



The Statute of Marlborough 1267 [Distress]

1267 CHAPTER 1 52 Hen 3 cc 1 4 15

The STATUTE of MARLBOROUGH.
xi

Annotations:

Editorial Information

- X1 The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second.

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch 2](#)

Provisions made at Marlborough in the Presence of our Lord King Henry, and Richard King of the Romans, and the Lord Edward eldest Son of the said King Henry, and the Lord Ottobon, at that Time Legate in England.

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 Saint 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: [^{X2}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, hath made these Acts, Ordinances, and Statutes underwritten, which he willeth to be observed for ever firmly and inviolably of all his Subjects, as well high as low.]

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Statute of Marlborough 1267 [Distress]. (See end of Document for details)

Annotations:

Editorial Information

- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: *It was Provided and established and with full consent ordained, That (whereas the Realm of England having been of late depressed by manifold Troubles and the evils of Dissensions, standeth in need of a Reformation of the Laws and Usages, whereby the Peace and Tranquillity of the People may be preserved, whereto it behoved the King and his liege Men to apply an wholesome Remedy,) the Provisions, Ordinances, and Statutes underwritten, should be firmly and inviolably observed by all the People of the same Realm, as well high as low, for ever.*

I Of wrongful Distresses, or Defiances of the King's Courts. Punishment for unlawful Distresses.

Whereas at the time of a Commotion late stirred up within this Realm, and also sithence, many great Men, and divers other, [^{X3}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; and further, some of them [^{X4}would not be justified] by the King's Officers, nor [^{X5}would] suffer them to make Delivery of such Distresses as they had taken of their own Authority (^{X6}); It is Provided, agreed, and granted, that all Persons, as well of high as of low Estate, shall (^{X7}) 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 [^{X8}our] Court, though he have Damage or Injury, whereby he would have amends of his Neighbour either higher or lower.

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 Trespass; 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 Trespass; and nevertheless sufficient and full Amends shall be made to them that have sustained Loss by such Distresses.

Annotations:

Editorial Information

- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: *have disdained to be justised*
X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: *will not be justised*
X5 Variant reading of the text noted in *The Statutes of the Realm* as follows: *will*
X6 Variant reading of the text noted in *The Statutes of the Realm* as follows: *at their own Pleasure*
X7 Variant reading of the text noted in *The Statutes of the Realm* as follows: *do, and*
X8 Variant reading of the text noted in *The Statutes of the Realm* as follows: *the King's*

IV Distresses shall not be driven out of the County. Distresses shall be reasonable.

None from henceforth shall cause any Distress that he hath taken, to be driven out of the County where it was [taken]; and if one Neighbour do so to another of his own Authority, and without Judgment, he shall make Fine, as above is said, as for a Thing

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done against the Peace; nevertheless, if the Lord Presume so to do against his Tenant, he shall be grievously punished by Amerciament.

Moreover, Distresses shall be reasonable, and not too great; and he that taketh [^{X9}great] and unreasonable Distresses, shall be grievously amerced for the Excess of such Distresses.

Annotations:

Editorial Information

X9 Variant reading of the text noted in *The Statutes of the Realm* as follows: *undue*

XV In what Places Distresses shall not be taken.

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 Highway, nor in the common Street, but only to the King or his Officers, [having special authority to do the same.]

Statutum de Marleberge.

Ex Lib. Rub. Scacc. Westm. fo. 243.

Provisiones facite apud Marleberg, p̄sent Dño Rege H. & R. Rege Alem, & Dño Edwardo fil ejusde H. Reg Primogeniti, & Dño Octobono tunc legato in Angl. Anno gr̄e M^o C^o LX^o septimo, regni autem Dñi H. Regis filii Regis Jolis quinquagesimo secundo, in Oclab Scti Martini, p̄vidente ip̄o Dño Rege, ad regni sui Angl meliorac̄dem & exhibic̄dem justicie p̄t regalis officii exposcit utilitas meliorem, convocatis discretioribz ejusdem regni tam ex majoribz q̄m minoribz; p̄visum est & statutū ac concordatū ordinatū, ut cū regnū Angl mltis tribulac̄onibz & dissensionū incommodis nup̄ depp̄sum, reformac̄one legum & Jurū, quibz pax & t̄n̄squillitas

incolaz conservef, indigeat, ad quod remediū salubre p̄ ip̄m Regem & suos fideles oportuit adhiberi, p̄visiones, ordinaçōes & statuta subsc̄pta, ab om̄ibz regni ip̄ius incolis tam majoribz q̄m minoribz firmat ac inviolabil̄it̄ temp̄ibz p̄petuis obs̄vent'.

Cum igit̄ tempore turbac̄onis nup̄ in Regno suborte & deinceps, multi Magnates & alii justiciam nō dignati fuerint recipere p̄ Dñm Regem & Cur̄ ejus, p̄t debuiūt & consuev̄unt temp̄ibz p̄decessorū ip̄ius Dñi Regis & t̄mpe suo, set de vicinis suis et aliis p̄ seip̄os graves ulcōnes fec̄unt, & graves distric̄ōnes, quousq̄ redempc̄ōnes receper̄nt, ad voluntatem suam: Et p̄tea quidam eorū se justiciari nō

pm̄tant p̄ ministros Dñi Regis, n̄ sustineant qd̄ p̄ eos libert' dist'cōnes quas auctoritate p̄pria fec̄unt ad voluntatem suam: p̄visum est & concordatū concessum, qd̄ tam majores q̄m minores justiciam [faciant] & recipiant in Cur̄ Dñi Regis; et nullus de cetero ulcōnes aut dist'cōnes faciat p̄ p̄p̄riam voluntatem suam, absq̄ consi- dac̄ōne Cur̄ Dñi Regis, si forte dampnū v̄l injuria sibi fiat unde emendas here volūt de vicino suo, sive majore sive minore.

Sup̄ articulo autē sup̄dico p̄visum est & concessum, ut si quis de cetero ulcōem h̄i capiat p̄ voluntatem suam p̄p̄riam, sine consi- dac̄ōne Cur̄ Dñi Regis (*) & inde cōvincat', puniatur p̄ redempc̄ōem, & hoc sc̄dm̄ q̄ntitatem delicti; & similif si sup̄ vicinū suū faciat dist'cōnes sine consi- dac̄ōne Cur̄ Dñi Regis, p̄ quod dampnū heat, puniat' eodm̄

*Item MS. Cant. Claud. D. II. Lib. Scacc. A. The Copy in MS. Cant. is marked Exy' total' sui p̄t̄m out MS. Cant.

modo, & hoc sc̄dm̄ [delictū sui qualitatē] & nichilomin' fiant emende plene & sufficientes eis qui dampnū s' similit' p̄ h̄i dist'cōem.

Nullus de cetero dūc̄e faciat dist'cōnes quas fec̄it ext' Com̄ in quo fuit. Et si vicinus hoc fec̄it sup̄ vicinū p̄ voluntatem suam & sine iudic̄io, puniat' p̄ redempc̄ōem ut sup̄, veluti de re cont' pacem: Verump̄n̄ si Dñs hoc sup̄ tenem̄ sui fac̄e p̄sump̄it, castgetur p̄ g'vem̄ misc̄dam.

Dist'cōnes insup̄ sint rōnabiles & nō nimis graves; & si quis dist'cōnes fec̄it ignorabiles & indebitas, g'v̄i arbic̄iet' p̄t excessum dist'cōnū ip̄ius.

[* Nulli de cetero liceat ex q̄cumq̄ causa distric̄ōnes facere ext' feodum suū, nec in regia aut cōm̄ strata, nisi Dño Regi & ministris suis.]

*Nōntem delicti MS. Cant. Lib. Scacc. X.
*Tunc Claret is inserted in the Text from the Close Roll—Lib. Rub. Scacc. & Lib. A. with the Clause—Rot. Pat. MS. Cant. Rot. Roll. covered MS. and the Printed Copies insert it in this place.

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