establissementz & les estatutz qe sensuent les queus il veutz qe en le dit roialme & en la dite terre soient fermement tenutz.

CAP. I.

Tenants in Assise of Novel disseisin may make Attornies.

FIRST, for divers Mischiefs that have been because Tenants in Assise of Novel disseisin might not make Attornies heretofore: (2) it is agreed that the Tenants in assise of Novel disseisin from henceforth may make Attornies. (3) Yet the King intendeth not hereby that the Tenants and Defendants in Assises of Novel disseisin should not plead by Bailiffs, if they will, as they have used to do heretofore.

Tenants in Assise may make Attornies.

Pleading by Bailiffs.

EN primes pur diverses meschefs qe unt estez de ceo qe les tenantz en assises de Novele disseisine ne poient avant ces heures fere attorne Accorde est qe les tenantz en brefs de Novele disseisine desore puissent fere attornez. Et nentent mie le Roi par tant qe les tenantz & les defendants en assises de Novele disseisine ne puissent pleder par baillif com avant soleient sil voillent.

CAP. II.

Process against the Witnesses to prove a deed denied.

Process against Witnesses to prove a Deed denied.

ALSO it is agreed, That when a Deed, Release, Acquittance, or other Writing is denied in the King's Court, wherein Witnesses be named, Process shall be awarded to cause such Witnesses to appear, as before hath been used; so that if none of them come at the great Distress returned, or if it be returned that they have nothing, or that they cannot be found, yet the taking of the Inquest shall not be deferred by

ET ensement acorde est qe quant Charte quite clamaunce aquitaunce ou autre escrit seit dedit en la Court le Roi en queus soient tesmoignes nomez seit proces fait de fere venir les tesmoignes com avant ad este usee issint qe sil ne veignent a la grant destrefce sur eus retourne ou qe retourne seit qil ne unt rien ou ne sont trevez qe adonc ne seit lessée la prise de lenqueste par absence de tiex tesmoignes. Et si les tesmoignes

moignes veignent par la grant destrefce & lenqueste par aucune encheson remaigne a prendre fait mesme le jour done a ceus tesmoignes que issint vendront qest done a lenqueste prendre A queux jour si tieux tesmoignes ne veignent soient lour issues sur eus primes retournez forfeetz & la prise de lenqueste ne remaigne par lour absence. Et pur absence des tesmoignes que sont des franchises ou brief le Roi original ne court mie ne fait la prise de tiele enqueste lesse.

where the King's Writ original doth not lie, the taking of an Inquest shall not be omitted.

C A P. III.

Inquests and Juries touching Plea of Land shall be taken by Nisi Prius.

ET com il fait contenu en lestatut fait a Westm' le secund jour dAverill lan du regne EDWARD pere nostre seigneur le Roi qore est vint septime qe les enquestes & les reconisances devant Justices del un Bank & del autre ajugez fussent prises devant aucun des Justices des places associe a li un Chivaler du Counte ou les enquestes serreient a prendre si les enquests ne fussent de grant examenement & qe en tieles enquestes prendre fust fait sicom les Justices verroient qe feist a fere au profit du Roialme le quel estatut ad besoigne destre meuz declare Acorde est qe les enquestes & juretz qe sont & seront a prendre en plee de terre qe ne sont mie de grant examenement soient prises en pays devant un Justice de la place ou le ple est associe a li un prodhome du pays Chivaler ou autre Issint qe certain jour fait done en Bank & cer-

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by the Absence of such Witnesses. (2) And if the Witnesses do come in at the great Distress, and the Inquest for some Cause remaineth untaken, the Witnesses that come in shall have like Day given them as is assigned for the taking of the Inquest; (3) at which Day, if the Witnesses do not appear, the Issues that were first returned upon them shall be forfeit; (4) and the taking of the Inquest shall not be deferred because of their Absence. (5) And for Absence of Witnesses dwelling within Franchises,

Co. Lit. 6. a. b.

AND where it is contained ^{13Ed. 1. stat. 1. c. 30.} in a Statute made at Westminster the Second Day of April, ^{27Ed. 1. stat. 1. c. 4.} in the xxvii Year of the Reign of the King's Father that now is, that Inquests and Recognisances taken before Justices of the one Bench and of the other, should be taken before any Justice of the Places accompanied with some Knight of the Shire where such Inquests hap to be taken, if they have not Need of great Examination; (2) and that in such Inquests the Justices shall do as they think most expedient for the Wealth of the Realm, the which Statute needeth to be better declared; (3) it is agreed, That Inquests and Juries that be and shall be taken in Pleas of Land, that require not great Examination, shall be taken in the Country before a Justice of the Place where the Plea is, accompanied with a substantial Man of the Country, Knight, or other, so that a certain Day be given

Co. Lit. 6. a. b. 14Ed. 3. stat. 1. c. 16. Inquests and Juries touching Plea of Land shall be taken by Nisi Prius.

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in the Bench, and a certain Day and Place in the Country, in the Presence of the Parties, if the Demandant request it. (4) And also the Inquests and Juries, in Pleas of Land that require great Examination, shall be taken in the Country (in the Manner above said) before two Justices of the Bench.

tein jour & leu en pays en presence des parties si demaundant le prie. Et ausi les enquestes & jurez en plai de terre que demaudent grant examenement soient prises en pays en la fourme susdite devant deus Justices du Bank.

CAP. IV.

Justices of Nisi Prius shall record Nonsuits, Defaults, &c.

Justices of Nisi Prius shall record Nonsuits and Defaults whereupon Judgement shall be given.

AND the Justice or the Justices shall have Power to record Nonsuits and Defaults in the Country, at the Days and Places assigned, as afore is said. (2) And that which they shall have done in the Things above mentioned, shall be reported in the Bench at a Day certain, there to be inrolled and thereupon Judgement shall be given. (3) And the King intendeth not, that the said Inquests and Juries should not be taken in the Bench if they come, nor that this Statute should extend unto great Assises. (4) And also one Justice of the one Place and of the other, being associate with a discreet Man of the Country, Knight, or other, at the Request of the Plaintiff, shall take Inquests upon Pleas pleaded and to be pleaded, that be moved by Attachment and Distress, and shall have Power to record Nonsuits as above is said, and to take Inquests upon Defaults there made. (5) And as to the Inquests to be taken upon Writs of *Quare impedit*, it shall be done as is contained in the Statute of *Westminster* the Second; and the Justices shall have Power to record Nonsuits and Defaults in the Country, and to give Judgement thereupon, as they do in the Bench, and

ET eit la Justice ou les Justices poer a recorder nonsutes & defautes en pays as jours & lieux que seront assignez com desuz est dit. Et ceo qui averont fait en les choses susdites soit reporte en Bank a jour done & illoeqs enroule & de ceo judgement rendu. Et nentent mie le Roi que les dites enquestes & jurez ne puissent estre prises en Bank si ele veignent ne que cest estatut sestent a grant assises. Et ausi une Justice del un Bank & de lautre associe a lui un prodhomme du pays Chevaler ou autre al roquite du pleintif preigne les enquestes des pledez pledez & a pleder que sont movez par attachementz & destresses Et eyt poer de recorder les nonsutes com desuz est dist & prendre les enquestes par defautes illoeqs faites. Et quant a les assises de Dreinn present & les enquestes sur bref de *Quare impedit* prendre soit fait com il est contenutz en le second estatut de *Westm'* Et eyt la Justice poer de recorder nonsutes & defautes en pays & sur ceo judgement doner com en Bank & soit reporte en Bank ceo que il avera fait & illoeqs soit enroule. Et si ilint aveigne que les Justices ou la Justice que seront ou ferra assigne de prendre tieles enquestes en pays ne veignent

13 Ed. 1. stat. 1.
c. 30.
14 Ed. 3. stat. 1.
c. 16.

veignent pas ou ne veigne en
 pays au jour assigne jadumeyns
 les parties & les gentz del en-
 queste gardent leur jour en
 Bank.

do not come, or if they come
 assigned, yet the Parties and
 keep their Day in the Bench.

and there to report that which
 they have done, and there to be
 inrolled. (6) And if it hap-
 pen, that the Justice or Justices
 that shall be assigned to take
 such Inquests in the Country,
 into the Country at the Day
 Persons of such Inquests shall

CAP. V.

*An Indenture shall be made between the Sheriff and Bailiff
 of Liberty of every Return.*

ET pur ceo qe sovenere
 plainte ad este fait en la
 Court le Roi qe les returns qe
 baillifs des fraunchises qe unt
 pleyn retourri des briefts le Roi
 unt livreze as viscontes apres
 unt este changez & en autre
 manere retournez en la Court
 le Roi a grant damage des af-
 cuns des parties & en delayance
 de droiture Acorde est qe des
 returns qe desore se ferront as
 viscontes par baillifs des tieles
 fraunchises soit faite endenture
 plener. entre le baillif de la
 fraunchise nome par son pro-
 pre noun & le viscounte nome
 par son propre noun. Et si
 nul viscounte change retourrn
 issint livre ali par endenture &
 de ceo seit atteint a la sute le
 Seigneur de la fraunchise dont il
 avera tiel retourrn resceu sil le
 Seigneur avera damage encoru
 ou sa fraunchise seit emblemie
 & a la sute de la partie qe ave-
 ra damage encorue par cel en-
 cheison seit puni de vers le Roi
 com de faus return & rende au
 Seigneur & a la partie damage a
 double. Auffsint est acorde qe
 desore Viscontes & autres Bail-
 lifs qe resceivent brefs le Roi
 returnables en sa court mettent
 leur propres nouns ove leur re-
 turnes issint qe le court puisse
 savoir a qi prendre des tieux re-
 turns

AND because it is many Times
 complained in the King's
 Court upon Returns, that Bailiffs
 of Franchises (having full Power
 to return the King's Writs) have
 delivered to Sheriffs, that have
 been after changed, and otherwise
 returned into the King's Court, to
 the great Damage of some of the
 Parties, and the Delay of Right;
 (2) it is agreed, That of Re-
 turns which hereafter shall be
 delivered to the Sheriffs by
 Bailiffs of such Franchises an
 Indenture shall be made be-
 tween the Bailiff of the Fran-
 chise by his proper Name, and
 the Sheriff by his proper Name.
 (3) And if any Sheriff change
 the Return so delivered to him
 by Indenture, and be thereof
 convict at the Suit of the Lord
 of the Franchise, of whom he
 received the Return, if the Lord
 have had any Damage, or if
 his Franchise be imblemished,
 and at the Suit of the Party that
 hath sustained Loss through
 that Occasion, he shall be
 punished by the King for his
 false Return, and shall yield
 unto the Lord and to the Party
 double Damages. (4) Also it
 is agreed, That from hence-
 forth Sheriffs, and other Bail-
 liffs that receive the King's
 Writs returnable in his Court,
 shall

Sheriffs and
 Bailiffs shall
 set their
 Names to their
 Returns.

Carthew, 55,

shall 56.

A a 2

shall put their own Names with the Returns, so that the Court may know of whom they took such Returns, if need be. (5) And if any Sheriff or other Bailiff leave out his Name in his Returns, he shall be grievously amerced to the King's Use.

turns si mestier seit. Et si nul visconte ou autre baillif en ses returns entrelesse son noun seit grevement amercie al oeps le Roi.

CAP. VI.

No Officer of a City or Borough shall sell Wine or Victuals during his Office.

6 R. 2. c. 9.
3 H. 8. c. 8.
No Officer of
City or
Borough shall
Sell any Vic-
tual during
his Office.

ALSO to the common Profit of the People, it is agreed, That no Officer in City or in Borough, that by Reason of his Office ought to keep Assises of Wines and Victuals, so long as he is Attendant to that Office, shall not merchandise for Wines nor Victuals, neither in Gros, nor by Retale; (2) and if any do, and be thereof convict, the Merchandise whereof he is convict shall be forfeit to the King, and the third Part thereof shall be delivered to the Party that sued the Offender, as the King's Gift. (3) And in such Case he that will sue for a Thing so forfeited, shall be received; (4) and the Chancellor, Treasurer, Barons of the Exchequer, Justices of either Bench, and Justices assigned to take Assises, shall admit such Complaints by Writs, and without Writs, and shall determine them, and shall perform all Things contained in these Articles in Form abovefaid. (5) And nevertheless the King may assign his Justices to execute this Thing in Cities and Boroughs, when

ENsèment por comun profit du poeple acorde est que nul ministre en cite ne en burgh q̄ par reson de son office deit garder assise des vins & des vitailles tant com il serra entendaunt a tiel office ne marchaunde des vins ne des vitailles en gros ne a retail Et si nul face & de ceo soit atteint la marchaundie dunt il serra atteint soit forfait au Roi & la tierce partie seit livree come de donn le Roi a celi a qi sute le trespasour serra issint atteint. Et en tieu cas seit receu celi que vodra sure por tieu chose atteindre & Chaunceller Treasurer Barons del Eschequer Justices del un Bank & de lautre & Justioes assignetz as assises prendre receivent tieux plaintes par brief & sans brief & les terminent & perfacent totes les choses contenues en cest article en la fourme avandite. Et jadimeyns put le Roi assigner ses Justices a ceste chose perfere en cites & en burghs qant & la ou il plerra.

Justices to execute this Thing and where it pleaseth him.

REX dilectis et fidelibus suis Henrico le Scrop & sociis suis Justic' nostris ad placita coram nobis tenenda assignatis salutem. Quedam statuta per nos in presenti parlamento nostro apud Ebor'um convocato de assensu prelatorum comitum baronum & totius communitatis regni nostri ibidem existentium ad communem utilitatem populi ejusdem regni edita vobis mittimus sub sigillo nostro consignata mandantes quatenus statuta illa coram vobis publicari & ea in omnibus & singulis suis articulis quantum

tum ad vos pertinet firmiter teneri faciatis. T. R. apud Ebor'um primo die Decembr'.

Per ipsum Regem.

LE Roi au Viscountez d'Everwyk saluz. Come nadgeres entre autre estatutz faitz a nostre drein parlement a Everwyk feusse accordeez & faitz les establissemantz qe sensuent Por ceo qe soyenere plainte ad este faite en la court le Roi &c. ut supra usque in finem vos comandons qe les ditz pointz ensi establiz facetz publier en vostre plein countee e en cites e en burghs & ailleurs en vostre baillie ou vous verretz qil soit affaire & les teignetz & gardez tant qe come a vous apent sur les peines suscrites. Donez a Everwyk le oytisme jour de Janevoir.

Eodem modo mandatum est singulis vicecomitibus per Angliam.

Dicta statuta postmodum missa fuerunt in Hiberniam ut in brevi subscripto continetur & liberata fuerunt Godefrido filio Rogeri una cum dicto brevi deferend'.

REX Cancellario suo Hibernie salutem. Quedam statuta per nos in parlamento nostro apud Ebor' convocato de assensu Prelatorum Comitum Baronum & totius communitatis regni nostri ibidem existentium ad communem utilitatem populi ejusdem regni ac terre nostre Hibernie edita vobis sub sigillo nostro mittimus consignata mandantes quod statuta illa in dicta cancellaria nostra custodiri ac in rotulis ejusdem cancellarie irrotulari & sub sigillo nostro quo utimur in Hibernia in forma patenti exemplificari & ad singulas placeas nostras in terra predicta & singulos comitatus ejusdem terre mitti faciatis per brevia nostra sub dicto sigillo ministris nostris placearum illarum & vicecomitibus dictorum comitatuum mandantes quod statuta illa coram ipsis publicari & ea in omnibus & singulis suis articulis quantum ad eorum singulos pertinet firmiter faciant observari. T. R. apud Clarindon x die Septembr' anno &c. quartodecimo.

Per ipsum Regem.

REX Cancellario suo Hibernie salutem. Quedam statuta per nos de assensu Prelatorum Comitum Baronum & Communitatis regni nostri nuper apud Lincoln & quedam alia statuta postmodum apud Eborum facta que in dicta terra nostra Hibernie ad communem utilitatem populi nostri ejusdem terre observari volumus vobis mittimus sub sigillo nostro mandantes quod statuta illa in dicta cancellaria nostra custodiri ac in rotulis ejusdem cancellarie irrotulari & sub sigillo nostro quo utimur in Hibernia in forma patenti exemplificari & ad singulas placeas nostras in terra predicta & singulos comitatus ejusdem terre mitti faciatis per brevia nostra sub dicto sigillo ministris nostris placearum illarum & vicecomitibus dictorum comitatuum mandantes quod statuta illa coram ipsis publicari & ea in omnibus & singulis suis articulis quantum ad eorum singulos pertinet firmiter faciatis observari. T. R. apud Notyngh' xx die Novembr'.

Per ipsum Regem.

The Statute of *Essoins*, made Anno 12 EDW. II,
Stat. 2. and Anno Dom. 1318.

Several Cases wherein Essoins do not lie.

DEmonstratur quot modis *Essoinia* sunt calumpnianda & in quibus *Essoinia* jacent & in quibus non. Non jacet quia terra capta est in manum domini Regis. Non jacet quando aliquis districtus est per ter-

ras

HERE is declared how many Ways *Essoins* may be challenged, and in what Cases *Essoins* do lie, and in what not; that is to say, an *Essoin* lieth not where the Land is taken into the King's Hands.

In what Cases an *Essoin* doth lie, and in what not.

A a 3

(2)

- (2) Effoin lieth not where the Party is distrained by his Land.
- (3) Effoin lieth not where any Judgement is given thereupon, if the Jurors do come. (4) Effoin lieth not where the Party was seen in the Court. (5) Effoin of *Ultra mare* lieth not where another Time the Party hath been effoined *De malo veniendi*. (6) It lieth not where the Party hath effoined himself another Day. (7) It lieth not where the Sheriff was commanded to make the Party to appear. (8) Effoin *De servitio regis* lieth not where the Party is a Woman, unless because she be Nurse, a Midwife, or commanded by Writ *ad ventrem inspiciendum*. (9) It lieth not in a Writ of Dower, because it seemeth to be but a Deceit and a Delay of Right. (10) It lieth not for that the Plaintiff hath not found Pledges to prosecute the Suit. (11) It lieth not where the Attorney was effoined. (12) It lieth not where the Party hath an Attorney in his Suit. (13) It lieth not where the Essoignor confesseth that he is not in our Lord the King's Service. (14) It lieth not where the Summons is not returned, or the Party not attached, for that the Sheriff hath returned *non est inventus*. (15) It lieth not where the Party another Time was effoined *de servitio regis*, that is to wit, such a Day, and now he hath not put in his Warrant. (16) It lieth not where he was resummoned in Assise of *Mortdauncestor*, or *Darrein Presentment*. (17) It lieth not because such a one is not named in the Writ. (18) It lieth not where the Sheriff hath a Precept to Distrain the Party to come by his Lands and Goods. (19) It lieth not where the Bishop was commanded to cause the Party to appear. (20) It lieth not for that the Term is passed. (21) And it is to be noted, that an Effoin *de servitio domini*
- ras & catalla. Non jacet quia concessum est hinc inde judicium*. Nec jacet de ultra mare quia alias se effoniavit de malo veniendi. Nec jacet quia se effoniavit tali die. Nec jacet quia preceptum fuit vicecomiti quod faceret ipsum venire. Non jacet de servitio domini Regis pro femina nisi quia nutrix aut obstetrix aut mittatur per breve ad ventrem inspiciendum. Non jacet quia querens non invenit plegios de prosequendo. Non jacet quia effoniatus testatur quod non est in servitio domini Regis. Non jacet quia nulla summonitio testificata vel attachiata est vel quia vicecomes mandavit quod non est inventus. Non jacet quia alias se effoniavit de servitio domini Regis scilicet tali die & modo & non misit Warrantum suum. Non jacet quia mandatum fuit Episcopo quod faceret eum venire. Non jacet quia non nominatur in brevi. Non jacet quia resummonitio fuit de ultima presentatione vel morte antecessoris. Non jacet quia preceptum est vicecomiti quod attachiet eum. Non jacet quia nondum dies preterit.
- Et sciendum quod effonium de servitio domini Regis scilicet post magnum cape & post parvum cape & post districtionem per terras & catalla jacet.

52 H. 3. c. 13,
39.

3 Ed. 1. c. 42,
43.

6 Ed. 1. stat. 1.
c. 10.

23 Ed. 1. stat. 1.
c. 12, 17, 27, 28.

* Si juratores veniant. Alio MS.

mini Regis is allowed after the *Grand Cape*, *Pety Cape*, and after Distresses taken upon the Lands and Goods.

Statutum de vicecomitibus et aliis de viridicera.

Made Anno 14 EDW. II. and Anno Dom. 1321.*

PUR ceo qe entre autres oppreffions & grevaunces qe le poeple ad sentu par viscontes & autres Ministres countre fourme dez statutz & autres remedies de ceo purveus il se sent mult greive de ceo qe ascuns viscountes & autres Ministres ne aquitent mie al Eschequer nostre seign' le Roi ceux des queux il ount leve deners al oeps le Roi par somons del Eschequer e dount il ount fait taille al dettour ou autre acquitaunce & de ceo qe en jurez de vint & quatre le proces ad este long sicome monstre fust a nostre Seign' le Roi EDWARD fitz le Roi EDWARD a son parlement a Westmonster as utaves de la Seint Michel lan de son regne quatorzisme par plainte de la commune de son roialme nostre Seign' le Roi desiraunt purveer & mettre remedie au profit de son poeple par assent des Prelatz Countes & Barouns & tote la commune de son roialme en dit parlement fist & establif les estatuz qe sensuent. A deprimis des viscontes & autres ministres qe ount leve la dette le Roi & fount taille ou autre acquitaunce au dettour & ne laquient pas al Eschequer & de ceo sont empledez al Eschequer & par favour sont mys as petites issues queux il voillent plus voillentiers perdre qe venir a respons & issint sont les pleintifs totes voies chargez a mult grant damage & oppression de eux ordene est & establi que visconte ou autre ministre quant il est de ceo enplede al Eschequer & soit adavaunt Sheriffs, ale en le ple qe la grant destresce soit retourne sur lui & il ne veigne pas a respons adonques isse autre brief de destresce retournable a certain jour en queu bref soit maunde qe proclamation soit faite en plein countee qe le defendaunt veigne a ceu jour & aquite le dettour de la summe dount il fist taille ou aquitaunce a queu jour si le defendaunt ne veigne pas & bref soit retourne & proclamation tesmoigne soit tenu pur convict & la dette leve de lui auxi come dette recoveri en la Court le Roi & damages agardez au pleintif solom discretion des Barons. Et doit cest estatut estendre auxi bien a ceux qe ount estiez viscountes & autres ministres tut lessent il leur baillies come a viscontes & autres ministres taunt come il tenent leur baillies. Et nest mie lention de nostre Seign' le Roi ne de son conseil qe par cest estatut seit nul home forclose qil ne se puisse pleindre sur viscounte et autre ministre quant il serra trove al Eschequer et qil respaignent illoeqs auxi come ad este use renablement devant ceo temps. Des proces escourcer en jurez de vint et quatre pur ceo Attaints. qe par la ley cea enarere use Justices nalerent point as tieles jurez prendre

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* Secunda pars veterum statutorum 33. b.

prendre avant ceo qe touz les primers jurours qe furent en vie eussent apparu devant eux en Court et tieux jurours doiauntz estre ateintz voleint miels perdre leur issues qe apparer en court par quei les pleintifs furent trop delaiez & faux serement rerelement puny ordente est & establ qe si les primers jurours qe ferront en vie ne apiergent pas en Court devant les Justices qe ferront assignez as tieux jurez prendre a la primere grant destresce sur eux retourne ou qe retourne soit qil ne ount rien par quei il pussent estre destréint qe adonqs pur leur absence ne soit pas delaie la prise de la jure sauvee & gardee en totes autres choses le proces en ticles jurez use cea en arere.

REX dilectis & fidelibus suis Henrico le Scrop & focis suis Justitiariis nostris ad placita coram nobis tenenda assignatis salutem. Quedam statuta per nos in parlamento nostro apud Westm' in octabis Sancti Michaelis proximo preteritis convocato de assensu Prelatorum Comitum Baronum & totius Communitatis regni nostri ibidem existentium ad communem utilitatem populi ejusdem regni edita vobis mittimus sub sigillo nostro consignata Mandantes quatenus statuta illa coram vobis publicari & ea in omnibus & singulis suis articulis quantum ad vos pertinet firmiter teneri faciatis. T. R. apud Westm' iiii. die Junii.

Eodem modo mandatum est subscriptis videlicet Justic' de Banco
Thes' & Baron'. de Scaccario.

*Statutum de Carleol. de Finibus, made Anno 15
EDW. II. and Anno Dom. 1322. **

*The Conusor of a Fine shall come personally before the Justices.
Where a Commission shall be awarded to take a Fine. Who
may admit Attorneys.*

18 Ed. 1. stat. 4.

The Conusor of a Fine shall come personally before the Justice, that his Defects may be discerned. Rast. 349, &c. Bro. Fines levy, 122.

THE King unto the Justices of his Bench Greeting. Whereas of late we have ordained that all such Fines as are to be levied in our Court be lawfully levied, which we will in no wise to be infringed or to be adnulled of their whole Power, (2) we have sent unto you our Mind in Writing firmly to be observed: that is to wit, That as well the Parties Demandant or Plaintiff, as the Tenants or Defendants, that will yield or acknowledge their Right of Lands or Tenements unto other in Pleas of *Warrantia Chartæ*, Covenant, and other, whereupon Fines are to be levied afore you before such

Fines

REX Justitiariis suis de Banco salutem. Cum nuper ordinaverimus quod Fines in Curia nostra levandi rite leventur quos nolumus in aliqua sui parte confringi infirmari seu de toto posse adnullari voluntatem nostram subscriptan vobis mittimus observandam videlicet quod tam partes querentes quam tenentes & defendentes qui jus vel tenementa sua aliis cognoscere vel reddere debent in placitis Warrantie carte conventionis vel aliis de quibus sint levandi coram quibus antequam Fines illi leventur personaliter veniant ut earum partium etas fatuitas seu quicumque alii defectus si qui fuerint

* Prima Pars veterum Statutorum, 93. b.

rint per vos adjudicari poterunt & decerni proviso tamen quod si quis senio an etate decrepita aut debilitate casualiter superveniente sic fuerit detentus & oppressus quod coram vobis ad Curiam nostram aliqualiter non possit accedere In tali casu Volumus quod duo vel unus vestrum de assensu vestro de Banco talem sic oppressum adeant vel adeat & suam recognitionem super placito & forma placiti quod habetur in Curia nostra de quo finis in eadem Curia levare debet assumpto secum si Unus adeat uno Abbate Priore vel Milite uno fide digno et bone fame recipiant vel recipiat & inde vos per Recordum suum reddat vel reddat certiores ut per ipsos vel ipsum omnibus que ad finem levandam pertinent examinatis fines illi ut predictum est rite leventur. Nos volumus etiam quod aliquis Baronum nostrorum Scaccarii nostri seu Justiciariorum nostrorum aliquos capiant Attornatos nisi tantum in placitis que coram eis & sociis suis in locis & placeis ubi per nos assignantur & eandem de Attornato recipiendo Potestatem clericis & Ministris predictorum Baronum & Justiciariorum denegamus ordinantes quod si aliqui attornati per aliquem predictorum aliquo modo admittantur pro non admisis habeantur et teneantur Potestate tamen Cancellarii nostri qui pro tempore fuerit cui juxta discretionem suam expedire viderit admittendi et etiam Capitalis Justiciarii nostri ut hactenus in Attornatis recipiendis semper observata. Volumus etiam quod hec donacio nostra in Octabis sancte Trinitatis proxime futuris incipiat observari. T. me

do pass, the Parties shall appear personally, so that their Age, Idiocy, or any other Default (if any be) may be judged and discerned by you. (3) Provided notwithstanding, That if any Person be by Age or Impotence decrepit, or by Casualty so oppressed and withholden, that by no Mean he is able to come before you in our Court, then in such Case we will that two or one of you, by Assent of the Residue of the Bench, shall go unto the Party so diseased, and shall receive his Cognisance upon that Plea and Form of Plea that he hath in our Court, whereupon the same Fine ought to be levied. (4) And if there go but one, he shall take with him an Abbot, a Prior, or a Knight, a Man of good Fame and Credit, and shall certify you thereof by the Record; so that all Things incident to the same Fine being examined by him or them, the same Fines according to our former Ordinance may be lawfully levied. (5) And we will not that any of our Barons of the Exchequer, or our Justices, shall admit any Attorneys, but only in Pleas that pass afore them in the Benches and in Places where they be assigned by us. (6) And the same Power of admitting Attorneys we prohibit and deny to the Clerks and Servants of the said Barons and Justices; (7) and do ordain, That if any Attorneys be admitted hereafter by any of the Persons aforesaid, their Admission shall be of none Effect. (8) Reserved alway to the Chancellor for the time being his Authority in admitting Attorneys, according to whose Discretion they shall be admitted;

A Commission
to take a fine.

Who may allow
Attorneys
in every
Court.

The Lord
Chancellor
and Chief
Justices may
admit
Attorneys.

ted; (9) and to our Chief Jus- me ipso apud Karliolum vij^o
tices, as heretofore hath been die Aprilis Anno regni nostri.
observed in the Admission of XV.

Attorneys. (10) We will al-
so that this our Ordinance shall take Effect and begin at the
Utas of the Trinity next ensuing. Given at our Parliament at
Carlisle, the Fifteenth Year of our Reign.

Exilium Hugonis le Despenser Patris et Filii. *

AL Honour de Dieu & de seinte eglise & de nostre Seigneur
le Roi & au profit de lui & de son roialme & a pees &
quiete maintenir, en son poeple & pur maintenance del estat
de la Corone lui monstrent Prelates Countes & Barouns & les
autre Piers de la terre & comune du roialme coudre Sire Hugh
le Despenser le fitz & Sire Hugh le Despenser le Piere qe come le
dit Sire Hugh le fitz au parlement de Everwyk feust nome &
assentu destre en loffice de Chamberleyn nostre Seigneur le Roi de
servir en celle office come afferit au quel parlement fuist auxint
assentu qe certains Prelates & autres graundz du roialme demoe-
rent pres du Roi per seifouns del an pur mieux counseiller no-
stre Seigneur le Roi saunz queux nulle grosse busoigne ne se de-
veroit faire le dit Sire Hugh le filz atreit a lui Sire Hugh son
Piere qi ne fuist nient assentu ne acorde en parlement a demurrer
ensi pres du Roi & entre eux deux acrochant a eux roial poaire
sur le Roi ses Ministres & le guyement de son roialme a desho-
nour du Roi emblemissement de la Corone & destruction du roi-
aulme des graundz & du poeple & sefoient les malveistez de-
fouz escrites en compassant desloigner le coer nostre Seigneur le
Roi des Piers de la terre pur avoir entre deux soul le gouverne-
ment du roialme.

En primes qe Sire Hugh le Despenser le fitz feust corouce
devers le Roi & sur ceo corouce fist une bille sur la quele bille il
voleit aver en alliance de Sire John Giffard de Brymmesfeld
Sire Richard de Greye & dautres davoir mene le Roi per asper-
tee a faire sa volunte issint qen lui ne remist mie qil ne le eust
fait La teneure de la bille sensuit souzescrit.

“ Homage & serement de ligeaunce est pluis per reson de la
“ Corone qe par reson de la persone le Roi & pluis se lie a la
“ Corone qe a la persone & ceo piert qavant qe lestat de la
“ Corone soit descendu nulle ligeaunce est a la persone regar-
“ dant. Dount si le Roi per cas ne soi mesne per reson en droit
“ de la Corone les liges sont lies per serement faite a la Corone
“ de remener le Roi & lestat de la Corone per reson & autre-
“ ment ne serroit point le serement tenuz Ore fait a demaundre
“ coment lem doit mener le Roi ou per seute de leie ou per
“ asperte Per seute de leie ne lui poet homme pas redrescer qar
“ il navera pas Juges si ce ne soit depart le Roi en quele cas si

“ la

* Secunda Pars veterum Statutorum, 50. 2.—54. 2.

“ la volente le Roi ne soit accordante a reson si naveroit il forsque erreur maintenu & conferme.”

“ Dount il covient pur le serement sauver qe quant le Roi ne voet chose redrescer & oustier qest pur le comune poeple malveis & damageous pur la corone a juger est qe la chose soit ouste per asperte qil est lie per son serement de gouverner son poeple & ses liges & ses liges sont liez de gouverner en eide de lui & en default de lui.”

Et auxint per leur covyne & malveistes mesnerent & mal counseillerent nostre Seigneur le Roi siqe a sa presence quel il doit de son dever monstrier a les graundz & a son poeple & a les graces & droit queux requerroint respoudre ne le fist point forsque a la volente & a la taille les dites Sire Hugh & Sire Hugh en oustantz le Roi de son dever countre son serement & les coers des graundz & du poeple de leur Seigneur lige.

Auxint mesmes ceux per leur faux covyne ne soeffront pas les graundz du roialme ne les bones counseillers le Roi parler ne approcher le Roi pur lui bien counseiller ne le Roi parler a eux forsque en la presence & le oie les dites Sire Hugh & Sire Hugh ou lun deux & a leur volente & selonc leur taille & chose qils voillent en rebotant les graundz & les bones counseillers le Roi de leur bone volente vers leur Seigneur lige & acrochant a eux roial poer Meistrie & sovereigntyte sur la persone le Roi au grant deshonour & peril du Roi & de la Corone & de son roialme.

Auxint mesmes ceux pur atteindre a leur malveistes & covestiez a desheritaunce des graundz de la terre & destruction du poeple ousterent bones & convenables Ministres qi furent mys per assent & mistrent autres faux & malveis de leur covine qi ne soeffrent droit estre fait & Viscuntes Eschetours Conestables des Chasteux & autres en les offices du Roi nient convenables pur le Roi ne pur le poeple & fesoient mettre Justices nient consistantz en leie de la terre doier & terminer les choses touchantz les graundz & le poeple du roialme sicome le dit Sire Hugh le piere Sire Rauf de Basset Sire Rauf Camoys & Sire John Inge & autres leur alliez & Jurez especialment & per covyne des tieux Ministres & leur faux procurours & fautours fausement fesoient enditer per faux Jurours de leur alliaunce les Piers de la terre Cest assavoir le Conte de Hereford Monf' John Giffard de Brymsfeld & Monf' Robert de Mouhaut & autres bones gentz pur covetise davoier leur terres & issint ceo qe deust estre a la maintenaunce du pees & des bones & punissement des malveis mesnerent a desheritaunce des graundz & destruction du poeple.

Auxint fausement & malveisement conseillerent nostre Seigneur le Roi daler a Chivalx & as armes vers les parties de Gloucestre & lui firent chivaucher & ses gentz armez en celles parties a coure sur ses bones gentz countre la fourme de la graunt chartre & les garder des Piers de la terre & issint per leur faux et malveis counseils volent avoir meu guerre en la terre a destruction de seinte eglise e du poeple pur leur querele propre.

Auxint

Auxint la ou le Counte de Hereford e le Seigneur de Wygemore per comaundement du Roi assignez daler de guerre sur Thlewelyn Bren qi fuisit leve encountre le Roi en Glamorgan taunt come les terres furent en la mein le Roi per la mort le Counte de Gloucestr' le dit Thlewelyn se rendi a les ditz Seignurs a la volunte le Roi en sa grace & ceux Seignurs lui promistrent bone grace & sur tiel condition le recoverent & lui liverent a nostre Seigneur le Roi. Et nostre Seigneur le Roi en tiele fourme lui receuste & puis tanqe come les ditz Seignurs furent hors de la terre les ditz Sire Hugh le fitz & Sire Hugh le pierre qavoient accroche roial poer sicome desuis est dit pristerent le dit Thlewelyn & lui mesnerent a Kaerdif puis qe Sire Hugh le fitz fust seisi illoques de sa propartie & per lour coveigne empernant jurisdiction la ou null en ceo cas ne poent per reson avoir & lui firent illoques treynner pendre decoller & quartrover felonement pur chose faite en temps le Roi & ensi purpernant roial poer & jurisdiction qappendoit a la Corone en disheritaunce de la Corone & a deshonor de nostre Seigneur le Roi & des dites Seignurs de Hereford & de Mortimer & en malveis ensauple & grant peril per cas en temps avenir. Et auxint mal counseillant nostre Seigneur le Roi de prendre en sa main les terres & les chateux Sire Hugh Daudele le fitz & le forjugerent des ses terres faunz due proces selonc leie de la terre per covetise davoit accroche au dit Sire Hugh le Despenfer le fitz celes terres & per autres faux compassementz al entier del Counte de Gloucestre en desheritaunce des piers de la terre.

Auxint la ou nostre Seigneur le Roi per ses lettres patentes desouz son graunt seal en plein parlement a Westm' graunta a Counte de Warrewyk qe si mort lui avenist qe ses executours puissent avoir ses terres tanqe al age son Heir le quel graunt puis la mort le dit Counte le Roi conferma a son parlement a Nicole a la requeste & per assent des Piers de la terre le dit Sire Hugh le pier per maintenaunce abette & procurement le dit Sire Hugh son fitz fist nostre Seigneur le Roi repeller cel fait faunz encheion & bailler au dit Sire Hugh le Pierre pur son propre profit la garde de mesmes celes terres & issint desefant per lour malveis conseil ceo qe le Roi lour avoit graunte en ses perlementz per son bon conseil & per assent des piers de la terre a deshonor du Roi & encountre droit & reson.

Auxint mesmes ceux nount pas soeffert nostre Seigneur le Roi prendre resonables fines des Pieres de la terre & autres qi sont entre son fee auxi come ad este usee einz ces heurs mes pur covetise datteindre a tieux terres per poer roial a eux accroche out fait mettre en tieux busoignes noundues empeschement surmettantz les terres estre forfaitz come de Monf' John de Moubray pur les terres de Gower & des autres a damage & deshonor nostre Seigneur le Roi & countre le leie de la terre en desheritaunce des grandz & des autres du roialme ensi fesaant le Roi veer en parlement encountre son serement.

Auxint pur lour malveis covetise & per poer roial a eux acroche ne suffrirent nostre Seigneur le Roi doier ne droit faire as grandz

graundz de la terre sur le demonsttraunce qils fesoient a lui pur lui & pur eux de la desheritaunce de la Corone et deux touchaunt les terres qe furent as Templers Et issint per poair roial a eux acroche ont ils mesne nostre Seigneur le Roi son conseil & ses places qe des choses touchaunz eux ou lour aliez ount empris & embrace per eux qe droit ne poet estre fait fors qe a lour volunte & a damage & a deshonour nostre Seigneur Roi & peril de son serement & desheritance & destruction de plusours graundz du poeple de son roialme. Et auxint les Esluz as Evesques Abbes Priories qi deivent estre droit resceux de nostre Seigneur la Roi la ou ils fount en due fourme esluz ne poent approcher a nostre Seigneur Roi ne ove lui parler de quere sa grace tanqe ils avoient fait fine & tret Sire Hugh le filz a sa volunte.

Ne nul qe eust graunte a quere de nostre Seigneur le Roi ne poet a nul graunt atteindre avant qil avoit fait fine a lui. Estre ceo la ou John de Latcheleghe & autres furent agardez a la prisone pur un trespas qils avoient fait a la Dame de Merk a damage de la dite Dame de Merk C. Marz dount furent atteintz devant Monf. Robert de Maddingle & ses compaignons Justices assignes a oier & terminer cel trespas & le dit John fust en la prisone de Colecestre per lagard fuist dite Sire Hugh le fitz acrochant a lui roial poer amena le dit John hors de la prisone countre leie de terre einz qil avoit faite gree a la dite dame des damages avantdites & lui fist vendre sa terre a lui & a lever sur ceo une fine. Les queux malveistes suscritz sount notoires et verrois sicome treuve est per examinement des Countes Barouns & autres Piers de la terre.

Par quoi noz Pieres de la terre Countes et Barouns en la presence nostre Seigneur le Roi agardons qe Sire Hugh de Despenzer le fitz & Sire Hugh le pere soient desheritez a touz jours come desheritours de la Corone & enemys du Roi & de son poeple & qils soient del tout exilez hors du roialme Dengleterre sanz retourner en nul temps si ceo ne soit de lassent nostre Seigneur le Roi & de lassent des Prelates Countes et Barouns & ce en parlement duement somons. Et les donons port a Dovor & nul part aillours a voidre & a passer hors du roialme Dengleterre entre cy & la feste de seint John le Baptistre preschein avenir ceo jour acounte. Et si les dites Sire Hugh & Sire Hugh demorgent en la roialme Dengleterre outre le dit jour qe done lour est de voider & de passer come desuis est dit ou qapres le dit jour retournerment adonques soit fait deux come des enemys du Roi & de roialme.

Ne quis occasionetur pro felonis seu transgressionibus factis in prosecutione Hugonis le Despenser patris et filii. *

COME nadgayrès plusours grandes du royaume surmeissent a Sir Hugh le Despenser le fitz e Sir Hugh le Despenser le pere plusours malveistees par eux faitz encountre lestat nostre Seigneur le Roy et de sa corone et a disheritance des grandes et destruction du people. Et pour fuer celles malveistees, et atteindre par force, que par proces de la ley ne poient estre atteintz, pur ceo qe les avandites Sir Hugh et Sir Hugh avoient accroche a eux royal poiar en plusouts maneres ; les dites grandes se feussent entrelies par serment escriptz et en autre maner sans le conge nostre Seigneur le Roi, et puis en pursuant les dits Hugh et Hugh et leurs allies et adherantz a eux, les dits grandes et autres chivaucherent as baners displayes des armes le Roy et de leur armes, et pristerent et occuperent chasteux villes manoirs teres et tenements biens et chateux, et auxint pristerent et emprisonnerent gentz de la ligeance le Roy et autres, et ascuns reinterent, et ascuns tuerent, et autres plusours choses fesoient, en destruantz les dits Hugh et Hugh et leur allies et autres en Engleterre Wales et en la Marche ; dount ascuns choses purrout estre dits trespassees, et ascuns felonies. Et les ditz Hugh et Hugh en le Parlement nostre Seigneur le Roy, somons a Westm' a trois femaignes apres la nativite de Seint John le Baptist lan de son regne quinzeme, pur les ditz malveistees fuissent forejuges et exules du royaume per agarde des Pieres de la terre. Et les suisditz grandes en le dit parlement monstrasent a nostre Seigneur le Roy, que les choses faites en la poursuite des ditz Hugh et Hugh par tiels causes de necessite ne doivent estre redressées ne punis par rigour de leye, ne poient, sans faire trop grand trouble, ou parcase, que pire serroit, guerre en la terre ; et priaissent nostre Seigneur, que de tous alliances et trespassees et felonies fussent quites a tous jours, pur bien de la peax, pur guerre eschuer, et pur ires et rancours affwager, et pur unite faire en la terre, et que nostre Seigneur le Roy puisse le plus entierement avoir les coeurs et les voluntees des grandes et de son poeple, pur les terres mainteyner et defender, et les enemies guerroyer et grever. Accorde est et assentus en le dit parlement nostre Seigneur le Roy, et par Prelates Countz et Barouns et la Commen du royaume illoeqes al mandement nostre Seigneur le Roy assemblees, que nul, de quel estate ou condition que il soit, pur alliance quel temps que il soit fait par serment escript ou en autre manere, ne pur chivauchez faitz a baner displaye darmes de Roy ou dautre, ne prise occupation ou detinue des chasteux.villes manoirs terres tenements biens et chateux, prise emprisonmentz ou rauncener la gent de la ligeance le Roy, ou dautres homicides robberies felonies ou autres choses, que purront

* Secunda Pars veterum Statutorum, 54. a.

ront estre notes as trespassees ou as felonies, faitz contre la pees le Roy par les ditz grandes lour allies ou lour adherentes en la poursuite avantdite puis le primer jour de Mars darrein passe jusque a Mercurredi prochein apres la feast de lassumption de nostre dame, cest ascavoir le xix jour de August procheine ensuant, soit appelle ne challenge, prise ne emprisonne, nempesche moleste ne greve, nen jugement mesne, par le Roy ne par autres, a la suite le Roy ne a la suite dautre, que quil soit, en la courte le Roy ne nul part aillours: mez que de tous tielx trespassees et felonies soient quites par cel accorde et assent. Sauve tous jours as tous, forspris les dits Hugh et Hugh, action et refon davoir et recoverer lour chasteux villes manours terres tenements gardes et mariages, solonc les leies et usages ceo en arriere usez, sans punishment devers le Roy, ou damage recoverer vers partie, du temps avantdit.

Auxint est accorde et assentus, que les ditz grandes, fils voilent pur eux et pur toutz autres queux eux en la serement de lour foialte faite au Roy voudrent tesmoigner entre cy et le fest de Saint Michel prochein a venir par lour lettres patentz au Roy et a son Chancellor que ils feurent de lour adherance et lour compaignie en le dit poursuite, eient charters severaux desus le grande seale en la forme suiffdit, de les choses suiffdit.

Forma chartarum prosequentibus Hugh le Despenser patrem et filium concessarum. *

EDWARD par la grace de Dieu Roy Dengleterre Seigneur Direlande e Duke Daquitayn a tous ses bailiffes et foialx as queux cestes presents lettres vendront salut. Saches que come en ceste nostre present Parlement tenu a Westm' a trois semaines de la nativite de Seynt John le Baptist procheime passe par Nous et par Prelates Countz Barons et la Comen de nostre Royalme, illoques par nostre mandement assemblees, accorde soit et assentu, que nul, de quel estate ou condition que il soit, pur alliance quel temps que il soit fait par serement escripte ou en autre manere ne pur prise occupation on detinue des chasteux villes manours terres tenements biens ou chateux, prise emprisonner ou ranceoner des gentes de nostre ligeance ou dautres, homicides robberies felonies, ou autres choses, que purront estre notes as trespassees ou as felonies, faitz contre nostre peax par plusours grandes de nostre Royalme lour allies et lour adherentes en un poursuite, que nadgaires fesoient par certaines encheffons contre Sir Hugh le Despenser le fitz et Sir Hugh le Despenser le pere puis le primer jour de Marche darrein passe jusque a Mercurredi prochein apres la feste de lassumption de nostre dame, cest ascavoir le xix jour Daugust prochein ensuant, soit appelle ne challenge, prise ne emprisonne, empesche moleste ne greve, ne en jugement mesne, par nous ne par autre, a
nostre

* Secunda Pars veterum Statutorum, 55. b.

nostre fuite ne a la fuite dautri, qui que il soit, en nostre courte ne nul part aillours : mes que de tous tielx trespases et felonies soient quites par cest accord et assent. Sauves tous jours as tous, forspris les dits Hugh et Hugh, action et reason davoit et recovrer leur chasteux villes manoirs terres tenements gardes et mariages, selonc les leies et les usages ceo en arrere usees, sans punishment devers nous, ou damage recoverir vers partie, du temps avantdit ; sicome en les dites accorde et assent plus pleyne est contenu. Nous voillants mesmes ceux accorde et assent estre tenus et gardes en tous choses, volons que nostre soial et loyal H. de B. counte de Hereford et de Essex un des dits grandes pur alliance, quel temps que ceo soit, par serement escript ou en autre maner, ne pur chose faite en la dit poursuite dedeins le dit temps, ne soit appelle ne challenge, pris nemprison, empesche moleste ne greve, nen jugement mesme, par nous ne par autre, a nostre fuite nasuite dautri, qui quil soit, en nostre court ne nul part aillours, contre la forme de les accorde et assent avantdit. En tesmoignance des quels choses Nous avons fait faire cestes nos lettres patentes. Done a Westm' le xx jour Daugust lan de nostre reign xv.

A Statute revoking the Pardon granted to the Pursuers of the *Despensers*, made *Anno 15 EDW. II.* and *Anno Dom. 1322.* *

COM en le parlement nostre seignur le Roi EDWARD filz au Roi EDWARD somons a Westmonster a treis semeins de la nativite seint Johan le Baptiste lan de son regne xvme a la priere Humfrei de Bohun adons Counte de Hereford & des plusours autres grantz de roialme feut assentu & acorde qe nul de quel estat ou condition qil fut por alliance quen temps qe ceo estoit fait par serment escript ou en autre manere ne por chivauche fait a banere defus des armes le Roi ou dautri ne por prise occupation ne detenue des chasteux villes manoirs terres tenementz biens ou chateus prise emprisonement ou raungcour des gentz de la ligeance le Roi ou dautres homicides roberies felonies ou autres choses ne porreient estre notees a trespas ou felonies faites contre la pees le Roi par les ditz grauntz leur alliez ou leur aherdantz en pursuant & destruant Hugh le Despenser le fil & Hugh le Despenser le pierre & leur alliez & adherantz puis le primer jour de Marz lan du regne le dit nostre seignur le Roi xiiij jesques le xix. jour dAuste prochein suant ne fut appelez ne chalengez pris nemprisonnez empeschez molestez ne grevez ne en jugement menez par le Roi ne par autre a la fute le Roi ne a fute dautri qi qil fust en la Court le Roi ne nul part aillours mes qe des touz tieux trespas & felonies fuissent quites. Et puis au dit nostre seignur le Roi a son parlement somons a Everwyk a treis semeins de la Paske lan de son regne xv. susdit monstre

* From Mr. Serjeant Hawkins's Edition.

estre lui fut par Prelatz Countes Barons Chivalers des Countes & la comun de son roialme illoqs assemblez par son mandement qe les ditz estatut ordenaunce purveance & acquitance estoient peccheroufement & torcenoufement faitz & grantz contre reison & commune droit & contre le serment nostre seignur le Roi q'il fit a son coronement & qe lassent qe eux fesoient as ditz estatut ordenance purveance & acquitance estoit faite por doute de la grante force qe les ditz Counte de Hereford & les autres grantz entraillez sodeinement menerent au dit parlement de Westmostr' as cheveaux & armes en affrei & bassement de tut le people & qe eux ne eussent as ditz estatut ordenance purveance & acquitance assentu en nule manere si non par encheson de la dite force outrajouse & nondue par quoi y prierent nostre seignur le Roi qe por salut de sa alme & de lour almes il feit venir devant lui en dit parlement somons & tenuz a Everwyk la tenour des ditz estatut ordenance porveance & acquitance & les fait examiner repeller & de tut anentir. Et nostre seignur le Roi a lour requeste fit venir en dit parlement devant lui la tenour des ditz estatut ordenance porveance & acquitance en les paroles qe sensuont. Come nadgaires plusours grantz du roialme fermeissent a fire Hugh le Despenser le fiz & fire Hugh le Despenser le pier plusours mauveisteez par eux faites contre lestat de nostre seignur le roi & de sa corone & a disheritance des grantz & destruction du poeple et a purfaire celes mauveisteez et attendre par force qe par proces de lei ne poient estre atteinz por ceo qe les avantditz Hugh et Hugh avoient acroche a eux reale poer en plusours maneres les ditz grantz se fuissent entreallez par sermentz escritz & en autre manere sanz conceise nostre seignur le roi et puis enpurfuant les dit Hugh et Hugh et lour alliez et aherdantz a eux les ditz grantz et autres chivachassent as baneres despliez des armes le roi et de lour armes et pristrent et occuperent chasteux villes mañoirs terres tenementz biens et chateux a aussint pristrent et emprisonerent genz de la ligeance le roi et autres et aucuns rendrent et aucuns tuerent et autres plusours choses fesoient endestruantz les ditz Hugh et Hugh et lour alliez et autres en Engleterre en Gales et en la Marche dont aucunes choses porreient estre dites trespas et aucunes felonies et les dit Hugh et Hugh en le parlement nostre seignur le roi somons a Westmonstre a treis semeins apres la feste de la nativite seint Johan le Baptist lan de son regne xvme por les dites mauveistees fuissent forjugez et exilez du roialme per agard des tutz pieres de la terre et lez susditz grantz en dit parlement montraissent a nostre seignur le roi qe les choses faites en la presence des ditz Hugh et Hugh par tiele cause de necessite devoient estre adrefcees ne puniz par reddour de lei ne ne poient sanz faire trop grant trouble ou par cas qe pis serroit guerre en la terre priaissent a nostre seignur le roi qe de touz alliances trespas et felonies fuissent quites a touz jours. Por bien de pees et por guerre eschuire et por ires et rancoures assuager et por unite faire en la terre et qe nostre seignur le roi peusse le plus entierement aver les quers & les volutees des grantz et de son

poeple por ses terres meintener et defendre et ses enemis guerroyer
 et grever accorde est et assentu en dit parlement par nostre seig-
 nur le roi et par Prelatz Countes Barons et la commune du
 roialme illoeqs a mandement le roi assemblez que nul de quel
 estat ou condicion qil soit, por alliance quen temps que ceo soit
 fait par serment escrit ou en autre manere ne por chivache fait a
 banere desplie des armes le roi ou dautre ne por prise occupation
 ou detenue des chasteux villes manoirs terres tenementz biens
 ou chateux prise emprisonement ou rancenour des gentz de la
 ligeance le roi ou dautres homieides roberies felonies ou autres
 choses que porront estre notees a trespas ou a felonies faites con-
 tre la pees le roi par les ditz grant lour alliez ou lour aherdanz
 en la presence avantdite puis le primer jour de Marz drein pass
 jusq a Meskerdy prochain apres la feste del Assumption nostre
 dame cest assavoir le xix jour d'Aust prochain suant soit appelez
 ne chalengez pris nemprisonnez empechez molestez ne grevez ne
 en jugement menez par le roi ne par autre a la suite le roi ne a
 la suite dautri qi qil soit en la court le roi ne nule part ailleurs
 mes que de touz touz trespas et felonies soient quites par cest
 acord et assent sauvee touz jours a touz forpris les ditz Hugh
 et Hugh action et reson daver et recoverer leur chasteux villes
 manoirs terres tenementz gardes et mariages solonc les leis et
 les usages or a enarere usees sanz punissement devers le Roi
 ou damage recoverir devers parties du temps avantdit. Et aus-
 sint est acorde et assentu que les ditz grantz sil voillent por eux
 et por touz autres queux eux en la ferment de lur feaute faite au
 roi vidront tesmoigner entre cy et la feste seint Michel prochain
 avenir par leur lettres patentes au roi ou a son Chaunceller qil
 faire de leur aherdance et leur compaignie en la dite poursuite
 eient chartres severales desouth le grant seal le roi en la forme
 susdite des choses susdites. Les queuz estatut ordonnance pur-
 veance et acquitance illoqs rehercez et examinez en presence des
 Prelatz Countes Barons Chivalers des Countez et le communez
 du roialme au dit parlement d'Everwyk esteantz trouve fu que ceuz
 estatute ordonnance purveance et acquitance se fesoient contre
 reson et commune droit et contre le ferment le roi fait
 a son coronement et contre la tenour de la grante chartre des
 franchises d'Engleterre la quele est afferme par sentence de co-
 mence et en la quele est contenuz que le roi ne niera ne delaira a
 nul droit ne justice et que la dite acquitance estoit grantee plus
 en boudour et favour de messours et destourbours de la pees
 et de felonies trespas et mauveistes faire que por remedie et
 adreusement de tort. Par quoi nostre seigneur le roi eant regarde
 as les choses susdites et a ceo que le dit Counte de Hereford et
 les autres entrealliez vendrent au dit parlement de Westmonstr'
 nondument as chevaus et as armes et la tout leur force de h
 quele il ne fu pas devant aparceu et ensement que la dite acqui-
 tance se fit a displeisance et grant deshonour de lui et emble-
 missement de sa real dignite et en offense dautri droit et qil ne
 poeit adoncs arester la dite force si sodeinement pur droit faire
 sicome a lui appendoit que suite dautri ne devoit il ne poeit re-
 lesser ne pardonner sanz tort faire et auxi chargantz le conseil et la

a requeste des ditz Prelatz Countes Barons Chivalers des Countez et la commune du roiaume fait en cest partie pur salut de a alme et de lour almes et qe bien appendoit a lui et a sa real lignite et devoit si grante faite torcenouse et perilous redresser luenent et ja avoit anienti et defait par assent des Prelatz Countes Barons Chivalers des Countes et la Commune du roialme aut dit parlement dEverwyk le dit agard fait par les ditz Counte de Hereford et les autres entrealliez contre les ditz Hugh et Hugh de lour exil et desheritance et de totes chose touchautes le dit agard en touz pointz par jugement rendu au dit parlement dEverwyk et meismes ceux Hugh et Hugh avoit remis et reconseile pleinement a soi et a sa pees et ajuge a tiel estat qe eux avoient e en tiel estat come eux estoient avant le dit agard fait contre eux au dit parlement de Westmonstre en touz pointz par causes resonables loials et suffisantes par quoi les ditz Hugh et Hugh et lour alliez et aherdantz et autres as queux les ditz Counte de Hereford et les autres entrealliez firont les dites felonies et trespas des queux il devient aver lour recoverer solonc les leis et les usages du roialme a fuire vers touz qe a eux ount trespasse come est susdite tiele suite ne porront dument faire si les ditz estatut ordenance purveance et acquitance des felonies et trespas ne fuissent repelez et anientez et ensemblement le dit nostre seignur le roi regardant qe les ditz estatut ordenance purveance et acquitance torcenousement se fesoient par force come est susdit et non pas de sa volonte dount il fit protestacion adoncs a Westmonstre en presence de aucuns Prelatz Countes Barons et autres grantz qe de son gre les ditz estatut ordenance purveance et acquitance ne estoient grantez ne assentu nostre seignur le roi par les causes susdites et pur toller malveis exemples de tieux mals du temps avenir en son dit plein parlement a Everwyk de son poer real par le conseil et assent des Prelatz Countes Barons Chivalers des Countez et le commun du roialme illoqs assemblez par son mandement les ditz estatut ordenance purveance et tutes les acquitances a quicumque persones faites par les ditz estatut ordenance et purveance acorde et assent repele et anient a touz jours come chose faite contre reson lei et usage de son roialme et en prejudice de lui et de sa corone et de sa reale dignite et voet et commaunde qe quant qui est contenuz en les ditz estatut ordenance et purveance et quant qe est enroule en les plez de sa court de les ditz estatut ordenance purveance et acquitance soit chancelez et anientez por touz jours et qe chescun eit sa action suite et quant qe lei lui donne non contrestant les estatut ordenance purveance assent accord et acquitances avantditz et qe par cele estatut ordenance purveance assent accord et acquitance nul ne soit covert aide ne defendu en nul point.

REx Justiciariis suis de Banco salutem. Quedam statutum ordinacionem providentiam & acquietantiam nuper in parlamento nostro apud Westm' a die nativitat' sancti Johannis Baptiste proximo preterito in tres septimanas convocato ad prosecutionem Humfridi de Bohun tunc comitis Hereford' & Essex' & aliorum magnatum de regno nostro facta & quibus

quibus secta aliorum per nos minus provide remissa fuit & alii errores multiplices intervenerunt in presenti parlamento nostro apud Eboram a die Pasche prox' preterito in tres septimanas convocato de communi consilio prelatorum comitum baronum & aliorum procerum regni nostri ibidem existentium revocaverimus & adnullaverimus easdemque revocationem & adnullationem vobis sub sigillo nostro duximus transmittend' mandantes quod eas coram vobis in banco predicto legi publicari & in rotulis ejusdem banci irrotulari & predicta statuta ordinationem providentiam & acquietantiam que nuper vobis misimus sub sigillo nostro in banco predicto publicand' & irrotuland' cancellari & adnullari faciatis. T. R. apud Ebor. xx. die Maii.

Per ipsum Regem.

Eodem modo scribitur Henrico le Scrop & sociis suis Justiciariis Regis ad placita coram Rege tenenda assignatis. Teste Rege ut supra.

Eodem modo scribitur Thesaurario & Baronibus de Scaccario. T. R. ut supra.

A Statute revoking an Establishment of the Household, made *Anna* 16 EDW. II. *Anno Dom.* 1323. *

COME nostre seigneur le roi EDWARD fitz au roi EDWARD le sezime jour de Mars lan de son regne tiertz al honour de Dieu & pur le bien de lui & de son roialme eust grantez as prelatz countes et barons de son roialme queux peussent eslire certains perſones des prelatz countes et barons et des autres loiaux queux lour semblereint suffisantz de appeller a eux per ordener et establir lestat del hostel nostre dit seigneur le roi et de son realme solonc droit et reson et en tiel manere qe lour ordenances feussent faites al honour de Dieu et al honour et profit de seint eglise et al honour du dit roi et a son profit et au profit de son poeple solonc droit et reson et le serement qe nostre dit seigneur le roi fist a son Corounement et Lercevesque de Canterbirs Primat de tot Engleterre Evesqes Countes et Barons a ceo eslutz eussent fait askunes ordenances qe comencent issint EDWARD par le grace de Dieu roi dEngleterre seigneur dIrlaund & ducs dAquitaigne as touz ceux as queux cestes lettres vendront salut. Sachez qe come le xvjme jour de Marz lan de nostre regne tiertz al honour de Dieu &c. et finissent issint Done a Loundres le quint jour dOctobr' lan de nostre regne quint. Les queles ordenances le dit nostre seigneur le roi a son parlement a Everwyk a treis semeignes de Paske lan de son regne quinzime par prelatz countes et barons entre queux furent toutz le plus des ditz ordenours qi adoncs furent en vie et par le commun de roialme illoeqs par son maundement assemblez fist rehercer et examiner. Et pur ceo qe par cel examenement trove feust en dit parlement qe par les choses issint ordenees le poair real nostre dit seigneur le roy feust restraine en plusors choses countre devoir enblemissement de sa seigneurie reale et encountre lestat de la coronne et auxi per ce qe en temps passe par teles ordenances et purveances faites par les sughetz

* From Mr. Serjeant Hawkins's Edition.

getz sur le poaire real des auncestres nostre seignur le roi troubles et guerres sount avenuz en roialme par quoi la terre ad este en peril accorde est et establi au dit parlement par nostre seignur le roi et par les ditz prelatz countes et barons et tote la commune du roialme a cel parlement assemblez que totes les choses par les ditz ordenours ordenees et contenues en les dites ordenances desoremes pur le temps avenir cessent et perdent noun force vertue et effect a touz jours les estatutz et establissement faitz duement par nostre seignur le roi et ses auncestres avaunt les dites ordenances demorantz en lour force et que desore james en nul temps nule manere des ordenances ne perveances faites par les suggestz nostre seignur le roi ou de ses heirs par quele poair ou commission que ceo soit sur le poair real de nostre seignur le roi ou de ses heirs ou coudre lestat nostre dit seignur le roi ou de ses heirs ou coudre lestat de la Coronne soient nulles et de nule manere de value ne de force Mes les choses que serrount a establir pur lestat de nostre seignur le roi et de ses heirs et pur lestat du roialme et du poeple soient trestes accordees establies en parlementz par nostre seignur le roi et par lassent des prelatz countes et barouns et la communalte du roialme auxint come ad este acustume cea enarere.

R Ex vic' Ebor. salutem. Cum nos quasdam ordinationes per quosdam prelatos comites & barones regni nostri ad hoc electos nuper factas in parlamento nostro apud Ebor. a die Pasche in tres septimanas anno regni nostri quintodecimo convocato per prelatos comites barones proceres & communitatem dicti regni ibidem existentes recitari & examinari fecerimus & ex certis causis per examinationem illam compertis ad dictum parlamentum nostrum per nos & dictos prelatos comites barones proceres & communitatem concordatum sit & statutum quod omnia per predictos ordinatorum ordinata & in ordinationibus predictis contenta pro tempore futuro cessent & nomen robur virtutem & effectum amittant imperpetuum statutis & stabilimentis per nos vel progenitores nostros ante consecutionem dictarum ordinationum debite factis in eorum robore permanentibus prout in statuto in dicto parlamento nostro super premissis edito quod tibi mittimus sub sigillo nostro in forma patenti consignatum plenius continetur tibi precipimus firmiter injungentes quod statutum illud in pleno comitatu tuo legi & publicari & omnia & singula in eo contenta quantum ad te pertinet facias observari predictis statutis & stabilimentis antea editis in eorum robore permanentibus ut est dictum. T. R. apud Ebor. xix. die Maii.

Per ipsum Regem.

Eodem modo scribitur singulis vicecomitibus per Angliam.

A Statute of *Estreats*, made Anno 16 EDW. II.
and Anno Dom. 1323. *

L ES roi a nos chiers William de Ayremynn gardein des roules de nostre Chauncellerie et a ses compaignouns gardeins de nostre grant seal saluz. Nous vous enveoms une forme remembre en un escrovet enclos dedeins cestes par nous & no-

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* This is printed in the *Secunda Pars veterum Statutorum*, 47. b. and in Mr. Serjeant Hawkins's Edition.

stre conseil ordeinee solonc la quele les estretes de nostre Chauncellerie qe serrount annulement liverrees a nostre Eschequer deveient desore estre faites. Et voloms et vos chargeoms qe meisme cele forme facez entrer en voz roulles & desoremes garder et tenir en feisaunt les estretes avantdites. A ceo vous enveoms un autre escrovet enclos dedeinz meismes noz lettres en la quele est contenuz coment Justices et enquerrours devient liverer leur estretez a meisme nostre Eschequer. Et vous mandoms qe entenduz ceo qest contenuz en meismes lescrovetz facez mauder noz brefs as Justices et as autres de faire ceo qe deinz est contenuz en due fourme. Done souz nostre prive seal a Cowyk le ix. jour de Juyn lan de nostre regne xvime.

PUR la desturbance qil y ad eu en ces heures sur les comptes des viscountes al Eschequer de ceo qe en lestrete des roulles de la Chauncellerie qe y ad est annulement livre al Eschequer les comptes ount este entremelliez le roi voet qe desore lestrete soit fait en la manere qe sensuit.

Primerement seient entrez les fines qe plus soverement avenent come pur briefs avoir et totes autres fins ou la summe en deners est expresse et totes tieux manere de fines dun counte de tut lan seient escritz par eux en un lieu et par ordre de priorite selonc ceo qe les fines serrount entreez en les roulles & auxint des touz les autres countees generalment quant que touche ensuit un countee et pur plus prestement aver recours as roulles si rien en temps avenir soit en enwer de summe ou dautre lettre trove en lestrete soit la date de jour quant la fine fust faite entre en lestrete livre al Eschequer.

Et prochainement apres tieux fines soient entrez chartres lettres patentes ou commissions dunt ferme ou rente annuelle est due au roi ou acomptes seient arendre a ceo par comptes severalement en prest manere.

Item apres ceo les homages et feutees dount reliveez sount a demander et le briefs de Diem clausit extremum et autres choses ou summe nest mie expresse ne annuelle demande afaire.

Item en meisme lestrete seient entrez les chartres de don dount le roi doit service avoir qe la court peusse aviser avisement quant a relefs et le service demaunder a temps.

Item seient entrez ne meisme lestretez les nouns de touz ceaux qe cel an averount este assignez a chose oir enquere ou faire dount syn amerciamento ou autre profit appendaunt au roi purra par cas ou devera soudre issi qe home peusse savor a qi home devera mauder pur les estretes deliverer.

Et a la fine del estrete les reddiffines a soucharge de pasture come en ces heures.

Pur ceo qe Justices enquerrours ou autres qe sount assignez a diverses besoignes oier & deliverer en reaume devient annuelment deliverer al Eschequer leur estretes des fines et amerciamento faitz et taxez de vant eux et de totes autres choses des meismes les busoignes issautes qe au roi appendent issint qil empuisse de

ceo estre dument respondu. Et sovent avient qe plusours tieies estretez sount si longement detenuz avant qeles seient liveretz au dit Eschequer qe le roi en ad eu de ceo par plusours encheffons grauntz damages et en temps son piere ordeine feust entre autres choses qe Justices & enquerours qi qils fuissent et autres qe eussent estretez a liverer al Eschequer les eussent fait liverer de an en an a la seint Michel Et Justices de eyre meinte-naunt lour estretez de meisme le eyrs si tost come en eux le eussent fini soit desore tel ordeinement tenu et par brief expressement maunde et les Justices de lun Baunk et de lautre et gardein de la foreste de cea Trente et de la qe chescun de eux le faite de chose qe touche lour office.

Item soit le Seneschal de Houstiel le roi qest ou par temps serra comaundé et charge depar le roi a deliverer annuelment au Tresorier del Eschequer qi est ou par temps serra estretez distinctement & pleynement faites des fyns amerciementz issues forfaitz et de totes maneres dautres profitz sountauntz al oepe le roi des pleez ou queeles tenuz & oyz devant le dit Seneschal et Mareschaux du dit Houstiel & qe ceo soit fait deux foith en lan a la chuse Pasqe et lendemeyn de seint Michel.

Item soit charge et comande le clerk du marchee et des mesurors a deliverer ses estretez de ceo qe tuche son office en la fourme desusdite.

Item le gardein del aynage livre au Tresorier al Eschequer annuelment les estretez de son office qe distinctement conteignent totes les defautes qil avera trove par tut en reaume ou draps countre assise et ou et quant et a qi les draps sount qil trove countre lassise et le pris et a qi il les avera liyeree et ou et quant et par quel garaunt.

Item soit le botiller le roi qest ou par temps serra charge desore qe tuz les vins qil purveera al oepe le roi par lui ou par ses atornez en quel lieu qe ceo seit qil les face purveer par vewe des bones gentz de la ville ou la purveaunce avendra destre faite ifsint tote feth qe aumeyns la purveaunce soit tesmoigne par deux hommes des mieuz vauiz de meisme le lieu. Et sil aveigne qe ceo soit en port ou il ount taillours de la custume le roi adonqe soit par eaux tesmoigné.

Et ne soit nul custumer desore lieu tenant le botiller taunt come il soit entendant a la custume garder.

Et face le botiller qest ou pur temps serra par lui ou par ses lieux tenauntz mettre en roulle tutz ses achatz en ceste manere Cest a savoir quantz de toneux de qi ou des queux achate et ou et quant et par vewe des queux.

Item face enrrouler les vyns des prises en meisme la manere quaunt a nombre et tesmoignance et persones de queux la prise la avera faite et ou et quant.

Et soient chargez tuz les custumers dEngleterre selonc ceo qe eux sont assignez a coiller la custume par certeynes boundes qe eux annuellement certifient au Tresorier et Barons deuz seth en lan a la quinzeme de Pasqe et a la quinzeyne de seint Michel quant de niefs averount arivez deinz leur boundes denz les

temps chargez des vins & dount les niefs sount & a qi eles sount & quaut eles arivont & deschargeont & come bien eles porteat &c. & come bien des niefs arivount dount le Roi prent prise de vyn & com bien de toneux & en queux niefs dount le Roi prent deux soudz pur le tonel & ne mie autre prise & com bien dount a prent deux soudz pur le tonel & ja le meyns autre prise.

Memorandum Quod magister Hugo de Ingolisme clericus & domini Johannis divina providentia Pape xxii per ipsum dominum Papam in Angliam missus ad negotia sua & ecclesie Romane faciend' venit ad dominum nostrum Regem apud Kenilworth in festo Natalis Domini anno &c. decimo septimo cum bulla ipsius domini Pape clausa dicto domino Regi directa super recommendatione dicti clerici & nuncii sui ac negotiorum sibi commissorum & supplicavit dicto domino Regi ut sibi licentiam concederet negotia predicta libere persequendi. Et idem dominus Rex habita inde deliberatione petebat bullas quibus dictus Hugo uti intendebat sibi & consilio suo exhiberi quibus eidem domino Regi & consilio suo per dictum Hugonem exhibitis ac transcriptis eorundem traditis dictus dominus Rex pro eo quod non habuit magnum consilium suum juxta de tunc temporis dedit prefato Hugoni diem essendi coram consilio suo apud Westm' in octabis sancti Hillarii tunc proximo futuris & misit transcripta illa dicto consilio suo interim examinanda. In dictis octabis sancti Hillarii venit dictus Hugo coram consilio dicti domini Regis apud Westm' & examinatis litis transcriptis predictis & contentis in eidem per idem consilium inhibitum fuit sibi districte ex parte domini Regis ne ipse aliqua faceret seu attemptaret que in prejudicium dicti domini Regis seu Corone sue aut oppressionem populi sui cedere posset adjecto in dicta inhibitione quod si aliqui predecessores sui in officio sibi commissio aliqua fecissent seu exercissent in prejudicium dicti domini Regis seu Corone sue aut oppressionem populi quod ex hoc non assumeret audaciam talia facienda quoniam dictus dominus Rex voluit quod ipse talia nullatenus attemptaret & quod si forsitan secus faceret attachiaretur in curia dicti domini Regis inde responsurus tam ad sectam domini Regis quam ad sectam alterius consequentis etiam si prohibitio specialis super sic attemptandis sibi delata non fuisset quia dicta inhibitio & prohibitio sic sibi facte per dictum consilium sufficiunt in premissis. Et hiis dictis prefatus Hugo dixit quod premissa sibi multum placuerunt & quod cum ipse de terra dicti domini nostri Regis de ducatu Aquatania oriundus fuisset & alias in ducatu de consilio ipsius domini Regis extitisset ipse non intendebat aliqua facere vel attemptare que in prejudicium dicti domini Regis vel Corone sue cedere possunt quoque modo.

*Prerogativa Regis, made Anno 17 EDW. II. Stat. 1.
and Anno Dom. 1324.*

CAP. I.

*The Kings Prerogative in the Wardship of his Tenant's Heir
which boldeth in chief.*

The King
shall have the
wardship of
the heir of his
tenant that
holdeth in
chief.
Staundf. de
Prerog. 1.

OUR Lord the King shall have the Ward of all the Lands of such as hold of him in chief by Knights service, whereof the Tenants were seised in their demean as of Fee at the day of their death (of whom-

DOMINUS Rex habeat custodiam omnium terrarum eorum qui de ipso tenent in capite per servicium militare de quibus ipsi tenentes fuerunt seisti in dominico suo ut de secundo die quo obierunt de

de quocumque tenuerunt per hujusmodi servitium dum tamen ipsi tenuerunt de Rege aliquod tenementum ab antiquo de corona usque ad legitimam etatem Heredum exceptis feodis Archiepiscopi Cantuariensis Episcopi Dunolmenfis inter Tyne & These & feodis Comitum & Baronum de marchia in marchia ubi brevia Regis non currunt et unde predicti Archiepiscopus Episcopus Comites et Barones habent hujusmodi custodias licet alibi tenuerunt de Rege.

whomsoever they hold else by like service, so that they held of ancient time any land of the Crown) until the Heir come to his lawful age, (2) except the Fees of the Archbishop of *Canterbury*, the Bishop of *Durham* between Tine and Tees, Fees of Earls and Barons in the Marches, where the Kings Writs do not lie, and whereof the said Archbishops, Bishops, Earls and Barons, ought to have such Wards, though they held of the King in some other place.

28 Ed. 1. stat. 1.
Wright's Ten.
86 to 97.
12 Car. 2. c. 24.

CAP. II.

His Prerogative in the Marriage of his Tenant's Heir.

REX habebit maritagium heredum infra etatem & in custodia sua existentium sive terre heredum predictorum sint ab antiquo de corona sive de escaetis que sunt in manu domini Regis sive habuerit maritagium ratione custodie terrarum dominorum eorundem heredum nullo habito respectu quoad prioritatem feoffamenti licet de aliis tenuerint.

ALSO the King shall have marriage of an heir being within age and in his Ward, whether the land of such heirs have appertained to the Crown of ancient continuance, or that it came by reason of escheat being in the King's hands, or that he had the marriage by reason of the Ward of the Lords of such heirs, without any respect to the priority of feoffment, albeit they held of others.

The King shall have the marriage of the heir of his tenant.
St. 28 Ed. 1.
stat. 1.
Wright's Ten.
94-95.

CAP. III.

His prerogative in the primer seisin of his Tenant's Land.

ITEM habet primam seisinam post mortem eorum qui de eo tenent in capite de omnibus terris & tenementis de quibus ipsi fuerint seisiti in dominico suo ut de feodo cuiuscumque etatis heredes ipsorum fuerint capiendo omnes exitus eorundem terrarum & tenementorum donec facta fuerit inquisitio prout moris est & ceperit homagium hujusmodi heredis.

ALSO the King shall have primer seisin after the death of such as held of him in chief of all Lands and Tenements whereof they were seised in their demesne as of Fee, of what age that their heirs be, (2) taking the issues of the same lands and tenements, until inquisition be made (as the manner is) and until he hath taken homage of such heir.

Primer seisin of the heir's lands.
52 Hen. 3. c. 16.

CAP.

CAP. IV.

His prerogative in the assignment of dower to his Tenants widows, and that they shall not marry without his assent.

The King shall assign dower to the widows of his tenants.

ALSO he shall assign to widows after the death of their husbands, that held of him in chief, the dower that to them belongeth, &c. though the heir be of full age (if the widows will) (2) and such widows before assignment of their dower, shall swear that they shall not marry themselves without the King's licence, whether the heirs be of full age or not. (3) And if they marry without licence, then the King shall take into his hands by way of distress all such lands and tenements as they hold of him in dower, until he be satisfied at his own will, so that he shall take nothing of the Issues, &c. for by such distresses, they and their Husbands must fine at his will. (4) And his will in the time of King *Henry* Father of King *Edward*, was esteemed one Year's value of her dower, unless they had the greater favour. (5) Women that hold of the King in chief any inheritance, of whatsoever age they be, shall swear likewise that they shall not marry themselves without the King's licence. (6) And if they do, their Lands and tenements shall be taken in like manner into the King's hands until they have satisfied at the King's will.

The King's widows shall not marry without his consent. The King's widows oath. 9Hen. 3. stat. 1. c. 7. 3Hen. 8. c. 46.

ITEM assignabit viduis post mortem virorum suorum qui de eo tenent in capite dotem suam que eas contingit licet heredes fuerint plene etatis si vidue voluerint & vidue ille ante predictam assignationem dotis sive predicti heredes fuerint plene etatis vel infra etatem jurabunt quod non maritabunt se sine licentia Regis et si se maritaverint sine licentia Regis tunc Rex capiet in manum suam distractionis loco omnes terras & tenementa que de eo tenent in dotem donec satisfecerint ad voluntatem Regis Ita quod Rex vel ipsa mulier nichil capiat de exitibus &c. quousque hujusmodi mulieres per hujusmodi distractiones seu viri earum finem facient Regi ad voluntatem Regis & illa voluntas tempore R. H. patris R. E. estimari consuevit ad valenciam predictae dotis per unum annum ad plus nisi uberiores gratiam habuerunt mulieres Etiam quod de Rege tenent in capite hereditatem aliquam jurabunt similiter cujuscumque fuerint etatis quod non maritabunt se sine licentia Regis & si fecerint terre & tenement' ipsarum eodem modo capiantur in manum domini Regis quousque satisfecerint ad voluntatem domini Regis.

CAP. V.

His prerogative in the Marriage of his Women Tenants.

Coparceners that hold in chief.

AND if one inheritance that is holden of the King in chief, descend to many partners then all the heirs shall do homage

SI una hereditas que tenetur de Rege in capite descendat participibus tunc omnes illi heredes faciunt homagium Regi

gi & illa hereditas que tenetur de Rege participabitur inter heredes illos. Ita quod quilibet eorum extunc partem suam tenebit ex Rege.

image to the King; and the same inheritance to holden of the King, shall be divided amongst those heirs, so that every of them after, shall hold their part of the King.

St. 14 H. 3. Statutum Hibernie. 52 Hen. 3. c. 9.

CAP. VI.

His prerogative in dividing of Coparceners lands holden of him.

SI mulier ante mortem Antecessoris sui qui de Rege tenet in capite ante annos nobiles maritata fuerit tunc Rex habebit custodiam corporis ipsius mulieris usque ad etatem quod consentiri possit & tunc eligat ipsa utrum maluerit habere in virum illum cui primo maritata fuerit vel alium quem Rex ei optulerit Nullus qui tenet de Rege in capite per servicium militare poterit alienare majorem partem terrarum suarum ita quod residuum non sufficiat ad faciendum inde servicium sine licentia Regis set hoc non consuevit intelligi de membris & particulis terrarum earundem.

IF a woman (before the death of her Ancestor that held of the King in chief) be married before she be marriageable, then the King shall have the ward of the body of the same woman until she be of age able to consent; (2) and then she may chuse, whether she will have him to whom she was first married, or him that the King will offer her. (3) None that holdeth of the King in chief by Knights service, may alien the more parts of his lands, so that the residue thereof be not sufficient to do his service, except he have the King's licence: but this may not be understood of members and parcels of such lands.

A Woman marries within age during her ancestor's life.

The King's tenant in chief shall not alien without licence. 1 Ed. 3. stat. 2. c. 12. Wright's Ten. 162. to 167.

CAP. VII.

His prerogative that they which hold of him by Serjeanty, shall pay a fine at the alienation of them.

DE serjantiis alienatis sine licentia Regis consuevit Rex arentare hujusmodi serjantias per rationabilem extensam inde faciendam,

OF Serjeanties aliened without the King's licence, the King hath used to rate such Serjeanties at a reasonable extent thereof to be made.

Serjeanties aliened. 1 Ed. 3. stat. 2. c. 12. Wright's Ten. 165, 166, 167.

CAP. VIII.

His Prerogative, that Lapse of Six Months shall not prejudice his Presentation.

DE ecclesiis vacantibus quarum advocaciones spectant ad Regem & alii presentaverint ad easdem ita quod contentio inter dominum Regem & alios oriatur Si Rex per considerationem presentationem

OF Churches being vacant, the Advowsons whereof belong to the King, and other present to the same, whereupon Debate ariseth between the King and other; if the King by Award of the Court do recover

Hob. 214. Watson's Compl. Incumb. 109, 110.

cover his Presentation, though it be after the Lapse of Six Months from the Time of the Avoidance, no Time shall prejudice him, so that he present within the Space of Six Months.

onem suam recuperaverit licet post lapsum temporis sex mensium a tempore vacationis nullum currit ei tempus dum tamen Rex presentaverit infra predictum tempus sex mensium.

CAP. IX.

His Prerogative in the Custody of Lands of Idiots.

The King shall have the Custody of Idiots Lands.
 2 Inlt. 14.
 4 Co. 126.
 2 Vern. 9. &c.
 3 Mod. 43.
 Wright's Ten. 91.

THE King shall have the Custody of the Lands of natural Fools taking the Profits of them without Waste or Destruction, and shall find them their Necessaries, of whose Fee soever the Lands be holden. (2) And after the Death of such Idiots he shall render it to the right Heirs, so that such Idiots shall not aliene, nor their Heirs shall be disinherited.

REX habet custodiam terrarum fatuorum naturalium capiendo exitus earundem sine vasto & destructione & inveniet eis necessariâ sua de cuiuscumque feodo terre ille fuerint & post mortem eorum reddat eas rectis heredibus ita quod nullatenus per eosdem fatuos alienentur vel eorum heredes exheredentur.

CAP. X.

His Prerogative in the Preservation of the Lands of Lunaticks.

The King shall have the Direction of Lunatick's Lands.

ALSO the King shall provide, when any (that beforetime hath had his Wit and Memory) happen to fail of his Wit, as there are many *per lucida intervalla*, that their Lands and Tenements shall be safely kept without Waste and Destruction, and that they and their Household shall live and be maintained competently with the Profits of the same, and the Residue besides their Sustainment shall be kept to their Use, to be delivered unto them when they come to right Mind; (2) so that such Lands and Tenements shall in no wise be aliened; (3) and the King shall take nothing to his own Use. (4) And if the Party die in such Estate, then the Residue shall be distributed for his Soul by the Advice of the Ordinary.

4 Co. 126.
 6 Co. 22. b.
 2 Inlt. 14.
 32 H. 8. c. 46.

ITEM habet providere quando aliquis qui prius habuit memoriam & intellectum non fuerit compos mentis sue sicut quidam sunt per lucida intervalla quod terre & tenementa eorumdem salvo custodiuntur sine vasto & destructione & quod ipse & familia sua de exitibus earundem vivant & sustineantur competenter & residuum ultra sustentationem eorumdem rationabilem custodiatur ad opus ipsorum liberandum eis quando memoriam recuperaverint. Ita quod predictæ terre & tenementa infra predictum tempus non alienentur Nec Rex de exitibus aliquid percipiat ad opus suum & si obierit in tali statu tunc illud residuum distribuatur pro anima eiusdem per consilium ordinariorum.

CAP.

CAP. XI.

His Prerogative in having the Wreck of the Sea, Whales, and Sturgeons.

ITEM habet Warectum maris per totum regnum Ballenas et sturciones captos in mari vel alibi infra regnum exceptis quibusdam locis privilegiatis per Reges.

ALSO the King shall have the Wreck of the Sea throughout the Realm, (2) Whales and great Sturgeons taken in the Sea or elsewhere within the Realm, (3) except in certain Places privileged by the King.

Co. 106, 108.
3 Ed. 1. c. 4.
12 An. St. 2. c. 18.
The King shall have the Wreck of the Sea.

CAP. XII.

His Prerogative in enjoying the Lands of Normans.

ITEM habet escaetas de terris Normannorum de cuiuscumque feodo fuerint salvo servitio quod pertinet ad Capitales dominos feodi illius & hoc similiter intelligendum est si aliqua hereditas descendat alicui nato in partibus transmarinis cujus antecessores fuerint ad fidem Regis Francie ut tempore Regis Johannis & non ad fidem Regis Anglie sicut contingit de baronia Monemuth post mortem Johannis de Monemuth cujus heredes fuerint in Britania & alibi de feodis aliorum recuperavit Rex Henricus plures escaetas de terris Normannorum occasione predicta & eas contulit tenendum de capitalibus dominis per servitia inde debita & consueta.

ALSO the King shall have Escheats of the Lands of Normans, to whose Fee soever they belong, saying the Service appertaining to the chief Lords of the same Fee. And this also is to be understood where any Inheritance descendeth to any that is born in the Parts beyond the Sea, whose Ancestors were from the Time of King JOHN under the Allegiance of the Kings of France, and not of the Kings of England, as late it happened by the Barony of Monmouth, after the Death of John de Monmouth, whose Heirs were of Britain and other Places, King HENRY by the foresaid Occasion recovered many Escheats of Normans Lands out of the Fees of other Men, and gave them to be holden of the

The King shall have the Escheat of Normans Lands.

47 Ed. 3. 21. B.

chief Lords of the Fee, by Services due and accustomed thereunto.

CAP. XIII.

His prerogative in enjoying the lands of the heir of his tenant intruding.

QUANDO aliquis qui tenet de Rege in capite in fata decedit & heres ejus ingrediatu tenementum quod antecessor ejus tenuit de Rege die quo obiit antequam fecerit homagium Regi & seisinam suam receperit

WHEN any (that holdeth of the King in chief) dieth, and his heir entreth into the land that his ancestor held of the King the day that he died, before that he hath done homage to the King, and

The penalty if the heir intrude into his ancestor's lands.

9 Hen. 3. c. 3.
52 Hen. 3. c. 16.
4 Ed. 1. stat. 3. c. 4.

re-

received Seisin of the King, he shall gain no Freehold thereby; (2) and if he die seised during that Time, his Wife shall not be endowed of the same Land, as it came late in Ure by *Maud* Daughter to the Earl of *Hereford*, Wife to *Mausel* the Marshal, which after the Death of *William* Earl Marshal of *England* his Brother, took his Seisin of the Castle and Mannor of *Scrogoil*, and died in the same Castle, before he had entered by the King, and before he had done Homage to him. Whereupon it was agreed that his Wife should not be endowed, because that her Husband had not entered by the King, but rather by Intrusion: (3) howbeit the Statute doth not mean of Socage and other small Tenures.

ceperit per Regem tunc nullum ei accrescit liberum tenementum & si obierit seistus per idem tempus uxor ejus non habebit dotem de tenemento illo sicut contigit de *Matilda* filia Comitis *Hereford* uxore *Anselmi* Marescalli qui post Mortem *Willielmi* Comitis Marescalli Anglie Fratris sui cepit seisinam Castri & manerii de *Strogill* & obiit in eodem Castro antequam intrasset per Regem & fecisset ei Homagium & unde consideratum fuit quod ipsa non haberet dotem eo quod vir ejus non intravit per Regem imo per intrusionem set hoc non intelligitur de escaetis & parvis tenuris.

C A P. XIV.

His Prerogative in having the Escheat of Bishops Freehold Tenants attainted of Felony during the Vacation.

Escheats of Bishops Freeholders.

ALSO the King shall have Escheats of Lands of the Freeholders of Archbishops and Bishops, when such Tenants be attainted for Felony in Time of Vacation, whiles their Temporalities were in the King's Hands, to give at his Pleasure, saving to such Prelates the Service that thereto is due and accustomed.

ITEM habet escaetas de terris libere tenentium Archiepiscoporum & Episcoporum quando ipsi tenentes dampnati sunt pro feloniam facta tempore vacationis dum temporalia eorundem fuerunt in manu domini Regis conferendas cui voluerit imperpetuum salvo servitio quod ad Prelatos inde pertinet.

C A P. XV.

His Prerogative that Knights Fees, Advowsons, and Dowers do not pass from him without special Words.

The King giveth Lands with the Appurtenances.

WHEN our Lord the King giveth or granteth Land or a Manor with the Appurtenances, without he make expresse Mention in his Deed or Writing of Knights Fees, Advowsons of Churches, and Dowers when they fall, belonging to such Manor or Land,

QUANDO dominus Rex dat vel concedit aliquod manerium vel terram cum pertinentiis nisi faciat in carta sua vel scripto expressam mentionem de feodis Militum advocacionibus ecclesiarum & dotibus cum acciderint ad predicta manerium vel terram pertinenti-

nantibus tunc hiis diebus Rex reservat sibi eadem feoda et advocaciones cum dotibus licet inter alias personas aliter fuerit observatum.

Land, then at this Day the King reserveth to himself such Fees, Advowsons, and Dowers, albeit that among other Persons it hath been observed otherwise.

C A P. XVI.

His Prerogative in having the Lands of Felons attained.

ITEM Rex habebit omnia catalla dampnatorum felonum & fugitivorum ubicunque inventa fuerint Et si ipsi habeant liberum tenementum tunc illud statim capiatur in manum Regis & Rex habebit omnes exitus ejusdem per unum annum & unum diem & tenementum illud vastabitur & destructur de domibus & gardenis boscis & aliis quibuscunque ad predictum tenementum pertinentibus exceptis hominibus quorundam privilegiatorum inde per Regem & postquam Rex habuerit annum & diem & vastum tunc reddatur tenementum illud Capitalibus dominis feodi illius nisi prius faciant finem pro anno die et vasto De consuetudine tamen dicitur quod post annum & diem terre & tenementa felonum Gloucestr' redduntur & revertentur proximo Heredi cui debuerant descendisse si facta non fuisset feloniam & in Kanc' in Gavelkynde the Fader to the Bough and the Sone to the Plough & ibidem omnes heredes masculi participant hereditatem similiter omnes femine set femine non participant cum masculis Et mulier post mortem viri sui habet medietatem pro dote sua & si fornicetur in viduitate perdit totum vel si sit desponsata viro.

ALSO the King shall have the Goods of all Felons attained, and Fugitives, where-soever they be found. (2) And if they have Freehold, then it shall be forthwith taken into the King's Hands, and the King shall have all Profits of the same by one Year and one Day, and the Land shall be wasted and destroyed in the Houses, Woods, and Gardens, and in all Manner of Things belonging to the same Land, excepting Men of certain Places privileged by the King therefore. (3) And after our Lord the King hath had the Year, Day, and Waste, then the Land shall be restored to the chief Lord of the same Fee, unless that he fine before with the King for the Year, the Day, and the Waste. (4) Nevertheless it is used in the County of Gloucester by Custom, that after one Year and one Day the Lands and Tenements of Felons shall revert and be restored to the next Heir, to whom it ought to have descended if the Felony had not been done. And in Kent, in Gavelkind, (*the Father to the Bough, the Son to the Plough*) (5) there all Heirs Males shall divide their Inheritance, and likewise Women; but Women shall not make Partition with Men. (6) And a Woman after the Death of her Husband shall be endowed of the

The King shall have Felons Goods, and the Year, Day, and Waste of their Lands.

9 H. 3. stat. 1. c. 22.

Wright's ten. 119, 120, 146. Confid. on Law of Forfeit. 57.

Customs of Gloucester and Kent.

Wright's Ten. 207-211.

Stam. Prerog. 20. b.

the Moiety; (7) and if she commit Fornication in her Widowhood, or take an Husband after she shall lose her Dower.

*Modus faciendi Homagium & Fidelitatem, Anno 17
EDW. II. Stat. 2. and Anno Dom. 1324.*

*How a Freeman shall do his Homage, how his Fealty; and a
Villain's Fealty.*

WHEN a Freeman shall do Homage to his Lord of whom he holdeth in chief, he shall hold his Hands together between the Hands of his Lord, and shall say thus: *I become your Man from this Day forth for Life, for Member, and for worldly Honour, and shall owe you Faith for the Lands that I hold of you, saving the Faith that I owe unto our Lord the King, and to mine other Lords.*

II. When a Freeman shall do Fealty to his Lord, he shall hold his Right Hand upon a Book, and shall say thus: *Hear you my Lord R. that I P. shall be to you both faithful and true, and shall owe my Fidelity unto you for the Land that I hold of you, and lawfully shall do such Customs and Services as my Duty is to you at the Terms assigned. So help me God and all his Saints.*

III. When a Villain shall do Fealty unto his Lord, he shall hold his Right Hand over the Book, and shall say thus: *Hear you my Lord A. that I B. from this Day forth unto you shall be true and faithful, and shall owe you Fealty for the Land that I hold of you in Villenage, and shall be justified by you in Body and Goods. So help me God and all his Saints.*

Altered by
stat. 12. Car. 2. his Saints.
c. 24.

QUANT fraunk homme fra hommage a son seigneur de qui il tient son chief meuage il tendra ses mains jointes perentre les mains son Seigneur & dirra issint. Jeo deveigne vostre homme de ceo jour en avaunt de vie & de membre & de terren honor & foi vous porterei del tenement que jeo clayme tenir de vous fauve le foi que jeo doi a nostre Seigneur le Roi.

Et quant fraunk homme fra homage a autre que a son chief Seigneur & pur simple tenement il tendra ses mains jointes perentre les mains son Seigneur & dirra issint. Jeo deveigne vostre homme de ceo jour en avautit & foi vous porterei del tenement que jeo clayme tenir de vous fauve le foi que jeo doy a nostre Seigneur le Roi & a mes autres Seignurages.

Quant fraunk homme fra feaute il tendra sa main outre le livre & dirra issint. Ceo oiez vous monsieur R. que jeo vous ferrei foial & loial & foy vous porterei des tenementz que jeo clayme de vous & loialment vous conuestrei & loialment vous ferrei les custumes & les services que faire doie as termes assignez si moy eide Dieux & les Seintz.

Quant villein fra feaute a son Seigneur il tendra sa main destre oultre le liver & dirra issint. Ceo oiez vous mon seigneur R. que je W. vous ferrei foial

foial & loial & foi vous porterei del tenement qe jeo de vous tien en villenage & qe jeo vous ferrei justiciable du corps & de chateux si moy eide Dieux & les Seints.

Statutum De Terris Templariorum, made Anno 17
EDW. II. Stat. 3. and *Anno Dom. 1324.*

FOR that the military Order of Templars ceasing and being dissolved, the Lands and Tenements, in Demeafnes, Fees, and services of the Brethren of the same Order which they held in their Fraternity in the Realm of England in the Time of the same ceasing and Dissolution of the foresaid Order, which were holden of our Lord the King, and divers other Lords in this Kingdom, were seised into the Hands of our Sovereigne Lord the King, and of divers other Lords of the Fees of them, who challenged the same Lands for the Consideration aforesaid, that the same Lands ought to revert to them as their Escheats. Whereupon after in a Parliament of the most noble Prince King EDWARD Son of King EDWARD, summoned and assembled at *Westminster*, three Weeks after the Day of the Purification of the blessed Virgin *Mary*, in the seventeenth Year of the Reign of the same King, great Conference was had before the King himself, in the Presence of the Prelates, Earls, Barons, Nobles, and great Men of the Realm, and others there present, whether the foresaid Lords of the Fees or others which held those Lands that were the foresaid Templars, as is aforesaid, might retain them by the Law of the Realm, and with safe Conscience. Whereupon the greater Part of the King's Council, as well the Justices as other lay Persons being assembled together: The said Justices affirmed precisely, that our Lord the King, and other Lords of the Fees aforesaid, might well and lawfully by the Laws of the Realm retain the foresaid Lands as their Escheats, in regard of the ceasing and Dissolution of the Order aforesaid.

Whether the Order of Templars being dissolved, the Lords of the Fees might enjoy their Lands.

But because the Lands and Tenements aforesaid were given to the Brethren of the said Order for the Defence of Christians, and the Holy Land against Pagans and Saracens, and other Enemies of Christ and Christians, and the universal holy Church: It seemed good to our Lord the King, the Noblemen, and others assembled in the same Parliament, for the Health of their Souls and discharge of their Consciences, That whereas the said Military Order of Templars were originally instituted for the Defence of Christians and the universal holy Church, subversion of the Enemies of Christ and Christians, and canonised to the Augmentation of the Honour of God, and liberal Almsgiving, that the foresaid Lands and Tenements in Demeafnes, Lordships, Services, Liberties, Customs, and all other Things pertaining thereunto, and by any Thing depending thereupon, according to the Wills of the Givers, shall be af-

The chief
Lords shall not
have Temp-
lers Lands by
Eicheat.

signed and delivered to other Men of most holy Religion, to the Intent the Fruits, Obventions, and Profits of the same Lands, Tenements, and other Things may be converted and charitably disposed to godly Uses. And thereupon in the same Parliament it is agreed, ordained and established for Law to continue for ever, That neither our Lord the King, nor any other Lords of the Fees aforesaid, or any other Person, hath Title or Right to retain the foresaid Lands and Tenements with the Appurtenances or any Part thereof, in regard of Eicheat, or by any other Means, or hereafter to challenge the same Lands in respect of the ceasing or Dissolution of the foresaid Military Order of Templers, whereof the Brethren of the same Order were seised in their Demesnes as of Fee at the Time of the ceasing and Dissolution aforesaid: Notwithstanding that the foresaid Lands and Tenements after the said ceasing and Dissolution came to the Hands of divers Persons by Descent of Inheritance, Gift, or Purchase, or by any other Means: And notwithstanding any Law or Custom of the Realm of England, whereby this Law, Ordinance and Statute, touching the Assignment and Conveyance of the foresaid Lands and Tenements might be hindered, impugned, or counterpleaded.

All the Tem-
plers Lands
given to the
Prior of the
Hospital of St.
John of Hieru-
salem.

21Co.21.b.

Seeing the Order of the Brethren of the Hospital of Saint *John of Hierusalem* was likewise ordained, instituted, and canonised for the Defence of Christians and the holy Church: It is agreed and enacted in the said Parliament by our foresaid L. the King, the Prelates, Earls, Barons, and other great Men of the Realm there being, That inasmuch as the foresaid Order of the Templers is ceased and dissolved, and the foresaid Order of the Hospital is provided, instituted, and canonised, for the Defence of Christians, as is aforesaid, that all the Lands, Tenements, Lordships, Fees, Churches, Advowsons of Churches, and Liberties with all Things to them belonging, which were the said Templers at the Time of their ceasing and Dissolution, shall be assigned and delivered to the foresaid Order of the Hospital, and to the Prior and Brethren of the same Hospital, to remain to them and their Successors for ever. Wherefore our said L. the King, by the mutual Assent of the Earls, Barons, and Noblemen aforesaid, of his Regall Authority in the same Parliament, hath assigned to determine and deliver all the foresaid Lands, Tenements, Lordships, Fees, Churches, Advowsons, and Liberties with their Appurtenances to the foresaid Order of the Hospital, and to the said Prior and Brethren of the said Order, to have and hold to the same Prior and his Brethren and Successors for ever of our L. the King, and other Lords of the Fees aforesaid, by the same Services, by which the Brethren of the Military Order of Templers held the same, at the Time of their ceasing and Dissolution: as in relieving of the Poor, in Hospitalities, in celebrating Divine Service, Defence of the Holy Land, and in all other Offices and Services before Time due, by whatsoever Names they be called. So always, that the godly and worthy will of the foresaid Givers be observed,

per-

performed, and alwaies religiously executed, as is aforesaid, Saving to every Person his Action, if he had any, the Time of the ceasing and Dissolution aforesaid against the same Templers in the foresaid Lands and Tenements, Rents, Services, Customes, Pensions, Corodies, Liberties, celebrating of Masses, Almes, and other Things whatsoever, and Liberty to prosecute his Right against the said Prior and Brethren of the Hospital aforesaid and their Brethren and their Successors, according to the Law and Custom of the Realm, as he might have had against the foresaid Templers, if the Order aforesaid had not been dissolved: And if it fortune that the said Prior and Brethren of the Hospital aforesaid, or their Successors shall be put out of the foresaid Lands and Tenements, or of any Parcell thereof, after they shall be seised of the same, they shall have Power to recover their own according to the Law of the Realm.

And to the Intent that the Assignment before specified may be published and made known to all Men to whom it behoveth: It is ordained and agreed in the same Parliament, that it shall be openly proclaimed in every County of this Kingdome, that all and every Person holding the Lands and Tenements aforesaid, and all others to whom it doth appertaine, shall be at *Westminster* one Month after *Easter* Day next if they will, to hear the Concord, Provision, and Assignment aforesaid, in Form aforesaid.

The Statute for View of *Frankpledge*, made the Eighteenth Year of King EDWARD the Second, *Anno Dom.* 1325.

PRIMES vous nous dirrez per le serement qe vous nouz avez fait si touz les seuteurs qi devient suite a ceste Courte soient venuz come venir doivent & queux ne sount mie.

2. Et si touz les chiefs pleges soient venuz come venir doivent & queux nemye.

3. Et si touz de xii. annz soient en lassise nostre Seigneur le Roi et queux ne sount mie & qi les recete.

4. Et fil neit nul des villeins le seigneur futif aillours menaunt qen le demeigne le Roi.

5. De ceux qi sount en les demeignes le Roi & nount mye demurre un an & un jour.

6. Des

FIRST, you shall say unto us by the Oath that you have made, If all the Jurors that owe Suit to this Court be come, and which not.

2. And if all the chief Pledges or their Dozeins be come, as they ought to come, and which not.

3. And if all the Dozeins be in the Assise of our Lord the King, and which not, and who received them.

4. And if there be any of the King's Villains fugitive dwelling otherwhere than in the King's Demains, and of such as be within the King's Demains, and have not abiden a Year and a Day.

Cc 2

5. And

Of what Things Stewards in their Leets shall enquire. 8 Co. 38. b.

5. And if there be any of the Lords Villains in Frankpledge, otherwhere than in this Court.
6. Of Customs and Services due to this Court withdrawn, how, and by whom, and in what Bailiffs Times.
7. Of Purprestures made in Lands, Woods, and Waters to Annoyance.
8. Of Walls, Houses, Dikes, and Hedges set up or beaten down to Annoyance.
9. Of Bounds withdrawn and taken away.
10. Of Ways and Paths opened or stopped.
11. Of Waters turned or stopped, or brought from their right Course.
12. Of Breakers of Houses, and of their Receivers.
13. Of common Thieves, and of their Receivers.
14. Of petty Larons, as of Geese, Hens, or Sheafs.
15. Of Thieves that steal Clothes, or of Thieves that do pilfer Clothes, through Windows and Walls.
16. Of such as go in Message for Thieves.
17. Of Cries levied and not pursued.
18. Of Bloodshed, and of Frays made.
19. Of Escapes of Thieves or Felons.
20. Of Persons outlawed returned, not having the King's Warrant.
21. Of Women ravished not presented before the Coroners.
22. Of Clippers and Forgers of Money.
23. Of Treasure found.
24. Of the Assise of Bread and Ale broken.
25. Of false Measures, as of Bushels
6. Des custumes & des services duez au ceste Courte sufstretes comment & per qi & en temps de quel baillif.
7. De purprestures faites en terres & en ewes a nufance.
8. Des mures maisons haez fosses levez ou abatuz a nufance.
9. Des boundes tretz & emportez.
10. Des vois & des Sentes estopez ou amenusez.
11. Des ewes destournez ou amenusez hors de leur droit cours.
12. Des Brusours des meffons & de leur receitours.
14. Des petitz Larouns come des howes galines & garbes.
15. Des Larons qi fakent draps ou autres choses parmi fenestres ou parraies.
16. De ceux qi vount en message des larouns.
17. De huites leve & nemie pursue.
18. De faunk espandu & plaie faite.
19. De eschap de laroun & de feloun.
20. Des utlagez repeirez saunz garaunt.
21. De rape de femme que nest mye presente devaunt Coroners.
22. De retoundours & de fausours de la monoye.
23. De tresor trove.
24. Dassist de pain & de servois enfreinte.
25. Des faux mesures come des busselx galouns verges aunes.
26. De faux balaunces & de faux pois.
27. De ceux qi ount double mesure & achatent per le greindour & vendent per le meindre.
28. De ceux qi assiduelment haun-

haudent les tavernes & homme ne soit dount ils vivent.

29. De ceux qi dorment les jours & veillent les nuiz & mangent bien & bievent bien & nount nul bien.

30. Des dobbours des draps & des curreours des quirs ailours qen ville marchaunde.

31. De ceux qi fuent a leglises & per eux sen vount sauns faire qappent Sil ny eit nulle femme putiene per quoi le Seigneur purra perdre.

32. Et dez gentz imprisonnez & puis leffez saunz garant.

33. De ceux qi pernent columbes en iveer per laces ou per autre engine.

34. De touz ceux nous faites affavoir per le serement qe vous nous avez fait.

33. Of such as take Doves in Winter by Doorfalls or Engines.

34. And of all these Things you shall do us to wit, by the Oath that you have taken.

Bushels, Gallons, Yards, and Ells.

26. Of false Balances and Weights.

27. Of such as have double Measure, and buy by the great, and sell by the less.

28. Of such as continually haunt Taverns, and no Man knoweth whereon they do live.

29. Of such as sleep by Day, and watch by Night, and have nothing.

30. Of Cloth-sellers and Curriers of Leather dwelling out of Merchant Towns.

31. Of such as flee unto Church or Church-yard, and after depart without doing that which belongeth thereunto.

32. Of Persons imprisoned, and after let go without Mainprize.

Certain Statutes made during the Reigns of King HENRY III. King EDW. I. or King EDW. II. but uncertain when, or in which of their Times.

Articles against the King's Prohibitions*.

In what Cases the King's Prohibition will lie, and in what not.

UNDER what Form shall Lay-men purchase Prohibitions generally upon Tithes, Oblations, Obventions, redeeming of Penances, Mortuaries, violent Hands laying on a Clerk or Lay-brother, and in Cases of Defamation, in which Cases Spiritual Penance must be enjoined; The King answered to these Articles, that in Tithes, Oblations, Obventions, and Mortuaries, when they be pleaded as before is said, the King's Prohibition doth not lie.

In what Cases the King's Prohibition will lie, and in what not.

C c 3

II. And

* This is a Translation of the latter Part of the Statute Circumspecte agatis. See before, Fol. 242.

II. And if a Clerk or a Person Religious do sell his Corn, being in his Barn, or other where, to any Man for Money, if the Price thereof be demanded before a Spiritual Judge, the King's Prohibition doth lie; for by the Sale the Spiritual are become Temporal, and so Tithes pass into Chattels.

III. And if Debate hang in a Spiritual Court for the Right of Tithes, having his Original from the Right of the Patronage, and the Quantity of the same Tithes do pass the fourth Part of the Value of the Benefice, a Prohibition shall lie.

IV. Also if a Prelate enjoin Penance pecuniary to any Man for his Sin, if the Money be demanded before Prelates, a Prohibition shall lie.

V. And if any lay violent Hands on a Clerk or Lay-brother, for the Peace broken Amends shall be made before the King, and for the Excommunication before a Bishop or Prelate.

VI. And if a corporal Penance be enjoined, which the Offender will redeem by giving Money to the Prelate, or to the Party grieved, a Prohibition shall not lie.

VII. In Causes of Defamation, Prelates may freely correct, the King's Prohibition notwithstanding, first enjoining a corporal Penance, which if the Party will redeem, the Prelate may lawfully receive the Money, though the Prohibition be shewed.

9Ed.1.Rat.1.
c.1.

An Ordinance for *Bakers, Bnewers*, and for other *Viſtuallers*; and for *Ells, Busbels*, and *Foreſtallers*.

C A P. I.

Upon what only Cause Assise of Bread shall be taken.

The Assise of
Bread.

THE Assise of Bread shall be kept according as it is contained in the Writing of the Marshalsey of our Lord the King delivered unto them after the Sale of Wheat, that is to wit, the better, the worse, and the worst. (2) And as well *Wastel Bread*, as other of what Sort soever they be, shall be weighed according as it is said of the Sale of the meaner Wheat: (3) Neither shall the Assise or Weight of Wheat be changed more than Six-Pence increasing or decreasing, as it is in the Sale of the Quarter.

A Ssisa panis secundum quod continetur in scripto Marſcalcie Domini Regis teneatur secundum venditionem frumenti scilicet melioris secundi & tertii Et tam wastelli quam alii panes ponderent cujuscunque generis sunt sicut dictum est supra in venditione frumenti et tunc non mutetur assisa sive pondus nisi per sex denarios crescentes vel decreſcentes in quarterio frumenti.

C A P.

CAP. II.

For what Offence a Baker shall be amerced, and for what set on the Pillory.

Pistor si inveniatur panis suus de quadrante in defectu ponderis ii. s. vi. d. aut infra amerietur Et si numerum illum excedat subeat iudicium pillorie et non remittetur iudicium delinquenti pro auro neque pro argento Et quilibet pistor habeat proprium signum super quodlibet genus panum suorum.

A Baker if his Bread be founden a Farthing Weight lacking in Two Shillings Six Pence, or under, shall be amerced; (2) and if it pass the same Number, he shall suffer Punishment of the Pillory, which shall not be remitted to the Offender either for Gold or Silver. (3) And every Baker shall have a Mark of his own for his Bread.

CAP. III.

Every Pillory shall be of convenient Strength.

Pilloria sive collistrigium & tumberellum continue habeantur debite fortitudinis ita quod delinquentes exequi possint iudicium sine corporum periculo.

Every Pillory or Stretch-neck must be made of convenient Strength, so that Execution may be done upon Offenders without Peril of their Bodies.

CAP. IV.

How Toll at a Mill shall be taken.

Tolnetum ad molendinum secundum communem consuetudinem regni & secundum fortitudinem cursus aque capiatur vel ad vicesimum granum vel ad vicesimum quarterium grani. Et mensura per quam tolnetum debet capi sit concordans mensure Domini Regis & capiatur tolnetum per rasum & nichil cum cumulo seu cantello Et si furnarii inveniunt molendinarius necessaria sua nichil capiatur preter debitum tolnetum Et si aliter fecerint graviter puniantur.

THE Toll of a Mill shall be taken according to the Custom of the Land, and according to the Strength of the Water-course, either to the twentieth or four and twentieth Corn. (2) And the measure whereby the Toll must be taken shall be agreeable to the King's Measure, and Toll shall be taken by the Rafe, and not by the Heap or Cantel. (3) And in case that the Fermors find the Millers their Necessaries, they shall take nothing besides their due Toll; and if they do otherwise they shall be grievously punished.

CAP. V.

ASSISA vini secundum assisam Domini Regis observetur scilicet sextertium ad xii.

THE Assise of Wine shall be kept, that is a Sextertium at Twelve Pence; and if

⁴Ed. 3. c. 12.
⁷Ed. 6. c. 5.
Repealed by
²¹Jac. 1. c. 28.

C c 4

the

the Taverners exceed the same Assise, their Doors shall be shut up.

xii. d. Et si tabernarii excesserint per majorem et ballivos hostia claudantur et non permittantur vinum vendere donec a Domino Rege licentiam obtinuerint.

CAP. VI.

The Assise of Ale shall be according to the Price of Corn.

The Price of Ale.

THE Assise of Ale shall be assessed, proclaimed, and kept according to the Price of the Corn whereof the Malt is made. (2) And the Brewer shall not increase more in a Gallon, but according to the Rate of Six Pence rising in a Quarter of Malt. (3) And if he break the Assise the first, second, and third Time, he shall be amerced; (4) but the fourth Time he shall suffer Judgement of the Pillory without Redemption.

23. H. 8. c. 4.
The Punishment of Brewers offending.

ASSISA cervisie secundum venditionem bladi statuat proclametur et observetur Et braciatrix non accrescat quadrantem in galone nisi pro xii. denarios crecentibus in quarto brafei nec minuet quadrantem in galone nisi pro xii. denariis decrecentibus in quarto brafei Et que assisam cervisie fregerint primo secundo et tertio amercentur quarto sine redemptione habeant iudicium tomberelli.

CAP. VII.

The Punishment of a Butcher selling unwholsome Flesh.

The Punishment of a Butcher Selling unwholsome Meat.

A Butcher that selleth Swines Flesh meazled, or Flesh dead of the Murrain, or that buyeth Flesh of Jews, and selleth the same unto Christians, after he shall be convict thereof, for the first Time he shall be grievously amerced, (2) the second Time he shall suffer Judgement of the Pillory, (3) and the third Time he shall be imprisoned and make Fine, and the fourth Time he shall forswear the Town. And in this Manner shall it be done* of all that offend in like Case.

* Of Cooks offending.

Carnifex qui vendit carnes porcinas superfennatas vel carnes mortuas de morina postquam primo convictus fuerit graviter amerietur secundo convictus patiat iudicium pillorie tertio incarceretur et redimatur quarto abjuret villam et hoc idem fiat de cocis transredientibus.

CAP. VIII.

Busshels, Gallons, and Ells shall be signed with the King's Seal, and be that buyeth or selleth with other shall be amerced.

The Sealing of Busshels, Gallons, and Ells.

THE Standard of Busshels, Gallons, and Ells, shall be sealed with an Iron Seal of our Lord the King, and safe kept, under the Pain of a Hundred

Standardum buffelli galonis et ulne sigillo Domini Regis ferreo signentur diligenter at salvo custodiantur sub pena centum librarum Et nulla men-
fura

ura fit in villa nisi mensure Domini Regis concordat signoque communitatis ville fit signata. Siquis emat vel vendat per mensuram non signatam et per majorem et ballivos non examinatam graviter amercietur et omnes mensure ville majores vel minores bis in anno videantur et diligenter examinentur. Si quis autem convictus fuerit cum duplici mensura majore scilicet ad emendum et minore ad vendendum tanquam falsarius incarcerationetur et graviter puniatur.

dred Pound. (2) And no Measure shall be in any Town unless it do agree with the King's Measure, and marked with the Seal of the Shire Town. (3) If any do sell or buy by Measures unsealed, and not examined by the Mayor or Bailiffs, he shall be grievously amerced. (4) And all the Measures of every Town, both great and small, shall be viewed and examined twice in the Year. (5) If any be convict for a double Measure, that is to wit, a greater for to buy with, and a small to sell with,

Buying or Selling by unsealed Measures.

7 H. 7. c. 4.
11 H. 7. c. 4.
12 H. 7. c. 5.

he shall be imprisoned for his Falshood, and shall be grievously punished.

C A P. IX.

The Bushel, Standard, and Ells, shall be kept by Mayors, Bailiffs, &c. No Grain shall be sold by the Heap or Cattle, but Oats, Malt, and Meal.

STandardum buffelli galonis et ulne et signa quibus mensure sunt signande sint sub custodia majoris et ballivorum et sex legalium de villa juratorum coram quibus omnes mensure signentur. Nullum genus bladi vendatur per cumulum seu cantelhum preter avenam brauseum seu farinam.

THE Standard, Bushels and Ells, shall be in the Custody of the Mayor and Bailiffs, and of six lawful Persons of the same Town being sworn, before whom all Measures shall be sealed. (2) No Manner of Grain shall be sold by the Heap or Cattle, except it be Oats, Malt, and Meal.

Who shall have the keeping of Measures.

C A P. X.

No Foretaller shall be suffered to dwell in any Town.

PRecipue ex parte Domini Regis precipiatur quod nullus forestallarius patiatur in villa commorari qui pauperum est depressor manifeste et totius communitatis et patrie publicus inimicus qui bladum pisces aslec vel res quascunque venales per terram vel per aquam venientes obviando pre ceteris festinant lucrum sitientes vitiosum pauperes opprimentes et divitiores decipientes qui sic minus

BUT especially be it commanded on the Behalf of our Lord the King, that no Foretaller be suffered to dwell in any Town, which is an open Oppressor of poor People, and of all the Commonalty, and an Enemy of the whole Shire and Country, which for Greediness of his private Gain doth prevent others in buying Grain, Fish, Herring, or any other Thing to be sold coming by Land

5 & 6 Ed. 6. c. 14.

Who is a Foretaller and his Punishment.

5 Eliz. c. 5.

Land or Water, oppressing the Poor, and deceiving the Rich, which carrieth away such Things, intending to sell them more dear; (2) the which come to Merchants, Stranger that bring Merchandise, offering them to buy, and informing them that their Goods might be dearer sold than they intended to sell, and an whole Town or a Country is deceived by such Craft and Subtily. (3) He that is convict thereof, the first Time shall be amerced, and shall lose the Thing so bought, and that according to the Custom and Ordinance of the Town; (4) he that is convict the second Time shall have Judgement of the Pillory; (5) at the third Time he shall be imprisoned and make Fine; (6) the fourth Time he shall abjure the Town. And this Judgement shall be given upon all Manner of Forestallers, and likewise upon them that have given them Counsel, Help, or Favour.

minus iuste illo qui eas portaverat multo carius vendere machinant qui mercatores extraneos cum rebus venalibus venientes circumeunt offerentes se venditioni rerum suarum et suggerentes eis quod bona sua carius vendere poterunt quam vendere proponebant et sic arte vel ingenio villam seducunt et patriam Unde primo convictus graviter amercietur Secundo convictus patiatur iudicium pillorie Tertio incarceretur et redimatur Quarto abjuret villam Et hoc idem fiat de forestallariis universis et similiter de hiis qui consilium auxilium vel favorem prestaverint,

Si quis autem presumat vendere farinam ante sophisticatam vel aliquo alio modo fallacem primo graviter puniatur Secundo convictus amittat totam farinam Tertio subeat iudicium pillorie Quarto abjuret villam.

Omnia predicta statuta firmiter ex parte Regis observentur ita quod si aliquis major vel minor contra predicta statuta verbo consilio auxilio vel favore in aliquo venire presumpserit tanquam mandatorum Domini Regis contemptor capiatur et imprisonetur nec a prisona deliberetur donec per madatum Domini Regis et ejus breve expressum deliberetur Et istud statutum tradatur majori et ballivis et sex legalibus de villa juratis una cum standardis bussellis ulnis et petris Et cum necesse fuerit per illud possint certiorari.

Statutum quod vocatur de Ragman de Justitiariis assignatis. *

A CORDE est per nostre Seignur le Roy que Justices aillent par mi la terre a oier & enquerre & terminer toutez lez pleintez & touz lez trespassez faitz dedeinz lez xv anz darrein passez devant la Seint Martyn lan du regne le Roy EDWARD fitz le Roy H. quart auxibien dez Bailliez & Ministres le Roy come Autres gentz horspris lez pleez de feloniez & lez pleintz que pleident aillours devant Justices le Roy & en Countee per briefe issent

4 Ed. 1.

3 Inst. 175.
8 Co. 36. b.

issent que la bufoigne que fait devant eux a terminer qil oient et terminent et ceo auxibien dez outrageoufez prizez conteks et offencez faitz au poeple come dez autres choses & querels per comandement le Roy come dez trespassez puis faitz et nommement des grevancez faitz per Baillifs queux qil soient a la bone gent per qi serement lez enquestez furent faitz. Et voet le Roy que lez pleintez de chescun soient devant lez avantditz Justices determinez auxibien per brieve come sanz brieve solonc lez articlez baillez a mesmes ceux Justices et ceo auxibien dedeinz franchises come dehors, Ensement voet le Roy que ceux Justices enquergent oient et terminent lez pleintez de ceux que pleindre se voudront de ceux qi venuz sont encontre les Estatutz le Roy auxibien de chose que touche le Roy mesmes come le poeple et voet le Roy auxibien de ceux qi seront atteintz de trespas ou foulement apertement arreint que la parole soit finalement termine et les amendez hastivement faite au plentif En droit de ceux que soient atteintz du trespas lou emprisonment ou raunson gist soient lez amendez hastivement faitz as pleintifs et de ceo soit execucion fait sanz delay et lez trespasseurs soient mys per bones meinpernours destre devant le Roy au prochein parlement suant fils puissent maynpernours trover Et si noun demurgent en prisone et lez Justices enquergent de lour poeir en terre et en biens et de la manere du trespas et que de ceo certifient le Roy a mesme le Parlement issint que le Roi lez puisse adonqz punir solonc lour desert Et pur ceo qen tiele manere dez plez deit la Court estre favorable le Roy voet et enjoint a sez Justices que nul enquerelant nen respoignent ne soit empris per hokettez ne per barettes per quei la verite ne soit fuy et lez trespasseurs remeignent despunyz Et sur ceo lez Justices eint regard en temps de guerre et as covenantes faitz en mesme le temps et per encheson de tieu temps nul ne soit encheson pur lez covenantz avantditz.

Consuetudines et Assisa de Foresta sive Articuli de Attachiamenis Forestæ. †

SI quis forestarius, juratus cuilibet facere attachiamenta, invenit aliquem attachiabilem pro viridi in foresta; primo debet ipsum attachiare per duos plegios, si inventus fuerit in loco suspecto; sin autem, debet ducere ipsum ad proximam Villam, et ibi ponere ipsum per vadium et plegium; Et si idem alias inveniatur cum viridi, debet ipsum attachiare per quatuor plegios: Et si tertio inveniatur cum viridi; coram viridario debet presentari, et poni per octo plegios: Et postea post tertium attachiamentum, corpus suum debet attachiari et retineri. 6 Ed. 1.

Ut memorialiter habeatur quid sit viride; sciend' est, quod omnes arbores fructum portantes, et etiam he que tenent viriditatem per totum annum, et fraxinus si antiquitus usum fuerit intra forestam, et arabilis qua dominus Rex est in seifina.

Si

† Secunda Pars veterum Statutorum. 29. 30. 31.

Si quis forestarius invenerit extra dominicum boscum et intra rewardum aliquem prosternentem quercum, sine visu aut liberatione forestarii aut viridarii; debet ipsum attachiare per quatuor plegios; et per visum viridarii debet quercus illa appreciari, et in rotulo forestariorum et viridariorum et regardatorum imbrevari, et debet poni per sex plegios salvos; et si alias inveniatur debent duplicari ejus plegii; Et si tertio, corpus ejus debet retineri. Et si aliquis attachiabilis fuerit contra vadium et plegium, debet distringi per catalla sua infra metas foreste ubi erunt inventa; si autem defecerint, licitum est corpus suum retinere, quousque fecerit id quod facere debuerit. Si autem infra metas foreste non fuerit; Nomen ejus debet irrotulari, et villa de qua fuerit &c.

Liberatio housbote & haybote debet fieri, prout boscus o test pati in statu quo est, & non secundum exigentiam ejus cui fit liberatio. Non potest aliquis dare nec vendere de bosco domini Regis sine Warranto ejusdem Regis.

Si aliqua fera inveniatur mortua vel vulnerata, et non fuerit bercatorum; Ad prima placita debet fieri inquisitio per quatuor villas propinquiores, que debet irrotulari; et inventor debet poni per sex plegios; caro autem debet mitti ad proximam domum leproforum, si que prope fuerit in partibus illis, et hoc per testimonium viridariorum et patrie. Si autem nulla talis domus fuerit prope, caro debet dari infirmis et pauperibus; caput et cutis debent dari liberis hominibus proxime ville; et sagitta, si que inventa fuerit, debet presentari viridariis, et in veredicto suo irrotulabitur.

Si Leporarius inventus fuerit currens ad aliquod nocumentum foreste; capitalis forestarius debet eum retinere in presentia viridariorum, et mittere eum domino Regi vel capitali Justiciario foreste.

Si quis mastivus inventus fuerit currens super aliquam feram, & dictus mastivus mutulatus fuerit; ille cujus mastivus ille fuerit erit de facto illo quietus: Set si non fuerit mutulatus, ille cujus erit Mastivus erit culpabilis tanquam de manupasto suo, et debet poni per sex plegios, quorum nomina debent imbrevari, et etiam qualis fuerit canis.

Si quis ceperit aliquam feram in foresta sine Warranto; corpus suum retinendum est, ubicumque inveniatur infra metas foreste; et quum captus fuerit, non liceat Forestariis ipsum deliberare sine speciali precepto domini Regis vel Justiciariorum suorum.

Si quis videat aliquos malefactores infra metas foreste aliquam feram capere vel asportare; debet illos capere secundum posse suum: Et si non potest, debet levare hu & cry; et si non fecerit, remaneat in misericordia domini Regis.

Si quis Woodwardus videt aliquos malefactores in bosco, qui fuerit in custodia sua, vel feram bestiam invenerit mortuam; debet monstrare capitali forestario vel viridario si autem non fecerit, et forestarius domini Regis tale delictum in dicto bosco, qui fuerit infra rewardum, invenerit; ille boscus capiendus est in manu

num domini Regis per preceptum Justiciariorum, et Wodewar-
dus attachiandus est per quatuor plegios.

Si aliquis habuerit boscum juxta dominicum boscum nostrum;
licitum est ei, postquam dominice haie agistate sunt, habere in
bosco suo tempore pannagii tot porcos quot dominicus boscus
per visum forestariorum viridariorum agistatorum et aliorum
proborum hominum possit pati: Et si plures ibi fuerint; licitum
est eis, capere pannagium de omnibus residuis, qui plures fuerint,
quam dictus boscus posset pati. Et fiat hoc in exitu porco-
rum; &c.

Sciendum quod tempore pannagii, cum agistamentum debet fieri, de-
bent forestarii et viridarii regardatores et agistatores per communem
assensum intimare Justiciariis de foresta Domini Regis, et inquirere vo-
luntatem suam, ut fiat agistamentum, tam in dominicis hais, quam in
forinsecis boscis; et secundum mandatum suum et tenorem literarum de-
bet fieri agistamentum, quas literas debent habere coram Justiciariis fo-
reste proxime post itinerantibus. Et preceptum est, ut deinceps capi-
atur de quolibet porco quantum potest pro pannagio ad opus Domini Re-
gis, scilicet unus vel duo denarii. De porcellis autem fiat sicut prius so-
litum est. Ex alio MS.

Si quis in alio comitatu miserit averia sua intra metas foreste; fore-
tarius pro posse suo dicta averia debet retinere; et ea ponere pro vadios
et salvos plegios; quod si non possit, per testimonium viridariorum debet
vicecomiti illius comitatus intimare, ut ipse distractionem faciat, quousque
plegios invenerit; quod si vicecomes non fecerit, forestarius Justiciariis
foreste debet hoc intimare.

Nullus messor debet adducere secum mastivum magnum de nocte, ad
fugandum Regis feras; sed licitum est adducere parvos catulos expedita-
tos, ad expectandum extra coopertum.

De his qui clamant habere libertates; sicut canes inexpeditatos, et le-
porarios, intra metas foreste; nihil eis inde faciendum est sine warranto
Domini Regis vel Justiciariorum suorum.

Si quis boscus remaneat in manu Domini Regis per unum annum et
diem; in voluntate Domini Regis est, nisi possit recuperari per iudicium
Justiciariorum.

Omnes mete foreste integre sunt Domino Regi.

Sciendum quod bene licitum est Abbati de Burgo Sancti Petri, ve-
nari, et capere leporem et vulpem et murelegum infra metas foreste, et
habere canes non expeditatos; quia sufficiens habet inde warrantum.

Sciendum quod Dominus Petrus de Monteforti nullum habet war-
rantum, quin possit fieri attachiamentum in bosco suo.

Sciendum quod Justiciariis precipitur, quod si quis hominum Episco-
pi Lyncoln' intret in boscum suum forinsecum extra parcum, corpus su-
um retinendum est; et ille boscus remaneat in manu Domini Regis pro
desertu forestar'.

Quando viridarii ceperint inquisitionem, unus apponat sigillum,
et alius rotulum teneat; et sic de foresta in forestam usque ad-
ventum Justiciariorum: tunc primo die ipse et omnes ministri
presentabunt rotulum, aut amercentur. Et manucapti pro fo-
resta eo die proferantur, aut manucaptio incurrat.

Ex Vet. Stat.
secund par. 31.

Homo attachiatus pro ramis cesis, placitum illud pertinet ad
Swainmotum

Swainmotum coram fenefcallo; et attachiatus pro quercu protrata in dominica Regis vel alterius, pertinet coram Justiciariis. Et si noctanter alicubi fecerit, jacet imprisonmentum.

Attachiatus ad Swainmotum pro viridi non presentato ad proximum, ad aliud presentatio non prejudicet; sed capiatur ad forestarium pro concelamento, et eat attachiatus quietus per assisam.

Si forestarius in dominico bosco Regis consentiat delicto; capiat Rex suo superiori, et sibi si sufficiens sit.

Boscos vastatus ad quodlibet iter Justiciariorum dabit Domino Regi dimidiam marcam.

Statutum Armorum ad Torniamenta. *

A Nostre Seigneur le roi prient et requerent les countes e les barons e la chivalerie de Engleterre ke come il sunt accordez kil voille commander e confirmer un estatut des armes ke nul ne fait si hardi desoremes counte ne baroun ne autre chivaler ke au tornei voissent de aver plus ke iii. Esquires armes pur lui servir au tornei E ke chescun esquier port chapel des arms son seigneur kil servira a la jornee pur enseigne E ke nul chivaler ne esquier ke serve au tornei ne porte espeie apoint ne cotel apoint ne baston ne mace fors espeie large pur torneer E ke tuz les baneours ke baneres portent seient armez de mustilers e de quifers e de espaulers e de batin sans plus E sil aveient ke nul counte ou baron ou autre chivaler voise encountre lestatut per lassent e le commandement Sire Edward nostre Seigneur fiz le rey e Sir Edmund son frere e Sire Willame de Valence e Sire Gilbert de Clare e le counte de Nichole ke celui Chivaler ke issi serra trouve enforset en nulli point encountre lestatut fait encoru cele peine ke il perde chival e armes e demoerge en prison a la volente des avantditz Sire Edward, &c. E lesquier ke serra trouve sefant encountre lestatut ke issi est devise en aucun point perde son chival e le harneys e fait iii. anz en la prison E ke nul ne fake chivaler a terre fors ceus ke ferront armes pur lour Seigneur servir ke le chivaler puisse recoverir son chival e celui encontrefesant fait en la forresture de esquiers avantditz E ke nul fiz de grand Seigneur cest asaver de counte ou de baron ne fait arme fors de mustilers e desquifers e ke nul porte cotel apoint ne espeie ne mace fors espeie large E si nul fait trove ke en aucun de ces pointz voit encontre lestatut kil perde son chival lequel il serra monte a la jornee e fait a la prison un an E ceus ke vendront pur veer le tornement ne seient armes de nule maner de armure ne kil ne portent espeie ne cotel ne baston ne mace ne pierre sur la forresture desquiers avantditz E ke nul garcoun ne home a pie ne porte espeie cotel mace ne baston ne pierre E si il soit trove enforset ke il fait en prison vii. anz E si aucun grand Seigneur ou autre tiegne mangerie ke nul esquier ne ameigne einz fors ces ke trencheront devant lor Seigneur E ke nul harald

ne mareschal ne portent priveement arme ne autre fors lour espeies sanz point E ke les reys des haraus eient lour houces des arms sanz plus.

Statutum de visu terre, et effonio de servitio Domini Regis. *

VISUS non concedetur in brevi de custodia; in brevi de consuetudinibus et servitiis; in brevi de advocacione ecclesie, nisi in casu quando sunt plures ecclesie in una villa de eodem Sancto; in brevi de dote assignanda; in brevi de Nuper obiit.

Effonium de servitio Domini Regis non jacet in brevi nove disseisine, in brevi de dote unde nihil habet, in brevi ultime presentationis, et appello de morte hominis.

* Secunda Pars veterum Statutorum, 37. b.

Statutum de Justiciariis Assignatis. †

CUM Dominus Rex ultimis statutis suis Westm' precepisset quod in singulis Comitatibus certi Justiciarii assignarentur ad assisas juratas & certificationes capiendas in Comitatibus illis certis temporibus & non aliis ac pro eo quod tam Justiciarii de utroque Banco quam Justiciarii itinerantes cum in itineribus non fuerint qui ad premissa facienda assignati fuerint temporibus limitatis multotiens impediti tam ratione officii sui quam preceptorum Domini Regis sibi directorum venire non potuerunt ad dies & loca per ipsos assignatos per quod per eorum absentiam multi jure suo fuerunt elongati & injurie remanserunt impuniti.

Dominus Rex in quantum poterit volens quod unicuique de regno suo de injuria sibi facta celeris fiat justitia precepit quod de cetero assignentur octo Justiciarii circumspecti & discreti ad assisas juratas & certificationes capiendas per totum regnum Anglie duo videlicet in Comitatibus Ebor' Northumb' Westmerl' Cumbrie Lanc' Not' & Derb'. Et duo in Comitatibus Lincoln' Leyc' Warr' Stafford' Salop' North' Rotel' Glouc' Hereford' & Wygorn Et duo in Comitatibus Cornub' Devon' Somers' Dors' Wiltes' Suth' Oxon' Berk' Suffex' & Surr'. Et duo in Comitatibus Kent' Essex' Hertf' Norff' Suff' Cantabr' Hunt' Bed' & Buk'. Et assise jurate & recognitiones de Comitatu Midd' capiantur coram Justiciariis de Banco Qui quidem octo Justiciarii ut predictum est assignati ad assisas et certificationes capiendas specialiter intendant & assidue per totum annum videlicet locis quibus melius & plus ad commodum populi viderint esse faciend' terminis statutis in predicto ultimo statuto Westm' ad assisas capiendas nullatenus observatis. Nec concedantur aliqua breviam de assisis juratis & recognitionibus alicui coram aliis Justiciariis

† Secunda Pars veterum Statutorum, 45. a.

ficiariis quam coram prefatis Justiciariis assignatis nisi de speciali gratia Regis.

Compositio ulnarum et perticarum. *

ORdinatum est quod tria grana ordei sicca & rotunda faciunt pollicem, duodecim pollices faciunt pedem, tres pedes faciunt ulnam, quinque ulne & dimidia faciunt perticam, & quinquaginta pertice in longitudine & quatuor in latitudine faciunt unam acram.

* Secunda Pars veterum Statutorum, 45. b.

Statutum de brevi de inquisitionibus concedendo de terris ad manum mortuam ponendis. *Anno* 20 EDW. I. †

DE religiosis terras aut tenementa de cetero de feodis suis aut aliorum perquirere volentibus, per quod terre aut tenementa illa ad manum mortuam deveniant, contra formam statuti Domini Regis nuper super hoc editi per ipsum Dominum Regem et Consilium suum in pleno Parlamento suo Provifum est et concordatum, quod de cetero, viz. de die lune proxime post festum beate Marie virginis anno regni sui xx. non concedatur alicui breve Domini Regis in Cancellaria de inquisitione facienda; si sit ad damnum Domini Regis vel aliorum, si ipse dare possit vel assignare aliquibus religiosis aut aliis terras aut tenementa aliqua, juxta formam brevis in Cancellaria usitati, in casu que terre aut tenementa illa ad manum mortuam deveniant, nisi per petitiones in pleno Parlamento porrectas. Et ita quod, si religiosi illi aut alii, quibus terre aut tenementa illa sic fuerint concedenda, sint ita pauperes et exiles, quod de suo proprio vivere non poterunt: Dominus Rex, super hoc habito consilio, faciet de gratia sua quod sibi placuerit.

† Secunda Pars veterum Statutorum, 58. a.

Statutum de Judaismo. ‡

37 H. 8. c. 9.

PUR ceo que le Roy ad viewe, que multz de males et disheritefons de prodes hommes de sa terre sont avenus per les usuries, que les Jewes ont fait ceo en arrere, ut que multz des peches ent sont surd de ceo; mes que luy et ses ancestors eient eu grande preu de la Jewrie tout en ceo en arrere: nient purquant en lonour de Dieu, et pour la comen preu del people, ordeigne le Roy et establie, que nul Jew desoremes ne preste rien a usurie sur terres rents ne sur autres choses; et que nul

usure

‡ Secunda Pars veterum Statutorum, 58. a. — 60. a.

usure ne courge del Seint Edward prochainement passe en avant. Mes que les covenants avant faitz soient tenus, sauve que les usuries mes cessent: mes que tous que deivent dette a Jewes sur gages moebles, les acquitent entre cy et la Pasche a plus tard; et si non, soit encorus. Et si nul Jewe preste a usure contre cest establissement; le Roy pur luy ne pour nul de soens ne se entermettra, de faire luy recoverer son prest, eins luy punira a sa volunt pur la trespas, et au Christien fra droiture de son gage recoverer.

Et purveu est, que les distresses pur dette des Jewes ne soient desoremes si grievoues, que la moyte de la terre et des chateaux as Christiens ne demorge a lour sustenance. Et que nul distres ne soit fait pur det de la Jewrie sur le heure au dettour noisme en la chartre de Jew, ne sur autre que teigne la terre que fuit a dettour, avant que la dette soit dereigne et conue en court. Et si viscount ou autre bailliff per commandement le Roy deve faire seisin au Jewe, a un ou plusours, pur lour dette, de chateux ou de terre a la value de la dette; les chateux soient prises par serement de prodes homes, et soient bailiz au Jewe ou a Jewes, ou a lour message, e la mountance de la dette; et si les chateux ne suffisent, lez terrez soient extendus par mesme le serement, avant que la seisin soit liver au Jew ou as Jewes, a chescun solonc son afferant, issint que lem puisse savor certainement que la dette soit quite, que le Christien puis adonques avoir sa terre: fause a tous jours au Christien la moites de la terre et de ses chateaux a sa sustenance, come avant est dit, et la chefe mees.

Et si nul chose emble apres cest heure soit trove en la seisin de Jew, et ascun voudra suer; le Jewe eyt son garant, si aver le poet, et si non, respoigne; issint que de ceo unques ne soit privilege auterment que Christien.

Et que tous les Jewes soient manantz en les cities et en les boroughes propres le Roy, ou les houches cyrograffes de la Jewrie soient estre. Et que chescun Jewe, puis que il averoit passe vii. ans, port un signe en son soveraigne garnement, cest ascavoir en forme de deux cables joyntz de feutre tandue, de la longure de vi. pous et de la lature de iii. pous: et que chescun, puis que il avera passe xii. ans, paie iii. deniers de chiefage par an au Roy, que serfs il sont, a la pasche: et ceo soit entende aux bien de femmes come de homes.

Et que nul Jewe eit poier, de seoffer autre Jewe ne Christien de lour mesons rentes ou tenements, que ils eient ore aprivoises, ne de alier en nul maner, ne de faire acquittance a nul Christien de sa dette, sans la conge le Roy especial; tant que le Roy eit autre chose ordeigne.

Et pur ceo que seynt esglise voet et soeffre, que ils vivent, et soient gardez; le Roy les prent en sa protection, et lour doigne sa peax, et voet que ils vivent et soient gardez et defendus per ses viscountes et les autres bailliffes et par ses foialx; et commande que nul leur face male tort ne fort en lour corps ne en lour biens moebles ou non moebles, et que ils ne plèdent ne soi-

ent empledés travailles ne challenges en nully courte forsque en leucht le Roy, que serfs ils sont.

Et que nul ne soit obeisant respoignant ne rent rendant forsque au Roy ou a ses bailiffes en son nome, si ceo ne soit de leur measons, que ils teignent ore pur rent rendant ; sauve le droit de seint esglise.

Et le Roy leur grant, que ils vivent de leur merchandises soialx et par leur labour, et que ils communent oveque les Christiens pour soialment merchander en vendant et en achant : Mes que per cest encheson ne autre ne nul Christien soit couchant ne levant enter eux. Et ne voet le Roy, que par encheson de leur marchandise, que soient en lottes ne en escotes non tallage ove ceux de cities ne de boroughes ou ils meignent ; de sicome ils sont tayllables au Roy come les soens serfs, et a nul autre.

Derechiefe le Roy leur grant, que ils puissent achater mesons et curtilages en les eties ou en les boroughes, ou ils meignent ; issint que ils les tiegnent en chief du Roy. Sauve as Seignorages les services dues et customes.

Et que ils puissent prendre terres a ferme a terme de dix ans, ou a meins, sans prender homages et soialties ne tiel maner dobeissance de Christien, et sans avoir avouson de seint esglise, pur gagner en le secle leur vivre, si ils ne scavent marchaunder, ou ne poient labourer. Et cest poiar, pur prender terres a ferme, ne leur durera forsque xv. ans de cest heure an avant.

Statutum de Catall' Felonum. †

REX Vic' & omnibus aliis fidelibus suis Salutem. Sciatis quod provisum est in Curia nostra coram Justic' nostris, quod de cetero nullus captus pro morte hominis vel pro alia feloniam, pro qua deberet imprisonari, disseisietur de terris & tenementis vel catallis suis, quousque fuerit convictus de feloniam, de qua rettatus fuerit : Set quam cito captus fuerit, per visum custodum placitorum Corone nostre, & per visum vic' vel aliorum ballivorum nostrorum, & legalium hominum, videantur tenementa & catalla predicta & inbrevientur, & salvo custodiantur per ballivos ipsius capti ; qui bonam securitatem nobis invenerint, ad respondendum coram Justiciariis de catallis vel de pretio, si ab eis exigatur : Salvis tamen ipsi capto & familie sue necessariis suis, quam diu fuerit in prisona, & rationabili estoverio ; ut cum idem captus coram Justiciariis nostris fuerit convictus de feloniam, tunc residuum catallorum ultra estoverium suum secundum regni consuetudinem nobis remaneat, cum termino unius anni & unius diei de terris & tenementis suis.

Et si coram Justiciariis se defendere poterit de feloniam sibi imposita, tunc catalla sua sibi remaneant quiete. Et ideo vobis precipimus, quod in ballivis vestris de cetero ita faciatis fieri, &

firmiter

† Secunda Pars veterum Statutorum, 66, b.

firmiter prohibemus vobis, ne predicta occasione aliter manum imponatis in terras & tenementa vel catalla alicujus predicto modo capta. T: &c.

Statutum pro tenentibus per legem Anglie. †

CUM quis itaque terram cum uxore in maritaggio ceperit, si ex eadem uxore sua heredem filium vel filiam clamantem auditum intra quatuor parietes habeat procreatum, si idem vir uxorem suam supervixerit, sive heres vivat, sive non, ipsi viro remanebit maritagium illud, post mortem viri ad donatorem vel ad ejus heredem reverfurum: Si autem nullum ex uxore sua habuerit heredem, tunc post mortem uxoris ad donatorem vel ad ejus heredem revertetur. Et hec est causa, quare in maritaggio non solet recipi homagium. Si enim donata esset aliqua terra sic in maritaggio, vel alio modo, quod cum recipiatur homagium, tanquam ad donatorem de cetero vel ad ejus heredem licite posset reverti, ut supradictum est. Illud vero judicium erit de secundo viro, quod dictum est de primo, si heres reliquerit primo, sive non.

† Secunda Pars veterum Statutorum, 70. a.

Prohibitio formata de Statuto Articulorum Cleri. †

EDWARDUS, &c. Prelatis Archidiaconis Officialibus et aliis ministris ecclesiasticis per dioecesim Norw' constitutis salutem. Cum cognitiones placitorum super feodalibus et libertatibus feodalium, officii ministrorum, executionibus contra pacem nostram factis, felonum negationibus, consuetudinibus secularibus, attachamentis vi laica, malefactoribus rettatis, roberis, arrestationibus, maneriis, advocationibus ecclesiarum, conventionibus, sufficientibus assis juratis et recognitionibus laicum feodum contingentibus, et rebus aliis ac causis pecuniarum et de aliis cattallis et debitis, que non de testamento vel matrimonio, ad coronam et dignitatem pertineant ejusdem regni, de consuetudine ejusdem regni approbata et hactenus observata. Et proceres seu magnetes et alii de eodem regno temporibus nostrorum predecessorum Regum Anglie seu nostro, auctoritate alicujus non consueverant contra consuetudinem illam super hujusmodi rebus in causa trahi vel compelli ad comparandum coram quocunque iudice ecclesiastico. Nosque et progenitores nostri consuetudine predicta pro nobis et aliis de regno usi fuerimus semper, et libertatibus hujusmodi tanquam pertinentibus ad regiam dignitatem nostram. Ac vos et ministri vestri de communitate comitatum nostrorum Norf' et Suff' qui pro hujusmodi rebus per vices pro voluntatibus vestris trahitis in placitis coram vobis in curia Christianitatis, ut ex relatu fidedignorum pro certo acco-

D d 2

pimus.

† Secunda Pars veterum Statutorum, 70. a.

primus. Vobis prohibemus ne placitum illud teneatis in curia Christianitatis, maxime cum hujusmodi placita ad nos et non ad alium pertineant in eodem regno. Ac Nos super his et aliis quorum cognitio ad Nos pertinet parati sumus quibuscunque per Nos et ministros nostros in curia nostra plenam ac celerem justitiam exhibere. Mandamus autem dilecto et fideli nostro R. vicecomiti nostro comitatum predictorum quod premissa vobis et aliis in partibus illis talia et consimilia in prejudicium dignitatis nostre regie acceptantibus firmiter inhibeat ex parte nostra. Et quod siqui vestri hujusmodi placita teneant, vel siqui ea sequentur coram vobis in curia Christianitatis contra prohibitionem nostram predictam, dictus vicecomes vos et alios hujusmodi placita tenentes vel sequentes ponat per vadios et salvos plegios, quod sitis vel sint coram Justiciariis nostris apud Westm' ad certum diem, ad respondendum coram eis super premissis, et ad faciendum ulterius, quod haecenus in hujusmodi casibus et consimilibus fieri consuevit. Et quod non permittant quod aliqui laici in balliva sua in aliquibus locis convenient ad aliquas recognitiones per sacramenta sua faciendas, nisi in causis matrimonialibus et testamentariis. Et ne super hujusmodi feodis, debitis, et catallis, coram vobis et aliis iudicibus ecclesiasticis in prejudicium jurisdictionis nostre regie ad coronam et dignitatem nostram spectantis ire presumant. Et quid vos in hac parte de his feceritis, reddatis Nos ad plenum certiores. In cujus rei testimonium, &c. Teste, &c.

Articuli et Sacramenta Ministrorum Regis in itinere Justiciariorum. *

AD principium itineris Justiciariorum circa sacramentum scire debes, quod in primo adventu Justiciariorum in itinere suo breve per quod potestas eis concessa est in plena curia legi debeat. Deinde precipietur, quod nihil efficietur in villa vel in comitatu, nisi sit coram Justiciariis, vel in civitate pretextu eorundem adventus. Deinde, quod nulle nundine nec ferie teneantur, sed quod comitatus teneatur solummodo ad profros faciendos, sed in eo nullum placitabitur placitum, nisi breve de recto, et appellum de morte hominis. Deinde precipietur, quod nullum conducatur hospitium, sed venientibus gratis concedatur.

Sacramenta vicecomitum et aliorum ballivorum.

Hoc sacramentum prestabitur a vicecomite et subvicecomite.

Ceo oies vous Justices, que jeo loialment frai loffice que est appendant a mon countee, et a moy come a viscount, et ceo ne lerrai pur riche ne povre, ne pur amour, ne pur haine, que loialment le frai. Si Dieu moy aide et ses saintz.

Istud sacramentum a ministris vicecomitis cum eligent duos milites.

Ceo

* Secunda Pars veterum Statutorum, 71, b.

Ceo oies vous Justices, que jeo loialment esirrai deux chivalers et deux autres prodes homes del hundred de N. qui ne sont appellors, nappelles, ne maintenours de appeles, ne maintenours des plees que touchent la corone, et qui mieulx sachent et voillent faire ceo que lour serra commande de par le Roy; et pur rien ne lerrai, qe jeo ne frai a mon escient. Si Dieu moy eide et ses feintz.

Istud sacramentum prestabitur a militibus electis per predictos ballivos.

Ceo oies vous Justices, que nous loialment esirrons, aux bien de nous mesmes come des autres prodes homes de nostre hundrede, qui mieux savent et voillent et puissent verite dire de ceo que lem lour demandera de par le Roy, et qui ne sont appellors, nappellees, ne mainteynours des plees que touchent la corone, et pur rien ne lerrons, que loialment ne frons. Si Dieu moy ayde et ses feyntz.

Hoc sacramentum prestabitur a xij. militibus, quum per duos eliguntur.

Ceo oiez vous Justices, qe jeo loialment dirrai, et loialment frai, ceo que lem moi demandera de par le Roy; et vos counsels celerai; et pur rien ne lerrai, que loialment frai a mon escient. Si moy aide Dieu et ses feyntes.

Hoc sacramentum prestabitur ab omnibus ballivis alio modo quam prius.

Ceo oies vous Justices, que jeo loialment frai ceo que a mon office appent, et vos counsels celeray, ne nul home pur hainge greverai, ne pur favour aiderai. Si Dieu moy aide et ses feintes.

Deinde liberentur omnes articuli de comitatu xij juratoribus cujuslibet hundredi, et deinde assignabitur eis tempus veredicta sua reddendi sub pena misericordie Regis. Et si non reddiderint americiabuntur secundum quod Justiciarii melius viderint expedire.

De Magnis assisis & duellis.

BATAILLE ne grand Assise se joignent parentre parentz, Vet. N. B. r. Hawk. Pl. Cr. 426. jusques il seit passee le tierce degree, lou ils cleymant per mesme la descent: mes bataille se joint entre freres; lou lun est fesse, & lautre cleyme per descent de heritage. Bataille se joint, & grand assise nent; lou un homme est fesse, & vouche a garant per chartre, qil ad de son feffour; le vouche poet dedire la chartre per le cors un son franc homme; & la ne gist point grand assise. Grant assise se joint, & bataille nent; lou homme vend terre a autre, & celluy vend avant celle terre, & il nad plus de terre per quoi il rend sa chartre dont il fuisse fesse, vient le Heir le primer feoffour & luy emplede per brieve de droit; il ne purra sa seisine defendre per le cors un son franc homme, mes il se purra mettre en dieu & en la grand Assise. Bataille & grand assise se joint nent, lou le demandant cleime tenir

nir en franc mariage, franc burgage, & en Gavelkynde, & en autres maneres, sicome il demand fors que petit chose, sicum acre, toft, ou estank; donque per agard dez Justices si poet il consentier en une Jurre de xii franks hommes, en lieu de grand assise, pur espartir le travaille de xii chivalers *; per ceo qil dirront & front lour serement areccontre verite, sanz dire a lour ascient.

Stat. Westm.
3 Ed. 1. c. 41.
2 Inst. 247.

* Pur ceo qe il dirrunt et front lour serement sanz dire qe il dirrunt veyr a leur ascient. Bibl. Reg. 9. A II. 21. Pur ceo qil dirront et front serment sanz dire a lur ascient. Al. MS. Et ils ferront le serment sanz delay dont ils dirront vier a leur ascient. Tottell.

De dimissione [seu divisione] denariorum.

QUIA multorum Regum temporibus provisum fuit, quod propter pauperes denarius argenti, cessascavoir sterlingus, quotiens necessitas exoptulat, divideretur in obolos et quadrantes: ex parte Domini Regis districte precipitur, quod quicumque in emptionibus et venditionibus obolum seu quadrantem legalis metalli et debitam habentem formam recusare presumpserit; tamquam regie majestatis contemptor capiatur, et in carcerem detrudatur. Preceptum est etiam, quod subeat iudicium pillorii.

An Ordinance for Measures.

Ex Edit. Ber-
thelet. &
Rassal.

BY the Consent of the whole Realm of *England* the Measure of our Sovereign Lord the King was made, so that an *English* Penny, called a Sterling, round and without any Clipping, shall weigh 22 Wheat Corns in the midst of the Ear, and 20 Pence shall make an Ounce, and 12 Ounces 1 lb. and 8 lb. shall make a Gallon of Wine, and 8 Gallons of Wine shall make 4 Bushel London, which is the 8th Part of a Quarter.

NOVA STATUTA.

Ex Edit.
Rastal.

ANNO PRIMO EDWARDI III.

Statutes made at *Westminster*, the Seventh of *March*, in the First Year of the Reign of the Noble King EDWARD the Third, Stat. I. in the Year of our Lord 1327.

A Confirmation of the Banishment of Hugh Spencer the Father, and Hugh Spencer the Son.

WHEREAS Hugh Spenser the Father, and Hugh Spenser Exile, the Son, late at the Suit of Thomas then Earl of Lancaster and Leicester, and Steward of England, by the Common assent and award of the Peers and Commons of the Realm, and by the assent of King Edward father to our Soueraign Lord the King that now is, as Traitors and enemies of the King and of his Realm, were exiled, Disherited, and banished out of the Realm for euer, And afterward, the same Hugh and Hugh by euil counsel which the King had taken of them without the assent of the Peers and Commons of the Realm, came again into the Realm. And they with other procured the said King to pursue the said Earl of Lancaster, and other great men and people of this Realm, in which pursuit, the said Earl of Lancaster, and other great men and people of the Realm were willingly dead and Disherited, and some Outlawed, Banished, and Disherited, and some Disherited and imprisoned, and some ransomed and Disherited. And after such mischief, the said Hugh and Hugh, Master Robert Baldock, and Edmond late Earl of Arundel vsurped to them the Royal power, so that the King nothing did nor would do, but as the said Hugh and Hugh, Robert, and Edmond Earl of Arundel did counsel him, were it neuer so great wrong, during which vsurpation, by Duress and force against the will of the commons, they purchased lands as well by Fines leuied in the Court of the said King Edward, as otherwise. And whereas after the death of the said Earl of Lancaster, and of other great men, our Soueraign Lord the King that now is, and dame Isabel, Queen of England, his mother, by the Kings will and Common Counsel of the Realm, went ouer into France, to treat a peace between the two Realms of England and France, upon certain debates then moued: The said Hugh and Hugh, Robert, and Edmond Earl of Arundel continuing their mischief, encouraged the said King Edward against our Soueraign Lord the King that now is, his son, and the said Queen his wife, and by the Royal power which they had to them inroached, as afore is said, procured so much grievance by the assent of the said King Edward, to our Soueraigne Lord the King that now is, and the Queen his mother, then being beyond the sea; that they remained as forsaken of the said King Edward, and as exiled from this

Realm of England. Wherefore it was necessary for our Soueraign Lord the King that now is, and the Queen his mother, being in so great iopardie of themselves in a strange Countrey, and seeing the destruction, damage, oppressions, and Disberisons which were notoriously done in the Realm of England, upon holy Church, Prelates, Earls, Barons, and other great men and the Comminalty, by the said Hugh and Hugh, Robert, and Edmond Earl of Arundel by the encroaching of such royal power to them, to take as good counsel therein as they might. And seeing they might not remedie the same, unless they came into England with an army of men of war, And by the grace of God with such puissance and with the help of great men and Commons of the Realm, they have vanquished and destroyed the said Hugh and Hugh, Robert, and Edmond. Wherefore our Soueraign Lord King Edward that now is, at his Parliament holden at Westminster, at the time of his Coronation on the morrow after Candlemas, in the first year of his Reign, upon certain petitions and requests made to him in the said Parliament, upon such articles above rehearsed, by the common counsel of the Prelates, Earls, Barons, and other great men, and by the Comminalty of the Realm there being by his commandment, hath provided ordained and established in the form following.

CAP. I.

None shall be impeached which took Part with the King against his Father.

Pursuits.

FIRST, That no great Man nor other, of what Estate, Dignity, or Condition he be, that came with the said King that now is, and with the Queen his Mother, into the Realm of England, nor none other, then dwelling in England that came with the said King that now is, and the Queen, in Aid of them to pursue their said Enemies, in which Pursuit the King his Father was taken and put in Ward, and yet remaineth in Ward: shall not be impeached, molested, nor grieved in Person nor in Goods, in the King's Court, nor other Court for the Pursuit of the said King, taking and with-holding of his Body, nor Pursuit of any other, nor taking of their Persons, Goods, nor Death of any Man, or any other Things perpetrate or committed in the said Pursuit, from the Day that the said King and Queen did arrive, till the Day of the Coronation of the same King. And it is not the King's Mind, that such Offenders that committed any Trespas, or other Offence out of the said Pursuit should go quit or have Advantage of this Statute, but they shall be at their Answer for the same at the Law.

CAP. II.

The Repeal of the Exile made void.

Exiles.

ITEM, That the Repeal of the said Exile, which was made by Durefs and Force be annulled for evermore. And the same Exile made by Award of the Peers and the Commons by the King's Assent as afore is said, shall stand in his Strength in all Points, after the Tenour of every Article therein contained.

CAP.

C A P. III.

The Executors of those that were wrongfully slain shall have Action to recover their Testators Goods. (2) All Assurances made to the Rebels by Durefs shall be void.

ITEM, That the Executors of the Testament of all those that were of the same Quarrel dead, shall have Actions and recover the Goods and Chattels of them being of the said Quarrel whose Executors they be, as they of the same Quarrel should. And that Fines, Sales, and Gifts of Land, and Recognisances of Debts after the Time of the Exile of the said *Hugh and Hugh*, made by Force and Durefs to the said *Hugh and Hugh*, *Edmond Earl of Arundel*, *Robert Baldocke*, and *Walter Stableton*, late Bishop of Exeter, or to any of them be defeated. It is also agreed and stablished, That if any Man will by way of Action, defeat any Fine, Sale or Gift of Land, and Recognisances of Debts, made by Force or Durefs to the said Persons as above is said: Force and he shall have a Writ out of the Chancery to cause the Transcription of the Force and of the Fine, and the Tenour of the Recognisances to be had before the King and his Justices, assigned to hold Pleas before the King, with two Bishops, two Earls, and two Barons associate unto them, or else of every Estate one, to warn the Tenant of the Land, whereof such Fine is levied or Gift or Sale made. And if it be found in the King's Court by Confession of the Party, or by a lawful Enquest to be taken, that such Fine, Sale, or Gift, was levied or made by Durefs of Imprisonment, or else for Fear of Death: it shall then be defeated. And Execution to be made for the Plaintiff as pertaineth by Restitution of Lands and Tenements, being in other Mens Hands than the King's. And like Process shall be made of Lands being in the King's Hands, whereof Fines be levied to warn the Keepers of the said Lands. And in case where any will demand Land by the Common Law, and such Fine or Deed be pleaded in Barr of his Demand, then it shall be done as hath been used in Times past where a Release or quit Claim hath been pleaded in Barr of such Actions between the Parties, or Imprisonment hath been alledged. But it is not the Mind of the King nor of his Counsel, that they which have sold their Lands, and released or quit claimed of their own free Will, should have any Benefit by this Statute.

C A P. IV.

Trial of an Averment in a Writ of false Judgement.

Auxint est acorde ordine & establi en amendement de la lei qe countre record de Court le quel record vient en la Court le Roi par bref de faux juggement en cas ou la partie dist qe le record est autre qe

ITEM, It is accorded, ordained, and established in Amendment of the Law, That when a Record cometh into the King's Court by Writ of false Judgement, in case where the Party alledgeth that the Re-

52 H. 3. c. 20.
Trial of an Averment in a Writ of false Judgement.

Record is otherwise than the Court doth record the same, the Averment shall be received of the good Country, and of them which were present in the Court when the Record was made, if they do come with others of the Country by the Sheriffs Return; (2) and if they come not, the Inquest shall be taken by the good Country.

qe la Court ne recorde soit receu averement de bone pais & de ceux qe furent presentz en la Court quant le record se fist si tieux vieignent ove les autres du pais par return de vise' & fils ne veignent soit lenqueste prise par bone pays.

CAP. V.

An Averment may be made against false Returns of Bailiffs of Liberties.

13 Ed. 1. stat. 1. c. 39.
Averment against Returns of Bailiffs of Franchises.

ITEM, It is provided and established, That from henceforth against the false Returns of Bailiffs of Franchises, which have full Return of Writs, a Man shall have Averment, and recover as well against them as against the King's Sheriff, as well of too little Issues returned as in other Cases, so that it falleth not in Prejudice of the Lords, nor in the Blemish of their Franchise; (2) and that the Estate of holy Church be always saved. And that all the Punishment fall only upon the Bailiffs, by Punishment of their Bodies, if they have not whereof to answer.

AUxint est purveu & establi qe desore enavant countre faux return des bailliffs des fraunchises qe unt plein retour des brefs eit homme averement & recoverer auxicome devers le vise' le Roi auxibien de trop petit issues retournez come en autre cas issi qil ne chiete en prejudice des Seignours en emblemissement de leur fraunchises & qe lestat de seinte Eglise soit touz jours fauve. Et qe tot le punissement soulement chiete sur les baillifs par punissement de leur corps sil neient de quoi respoudre.

CAP. VI.

An Attaint will lie as well upon the Principal, as upon the Damages.

3 Ed. 1. c. 38.
5 Ed. 3. c. 7.
28 Ed. 3. c. 8.
9 R. 2. c. 3.
Attaint as well upon the Principal as the Damages.

ITEM, It is provided, That for the great Mischiefs, Damage, and Destruction that hath happened to divers Persons, as well of holy Church, as of other, by the false Oaths of Jurors in Writs of Trespass; (2) from henceforth a Writ of Attaint shall be granted as well upon the Principal as upon the Damages in a Writ of Trespass. (3) And that the Chan-

PURveu est ensement & establi qe pur les grauntz meschefs damages & destructions de divers persons auxibien des gentz de seint Eglise come dautres qe sont avenuz par faux serment des jurours en brefs de trespass qe desore bref de atteint soit graunte auxibien sur le principal come sur les damages en brefs de Trespass: Et qe le Chaunceller qi par temps terra

sera eit poair de graunter tiels brefs datteintes faunz parlor au Roi. Et qe en tieu cas & en touz autres de atteinz les Justices ne lessent pas de prendre les atteinz pur les damages nient paieiz.

Chancellor which shall be for the Time shall have Power to grant such Writs of Attaints, without speaking therefore to the King. (4) And in such and all other Cases of Attaints, the Justices shall not let to take the Attaints for the Damages not paid.

CAP. VII.

Inquiry shall be made of Gaolers, which by Dures compel Prisoners to appeal.

ET qe pur eschure malx damages et destructions qe sount avenuz par visc' gaolers gardeins des prisons deinz fraunchise et dehors qe unt peine prisons et par autre male voie destreint et procure advenir appellours et appeller gents nient coupables pur aver raunceons des tieux appellez pur seute de prisonne ou par autre cause Justic' del un Baunk et del autre Justicez assignez aprendre assises et gaoles delivrer enquerger par force de ceste estatut des tieux destresses peines et procurementz et oient les pleintes de touz ceux qe pleindre se voudront en tieu cas par bille et oient et terminent tieux pleintes auxibien a fuyte de partie come a la fute le Roi.

ITEM, To eschew the Image and Destruction that often doth happen by Sheriffs, Gaolers, and Keepers of Prisons, within Franchise and without, which have pained their Prisoners, and by such evil Means compel and procure them to become Appalers, and to appeal harmless and guiltless People, to the Intent to have Ransom of such appealed Persons, for Fear of Imprisonment or other Cause;

(2) The Justices of the one Bench and of the other, and Justices of Assise and Gaol-delivery, shall by Force of this Statute enquire of such Compulsions, Punishments, and Procurements, and hear the Complaints of all them that will complain in such Cases by Bill, and shall hear and de-

21 & 22 Car. 2.
c. 20. Sect. 13.

Inquiry shall be made of Gaolers which by Dures compel Prisoners to appeal.

13 Ed. 1. stat. 1.
c. 12.
14 Ed. 3. stat. 2.
c. 10.

termine such Plaints, as well at the King's Suit.

CAP. VIII.

How be shall be used that is taken for any Offence in the Forest. Bailment of him.

ET pur ceo qe plusours gentz sount desheritez reintz & destruz par les souverains gardeins de forestes de cea Trente & de la & par les autres ministres encountre la fourme de la chartre de la Fo-

ITEM, Whereas divers People be disinherited, ransomed, and undone, by the chief Keepers of the Forest on this Side Trent, and beyond, and by other Ministers against the Form of the great Charter of the Forest, and against the

9 H. 3. Stat. 2.
c. 10, 11, 16.
3 Ed. 1. c. 20.

the Declaration made by King EDWARD, Son of King HENRY, in Form following: That is to say, We will and grant for us and our Heirs; that for any Trespass done in our Forest of Vert and Venison, that the Foresters in whose Bailiwick such Trespass shall be committed, shall present the same Trespases at the next Swanimote before the Foresters, Verders, Regarders, Agisters, and other Ministers of the same Forest; (2) and upon such Presentment made before the said Foresters, Verders, Regarders, and Agisters, and other Ministers aforesaid, as well by the Oaths of Knights, as by other discreet and lawful Men, and not suspicious of the Parties adjoining or near, where such Offences shall be so presented, and where the Truth may best and most fully be enquired, and the Truth perfectly known, then such Presentments by the common Assent and Consent of all the said Ministers shall be solemnly written, and with their Seals ensealed. (3) And if any Indictment be in any other Manner made, the same shall be void. (4) And therefore because the chief Wardens of the Forests have not observed the same Form hitherto, it is agreed and ordained, That from henceforth no Man shall be taken nor imprisoned for Vert or Venison, unless he be taken with the Maner, or else indicted after the Form before specified: (5) and then the chief Warden of the Forest shall let him to Mainprise till the Eyre of the Forest, without any thing taking for his Deliverance; (6) and if the said Warden will not so do, he shall have a Writ out of the Chancery, which hath been in old Time ordained for such Persons indicted

Foreste & encountre la declaration qe le Roi EDWARD fuiz le Roi HENRY fist en la fourme sensuist cest a savoir Nous voillioms & grantoms pur nous & pur noz heirs qe des trespas faites en noz forestes de vert & de veneson qe le foresters en qi baillifs tieux trespas ferrount faites presentent mesmes les trespas a prochein Swainmot devant foresters verders regardours & agistours & autres ministres de mesme la foreste & sur tieux presentement devant les foresters verders regardours agistours & autres ministres avanditiz par serment auxibien des chivalers come dautres prodes homes & loiaux et nemy suspecionous des parties veisinales et plus proscheins ou tieux trespassez ferrount issint presentez et ou la verite purra meux et plus pleinement estre enquire et tiele verite issint enquire soient tieles presentementz par commun assent et acord de touz les ministres avanditiz solempnement efforces et de lour seals enseales. Et si en altre maner soit nul enditement fait soit deforemes pur nul tenu. Et pur ceo qe les Chiefs gardeins des forestes nont mye la dite fourme tenue jesques en cea acorde est ordene et establi qe desormes nul ne soit pris ne en prisone pur vert ne pur veneson sil ne soit trove en meinoure ou en la fourme avanditiz endite et adonq luy lesse le soverain gardein de la foreste a meinprise jesques al Eire de foreste saunz ren prendre pur la delivraunce et si le dit gardein faire ne voille eit bref en la Chauncellerie qe auncienment fust ordene pur tieux enditez destre a meinprise jesques en eir. Et si le dit gardein

How he shall be used that is taken in the Forest for any Offence of Vert or Venison. Carthew, 78.

A Remedy for the Prisoner, if the Warden of the Forest will not bail him. 7 R. 2. c. 4. Regist. 30.

dein apres le dit bref resoëu ne face tieux enditez saunz delai deliverer a meinprise saunz rien prendre donques eit le pleintif bref en la Chauncellerie a viscount datacher le dit gardein destre devant le Roi a certain jour a respondre pur qui il nad replevi celui qest ensi pris et le viscount appelez les verders face deliverer celui qest pris par bone meinprise en la presence des verders et le nouns des mainparnours face liverer a mesmes les verders a respoundre en eir devant justices. Et si le Chief gardein de ceo soit atteint soient agardez as pleintifs lour damages au treble et le dit gardein a la prisone et reint a la volente le Roi. Et desoremes soit escrit a eux come a les chiefs gardeins de la foreste pur ceo qe Justices ne devient il estre ne record avoir forsque en Eir. Don a Westm' le vii. jour de Marz lan du regne le dit Roi EDWARD qore est primer.

dicted, to be at Mainprise till the Eyre. (7) And if such Warden, after he hath received the Writ, do not incontinently deliver such Persons indicted to Mainprise, without taking any Thing, then the Plaintiff shall have a Writ out of the Chancery to the Sheriff, to attach the said Warden to be before the King at a certain Day, to answer wherefore he hath not replevied him that is so taken; (8) and the Sheriff (the Verders being called to him) shall deliver him that is so taken, by good Mainprise, in the Presence of the Verders, and shall deliver the Names of the Mainpennors to the same Verders to answer in the Eyre before the Justices. (9) And if the chief Warden be thereof attainted, the Plaintiffs shall have their treble Damages awarded them, and the said Warden shall be committed to Prison, and ransomed at the King's Will. (10) And from henceforth it shall be written

to them as to the chief Wardens of the Forest, because they may not be Justices, nor have have any Record but in the Eyre. Dated at *Westminster* the seventh Day of *March*, in the First Year of the Reign of the said King EDWARD that now is.

Other Statutes made at *Westminster* the same First Year of EDW. III. and *Anno Dom.* 1327.

AL honneur de Dieu et de seint Eglise & en amendement des oppressions du poeple le Roi EDWARD suiz le Roi EDWARD filz au Roi EDWARD filz le Roi HENRI a son parlement qil tynt a Westmonster apres la feste de la Purificacion de nostre Dame lan de son regne primer a la requeste de la commune de son Roialme par lor

TO the Honour of GOD and of holy Church, and to the Redress of the Oppressions of the People, King EDWARD the Third, at his Parliament holden at Westminster after the Purification of our Lady, in the First Year of his Reign, at the Request of the Commonalty of his Realm, by their Petition made before him and his Council in the Parliament, by

by Assent of the Prelates, Earls, Barons, and other great Men assembled at the said Parliament, hath granted for him and his Heirs for ever these Articles underwritten.

lor petitions mys devant luy et son conseil en le dit parlement par assent des Prelatz Countes Barons et autres grantz au dit parlement assemblez ad graunte par luy et ses heires a toutz jours les articles foutzescritz.

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Forest. Perambulations of Forests.

Confirmation of Charters.

FIRST, That the Great Charter of the Liberties, and the Charter of the Forest be observed and kept in every Article. (2) And that, the Perambulations of the Forest in Time of King EDWARD, Grandfather to the King that now is, be from henceforth holden in the like Form as it was then riden and bounded; (3) and thereupon a Charter to be made to every Shire where it was riden and bounded. (4) And in such Places where it was not bounded, the King will that it shall be bounded by good Men and

Perambulation of Forests.

Charters thereof.
26 Car. 1. c. 16.

EN primes qe la grande chartre des Fraunchises et la chartre de la foreste soient gardes en toutz les pointz. Et qe la puraloe qe estoit chivache en temps le Roi EDWARD ael le Roi qor est se tiegne en la forme qele estoit chivache & bundee e qe sur ceo soit chartre fait a chescun countee ou ele fust chivache. Et par la ou ele ne feust my chivachee le Roi voet qe ele soit chivachee par bons et loialx et qe chartre sur ce soit faite come defus est dit.

CAP. II.

How every Person may use his Woods within the Forest. Seising of Bishops Temporalities.

Using of Woods within the Forest.

ITEM, every Man that hath any Wood within the Forest may take Houseboot and Heyboot in his said Wood, without being attached for the same by any Ministers of the Forest, so that he do the same by the View of the Foresters. (2) *And because before this Time, in the Time of King EDWARD, Father to the King that now is, the King by evil Counsellors caused to be seised into his Hands the Temporalities of divers Bishops, with all their Goods and Chattels therein found, without any Cause, and the same held in his Hands*

The Temporalities of Bishops.

ITEM qe chescun homme qe eit boys deinz foreste poet prendre en son boys demeigne housbote et heybote sans estre attache par ministres de la foreste issint qils le face par veue de foresters. Et pur ce qe avant ces heures en temps le Roi pier au Roi qore est le Roy par malveys conseil-lers sanz cause et areynement fist prendre en sa meyn les temporalites des divers Evesques od toutz les biens et chateux en les dites temporalitees trovees et mefines les temporalitees tynt en sa meyn par long temps

temps et prist toutz les issues en mesmes le temps a grant damages des ditz Evesques vastz et destructions de lour chasteux manoirs parks et boys le Roi graunt et voet qe desormes ne soit fait.

Hands by a long Season, and continually thereof took the Profits, to the great Damage of the same Bishops, Wastes and Destructions of all their Castles, Manors, Parks, and Woods, the King will and granteth, That from henceforth it shall not be done.

25 Ed. 3. stat. 5. c. 6.

CAP. III.

King Edward the Second's Pardon confirmed to the Jews and all others.

ITEM, whereas King EDWARD Father to the King that now is, in Times past had pardoned his People of all Issues and Amerciaments, till the xx. Year of the Reign of his Father, and afterward without having regard to the said Pardon, the said Issues and Amerciaments have been levied to the great Damage of the People: The King will that as touching the same Issues and Amerciaments, his Fathers grant shall be executed. And that the Jews Debts be also pardoned.

Pardon confirmed to the Jews, &c.
Ex. Edit. Raft

CAP. IV.

The King's Debts shall be stalled according to the Debtor's Estate.

ITEM, for the Ease of the People which hath been before this Time grieved by outrageous levying of the King's Debts: the King will and granteth, that the Treasurer and Barons of the Exchequer may determine and obtain every Debt due to the King to the Sum of three hundred Pound, according to the Estate of the Debtors, saving always their countenance. And that they shall not charge the Sheriffs, Bayliffs of Liberties, nor none other Accomptants in the Exchequer to levy any Sum of any Person, if he do charge him of as much as he may levy by his Oath, without abating the Debtor's Countenance, but the Answers of the Sheriffs, and of other Ministers, shall be taken according to the Point of their Oaths.

King's Debts.

CAP. V.

None shall be compelled to go to War out of the Shire where he dwelleth, but, &c.

ITEM le Roi voet qe desormes nul soit charge de soi armer autrement qil ne soleit en temps de ses auncestres Roys d'Engleterre Et qe nuls soient distreintz daler hors de lour Counteez si non par cause de necessite de sodeyne venue des estraunges enemys en Roialme & adonques soit fait come

ITEM, the King will that no Man from henceforth shall be charged to arm himself, otherwise than he was wont in the Time of his Progenitors Kings of England; (2) and that no Man be compelled to go out of his Shire but where Necessity requireth, and suddain coming of strange Enemies

In what only Case one shall be compelled to go to War out of the Shire where he dwelleth.

18 Ed. 3. c. 7.
25 Ed. 3. stat. 5.
c. 8.
4 H. 4. c. 13.

Enemies into the Realm ; and then it shall be done as hath been used in Times past for the Defence of the Realm.

ad este fait avant ces heures pur defens du Roialme.

CAP. VI.

How Aid granted to the King shall be taxed.

How Aid granted to the King shall be taxed.

ITEM, *Because the Commons have felt great Grief, where-as they granted any Aid to the King of their Goods, and certain were assigned to tax their Goods, and the Taxers have levied the same Tax, and yielded their Account for the same at the Exchequer, and there paid the Money ; (2) Justices have been assigned after to inquire of their Doings, which Justices have taken Ransoms and Fines of the Taxers and other, by colour of their Commissions, to the great Oppression and Impoverishing of them ; (3) the King will, That from henceforth they shall be taxed after the old Manner, and not otherwise.*

9 H. 4. c. 7.

The King shall give Wages to the Conveyers of Soldiers.

ITEM, *Whereas Commissions have been awarded to certain People of Shires to prepare Men of Arms, and convey them to the King into Scotland or Gascoign, or elsewhere, at the Charge of the Shires ; (2) the King hath not before this Time given any Wages to the said Preparers and Conveyers, nor Soldiers whom they have brought, whereby the Commons of the Counties have been at great Charge, and much impoverished ; (3) the King will that it shall be done so no more.*

18 Ed. 3. c. 7.
4 H. 4. c. 13.

CAP. VII.

Who shall pay the Wages to Conductors of Soldiers.

ENsement que quant comissions ount este maunde as certeynes gentz des counteez darraier gentz darmes & de eux mener au Roi en Escocze en Gascoigne ou ailleurs a les coustages des Countees le Roi nad my ordene avant ces heures des gages des ditz arraiours & mesnours ne des gentz darmes queles ils ount mesne par quoi la commune des Countees ad este grantement charge & impovrie Le Roi voet que mes ne soit fait.

CAP. VIII.

Nothing shall be taken for Beaupleader.

ITEM, *Whereas some of the Realm have grievously complained, that they be grieved by Sheriffs, naming themselves the King's*

PUR ceo que ascuns du Roialme sount grevement pleintz qils sount grevez par vicountes que se sount nomer approvours

provours le Roi qi pernent deners de eux par extorsion pur ce qils ne deyvent estre ache-fonez de bel pleder devant eux Le Roi voet qe lestatut de Marleberge en cel poynt soit garde & tenutz.

King's Approvers, which take Money by Extortion for Beau-pleader; the King will, That the Statute of Marlebridge shall be observed and kept in this Point.

5H.3.c.11.
3 Ed.1.c.8.

C A P. IX.

A Confirmation of the Liberties of Cities and Borowhs.

AUXINT voet leRoi qe les citees burghs & villes de franchises eient leur franchises ufages & franchises c.ustumes solonc ce qils deyvent avoir & soleyent.

ITEM, The King will, that Cities, Borowhs, and franchised Towns, shall enjoy their Franchises, Customs, and Usages, as they ought and were wont to do.

C A P. X.

There shall be no more Grants of Corodies at the King's Request by Bishops, Abbots, &c.

ET pur ce qe Ercevesques Evesques Abbees Priours Dames de religion & autres ount este avant ces heures grandement grevez par priers des Royes qe lor ont prie par grandes manaces pur lour Clerks. & autres lor servantz pur grosses empen-sions provendes Eglises & Corodies issint qils ne poeient rien doner ne faire a ceux qe lours avoient servi ne a lor amys a grant charge & damage de eux Le Roi ne voet desore prier mes la ou il devera.

ITEM, Whereas Archbishops, Bishops, Abbots, Priors, Ab-besses, and Prioreesses have been before this Time sore grieved by the King's Requests and his Pro-genitors, which have desired them by great Threats, for their Clerks and other Servants, for great Pensions, Prebends, Churches, and Corodies, so that they might nothing give nor do to such as had done them Service, nor to their Friends, to their great Charge and Damage; (2) The King granteth, That from henceforth he will no more such Things desire, but where he

There shall be no Grant of Corodies at the King's Request.

Regist. 164.

C A P. XI.

No Suit shall be made in the Spiritual Court against Indictors.

AUXINT plusieurs gentz sont grevement pleyntz qe quant divorces gentz auxibien clerks come lays ount este enditez devant viscontes en lour tourns & puis par enqueste procure font deliverez devant Justices & apres lor deliverance suient en court Crestiene de-vers les enditours en surmet-tant eux qe eux lor ount dif-fame

ITEM, The Commons do grie-vously complain, that when di-vorced Persons, as well Clerks as Lay People, have been indicted before Sheriffs in their Turns, and after by Inquests procured, be delivered before the Justices; (2) after their Deliverance they do sue in the Spiritual Court against such Indictors, surmising against them that they have defamed them,

A Prohibition against them who in the Spiritual Court do sue their In-dictors.

them, to the great Damage of the Indictors, wherefore many People of the Shire be in Fear to indict such Offenders; (3) the King will, That in such Cafe every Man that feeleth himself griev-ed thereby, shall have a Prohibition formed in the Chan-cery upon his Cafe.

Regist. 39, 42.
Rast. 487.

fame a graunt damage des ditz enditours par quoi plusours gentz des countees se doutent plus denditer les malveys Le Roi voet qe en tieux cas chef-cun qe se sent greve eyt sur ce prohibition en Chauncellerie fourme en son cas.

C A P. XII.

No Forfeiture, but a Fine shall be made for Alienation of Lands holden of the King.

2 Co. 81.
Bro. Alienat.
14.
Wright's Ten.
165, 166.

ITEM, Whereas divers Peo-ple of the Realm complain themselves to be grieved, because that Lands and Tenements which be holden of the King in chief, and aliened without Licence, have been seised heretofore into the King's Hands, and holden as forfeit; (2) the King shall not hold them as forfeit in such Cafe, but will and grant from henceforth of such Lands and Tenements so aliened there shall be reasonable Fine taken in the Chancery by due Pro-cels.

The King shall have a Fine for Lands holden of him in chief aliened with-out Licence.
17 Ed. 2. stat. 1.
c. 6.
12 Car. 2. c. 24.

POR ceo qe plusours gentz du roialme se pleyent estre grevez de ce qe terres & tene-mentz qe sont tenutz en chief du Roi & alienez sanz son conge ont este pris avant ces heures en la meyn le Roi et tenutz come forfaitz Le Roi ne les tient mye come forfaitz en tieux cas Mes voet et grant qe desoremes des tieux terres et tenementz alienez soit resonable fin pris en la Chauncellerie par due proces.

C A P. XIII.

Purchasing of Lands holden of the King as of some Honour.

Lands holden of the King as of some Honour.

ITEM, Whereas divers have complained, that they be grieved by Reason of purchasing of Lands and Tenements which have been holden of the King's Proge-nitors that now is, as of Honours, and the same Lands and Tene-ments have been taken into the King's Hands, as though they had been holden in chief of the King, as of his Crown; (2) the King will, That from henceforth no Man be grieved by any such Purchase.

Wright's Ten.
164, 165.
9 H. 3. stat. 1.
c. 31.
1 Ed. 6. c. 4.

ET auxint come plusours gentz de people se pleyent estre grevez par reson des purchatz des terres et tenementz qe ount este ténutz des auncef-tres le Roi qore est come des hon-nurs et mesmes tieux tenementz ount este pris en la meyn le Roi auxint come ils eussent este tenutz en chief du Roi come de sa corone Le Roi voet qe mes ne soit homme enchefone pur nul tiel purchase.

C A P. XIV.

None shall commit Maintenance.

None shall commit Main-tenance.

ITEM, Because the King de-sireth that common Right be administered to all Persons, as well Poor

ITEM pur ceo qe le Roi de-sire qe commun droit soit fait as toutz auxibien a povres come

come a riches il comaund & defend qe nul de ses conseilors ne nul du son Hostel ne de ses autres ministres ne nul grant de la terre par lui ne par autre par maundement des lettres nen autre manere ne nul autre de roialme petit ne graunte nen-parnent de meyntener querels ne parties en pays en desturbant la commune lei.

Poor as Rich; he commandeth and defendeth, That none of his Counsellors, nor of his House, nor none other of his Ministers, nor no great Man of the Realm by himself, nor by other, by sending of Letters, nor otherwise, nor none other in this Land, great nor small, shall take upon them to maintain Quarrels nor Parties in the Country, to the Let and Disturbance of the Common Law.

Regist. 185.
183.
3Ed. 1. c. 28.
28Ed. 1. stat. 3.
c. 11.
4Ed. 3. c. 11.
20Ed. 3. c. 4.
1R. 2. c. 4.

CAP. XV.

None shall be bound by Writing to come armed to the King, for that every Subject is at his Commandment.

ITEM come plusours gentz du roialme en temps le Roi pierre le Roi qore est par ses falx & malveys conseilors ount este mesme par duresee de eux lier par escritz de venir au Roi a force & armes en chescun temps qils furent maundez sur peine de vie & de membre & de quant qil purroient forfaire par force des queux escritz plusours de la terre ont este diversement destrutz Le Roi eyaunt regard qe tieux escritz furent faits a deshonour du Roi desicom chescun ne feust tenu du faire au Roi come a Seigneur lige ceo qe a luy appendoit sanz escrit voet qe tieuz escritz desormes ne soient faitz & qe ceux qe sont faitz par la veue de Chancellor & Tresorer soient monstrez au Roi & le Roi fra dampner ceux qe sont faitz contre droit & reson.

cause all such as be made against Right and Reason, to be cancelled.

CAP. XVI.

Who shall be assigned Justices and Keepers of the Peace.

ITEM pur la pees meultz garder & meyntener le Roi voet qen chescun Countee qe bones

ITEM, *Whereas many in this Realm in the Time of the King's Father that now is, by Means of his false and evil Counsellors, have been excited by Dures, to bind themselves by Writing, to come to the King with Force and Arms, whensoever they should be sent for, upon Pain of Life and Limb, and to forfeit all that ever they might forfeit; by virtue of which Writings divers of this Land have been often destroyed: The King considering that such Writings were made to the King's Dishonour, sithence that every Man is bound to do to the King, as to his Liege Lord, all that pertaineth to him without any Manner of Writing; Willeth, That from henceforth no such Writing be made: And that such as be made, by the Sight of the Chancellor and Treasurer, shall be shewed to the King; and the King shall Right and Reason, to be cancelled.*

3 Inst. 149.
Every Man is bound to serve the King as his Liege Lord.
2 Inst. 174, 558.
Lambard's Eiren. 19, 20.
Justices of Peace.

4 Ed. 3. c. 2.
13 Ed. 3. c. 2.
34 Ed. 3. c. 1.
18 H. 6. c. 11.

every County good Men and lawful, which be no Maintainers of Evil, or Barretors in the Country, shall be assigned to keep the Peace.

bones gentz & loialx queux ne font mye meyntenours de malveis baretz en pays soient assignez a la garde de la pees.

C A P. XVII.

Indictments in the Sberiffs Turn shall be by Roll indented.

12 Co. 45.
Indictments in
Sheriffs Turns
shall be by Roll
indented.

ITEM the King commandeth, That the Sheriffs and Bailiffs of Franchises, and all other that do take Indictments in their Turns, or elsewhere, where Indictments ought to be made, shall take such Indictment by Roll indented, whereof the one Part shall remain with the Indictors, and the other Part with him that taketh the Inquest; (2) so that the Indictments shall not be imbezilled as they have been in Times past, and so that one of the Inquest may shew the one Part of the Indenture to the Justices, when they come to make Deliverance.

13 Ed. 1. Stat. 1.
c. 13.

ITEM le Roi comaunde qe les viscontes & baillifs des franchises & toutz autres qe parnent enditementz a lor tournas ou aillours ou enditementz serrount faitz preignent tieux enditementz par roule endente dount lune partie demoeerge vers les enditours & lautre partie devers cely qi prendra lenqueste issint qe les enditementz ne soient beseleez come avant ces heures ount este & issint qe un de lenqueste peut monstrier lune partie de lendenture a la Justice quant il vendra pur la delivrance faire.

Memorandum quod ista duo statuta precedentia missa fuerunt in Hiberniam in forma patenti cum quodam brevi inferius sequenti*.

* The Writ here spoken of is not to be found upon the Roll.

Statutes made at *Northampton* in tribus septimanis Paschæ, *Anno 2 EDW. III.* and *Anno Dom.* 1328.

OUR Lord King EDWARD the Third after the Conquest, at his Parliament holden at Northampton, at the three Weeks of Easter, in the Second Year of his Reign, desiring that the Peace of his Land, and his Laws and Statutes ordained and used before this Time may be kept and maintained in all Points (2) to the Honour of God and of Holy Church, and to the common Profit of the People, (3) by Assent of the Prelates, Earls, Barons, and
other

NOSTRE Seign' le Roi EDWARD le tierz apres le conquete a son parlement tenuz a Northampton as trois semeins du Pasch lan de son regne secund desiraunt qe la pees de sa terre & les leis & estatutz avant ces heures ordeñez & usez soient gardez & meintenuz en touz poyntz al honour de Dieu & de seinte eglise & a commune profit du poeple par assent des Prelatz Countes & Barons & autres grantz

grantz & tote la communalte du Roialme au dit parlement fomons ordena & establit en meisme le parlement les choses southescrites en la forme que sensuit.

other great Men, and all the Commonalty summoned to the same Parliament hath ordained and established in the said Parliament these Things underwritten, in Form following.

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Forest.

EN primes que la Grante Chartre & la Chartre de la Foreste soient tenuz en touz pointz.

FIRST, That the Great Charter, and the Charter of the Forest, be observed in all Points.

CAP. II.

In what Cases only Pardon of Felony shall be granted. Who shall be Justices of Assise, &c.

ENsement pur ceo que messieurs ont este esbauditz de ce que chartres de pardon ont este si legerment grantees avant ces heures des homicides roberies felonies & autres trespas countre la pees acorde est & establi que tiels chartres ne soient mes grantees forsquen cas ou le Roi le poet faire par son serment cest assavoir en cas ou home tue autre soi defendant ou par infortune. Et auxint ont este esbauditz de ceo que Justicieries as deliverances des gaols procurez countre forme de lestatut fait en temps le Roi EDWARD Ael nostre Seigneur le Roi qore est en quele est contenuz que les Justices as assises prendre assignez sils soient lais facent les deliverances et si lun soit cleric & lautre lais que le dit lais associe a lui un autre du pays facent la deliverance des gaols par quei acorde est & establi que tiels Justicieries ne soient mes grantees countre la forme du dit estatut & que les assises atteintes & certificacions soient prises devant les Justices comunement assignez que soient bones gentz & loialx & co-

ITEM, *Whereas Offenders have been greatly encouraged, because the Charters of Pardon have been so easily granted in Times past, of Man-slaughters, Robberies, Felonies, and other Trespasses against the Peace; (2) it is ordained and Enacted, That such Charter shall not be granted, but only where the King may do it by his Oath, that is to say, where a Man slayeth another in his own Defence, or by Misfortune. (3) And also they have been encouraged, because that the Justices of Gaol-delivery, and of Oyer and Terminer, have been procured by great Men against the Form of the Statute made in the xxvii Year of the Reign of King EDWARD, Grandfather to our Lord the King that now is, wherein is contained, that Justices assigned to take Assises, if they be Lay-men, shall make Deliverance; and if the one be a Clerk, and the other a Lay-man, that the Lay-judge, with another of the Country associate to him, shall deliver the Gaols: (4) Wherefore it is enacted, That such Justices*

In what Cases only the King's Pardon shall be granted. Bro. Chart. de Pard. 10. 2 Salk. 499. 6 Ed. 1. stat. 1. c. 9. 27 Ed. 1. stat. 1. c. 3. 10 Ed. 3. c. 2. 14 Ed. 3. stat. 1. c. 15. Regist. 309.

Who shall be Justices of Assise and Gaol-delivery.

13 Ed. 1. stat. 1.
c. 30.
12 Ed. 2. stat. 1.
c. 3, 4.

shall not be made against the Form of the said Statute; (5) and that the assises, Attaints, and Certifications be taken before the Justices commonly assigned, which should be good Men and lawful, having knowledge of the Law, and none other, after the Form of another Statute made in the Time of the said King EDWARD the First. (6) And that the *Oyers* and *Terminers* shall not be granted

To whom *Oyers* and *Terminers* shall be granted, and for what cause. Regist. 124, 206.
13 Ed. 1. stat. 1.
c. 29.

but before Justices of the one Bench or the other, or the Justices Errants, and that for great Hurt, or horrible Trespasses, and of the King's special Grace, after the Form of the Statute thereof ordained in Time of the said Grandfather, and none otherwise.

coniffantz de la lie & nemie autres solonc la forme dun autre estatut fait en temps meisme le Ael Et qe les oiers et terminers ne soient grantees forsque devant les Justices de lun Baunk & de lautre ou les justices errantz & ce pur led & orrible trespas & de lespeciale grace le Roi solonc forme de statut de ce ordene en temps meisme le Ael & nemie autrement.

CAP. III.

No Man shall come before the Justices or go or ride armed.

3 Inst 160.
5 Co. 71.
3 Mod. 117.
2 Hawk. Pl. Cr. 235, 143.
No man shall come before the Justices or go or ride armed.
* Those of Feats of Arms of Peace,

ITEM it is enacted, That no Man great nor small, of what Condition soever he be, except the King's Servants in his Presence, and his Ministers in executing of the King's Precepts, or of their Office, and such as be in their Company assisting them, and also * upon a Cry made for Arms to keep the Peace, and the same in such Places where such Acts happen, be so hardy to come before the King's Justices, or other of the King's Ministers doing their Office with Force and Arms, (2) nor bring no Force in affray of the Peace, (3) nor to go nor ride armed by Night nor by Day, in Fairs, Markets, nor in the Presence of the Justices or other Ministers, nor in no Part elsewhere, upon Pain to forfeit their Armour to the King, and their Bodies to Prison at the King's Pleasure. (4) And that the King's Justices in their Presence, Sheriffs, and other Ministers in their Bailiwicks, Lords of Franchises, and their Bailiffs

Ensément acorde est & establi qe nul grant ne petit de quele condition qil soit fauve les Serjantz le Roi en la presence le Roi & les Ministres le Roi enfantanz execution des mandementz le Roi ou de leur office & ceux qi sont en leur compaignies eidantz as ditz ministres & auxint autri de fait darmes de pees & ce en lieux ou tielx faitz se ferront soit si hardi de venir devant les Justices le Roi ou autres Ministres le Roi enfantant leur office a force et armes ne force mesner en affrai de la pees ne de chivaucher ne daler arme ne de nuit ne de jour en faires marches nen presence des Justices ne dautres Ministres ne nule part aillours sur peins de perdre leur armures au Roi & de leur corps a la prisone a la volunte le Roi. Et qe Justices le Roi en leur presences viscountes & autres Ministres le Roi en leur baillies seignours des franchises & leur baillifs en yceles & Meire & Baillifs des Citees

Citees & Burghs deinz meismes les Citees & Burghs Burghaldres constables & gardeins de la pees deinz leur gardes eient poair affaire execution de cest acorde. Et que les Justices assignez a leur venu en pais eient poair denquere coment tielx Ministres & seignours ont use leur office en ce & de punir ceux qils troveront qui nount mie fait ce que a leur office appent.

Bailiffs in the same, and Mayors and Bailiffs of Cities, and Boroughs, within the same Cities and Boroughs, and Boroughholders, Constables, and Wardens of the Peace within their Wards, shall have Power to execute this Act. (5) And that the Justices assigned, at their coming down into the Country, shall have Power to enquire how such Officers and Lords have exercised their Offices in this Case,

7 Ed. 1. stat. 1.
7 R. 2. c. 13.
20 R. 2. c. 1.

and to punish them whom they find that have not done that which pertained to their Office.

C A P. IV.

A Confirmation of the Statute of Lincoln, containing the Sufficiency of Sheriffs, &c.

ET pur ce que la pees ne poiet mie estre bien garde sauntz bons ministres come viscountes baillifs & hundreders qui doivent faire execution auxibien des privetez le Roi come dautres choses tochantes le Roi & son poeple acorde est & estable que lestatur fait en temps le Roi EDWARD pere le Roi qore est a Nichole contenant que viscontes hundreders & baillifs soient des gentz eantz terres en meismes les countez ou baillies soit garde en touz pointz solonc la forme dycel & auxint que les viscountes & baillifs de fee facent garder meismes leur countez & baillies par gentz eantz terres en yceles.

ITEM, *Because the Peace cannot be well kept without good Ministers, as Sheriffs, Bailiffs and Hundreders, which ought to do Execution as well of the King's Privities as of other Things touching our Lord the King and his People;* (2) it is ordained and established, That the Statute made in the Time of King EDWARD, Father to the King that now is, at Lincoln, containing that Sheriffs, Hundreders, and Bailiffs shall be of such People as have Lands in the same Shires or Bailiwicks, shall be observed in all Points after the Form thereof; (3) and that Sheriffs and Bailiffs of Fee shall cause their Counties and Bailiwicks to be kept by such as have Lands therein.

A Confirmation of the Statute of Lincoln containing the Sufficiency of Sheriffs.

stat. Lincoln.
9 Ed. 2.
t. 2.

C A P. V.

The Manner how Writs shall be delivered to the Sheriff to be executed.

ENsement la ou ordeine est par statut de Westmonstre le second que ceux que liverer volent leur briefs as viscountes les liverent en plein counte ou en recontre & que visconte ou southvisconte

ITEM, *Where it was ordained by the Statute of Westminster the Second, that they which will deliver their Writs to the Sheriff, shall deliver them in the full County, or in the Rere County,*

13 Ed. 1. stat. 1.
c. 39.

E c 4

The Manner
how Writs
shall be de-
livered to the
Sheriff to be
executed.

ty, and that the Sheriff or Under Sheriff shall thereupon make a Bill; (2) it is accorded and established, That at what Time or Place in the County a Man doth deliver any Writ to the Sheriff or to the Under Sheriff, that they shall receive the same Writs, and make a Bill after the Form contained in the same Statute, without taking any thing therefore. (3) and if they refuse to make a Bill, others that be present shall set to their Seals; (4) and if the Sheriff or Under Sheriff do not return the said Writs, they shall be punished after the Form contained in the same Statute. (5) And also the Justices of Assises shall have Power to enquire thereof at every Man's Complaint, and to award Damages, and to the Loss and Peril that

southvisconte facent sur ce bille acorde est & establi qe a quele heure ou a queu lieu deinz le counte home livre a viscountes ou a southviscontes briefs qils les receivent & facent bille en la forme contenue en le dit estatut & ce sanz rien prendre. Et sils refusent de faire bille mettent autres lour sealz qi seront presentz & si le viscounte ou le southviscounte ne retourne mie les briefs soient puniz selonc la forme contenue en le dit estatut. Et jademeins eient les Justices as assises prendre assignez poair denquer de ce a chescuny plainte & de agarder damages eant regard au delai & a les pertes & perils qi purrout ayenir.

as having respect to the Delay, might happen.

C A P. VI.

Justices shall have Authority to punish Breakers of the Peace.

13 Ed. 1. stat. 2.
c. 6.

ITEM, As to the keeping of the Peace in Time to come, it is ordained and enacted, That the Statutes made in Time past, with the Statute of *Winchester*, shall be observed and kept in every Point: (2) And where it is contained in the End of the said Statute of *Winchester*, that the Justices assigned shall have Power to enquire of Defaults, and to report to the King in his Parliament, and the King to remedy it, which no Man hath yet seen, the same Justices shall have Power to punish the Disobeyers and Refusers.

Justices shall
have Authority
to punish
Refusers of
the Peace.

ET quant a la garde de la pees en temps avenir acorde est & establi qe les estatutz faites en temps passez ovesqe lestatut de Wyncestre soient tenuz & gardez en touz pointz ajouste au dit estatut de Wyncestre la ou contenue est en la fin qe Justices assignez eient poair denquere des defautes & des reporter au Roi en parlement dont home nad pas veu issue qe les ditz Justices assignez eient poair de punir les desobeissantz & contrevenantz.

C A P. VII.

Commissions shall be granted to certain Persons to bear and determine Offences before committed, and to punish the Offenders.

Ex. Edit.
Rastal.

ITEM as to the Punishment of felonies, robberies, manslaughters, trespasses, and oppressions of the People committed in times past: It is accorded that our Sovereigne Lord the King, shall assigne Jus-
tices

trices in divers places of this Land, within the Kings bench, and else where, as it was done in the Time of his said Grandfather, of great Men of the Land, which be of great Power, with some of the Justices of the one Bench, or of the other, with other learned Men in the Law, to enquire as well at the Suite of the Party, as at the Kings suite, and to heare and determine all manner of felonies, robberies, manslaughteres, theft, oppreffions, conspiracies, and grievances done to the people against the Law, Statutes, and Customes of the Land, as well by the Kings ministers, as by other whatsoever they be, and that as well within franchises as without. And also to enquire of Sheriffs, Coroners, Under-shiriffes, Hundreders, Bailiffes, Constables, and all other ministers within liberties and without, and of their underministers. And to hear and determine at the Kings suit, and also the Parties. And our Sovereigne Lord the King, and all the great Men of the realme in the full Parliament, have taken upon them to maintaine and keep the peace. And they and theirs to save the Kings Justices, and aid them where they come, so that the judgement and executions be not let, but executed. And the offenders be not hid by them, nor maintained privily nor apertly. *But the entent of the King and his Counseil is not, that by this act any prejudice should ensue to the great Men of the Land having liberties, nor to the City of London, nor to other Cities nor Burghes, nor to the five Ports in the right of their franchise.*

Oyer and
Terminer.

CAP. VIII.

No Commandment under the King's Seal shall disturb or delay Justice.

ENsement acorde est & estable que le mande ne soit par le grant seal ne par le petit seal a destourber ou delayer commune droit & mesqe tielx mandementz veignent que pur tant les Justices ne surlessent pas de faire droit en nul point.

ITEM It is accorded and established, That it shall not be commanded by the great Seal nor the little Seal to disturb or delay common Right; (2) and though such Commandments do come, the Justices shall not therefore leave to do Right in any Point.

There shall be no hindrance or Delay of Justice.
Regist. 186.
9 H. 3. stat. 1.
c. 29.
5 Ed. 3. c. 9.
14 Ed. 3. stat. 1.
c. 14.
11 R. 2. c. 10.

CAP. IX.

All Staples shall cease, and all Merchants may come in and go out with their Merchandises.

ENsement est acorde & estable que les estaples par decea & par dela ordeinez par les Rois en temps passe & les peines sur ce ordeinees cessent & que touz marchantz aliens & priveez peussent aler & venir od leur marchandises en Engleterre solonc la tenour de la Grante Chartre & que sur ceo briefs soient

ITEM It is enacted, That the Staples beyond the Sea and on this Side, ordained by Kings in Times past, and the Pains thereupon provided, shall cease; (2) and that all Merchant Strangers and privy may go and come with their Merchandises into *England*, after the Tenor of the Great Charter

Merchants may come and go out of England.
9 H. 3. stat. 1.
c. 30.
9 Ed. 3. stat. 1.
25 Ed. 3. stat. 4.
c. 1.
2 R. 2. stat. 1.
(3) c. 1.

11 R. 2. c. 7.

(3) and the Writs thereupon shall be sent to all Sheriffs of *England*, and to Mayors and Bailiffs of good Towns, where Need shall require.

ent mandez a touz les viscontes d'Engleterre et as meires et bailiffs des bones villes ou mestier ferra.

CAP. X.

*The King's Pardon of Fines forfeited.*ex Edit.
Rastal.

ITEM, whereas King EDWARD, father to the King that now is, did pardon his people of issues and amerciements, that were forfeite till the twenty yeere of the raigne of his father, graundfather to the King that now is: The King for ease of his people, hath pardoned all the fines that have been made in the Chancerie, for to have Writs till the xx. yeere aforesaid.

ENSEMENT come le Roi EDWARD pere le Roi quore est pardona a son poeple amerciementz et issus forfaitz jesques al vintisme an du regne son pere Ael le Roi quore est le Roi pur ees de son poeple ad pardone touz les fins que ont este faitz en Chauncellerie pur briefs avoir tanqe al vintisme an avant dit.

CAP. XI.

The common Bench shall not be removed without Warning by Adjournment.

32 H. 4. c. 9.
Dyer, 225.
Bro. Adjournment, 25. 26.
27.
Rast. 22.
Adjournment of Suits in the common Bench.

ITEM, Whereas by removing of the Common Bench, the Pleas have oftentimes abiden without Day, to the great Hurt and Peril of Disberison of Divers; (2) it is enacted, That from henceforth the Justices before that the common Bench be removed, shall be warned by a Time, so that they may adjourn the Parties by such Time that they shall not lose their Procefs.

ET pur ce que par remuement du commune Bank les pleez bien sovent ont demore saunz jour a grant damage & en peril de desheritance des plusieurs acorde est & establi que deforenavant les Justices avant ce que le Bank se remuera soient garniz par temps issint queux peussent ajorner les parties si par temps queles ne perdent mie leur proces.

CAP. XII.

Hundreds and Wapentakes shall be annexed to Counties, and not let to Ferm.

ITEM, Whereas all the Counties in England were in old Time assessed to a certain Ferm, and then were all the Hundreds and Wapentakes in the Sheriffs Hands rated to this Ferm; (2) and after were Approvers sent into divers Counties, which did increase the Fermes of some Hundreds and Wapentakes; (3) and after, the Kings at divers Times have granted to many Men Part of the same

ET come touz les countez d'Engleterre furent aunciement assis a certeine ferme & adonques furent touz les hundredz & les wapentakes en les meins des viscountes aporcionnez a cele ferme & puis furent approwours mandes en divers contes les queux encrus-trent les fermes dascuns hundredz & wapentakes & puis les Rois en divers temps ont grantes

tes as divers gents parties des hundreds & wapentakes pur les aunciens fermes tantfoulement & jatardeis les viscountes sont charges entierment del encrees qe amount a grante summe a grant damage du poeple & deheritance de viscountes & de lour heirs acorde est & establi qe des hundreds & wapentakes bailles a ferme par le Roi qore est soit il a terme de vie ou autrement qe aunciement furent annex as fermes des countes ou les viscontes sont charges soient rejoinis as countes et qe de temps passe eient les viscountes ou lour heires allowance & qe desore en avant teux wapentakes ne hundreds ne soient dones ne severes des countes.

same Hundreds and Wapentakes for the old Fermes only; (4) and now late the Sheriffs be wholly charged of the Increase, which amounteth to a great Sum, to the great Hurt of the People, and Disberison of the Sheriffs and their Heirs: (5) It is ordained, That the Hundreds and Wapentakes let to Ferm by the King: that now is, be it for Term of Life or otherwise, which were sometimes annexed to the Fermes of the Counties where the Sheriffs be charged, shall be joined again to the Counties; (6) and that the Sheriffs and their Heirs have Allowance for the Time that is past; (7) and that from henceforth such Hundreds and Wapentakes shall not be given nor severed from the Counties.

Skinner. 41.

Hundreds and Wapentakes shall be annexed to Counties and not let to Ferm.

CAP. XIII.

Process of Trespafs committed in the Time of King EDWARD the Second.

ITEM, it is accorded and enacted, that like processe shall be made of trespasse done in the time of king EDWARD, father to the King that now is: as of trespasse done in the time of the king that now is.

ex Edit. Rastal.

Trespasse.

CAP. XIV.

The Measure and Assise of Clothes of Ray and of Colour.

ITEM, it is enacted by our Sovereigne Lord the king, and his Councill, that from the feast of Saint Michael next comming forward, all clothes in such places where they shal be put to land, shal be measured by the Kings aulnegeours in the presence of the Maior and Bailiffes, where there is a Maior, and where no Maior is, in presence of the Bayliffes of the same places, that is to say: the length of every cloth of ray, by a line of seven yards, foure times measured by the lyst, and the breadth of every ray cloth six quarters of measure by the yard. And of coloured clothes the length shall be measured by the backe, by a line of six yards and a halfe, four times measured, and the breadth six quarters and an halfe measured by the yard without defoiling the clothes. And that the Maior and Bayliffes where a Maior is, or the Bayliffes where no Maior is, of the townes or places where such clothes shall come, shall be ready to make prooffe what time they shall be required by the meater, without taking any thing of the Merchants. And clothes which be of the said

Measuring of clothes.

Assise,

Assise, shall be marked by the Maior and Bayliffes, where a Maior is, or by the Bayliffes where there is no Maior, as well as by the aulnegeour. And that all the clothes which shall be found defective of the same Assise, shal be forfeit to the king, and prised at their true value in the presence of the said Maior and Bayliffes. And to remain with the aulnegours by indenture between them, to answer to the King of the said clothes so forfeit. And that the Maior and Bayliffes shall deliver the indentures made of such clothes forfeit, every yeere into the Eschequer, the morrow after the feast of Saint Michael, for to charge the said aulnegeour. And at the same time shal the aulnegeour be put to answer at the Eschequer of the said forfeitures. It is in the kings minde and his Counsells, that this act shall extend to such clothes as shall come into the land after the feast of Saint Michael. And this act shall be published aud proclaimed throughout the realme, so that no marchant privie nor stranger shall be surprised by this Statute.

5 & 6 Ed. 6.
c. 6.
43. Eliz. c. 10.
4 Jac. 1. c. 2.
11 Will. 3.
c. 20.

CAP. XV.

No Person shall keep a Fair longer than he ought to do.

No Man shall
keep a Fair
longer than
he ought to
do.

ITEM it is established, That it shall be commanded to all the Sheriffs of *England* and elsewhere, where Need shall require, to cry and publish within Liberties and without, that all the Lords which have Fairs, be it for yielding certain Ferm for the same to the King, or otherwise, shall hold the same for the Time that they ought to hold it, and no longer; that is to say, such as have them by the King's Charter granted them, for the Time limited by the said Charters; (2) and also they that have them without Charter, for the Time that they ought to hold them of Right. (3) And that every Lord at the Beginning of his Fair shall there do cry and publish how long the Fair shall endure, to the Intent that Merchants shall not be at the same Fairs over the Time so published, upon Pain to be grievously punished towards the King. (4) Nor the said Lords shall not hold them over the due Time upon Pain to scise the Fairs into the

ENsement est acorde & establī qe maunde soit a tous les viscountes d'Engleterre & par aillours ou mestier serra a crier & publier deins fraunchises & dehors qe tous les Seignurs qe feires ount soit il pur certeine ferme ent rendant au Roi ou autrement les teignent pur le temps qils deveront & ne mie outre cest assavoir ceux qī les ount par chartres des Rois pur les temps a eux grauntes par les dites chartres et ceux qī les ount sans chartre pur temps queux ils les devent tenir de droit. Et qe chefcun Seigneur au commencement de sa feire face crier & publier en ycele come longement sa feire se tendra issint qe les marchants ne fessent es dites feires outre le temps issint publiques sur peine destre grevement punis devers le Roi. Ne qe les dits Seignurs outre le droits temps les teignent sur peine aprendre les feires in la meyn le Roi a demorer tanqils eient fait fin au Roi pur le trepas apres ceo qe trove serra duement qe les Seignurs

leurs les ount tenus plus longement qils deveront ou qe les marchaunts ount sis outre le temps issint publiques & cries.

the King's Hands, there to remain till they have made a Fine to the King for the Offence, after it be duly found, that the Lords held the same

Fairs longer than they ought, sitten above the Time so cried

and published. 5 Ed. 3. c. 5.

C A P. XVI.

Nisi prius may be granted as well at the Tenants Suit as the Demandants.

ET come en un estatut fait a Everwyk en temps le pere nostre Seignur le Roi qore est soit contenu qe les enquestes & jurees qe sont & ferront aprendre qe ne sont mie de grant examinement soient prises devant un Justice de la place ou la plee est associe a lui un prodhome du pais chivaler ou autre issint qe certain jour soit done en Bank & certain jour & lieu en pais en presence de parties si le demandant le prie & auxint les enquestes & jurees en plee de terre qe demandent grant examinement soient prises en pais en la forme suldite devant deux Justices du Bank acorde est & establi qe totes tiels enquestes qe sont ou en temps avenir a prendre ferront en plee de terre soient prises auxibien a la priere le tenant come le demandant tout lautre proces acorde en le dit statut en tieu cas sauve & garde.

ITEM, *Whereas in a Statute made at York, in the Time of the Father of our Lord the King that now is, it is contained that Inquests and Juries, which be and shall be hereafter taken, requiring no great Examination, shall be taken before one Justice of the Place where the Plea is, adjoining to him one discreet Man of the Country, Knight or other, so that a certain Day be given in the Bench, and a certain Day and Place in the Country, in the Presence of the Parties, if the Demandant pray the same; (2) and also the Inquests and Juries in Plea of Land, which require great Examination, shall be taken in the Country in the said Form before two Justices of the Bench: (3) It is accorded and enacted, That all such Inquests which are, or in Time to come shall be taken, in Plea of Land, shall be taken as well at the Request of the Tenant as the Demandant; (4) all other Procces according to the said Statute in such Case saved and kept.*

Nisi prius may be granted as well at the tenant's Suit as at the Demandant's.

14. Ed. 3. stat. 1. c. 16.

C A P. XVII.

A Writ of Deceit shall be maintainable in Cuse of Garnishment in Plea of Land.

Auxint est acorde & establi qe brief de Deceit soit meintenu & lieu tiegne auxibien en cas de garnissement qe touche plee de terre ou tieu garnissement

ITEM it is enacted, That a Writ of Deceit shall be maintainable, and hold Place, as well in the Case of Garnishment touching Plea of Land, where

Writs of Deceit where maintainable.

where such Garnishment is given, as in case of Summons in Plea of Land. Dated at Northampton.

garnissement est done come en cas de somons en plee de terre.

REX vicecomiti Northamptonie salutem. Quoddam statutum per nos & consilium nostrum in pleno parlamento nostro apud Northampton convocato ad emendationem status populi regni nostri editum sigillo nostro consignatum tibi mittimus mandantes quod statutum illud & omnes articulos in eo contentos in pleno comitatu tuo & in civitatibus burgis villis mercatorii & aliis locis in balliva tua ubi expedire videris tam infra libertates quam extra legi & publice proclamari & observari facias. T. R. apud Northampton xxii. die Junii.

Eodem modo mandatum est singulis vicecomitibus per Angliam.

Istud statutum missum fuit in Hiberniam in forma patenti cum quodam brevi.

Statutes made at *Westminster*, 27 Novemb', Anno
4 EDW. III. & Anno Dom. 1330.

AT the Parliament summoned at Westminster the Monday next after the Feast of St. Katherine, in the Fourth Year of the Reign of King EDWARD the Third after the Conquest, these Things underwritten, at the Request of the Commons, be established and enacted by our Lord the King, his Prelates, Earls, and Barons, and other of the same Parliament; which Things our Lord the King will to be published, and surely observed in all his Counties of England.

AU parlement somons a Westmonstier le Lundy proschein apres le feste de Sainte Katherine lan du regne nostre Seigneur le Roi EDWARD tierz apres le conquest quart Si font les choses foutescriptez a la requeste de la communalte assentuz & accordez par nostre Seigneur le Roi Prelatz Countes Barons & autres grantz de mesme le parlement les queux choses nostre Seigneur le Roi voet qen touz les counteez de Engleterre soient mandez a publier & fermement garder.

CAP. I.

A Confirmation of all Statutes not repealed.

FIRST it is accorded, That the Great Charter, and the Charter of the Forest, and all other Statutes made as well in the Time of the King's Progenitors, as in the King's Time that now is, be kept and maintained in all Points.

A Deprimes acorde est qe la Grande Chartre & la Chartre de la Foreste & les estatuz faitz en temps des progenitours nostre Seigneur le Roi & auxint en son temps demaigne soient gardez & meyn-tenuz en touz pointz.

CAP. II.

The Authority of Justices of Assise, Gaol-delivery, and of the Peace.

ITEM it is ordained, That good and discreet Persons, other

ENsement est acordè qe bones gentz & sages autres

4 Inst. 168.
20 Ed. 3. c. 6.

tres qe des places si homes les puisse trover sufficientz soient assignez en touz les countees d'Engleterre a prendre les assises jureez & certifications & a delivrer les gaoles & qe les ditz Justices preignent les assises Jureez & certifications & deliverent les gaoles au meyns troiz foitz par an & plus souvent si mestier ferra. Et soient auxint assignes bones gentz & loialx en chescun countee a garder la pees. Et soit fait mention es ditz assignementz qe ceux qi ferront enditez ou pris par les ditz gardeins ne soient pas lessiez au meynprise par les viscountes ne par nul autre fils ne soyent meynpernables par la lei ne qe tieux enditez ne soient delivrez forqe a la commune lei. Et eient les justices assignez a la delivrance des gaoles poair a delivrer les gaoles de ceux qi ferront enditez devant les gardeins de la pees & qe les ditz gardeins mandent devant les ditz Justices lour enditementz et eient les ditz Justices poair denquere sur viscountes gaolers & autres en qi garde tieux enditez ferront fils facent delivrance ou lessent a meynprise nulles issint enditez qi ne sont mie meynpernables & de punir les ditz viscountes gaolers & autres fils facent riens contre cest acord.

other than of the Places, if they may be found sufficient, shall be assigned in all the Shires of *England*, to take Assises, Juries, and Certifications, and to deliver the Gaols; (2) and that the said Justices shall take the Assises, Juries, and Certifications, and deliver the Gaols; at the least three Times a Year, and more often, if need be. (3) Also there shall be assigned good and lawful Men in every County to keep the Peace. (4) And at the Time of the Assignments, Mention shall be made that such as shall be indicted or taken by the said Keepers of the Peace, shall not be let to Mainprise by the Sheriffs, nor by none other Ministers, if they be not mainpernable by the Law; (5) nor that such as shall be indicted, shall not be delivered but at the common Law. (6) And the Justices assigned to deliver the Gaols shall have Power to deliver the same Gaols of those that shall be indicted before the Keepers of the Peace; (7) and that the said Keepers shall send their Indictments before the Justices, and they shall have Power to enquire of Sheriffs, Gaolers, and other, in whose Ward such indicted Persons shall be, if they make Delivrance, or let to Mainprise any so indicted, which be not main-

The Authority of Justices of Assise and Gaol delivery.

Justices of Peace shall be assigned and their Authority.

1 Ed. 3. stat. 2.

c. 16.

18 Ed. 3. stat. 1.

c. 2.

34 Ed. 3. c. 1.

13 R. 2. stat. 1.

c. 7.

pernable, and to punish the said Sheriffs, Gaolers, and others, if they do any Thing against this Act. 3 Ed. 1. c. 15.

C A P. III.

Purveyors for the King, Queen, and their Children, and what they may do.

ITEM, whereas the People hath been greatly grieved because that Corn, Hay, Litter, Bestail and other Manner of Victual and Goods of the People, hath been taken in Times past,

Ex Edit. Pult. 1 Bullt. 98.

as well by the Takers and Purveyors for the King's House, as by others, for which no Payment was made: and because also the Takers and Purveyors for the King's House, the Queen's House, and their Children, have taken Corn at a less Value than it was worth, and also have taken one and twenty Quarters of Corn for twenty Quarters, because they measured every Bushel by Heap, and also the Takers and Purveyors of Hay and Litter for the said Houses, have in Times past made Burdens of Hay and Litter at their own Wills, assessing every Burden at a Halfpenny, where it was worth more than ii. d. or iii. d. and also assessed the Loads of Hay and Litter at a less Price than they were worth: It is agreed that no Person great nor small, of what Estate or Condition soever he be (the Takers and Purveyors for the King's House, the Queen's, and their Children only except) shall take the Corn, Litter, or Hay, nor Bestial, Victuals, nor none other Goods or Cattels from any Man, nor make Carriage against the Will of them to whom such Goods and Carriage shall be. And that the said Takers and Purveyors for the said Houses, shall take them by Measure according as is used throughout the Realm. And that all the Corn, Hay, Litter, Bestial, and other Victuals and Things, whatsoever they be that shall be taken for the said Houses, shall be from henceforth praised at the very Value by the Constables and other good Men of the Towns where such Taking shall be. But the Praisers shall not be constrained by Threats or Durets to set any Price other than their Oaths will. And that of all Things which shall be taken for the said Houses of the King, of the Queen, and of their Children, Payment be made before the King depart out of the Verge.

For whom only Purveyance shall be made. Purveyors shall take by the usual Measure. Goods taken shall be praised at the very Value. When Payment shall be made for Things taken. 25 Ed. 3. stat. 5. c. 1. 36 Ed. 3. c. 2. 12 Car. 2. c. 24. 13 Car. 2. stat. 1. c. 8. 13 & 14 Car. 2. c. 20.

CAP. IV.

A Confirmation of the Statute 28 Edw. I. Stat. 3. c. 2. touching Purveyors.

Ex Edit. Pult. A Rehearsal and Confirmation of the Statute of 28 Ed. 1. c. 2. touching Purveyors.

ITEM, it is enacted that the Articles contained in a Statute made in the Time of K. EDWARD, Grandfather to our Lord the King that now is, in the xxviii. Year of his Reign, touching such Takings, be kept and maintained in all Points. The Form of which Article ensueth in these Words. First of all because one great Grief is in this Realm, whereof riseth infinite Harms, that is to say, the King, and his Ministers of his Retinue, as well Aliens as Denizens, do make their Prises throughout the Realm, and take the Goods both of Clerks and Lay People, without paying therefore, or else less than the true Value: It is ordained, that from henceforth none shall take any Prize throughout the Realm, but only the King's Takers and Purveyors for his House, and they shall nothing take but only for the same House. And of the Prises which they make in the Country for Meat or Drink, or other Necessaries for the King's House, they shall pay in Hand, or else agree with them from whom such Things shall be taken. And that all the King's Takers, Purveyors and Buyers, from henceforth have their

Who only shall take Prises and for whom.

their Warrant with them, under the great Seal or small Seal, containing their Power, and the Things whereof they shall make their Price and Purveyance, which Warrant they shall shew to them of whom they make their Prises, before they take any Thing. And that those Takers, Purveyors and Buyers, shall take no more than shall be needful for the King and his House and his Children. And that they take nothing for such as be at Wages, nor none other, and that they shall answer in the King's House, and in the Wardrobe fully of their Prises, and in no other Place to make their Larges or Delivery of Things taken for the King. And if any Taker of the King's House by Warrant, hath made any Prise or Livery, otherwise than is afore said, the Truth shall be enquired by Complaint made to the Steward or Treasurer of the King's House, and if any be thereof attainted, Amends shall be incontinently made to the Party Plaintiff, and he be banished the King's Service for ever, and to remain in Prison at the King's Pleasure. And if any make Prise without Warrant, and carry it away against his Will from whom the Goods be taken, he shall be arrested incontinently by the Township where the Prise was made, and brought to the next Gaol. And if he be thereof attainted, it shall be done of him as of a Thief, if the Quantity of the Goods require.

The King's Purveyors shall have their Warrant with them and shew it. Purveyors shall take no more than is needful.

Making Purveyance without warrant, felony.

12 Car. 2. c. 24.

CAP. V.

The King's Pardon of certain Fines, and also of some Money granted to him.

ITEM our Sovereign Lord the King of his good Grace hath pardoned to the Knights, and to all other of his Realm, all the Fines late made to him, because to be dispensed of their going into Gascoigne. And also the Grant that was made by the Knights of the Counties, for every Town an armed Man. And the Grant made by the Citizens and Burgeses for the Cities and Burghs at the Parliament of *Winchester*. And our said Sovereign Lord the King will, that Recognisances made for the same Cause, shall be annulled and damned. And that the said Knights, nor the People of the Cities, Burghs and Towns, shall not be from henceforth charged by the said Grants, but acquitted of all. So that always by Reason of the said Pardon, they shall be the more ready, and of better will to grant a convenable Aid to the King, when he shall require them, or have to do thereof.

Ex Edit. Raft. Pardon for certain Fines, &c.

CAP. VI.

The Statute made at Carlisle, Anno 35 Edw. I. Stat. 1. touching Religious Persons, confirmed.

ITEM est acorde qe lestatut nadgairs fait & afferme a Kardoil cest affaver qe les religieuses ne facent apport outre
VOL. I. mccc

ITEM it is accorded, That the Statute late made and affirmed at *Carlisle*, that Religious Persons should * make * Pay no Tax.
F f no

no Carriage beyond the Sea, meer soit meyntenu garde & shall be maintained, kept, and tenu en touz pointz. observed in all Points.

CAP. VII.

Executors shall have an Action of Trespas for a Wrong done to their Testator.

13 Ed. 1. stat. 1. c. 23.

1 Vent. 187.

Executors shall have an Action of Trespas for the Goods of the Testator. 25 Ed. 3. stat. 5. c. 5.

ITEM, *Whereas in Times past Executors have not had Actions for a Trespas done to their Testators, as of the Goods and Chattels of the same Testators carried away in their Life, and so such Trespas have hitherto remained unpunished; (2) it is enacted, That the Executors in such Cases shall have an Action against the Trespasgers, and recover their Damages in like Manner, as they, whose Executors they be, should have had if they were in Life.*

ITEM come avant ces heures executors nont pas eu action des trespas faites as testateurs come des biens & chatteux des ditz testateurs emportez en lour vie & issint tieux trespas ont este depunitz tanqe encea si est acorde qe les executors en tieu cas eient action devers les trespasours pur damage en tieu cas recoverer en manere come ceux q̄ executours ils sont avereint fils fuissent en vie.

CAP. VIII.

At all Passages Men shall pay no more for their Fare than they had wont to do.

Fare of Passages as usual.

Rep. 27 Jac. 2. c. 28.

ITEM, *Whereas before this Time a Horseman was wont to have his Passage over the Sea from the Port of Dover for ii. s. and a Footman for vi. d. and now late the Keepers of the Passage, and the Passengers have taken more, to the great Damage of the People: It is agreed, that at the same Port, and all other Passages of this Land, as well in fresh Waters as in Arms of the Sea, they that do pass, shall from henceforth pay as they were wont to pay in old Time, and of more shall they not be charged, nor the Passengers nor Keepers of the Passage shall take no more. And he is commanded to the Constable of Dover, that he cause this Article to be kept in his Bailliwick, upon the Peril that thereto pertaineth. And if he find any offending this Act, he shall punish him at every Man's Suit that will thereof complain, and do Right. Be it also commanded to the Bailiffs of the Places where such Passages shall be, that they do in like Manner. And the Justices of Assises in the Counties, shall have Power to enquire if any offend this Statute, and to punish them, and do Right therein, as well at the King's Suite, as at the Suite of the Party.*

CAP. IX.

Sheriffs, Bailiffs of Hundreds, and Escheators, shall have sufficient in the County.

Officers shall have sufficient.

ITEM it is accorded, That no Sheriff, Bailiff of Hundred, Wapentake, nor of Franchise

ITEM est acorde qe nul viscount baillif de hundred wapentak ne de franchise ne soutzeche-

zefchetours ne soit desore fil neit terre fuffifaument es lieux ou ils font ministres dont respoundre au Roi & au poeple en cas si home vodra pleindre devers eux come autrefois fut ordene au parlement de Nicole temps le piere nostre Seigneur le Roi qoré est cest assavoir lan de son regne noevisme.

chise, nor Under-Escheators, shall be from henceforth, except he have Lands sufficient in the Place where they be Ministers, whereof to answer the King and his People, in case that any Man complain against them, as it was ordained at another Time at the Parliament holden at *Lincoln*, in the Time of the King's Father that now is, that is to say, in the Ninth Year of his Reign.

9 Ed. 2. stat. 3.
5 Ed. 3. c. 4.
13 & 14 Car. 2.
c. 21.

CAP. X.

Sheriffs and Gaolers shall receive Offenders without taking any thing.

ITEM par la ou avant ces heures viscountes & gaolers de gaoles nount pas volu receyvre les larons appelez enditez ou trovez ove meyn oeuvre pris & attachez par les conestables & villeez sanz grevousé fyns & raunçons aprendre de eux pur la receite par quei les ditz conestables & villeez ont este plus eschus aprendre les larouns & felons pur tieles outrageouses charges & les larouns & felouns plus esbaudis a meffaire si est acorde qe les viscountes & gaolers receyvent & salvement gardent en prisone desore tieux larouns & felouns par la livere des dits conestables & villeez sanz riens prendre pur la receite. Et qe les Justices assignes a deliverer les gaoles eient poair doier les plaintes de ceux qi se vodront pleindre sur les viscountes & gaolers en tieu cas & qutre a punir les viscountes & gaolers sils soient troves coupables.

ITEM, *Whereas in Times past, Sheriffs and Gaolers of Gaols would not receive Thieves, Persons appealed, indicted, or found with the Maner, taken and attached by the Constables and Townships, without taking great Fines and Ransoms of them for their Receipt, whereby the said Constables and Townships have been unwilling to take Thieves and Felons, because of such extream Charges, and the Thieves and the Felons the more encouraged to offend;* (2) it is enacted, That the Sheriffs and Gaolers shall receive and safely keep in Prison from henceforth such Thieves and Felons, by the Delivery of the Constables and Townships, without taking any thing for the Receipt. And the Justices assigned to deliver the Gaol, shall have Power to hear their Complaints that will complain upon the Sheriffs and Gaolers in such Case, and moreover to punish the Sheriffs and Gaolers if they be found guilty.

Sheriffs and Gaolers shall receive Felons without taking any thing therefore.

CAP. XI.

Justices of Assises, &c. shall enquire of Maintainers, Conspirators, and Champertors.

ITEM, Where in Times past divers People of the Realm, as well great Men as other, have made Alliances, Confederacies, and Conspiracies, to maintain Parties, Pleas, and Quarrels, whereby divers have been wrongfully disinherited, and some ransomed and destroyed, and some for fear to be maimed and beaten, durst not sue for their Right, nor complain, nor the Jurors of Inquests give their Verdicts, to the great Hurt of the People, and Slander of the Law, and common Right; (2) It is

Justices of the one Bench, and the other Justices of Assises, and Nisi prius, shall enquire and determine Maintenance, &c.

3 Ed. 1. c. 28.
28 Ed. 1. stat. 3.
c. 11.
1 Ed. 3. stat. 2.
c. 14.
20 Ed. 3. c. 4.
1 R. 2. c. 4.

Adjournment of Suits.
F.N.B. 115. H.

accorded, That the Justices of the one Bench and of the other, and the Justices of Assises, whensoever they come to hold their Sessions, or to take Inquests upon *Nisi prius*, shall enquire, hear and determine, as well at the King's Stuit, as at the Suit of the Party, of such Maintainers, Bearers and Conspirators, and also of them that commit Champerty, and of all other Things contained in the foresaid Article, as well as Justices in Eyre should do if they were in the same County.

(3) And that which cannot be determined before the Justices of the one Bench or the other upon the *Nisi prius*, for Shortness of Time, shall be adjourned into the Place whereof they be Justices, and there be determined as Right and Reason shall require.

ITEM pur ceo qe avant ces heures plusieurs gents du Roialme auxibien grants come autres ount fait alliances confederacies & conspiracies a meyntenir parties plees & querelles par ount plusieurs gentz ount este atort desheritez & aucuns rientz & destruz & ainsy pur doute destre mahimez & batuz noferent pas seuyr leur droit ne pleindre se les jurours des enquestes leur verdicts dire a grant damage du poeple & arrierissement de la lei & de commune droit si est acorde qe les Justices del un Baunk & del autre & les Justices as assises prendre assignez a totes les foitz qil vendront a faire leur sessions ou a prendre enquestes sur Nisi prius enqbergent oient & terminent auxibien a la seute le Roi come a la seute de partie sur tieux mienytentours emparnours & conspiratours & auxint de champartours & des totes autres choses contenues en le dit article auxiavant come Justices de eyre ferroient sils fuissent en meisme le countee. Et ceo qe ne poet estre termine devant les Justices del un Baunk ou de lautre sur le Nisi prius pur breste de leur demer en pais sont ajournee en les places dont ils sont Justices & illoeges terminez selonc arbi & reson.

CAP. XII.

Wines shall be assayed, and sold at reasonable Prices.

28 H. 8. c. 14.

ITEM, Because there be more Taverners in the Realm than were wont to be, selling as well corrupt

ITEM pur ceo qil y sont plusieurs taverners el Roialme qestre ne soleient vendantz vins auxibien

uxibien purrez come seyns & n't vendu le galon a tiel pris come ils meismes ont volu pur ceo qe chastiment nad pas este ordene sur eux come sur eux qe nunt venduz payn & cerveise a grant damage du poeple si est acorde qe crie se face qe nul oit si hardy de vendre vynes orque a reisonable feer caunt regard au pris qest en les ports dont les vynes veignent & auxint as despenses come en carriage afaire des ditz portz tanque as lieus ou ils sont venduz & qe en checune ville assai se face des vynes deux foitz par an un foitz a la Pasch & autre foitz a la Seint Michel & plus souvent si mestier soit par les Seignurs des villes & leur baillifs & auxint par les mairs & baillifs des meismes les villes & tous les vynes qe seront trovez purrez ou corrupuz soient enfonceez & ostez de tut & les toneiles debrusez. Et eient les Chaunceller Tresorer Justices del un Baunk & del autre & Justices assignez as assises prendre poair denquere sur mairs baillifs & ministres de villes sils ne faent ceo qest acorde & outre a faire punissement solonc ceo qe reison demand.

corrupt Wines as wholsome, and have sold the Gallon at such Price as they themselves would, because there was no Punishment ordained for them, as hath been for them that have sold Bread and Ale, to the great Hurt of the People; (2) it is accorded, That a Cry shall be made, that none be so hardy to sell Wines but at a reasonable Price, regarding the Price that is at the Ports from whence the Wines came, and the Expences as in Carriage of the same from the said Ports to the Places where they be sold; (3) and that Assay shall be made of such Wines two Times every Year, once at Easter, and another Time at Michaelmas, and more often, if need be, by the Lords of the Towns and their Bailiffs, and also by the Mayor and Bailiffs of the same Towns; (4) and all the Wines that shall be found corrupt, shall be poured out, and the Vessels broken. (5) And the Chancellor and Treasurer, Justices of the one Bench and the other, and Justices of Assise, shall have Power to enquire upon the Mayors, Bailiffs, and Ministers of Towns, if they do not according to this Statute; and besides that, to punish as Reason shall require.

Wines shall be sold at reasonable Prices.

Corrupt Wines shall be poured out, and the Vessels broken.

C A P. XIII.

A Confirmation of the Statute of 2 EDWARD 3. cap. 2. touching granting of Pardons.

ENsèment pur ceo qe plusieurs chartres ont este grauntes de pardons des felonies roberies & homicides contre la fourme de lestatut n'adgairs fait a Northampton contenant qe nul home n'avepeit tieles chartres hors du parlement parount les messesours ont

ITEM, Because divers Charters of Pardon have been granted of Felonies, Robberies, and Manslaughters, against the Form of the Statute lately made at Northampton, containing that no Man should have such Charters out of the Parliament, whereby such Misdoers have been the more

Br. Chart. de Pard. 10. Charters of Pardon.

bold to offend; (2) it is enacted, That from henceforth the same Statute shall be kept and maintained in all Points.

ont este plus esbaudiz de mesfaire si est acorde qe mesme lestatut foit desore garde & meyn-tenu en touz pointz.

C A P. XIV.

A Parliament shall be holden once every Year.

36 Ed. 3. c. 10.
16 Car. 2. c. 1.

ITEM it is accorded, that a Parliament shall be holden every Year once, and more often, if need be.

ENsement est acorde qe parlement foit tenu chescun an unefoitz ou plus si mestier loit.

C A P. XV.

Sheriffs shall let their Hundreds and Wapentakes for the old Ferm.

Sheriffs shall let their Hundreds and Wapentakes for the old Ferm.

14 Ed. 3. stat. 1.
c. 9.

ITEM, *Because Sheriffs have before this Time let Hundreds and Wapentakes in their Bailiwicks so Jo high Ferm, that the Bailiffs cannot levy the said Ferm, without doing Extortion and Dures, to the People*; (2) it is ordained, That the Sheriffs shall from henceforth let their Hundreds and Wapentakes for the old Ferm, and not above; and that the Justices assigned shall have Power to enquire of the said Sheriffs, and punish them that shall be found offending against this Statute,

ITEM pur ceo qe les viscountes ount avant ces houres lesses les hundreds & wapentaks en lour baillies a si haute ferme qe les baillifs ne poient cele ferme lever forsque par extortion & duresce faire au peuple si est acorde qe les viscountes lessent desore les hundredz & wapentaks a launciene ferme & ne mye outre & qe les justices assignez eient poaire denquere sur les viscountes & de punir ceux qils troveront feulauntz le contraire,

REX vicecomiti Ebor' salutem. Quedam per nos & consilium nostrum ad requisitionem communitatis regni nostri in parlamento nostro apud Welton' die Lune proximo post festum sancte Katerine proxime preteritum convocato concordata & ordinata tibi mittimus in forma patente mandantes quod in singulis locis in balliva tua tam infra libertates quam extra ubi expedire videris ea publice proclamari & firmiter teneri facias & hoc nullatenus omittas. T. R. apud Langele tertio die Februarii anno regni nostri quinto.

Per ipsum Regem.

Eodem modo mandatum est singulis vicecomitibus per Angliam.

Memorandum quod istud statutum missum fuit in Hiberniam in forma patenti cum quodam brevi inferius sequenti.

Statutes made at *Westminster*, crastino *Michaelis*,
*Anno 5 EDW. III. and Anno Dom. 1331. **

AU parlement somons a Westm' lendemeyn de Seint Michel lan du regne le Roi EDWARD tierz apres le conquest quint si ad nostre Scignur le Roi par assent des Prelatz Countes Barons & autres grantz du Roialme illoeqes assemblez a l'onneur de Dieu & de seinte eglise & a la requeste de son poeple grante & establi les choses suthescrites les queles il voet qe tenuz soient gardez & mayntenuz a tous jourz.

AT the Parliament holden at Westminster the morrow after St. Michael, in the Fifth Year of the Reign of King EDWARD the Third after the Conquest, our Lord the King, by the Assent of the Prelates, Earls, Barons, and other great Men of the Realm there assembled, to the Honour of God and of holy Church, and at the Request of his People, hath granted and established these Things underwritten, which he will to be kept and maintained for ever.

CAP. I.

The Great Charter and the Charter of the Forest confirmed.

EN primes si est acorde & establi qe la Grande Chartre & la Chartre de la Foreste soient tenuz gardez & fermement mseyntenuz.

FIRST it is accorded and established, That the Great Charter and the Charter of the Forest shall be kept and firmly maintained.

CAP. II.

Things purveyed for the King's House shall be praised, and Tallies made thereof. Of what People Inquests in the Marshal's Court shall be taken. Redressing of Error there.

ITEM come en lestatut fait a Westm' au parlement somons illoeqes apres la feste de Seint Katerine lan du regne le Roi qore est quart entre autres choses illoeqes acordez & establi soit contenuz sur les grevances qe les purveours pur les Hostelx le Roi la Roigne sa compaignie & de lour enfantz sefoient au poeple en outrajouse mesure des bleds & auxint en voluntrive taille de fein littere & autres choses purveus par les ditz purveours establi soit qe les parnours et purveours des bledtz pur les ditz Hostelx les preignent par mesure

ITEM, *Where in the Statute* ^{4 Ed. 3. c. 3.} *made at Westminster, at the Parliament there summoned after the Feast of Saint Katherine, in the Fourth Year of the Reign of the King that now is, amongst other Things there enacted, It is contained, upon the Grievances which the Purveyors for the King's House, the Queen's, and of their Children, did to the People in outrageous Measures of Corn, and voluntary taking of Hay, Litter, and other Things provided by the said Purveyors, that the Takers and Purveyors of Corn for the said Houses shall take them by Measure stricken, according as hath*

F f 4

been

• Statutum de Roberdesinen.

been used through the Realm ;
 (2) and that all the Corn, Hay,
 Litter, Bestail, and all other Vic-
 tuals and Things to be taken for
 the same Houses should be praised
 at the true Value by the Consta-
 bles and other good People of the
 Towns where such Prises be ;
 (3) and that the Prisors be not
 enforced by Threats and Duress to
 affect any other Price than their
 Oathwill. (4) And in the same
 Statute is one Article rehearsed,
 which was made in the Time of
 King EDWARD, Grandfather to
 the King that now is, where cer-
 tain Pains be limited against those
 that late made Purveyance for the
 said Houses ; which Pains not
 regarded, the said Purveyors have
 not let to make outrageous and un-
 lawful Prises against the Tenor
 of the said Statutes. (5) To the
 Honour and Profit of our said Lord
 the King, and for the Peace and
 Quietness of his People, and to
 refrain and punish the Enormities
 of those that have committed such
 Outrages, to the King's, the
 Queen's, and their Children's great
 Slander ; (6) it is accorded and
 enacted, That the taking and
 Purveyance for the said Houses
 shall be by Price made by the
 Constables and four discreet
 Men of the Towns where shall
 be such Prises and Purveyances
 thereto sworn, and without
 Menace, as in the said Statutes
 is contained. (7) And that
 also betwixt the Purveyors and
 them whose Goods shall be
 taken in the Presence of the
 Constables and Prisors, Tal-
 lies shall be made and sealed
 with the Purveyors Seals of the
 Things so taken, by which
 Tallies Satisfaction shall be
 made to them from whom such
 Goods be taken. (8) And if
 any takér or Purveyor for the

sure rese selonc ce que home use
 parmy le Roialme de que touz
 les bleds sein littere bestail &
 toutes autres vitailles de choses
 quecumques que sont a prendre par
 meismes les Hostelx soient pri-
 ses a la verroie value par co-
 nestables & autres bones gentz
 des villes ou tieles prises se fer-
 ront sanz ce que par manace ou
 duretce soient les prisours chaz-
 cez a mettre autre pris que lour
 serment ne voet. Et en meisme
 cel estatut soit rehercez un ar-
 ticle qe fut fait en tetsps du
 bone memoire le Roi Ael le
 Roi qore est ou certains peines
 sont contenues contré ceux qi
 nondueiment fesoient purvean-
 ces pur tielx Hostelx pur les
 queles peines les purveyors des
 ditz Hostelx ne ont pas tessez a
 faire outrageuse & nonduees pri-
 ses contre la tenour des ditz
 estatutz. Al honneur & profit
 de nostre Seignur le Roi & pur
 pees & quiete de son pœple &
 pur refrenir & punir la mal-
 veiste de ceux qi tielx outrages
 ont faitz en esclaudre du Roi
 la Roigne sa compaignie & de
 lour enfantz acorde est & establi
 qe les prises & purveances se
 facent pur les ditz Hostelx par
 pris fait par conestables & qua-
 tre prodeshommes des villes ou
 tieles prises & purveances se fer-
 ront jurrez & sanz manace si-
 come en les ditz estatutz est
 contenuz. Et qe entre les
 purveyors & ceux des queux
 les biens ferront prises en la
 presence des conestables & pri-
 sours soient taillez faites enlea-
 lez de seax des parnours des
 choses issint prizez par les queles
 tailles gree soit fait a ceux des
 queux les choses ferront issint
 prises. Et si nul parnour ou
 purveour pur les ditz Hostelx
 les face par autre manere soit
 mein-

28 Ed. 1. c. 2.

Things pur-
 veyed for the
 King's House
 shall be prais-
 ed.

25 Ed. 3. stat. 5.
c. 1.36 Ed. 3. c. 2.
2 & 3 P. & M.
c. 6.32 Car. 2. c. 24.
Tallies shall be
 made between
 the Purveyor
 and the Seller.

meintenant arrestuz par la ville ou la prise sera faite & mesme a la procheinie gaole & si de ce soit atteint soit la fait de lui comé de laroun si la quantite des biens le demande & desore soit contenu en les commissions des tielx parnours & purveours soient eles soutez le petit seal ou soutez le grant seal la fourme & la peine contenuz en cest estatut. Et qen chescun cas ou enquestes sont aprendre devant Seneschalx & Marechalx del Hostel le Roi qe les enquestes soient prises par gentz du pais environ & ne mie par gentz de lostel sil ne soit des contractz covenantz ou trespas faitz par gentz de meisme lostel dune part & dautre & ce en meisme lostel selonc un autre estatut ent autresoitz fait en temps meisme le Roi Ael. Et qe en cas ou home se voudra pleindre de erreur fait devant les ditz Seneschalx & Marechalx eit le pleintif bref de faire venir le record & proces devant le Roi en sa place & illoques soit le erreur redresce. Et auxint soit fait en chescun autre cas ou homme se voudra pleindre de erreur fait devant meismes les Seneschalx & Marechalx de lostel le Roi.

saïd Houses do take in any other Manner, he shall be incontinently arrested by the Town where such Taking was made, and brought to the next Gaol, (9) and if he be thereof attainted, it shall be done of him as of a Thief, if the Quantity of the Goods the same require; (10) and from thenceforth it shall be contained in the Commissions of such Takers and Purveyors, be they under the small Seal or the great, the Form and the Pain contained in this Statute. (11) And that in every Case where Inquests be to be taken before the Steward and the Marshal of the King's House, that Inquests be taken by Men of the Country thereabout, and not by Men of the King's House, except it be of Contracts, Covenants, or Trespasses made by Men of the King's House of the one Part and of the other, and that in the same House, according to another Statute thereof made in the Time of the said EDWARD the Grandfather. (12) And in case where any will complain of Error made before the said Steward and Marshal, the Plaintiff shall have a Writ to remove the Record and the Process before the King in his

Inquests taken in the Marshal's Court. Stat. 10. Ed. 3. c. 2.

Error in the Marshal's Court. 10 Ed. 3. Stat. 2. c. 3. 12 Car. 2. c. 24.

Place, and there the Error shall be redressed. (13) And likewise shall it be done in every other Case where any Man will complain him of Error done before the same Steward and Marshal of the King's House.

C A P. III.

A Confirmation of the Statute of Carlisle, made 35 Edw. I. Stat. 1. touching Religious Houses.

ENSEMENT est acorde & establei qe un estatut fait a Kardoil en temps meisme le Roi lael en quel est contenuz qe gentz de religion ne facent apport hors du roialme soit tenuz

ITEM it is agreed, That the Statute made at Carlisle in the Time of King EDWARD, the King's Grandfather that now is, wherein is contained, That Religious Men shall make

- * Pay no Tax. * make no Carriage out of the nuz gardez & meintenuz en
 Realm, shall be holden, kept, touz pointz.
 † Ed. 3. c. 6. and maintained in all Points.

CAP. IV.

None shall be Sheriff, Escheator, or Bailiff of Franchife, unless be hath sufficient in the County.

ITEM it is accorded and enacted, That no Sheriff, Under Escheator, Bailiff of Franchises, Wapentakes, Hundreds, nor Tithings, shall from henceforth be, except he have Lands sufficient in the same County, whereof to answer the King and his People, if any will complain.

Regist. 177.
 † Ed. 3. c. 9.
 † 13 & 14 Car. 2.
 c. 67.

Auxint est acorde & establi qe nul viscounte southeschetour baillif de fraunchife wapentak hundred ne trithing soit defore sil neit terre suffisauement en meisme le counte dont respondre au Roi & au people si homme se voudra pleindre.

CAP. V.

The Penalty if any do sell Ware at a Fair after it is ended.

ITEM, *Where it is contained in the Statute made at Northampton, in the second Year of the Reign of the King that now is, that the Lords which have Fairs by Charters or otherwise, shall hold them during the Time that they ought to do, and no longer, upon Pain to seise such Fairs into the King's Hands; (2) and that every Lord at the Beginning of his Fair do cry and proclaim therein how long the Fair shall endure; (3) and in the same Statute is no certain Punishment ordained against the Merchants if they sell after the Time: (4) It is accorded, That the said Merchants after the said Time shall close their Booths and Stalls without putting any Manner of Ware or Merchandise to sell there. (5) And if it be found, that any Merchant from henceforth sell any Ware or Merchandise at the said Fairs after the said Time, such Merchant shall forfeit to our Lord the King the double Value of that which is sold; (6) and every Man that will sue for*

The Penalty if any do sell Ware in a Fair after the same is ended.

ITEM come contenuz soit en lestatut fait a Northampton lan du regne le Roi qore est secund qe les Seignurs qi feires ont par chartres ou en autre manere les tiegnent pur le temps qils deveront & ne mie outre sur la peine aprendre les feires en la meine le Roi & qe chescun Seigneur au comencement de sa feire face crier & publier en yecele come longement sa feire se tendra & en meisme lestatut nest mie ordeine certain punissement contre les marchantz sil vendent apres le temps si est acorde & establi qe les ditz marchantz apres le dit temps facent close leur feudes & estaux fantz mettre nulle manere de merce ou marchandise a vente illoques. Et si trouve soit defore qe nul marchant vende es dites feires merce ou marchandise apres le dit temps perde le dit marchant vers nostre Seigneur le Roi le double de ce qil issint avera vendue et a ce atteindre soit chescun home resceu qi voudra sure pur nostre Seigneur le Roy &

& eit celui qi issint suera la
quarte partie de ce que serra a sa
seute issint perdu.

for our Lord the King, shall
be received, and also have the
fourth Part of that which shall
be lost at his Suit,

2 Ed. 3. c. 15.

C A P. VI.

Nisi prius shall be granted in Attaint, but no Effoin or Protection. Days given.

ITEM pur ce que les jurours
ont dote la meins estre per-
jours pur les longues delais que
ont este en atteints devant les
Justices de lun Baunk & de
lautre & devant autres Justices
si est acorde & establi que es-
soigne du service le Roi ne pro-
tection ne soient desore ena-
vant allowez en tieles jurez
nient plus qen assise de Novele
disseisine & que cink jours par
an soient donez devant les Ju-
stices du commune Baunk en
les dites jurez au meinz & que
le nisi prius soit auxibien done
en tielx brefs come en autres.

ITEM, *Because the Jurors have
the less doubted to be perjured
by Reason of the long Delays that
have been in Attaints, before the
Justices of the one Bench and of
the other, and before other Jus-
tices; (2) it is enacted, That
no Effoin of the King's Service
nor Protection shall be from
henceforth allowed in such Ju-
ries, no more than in Assises
of Novel disseisin; (3) and that
five Days by the Year be given
before the Justices of the com-
mon Bench in the said Juries
at the least; (4) and that a
Nisi prius be as well given in
such Writs as in other.*

*Nisi prius shall
be granted in
Attaint, but
no Effoin or
Protection.*

C A P. VII.

Attaint shall be granted in Trespass, if the Damage pass xl s.

ET come il soit contenuz en
un estatut nadgairs fait a
Westim' lan du regne nostre
Seignur le Roi qi ore est pri-
mer apres son coronement que
atteintez soient grauntez en
brefs de trespas si est acorde &
establi que brefs datteintes de-
sore soient grantez auxibien en
pledz de trespas meutz fantz
brefs com par brefs devant Ju-
stices qi sont de record si les
damages ajugges passent qua-
rant soldz. Et cest estatut eit
lieu auxibien des enquestes pri-
ses en temps passe come apre-
dre en temps avenir,

ITEM, *Whereas it is contained
in a Statute late made at West-
minster, in the first Year of the
Reign of our Lord the King that
now is, after his Coronation, that
Attaints should be granted in
Writs of Trespass; (2) it is ac-
corded and established, That
Writs of Attaint shall be from
henceforth granted as well in
Pleas of Trespass moved with-
out Writ, as by Writ, before
Justices of Record, if the Da-
mages judged do pass xl s. And
this Statute shall hold Place as
well of Inquests taken in Times
past, as to be taken in Time to
come.*

*Attaint in
Trespas
where the
Damages pass
40 s.*

1 Ed. 3. stat. 1.
c. 6.
28 Ed. 3. c. 8.

C A P.

CAP. VIII.

The Marshals of the King's Bench shall not bail Felons.

The Marshals of the King's Bench shall not bail any committed to their Charge.

ITEM, *Because that Persons indicted of Felonies, Robberies, and Theft, in Times past have removed the same Indictment before the King, and there yielded themselves, and by the Marshals of the King's Bench have been incontinently let to Bail, and after have done many evil Deeds, and lien in wait to slay and evil intreat their Enditors; (2) and also Persons appealed of Felony, after the Exigent awarded, have yielded themselves before the King, and have been let to Bail by the said Marshals: (3) It is accorded and established, That such Enditees and Appellees shall be safely and surely kept in Prison, as belongeth to them according to the Charge which the said Marshals shall have of the Justices. (4) And if any Marshal do otherwise, at the Complaint of every Man that will complain, the Justices shall do him Right during the Terms; (5) and in the End of the Terms, upon their rising, the said Marshals shall chooise before the said Justices, before they depart the Places, in what Town they will keep such Prisoners, at their Peril. (6) And in the same Town they shall hire them Houses to keep such Prisoners at their own Costs and Charges; and there they shall keep them in Prison, and shall not suffer them to go wandering abroad, neither by Bail nor without Bail. (7) And if any such Prisoner be found wandering out of Prison by Bail or without Bail, and that be found at the King's Suit, or at the Suit of the Party, the Marshals*

The Penalty of the Marshal which suffereth a Prisoner to escape.

ITEM pur ce que les gentz enditez des felonies: roberies & harcins. einz ces heures ont fait venir leur enditementz devant le Roi & illoeqs se sont renduz & par les Mareschalx du Baunk le Roi ont este maintenant lesses en bail & puis ont fait plusieurs malx & agaitz de tuer ou malfaire leur enditeurs & auxint les appellez des felonies apres lexigende issue sur eux se sont renduz devant le Roi & ont este par les ditz Mareschalx lesses en bail si est accorde et establi que les ditz enditez & appellez soient seurement & sauvement gardez en prison come y appent selonc la charge que les ditz Mareschalx averont des Justices. Et si nul Mareschal face autrement a la plainte de chescun qi pleindre se voudra le Justice lui ferra droit durant le terme. Et qen la fin des termes sur leur lever elisent les ditz Mareschalx devant meismes les Justices avant leur departir des places en quele ville ils voudront garder felx prisons a leur peril. Et en meisme la ville allowent mesons pur la garde des prisons a leur custages demeigne & illoeqs les gardent en prison & ne les soeffrent nulle part aler waskerantz ne par bail ne fantz bail. Et si nul tiel prison soit trove par bail ou fantz bail waskerant hors de prison & ce soit trove a la seute le Roi ou a la seute de partie elient les Mareschalx qi de ce ferront trovez coupables la prison dun demy an & outre soient reintz a la volente le Roi & facent les Justices de

ce

ce enquerer quant ils verront temps. Et quant au Mareschal soit fait de la verge ceo qe refone voudra. Et en cas qe les Mareschalx soeffrent par lour assent tielx prisons eschaper soient a la lei come avant ces heures ont estez. Et nentend pas le Roi par cest estatut de perdre lechape ou il le devra avoir.

Marshals which shall be found thereof guilty, shall have half a Year's Imprisonment, and be ransomed at the King's Will; (8) and the Justices shall thereof make Enquiry when they see Time. (9) And as to the Marshals, it shall be done within the Verge that which Reason will. (10) And in case that the Marshals suffer by their Assent such Prisoners to escape, they

shall be at the Law, as before this Time they have been. (11) And the King intendeth not by this Statute to lose the Escape, where he ought to have the same.

CAP. IX.

None shall be attached or forejudged contrary to the Great Charter, or the Law.

ITEM est acorde & establi qe nul homme soit desore attache par nul accusement ne forjuge de vie ne de membre nes ses terres tenemenz biens ne chateux seifiz en la mein le Roi contre la fourme de la Grante Chartre & la lei de la terre.

ITEM it is enacted, That no Man from henceforth shall be attached by any Accusation, nor forejudged of Life or Limb, nor his Lands, Tenements, Goods, nor Chattels seised into the King's Hands, against the Form of the Great Charter, and the Law of the Land.

None shall be condemned but by the Law.
9 H. 3. stat. 1. c. 29.
2 Ed. 3. c. 8.
14 Ed. 3. stat. 1. c. 14.
28 Ed. 3. c. 3.
16 Car. 1. c. 10.
3 Bulfr. 47.

CAP. X.

The Punishment of a Juror that is Ambidexter, and taketh Money.

AUXINT est acorde & establi qe si nul jurour en assises jurez ou enquestes preigne dune part & dautre & de ce soit duement atteint qe mes ne soit mis en assises jurez nen enquestes & nient miens soit comande a la prisone & outre reint a la volente le Roi. Et a ce atteindre eient les Justices devant queux tieles assises jurez & enquestes passeront poair denquere & terminer selonc cest estatut.

ITEM it is accorded, That if any Juror in Assises, Juries, or Enquests, take of the one party, or of the other, and be thereof duly attainted, that hereafter he shall not be put in any Assises, Juries, or Enquests, and nevertheless he shall be commanded to Prison, and further ransomed at the King's Will. (2) And the Justices before whom such Assises, Juries, and Enquests shall pass, shall have Power to enquire and determine according to this Statute.

The Penalty of Jurors taking Reward.
34 Ed. 3. c. 8.
38 Ed. 3. stat. 1. c. 18.

CAP. XI.

Process against those that be appealed, indicted, or outlawed in one County, and remain in another.

Process against those that being indicted or appealed in one County do remain in another.

ITEM, *Where in Times past some Persons appealed or indicted of divers Felonies in one County, or outlawed in the same County, have been dwelling or received in another County, whereby such Felonious Persons indicted and outlawed have been encouraged in their Mischief, because they may not be attached in another County;* (2) it is enacted, That the Justices assigned to hear and determine such Felonies, shall direct their Writs to all the Counties of England, where need shall be, to take such Persons indicted.

ITEM come avant ces heures de diverses felonies en un counte ou utlagez en meisme le counte ont este demorantz ou receitez en autres countez paront les felons enditez & utlagez ont este covertz en lour malveistez de ce qils ne point estre attachez en autre counte si est acorde & establi qe les Justices assignez doier & terminer tieles felonies facent lour brefs par touz les countez dEngleterre ou mestre serra a prendre tielx enditez.

CAP. XII.

What is requisite to be done to have their Pardons allowed which be outlawed.

Pardon of him that is outlawed upon a Judgment.

ITEM it is established and ordained, That in case where the Plaintiff shall recover Damages, and he against whom the Damages be recovered be outlawed at the King's Suit, that no Charter of Pardon shall be granted of his Outlawry, except the Chancellor be certified that the Plaintiff is satisfied of his Damages. (2) And in case that a Man be outlawed by Process before his Appearance, no such Charter shall be granted, except the Chancellor be certified that such Person outlawed hath yielded himself to Prison before the Justices of the Place, from whence the Writ of Exigent issued; that is to say, if from the King's Bench, then he shall yield him in the same Place; and if from the common Bench, then he shall yield himself there; (3) and if

Outlawry upon an Original before Appearance.

AUXINT est acorde & establi qen cas ou le pleintif recovre damages & a la seute le Roi celui devers qi les damages sont recoveriz seit utlage qe nulle chartre de pardoun soit grante de cele utlagarie si le Chaunceller ne soit appris qe gree soit fait a meisme le pleintif des damages. Et en cas ou homme soit utlage par proces devant ce qil apierge qe nulle tiele chartre soit grante si le Chaunceller ne soit appris qe tiel utlage se eit renduz a la prison devant les justices en place dont le bref d'exigent issist cest assaver si de la place le Roi qe adonques il se rende en meisme la place & si du commune Bank adonques se rend illoeqes et si des Justices assignez doier & terminer seantz meismes les Justices se rend devant eux & s'ils soient levez adonques se rend

en la place le Roi devant les Justices & devant eux soit fait venir le record & proces per bref. Et les Justices susditz devant queux ils ferront issint renduz facent garnir la partie pleintif destre a certain jour devant eux a quel jour si le garnissement soit duement tesmoigne adonques pledent sur le primer bref original auxicome nulle utlagarie neust este pronunce si le pleintif viegne au garnissement et sil ne viegne mie soit lutlage delivers par virtue de sa chartre. Et est a entendre qe totes tieles chartres sont de la grace le Roi come avant ont este.

if from the Justices of Oyer and Terminer, whiles the same Justices do sit, he shall yield him before them; (4) and if they be risen, then he shall yield him in the King's Bench before the Justices, and the Record with the Process shall be removed before them by Writ. (5) And the said Justices before whom they shall so yield them, shall cause the Party Plaintiff to be warned to appear before them at a certain Day, at which Day if the Warning be duly witnessed, and the Plaintiff appear upon his Warning, then they shall plead upon the first original Writ, as though no

A Scire facias awarded against the Plaintiff.

Outlawry had been pronounced; (6) and if the Plaintiff come not, he that is outlawed shall be delivered by virtue of his Charter. (7) And it is to be understood, that all such Charters be of the Grace of the King, as before they have been.

F. N. B. 247. c. Regist. 288, 308.

C A P. XIII.

What is requisite where any Person will avoid an Outlawry by Imprisonment.

ITEM pur ce qe moltz de gentz duement utlagez ont defait les utlageries pronunciez sur eux par cause denprisonement tesmoignient veritablement par viscountes & autres qi nont pas record si est acorde & establi qe si nul defore enavant voille defaire lutlagerie pronuncie sur lui par tiele tesmoignance qil se rend a la prison & adonques les Justices du Baupk le Roi facent garnir la partie a qi seute lutlagerie estoit pronuncie destre devant eux a certain jour a queu jour si la partie voille averrer qe la tesmoignance ne soit pas veritable soit resceu a laverrement. En mesme la manere soit le Serjant le Roi ou son tourne out autre qi voudra sure pur le Roi resceu a laverrement contre tiele tesmoignance en cas ou lutlagerie

ITEM, Because divers People being duly outlawed, have avoided the Outlawries pronounced against them, by reason of Imprisonments untruly testified by Sheriffs and others which have no Record; (2) it is enacted, That if any from henceforth will defeat any Outlawry pronounced upon him by such Testimony, that he shall yield himself to the Prison, (3) and then the Justices of the King's Bench shall cause the Party at whose Suit the Outlawry was pronounced, to be warned to be before them at a certain Day; (4) at which Day, if the Party will verify that the Testimony is untrue, his Averment shall be received. (5) And in like Manner the King's Serjeant, or his Attorney, or other that will sue for the King, shall be

Avoiding an outlawry by Imprisonment.

re-

received to have the same Averment against such Testimony, in case where such Outlawry is pronounced at the King's Suit.

gerie soit pronuncie à la seuté le Roi.

CAP. XIV.

Night-walkers and suspected Persons shall be safely kept.

Stat. Winobest.
13 Ed. 1. c. 4.

ITEM, *Whereas in the Statute made at Winchester in the Time of King EDWARD, Grandfather to the King that now is, it is contained, That if any Stranger pass by the Country in the Night, of whom any have Suspicion, he shall presently be arrested and delivered to the Sheriff, and remain in Ward till he be duly delivered.*

(2) *And because there have been divers Man-slaughters, Felonies, and Robberies done in Times past, by People that be called Roberdesmen, Waslors, and Draw-latches;*

(3) *it is accorded, That if any may have any evil Suspicion of such, be it by Day or by Night, they shall be incontinently arrested by the Constables of the Towns. (4) And if they be arrested within Franchises, they shall be delivered to the Bailiffs of the Franchise, and if in Guildable, they shall be delivered to the Sheriffs, and kept in Prison till the coming down of the Justices assigned to deliver the Gaol. (5) And in the mean Time the Sheriffs or Bailiffs of the Franchises shall enquire of such Arrests, and at the coming of the Justices return their Enquests before them, with that which they have found, and the Cause of the Takings, with the Bodies, and the Justices shall proceed to the Deliverance of such Persons arrested according to the Law.*

(6) *And in case that the Sheriffs or Bailiffs of the Franchises have not enquired of such*

ITEM come en lestatut fait a Wyncestre en temps meisme le Roi lael soit contenuz qe si nul estrange passe par pais de nuyt de qui homme eit suspecion soit maintenant arestu & livre au viscounte & demoege e garde tant qil soit duement delivers. Et diverses roberies homicides & felonies ont este faitz einz ces heures par gentz qi sont appellez Roberdesmen Wastours & Draghlatche si est acorde & establi qe si homme eit suspecion de mal de nuls tielx soit il de jour soit il de nuyt qe maintenant soient arestuz par les constables des villes. Et sils soient arestuz en franchises soient livrez as baillifs des franchises & si en gildable soient livrez as viscountes & gardez en prison tant qe a la venue des Justices assignez a deliverer les gaoles. Et endementiers facent les viscountes ou baillifs des franchises enquere des tielx arestuz & a la venue des Justices retournent devant eux de ce lour enquestes & ce qils averont trovez & les causes des prises od les corps & outre aillent les Justices a la deliverance de tielx arestuz selonc la lei. Et en cas qe les viscountes ou baillifs des franchises naveront pas enquis de tielx arestuz soient amerchiez & nient meins facent les Justices enquere & outre aillent a la deliverance come sus est dit.

Arrests, they shall be amerced, and

1 Inst. 197.
Suspected Persons shall be arrested and kept until they be delivered by the Justices.

1 Hawk. Pl. Cr. 132.
2 Hawk. Pl. Cr. 77. 80.
2 Hales Hist. Pl. Cr. 89.

and nevertheless the Justices shall make Enquiry, and further proceed to the Deliverance, as before is said.

REX vicecomiti Ebor. salutem. Quedam statuta per nos & magnates & proceres regni nostri in parlamento nostro apud Westm' ultimo convocato pro communi utilitate populi regni nostri edita sub sigillo nostro tibi mittimus in forma patenti mandantes quod statuta illa in singulis locis in balliva tua tam infra libertates quam extra ubi expedire videris legi & ea in omnibus & singulis suis articulis publice proclamari & teneri facias. T. R. apud Westm' xvi die Octobris.

Eodem modo mandatum est singulis vicecomitibus per Angliam. Teste ut supra.

Memorandum quod istud statutum simul cum statutis precedentibus tempore Regis Edwardi tertii post conquestum factis missum fuit in Hiberniam in forma patenti cum brevi sequenti:

REX dilecto & fideli tuo Antonio de Lucy Justiciario suo Hibernie salutem. Quedam statuta per nos prelatos comites barones & alios magnates de regno nostro edita in diversis parlamentis nostris postquam gubernacula regni nostri suscepimus vobis mittimus in forma patenti mandantes quod statuta predicta & omnes articulos in eis contentos in predicta terra nostra Hibernie tam infra libertates quam extra publice proclamari & quantum ad vos & populum nostrum partium illarum attinet firmiter teneri & observari facias. T. R. apud Northampton xi. die Aprilis anno predicti Regis sexto.

Statutes made at York, *crastino Ascensionis*, Anno 9 EDW. III. Stat. 1. and Anno Dom. 1335.

COME avant ces heures en plusieurs parlemantz & ore darrainement en parlement somons a Everwyk a lendemayn de l'Ascension lan du regne nostre Seigneur le Roi EDWARD tierz apres le conquest noefisme par les chivalers des countez citeins des citeez & burgeis des burghs queux y vindrunt pur les communaltez des ditz countez citez & burghs monstre fust a nostre Seigneur le Roi que en plusieurs citez burghs & autres lieux de son Roialme grantz durestes & outrages damageous estoient faitz a lui & a poeple de son Roialme par aucunes gentz des citez burgh portz de meer & autres lieux du dit Roialme qui nount pas suffert grant temps ne uncore ne foefirent marchantz estranges ne autres qui mesnent carient ou portent par meer & par terre vins aver du pois & autres vivres vitailles

WHereas before this Time in many Parliaments, and now at this present Parliament summoned at York on the Morrow after the Ascension, in the Ninth Year of the Reign of King EDWARD the Third after the Conquest, it was shewed to our said Lord the King, by the Knights of the Shires, Citizens of the Cities, and Burgeses of the Boroughs, which come for the Commons of the said Shires, Cities, and Boroughs, that in divers Cities, Boroughs, and other Places of his Realm, great Durests and grievous Damage have been done to him and his People by some People of Cities, Boroughs, Ports of the Sea, and other Places of the said Realm, which in long Time past have not suffered, nor yet will suffer Merchant Strangers, nor other, which do carry and bring in by Sea or Land, Wine, Aver de pois, and other Livings and Victuals, with

divers other Things to be sold, necessary and profitable for the King, his Prelates, Earls, Barons, and other Noblemen, and the Commons of this Realm, to sell or deliver such Wines, Livings, Victuals, nor other Things to any other than to themselves, of the Cities, Boroughs, Ports of the Sea, or other Places where such Wines, Livings, Victuals and other Things to be sold, shall be brought or carried; (2) by reason whereof such Stuff aforesaid is sold to the King and to his People, in the Hands of the said Citizens, Bargeses, and other People, Denizens, more dear than they should be, if such Merchant Strangers, and others, which bring such Things into the Realm, might freely sell them to whom they would, to the great Damage of our Lord the King, and of his Prelates, Earls, Barons, and other Nobles of his Realm, and grievous Oppression of his Commons; (3) whereupon the said Knights, Citizens, and Bargeses, for them and the Commons, desired our said Lord the King in his said Parliament, by their Petition, that for the Profit and Commodity of his Prelates, Earls, Barons, and other Nobles of his Realm, it may please him without further Delay upon the said Grievances and Outrage to provide Remedy.

& autres choses vendables par le Roi Prelatz Countes Barons nobles & le poeple de son Roialme necessaires & profitables les ditz vins vivres vitailles ne autres choses vendables vendre ne bailler as autres qe a ceux de meismes les citez burghs portz de meer ou autres lieux ou les ditz vins vivres vitailles ou autres choses vendables ferront meinez cariez ou portez & par ce si sont les choses susnommes mises & vendues au Roi & a son poeple en les meins des ditz citeins burgeis & autres gentz denzeines a trop grande cherte outre ceo qe eles eussent estez si les marchantz estranges & autres qi font venir tieles choses deinz le Roialme les peussent franchement vendre a qi qils voulistent a grant damage de nostre Seigneur le Roi & des Prelatz Countes Barons & autres nobles de son Roialme & oppression de son poeple Sur quei les ditz chivalers citeins & burgeis pur eux & pur le communes prierunt a nostre Seigneur le Roi en dit parlement par le pcticion qe pur son profit & pur le profit des ditz Prelatz Countes Barons nobles & de poeple de son Roialme lui plust faunz plus delay sur les ditz duretees & outrages mettre remede covenable.

CAP. I.

Merchant Strangers may buy and sell within this Realm without Disturbance.

OUR Lord the King, desiring the Profit of his People, by the Assent of his Prelates, Earls, Barons, and other Nobles of his Realm, summoned at his Parliament, and by the Advice of his Council being there, upon the said Things disclosed to him, and found

NOSTRE Seigneur le Roi desirant le profit de son poeple en avisement ove les Prelatz Countes Barons & autres nobles de son Roialme a son dit parlement somons & ove ceux de son conseil illoeqes esteantz des dites choses a lui monstrees trova qe meismes les choses

choses furent véritables a grant damage de lui & des Prelatz Countes Barons & autres nobles de son Roialme & oppreffion de son poeple par quei par le dit nostre Seigneur le Roi de lassent des ditz Prelatz Countes Barons & autres nobles de son Roialme & les communes avantdites ordine est & establi que touz marchantz aliens & denzeins & touz autres & chefcuns de eux de quel estat ou condition qils soient qi achatre ou vendre voillent blez vins avoir de pois chares pesson & touz autres vivres & vitailles laines drapz mercez marchandises & tote manere dautres choses vendables de queu part qils veignent par forcins ou par denzeins a quel lieu que ceo soit cite burgh ville porte de meer feire marche ou autre lieu deinz meisme le Roialme deinz franchise ou dehors les peussent franchement & sanz destourber vendre a qi que lor plect auxibien as forcins come as denzeins forpris les enemys de nostre Seigneur le Roi & de son Roialme. Et si pur cas destourbance soit faite a nul marchand alien ou denzein ou a autre sur la vente des tiels choses en citee burgh ville port de meer ou autre lieu que franchise eit & les maire baillifs ou autres que unt garde de la dite franchise requis par les ditz marchantz ou autre de ent faire remedie & il ne le face & de ceo soit atteint soit la franchise prise en la mein le Roi. Et nient meinz soit tenuz lui & les autres qi auront faite cele destourbance contre cest estatut de render & restorer au dit marchand ses damages qil avera soeffert par cele encheson au double. Et si ziele destourbance soit faite as tiels

found true, to the great Hurt of the said Prelates, Earls, and Barons, and other Nobles of his Realm, and Oppression of his Commons, hath ordained and established, That all Merchants, Strangers and Denizens, and all other and every of them, of what Estate or Condition soever they be, that will buy or sell Corn, Wines, *Aver de pois*, Flesh, Fish, and all other Livings and Victuals, Woolls, Clothes, Wares, Merchandises, and all other Things vendible, from whence soever they come by Foreigners of Denizens, at what Place soever it be, City, Borough, Town, Port of the Sea, Fair, Market, or elsewhere within the Realm, within Franchise or without, may freely without Interruption sell them to what Persons it shall please them, as well to Foreigners as Denizens; except always the Enemies of our Lord the King, and of his Realm. (2) And if haply any Disturbance be done to any Merchant, Stranger, or Denizen, or any other for the Sale of such Things in any City, Borough, Town, Port of the Sea, or other Place which hath Franchise, and the Mayors and Bailliffs, or other which hath the Rule of such Franchise, being required by the said Merchants, or other, thereof to provide Remedy, and do not, and be thereof attainted, the Franchise shall be seised into the King's Hands. (3) And nevertheless he and the other which hath done this Disturbance against this Statute, shall be bound to yield and restore to the said Merchant his double Damages which he hath thereby sustained. (4) And if such

G g 2

Disturb-

Altered by
16 R. 2. c. 1.
9 H. 3. stat. 1.
c. 30.

Merchants
Strangers may
buy and Sell
within the
Realm with-
out Distur-
bance.

What Punish-
ment shall be
inflicted upon
them that dis-
turb Mer-
chants to sell
their Commo-
dities.

ance or Interruption be done to such Merchants, or to other in such Towns or Places where no Franchise is; and the Lord, if he be present, or his Bailiff, Constable, or other Ruler of the said Towns and Places, in the Absence of the Lords; being therein required to do Right, and do not, and thereof be attainted; they shall yield to the Party Plaintiff his double Damages, as afore is said; (5) and the Disturbers in the one Case and the other, as well within Franchises as without, if they be attainted, shall have one Year's Imprisonment, and nevertheless be ransomed at the King's Will. (6) And it is ordained and established, That no Alien or Denizen upon the same Pain shall be troubled, but that he may freely buy such Things afore said in the said Places, and carry them where it pleaseth him, to his own Use, or to the Profit of the King, or of the great Men, or the Commons of the Realm; (7) saving that such Merchants Aliens shall carry no Wine out of the same Realm, as is contained in their Charter. (8) And it is enacted and established, That the Things afore said shall be observed, performed, and kept in every City, Borough, Town, Port of the Sea, and other Places within the Realm, notwithstanding Charters of Franchise granted to them to the contrary, nor Usage, nor Custom, nor Judgement given upon their Charters, Usages, or Customs that they can alledge; (9) which Charters, Usages, and Customs (if any be) our Lord the King and the Prelates, Earls, Barons, Great Men, and the Commons afore said,

tiels marchantz ou as autres es villes ou lieux ou franchise nest & le Seigneur sil soit present ou son baillif conestable ou autre gardein des dites villes & lieux en absence des Seignurs ent requis de faire droit ne le facent & de ceo soient atteintz rendent le damage au pleintif au double auxi come desus est dit & les destourbeours en lun cas & en lautre auxibien deinz franchises come dehors sils soient atteintz eient la prisone dun an & jadu-meins soient reintz a la volonte le Roi. Auxint est ordene & establi que nul alien ne denzein sur meismes les peines ne soit destourbez qil ne puisse franchement achatre les choses susnomes es lieux susditz & carrier la ou lui perra a son oeps demaigne ou al profit du Roi & des grantz & du poeple du dit Roialme forspris que les marchants aliens ne amellent vins hors de meisme le Royalme come est contenu en lor chartre. Et est ordene & establi que les dites choses soient tenues gardeez & fournies en chescune cite burgh ville port de mer & autre lieu deinz le dit Roialme nient contrestante chartre de franchise a eux grante a contrair ne usage ne custume ou jugementz renduz sur lor chartres usages ou custumes qi eux purront alleger les queles chartres usages & custumes si nulles soient nostres Seigneur le Roi Prelatz Countes Barons & grantz & communaltez avantduz tinent de nulle force comes choses grantes uses ou accustumes au damage du Roi Prelatz Countes Barons & grantz de son Roialme & oppression de son poeple sauve totesoitz au Roi & as autres les custumes dues des dites marchandises. Auxint

Aliens shall
carry no Wine
out of the
Realm.

Auxint ordine est & establi qe le Chaunceller Tresorer & justices assignez a tenir les plez le Roi es lieux ou il viegnent enquerger des tieles destourbances & grevances & facent punissement solonc ceo qest avant ordine. Et nientmeins qe le Roi face assigner par commission de son grant seal certaines gentz ou & quant lui plerra denquere detieles destourbances & grevances & de faire punissement come desus est dit.

saïd, hold them of no Force, as Things granted, used, or accustomed, to the Damage of the King and his Prelates, Earls, Barons, and Great Men of his Realm, and to the Oppression of the Commons; saved alway to the King, and to other, the Customs due of the saïd Merchandises. (10) It is also ordained and provided, That the Chancellor, Treasurer, and the Justices assigned to hold the King's Pleas, in Places where they come, shall

Who may enquire of, and punish the Offences aforesaid.

enquire of such Disturbances and Grievances, and the same shall punish according as is before ordained. (11) And nevertheless the King shall assign by Commission of his Great Seal certain Persons, where and when it shall please him, to enquire of such Disturbances and Grievances, and the same to punish, as before is said.

25 Ed. 3. c. 5. The Statute of Clothes.

2 R. 2. stat. 2. c. 1.

11 R. 2. c. 7.

CAP. II.

No Man shall lose Land because of Nonplevin.

ET auxint a la requeste des ditz communaltez faite a nostre dit Seigneur le Roi a son dit parlement nostre Seigneur le Roi pur le eise de son poeple par assent des Prelatz Countes Barons & autres grantz & communes avantditz ad oste Nonplevine de terre qad est acoustume en temps de ses auncestres & son temps & les peines qe soleient fuire en cas qe terre ne fust mie plevie en du temps. Et auxint est ordine & establi qe nul ne perde sa terre defore par cause de Nonplevine & qe cest estatut eit lieu auxibien en cest pievantz ou judgement n'est mie rendu come en temps avenir.

ITEM, At the Request of the Commons aforesaid, made to our Lord the King at the saïd Parliament, our Lord the King, for the Ease of his People, by the Assent of the Prelates, Earls, Barons, and other great Men, and the Commons aforesaid, hath put out *Nonplevin* of Land, which hath been accustomed in the Time of his Progenitors and his own Time, and the Pain also that was wont to ensue, in case the Land was not replevied in due Time. (2) Also it is enacted, That none shall lose his Land from henceforth because of *Nonplevin*; and that this Statute hold Place as well in Pleas yet hanging, wherein no Judgment is given, as in Time to come.

of No Man shall lose his Land because of Nonplevin.

CAP. III.

*In a Writ of Debt against divers Executors, they shall not
souch by Effoin.*

*In a Writ of
Debt brought
against divers
Executors,
they shall not
souch by Ef-
foin.*

ITEM, At the Request of the said Commons made to our Lord the King in his said Parliament, it is ordained and established by our Lord the King, by the Assent of the Prelates, Earls, Barons, and other great Men, and the Commons aforesaid, That in a Writ of Debt brought against divers Executors, the same Executors, nor any of them, shall have but one Effoin before Appearance, that is to say, at the Summons, or Attachment, nor after Appearance they shall have but one Effoin, as the Testator should have had, so that all the Executors do present the Person of the Testator as one Person. (2) It is also enacted, That though the Sheriff do answer at the Summons, that some of them have nothing whereby he may be summoned, yet there shall an Attachment be awarded upon them. (3) And if the Sheriff answer, that he hath nothing whereby he may be attached, the great Distress shall be awarded, so that at the great Distress returned upon them, he or they that do first appear in the Court shall answer to the Plaintiff. (4) And although some of them have appeared in the Court, and make Default at the Day that the great Distress is returned upon the other, yet nevertheless he or they shall be put to answer, that first appeared at the great Distress returned. (5) And in case the Judgement pass for the Plaintiff, he shall have his Judgement and Execution

*In an Action
of Debt
brought a-
gainst divers
Executors, he
which first ap-
peareth shall
answer.*

ENsèment a la requeste des dites communaltes faite a nostre Seigneur le Roi a son dit parlement ordine est & establi par nostre Seigneur le Roi del assent des Prelats Countes Barons & autre grants & communes avandites qe ou brief de dette est porte vers plusieurs executors qe les dits executors ne nul de eux ne eit forsque un effoigne avant apparance cest assavoir a la somonse ou a lattachement ne apres apparance ne eint qe un effoigne come le testatour averci issint qe mes ne pueissent foercher par effoigne ne avant apparance ne apres apparance et purceo qe tous les executours representent la persone le testatour come une persone si est auxint acorde & establi qe tout soit ceo qe visconte respoigne a le somonse qe aucun de eux neit riens ou il poet estre somons jadumeins soit agarde lattachement sur lui. Et si le visconte respoigne qil nad riens par quei il poet estre attache soit agarde le grande destresce issint qe a la grande destresce retourne sur eux respoigne al pleintif celui ou ceux qi primerment apparra ou apparrunt en court. Et tout soit ceo qe aucun de eux eit apparu en court & face defaute au jour qe la grande destresce soit retourne sur les autres jadumeins respoigne celui ou ceux qi primes apparra ou apparrunt a la grande destresce retourne. Et en cas qe jugement passe pur le pleintif se face le jugement & execution devers ceux qi unt pledes solonc la lei avant use & devers

devers tous les autres nomes en le brief des biens le testatour auxicomme ils eussent trestous pledes. Et est a entendre que si nul en tieu cas voudra suivre selonc la lei que cea enarere ad este use que franchement le peusse faire nient contrestant cest estatut.

cution against them that have pleaded, according to the Law heretofore used, and against all other named in the Writ, of the Goods of the Testator, as well as if they had all pleaded. (6) And it is to be understood, that if any in such Case will sue according to the Law that hath been used heretofore, he may freely do it notwithstanding this Statute.

CAP. IV.

Trial of a Deed dated where the King's Writ runneth not.

ET auxint pur ceo que avant ces heures plusures gents unt este sovent delaies de lor actions auxibien en assises & autres ples de terre come en contracts covenantes & trespasses par encheson que les tenants ou defendants unt mys en barreleesses quite clamances ou autre fait especial faits deins franchises dedeins des bondes du roialme ou brief le Roi ne court mie acorde est & establi que quant tieux faites sont mis avant en barre daction portants date de lieu deins meisme la franchise tout soit il que tesmoignes de meisme la franchise soient nomes en mesmes les faits & meismes les faits soient dedits soit proces fait en meisme le counte ou le plee serra mu de faire venir bon pais et les tesmoignes & si les tesmoignes ne vieignent mie a la grande destresce retourne adonques pur labsence des dits tesmoignes ne lessent les Justices qils nailent a la prise de lenqueste auxi come le fait portast date de meisme le counte ou le ple fust meu & que les tesmoignes feussent de meisme le counte.

AND because in Times past many have been oftentimes delayed of their Action, as well in Assises and other Pleas of Land, as in Contracts, Covenants, and Trespasses, by reason that the Tenants or Defendants have pleaded in Bar a Release, Quit-claim, or other special Deed, made within a Franchise within the Bounds of the Realm, where the King's Writ runneth not; (2) it is enacted and established, That when such Deeds be shewed forth in Bar of an Action, bearing Date in a Place within the same Franchise, although there be Witnesses of the same Franchise named in the same Deeds, if the same Deeds be denied, Process shall be awarded into the same County where the Plea shall be moved, to have the Inquest of the Country and the Witnesses to appear; (3) and if the Witnesses come not at the great Distress returned then for the Absence of the said Witnesses, the Justices shall not let to proceed to the taking of the Inquest, as well as if such Deed did bear Date in the same Shire where the Plea was moved, and the Witnesses were of the same County.

Trial of a Deed denied, dated where the King's Writ runneth not.

CAP. V.

Which Justices shall send their Records and Process determined into the Exchequer.

The Justices shall send their Records into the Exchequer.

ITEM, At the Request of the Commons, our Lord the King by the said Assent hath ordained and established, That Justices of Assises, Gaol-delivery, and of *Oyer and Terminer*, shall send all their Records and Processes determined and put in Execution, to the Exchequer at *Michaelmas*, every Year once to be delivered there; (2) and the Treasurer and Chamberlains, which for the Time shall be, having the Sight of the Commissions of such Justices, shall receive the same Records and Processes of the said Justices under their Seals, and keep them in the Treasury, as the Manner is; (3) so that the Justices always do first take out the Estreats of the said Records and Processes against them, to send to the Exchequer, as they were wont before.

ET ensement a la requeste des dites communaltes ad nostre Seigneur le Roi de meisme lassent ordine & establi que Justices as assises prendre gaol-deliverer & doier & terminer assignez touz le recordes & processees terminees & maundes en execution mandent a leschequier a la Saint Michel chefcun an unefois a liverer illoeqes & que le Tresorer & les chaum-breleins qi pur temps seront vewes les commissions des ditz Justices meismes les recordes & processees reseivent des ditz Justices ou desouz lor seals & les gardent en tresorie come manere est issint totes foitz que les ditz Justices primes preignent hors les estretes des ditz recordes & processees devers eux pur mander a leschequier compavant solcient.

11 H. 4. c. 3.

REX majoriet ballivis ville Suthampton salutem. Quedam statuta per nos in parlamento nostro apud Eborum in crastino Ascensionis Domini proximo preterito convocato de assensu prelatorum comitum baronum & totius comunitatis regni nostri ibidem existentium ad communem utilitatem populi ejusdem regni edita vobis mittimus sigillo nostro consignata mandantes quod statuta illa & omnes articulos in eis contentos in villa predicta legi & publice proclamari & quantum ad vos pertinet firmiter observari faciatis. T. R. apud Novum Castrum super Tynam xxx. die Junii.

Eodem modo mandatum est subscriptis (mutatis mutandis) videlicet
 Majori & vicecomitibus London'.
 Majori & ballivis ville Bristol'.
 Ballivis ville Magne Jernemuth.
 Ballivis civitatis Lincoln'.
 Ballivis ville de Sandwico.
 Ballivis ville de Lenne Episcopi.
 Majori & ballivis ville Suthampton.

Justiciariis ad placita coram rege tenenda assignatis.
 Justiciariis de Banco.
 Thesaurario & baronibus de Scaccario.
 Singulis vicecomitibus per Angliam.

The Statute of Money, made at *York* *crastino Ascensionis*, Anno 9 EDW. III. Stat. 2. and Anno Dom. 1335.

EDWARD per la grace de Dieu Roy Dengl' &c. as tous gents &c. saluts Pur ceo qe nous avoms entendus qe plufours gents par dela le mear safforcent a countrefaire nostre bon monioie denvoier en nostre Roialmen desceit de nous damage & oppression de nostre poeple si remedie ne y soit mys Nous voillants as tieux damages & oppressions arestier & sur ceo qe nostre dit bone monioie soit multiplie deins nostre Roialme & les terres de nostre pouer au profit de nous & de nos submys purveier remedie covenable per assent des Prelats Counts Barouns de nostre dit Roialme a nostre parlement tenus a Everwik lendemayn del assumption proscheyn. passe assemble avoms ordeigne & estable les choses qensuent en le maner southescripte.

EDWARD by the Grace of God, King of England, &c. to the Sheriff of N. Greeting. Because we have perceived that divers People beyond the Sea do endeavour themselves to counterfeit our Sterling Money of England, and to send into England their weak Money, in Deceit of us, and Damage and Oppression of our People, if Remedy be not provided; we, willing to prevent and let all such Deceits, Damages, and Oppressions, and that our good Money be increased in our Realm, and other Countries within our Power, to the Profit of us and our Subjects, by the Assent of the Prelates, Earls, Barons, and other great Men of our Realm, at our Parliament holden at York, the Morrow of the Ascension last past, there assembled, have ordained and established these Things ensuing in the Manner under-written.

CAP. I.

None shall convey Gold or Silver forsb of the Realm without the King's Licence.

Primement purvieu est qe null homme desormes de religion nautre ne porte lesterling hors du Roialme. Dengl' nargent en plate ne vessel dor ne dargent sur forfaiture de la monioie plate ou vessel dor ne dargent qil portera fauns especial couaigie de nous.

FIRST it is provided, That from henceforth no Religious Man, nor other, shall carry any Sterling out of the Realm of England, nor Silver in Plate, nor Vessel of Gold, nor of Silver, upon Pain of Forfeiture of the Money, Plate, or Vessel that he shall so carry, without our especial Licence.

38 Ed. 3. c. 2.
5 R. 2. stat. 1.
c. 2.
2 H. 4. c. 5.
19 H. 7. c. 5.
None shall carry any Gold or Silver out of the Realm without the King's Licence.

CAP. II.

No false Money or counterfeit Sterling shall be brought into the Realm.

TEM qe null' faux monioie ne counterfet desterling ne soit

ITEM, That no false Money or counterfeit Sterling

7 & 2 Ph. & M. c. 11.
bc 14 El. c. 3.

13 & 14 Car. 2.
c. 31.

No false Money shall be brought into this Realm,

7 Hale's Hist.
Pl. Cr. 226,
227.

be brought into the Realm, nor elsewhere within our Power, upon Forfeiture of such Money; (2) so always that all People, of what Realm or Dominion they be, may safely bring to the Exchanges, and to no Place else, Bullion Silver in Plate, Vessel of Silver, and all Manner of Money of Silver, of what Value soever it be (saving false Money, and Sterling counterfeit) and there receive good and convenient Exchange.

soit porte el Roialme ne aillours en nostre pouer sur forfaiture de la monoie Issint tous vies qe tous gents de qeconqe Roialme ou pouer qils soient puissent sauvement porter as les eschaunges ou bullion & ne mys aillours argent en plate vessel dargent & tous maners des monoies dargent de qeconqe value qils soient sauve faux monoie & lesterling conterfait & illoeqs receivent bone & covenable eschaunge.

CAP. III.

No Sterling Farthing or Halfpeny shall be molten to make Vessel.

See 13 & 14
Car. 2. c. 31.
17 R. 2. c. 1.
17 Ed. 4. c. 1.
19 H. 7. c. 5.

7 Hale's Hist.
Pl. Cr.
195. 216.

Small Money shall not be molten to make vessel.

ITEM, That no Sterling Halfpeny nor Farthing be molten for to make Vessel, or any other Thing by Goldsmiths, nor other, upon Forfeiture of the Money so molten; (2) and that the Goldsmith, or other, which hath so molten such Money, shall be committed to Prison, there to remain till he hath yielded unto us the one half of that that he hath so molten, notwithstanding any Charter or Franchise granted or used to the contrary,

ET qe null' esterling mail ne ferling ne soit foundue pur vessel: ne autre chose faire per orpheours nautres sur forfaiture de la monoie foundu & qe l'orpheour ou autre qe l'avera issint foundu soit mys a la prison' & illoeqes demurge tanqs il avera rendue a nous la moite qil avera issint foundu nient contristeant Chartre ou Franchise ou usee a contrarie.

CAP. IV.

Black Money shall not be current in this Realm.

Ex. Edit.
Rastal.
Black Money.

ITEM, that all manner of black money, which hath been commonly current of late in our Realm and obeisance, be utterly excluded, so that none such shall be current after a month next after the cry thereof made, upon pain of forfeiture of the same money.

CAP. V.

The Reward of those that will sue against the Offenders of this Statute.

Suit.

ITEM, every man that will sue for us against those that commit any fraud against this ordinance, shall be thereto received. And he to have the fourth peny of that that shall be so achieved at his suit to our profit.

CAP. VI.

There shall be no defrauding of this Statute.

ITEM; that the Mayors and Bailiffs in every port, where ^{Oath,} Merchants and ships be, shall take an oath of the Merchants and Masters of the ships going and coming again, that they shall do no fraud against this provision in any point.

CAP. VII.

Exchanges shall be where it shall please the King and his Council.

ITEM, that the tables of exchange shall be at Dover, and in ^{Exchange.} other places, where and when it shall please us and our Council to make exchanges. And that the Wardens of such tables shall make such exchanges by the testimony of controllers which we shall put to them.

CAP. VIII.

Pilgrims shall pass at Dover only.

ITEM that no Pilgrim shall pass out of our Realm to the ^{4 Ed. 4. c. 10.} parts beyond the Sea, but only to Dover, upon pain of a ^{Repealed by} year's imprisonment. ^{21 Jac. 1. c. 28.}
^{Pilgrims.}

CAP. IX.

Search shall be made for Money carried out, and false Money brought in.

ITEM That good and straitward be made in all places upon ^{Money and} the sea coasts in havens and elsewhere where any arrival is, by ^{plate.} good men and lawful thereto sworn, that in our name they shall make diligent search, that no man of what estate or condition he be, shall carry out of the Realm sterling Money, silver or plate, nor in vessels of gold nor of silver, without our license, nor shall ^{False Money.} not bring into our said Realm and power, any false money and counterfeit sterling, as afore is said upon the pains and forfeitures afore said. And that the money, plate, or vessel so forfeit, be delivered at the exchanges, by Indenture whereof the one part shall remain with the searchers, and be delivered at the Exchequer, and thereby the Warden of the Exchange shall be charged of that that he hath received.

CAP. X.

The Searchers shall have the Fourth Part of the Forfeiture.

ITEM, the searchers shall have of our gift the fourth peny ^{Searchers.} for their labour, of as much as they shall find so forfeit. And if any such searchers make any release, or do dispense with any, and thereof be attainted, they shall forfeit all their goods.

CAP. XI.

Hostlers shall be sworn to search their Guests.

ITEM, the Hostlers in every Port where any passage is, shall ^{Hostlers.} be sworn, to search their Guests in the same manner, as the searchers do, and they to have the fourth peny of that they shall

shall find so forfeit to us, as the searchers should have. And it is our intent and meaning, that the said searchers shall have power to search the hostries, and to instruct themselves of the Hostlers acts. And in case such Hostlers be found defective in any article aforesaid, they shall be punished, and that they shall run in the said forfeitures. *Wherefore we do command firmly, enjoining that incontinently upon the sight of these Letters, all the said points and articles be cryed and published in cities, boroughs, merchant towns, and other places through your Bayliwick, as well within Franchises as without, where it shall seem to you convenient to be done. &c.*

Statutes made at *Westminster Anno 10 EDW. III.*
Stat. 1. and *Anno Dom. 1336.*

BECAUSE our Lord the King, EDWARD the Third after the Conquest (which sovereignty desireth the Maintenance of his Peace, and Safeguard of his People) hath perceived at the Complaint of the Prelates, Earls, Barons, and also at the shewing of the Knights of the Shires and his Commons, by their Petition put in his Parliament holden at Westminster the Monday next after Midlent, in the Tenth Year of his Reign, divers Oppressions and Grievances done to his said People, and namely by Murderers, Robbers, Thieves, Ravishers of Women, and other Felons; coveting to obrvent the Malice of such Felons, and to see a conveniable Remedy, hath ordained and established, by the Assent of the said Prelates Earls, Barons, and other Nobles of his Realm, and at the Request of the said Knights and Commons, for the Quietness and Peace of his People, that the Articles underneath written be kept and maintained in all Points,

PUR ce que nostre Seignur le Roi EDWARD tierce apres le conquest qe desire souverainement la maintenance de sa pees & salvation de son people ad entendu a la plainte des Prelats Countes & Barouns & auxint a la demonstrence des chivalers des countes & gents de commune par lor petition mise en son parlement tenu a Westmoastier le Lundy prochein apres my Quaresme lan de son regne distme diverses oppressions & grevances faites a son dit people & nomement par murdrours robeours larouns ravisours des femmes & autres felons covaitant pur refraindre la malice des tielx felons & purveer de remede covenable si ad ordine & establi del assent des dits Prelats Countes Barouns & autres Nobles de son Roialme & a la requeste des dits chivalers & gents de commune pur quiete & pees de sont dit poeple qe les articles southescrits soient gardes & meintenus en tous points.

CAP. I.

A Confirmation of former Statutes.

The Charters and Former Statutes confirmed.

FIRST it is accorded and established; That the Great Charter, and the Charter of the Forest,

EN primes si est acorde & establi qe la Grande Chartre & la Chartre de la Foreste &

& auxint les estatutz faitz en temps des progenitours nostre Seigneur le Roi & en son temps demaigne soient tenuz gardez & fermement meintenuz auxibien devers les grantz come devers les petitz & les riches come les povres.

Forest, and also the Statutes made in the Time of the King's Progenitors, and also in his own Time, be kept, holden; and firmly maintained, as well by the great Men as by the small, and the rich Men as the poor.

CAP. II.

Pardons shall not be granted contrary to the Statute of 2 EDW. III. cap. 2.

ENSEMENT pur ce que murderers robours laronz & autres felons sont grandement esbaudiz de meffaire de ce que chartres de pardoun des homicides roberies felonies & autres trespas contre la pees ont este si legerment grantez avant ces heures si est acorde & establi par nostre Seigneur le Roi del assent des Prelatz Contes & Barons & a la requeste des ditz chivalers & gentz de commune que nulles tieles chartres desore soient grantez par nostre Seigneur le Roi contre la forme del estatut fait nadgaires a Northampton lan du regne le Roi que est second.

ITEM, Whereas Murderers, Robbers, and other Felons, be greatly encouraged to offend, by reason that Charters of Pardon of Man-slaughter, Robbery, Felonies, and other Trespasses against the Peace, have been so lightly granted before this Time; (2) it is accorded and established by our Lord the King, by the Assent of his Prelates, Earls, Barons, and at the Request of the said Knights and Commons, That no such Charters, from henceforth shall be granted by our Lord the King, against the Form of a Statute late made at Northampton the Second Year of his Reign.

Pardons shall not be granted against the Statute of Ed. 3. c. 2. Bro. Chart. de Pardon, 10. 14 Ed. 3. stat. 2. c. 15.

CAP. III.

He that hath a Pardon of Felony shall find Sureties for his good abearing.

AND as to Charters granted in Times past: It is accorded and established, by our Lord the King, by the same Assent, and at the Request aforesaid, that all such which have Charters, shall come before the Sheriffs, and Coroners of the Counties, where the Felonies be done between this and the Feast of the Nativity of S. John Baptist next coming, and every of them shall find before the said Sheriffs and Coroners of the Counties where the Felonies be done, six good and sufficient Mainperners, for whom the said Sheriffs and Coroners, will answer, that they from henceforth shall bear themselves well and lawfully. And the Mainprises shall be sealed with their Seals, and returned into the Chancery at the fifteenth of the said Feast of S. John. And they that will aid themselves by such Charters, and have not found Mainprise, as above is said, or after the Mainprise found, bear themselves otherwise against the peace than they ought, their Charters shall be holden for none. And in case that our

Ex Edit. Pulton.

He that hath a Pardon of felony shall find Sureties of his good abearing.

Lord

Rep. by 5 & 6
W. & M.
c. 13.

Lord the King grant any such Charters in Time to come, that within three Months after the making of the same, they that shall have the said Charters, shall come and find before the Sheriffs and Coroners of the Counties where the Felonies be done, such like Mainprise, and also as before is said of their good a-bearing. And the said Mainprises shall be sealed and returned into the Chancery within three Weeks after the end of the said three Months. And if they that shall have such Charters will in Time to come aid themselves thereby, and have not found such Mainprises, or after such Mainprise found, do bear them otherwise against the Peace than they ought, their Charters shall be holden for none, as is aforesaid.

Statutes of Purveyors, made at *Westminster*, Anno 10 EDW. III. Stat. 2. and *Anno Dom.* 1336.

THESE be the Articles accorded in the Parliament of our Lord King EDWARD the Third after the Conquest, holden at Westminster, the Monday next after the half of Lent, in the Tenth Year of his Reign, by our said Lord the King, with the Assent of the Prelates, Earls, Barons, and also at the Request of the Knights of the Shires, and the Commons, by their Petitions put in the said Parliament.

CAP. I.

Things Purveyed for the King's House shall be praised, and Tallies made thereof.

Ex Edit. Eul-ton.

5 Ed. 3. c. 2.

Corn shall be taken by Measure striked.

Things taken for the King's Hous shall be

FIRST, it is accorded, that, to repress the malice of the Purveyors of the King's, Queen's, and their children's Houses, and other Injuries by them done to the said People, by their outrageous takings for the same Houses, and otherwise than is contained in an Article of a Statute made at Westminster, in the fifth Year of the King's reign that now is, in form that ensueth: It shall be from henceforth published, holden, and kept in all Parts, as in the second Chapter of the said Statute is more fully contained, and also as in the Statute made at Westminster, at the Parliament summoned there after the Feast of St. Katherine, in the fourth Year of the King's reign that now is, amongst other things there accorded and established, it is contained: viz. That upon grievances which the Purveyors of the King's, Queen's, and their children's Houses did to the People, in outrageous measure of Corn, and also in willfull taking of Hay, litter, &c. provided by the same Purveyors, it be established, that the said Purveyors and takers of Corn for the said House of the King and Queen shall take the same by Measure striked, according as is used throughout the Realm. And that all the Corn, Hay, and Litter, and Bestail, and all other victail and things whatsoever they be, to be taken for the same Houses, shall be praised at the true Value by the Constables and other good People of the Towns, where such takings shall be made, without that, that by

by menace or dures the Praisors shall be driven to set other Price than their Oath will. praised at the very Value. St. 28. Ed. 1. c. 2.

And whereas in the same Statute an Article was rehearsed, which was made in the Time of King EDW. of good memory, Grandfather to the King that now is, where certain Pains be contained against those, which do unduly make Purveyances for such Houses, for which pains the Purveyors of the said Houses have not let to make outrageous and undue taking, against the Tenor of the said Statute: To the Honour and Profit of our said Lord the King, and for the Quietness and Tranquility of his People, and to refrain, and also to punish the Misdemeanor of them that have made such outrages, in Slander of the King, the Queen his companion, and their Children: It is accorded and established, that the takings and Purveyances shall be made for the said Houses, by Appraisalment made by the Constables, and four discreet Men of the Towns, where such takings and Purveyances shall be made, sworn, and without Menace, as in the said Statute is contained. And that betwixt the Purveyors, and those whose Goods shall be taken in the Presence of the Constables, and Praisors, Tallies shall be made, sealed with the Seals of the Takers of the Things so taken, by which Tallies contentation shall be made, to them of whom the Thing shall be so taken. And if any Purveyor or Taker for the said Houses do otherwise, he shall be incontinently arrested by the Town, where the Taking shall be made and brought to the next Gaol, and if he be thereof attainted, be it done there to him as to a Thief, if the Quantity of the Goods the same require. And from henceforth be it contained in the Commissions of such Takers and Purveyors, be they under the great Seal or the small, the Form and the Pain contained in this Statute. Purveyances shall be made by Constables and four sworn Men of the Town. Tallies betwixt Purveyors and the Owners. Felony committed by a Purveyor. 12. Car. 2. c. 24.

CAP. II.

Of what People Enquests in the Marshals Court of the King's House shall be taken.

ITEM, in every Case where Enquests be to be taken before the Steward or Marshal of the King's House, the same Enquests shall be taken by the People of the Country thereabout, and not by People of the King's House, except it be of the Contracts, Covenants or Trespasses made by the People of the same House, of the one Part and of the other according to another Statute thereof made, in the Time of the same King the Grandfather. Of what People enquest shall be taken in the Marshals Court. 10 Co. 69. 5 Ed. 3. c. 2.

CAP. III.

Error in the Marshals Court, shall be reversed in the King's Bench.

ITEM, in Case where a Man will complain of Errors, made before the said Steward and Marshal, the Plaintiff shall have a Writ, to make the Record and the Process to come before the King in his place, and there the Error shall be redressed, and so Error in the Marshals Court shall be reversed in the King's Bench. 5 Ed. 3. c. 2.

it shall be done in every Case, where a Man will complain of Error made before the said Steward and Marshall of the King's House.

CAP. IV.

The Sheriff shall make Purveyance for the King's Horses.

Purveyance for the King's great Horses shall be made by the Sheriffs.
22 Car. 2. c. 24.

ITEM, it is accorded, that for the great Grievances that the Keepers of the King's Great Horses have done to his People, as our Lord the King hath perceived by the shewing of the said Commons, that Purveyances from henceforth to be made for the said Horses as long as they do sojourn in any Parties, shall be made by the Sheriffs of the Counties where the said Horses ought to sojourn, and not by other. And that the Commissions made afore this Time to such Keepers, shall be from henceforth of none Effect, and utterly repealed. And that the Purveyances to be made by the said Sheriffs in this Case, shall be delivered to the said Keepers by Indentures.

ITEM est acorde pur les grandes grevances que les gardeins des grantz chivals nostre Seigneur le Roi unt fait au poeple come nostre Seigneur le Roi ad entendu a la dite demonstration que purveiances desore affaire pur les ditz chivals tant come ils sojournent nule part se facent desore par viscontes des countez ou les ditz chivals deveront issint sojournier & nemie par autres & que les commissions avant ces heures faites as tieux gardeins soient desore de nulle value & del tout repelez. Et que les purveiances affaire par les ditz viscontes en ce cas soient livez as ditz gardeins par indenture.

CAP. V.

Certain Persons shall be appointed to bear the Offences of the Keepers of the King's Horses.

ITEM, it is accorded, that certain People shall be assigned to hear and determine all the Offences done by the said Keepers, as well as the Suit of the King, as of the Party.

ET est auxint acorde que certaines gentz soient assignez doier & terminer touz les trespas faitz par les ditz gardeins auxibien a la seute nostre Seigneur le Roi come a la seute de partie.

Articles sent to the several Sheriffs for preserving the Peace of the Kingdom till the Meeting of the next Parliament; annexed to the preceding Statute.

ART. I.

ITEM est acorde par nostre Seigneur le Roi Prelatz Countes Barons & autres du conseil le Roi & auxint par la commune pur les grantz meschiefs que sont avenuz en Roialme par larons felons & autres malveis que touz ceux des queux nostre Seigneur

Seignur le Roi a ore poet estre enfourme par bones gentz as queux il deuera foi doner qi sont notoirs meffefours ou meinteinours des meffefours soit maunde de cy par briefts as viscontes des pais ou les ditz meffefours & meintenours sont conservantz ou porront estre trovez ou as autres as queux nostre Seignur le Roi acordera de les prendre auxibien deinz franchises come dehors & demprisoner & sauvement garder. Et a ce en chescun pais soient assignez bones gentz & fiables & de poer denquere oier & terminer sur les faits des ditz meffefours & meintenours selonc lei de terre & jatardeis denquere des autres & doier & terminer. Et estre ce qils eient poer de prendre & comander a prendre touz ceux queux notoirement sont defamez des tiels malveistez auxibien deinz franchises come dehors & demprisoner & nient meins denquere & doier & terminer de lor faitz. Et qe de ce cours se teigne saunz estre change tanque al prochein parlement deinz queu temps homme purra assaier le bien & quiete qe purra avenir per la bone garde de la pees par cest accord.

ART. II.

ITEM est acorde qe les estatutz einz ces heures faitz contenantz qe viscontes hundreders & Baillifs soient des gentz eantz terres en meismes les countez ou baillies et auxint qe les hundredz & wapentaks baillez a ferme qe auncienment furunt annex as fermes des countez & severez des viscountez soient rejointez as countez soient gardez en touz pointz,

ART. III.

ET est auxint acorde qe les gaoles qe sont appendantz as viscountez qeles soient gardez come auncienement soleient estre en temps des auncestres nostre Seignur le Roi. Et si les gardes des dites gaoles soient aillours liverez qeles soient reprises par briefts & baillez a ceux qi les deivent avoir de reson.

ART. IV.

ITEM est accorde qe nul brieft de neif ce desore soit grante en Chauncellerie sil ne soit a la seute de ceux en qi nouns les briefts ferront purchacez ou qe le Chaunceller ou les clerks de la Chauncellerie soient apries qe les ditz briefts soient demaundez de la volunte de meismes ceux pur queux les briefts ferront issint affaire.

ART. V.

ITEM come ascunes dEngleterre nadgairs assignez pur arraiier hobelours & archers a certain noumbre pur la guerre dEscoce eient levez diverses summes des deners pur armures chivaux & auxint despenfes & autres custages des ditz hobelours & archers des queux deners issint levez grande partie uncore demoert es meyns des ditz arraiours come monstre est par les ditz chivalers & gentz de commune par la dite petition ci est acorde qe touz les deners issint levez qe uncore sont es meyns des arraiours soient restitutz a ceux des queux ils furunt issint levez,

Et memorandum quod in parlamento predicto concordatum fuit quod articuli predicti non tenerentur pro Statuto.

REX vicecomiti Ebor' & coronatoribus suis in eodem comitatu salutem. Quedam statuta pro conservatione pacis nostre & quiete & tranquillitate populi regni nostri in parlamento nostro apud Westm' die Lune proximo post diem Dominicam in medio Quadagesime proximo preterito convocato de assensu prelatorum comitum baronum & totius communitatis regni nostri ibidem existentium edita vobis mittimus in forma patenti sigillo nostro consignata necnon quendam articulum per nos & concilium nostrum in parlamento nostro apud locum predictum in crastino sancti Michaelis anno regni nostri quinto summonito super providentia pro hospitio nostro & hospitii consortis nostre ac liberorum nostrorum per provisores eorundem sub certa forma faciendis factum presentibus interclusum mandantes tibi prefato vicecomiti quod tam statuta predicta quam dictum articulum in pleno comitatu tuo ac in singulis locis in balliva tua tam infra libertates quam extra ubi expedire videris legi & publice proclamari ac quantum ad te pertinet firmiter facias observari. Precipimus etiam tam tibi predicto vicecomiti quam vobis prefatis coronatoribus quod manutationes de quibus fit mentio in statutis illis sub forma in eis contenta recipiatis & eas nobis in cancellariam nostram mittatis juxta tenorem statutorum eorundem & hoc nullatenus omitatis. T. R. apud Eltham primo die Aprilis.

Per ipsum Regem.

Eodem modo mandatum est singulis vicecomitibus per Angliam.

Statutum de Cibariis utendis, editum apud
Nottingham, Anno 10 EDW. III. *Stat. 3.* Anno
1336.

PUR ce que avant ces heures par outrajoues & trop des maneres des coustoues viendes que les gentz du Roialme unt ulez plus que nul part ailleurs moultz des mescheefs sont avenuz as gentz du dit Roialme. Car les grantz par tieles outrages ont estez moult grevez & les menes gentz que safforcent solement de contrefaire les grantz en tiel manere des viandes sont moult empovres dont ils nont poair daider as eux mesmes ne a lour liege Seigneur en temps de bufoigne sicome ils doivent. Et autres assez des maux sont avenuz auxibien as almes come as corps & les susdites choses & grevances proposez & monstrez devant nostre Seigneur le Roy en son grand conseil tenu a Notyngh' Lundy profchein apres la feste de Seint Matheu l'apostle san de son regne disme supplie feust par les Prelatz Countes Barons & les communaltez de son Roialme illoeqes assemblees per les mandementz qil voufist sur ce pur profit de son poeple ordener remede covenable nostre dit Seigneur le Roi desirant commune profit auxibien des grantz come de son commune poeple de son Roialme & considerantz les maux grevances & meschiefs avantditz par commune assent des Seignurs & communes susditz que illoeqes estient a loneur de Dieu & lamendement de lestat de la commune de son Roialme ad ordene que nul de quel estat ou condition qil soit se face servir en son houstel ne nulle part ailleurs a diner manger ne souper ne nul autre temps forsque de deux cours & chescun mees de deux maners des viandes a plus soient

foient ils des chares ou de peschons ove communes pottages fauns sawes ou autre manere de viande & si nul home voet avoir sawes pur meese les eit si qils ne soient faitz de grantz coustes & chares ou peffon y deivent estre mys ne soit mys forsque deux maneres ou de chares ou de peschon a plus & estoise en lieu de meese forspris le plus grantz festes del an cest affavoir la veile & le jour de Noel le jour de Saint Esteiphne le jour del an renoef les jours de la Tiphaynei & de la Purification de nostre Dame et la veile & le jour de Pasche & lendemain del dit jour de Pasque & le jour de l'Ascension le jour de la Pentecost & lendemain le jour de la Trinitee le jour de la Nativitee de Saint Johan le jour de Saint Pier & de Saint Paul les jours del Assumption & la Nativitee nostre Dame & le jour de toutz Seintz queux festes & jours chescun se puisse servir de trois cours au plus en la manere avantdit. Et voet nostre Seignur le Roi & commande par assente avantdit que cestes ordenance & estatut commencent de tenir par tout le roialme le Lundy profchein apres la feste de Toutz Seintz profchein avenir & soient criez en chescun Conte & que chescun de quel estat qil soit sanz nul forsprendre les avantditz ordenances & estatut garde & tiegne en la forme & manere susditz sans ajoustre ou fraude faire a yceles par cautele art ou engyn ou par interpretation des paroles ou queconques autres colours quere sur la foy & ligeance qils deivent a nostre dit Seignur le Roi & a ses heirs Rois d'Engleterre & sicome ils ayment le honour de Dieu & auxint le honur & profit du Roi & profit du roialme avantdit & sur le peril qappent si nul soit trove fesant le contraire de chose qest fait par commune assent de touz & pur si graunt profit du roialme.

REx vic' Ebor. salutem. Quedam ordinationem & statutum per nos in magno concilio nostro apud Notingham die Lune prox' post festum sancti Michaelis archangeli prox' preterito convocato de assensu prelatorum comitum baronum & totius communitatis regni nostri ibidem existentium ad communem utilitatem tam prelatorum & magnatum quam populi ejusdem regni edita tibi mittimus sub sigillo nostro consignata mandantes quod ordinationem & statutum illa in pleno comitatu tuo ac in civitatibus burgis villis mercatoriis & aliis locis in balliva tua ubi expedire videris tam infra libertates quam extra legi et publice proclamari & quantum in te est firmiter observari facias. T. R. apud Aukland xv die Octobr'.

Per ipsum Regem.

Eodem modo mandatum est singulis vicecomitibus per Angliam.

Memorandum quod istud statutum in forma patenti ac consimilia brevia mutatis mutandis diriguntur singulis archiepiscopis episcopis ac comitibus & nobilibus dicti regni mandantes quod in fide & ligeantia quibus regi sunt astricti & sub periculo quod incumbit ordinationem & statutum predicta juxta formam & effectum eorundem penes se observari fac' nec quicquam contra ea attemptent seu attemptare presumant quovis modo, videlicet

Decanis & Capitulis ecclesiarum

}	Beati Petri Eborum.
	Beate Marie Lincoln'.
	Sancti Pauli London'.
	Sancti Trinitatis Cicestr'.
	Sancti Petri Exon'.

H h 2

Decanis

Decanis & Capitulis ecclesiarum {
 Beate Marie de Nova Strum.
 Sancti Andree Wellen.
 Sancti Ethelberti Hereford.
 Sancti Cedde Lichfeld.

Comitibus {
 Cestr.
 Lancastr.
 De Warena.
 Com' Norff' & marescallo Angl.
 Arundell.
 Devon.
 Hereford.

Item eodem modo mandatum est majoribus & ballivis civitatum & vil-
 arum subscriptarum videlicet Ebor'.

Statutes made at *Westminster*, 27 Septembris, An-
 no 11 EDW. III. and *Anno Dom.* 1337.

CAP. I.

*It shall be Felony to carry any Wool out of the Realm, until
 it be otherwise ordained.*

Ex edit. Raft.

Wools.

IT is accorded by our Sovereign Lord the King, his Prelates, Earls,
 and Barons, with the Assent of the Commons in the Parliament
 summoned at *Westminster*, the Monday next after the Feast of Saint
 Matthew the Apostle in the xi Year of the Reign of our Sovereign
 Lord the King, That no Merchant foreign or denizen, nor none
 other of what Estate or Condition that he be, upon Pain of
 Forfeiture of Life and of Member, and of as much as he may
 forfeit towards our Sovereign Lord the King, shall bring or
 cause to be brought, by himself nor by other, privily nor a-
 pertly from henceforth any Wools out of the Realm, till by
 the King and his Council it be thereof otherwise provided.

CAP. II.

None shall wear any Cloth but such as is made in England.

Cloth.

Repealed in
 Part by 24 H.
 8. c. 13. and by
 1 Jac. 1. c. 25.
 all former acts
 concerning
 apparel are
 repealed.
 3 Inst. 199.

ITEM, it is accorded, That no Man nor Woman great nor
 small of *England*, *Ireland*, nor *Wales*, nor of our Sovereign Lord
 the King's Power in *Scotland*, of what Estate or Condition he be,
 the King, Queen, and their Children only except, shall wear no
 Cloth, which shall be bought after the Feast of Saint Michael
 next coming, other than is made in *England*, *Ireland*, *Wales*, or
Scotland within the King's Power, upon Pain of Forfeiture of
 the same Cloth, and further to be punished at the King's
 Will. And that in the said Lands of *England*, *Ireland*, *Wales*
 and *Scotland* within the King's Power, a Man may make the
 Clothes as long and as short as a Man will.

CAP. III.

*No Clothes made beyond the Seas shall be brought into the
 King's Dominions.*

ITEM it is accorded and e-
 stablished, That no Mer-
 chant

Auxint est acorde qe nul
 marchant foreign ne den-
 zein

zein ne autre apres la feste de Saint Michel mesme ne face mesmer en prive nen apert par lui ne par autre es dites terres d'Engleterre Irlaund Gales ou Escoce deinz le poair nostre Seigneur le Roi draps aillors faitz qe en yceles sur la forfaiture des ditz draps & outre destre puny a la volunte nostre Seigneur le Roi come desus est dit.

chant, foreign nor Denizen, nor none other, after the said Feast of St. *Michael* shall bring or cause to be brought privily nor apertly, by himself nor by other, into the said Lands of *England, Ireland, Wales, and Scotland*, within the King's Power, any Clothes made in any other Places than in the same, upon the Forfeiture of the said Clothes, and further to be punished at the King's Will.

No Cloths made beyond the Sea shall be brought into the King's Dominions.

4Ed.4.c.2.

CAP. IV.

Who only may wear Furs.

ITEM, it is accorded, That no Man nor Woman of the said Lands of *England, Ireland, Wales, or Scotland* within the King's Power, of what Estate or Condition that he be, the King, Queen, and their Children, the Prelates, Earls, Barons, Knights, and Ladies, and People of Holy Church, which may expend by Year an C. li. of their Benefices at the least, to the very Value, only except, shall wear no Fur in his Clothes, that shall be bought after the said Feast of Saint *Michael*, upon the Forfeiture of the said Fur. And further to be punished at the King's Will.

Ex. edit. Rast. Furr. Repealed by 1 Jac. 1. c. 25. 3 Inst. 199.

CAP. V.

Cloth-workers may come into the King's Dominions, and have sufficient Liberties.

ET auxint est acorde qe touz les oevrouz des draps destranges terres de queles terres qils soient qi voudrent venir en Engleterre Irland Gales & Escoce deinz le poair nostre Seigneur le Roi viegnont salvement & seurement en la protection & sauf conduyt de nostre Seigneur le Roi a demorer en icelles terres es lieux ou ils vodront. Et qe les ditz oevrouz eient plus grante volunte de y venir & demorer nostre Seigneur le Roi lor voet granter franchises tant & tieles qe les suffront.

ITEM, is accorded, That all the Cloth-workers of strange Lands, of whatsoever Country they be, which will come into *England, Ireland, Wales, and Scotland*, within the King's Power, shall come safely and surely, and shall be in the King's Protection and safe Conduet, to dwell in the same Lands, chusing where they will. (2) And to the Intent the said Cloth-workers shall have the greater Will to come and dwell here, our Sovereign Lord the King will grant them Franchises as many and such as may suffice them.

Cloth-workers of strange Lands shall have the King's Protection.

REX vicecomiti Ebor' salutem. Quendam articulum per nos de assensu prelatorum comitum baronum ac totius communitatis regni No-

ftri in parlamento nostro apud Westm' die Lune proximo post festum sancti Mathie apostoli proximo preterito tento existentium super lanis extra regnum nostrum ducendis & pannis ac pelura in regno nostro Anglie & terris nostris Hibernie & Wallie ac infra dominium nostrum in terra Scotie post festum sancti Michaelis proximo futurum utendis sub certa forma nec non de modo facture pannorum in eisdem regno & terris ac etiam de pannis transmarinis infra regnum terras & dominium nostrum supradicta post idem festum quoquo modo non ducendis ordinatum tibi mittimus in forma patenti sigillo nostro consignatum mandantes quod articulum predictum in pleno comitatu tuo ac in singulis locis in balliva tua tam infra libertates quam extra ubi expedire videris legi & ex parte nostra publice proclamari & quantum ad te pertinet firmiter facias observari & hoc nullatenus omittas. T. R. apud Wyndesor xxviii. die Martii.

Per ipsum Regem.

Eodem modo mandatum est singulis vicecomitibus per Angliam.

Statutes made at *Westminster Anno 14 EDW. III.*
 Stat. I. and *Anno primo* of his Reign of *France,*
 and *Anno Dom.* 1340.

TO the Honour of God and of holy Church, by the Assent of the Prelates, Earls, Barons, and other assembled at the Parliament holden at Westminster the Wednesday next after Midlent, in the Fourteenth Year of the Reign of our Lord King EDWARD the Third of England, and the First Year of his Reign of France; the King, for the Peace and Quietness of his People, as well great as small, doth grant and establish the Things underwritten, which he will to be holden and kept in all Points perpetually to endure.

AL honneur de Dieu & de sainte eglise par assent des Prelatz Contes Barons & autres assemblez au parlement tenuz au Weymonstier le Merkerdy prochein apres my Quarresme lan du regne nostre Seignur le Roi EDWARD d'Engleterre quatorisime & de France primer si ad le Roi pur eese & quiete de son pœple ausbien de grantz come de petitz grante & establi les choses desoutz escriptes les queux il voet que soient tenuz & gardez en tutz poynntz perpetuelment adurer.

CAP. I.

A Confirmation of Liberties.

Confirmation of Liberties and Franchises.

FIRST, That holy Church have her Liberties in Quietness, without Interruption or Disturbance; (2) and that the Great Charter, and the Charter of the Forest, be holden in all Points; (3) and that the City of London, and all other Cities and Boroughs of the Realm of England, have

Primement que sainte eglise soit ses franchises en quiete saunz empchement ou distourbance & que la Grande Chartre & la Chartre de la Foreste soient tenuz en touz pointz & que la Citee de Londres & touz les autres citees & burghs du roialme d'Engleterre eient toutes leur franchises & usages queles

les ils ont resonablement eu & all their Franchises and Customs, which they have reasonably had and used in Time past.

CAP: II.

The King in respect of his Wars in Scotland, France, and Gascoigne, &c. doth pardon several Offences.

ITEM, inasmuch as the King hath great Compassion of that, Ex. edit. Rast; Pardon. that the People of his Realm, by the Cause of evil Times of War of Scotland, France, and of Gascoigne, and of the great Costs and Aids that they have done to him in sundry wise, for the Causes aforesaid, and other, and willing to his People to do Grace, whereby they may the better aid him, and the rather to be relieved and comforted of their Grievance: at the Request of his People of England, hath released and pardoned to his People, as well to the Great as Small, of what Estate or Condition that they be, all Manner of Chattels of Felons and Fugitives, Escapes of Thieves, Fines and Amerciaments, Issues, Forfeit, Amerciaments of Murders, all Manner of Trespases of the Forest, as well of sowing their Ground, as of Vert and Venifon, Waste, and every other Trespais done within the Forest, judged or to be judged, Reliefs and Escuages, till the Time that the King that now is shall pass towards Brabant. And also Aid to make our Son-Knight, and to marry our Daughter for all our Time.

CAP. III.

The King's Pardon to his People of divers Debts, Accompts, Arrearages, &c. until the Tenth Year of his Reign.

ITEM, it is assented, accorded, and established, That all Manner of Debts, Accompts and Arrearages of Fermes, and Accompts, in any Manner due to the King, as well of the Time of his Progenitors, as of his own Time, till the Beginning of the x. Year of his Reign of England, be pardoned and released, to all Great and Small of the Realm of England, and to every of them, and wholly extinct. And that the Debts to be determined at the Exchequer before the Time of King EDWARD that now is, and also the Debts to be determined at the same Exchequer, in his Time, of the old Debts due before his Time, be extinct, pardoned, and released for ever. Pardon. So always that the Determinations made of the Debts due to the King, and rising of his own Time shall stand in their Force. And that the Sheriffs, Eschetors, Fermors of the Manors, Taxers, Customers, Vintners, and other Receivers of the King's Goods or Money, in Time of the King that now is, which yet be in Life, shall answer of the Goods and of the Money, which they have levied and received to the King's Use, without that that they shall be in other Manner charged, but only of that that they have received. But the Heirs, Executors, and Land-Tenants of such Ministers and Receivers, which be dead, shall be quietly discharged.

charged of all Manner of Account and Debts that the King can demand, by Occasion of the Levings and Receipts aforesaid, till the Beginning of the said Year. And it is the King's Mind, that such as do owe him Debts of any Loan, and will account with the King, that the same Sum or Loan shall be allowed to the King in their Account, and charged upon them, as a Thing received by the King's Hand, notwithstanding this Ordinance.

CAP. IV.

Presentment of Engleschire shall be clearly extirpate.

Presentment of Engleschire shall be clearly extirpate.

ITEM, Because many Mischiefes have happened in divers Counties of England, which had no Knowledge of Presentment of Engleschire, whereby the Commons of the Counties were often amerced before the Justices in Eyre, to the great Mischief of the People; it is assented, That from henceforth no Justice errant shall put in any Article, Opposition, Presentment of Engleschire against the Commons of the Counties, nor against any of them, but that Engleschire and Presentment of the same, be wholly out and void for ever, so that no Person by this Cause may be from henceforth impeached.

7 Co. 16. b. 17. a. in Calvin's Case.

ITEM pur ce que moultz des meschies sont avenuz en divers pays dEngleterre qils navoient mye conifance de presentement dEnglescherie par quoi les communes des countes estoient souvent devant les Justices errantz amerceez a grant meschies du poeple si est assentu qe desore en avant nul Justice errant ne mette en article nen opposition presentement dEnglescherie devers les communes des countees ne devers nul de eux mes de tut soit l'Englescherie & le presentement dycel pur touz jours ouste & qe nul par celle cause soit desore empeche.

CAP. V.

Delays of Judgement in other Courts shall be redressed in Parliament.

ITEM, Because divers Mischiefes have happened for that in divers Places, as well in the Chancery, as in the King's Bench, the Common Bench, and in the Exchequer before the Justices assigned, and other Justices to hear and determine deputed, the Judgements have been delayed, sometime by Difficulty, and sometime by divers Opinions of the Judges; and sometime for some other Cause; (2) it is assented, established, and accorded, That from henceforth at every Parliament shall be chosen a Prelate, two Earls, and two Barons, which shall

Co. Lit. 71. b. Delays of Judgements in other Courts shall be redressed in Parliament.

ITEM pur ce que moultz des Meschies sont avenuz de ceo qe en diverses places aussi bien en la Chauncellerie en le Bank le Roi le commun Bank & Lechequer les Justices assignez & autres Justices a oyer & terminer deputez les jugementz si ount este delaiex a la foitz par difficulte. & aucune foitz par divers opinions des Jugges & a la foitz par autre cause si est assentuz establiz & acordez qe desore en avant a cheacun parlement soient estuz un Prelat deux Countes & deux Barons qe eient commission & poair

poair du Roi doler par petition a eux liverce les plaines de touz ceux qe pleindrẽ se verront de tieux delaies ou grevances faites a eux & eient poair a faire venir devant eux a Westminster ou ailleurs ou les places ferront ou aucun des places sera les tenours des recordz & proces de tieux judgementz ensi delaiez & facent venir devant eux meismes les Justices qe ferront adonques presentz pur oyer leur cause & leur raisons des tieux delaies queux cause & reson ensi oiez par bon avis de eux meismes des Chancelier Tresorer Justices del un Bank & del autre & autres de conseil le Roi taunz & tieux come ils verront qe bufoignables ferront aillent avant a prendre bon accorde & bon judgement faire & selonc meisme laccord ensi pris soit remande as Justices devant queux le plee pent le tenor du dit record ensemblement ove tieu judgement qe sera acorde & qe eux aillent hastivement a judgement rendre selonc meisme laccord. Et en cas qe leur semble qe la difficulte soit si grande qe ne poet pas bonement estre termine sanz assent du parlement soit la dit tenour ou tenours portez par les ditz Prelat Contes & Barons a prochain parlement & illoques soit pris final acord queu judgement se devera faire en tiel cas et selonc cel acord soit mande a Justices devant queux le plee pent qils aillent a judgement rendre sanz delay. Et pur commencier a faire remedie sur cest establisement si est assentuz qe commission & poair soit fait a Lercevesque de Cantorbirs les Contes dArundell & de Huntingdon le Seigneur

Wake

shall have Commission and Power of the King to hear by Petition delivered to them, the Complaints of all those that will complain them of such Delays or Grievances done to them; (3) and they shall have Power to cause to come before them at Westminster, or else where the Places of any of them shall be, the Tenor of Records and Proseses of such Judgements so delayed, and to cause the same Justices to come before them, which shall be then present, to hear their Cause and Reasons of such Delays; (4) which Cause and Reason so heard, by good Advice of themselves, the Chancellor, Treasurer, the Justices of the one Bench and of the other, and other of the King's Council, as many and such as they shall think convenient, shall proceed to take a good Accord, and make a good Judgement; (5) and according to the same Accord so taken, The Tenor of the said Record, together with the Judgement which shall be accorded, shall be remanded before the Justices, before whom the Plea did depend, and that they hastily go to give Judgement according to the same Record; (6) and in case it seemeth to them, that the Difficulty be so great, that it may not well be determined without Assent of the Parliament, that the said Tenor or Tenors shall be brought by the said Prelate, Earls, and Barons, unto the next Parliament, and there shall be a final Accord taken what Judgement ought to be given in this Case; (7) and according to this Accord it shall be commanded to the Judges

Judges, before whom the Plea did depend, that they shall proceed to give Judgement without Delay. (8) And to begin to do Remedy upon this Ordinance, it is assented, that a Commission and a Power shall be granted to the Archbishop of *Canterbury*, the Earle of *Arundel* and *Huntington*, the Lord of *Wake*, and the Lord *Ralph Basset*, to endure till the next Parliament. (9) And though the Ministers have made an Oath before this Time, yet nevertheless to remember them of the same Oath, it is assented, that as well the Chancellor, Treasurer, Keeper of the Privy Seal, the Justices of the one Bench and of the other, the Chancellor, Barons of the Exchequer, as the Justices assigned, and all they that do meddle in the said Places under them, by the Advice of the same Archbishop, Earls, and Barons, shall make an Oath well and lawfully to serve the King and his People.

The Officers Oath to serve the King and his People.

Wake & monsieur Rauf Basset adurer tanqe prochein parlement. Et coment qe les ministres eient fait serement avant ces heures ne pur quant par eux rementiner de mesme le serement fistentuz qe zussibien Chancellor Tresorer Gardein du Privee Seal Justices del un Bank & del autre Chancellor & Barons del Eschoquer come Justices assinez & touz ceuz qe se meddient es dites places desortuz eux selonc lawisement des ditz Ercevesque Contes & Barons facent serment de bien & loialment servir au Roi & au poeple. Et par avisement des avantditz Prelat Contes & Barons soit ordene de creestre le nombre des ministres par la ou il busoigne & de le amenuiser en mesme la manere & issint de temps en temps quant officiers serrent novelement mys en les ditz offices soient en la manere avantdite sermentez.

(10) And by the Advice of the said Prelate, Earls and Barons, be it ordained to increase the Number of the Ministers when Need shall be, and them to diminish in the same Manner; (11) and so from Time to Time, when Officers shall be newly put in the said Offices, they shall be sworn in the same Manner.

27 El. c. 8.
Regist. 17.

CAP. VI.

A Record which is defective by Misprision of a Clerk, shall be amended.

A Process which is defective by Misprision of a Clerk shall be amended.

5 Co. 45.
8 Co. 157.
Bro. Amend.
9, 10, 18, 20, 24,
27, 32, 113.
Explained by
9 H. 5. c. 4.
4 H. 6. c. 3.
8 H. 6. c. 12, 15.

ITEM; it is assented, That by the Misprision of a Clerk in any Place wheresoever it be, no Process shall be annulled, or discontinued, by mistaking in Writing one Syllable or one Letter, too much or too little; (2) but as soon as the Thing is perceived, by Challenge of the Party, or in other Manner, it shall be hastily amended in due Form, without giving Advantage

ITEM est assentu & establi qe par mesprision du clerc en queunque place ce soit ne ne soit proces anientiz ne discontinuus par mesprendre en esorivant un letre ou un syllable tropp ou trop poi mes si tet qe la chose soit aparceu par chalenge du partie ou en autre manere soit hastivement amende en due forme sans donner avantage a partie qe ce cha-

challange par cause de tieu mes-
prison.

vantage to the Party that Chal-
lengeth the same because of
such Misprison.

CAP. VII.

How long a Sheriff shall tarry in his Office.

ITEM pur ce que aucuns vis-
contes ont leur baillies a
terme des ans du grant le Roi
& aucuns se fient tant de leur
long demoeere en leur baillie
par procurement qils sont es-
baudiz de faire moultz des
oppressions au poeple & de mal
servire au Roi & a son poeple
si est assentuz & establi que nul
viscount demoeerge en sa baillie
oultre un an & adonques soit
autre convenable ordene en
son lieu qad terre suffisante en
sa baillie par les Chauncellier
Treforer & chief Baron de
Lefchequer pris a eux les chiefs
Justices del un Bank & del
autre sils soient presentz & ce
soit fait chescun an lendemein
des Almes a Lefchequer.

ITEM, *Because that some Sher-
riffs have their Bailliwicks
for Term of Years of the King's
Grant, and some do so much trust
to tarry in their Office by Pro-
curement, that they be encouraged
to do many Oppressions to the Peo-
ple and evil Service to the King
and his People;* (2) it is assent-
ed and established, That no
Sheriff shall tarry in his Bailli-
wick over one Year, and then
another convenient shall be or-
dained in his Place, that hath
Land sufficient in his Bailli-
wick, by the Chancellor,
Treasurer, and chief Baron of
the Exchequer, taking to them
the chief Justices of the one
Bench and of the other, if
they be present; (3) and that
shall be done yearly in the
Morrow of *All Souls*, at the
Exchequer.

No Sheriff
shall tarry in
his Office
above one
Year.

28Ed.1.stat.1.
c.8.
42Ed.3.c.9.
23H.6.c.8.

CAP. VIII.

*How many Escheators may be in the Realm, and how long
they shall continue in Office.*

ET come en aucuns temps
avant ces heures il navoit
forsque deux eschetours en Eng-
leterre cest assavoir un esche-
tour de cea Trente & un autre
de dela pur quoi le Roi & le
poeple furent meins bien ser-
viz que avant ces heures nestoi-
ent quant il y avoit plus des
eschetours & de meindre estat
si est assentuz & acorde que de-
fore en avant soient tauntz des
eschetours assignez come estoie-
ent en le temps quant le Roi
que ore est prist le gouverne-
ment de son Roialme dEngle-
terre & que meismes les esche-
tours

ITEM, *Whereas sometime
there were no more than two
Escheators in England, that is
to say, one Escheator on this Side
Trent, and another beyond,
whereby the King and the People
were worse served than in the
Time when there were divers Es-
cheators, and of less Estate;* (2)
it is assent-ed and accorded,
That from henceforth those
shall be as many Escheators
assigned, as were in the Time
when the King that now is did
take the Governance of this
Realm upon him; (3) and that
the same Escheators be chosen
by

How many
Escheators
shall be.

by the Chancellor, Treasurer, and the chief Baron of the Exchequer, taking to them the chief Justices of the one Bench and the other, if they be present, in Manner as is afore-said of Sheriffs; (4) and that no Escheator tarry in his Office above a Year; (5) and that no Coroner be cholen unless he have Land in Fee sufficient in the same County, whereof he may answer to all Maner of People.

1 H. 8. c. 8.

A Coroner shall have sufficient Land.

CAP. IX.

Sheriffs shall keep Hundreds in their own Hands, or let them upon the old Rent. There shall be but one Bailiff errant in one County

ITEM, Whereas many Mischiefs be happened through the Realm, for that the Sheriffs have let the Hundreds and Wapentakes to an higher Ferm than they yield to the King, and the Fermors do let the same to other at more higher and greater Sums, in such Manner that by the high letting and inhansing of the Fermes, and by the great Number of Bailiffs Errants, Out-riders, and other whom the Sheriffs, Bailiffs, and Hundreders do put in, the People be in divers Manners charged and grieved; (2) it is assented and accorded, That from henceforth all the Wapentakes and Hundreds which be severed from the Counties, shall be rejoined to the same Counties, as before this Time hath been established by another Statute; (3) and that the Sheriffs hold the same in their own Hands, and put in such Bailiffs and Hundreders, having Lands within the Bailliwicks and Hundreds, for whom they will answer. (4) And if they will let any Hundreds, Bailliwicks, or Wapen-

tours soient esluz par les Châuncellier Tresoret & chief Baron de Leschequer pris 2 et les chiefs Justices del un Ban & del autre fils soient presentz en manere come est susdit des viscountes et qe nul escheator demoege en son office ouve un an & qe nul coroner soit esluz sil neit terre en fee suffisantment en mesme le countee dont il purra respondre a tote manere des gentz.

ET par ce qe moult de mischiefs sont avenuiz par my le Roialme de ce qe les viscountes outt lesse les hundreds & les wapentaks a plus haut ferme qils ne rendent au Roi & mesmes les fermors les lessent es autres plus chier des grandes somes en tieu manere par si haute lees & enhansier des fermes & plus grant nombre des baillifs errantz outriders & autres qe les viscountes baillifs & hundreders y mettent si est le poeple en diverse maniere echarge & greve si est assentuz & accorde qe desore en avant touz les wapentaks & hundreds qe sont severiz des countees soient rejointz a mesmes les countees aussi come avant ces hures estoit acorde par autre establissement & qe les viscountes les tiegnent en leur main demeigne & y mettent tieux baillifs & hundreders eiantz terres deinz mesmes les baillies & hundredz par queux ils voillent respoundre. Et fils voillent ascous hundredz baillies ou wapentaks lesser a ferme si les lessent al

Hundreds and Wapentakes let to Ferm.

4 Ed. 3. c. 15.

Skinner, 41.

auncien ferme sanz rien encrestre. Et qe par tieux baillifs & hundreders & lour foutz-baillifs le Roi & le poeple soient serviz en oustant pur touz jours touz les outriders & autres qe en divers countees avant ces heures notoriement ont destruit le poeple. Et qe nul baillif errant ne ne soit forsqe en les countees ou baillif errant ad este avant ces heures en temps le Roi lael et en nulle manere ne soient plus des baillifs errantz forsqe un soule en un contee. Et en mesme la manere est assentuz qe touz autres de quel estat ou condition qils soient qe ont baillies ou hundredz en fee sils voillent tenir en lour main demaigne adonques y mettent teux baillifs pur queux ils voillent respoandre & sils les voillent lesser a ferme as autres qils les lessent al auncien ferme sanz riens encrestre come est susdit. Et deaquere sur touz ceux qe veignent al encoultre de cest establissement si eient les Justices del un Bank & del autre Barons de Leschequer & Justices assignez poair a toutes les foitz qils veignent en pays & affaire tieu punissent selonc ceo qe lour semble qe soit affaire selonc lei & reson. Et si viscountes ou lour fermers soient trovez en defaute en nulle point coultre cest establissement & de ceo soient atteintz soient les hundredz & les wapentaks dedeinz queux tieles defautes seront trovez pris en la main le Roi & lessiez as autres par les ditz Justices & eux comandent a la prison a y demorer tantqe ils eient fait fin & rauceon au Roi selonc la quantite du trespas & nient meins respoignent au Roi de

pentakes to Ferm, they shall let the same at the ancient Ferm without any thing increasing. (5) And that the King and his People be served by such Bailiffs and Hundreders, and their Under-Bailiffs, in avoiding for ever the Outriders and other, which in divers Counties before-time have notoriously grieved the People. (6) And that no Bailiff errant be but in the Counties where Bailiffs errants have been in Times past, in the Time of the King's Grandfather that now is; (7) and that there be no more but one Bailiff Errant in one County. (8) And in the same Manner it is assented, That all other, of what Estate or Condition they be, which have Bailiwicks or Hundreds in Fee, if they the same will hold in their own Hands, then they shall put in such Bailiffs for whom they will answer; (9) and if they will let the same in Ferm to other, then they shall let the same at the ancient Ferm without any Thing increasing, as afore is said. (10) And the Justices of the one Bench and the other, the Barons of the Exchequer, and the Justices assigned shall have Power to enquire of all those that offend against this Ordinance, at all Times that they come into the Country, and to execute such Punishment as to them shall seem convenient to be done according to the Law and Reason. (11) And if the Sheriffs or their Fermors be found in Default in any Point against this Ordinance, and thereof be attainted, the Hundreds and Wapentakes where such Default shall be found, shall be taken into the

There shall be but one Bailiff errant in one County.

Who shall have Authority to punish Offenders.

The Punishment of the Offenders.

the King's Hands, and let to other by the same Justices, and to commit them to Prison, there to remain till they have made Fine and Ransom to the King, according to the Quantity of the Trespals; and nevertheless they shall answer to the King of the whole Ferm. (12) And that the Lords which hold Hundreds or Wapentakes in Fee, shall set such Bailiffs which be sufficient to answer the King and his People; (13) and if their Bailiffs do against this Ordinance, they shall be called to answer;

(14) and if they be attainted, they shall have such Punishment as the Law of the Land requireth in such Case, and they shall be out of their Bailiwicks for ever, and other sufficient put in their Places by the same Lords.

4H.4.c.5.
23H.6.c.10.

CAP. X.

Sheriffs shall have the keeping of Gaols. A Prisoner by Duress becometh an Approver.

4Co.34.
3Inft.91.
19H.7.c.10.
Sheriffs shall have the Custody of Gaols.

ITEM, in the Right of the Gaols, which were wont to be in Ward of the Sheriffs, and annexed to their Bailiwicks; (2) it is assented and accorded, That they shall be rejoined to the Sheriffs, and the Sheriffs shall have the Custody of the same Gaols, as before this Time they were wont to have; (3) and that they shall put in such Keepers for whom they will answer. (4) And if it happen that the Keeper of the Prison, or Under Keeper, by too great Durefs of Imprisonment, and by Pain, make any Prisoner that he hath in his Ward to become an Appellor against his Will, and thereof be attainted, he shall have Judgement of Life and of Member. (5) And that the King's Justices, before whom such Cases shall happen, shall enquire the

It shall be Felony for a Gaoler to cause a Prisoner to become an Approver.
1Ed.3.Stat.1.
c.7.

ITEM en droit des gaols que l'olsient estre en garde des viscontes & annexez a leur baillez assentuz est et accordez qils soient rejointz a les viscontes & cient les viscontes la garde des dites gaols come avant ces heures soleient avoir & y mettent tieux gardeins pur queux ils voillent respondre. Et fil aveigne qe gardeyn du prisone ou soutez gardein par trop grande dureto de prisone & par peine face nul prisone qil eit en sa garde devenir appellour countre son gree & de ceo soit atteint eit mise de vie & de membre. Et qe justices le Roi devant queux tieu cas avendra enquerent sur ce la verite & fil troessent par enqueste sur ce prise qe nul gardein ou southgardein leit fait soit de ceo arefine & fil soit troye coupable eit mise de vie

vie & de membre come dessus est dit.

the Truth thereof; (6) and if they find by Inquest there-upon taken, that any Keeper

or Under Keeper hath done the same, he shall be thereof arraigned; and if he be found guilty, he shall have Judgement of Life and Member as afore is said.

CAP. XI.

A Clerk of the Statutes shall have sufficient, and be resident upon his Office.

ITEM est assentuz & establi que chescun clerc que serra depute a recevoir les reconifances en citees & en burghs selonc lestatut marchand demoerge en propre persone pur faire loffice selonc ce que est contenu en lestatut de Acton Burnel & que il eit terres suffisantes en meisme le contee dont il purra respoudre a touz fil mespreigne. Et si nulle autre soit en tiel office soit remue & autre covenable mys en son lieu.

ITEM, it is assented and established, That every Clerk which shall be deputed to receive Recognifances in Cities and Boroughs, according to the Statute Merchant, shall abide in proper Person to do his Office, according as is contained in the Statute of *Acton Burnel*; and that he have Lands sufficient in the same County, whereof he may answer to all Persons if he offend. And if any other be in the same Office, he shall be removed, and another convenient set in his Place.

A Clerk of the Statutes shall attend upon his Office.
13 Ed. 1. stat. 7.
c. 45.
Acton Burnel.
11 Ed. 1.

CAP. XII.

Busshels and Weights shall be made and sent into every County.

ITEM come il soit contenuz en la Grande Chartre que une mesure & un poys soit par my toute Engleterre & auxint contenuz soit en un estatut fais el temps le Roi EDWARD aiel le Roi qorest que nul ne vende par bussel sil ne soit merche du seal le Roi & qil soit acordant a lestandard le Roi et auxint y est contenuz que celui que serra atteint qil eit double mesure cest assaver un plus grande pur acheter & un autre meindre pur vendre soit emprifone come fau-sour & grevement puny queles choses nent my este tenuz ne usez puis les ditz establissementz a grant grevance du people si est assentuz & accorde

ITEM, *Where it is contained in the Great Charter, that one Measure and one Weight be throughtout England; (2) and also it is contained in a Statute made in the Time of King EDWARD, Grandfather to the King that now is, that none shall sell by the Busshel, if it be not marked with the King's Seal, and that it be according to the King's Standard; (3) and also it is contained, that he which shall be attainted for having double Measure, that is to say, one greater to buy, and another less to sell, shall be imprisoned as false, and grievously punished; which Things have not been holden nor used after the said Establishment, to the great Grief*

9 H. 3. stat. 1.
c. 25.

17 Ed. 3. stat. 2.
c. 10.

Ordin. pro.
pistor. c. 8.
of ante. p. 392.

Bushels and
Weights shall
be made and
sent into every
Shire.

of the People; (4) it is assented and accorded, That from henceforth one Measure and one Weight shall be throughout the Realm of England; (5) and that the Treasurer cause to be made certain Standards of Bushels, Gallons, of Weights of Brads, and send the same into every County where such Standards be not sent before this Time; (6) and thereupon shall be assigned two good and sufficient Persons in every County, and more, according as the County in greatness requireth, to survey as well within Franchise as without, that the Measures and the weights be according to the Standard, and that they have Power to inquire, hear, and determine, and to punish all those that shall be found thereof guilty; (7) and that the Sheriffs at their Commandments receive and detain them in Prison till they have made Fine to the King. (8) And every Person that will complain of such as do offend in Buying or Selling shall be heard, as well for the King, as for himself.

II. And that the said Assignes shall deliver their Estreats every Year in the Morrow of Saint Michael, at the Exchequer, and take for their Expences the fourth Part of that which they may levy, and answer to the King the three Parts; (2) and of that which may not be levied before their Profer, the fourth Part shall be allowed to them at the Exchequer, and the three Parts levied to the King's Use. (3) And it is not the King's Mind, but that the Clerk of the Market shall

1 Salk. 327.
The Clerk of
the Market.

31 H. 7. c. 4.
36 Car. 1. c. 19.

do his Office where he will, according as he was wont to do in Times past; (4) nor the Lords of Franchises shall not be ousted of their Franchises by the Occasion of this Ordinance.

que desore en avant un mesure & un pois soit parmy toute Engleterre & que le Tresorer face faire certains estandardz de bussel de gallon de poys darreine & les face mander en chefcune countee par la ou tielx estandardz ne sont pas avant ces hures mandez & sur cei soient assignez deux bons & suffisantz en chefcun counte & plus solonc ceo que la countee est graunt de serveer aussi bien deinz franchise come dehors que les mesures & les poys soient acordantz a les estandardz & qils eient poair denquere oyer & terminer & de punir touz ceux que ferront trovez en coupe et que les viscountes a leur mandement les receivent & les reteinent en prison tanqe ils eint fait fin au Roi. Et soit oy chefcun que pleindre se voudra de tieux que mesparnent en vendant ou en achatant aussi bien pur le Roi come pur lui mesmes.

Et que les ditz assignez liverent leur estretes chefcun an a lendemeyn Seint Michel a Leschequer & preignent pur leur despens la quarte partie de ce qils pount lever & respaignent au Roi de les trois parties & de ce que ne poet estre leve avant leur profre soit la quart partie allowe a eux a Leschequer & les trois parties levez al oepe le Roi. Et nest pas lention le Roi que le cleric du marchee ne face son office par la ou il vendra selonc ce qil soleit faire avant ces hures ne que les Seignurs des franchises ne soient oustiez de leur franchises par cause de cest establissement.

CAP. XIII.

Escheators shall make no Waste in the Lands of the King's Wards. A Ward shall have an Action of Waste against his Guardian.

ITEM, whereas in the Great Charter it is contained, that after the Death of the Ancestors, which hold of the King in chief, and whose Heirs be within Age, that the King shall keep the Lands without Waste and Destruction, and restore them wholly to the Heirs when they come to their full Age. And against God and Right, and the said Establishments, the Escheators, and other to whom the Lands of such Heirs have been committed, have done Waste and Destruction, to the great Mischief, as well of the Heirs of Earls, Barons, and other great Men, as of other which hold of the King in chief, and nevertheless the said Escheators have had no Conscience to do such Destructions, and scarcely have answered the King: Wherefore it is assented and established, That from henceforth after the Death of every Person which holdeth of the King in chief, that the Escheators shall cause to be seised into the King's Hands the Lands as do appertain, without doing Waste in Houses, Woods, Parks, Ponds, or other Extortions, which may fall to the Damage of the Heir. And hastily after the *Diem clausit extremum* delivered to him, to make Return of the same by a good and true Extent in the Chancery: After which Return if it be found that the Heir is within Age, and if the next Friends of the same Heir to whom the Inheritance cannot descend, shall come and offer them to take the said Lands, yielding the Value to the King, till the Age of the Heir, so far forth as other will yield without Fraud, by accord betwixt the Chancellor and the Treasurer, they shall have Commission to keep the said Lands by good and sufficient Surety till the Age of the said Heirs, and to answer the King of the Value: And it is not the King's Intent, that by this Statute he be foreclosed to have an Action of Waste against such Guardians and Fermors, as he and his Ancestors have had before this Time. And that the Heirs, when they shall come to their full Age, shall have their Action of Waste against such Guardians and Fermors.

9 H. 3. stat. 7.
c. 4. 5.
6 Ed. 1. stat. 1.
c. 5.
28 Ed. 1. stat. 3.
c. 18.
36 Ed. 3. c. 13.
Escheators shall make no Waste in the Lands of the King's Wards.

The next of Kin to the King's Ward may take in Ferm his Land.
32 H. 8. c. 46.

The Heir may have an Action of Waste
12 Car. 2. c. 24.

CAP. XIV.

There shall be but four Writs of Search for the King. Nothing shall binder the Execution of Justice.

ITEM come avant ces heures en cas homme ad demaunde par petition du parlement certains terrés & tenementz qe sont en la mein le Roi & a les dites petitions eit este respondu en dit parlement Chancelerie ou en Bank le Roi qe le

ITEM, Whereas before this Time, in case that a Man hath demanded by Petition in the Parliament certain Lands and Tenements which be in the King's Hands, and to the same Petitions hath been answered in the same Parliament, Chancery, or the King's

King's Bench, that the King will that a Writ be sued to the Treasurer and Chamberlains of the Exchequer, to search Charters, Miniments, and other Remembrances, which may avail, whereby he may be advised to make Answer; (2) to which Writs commonly the Treasurer and Chamberlains have answered, that they have searched but not by-searched, and would not answer that they have fully searched, and nothing found, nor that they can no more find, but that which they have sent, whereby according to the Law afore this Time used, a Man hath not had cause to put them which be for the King to answer, and in such Manner the Demandants have been greatly delayed to their Mischief;

He that prayeth Aid of the King shall have but four Writs of Search.

(3) Wherefore it is assented, That after that the four Writs be returned, whether the Miniment or Remembrance be found for the King, or not, that then in the Parliament, Chancery, or in the King's Bench, or in the Common Bench, they which shall sue for the King shall be put to answer, and to defend the Lands and Tenements so demanded against the King, to the best that they can or may according to the Law, so always that every of the four Writs be delivered to the Treasurer and to the Chamberlains forty Days before the Day of the Return; (4) and that by Commandment of the Great Seal, or Privy Seal, no Point of this Statute shall be put in Delay; nor that the Justices of whatsoever Place it be, shall let to do the Common Law by Commandment, which shall come to them under the Great Seal or Privy Seal.

The Great or Privy Seal shall not hinder the Execution of Justice.

2 Ed. 3. c. 8.
5 Ed. 3. c. 9.
Regist. 186.
F.N.B. 240. D.
9 H. 3. Stat. 1.
c. 29.

Roi voet qe brief soit swy as Tresorer & Chaumbreleins pur serchier chartres monumentz & autres remembrances qe lui pount valer par quoi il puisse estre avise a faire respouns as queux briefs comunement le Tresorer & chaumbreleins ont respondu qils ount serche mes neiny parserche & nount pas volu respoudre qils ount pleinement serche & riens ne troevent ne qils poent plus trover fors ce qils ont mande par quoi per la ley avant ceste hure usee homme nad my eu cause a mettre ceux qe sont pur le Roi a respouns & en tieu manere les damandantz ont este grantement delaiez a meschief de eux par quoi est assentuz qe apres qe les quatre briefs soient retournez le quel qe monyment ou remembrance soit trouve pur le Roi ou nemy qe adoncs en parlement Chancellerie ou en Bank le Roi ou en commune Bank soient ceux qe sont pur le Roi mys a respouns & a defendre les terres & tenementz ensi demandez devers le Roi a meutz qils savoront ou purront selonc la lei ensi totes foitz qe chescun des quatre briefs soit liveree as Tresorer & Chaumbreleins quarante jours devant le jour de retour & qe par mandement de grant seal ne de prive seal nul point de cest estatut ne ne soit mys en delay ne qe Justices de quecumque place qe se soit lessent a faire commune lei pur maundement qe les vendra defoutz le grant seal ou privee seal.

CAP. XV.

No Pardon for Felony, but where the King may do it saving his Oath.

ITEM pur ce qe par divers estatuz avant ces heures faites en divers parlementz si fut assentuz qe nul chartre de pardoun de mort de homme ne serroit fait par le Roi mes en cas qil le poet faire gardant le serement de sa Coroune les queux estatuz ne ount pas este tenuz einz ount este chartres sanz nombre grantez as divers larons & homicides a mal ensample & affrai des bones gentz & loialx par quoi les larons & meffesours sont confortez a faire lour roberies & homicides & les fount de jour en autre & plus sont esbaudiz a le faire par cause de espoir davoit lour chartres de pardoun legerement si est assentuz acorde & establi qe nul chartre de pardon de mort de homme ne dautre felonie ne ne soit desore enavant grante a nul forsque en cas ou le Roi poet faire sauwant le serement de sa corone si come est contentuz en les estatuz avant ces heures faitz et si nulle chartre soit desore grante contre les ditz estatuz-quele soit tenu pur nulle.

ITEM, *Because by divers Statutes made before this Time in divers Parliaments it was assented, That no Charter of Pardon of the Death of a Man should be granted by the King, but in case where he may do it keeping the Oath of his Crown; which Statutes have not been holden, but Charters have been granted without Number to divers Felons and Manslayers, to the evil Example and Fear of good People and lawful, whereby Thieves, Felons, and Offenders be comforted to do their Robberies and Man-slaughter, and the same do from Day to Day, and the more be encouraged to do the same, because of Hope easily to have their Charters of Pardon;* (2) it is assented, established; and accorded, That no Charter of Pardon of the Death of a Man, nor of other Felony, shall be from henceforth granted to any Man, but in case where the King may the same do saving the Oath of his Crown, as it is contained in the Statutes made before this Time; (3) and if any Charter be from henceforth granted against the the said Statutes, the same shall be holden for none.

6 Ed. 1. c. 9.
2 Ed. 3. c. 2.
No Pardon of Felony shall be granted but where the King may do it saving his Oath.

6 Co. 13.
10 Ed. 3. stat. 1. c. 2.

CAP. XVI.

Before what Persons Nisi prius may be granted.

ITEM come avant ces heures soit establi qe les enquestes & jurrez qe sont apprendre aufsibien de Bank le Roi comme de commune Bank fuissent pris devant un ou deux Justices de meismes les places si come est contenuz en meisme les establisementz & ja si est notorie-

ITEM, *Whereas before this Time it was established, That the Inquests and Juries which be to be taken, as well of the King's Bench as of the Common Bench, should be taken before one or more Justices of the same Place, as it is contained in the said Establishment; and now it is notoriously*

13 Ed. 1. stat. 1. c. 30.
12 Ed. 2. stat. 1. c. 34.

* To be taken.

seen and known, that divers Inquests and Juries have been taken, and yet be in divers Counties of England, where no Justice did come, to the great Mischief of the Parties that do sue, and also of the good People of the Country which be impanelled : (2) Wherefore

it is assented and established, That whofo demandeth the *Nisi prius* in the King's Bench, as well at the Suit of the Defendant, as of the Plaintiff (as before this Time hath been done by the Form of the Statute) the *Nisi prius* shall be granted before any Justice of the Place where the Plea dependeth, if any of the same Place may well go into those Parts; (3) and if not, then the *Nisi prius* shall be granted before any Justice of the Common Bench, at a certain Day, which may be accorded, and to deliver or send the Tenor of the Record to him under the Seal of the chief Justice of the Place, at which Day he shall take the Inquest, and return the Verdict under his Seal with the Writ, the Tenor and the Panel, which shall be received in the King's Bench, and there enrolled, and thereupon Judgement given according to the Verdict of the same Inquest.

(4) And the said Justice of the Common Bench shall have Power to record Defaults and Nonuits, as far forth as if the *Nisi prius* had been granted before any Justice of the King's Bench; after which Defaults so recorded and returned in the King's Bench, the Justices shall go to give Judgement upon the same Record. (5) And in the same Manner be it done of all the Pleas which be or shall be in the Common Bench, where-

ment veu & conu qe diverses enquestes & jurrees ont este aprendre & encore sont en divers contoes Engleterre ou nul Justice nest venu a grant mechief des parties qe sont & ausi si des bones gentz du pays qe sont mys en panel par quoi est assentuz & establi qe qe ce soit qe demande le *Nisi prius* en Bank le Roi ausibien a la seute le defendant come do pleiatiff come avant ces hures ad este fait par forme destatut qe lui soit le *Nisi prius* grante devant ascun Justice de la place ou le plee pent si ascun de la place pueffe bonement aler en celles parties & si nemy adonques soit grante le *Nisi prius* devant ascun Justice du commune Bank au certain jour qe poet estre acorde & tenour du record a lui livered ou mande desoutz le seal de chief de la Place a queu jour il peigne lenqueste & retourne le verdict desoutz son seal ovesqe le brief la tenour & le panel lequel soit receu en Bank le Roi & illoeeques enroule & sur ce jugement rendu solonc le verdict de mesme lenqueste. Et ait le dit Justice du commune Bank poair de recorder defautes & nonseutes auxi avant come le *Nisi prius* eust este grante devant ascun Justice du Bank le Roi apres queux defautes issint recordez & retournez en Bank le Roi aillent les Justices a jugement rendre de mesme le Record. En mesme la manere soit fait de toutz les ples qe sont ou ferront en commune Bank dont les enquestes & jurreez sont ou ferront aprendre en pays par le *Nisi prius*. Si nul des Justices de meisme la place ne y aille soit le *Nisi prius* grante devant ascun Justice du Bank

Nisi prius grantable at the Defendant, or the Plaintiff's Suit.

Dyer, 163.
2 Ed. 3. c. 16.

Nisi prius may be granted before a Justice of another Court, than where the Suit dependeth.
27 Ed. 1. stat. 1. c. 4.
8 Inst. 422.

Bank le Roi affaire come devant est dit des Justices de commune Bank & la tenour du record a meisme celui Justice maunde qi eit autiel poair come devant est dit de Justice du commune Bank qest assigne aprendre les enquestes & jurrees du Bank le Roi. Et sil aveigne qe nul des Justices del un Bank ne del autre ne puisse venir en pais la ou enquestes & jurrees sont aprendre adonques soit le *Nisi prius* grante devant le chief Baron del Eschequer sil soit homme de ley & eit au tieu poair come les Justices del un Bank ou del autre ont par cest estatut. Et en cas qe nul des Justices del un Bank ne del autre ne le chief Baron del Eschequer qi soit homme de lei ne viegne en pais ou les enquestes & jurrees sont ou seront aprendre par le *Nisi prius* adonques soit le *Nisi prius* grante devant Justices assignez a les assises prendre en celles parties issint toutes soitz qe un des ditz Justices assignez soit Justice del un Bank ou del autre ou Serjant le Roi jurree & eient mesmes ces Justices autieu poair come devant est dit des Justices del un Bank & del autre. Et si lune partie demande la tenour du record devers lui avoir pur liverer a le Justice devant qi le *Nisi prius* est grante pur eschure qe fraude ne damage ne soit fait al autre partie ne as gentz del enqueste soit un autre tenour de mesme le recorde baillie a lautre partie sil le demande. Et come soit autre soitz establi qe les Justices devant queux le *Nisi prius* ad este grante es plees d'assises de darrein presentment et quare impedit eient poair de rendre les juggementz en pais sur verditz d'assise & denqueste

of the Inquests and Juries be or shall be taken in the Country by *Nisi prius*. (6) And if none of the Justices of the same Place go, the *Nisi prius* shall be granted before any Justice of the King's Bench, to do as afore is said of the Justices of the Common Bench; (7) and the Tenor of the Record shall be sent to the same Justice, that he may have like Power as afore is said of the Justices of the Common Bench, which he assigned to take Inquests and Juries of the King's Bench. (8) And if it happen that none of the Justices of the one Bench nor the other may come into the Country where Inquests or Juries be to be taken, then the *Nisi prius* shall be granted before the chief Baron of the Exchequer, if he be a Man of the Law, and he shall have such Power as the Justices of the one Bench and the other have by this Statute. (9) And in case that none of the Justices of the one Bench nor the other, nor the chief Baron of the Exchequer, being a Man of the Law, do not come into the Country where the Inquests and Juries be or shall be taken by the *Nisi prius*, then the *Nisi prius* shall be granted before the Justices assigned to take Assises in those Parts; (10) so always that one of the said Justices assigned be Justice of the one Bench or the other, or the King's Serjeant sworn: And the same Justices shall have such Power as afore is said of the Justices of the one Bench and of the other. (11) And if the one Party demand the Tenor of the Record to have with him, to deliver to the Justices before whom the *Nisi prius* is granted, for to

eschue that no Fraud or Damage be done to the other Party, nor to the People of the Inquests, another Tenor of the same Record shall be delivered to the other Party, if he the same require. (12) And whereas it hath been another Time established, that the Justices before whom the *Nisi prius* hath been granted in Pleas of Assises, of *Darrain presentment*, and *Quare impedit*, should have Power to give the Judgements in the Country upon the Verdicts of Assise, and of Inquests, and upon Nonsuits and Defaults; (13) it is assented, That the Justices of the one Bench and of the other, the chief Baron of the Exchequer, and the Justices assigned, before whom the *Nisi prius* is granted by this Statute, shall have Power to give Judgements in the Country, and return the same according as it is contained in the Statute of *York* thereupon made.

& sur nounseutes & defautes si est assentuz qe les Justices del un Bank & del autre chief Baron del Eschequer & Justices assignez devant queux le *Nisi prius* est grante par cest estatut eient poair de rendre les judgementz en pais & ce retourner selonc ce qest contenuz en lestatut d'Everwyk sur ce fait.

12 Ed. 2. stat. 1. c. 4.
Justices of Assise may give Judgement upon Assise, Quare impedit, and Darrain Presentment.

C A P. XVII.

A Juris utrum maintainable for a Parson or Vicar.

A Juris utrum maintainable for a Parson, Vicar, &c. Watson's Compl. Incumb. 493. 13 Ed. 1. stat. 1. c. 14. Regist. 32.

ITEM it is assented and established, That Parsons, Vicars, Wardens of Chapels, and Provosts, Wardens and Priests of Perpetual Chaunteries, shall have their Writs of *Juris utrum* of Lands and Tenements, Rents, and Possessions annexed, or given perpetually in Alms to Vicarages, Chapels, or Chaunteries, and recover by other Writs in their Case as far forth as Parsons of Churches or Prebends.

ITEM cest assentuz & establi qe vikeres parsones & gardeins de chapeles & provosts gardeins & chapelains des chaunteries perpetueles eient leur brief de Utrum des terres tenementz rentes & possessions annexes ou donez perpetuellement en almoigne as vikeres chapeles ou chaunteries & recoverir par autres briefs en leur cas auxi avant come parsones des eglises ou provendres.

C A P. XVIII.

If the Tenant will vouch to Warranty a dead Man, the Demandant may aver that he is dead.

If the Tenant vouch to Warranty a dead Man, the Demandant may aver it.

ITEM, Because the Demandants in Plea of Land have been often delayed, for that the Tenants have vouched to Warranty a dead Man, against which Voucher the Demandants before this Time might not be received to aver that the Vouchee is dead, to their great Delay and Mischief; (2) it is accorded and established, That

ITEM pur ceo qe les demandantz en plee de terre ount este sovent delaiez de ce qe les tenantz ount vouche a garrant un homme mort encountre queu vouchier les demandantz ne poaient my avant ces heures aver este ceux daverir qe le vouchier est mort a grant delay & meschief de eux acorde

acorde est et establi qe desore
en avant si le tenant vouche a
garrant un homme mort & le
demandant voille averer qe le
vouche est mort ou qil neit nul
tiel soit laverement de lui re-
cecu fantz plus delay.

That from henceforth if the
Tenant vouch to Warranty a
dead Man, and the Demand-
ants will aver that the Vouchee
is dead, or that there is none
such, their Averment shall be
received without Delay.

C A P. XIX.

*How Purveyors for the King's House and Wars shall make
their Purveyance.*

ITEM, it is assented, That the Purveyances, which shall be
made for the King's House and the Queen's, where they do
abide and pass through the Country, shall be made by Warrant
and Power given to them, which shall make the Purveyances :
In which shall be expressly contained, that they shall take nor
buy any thing, unless it be by Agreement made betwixt the
Buyer and the Seller, and by the Consent of the Sellers. And
if any will any thing take by colour of his Commission against
this Ordinance, none shall be bound to obey him, no more than
if he had no commission. And of that which shall be so bought
and purveyed, Payment shall be made to the Seller before that
the King pass out of the Verge. And of great Purveyances to
be made, as of Flesh, Fish, and other Victuals for the King's
Wars, and for to victual the Castles and Towns in *Scotland*
and *England*, and other Places, certain Merchants or other
good People shall be deputed by the Treasurer, to make the said
Purveyances, without Commissions, and without the King's, or
other Power, So that the People nor any of them be put to sell
any thing without their Will and Consent. And that no Com-
mission be made to the Keepers of the King's Horses, but be it only
commanded to the Sheriff, that he make Purveyance by him
and by his, of the Issues of his Bailiwick. And the Number of
the Horses, for which he shall make such Purveyance shall be
contained in the said Commandment. And that no Purvey-
ance be made over this Number, saving that the chief Keeper
have an Hackney, and that he take good Heed, that the Country
be not charged of more than shall keep the Horses, but for every
Horse a Servant, without bringing Women, Pages, or Dogs
with them. And if more be found abiding in the Charge of
the Country, they shall be brought to the Prison, there to re-
main till the King hath sent his Will.

And in the same Manner be it commanded to the Sheriffs,
that they make Purveyance for the King's Dogs of the Issues of
their Bailiwick where they dwell. And that such Purveyances
be made by none other but by the Sheriffs. And be it contained
in his Commandment the Number of the Dogs for which he
shall make Purveyance, over which Number no Purveyance
shall be made, so that they live of their certain, without charg-
ing the Country. And if any find him grieved against this Or-
dinance,

Ex Edit. Pul-
ton.
The King's
Purveyors
shall take no-
thing without
the Owners
Consent.
9 H. 3. c. 21.

Purveyance
for the Wars.

Purveyance
for the King's
Horses.
St. 10 Ed. 3. c. 4.

Purveyance
for the King's
Dogs.

12 Car. 2. c. 24. dinance, he shall have Recovery against the Sheriff of such Grievances done to him.

C A P. XX.

A Subsidy granted to the King of the Ninth Lamb, the Ninth Fleece, &c. in Regard of Grants, &c. made to the Lords and Commons, and for the King's Wars.

Ex Edit. Raf-
tal.

ITEM, the Grants, Releases, and Pardons of the said Chattels of Felons and Fugitives, and many other Things under written, which the King hath granted to the Prelates, Earls, Barons, and all the Commons of his Realm for the Ease of them perpetually to endure, the said Prelates, Earls, Barons, and all the Commons of the Realm, willingly of one Assent and good Will, having regard to the Will that the King their Liege Lord hath towards them, and to the great Travails that he hath made and sustained as well in his Wars of *Scotland*, as against the Parts of *France* and other Places, and to the good Will which he hath to travail to keep his Realm, and maintain his Wars, and to purchase his Rights: They have granted to him the ix. Lamb, the ix. Fleece, and the ix. Sheaf, to be taken by two Years then next to come. And of Cities and Boroughs the very ix. Part of all their Goods and Chattels, to be taken and levied by lawful and reasonable tax by the same two Years, in Aid of the good keeping of this Realm, as well by Land as by Sea, and of his Wars, as well against the Parts of *Scotland*, the Parts of *France*, *Gascoyne*, and elsewhere. And in Right of Merchants foreign, which dwell not in the Cities nor Boroughs, and also of other People that dwell in Forests and Wastes, and all other that live not of their Gain nor Store, by the good Advice of them which shall be deputed Taxers, shall be set lawfully at the Value to the fifteen, without being unreasonably charged. *And it is not the Intent of the King, nor of other great Men, nor the Commons, that by this Grant made to the King of Fifteens, the poor borail People, nor other that live of their bodily Travail, shall be comprised within the Tax of the said Fifteens, but shall be discharged by the Advice of them which be deputed Taxers, and of the great Men which be deputed Surveyors.*

Subsidy.

Taxers.

C A P. XXI.

A Subsidy granted to the King of Wool, Wool-fells, and other Merchandise exported from Easter next until the Feast of Pentecost Twelvemonth following.

ITEM, though the Commons of the Realm did pray the King, that he would by Assent of the Parliament grant and establish, that never should be taken more Custom of a Sack of Wool than half a Mark, nor of Lead, nor Tunn, Leather, nor Wool-fells, but the old Custom: Nevertheless the King prayeth the Prelates, Earls, Barons, and all the Commonalty, for the great Business which he hath now in Hand as they well know, that they would grant to him some Aid upon the Wools, Leather, Wool-fells, and other Merchandise, to endure for a small Season, whereupon Deliberation had,

Custom.

Aid.

the

the said Prelates, Earls, Barons, and Commons of his Realm, hath granted to him forty Shillings to be taken of every Sack of Wool, and forty Shillings of every three Hundred Wool-fells, and forty Shillings of every Last of Leather and other Merchandises that pass beyond the Sea, after the Rate. And to begin at the Feast of *Easter*, in the xiiii. Year of his Reign, and to endure till the Feast of *Pentecost*, then next following. And from that Feast till the Feast of *Pentecost* then next following into a Year. And for this Grant the King by the Assent of the Prelates, Earls, Barons, and all other assembled in Parliament, hath granted, that from the Feast of *Pentecost*, which cometh into one Year, he nor his Heirs shall not demand, assess, nor take, nor suffer to be taken more Custom of a Sack of Wool of any *Englishman*, but half a Mark only. And upon the Wool-fells and Leather the old Custom. And the Sack ought to contain xxvi. Stones, and every Stone xiiii. lib. And that every Man that shippeth Wools over the Sea, *Englishman* or other, resident, inhabiting or repairing in *England*, shall find good and sufficient Surety to the Customers before his passing, to bring again of every Sack of Wool, Plate of Silver, to the Value of two Marks at his first Return or Repairing. And to bring the same Plate to the King's Exchange, and there to receive his Money. And that none cocket Wools, but in the Name of him that shall be Owner of the same. And if any be found otherwise cocketted; they shall be taken in the King's Hands as forfeit. And this Establishment lawfully to be holden and kept, the King hath promised in the Presence of the Earls, Barons, and other in his Parliament, no more to charge, set, or assess, upon the Custom, but in the Manner as afore is said. In the same Manner the Prelates, Earls, and Barons, have promised lawfully, as much as in them is, that they shall procure the King, as much as they may, to hold the same. And that they shall in no wise assent to the contrary, if it be not by Assent of the Prelates, Earls, Barons, and Commons of the Realm, and that in full Parliament. And for the more greater Surety, and to give Cause to all to eschew to counsel to the contrary of this Ordinance, The Prelates have promised to give Sentence upon all them that come against the same in any Point.

Subsidy.

Wools cocketted.

Plate of Silver.

Other Statutes made *Anno 14 EDW. III. Stat. 2.*
and *Anno Dom. 1340.*

The King's Grant, that the foresaid Subsidy of the ninth Lamb, &c. shall be no Example, nor prejudicial to his Subjects: All shall be spent in his Wars.

EDWARD par le grace de Dieu Roi d'Engleterre & de France & Seignur d'Irlande
EDWARD by the Grace of God, &c. to all them, &c. Greeting. Know ye, that
a whereas

whereas the Prelates, Earls, Barons, and Commons of our Realm of England, in our present Parliament holden at Westminster, the Wednesday next after the Sunday of middle Lent, the Fourteenth Year of our Reign of England, and the First of France, have granted to us of their good Gree and good Will, in Aid of the Speed of our great Business which we have to do, as well on this Side the Sea as beyond, the Ninth Sheaf, the Ninth Fleece, and the Ninth Lamb, to be taken by two Years next coming after the making of the same, and the Cities and the Burgesies of Boroughs the very Ninth Part of all their Goods; and the foreign Merchants, and other, which live not of Gain, nor of Store of Sheep, the Fifteenth of their Goods lawfully to the Value: (2) We willing to provide for the Indemnity of the said Prelates, Earls, Barons, and other of the Communalty, and also of Citizens, Burgesies, and Merchants aforesaid, will and grant for us and our Heirs, to the same Prelates, Earls, Barons, and Commons, Citizens, Burgesies and Merchants, that the same Grant which is so chargeable, shall not another Time be had in example, nor fall to their Prejudice in Time to come, nor that they be from henceforth charged nor grieved to make any Aid, or to sustain Charge, if it be not by the common Assent of the Prelates, Earls, Barons, and other great Men, and Commons of our said Realm of England, and that in the Parliament; (3) and that all the Profits arising of the said Aid, and of Wards and Marriages, Customs, and Escheats, and other Profits rising of the said Realm of Eng-

a touz ceux as queux cestes lettres vendront salut. Sachiez que come Prelatz Contes Barons & communes de nostre Roialme d'Engleterre en nostre present parlement somons a Westminster le Meskerdy prochain apres le demenge en may Quarresme lan de nostre regne d'Engleterre quatorziesme & de France primer nous aient grantez de lour bone gree & de bone volonte en aide del exploit de noz grosses busoignes queles nous avons a faire auxi bien de cea-la meer come par dela la noesime garbe le noesime touyson & le noesime aignel aprendre pur deux ans prochains avenir apres la feissance de cestes & les citeyns des citees & burgeys de burghs la verrei noesime de toutz lour biens & les marchantz foreyns & autres que ne vivent poynt de gainerie ne destore des berbiz le quinziesme de lour biens loizlement a la value Nous voillantz purvoier al endemnite des ditz Prelatz Contes Barons & autres de la dite communalte & auxint des citeyns burgeys & marchantz susditz woilloms & grantoms pur nous & pur noz heirs as meismes les Prelatz Contes Barons & communes citeyns burgeys & marchantz que ce grant que est si chargeant ne soit autre soitz trecte en ensample ne ne trete a eux en prejudice en temps avenir ne que eux soient desore chargez ne grevez de commune aide faire ou charge sustenir si ce ne soit par commune assent des Prelatz Contes Barons & autres grantz & communes de nostre dit Roialme d'Engleterre & ce en parlement et que toutz les profitz sourdantz du dit aide & des gardes mariages cuitumes

12 Car. 2. c. 24.
How the Subsidy granted to the King shall be spent.

stumes eschetes & autres profitz
fourdantz du Roialme d'Engle-
terre soient mys & despanduz
sur la meintenance de la fauve
garde de nostre dit Roialme
d'Engleterre & de noz guerres
d'Escoce France & Galcoigne
& null part aillours durantz les
dites guerres.

land, shall be put and spent up-
on the Maintenance and the
Safeguard of our said Realm of
England, and of our Wars in
Scotland, France, and Gascoin,
and in no Places elsewhere
during the said Wars.

C A P. II.

*All Merchants, being no Enemies, shall come into the Realm,
and depart quietly.*

ET come y soit contenuz en
la Grande Chartre qe touz
marchantz eient sauve & seure
conduyt daler hors de nostre
Roialme d'Engleterre & de y
venir & demorer & aler par my
le Roialme d'Engleterre auxi
bien par terre come par ewe a
achater & vendre paiantz lour
dreits custumes forpris en
temps de guerre Nous a la re-
quest des ditz Prelatz Countes
Barons & communes voloms
& grantoms pur nous & purnoz
heirs & successeurs qe touz mar-
chantz denzeins & foreins for-
pris ceux qe sont de nostre ene-
mite puissent sanz estre destourbe
sauvement venir en le dit Roi-
alme d'Engleterre od lour biens
& marchandises & sauvement
demorer et sauvement retour-
ner paiantz les custumes sub-
sidz & autres profitz resona-
blement ent dues issint toutes
foitz qe les franchises & fran-
ches custumes resonablement
grantez par nous et par noz
auncestres a la citee de Loundres
& autres citees burghs & bones
villes de nostre dit Roialme
d'Engleterre lour soient sauveez.

ITEM, *Where it is contained* 9 H. 3. stat. 1.
in the Great Charter, That c. 30.
all Merchants shall have safe and
sure Conduyt to go out of our
Realm of England, and to come
and abide, and go through the
Realm of England, as well by Wa-
ter as by Land, and to buy and sell,
paying their Rights and Customs,
but in the Time of War ; (2) we
at the Request of the Prelates,
Earls, Barons, and Commons,
will and grant for us and for
our Heirs and Successors, That
all Merchants, Denizens, and
Foreigners (except those which
be of our Enmity) may without
Let safely come into the said
Realm of *England* with their
Goods and Merchandises, and
safely tarry, and safely return,
paying the Customs, Subsidies,
and other Profits reasonably
thereof due ; (3) so always,
that Franchises and free Cust-
oms reasonably granted by us
and our Ancestors to the City
of *London*, and other Cities,
Boroughs, and good Towns
of our Realm of *England*, be to
them saved.

Franchises
granted to Ci-
ties and Bo-
roughs saved.

A Statute made at *Westminster*, April 16th, Anno 14 EDW. III. Stat. 3. and *Anno Dom.* 1340, reciting some former Grants, and limiting the Custom on Wool, Plate, &c.

Nova Statuta.

ET auxint a la requeste des ditz Prelatz Countes Barons communes citeyns burgeys & marchantz eiant regard al eide qils nous ount grauntez en la manere susdite les avons pardonez & relesez pardonons & releffons chateux des felons & des furtifs eschape des prisonnes fines issues forfaitz & amerçimentz de murdres totes maners des trespas de la forest auxibien de enbleycur come de vert de veneyson wast & quecunques autres trespas faitz deinz la foreste jugge ou a jugger releves eçuages tant qe au temps de nostre passage devers Brabant cest assaver le xvi. jour de Juyl lan de nostre regne douzisme. Et auxint eide pur faire nostre fitz chivaler & nostre fils marier pur tout nostre temps. Et auxint les avons pardonez & relesez pardonons & releffons pur nous & pur noz heirs & successeurs toutes maneres des dettes acomptes & arerages des fermes & dacomptes a nous dues en quecunque manere auxibien de temps de noz progenitours come de nostre temps demaigne tanqe au commencement del an de nostre regne dEngleterre disme. Et avons grantez as ditz Prelatz Countes Barons & communes qe les dettes atterminez al Eschequer avant nostre temps & aussi les dettes atterminez a mesme Leschequer en nostre temps des auñciens dettes dues avant nostre temps soient anientz & pardonez & relesez pur touz jours ensi totes foitz qe les atterminementz faitz des dettes duz a nous & sourdantz de nostre temps demaigne estoient en lour force. Et qe les viscountes eschetours fermers des manoirs taxours costumers vittailleurs & autres receivours de noz biens & deners de nostre temps qe uncore sont en vie respoignent des biens & deniers queux ils ont levez & receuz a nostre oepe sanz ceo qils soient en autre manere chargez fors soulement de ce qils ount receuz mes qe les heirs executours & terre tenantz de tieux maners des ministres & receivours qe sont mortz soient quitement dischargez des totes maneres dacomptes & dettes les queux nous pöoms demander par cause des levez & receites avantdites tanqe al commencement del an disme susdit. Et de ceux qe devant a nous dettes daprest & voillent acompter od nous qe mesme la somme daprest soit allowe a nous en lour acompt & sur eux charge come chose receu par nostre mein nient contrestant lestatur sur ce fait en cest present parlement. Et come les ditz Prelatz Countes Barons & communes pur grosses busoignes qe nous avons ore entre meyns nous eient a nostre requeste grantez qe nous preignoms de chescun sak de leyne qe passera outre meer entre cy & la fest de Pentecost profchein avenir & de meisme la fest tanqe al fest de Pentecost profchein suyant quarant soldz & de trois centz pealx lanutz quarant soldz & de un last de quirs quarant soldz. Nous pur ceo graunt

graunt par assent des avantditz Prelatz Countes Barons & toutz autres assemblez a nostre dit parlement avoms grante qe de la dit fest de Pentecost qe vendra en un an nous ne noz heirs ne demanderoms ne asseroms ne prendroms ne ne ferroms prendre plus de custume de un sak de leyne de null Engleys forsque un demi marc & de trois centz pealx lanutz demi marc & de un last des quirs un marc de custume tantfoulement & deit le sak contenir vynt & sys peres & chescun peer quatorze livres & qe chescun qe passera leynes as parties de dela Engleys ou autre reseant habitant ou repeiraunt en Engleterre troesie bone & suffisant seurte as custumers avant ion passer de reporter de chescun sak de leyne plate dargent a la value de deux marcs de deinz les trois moys qe les leynes ensi chargez passeront hors du port & mesme la plate porte al eschaunge le Roi & illoques reseive ses deners cest assaver deux marcs & qe les custumers des portz ou les leynes se chargeront parnount de ceaux en qi noun les leynes serront chargez tiel seurte par quele ils voudront respoudre de reporter plate en la fourme susdite et qils certifient les gardeins des eschaunges le Roi a la Tour de Londres trois foitz par an cest assaver a la Nativite de Seint Johan le Baptistr' a la toutz Seintz & a la Purification de nostre Dame des nouns de touz ceux qe averont trove tiel seurte & de nombre des saks qils averont chargez. Et en cas qe le dit gardein naverat reseu plate en la fourme susdite de ceux dont la certification lui vendra a la Seint Johan avant la toutz Seintz prosehein suryantz adunqes ent certifie les Tresorer & Barons del Eschequer & les ditz Tresorer & Barons reseu la certification du dit gardein facent outre tiel proces qe la plate soit porte a les eschaunges en la fourme susdite auxibien contre les custumers come contre ceux qe tiel seurte averont trovez & naveront pas reporte la plate come desus est dit. Et en mesme la manere soit fait a la Purification de certification faite au dit gardein a la toutz Seintz devant & auxint a la Seint Johan de la certification faite a lui par mesmes les custumers a la Purification devant & ensi de temps en temps as termes susditz. Et qe nul ne cokette leynes forsque en le noun de celui a qi celles leynes serront & si nulles leynes soient trovez autrement cokettez soient pris en la main le Roi come forfaites. Et coment qe plusurs des articles susescritz soient compris deinz lestatur fait en mesme cest parlement par commune assent nient moins pur monstrier les clerement & overtement as grantz & as communes susditz epri qe chescun purra avoir conifance des grantes et quittances queles nous les avoms fait & grante en celle partie a la request des ditz grantz & communes les avoms fait autrefoith mettre en cestes noz presentes lettres overtes. Don' a Westmonster le .xvi. jour dAveril lan de nostre regne dEngleterre quatorziesme & de nostre regne de France primer.

A Statute for the Clergy, made at *Westminster*,
April 16, Anno 14 EDW. III. Stat. 4. and Anno
Dom. 1340.

9 H. 3. stat. 1.
 c. 1.

EDWARD by the Grace of God, &c. greeting. Know ye, That whereas in the first Article of the Great Charter it is contained, that the Church of England be free, and have all her Rights entirely, and Franchises not blemished; (2) and also in all the whole Establishments made as well in Times of our Progenitors, as in our own Time, the same Article is often ratified and confirmed: (3) Nevertheless in our Parliament holden at Westminster the Wednesday next after the Sunday of middle Lent, it is shewed unto us by the Reverend Father in God, John Archbishop of Canterbury, Primate of England, and the other Prelates and Clergy of our Realm, how some Oppressions and Grievances be done in divers Manners by some of our Servants to People of holy Church, against the Franchises of the Great Charter and the Establishments aforesaid, which Oppressions they shew in Petition, praying upon the same Remedy. (4) Wherefore we, their Petition seen and regarded, and thereupon Deliberation had with the Peers of our Realm, and other of our Council and of the Realm, summoned to our said Parliament, and having Regard to the Great Charter, and to other Statutes aforesaid, and at the Request of the said Prelates and Clergy, which have much aided us, and daily do, by the Assent and Accord of the said Peers, and of all other summoned and being in our said Parliament, have granted and do grant for us and our Heirs and Successors, to the said Prelates and Clergy,

EDWARD par le grace de Dieu Roi d'Engleterre & de France et Seigneur d'Irlande as touz ceuz as queux cesles lettres vendront saluz. Sachiez que come en le primer article de la Grante Chartre soit contenu que Lesglise d'Engleterre soit fraunke et eit totes ses droitures entiers et ses franchises nient blemis et aussi en tut plein des establissemens faitz auxibien en temps de noz progenitours com en nostre temps si est mesme l'article sovent ratifie et afferme ne pur quant en nostre parlement tenuz a Westminster le Meskerdy en my Quaresme si nous est monstre par Lonurable Pierre en Dieu J. Ercevesque de Cantebirs Primat de tote Engleterre les autres Prelatz et le Clerge de nostre roialme coment alguns oppressions et grevances sont faites en divers maneres par alguns noz ministres as gentz de seinte Eglise countre leur franchises la Grant Chartre et les establissemens avantditz les quelles oppressions ils mistrent en petition en priant sur ceo remedie. Pur quoi nous veue et regarde leur dite petition et sur ceo eu deliberation ovefque les pieres de nostre roialme et autres de nostre conseil et du roialme somons a nostre dit parlement et eant regarde a la Grant Chartre et autres establissemens susditz et a la requeste des ditz Prelatz et Clerge qi molt nous ont eide et de jour en autre le fount par acord et assent des ditz peres et de toutz autres

somons et esteantz en nostre Clergy, the Things underwritten dit parlement si avoms grante perpetually to endure. et grantons pur nous & pur noz heirs et successeurs as ditz Prelatz et Clerge les choses desouth escriptes pepetuelement adurer.

CAP. I.

Spiritual Persons Goods shall not be taken by Purveyances without the Owners Consent.

FIRST, That none by us, nor by other by Commission of the Great Seal, nor of the Small, nor without Commission, shall take any Corn, Hay, Beasts, Carriage, nor other Goods of Archbishops, Bishops, Abbots, Priors, Abbesses, Prioreesses, Parsons, Vicars, or of other People of holy Church, within their Houses, Manors, Graunges, nor other Places within the Fees of holy Church nor without, against the Agreement and Will of the Owners of the same Goods. And we do defend, that from henceforth no such Commissions under the Great Seal, nor the Small, shall in any-wise go forth to make any such Prises. For we do take the said Prelates and Clergy, their Possessions, Goods and Cattels, into especial Protection and Defence of us and our Heirs. Also we grant for us and our Heirs, that we shall not from henceforth charge any of the said Prelates or Clergy, nor their Houses to receive Guests, nor Sojourners of Scotland, nor of other Countries, nor our Horses nor Dogs, Falcons, nor other Hawks of ours, nor others against their Gree and Will. Saving always to us the Services, which be due to us of Right from them which owe to us the same Services, to sustain and receive Dogs, Horses, or Hawks.

Ex Edit. Pul-ton.
No spiritual Persons Goods shall be purveyed for the King without the Owners Consent.

3 Ed. 1. c. 1.
18 Ed. 3. c. 4.
1 Rich. 2. c. 3.
12 Car. 2. c. 24.

CAP. II.

Presentment to Churches made by the King in another's Right.

ITEM, because of the Temporalties being in our Hands or in the Hands of our Ancestors, by Reason of Archbishopricks, Bishopricks, or other Prelacies void, and also because of other Lands, Tenements, Fees, and Advowsons being in our Hands and in the Hands of our Ancestors, by Nonage of Heirs, it hath been used before this Time, the Exception of Plenarty should hold no Place against us, nor against any of our Ancestors, no more in case where such Presentments should be devolute to us in another's Right, than if they had been in our own Right, or in the Right of our Crown, whereby many Parsons and Prebendaries were put out of their Churches, Prebends, and Benefices, which they had long Time holden, to their great Mischief and Impoverishment: We will and grant for us and for our Heirs, to avoid such Mischiefs, that from henceforth, we nor our Heirs shall not make Collation or Presentment to any Church, Prebend, Chapple, or other Benefice, by the Occasion of such Avoidances of Prelacies, or of the Lands of Infants within Age, or of others come or to come into our Hands, or in the Hands of our Heirs, if we or

Ex Edit. Pul-ton.
Repealed by 25 Ed. 3. stat. 3. c. 2.

The King shall not present in another's Right but within three Years after the Avoidance.

our Heirs do not make our Collations or Presentments within three Years after that such Benefices do so indeed become void. And that of such Churches and other Benefices, of which Clerks be in Possession, and have had Possession by a Year before the making of this Statute, we nor our Heirs shall have none Action nor Reason to present to such Benefices so full. And we will not that any Man be holden to answer to any Writ of *Quare impedit* taken in our Name in such Case, if the Collation or Presentment be not made within three Years after the Voidance as afore is said. And of such Voidances taken in the Time of our Ancestors, no Collation nor Presentment shall be from henceforth made by us nor by our Heirs, but to take any such Action of such Voidances we will be wholly and quietly foreclosed.

CAP. III.

No Bishop's Temporalities shall be seised without good Cause.

Temporalities of Bishops shall not be seised without good Cause.

ITEM, We will and grant for us and for our Heirs, That from henceforth we nor our Heirs shall not take, nor cause to be taken into our Hands, the Temporalities of Archbishops, Bishops, Abbots, Priors, or other People of holy Church, of what Estate or Condition they be, without a true and just Cause, according to the Law of the Land, and Judgement thereupon given.

1 Ed. 3. stat. 2. c. 2.
Regitt. 32.
25 Ed. 3. stat. 4. c. 6.

ET volons & grantons pur nous & pur noz heirs qe desorenavant nous ne noz heirs ne prendrons ne ne ferroms prendre en nostre main les temporalitez des Ercevesqes Evesqes Abbees Priours ou dautres de quel estat ou condition qils soient sanz verroie et joustte cause selonc ley de terre et juggement sur ceo la done.

CAP. IV.

How the Temporalities of Bishops shall be used in Time of Vacation.

ITEM, *Because that in the Petition of the said Prelates and Clergy it is contained, That Escheators and other Keepers, in the Time of Vacation of Archbishopricks, Bishopricks, and other Prelacies, have done great Waste and Destruction in the same in Time past;* (2) we will and grant for us and for our Heirs, That at all Times from henceforth, when such Voidances shall happen, that our Escheators and the Escheators of our Heirs, which for the Time shall be, shall enter, and cause to be

How the Temporalities of Bishops shall be used in the Time of Vacation.

ET pur ceo qe en la petition des ditz Prelatz et Clerge si est contenu qe eschetours & autres gardeins en temps des voidances des Erceveschees Eveschees & autres Prelacies si ont fait grant wast & destruction cea en arere si volons & grantons pur nous et per noz heirs qe a totes les foith qe tieux voidances desorenavant avendront qe noz eschetours & les eschetours de noz heirs qe pur temps ferront entrent & facent bien garder les dites voidances sanz faire wast ou destruction

well

struction en manoirs parks viers ou boys & qils ne vendont futhbois nenchacent en parks nen warennnes nen peschent viers ne franchises pescheries ne ne gerfonent ne parnount fins des tenauntz fraunks ne bondes einz facent garder et salver quantqe appent a les dites voidances faunz y faire damage ou auscun manere des opprefions. Et si dean & chapitre des eglises cathedrales priours suppriours prioreffes supprioreffes & coventz des prelacies abbeies ou priouries des queux la voidance atient a nous & a noz heirs voillent rendre a nous & a noz heirs la value des dites voidances aussi come autres nous voillent rendre resonablement adonques eient Chancellor & Treforer poir de lester as ditz dean & chapitre priour ou suppriour prioreffes supprioreffes & covent les dites voidances par bone & suffisant feurtie ensi qils les eient devant toutz autres rendant a nous la value selonc ceo qe ferra trove par remembraunce de Leschequer ou par enquest sur ceo a prendre si meister soit faunz fin faire. Et en cas qils ne voillent acorder a rendre la value ne a trover tiele feurtie adonques Chancellor & Treforer facent ordiner la bone garde de tieux voidances par eschetours ou autres gardeins suffisantz pur respondre au Roi de ceo qe a lui attient resonablement faunz faire wast ou destruction ou autre chose qe purra tourner a desheritance des eglises dont tieux voidances avendront.

well kept the said Voidances, without doing Waste or Destruction in the Manors, Warrens, Parks, Ponds, or Woods; (3) and that they sell no Underwood, nor hunt in the Parks or Warrens, nor fish in Ponds, nor free Fishings, nor shall rack nor take Fines of the Tenants, free nor bond; but shall keep and save as much as pertaineth to the said Voidances, without doing Harm, or any Manner of Oppression. (4) And if the Dean and Chapter of Churches Cathedral, Priors, Subpriors, Prioreffes, Subprioreffes, and Covents of Prelacies, Abbies, or Priories, whose Voidance pertaineth to us and our Heirs, will render to us and our Heirs the Value of the said Voidance, as other will reasonably yield, then the Chancellor and Treasurer shall have Power to let the said Dean and Chapter, Prior or Subprior, Prioreffes or Subprioreffes, and Covent, the said Voidances by good and sufficient Surety, so that they shall have the same before all other, yielding to us the Value of them, according as shall be found by Remembrances of the Exchequer, or by Inquest to be taken upon the same, if need be, without making Fine. (5) And in case they will not accord to yield to the Value, nor find such Surety, then the Chancellor and Treasurer shall cause to be ordained the good Preservation of such Voidances by Escheators, or other sufficient Keepers, to answer the King of that to him pertaineth reasonably, without doing Waste or De-

The Dean and Chapter may take them in Farm, if they will.

struction, or other Thing which may turn in Disherison of the Churches whereof such Voidances shall happen.

CAP. V.

Who shall demise Bishops Temporalties during the Time of Vacation.

Who shall let
to Farm the
Temporalties
of Bishops to
the King's
Use.

ITEM. Wholly to shew the Affection and good Will which we have, that that pertaineth to God and holy Church be safely kept without Waste or Destruction, or Impeachment to be made thereof by us or our Ministers, (2) we will, and by these present Letters do grant full Power to our said Chancellor and Treasurer, which taking to them other of our Council, such as to them shall seem best to be taken, by good Information of Remembrances of the Exchequer, and other Informations as to them shall seem best, shall let the Vacations of Archbishopricks, Bishopricks, Abbacies, Priories, and other Houses, whose Voidances pertaineth unto us, to the Dean and Chapter, Prior or Subprior, Prioresse or Subprioresse, and Covent, to yield a certain of every Voidance by the Year, Quarter, or Month, during the Vacations, according as to them shall seem best, without making any Fine; (3) so that no Escheator nor other Minister, in the Time of Vacations shall have Cause to enter, or meddle to do any thing which shall be in Prejudice of the Churches whereof such Voidances shall happen; (4) saving to us and to our Heirs the Knights Fees, Advowsons of Churches, Escheats, Wards, Marriages, Reliefs, and Services of the said Fees. In Witness whereof we have made these our Letters Patents, dated at *W. Minster* the Sixteenth of *April*, the Fourteenth Year of our Reign of *England*, and the First of *France*.

ET pur entierement monstrer l'affection & volente que nous avons de ceo que appartient a Dieu & a sainte eglise soit sauvement garde sanz wast destruction ou empochement de nous ou de noz ministres si voloms & par cestes noz presentes lettres grantoms pleia poair a nostre Chancellor & Tresorer que pris a eux autres de nostre conseil tieux come ils verront que fount aprendre par bone information des remembrances del Eschequer & autres informations tieux come moultz lour semblera si lessent les vacations des Erceveschees Eveschees Abbeies Priories & autres maisons dont la voidance a nous appartient as dean & chapitres priours ou suppriours priouresses ou suppriouresses & coventz a certain a rendre de chescun voidance par lan quatre ou moys durant les vacations selonc ceo que moultz lour semblera sanz fin faire si que nul eschetour ou autre ministre en temps de vacation neit cause ne matire d'entrer ou de se meddler a faire rien que soit en prejudice des eglises dont tieux voidances avendront Sauvez a nous & a noz heires sees des chivalers avoefons des eglises eschetes wardes mariages & releves & services des ditz fedz. En tesmoignance de quele chose a cestes presentes lettres avons mys nostre seal. Don' a Westm' le xvi jour d'averil lan de nostre regne d'Engleterre quatorziesime & de nostre regne de France primer.

Anno

Ann. 14. EDWARDI III. Stat. 5. and Anno Dom.

1340.

The Realm and People of England shall not be subject to the King or Kingdom of France.

LE Roi a touz ceux as queux cestes presentez lettres vendront salut. Sachietz que come aucuns gentz entendent que par reson que le Roialme de France est devolut a nous come droit heriter dycell & par tant que nous sumes Roi de France nostre Roialme dEngleterre serroit mys en subjection du Roi & du Roialme de France en temps avenir nous elantz regard a lestat de nostre dit Roialme dEngleterre & timent a ce que n'estoit unques ne deveroit estre en subjection nen obeissante des Roys de France qui pur temps ont este ne du Roialme de France et voillantz purveer a la seurte & immunité du dit Roialme dEngleterre & de noz liges gentz dycell voloms & grantoms & establissoms pur nous & pur noz heirs & successeurs par assent des Prelatz Countes Barouns & communes de nostre dit Roialme dEngleterre en cest nostre present parlement somons a Westmonster le Meskerdy prochein apres le Dymeinge en my Quaresme lan de nostre regne dEngleterre quatorziesme & de France primer que par cause ou colour de ceo que nous soioms Roi de France & que le dit Roialme nous appartient come dessus est dit ou que nous nous fesoms nomer Roi de France en nostre estile ou que nous avoms change noz sealx ou noz armes ne pur mandementz que nous avoms fait ou ferroms desore enavant come

Roi

EDward, by the Grace of God, King of England and France, and Lord of Ireland, to all those which these Letters shall bear or see, Greeting. Know ye, That whereas some People do think, that by reason that the Realm of France is devolved to us as right Heir of the same, and forasmuch as we be King of France, our Realm of England should be put in Subjection of the King and of the Realm of France in time to come; (2) we having regard to the Estate of our Realm of England, and namely, that it never was nor ought to be in Subjection, nor in the Obeissance of the Kings of France, which for the Time have been, nor of the Realm of France; (3) and willing to provide for the Surety and Defence of the Realm of England, and of our liege People of the same; will and grant and stablish for us and for our Heirs and Successors, by Assent of the Prelates, Earls, Barons, and Commons of our Realm of England, in this our present Parliament summoned at Westminster, the Wednesday next after the Sunday in Middle Lent, the Fourteenth Year of our said Reign of our Realm of England, and the First of France: that by the Cause or Colour of that, that we be King of France, and that the said Realm to us pertalneth, as afore is said, or that we cause us to be named King of France in our Style or that we have changed our Seal or our Arms, nor for the Commandments which we have

The Realm of England and the People thereof shall not be subject or obedient to the King or Kingdom of France.

made,

made, or from henceforth shall make, as King of *France*, our said Realm of *England*, nor the People of the same, of what Estate or Condition they be, shall not in any Time to come be put in Subjection nor in Obeiance of us, nor of our Heirs nor Successors as Kings of *France*, as afore is said, nor be subject nor obedient, but shall be free and quit of all Manner of Subjection and Obeissance aforesaid, as they were wont to be in the Time of our Progenitors Kings of *England*, for ever. In Witness of which Things, &c. Dated at *Westminster*, &c. the Fourteenth Year of our Reign of *England*, and the First of *France*.

Roi de France nostre dit Roialme d'Engleterre ne les gentz dycell de quel estat ou condition qils soient ne soient en nul temps avenir mys en la subjection ne obeissance de nous noz heirs ne successeurs come Roys de France ne a nous noz heirs ne successeurs come Roys de France come defus est dit soient suggitz ne obeisantz einz soient fraunches & qdites des totes maners de subjection & obeissance defus dites come ils soleient estre en temps de nos progenitours Rois d'Engleterre a toutz jours. En testmoignance de quele chose a cestes presentes lettres avoms mys nostre seal. Don' a Westminster le xvi jour d'Averill les auns de nostre regne d'Engleterre xiv. & de France suseditz premier.

END of the First VOLUME.





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