







ROBAMY
2

MAGNA CHARTA,
CVM STATUTIS, TVM

antiquis, tum recentibus,
maximopere animo tenendis,
iam nouiter excusa, & summa
diligentia emendata &
correcta.

Cui adiecta sunt nonnulla
Statuta, nunc demum
ripis adita.



LONDON

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of Stationers.

1608.

Cum Priuilegio.

De

*85
cc*

To the Reader.

the statutes, in this booke contained, are collected in the collection of statutes compiled by M. Rastall: which titles are set in this booke, ouer euery such part of the said statutes, as are in that collection, and thereunto is added the number, at the which the same is to be found in the collection. The words contained betweene the two markes, which sometimes yee shall find in the booke, do shew what is corrected or added to the statutes more then was before imprinted, the corrections whereof, are to bee warranted by diuers ancient coppies which haue been carefully conferred for the same purpose.

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Magna Charta,

ædita Anno 9. Hen-
rici tertij.



Edwardus Dei gratia Rex
Angliæ, Dñs Hiberniæ, &
Dux Aquitanię: Archiepisco-
pis, Episcopis, Abbatibus, Pri-
oribus, Comitibus, Baronibus,

Iustic', Vicecom', Prepositis, Ministris, &
omnibus Balliuis, & fidelibus suis, Salu-
tem. Inspeximus magnam Chartam Dñi
H. quondam Regis Angliæ, patris nostri, de
Libertatibus Anglię, in hæc verba,

HENRICVS Dei gratia Rex Angliæ,
Dominus Hiberniæ, Dux Normaniæ, & Aquita-
nię, & Comes Andeg. Archiepis, Episcopis,
Abbatibus, Prioribus, Comitibus, Baroni-
bus, Vicecom', Prepositis, Ministris, & omni-
bus Balliuis, & fidelibus suis, pntem Char-
tam inspecturis, salutem. Sciatis quod nos
intuitu Dei, & pro salute anime nostrę, &
animarum antecessorum, & successorum
nostrorum, ad exaltationem sanctę Ecclesię
& emendationem regni nostri, spontanea &
& bona voluntate nostra, dedimus & con-
cessimus Archiepiscopis, Epis, Abbatibus,
Prioribus, Comit', Baronibus, & omnibus
liberis de Regno nro, has libertates sub-
scrip't, tenendas in regno nostro Anglię in
perpetuum.

Fraunchises I. cap. I.

Imprimis, Concessimus Deo, & hac præ-
senti

Magna Charta.

senti Charta nostra confirmauimus p nobis & hered' nostris inperpetuū, quod Ecclesia Anglicana libera sit, & habeat omnia iura sua integra, & libertates suas illesas. Concessimus etiam & dedimus omnibus liberis hominibus regni nostri, p nobis & heredibus nostris in perpetuum, has libertates subscript: Tenend' & habend' eis & heredibus suis, de nobis & heredibus nostris in perpetuum.

Reliefe 1. cap. 2.

Si quis Com̄, vel Baronū nostrorum, siue aliorum tenentium de nobis in capite per seruitium Militari, mortuus fuerit, & cum decesserit, heres eius plenę ætatis fuerit, & releuium nobis debeat, habeat hereditatem suam per antiquum releuium, scz. heres, vel heredes Comitum, de com̄ integro, per centū libras, heres vel heredes Baronis, de baronia integra, per centum marcas, heres vel heredes Militis, de feodo militi integro, p centum solidos ad plus. Et qui minus habuerit, minus det, secundū antiquam consuetudinem feodorum.

Wardes 1. cap. 3.

Si autem hæres alicuius talium fuerit infra ætatem, dominus eius non habeat custodiam eius, nec terre suę, antequam homagiū ceperit. Et postquã talis heres fuerit in custodia, cū ad ætatē peruenerit (scilicet xxj. annorū) habeat hereditatem suam sine releuio, & sine fine, ita tamen quod si ipse (dum infra ætatem fuerit) fiat Miles, nihilominus terrā remaneat in

in custodia dominorū suorum, vsque ad terminum prædictum.

Wast 1. cap. 4.

Custos terre huiusmodi heredis, qui infra etate fuerit, non capiat de terra heredis, nisi rationabiles exitus, & rationabiles cōsuetudines, & rationabilia seruitia, & hoc sine destructione, & vasto hominum & rerum. Et si nos commiserimus custodiam alicui talis terræ Vic, vel alicui alij, qui de exitibus terre illius nobis debeat respondere, & ille de custodia illa, destructionem, vel vastum fecerit: Nos ab eo capiemus emend, & terra committatur duobus legal' & discretis hominibus de feodo illo, qui de exit' terr' illius nobis respondeant, vel illi cui nos illā assignauerimus. Et si dederim, vel vendiderim custodiā alicui talis terræ, & ille inde destructionē fecerit, vel vastū, amittat illam custodiā, & tradatur duobus [discret' &] legal' hominibus de feodo illo, qui similiter nobis respondeant, sicut prædictū est. [Vide Glouc' cap 5. W. 1. ca. 21.]

Wast 2. cap. 5.

Custos autem quamdiu custodiam terræ huiusmodi habuerit, sustētet domos, parcos, viuar, stagna, molendina, &c. ad terram illam pertinentia, de exit' terr' eiusdē, & reddat heredi cum ad plenā etatē peruenerit, terrā suā tot' instauratam de carucis, & omnibus alijs rebus, ad minus, sicut illam recepit. Hęc omnia obseruent de custodijs Archiepiscopatuum, Ep̄atum, Abbatiarū, Prioratū, Ecclesiarum, & dignitatum vacantium, quę ad nos perti-

Magna Charta.

pertinent, excepti quod custodi huiusmodi vendi non debent.

Wardes 2. cap. 6.

Heredes autem maritentur absque disparatione.

Women I. cap. 7.

Vidua post mortem mariti sui statim & sine difficultate aliqua, habeat maritagiū suū & hereditatem suam: nec aliquid det pro dote sua, nec pro maritagio suo, vel pro hereditate sua habenda, quam hereditate maritus suus, & ipsa tenuerunt simul, die obitus ipsius mariti sui: & maneat in capitali mesuagio mariti sui, per quadraginta dies post obitū mariti sui, infra quos dies assignetur ei dos sua, nisi prius ei assignata fuerit, vel nisi domus illa sit castrum: & si de castro recesserit, statim domū ei competens provideatur, in qua possit honeste morari, quousq; dos sua ei assignetur, secundum quod predictū est: & habeat rationabile estouerium suum interim de cōi.

Assignetur autem ei, pro dote sua, tertia pars totius terri mariti sui, quæ fuit sua in vita sua, nisi de minori fuerit dotata ad ostium ecclesie. Nulla vidua distringatur ad se maritandū dummodo voluerit viuere sine marito: Ita tamen quod securitatem faciat, quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui, si de alio tenuerit. [*Prærogatiua Regis cap. 4.*]

Deute to the King I. cap. 8.

Nos vero vel Balliui nostri, non seisiemus terram aliquam, vel redditum ꝑ debito aliquo

aliquo, & diu cattalla debitoris p̄sentia, sufficiunt ad debitum reddend', & ipse debitor paratus sit inde satisfacere. Nec pleg' [ipſius] debitoris distringantur, quādiu ipse capitalis debitor ſufficiat ad ſolutionem ipſius debiti. Et ſi capitalis debitor defecerit in ſolutione debiti, non habens vnde ſoluat, aut reddere noluerit cum poſſit, plegij de debito r̄ndeant, & ſi voluerint, habeant terras & reddit' debitoris, quouſquē ſit eis ſatisfact' de debiti, qd' antea pro eo ſoluerint, niſi capitalis debitor monſtrauerit ſe eſſe quietum verſus eoſdem plegios.

Fitzh. Nat.
bre. fol. 137. c.

Fraunchiſes 2. cap. 9.

Ciuitas London' habeat omnes libertates ſuas antiquas & conſuetudines ſuas. P̄t̄erea volumus & concedim', quod omnes alię ciuitates, burg', & villę, & Barones de quinque portibus, & omnes alij portus, habeant omnes libertates, & liberas conſuetudines ſuas. [Articuli ſuper Chartas cap. 7.]

Tenure 1. cap. 10.

Nullus distringatur ad faciendum maius ſeruitium de feodo Militis, nec de alio libero tenemento, quam inde debetur.

Fitzh. Nat.
bre. fol. 10. d.

Common pleas 1. cap. 11.

Communia placita non ſequantur Curiam noſtram, ſed teneantur in aliquo loco certo. [Articuli ſuper Chartas cap. 4.]

Aſſiſe 1. cap. 12.

Recognitiones de noua diſſeiſina, & de morte antecelloris, non capiuntur niſi in ſuis com', & hoc modo. Nos vero ſi extra regnum

Ve. Nat. bre.
106. a.

Magna charta.

fuerimus, capital' Iustic' nostri mittent Iusticia' nostros per vnumquemq; comitatú semel in anno, qui cum Militib' eorundé com, capiant in com illis assis. p'edict'. Et ea que in aduētū suo in illo comitatu p' Iustic' nost' p'edict', ad dictas assisas capiend' missas, terminari non possunt, p' eosdē terminent alibi in itinere suo. Et ea q' per eosdem p'pter difficultatem aliquorum articulorum terminari non possunt, referant ad Iusticia' nostros de banco, & ibi terminentur.

Darreinē presentment I. cap. 13.

Assisæ de vltima p'æsentatione, semper capiantur coram Iusticiarijs de banco, & ibi terminentur.

Amerciament I. cap. 14.

Liber homo non amercietur pro paruo delicto, nisi secundū modum illius delicti, & pro magno delicto secundū magnitudinem delicti, saluo sibi contemento suo: & Mercator eodem modo, salua merchandisa sua, & villanus alterius quam noster, eodem modo amercietur: saluo wainagio suo, si inciderit in misericordiam nostram. Et nulla p'ædictarum misericordiarum ponatur, nisi per sacramentum proborum & legalium hominum de vicineto. Comites & Barones, non amercientur nisi per pares suos, & non nisi secundū modum delicti. Nulla Ecclesiastica persona amercietur secundum quantitatem beneficij sui ecclesiastici, sed secundum laicum tenēt suum, & secundum quantitatem delicti.

Banckes 1. cap. 15.

Nulla villa, nec liber homo distringatur
facere pontes, aut riparias, nisi qui ab antiquo
& de iure facere consueuerunt tēpore Hen-
rici regis aui nostri al' de iure facere debet.

Banckes 2. cap. 16.

Nullæ ripariæ defendantur de cetero, nisi
illæ quæ fuerunt in defenso tempore Henrici
regis aui nostri [&] per eadem loca, & eol-
dem terminos, sicut esse consueuerunt tem-
pore suo.

Pleas of the Crowne 1. cap. 17

Nulus Vicecom̄, Constabularius, Coro-
nator, vel alij Balliui nostri, teneant placita
Coronæ nostræ.

Debt to the king 2. cap. 18.

Si quis tenens de nobis laicum feodum
moritur, & Vic', vel Balliuus noster ostendat
litteras nostras patentes de summonitione
[nostra] de debito, qd' defunctus nobis de-
bit: liceat Vic', vel balliuo nro attachiare,
& imbreuiare omnia bona & catalla defuncti
inuenta in laico feodo ad valentiã ipsius de-
biti, per visum & testimonium legal' homi-
num, ita tamen q̄ nihil inde amoueat, do-
nec persoluat nobis debit, quod clarũ fuerit,
& residuum relinquatur executoribus ad fa-
ciendũ testamentũ defuncti. Et si nihil nobis
debeat ab ipso, omnia catalla cedant de-
functo: Saluis vxori eius, & [liberis] pueris
suis, rationabilibus partibus suis.

Fitzh. Nat.
bre. fol. 122 l.

Castels 1. cap. 19.

Nullus Constabularius, vel eius balliuus,
B. ij. capiat

Magna charta.

capiat blada, vel alia catalla alicuius qui non sit de villa vbi castrum suū situm est, nisi statim reddat denarios, aut respectum inde habere possit de voluntate venditoris. Si autem de villa illa fuerit, infra quadraginta dies precium redd'. [West. 1. cap. 7. & 31.]

Castels 2. cap. 20.

Nullus Constabularius distringat aliquem Militem, ad dandum denarios pro custodia castri, si ipse eam facere voluerit, in propria persona sua, vel per alium pbum hominem faciat, si ipse eam facere non possit, propter rationabilem causam. Et si nos abducerimus, vel miserimus eum in exercitum, sit quietus de custodia castri, secundū quantitatem temporis quo per nos fuerit in exercitu, de feod' pro quo fecit seruitium in exercitu.

Purueyours I. cap. 28.

Nullus Vicecomes, vel Balliuus nostr', vel aliquis alius, capiat equos, vel carectas alicuius p cariagio faciundo, nisi reddat liberationem antiquū statutū, scilicet pro vna carecta ad duos equos decem denarios per diem, & pro carecta ad tres equos quatuordecim denarios per diem. Nulla carecta dominica alicuius personę ecclesiasticę, vel militis, vel alicuius domini, p balliuos nostros capiatur, nec nos, nec balliui nostri, nec alij, capiemus boscum alienum ad castra, vel ad alia agenda nostra, nisi per voluntatem illius, cuius boscus ille fuerit.

Forfeiture 1. cap. 22.

Nos non tenebimus terras illorum, qui
con-

conuicti fuerint de feloniam, nisi per vnum annum, & vnum diem: & tunc reddantur terræ illę dn̄is feodorum. [Prerog Regis cap. vi.]

Weares 1. cap. 23.

Omnes Kidelli deponantur de ceteris penitus per Thamesiam, & Medeweiam, & per totam Angl̄, nisi per costeram Maris.

Right 1. cap. 24.

Breue quod vocatur Præcip̄ in capite, de cetero non fiat alicui, de aliquo libero tenemento, vnde liber homo perdat curiã suam.

Weights 1. cap. 25.

Vna mensura vini per totum Regnũ nostrum, & vna mensura Ceruicię, & vna mensura bladi, scilicet, quarterium Lond̄, & vna latitudo pannorum tinctorũ, russatorum, & haubergettarũ, scilicet duę vlnę infra listas. De Ponderibus vero sic sicut de Mensuris.

Fine to the King 1. cap. 26.

Nihil de cetero detur, pro breui Inquisitionis, ab eo qui inquisitionem petit de vita, vel de membris, sed gratis concedatur, & non negatur. [Westm̄ 2. cap. 29.]

Wardes 3. cap. 27.

Si aliqui teneant de nobis per feod' firmam vel per Socagium, vel Burgagium, & de alio teneant terram p̄ seruitiũ Militare, nos non habebimus custodiam heredis, nec terrę suę, quę est de feodo alterius, occasione illius feodi firmę, vel socagij, vel burgagij. Nec habebimus custodiam illius feod' firmę, vel socagij, vel burgagij, nisi ipsa feodi firma nobis debeat seruitium Militare. Nos non habebimus

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bimus custodiã hered', vel alicui' tenet' quam tenet de aliquo alio p' seruitium milit', occasione alicuius paruz Seruitutz, quam tenet de nobis per seruitium, reddend' nobis cultellos, sagittas, vel huiusmodi.

Wager of law 1. cap. 28.

Nullus Balliuus de cetero ponat aliquem ad legem manifestam, nec ad iurament' simpliciloquela sua, sine testibus fidelibus ad hoc inductis.

Accusation 1. cap. 29.

Nullus liber homo capiatur, vel imprisonetur, aut disseisietur de libertate suo, vel libertatibus, vel liberis consuetudinibus suis, aut velagetur, aut exuletur, aut aliquo modo destituatur, nec super eum ibimus, nec super eum mittemus, nisi p' legale iudicium parium suorum, vel per legem terre. Nulli vendemus, nulli negabimus, aut differemus iustitiam vel rectum.

Merchants 1. cap. 30.

Omnes Mercatores, nisi publice antea prohibiti fuerint, habeant saluum & securum conductũ, exire de Anglia, & venire in Angliam, & morari, & ire per Angliam, tam per terram, quam per aquam, ad emendum, vel vendendum, sine omnibus malis tolnetis per antiquas & rectas cõsuetudines, preterquam in tempore guerre. Et si sint de terra contra nos guerrina, & tales inueniantur in terra nostra in principio guerre, attachientur sine dampno corporum suorum [vel] rerum, donec sciatur à nobis, vel à capitali Iusticiã nostro, quo.

quomodo Mercatores terræ nostræ tractantur, qui tunc inueniantur in terra illa contra nos guerrina. Et si nostri salui sint ibi, alij salui sint in terra nostra.

Tenure 2. cap. 31.

Si quis tenuerit de aliqua Escaeta, sicut de honore Wallingford, Notting, Boloñ, [Lancastri] & de alijs escaetis quę sunt in manu nostra, & sint baronię, & obierit heres eius, non det aliud relieuium, nec faciet nobis aliud seruitium, quam faceret Baroni, si [illa] baronia esset in manu Baronis, & nos eodẽ modo eam tenebimus, quo baro eam tenuit. Nec nos occasione talis baronię, vel escaetę habebimus aliquã escaetam, vel custodiam aliquorum nostrorũ hominum, nisi de nobis alibi tenuerit in capite ille qui tenuit [de] de baronia, vel escaeta illa.

Tenure 3. cap. 32.

Nullus liber homo det de cetero amplius alicui, vel vendat [alicui] de terra sua, quam vt de residuo terrę suę possit sufficienter fieri domino feodi seruitium ei debitum, quod pertinet ad feodum illud.

Vacations &c. 1. cap. 33.

Omnes Patroni abbatiarum, qui habent chartas Regũ Angl' de aduocatione, vel antiquam tenuram vel possessionẽ, hęant earum custodiã cum [vacauerint] sicut habere debent, sicut superius declaratũ est [cap. 5.]

Appeales 1. cap. 34.

Nullus capiatur aut imprisonetur ppter appellũ femine de morte alterius quã viri sui.

Magna charta.

Countie & Turne I. cap. 35.

Nullus Comitatus de cetero teneatur nisi de mense in mensem, & vbi maior terminus esse solebat, maior sit. [Vide 2. Ed. 6. cap. 25.] Nec aliquis Vicecomes, vel balliuus suus faciat Turnum suum per hundredum, nisi bis in anno, & non nisi in loco debito & consueto, viz. semel post Pascha, & iterum post festum S. Michaelis, & Visus francipleg. tunc fiat ad illum terminum Sancti Michaelis sine occasione. Ita scilicet quod quilibet habeat libertates suas quas habuit, vel habere consuevit tempore Regis Henrici aui nostri, vel quas postea perquisiuit. Fiat autem visus de frankpleg. sic: videlicet, quod pax nostra teneatur, & quod Trithinga teneatur integra sicut esse consuevit, & quod Vicecomes non querat occasiones, & contentus sit de eo, quod Vic' habere consuevit de visu suo faciendo, tempore H. Reg. aui nostri. [Vide Marlb. cap. 10.]

Mortmaine I. cap. 36.

Nec liceat de cetero alicui, dare terram suam alicui domui Religiosæ, ita quod illam resumat de eadem domo tenend'. Nec liceat alicui domui religiosæ terram alicuius sic accipere, quod tradat illam illi a quo eam accepit tenend'. Si quis autem de cetero terram suam alicui domui Religiosæ sic dederit, & super hoc conuincatur, donum suum penitus cassetur, & terra illa domino illius feodi incurratur. [Vide statutum de Religiosis, An. 3. E. 1.]

Escuage I. cap. 37.

Scutagium de cetero capiatur sicut capi

consuevit tempore H. regis aui nostri.

Frankifes 3. cap. 38.

Et salutæ sint Archiepiscopis, Episcopis, Abbatibus, Prioribus, Templarijs, Hospitalarijs, Comitibus, Baronibus, & omnib' alijs, tam Ecclesiasticis psonis, quam secularibus, omnes libertates & liberę consuetudines, quas prius habuerunt. Omnes autem istas consuetudines & libertates p̄dictas, quas cōcessimus in Regno n̄ro tenend' (quantū ad nos p̄tinent) erga nos & hered' nostros obseruemus, & omnes de Regno n̄ro, tam clerici quā laici obseruent (quantū ad se pertinent) erga suos. Pro hac autem donatione & concessione libertatū istarū & aliarū libertatū contentarū in Charta nostra de libertatibus Forestæ, Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites, liberi Tenentes, & omnes de Regno n̄ro dederunt nobis quintodecimam partē omniū mobiliū suorū. [Vide Stat 7. Añ 25. E. 3.] Concessimus etiā eisdem p̄ nobis & heredibus n̄ris, qd' nec nos, nec hered' n̄ri, aliquid perquiremus, per quod libertates in hac Charta contentæ infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid p̄quisitū fuerit, nihil valeat, & pro nullo habeatur. His testibus Bonifacio Cantuarien' Archiepiscop̄, E. Londoneusi Episcopo, & alijs. Datum apud Westmiñ decimo die Febuatij, Anno regni nostri nono.

Nos autem donationes & concessiones p̄dictas ratas habentes, & gratas eas pro nobis

Charta de Foresta.

nobis & heredibus nostris, concedimus & confirmamus, easq; tenore presentium innovamus, volentes & concedentes pro nobis & heredib⁹ nostris, quod Charta nostra predicta in omnibus & singulis suis articulis in perpetuum firmiter & inviolabiliter observetur, etiamsi aliqui articuli in eadem charta contenti, hucusq; forsitan non fuerint observati, de cetero observentur. His testibus venerabilibus patribus R. Cantuariens^{is} Archiepiscopo totius Anglię primate. A. Dunelm^{is} Episcopo &c. Datum per manum nostram apud Westmonasterium xxviii. die Martij, Anno regni nostri vicesimo octavo, [Vide Marleb. cap. 5.]

¶ Charta de Foresta, edita

Anno 9. Henr. 3.

Edwardus Dei gratia, Rex Anglię, Dominus Hibernię, & Dux Aquitan^{ie}, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comit^{ibus}, Baronibus, Iusticiariis [forestariis] Vicec^{om}, Prepositis, Ministris, & omnibus Balliuis, & fidelibus suis, Salutem. Inspeximus Chartam domini H. quondam Reg. Anglię patris nostri, de foresta, in hæc verba: H. Dei gratia &c. *ut supra in principio Magne charte.*

Foresta.

Foresta . 1. cap. 1.

1 Inprimis, omnes Forestæ, quas H. Auus noster afforestauit, videant per bonos & leg. homines. Et si boscum aliquem alium quam suum dñicū afforestauerit, ad dampnū illius cuius boscus ille fuerit, statim deafforest. Et si boscum suum proprium afforestaueret, remaneat foresta: Salua coĩa de herbagio, & alijs in eadem foresta, illis qui prius eam habere consuerunt.

2 Homines vero qui manent extra forestam, non veniant de cetero coram Iustic^o nostris de foresta per cōes summonitiones, nisi sint implacitat, vel plegij alicuius vel aliorū qui attachiati sunt ppter forestam.

3 Omnes autem bosci qui fuerunt afforestati per Regem Richardū auunculū nrm, vel per Regem Iohannem patrem nostrū vsq; ad primam coronationē nostram, statim deafforestentur, nisi sit dñicus boscus noster.

4 Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites, & liberi tenentes, qui habent boscos suos in forestis, habeant boscos suos, sicut eos habuerunt tempore primæ coronationis Regis Henrici Aui nostri, ita quod quieti sint in perpetuū, de omnibus purpresturis, vastis, & assertis, factis in illis boscis post illud tēpus vsque ad principium secundi anni coronationis nostræ. Et qui de cetero vastum, purpresturam, vel assartum, (sine licentia nostra) in illis fecerint, de vastis, purpresturis, & assartis nobis respondeant.

Charta de Foresta.

5 Regardatores nostri, eant per forestam ad faciendum regardum, sicut fieri consuevit tempore primæ coronationis Regis H. aui nostri, & non aliter.

6 Inquisitio vel visus de expeditatione canum existentium in foresta nostra, de cetero fiat quando fieri debet regardū, scilicet de iij. añ in tertium annum. Et tunc fiat per visum & testimoniū legal' hoīm, & non aliter. Et ille cuius canis inuentus fuerit tunc non expeditatus, det p̄ m̄ia tres solidos. Et de cetero null' bos capiatur pro expeditatione canū. Talis autem expeditatio fiat p̄ assisam communiter vsitatam, videlicet, quod tres ortelli abscindantur sine pellota de pede anteriori. Nec expeditent canes de cetero, nisi in locis vbi consueuerunt expeditari tempore primæ coronationis prædicti regis H. aui nostri.

7 Nullus Forestarius, vel alius balliuus de ceteri faciat scotalas, vel colligat herbas, vel auenam, vel bladum aliquod, vel agnos, vel porcellos, nec aliquam collectam faciat, nisi per visum & factū xij. regardatorū, quando faciunt regardum. Tot forestarij ponantur ad forestas custodiendas quot ad illas custodiendas rōnabiliter viderint sufficere.

8 Nullum Swanimotum de cetero teneatur in Regr'o nostr̄, nisi ter in anno, videlicet in principio xv. dierum ante festū sancti Michaelis, quando agistatores n̄ri conueniunt ad agistandū dominicos boscos nostros, & circa festum Sancti Martini in Hyeme quando agistatores n̄ri debent recipere pannagiū nostrum.

nostrum. Et ad ista dua swanimota conueniāt forestarij, viridarij, & agistatores, & nulli alij per distriktionem. Et tertium swanimotum teneatur in initio xv. dierum ante festū sancti Iohannis Baptistæ, pro venatione bestiarum nostrarum. Et ad illud swanimotū tenēdū conueniant forestarij, viridarij, & non alij per distriktionē. Pręterea singulis xl. diebus per totū annū conueniant forestarij, & viridarij, ad videndū attachiamēta de foresta, tam de viridi quam de venatione, per p̄sentationem ipsorum forestariorum, & coram ipsis attachient. Prędicta autem swanimota non teneantur, nisi in Comitatu, in quibus teneri consueuerunt.

9 Vnusquisq; liber homo agister boscum suum in foresta, pro voluntate sua, & habeat pannagium suum. Concedimus etiam quod vnusquisq; liber homo ducere possit porcos suos per dñicū boscū n̄m, libere & sine impedimento ad agistandū eos in boscis suis p̄prijs, vel alit i vbi voluerit. Et si porci alicuius liberi hominis vna nocte pernōctauerint in foresta nostra, non inde occasionetur vnde aliquid de suo perdat.

10 Nullus de cetero amittat vitam, vel mēbra p̄ venatione n̄ra. Sed si quis captus fuerit & conuictus de captione venationis n̄re, grauiū redimat, si habeat vnde redimi possit. Si autem non habeat vnde redimi possit, iaceat in prisona nostra p̄ vnum annum & vnum diē. Et si post vnum annum & vnū diem pleg' inuenire possit quod amplius de venatione

Charta de Foresta.

tionem nostram non forisfaciet, exeat de prisona, sin autem, abiuret Regnum Angliæ.

11 Quicumq; Archiepiscopus, Epus, Com, vel Baro, veniens ad nos ad mandāt nostrā, transierit per forestam nostram, liceat ei capere vnā bestiam, vel duas, per visum forestarij si p̄sens fuerit, sin autem, faciat cornare, ne videatur hoc furtiue facere. Hoc idem liceat eis redeundo facere, sicut p̄dictū est.

12 Vnusquisque liber homo de cetero sine occasione faciat in bosco suo, vel in terr̄ sua, siue in aqua, quam hēt in foresta n̄ra, molēd', viuā, stagnū, marleram, fossat, vel terrā arabilem extra cooperit in terra arabili, ita quod non sit ad nocumentū alicuius vicini.

13 Vnusquisq; liber homo habeat in boscis suis areas accipitrum, esperuā, falconū, aquilarum, & hieronum. Habeant similiter mel, quod inueni fuerit in boscis suis.

14 Nullus Forestarius de cetero, qui non sit forestarius de feod', reddens nobis firmam p̄ balliua sua, capiat chimagium aliquod in balliua sua. Forestarius autem de feodo, firmam nobis reddens p̄ balliua sua, capiat chimagium, videlicet, pro carecta p̄ dimid' annū, duos denarios, & per aliū dimidiū annum, duos denarios, & pro equo qui portet summagiū per dimid' annū obulū, & per aliū dimid' annū obulū, & non nisi de illis qui extra balliua suā, tanquā mercatores veniunt p̄ licentiam suā, in balliua suā, ad boscū, maremiū, corticē, vel carbonem emend', & alibi ducend'

ducend^o ad vendendum vbi voluerit. Et de nulla alia carecta vel [equo portante] summagium, aliquod chimagiū capiatur. Et non capiatur chimagiū, nisi in locis in quibus antiquitus capi solebat & debuit. Illi autem qui porrant super dorsum suū boscum, corticem, vel carbonem ad vendendū, quibus inde viuant, nullum de cetero dent chimagiū forestarijs nostris preterquam in dominicis boscis nostris.

15 Omnes vtlagati pro foresta [tantum] à tempore regis H. aui nostri vsq; ad primam coronationem nostram, veneant ad pacem nostram sine impedimēto, & saluos pleg. nobis inueniant, quod de cetero non foris facient nobis in foresta nostra.

16 Nullus constabularius, castellanus, vel balliuus teneant placita de foresta, siue de viridi, siue de venatione [nostra] sed quilibet forestarius de feudo attachiet placita de foresta, tam de viridi quam de venatione, & ea presentet viridarijs prouinciarū, & cū i rotulata fuerint, & sub sigillis viridariorū inclusa, presententur capitalibus Iusticiarijs nostris de foresta, cum in ptes illas venerint ad tenend^o placita de foresta, & coram eis terminentur. Has autem libertates de forestis concessimus omnib^o & c. Saluis Archiepiscop^o, Episcopis, Abbatibus, Priorib^o, Com^o, Baronibus, Militibus, & alijs personis tam ecclesiasticis quā secularib^o, templarijs, & hospitalarijs, libertatibus, & liberis cōsuetudinib^o in forestis & extra, in warrēnis & alijs, quas prius habuerūt.

Omnes

Statutum de Merton.

Omnes autem istas consuetudines &c. vt in fine Magnæ Chartæ. Nos autem donationes &c. vt in fine eiusdem Magnæ Chartæ. &c. [Vide Marlb. cap. 5.]

¶ Incipit Statutum de Merton editū
Anno 20. Henr. 3. &c.

Prouisum est in Curia domini Regis apud Merton, die Mercurij, in crastino Sancti Vincentij, anno regni Regis Henrici filij Regis Iohannis vicesimo, coram W. Cantuariensi Archiepiscopo, & Coepiscopis suffraganij suis, & coram maiore parte Comitum & Baronum Angliæ ibidem existentium, pro coronatione ipsius domini Regis & Helionoræ Reginae, pro qua omnes vocati fuerunt, cum tractatum esset de comunū utilitate Regni sup articulis subscriptis, Ita prouisum fuit & concessum, tam a prædict' Archiepiscopis, Episcopis, Comitibus, Baronibus, quam ab ipso Rege, & alijs.

Dower I. cap. I.

De Viduis primo, quæ post mortem virorum suorum expelluntur de Dotibus suis, & dotes suas, vel quarentenam [suam] habere non possunt sine placito, videlicet, quod quicumque deforc'auerit eis dotes suas, vel quarentenam suam, de tenementis quibus viri sui obierunt seifiti, & ipsæ viduæ postea per [placitum] recuperauerint, si ipsi deforc' de iniustō

iniusto deforciamēto conuicti fuerint, red-
dant eisdem viduis damna sua, scilicet valo-
rem totius dotis eis contingētis, á tempore
mōrtis virorum suorum, vsque ad diem quo
ipsæ viduę per iudiciū Curie seisinam su-
am inde recuperauerint. Et nihilominus ipsi
deforcīatores sint in misericordia domini
Regis.

Wils 1. cap. 2.

Item omnes Viduę de cetero possint le-
gare blada sua de terra sua, tam de dotibus
suis, quam de alijs terris & tenementis suis:
saluis consuetudinibus & seruitijs domino-
rum de feodo, quę de dotibus & alijs tene-
mentis suis debentur.

Reddisseisin 1. cap. 3.

Item si quis fuerit disseisit de libero tene-
mēto suo, & coram Iustic' itinerantib' seisi-
nam suam recuperauit, p Assisam nouę dis-
seisinę, vel per recognitionem eorū qui fece-
runt disseisinam: & ipse disseisitus p vic' seisi-
nam suā habuerit, si ijdē disseisitores postea,
post iter Iustic', vel infra de eodē tēte iterum
eundē conquerentem disseisuerint, & inde
conuicti fuerint, statim capiantur, & in pri-
sona dñi Regis deteneantur, quousq; per do-
minū Regem p redemptionē, vel aliquo alio
modo deliberentur. [Vide Marl. cap. 8.] Et
hęc est forma qualiter tales conuicti pūiri
debeant, videlicet, Cum conquerentes ad
Curiam veniant, habeant bñe dñi Regis Vic'
directū, in quo contineatur eorū narratio de
disseisina facta sup disseisinam. Et ideo man-

unum in totum
 sufficit 20 H 6 17^a
 p. low: 393.

dei vic^o, & assumptis secum custodibus pla-
 citorum coronę dñi Regis, & alijs legalibus
 Militibus in ppria psona sua accedat ad tenē
 illud, vel ad pasturam illā de quib^o facta fue-
 rit q̄rela, & coram eis per primos iuratores,
 & per alios vicinos, & legales homines [de
 vicineto illo] diligentem inde faciat inquisi-
 tionem. Et si ipsum iterū inuenerint disseisi-
 tum (sicut p̄dictum est) tunc faciat secundum
 p̄uisionem p̄dictam, sin autem, tunc sit con-
 querens in misericordia dñi Regis, & alius
 quietus recedat. Nec debet Vic^o (sine speci-
 ali p̄cepto domini Regis) h̄modi loquelam
 prosequi. Eodem modo fiat de illis, qui seisi-
 nam recuperauerint p̄ assisam mortis ante-
 cessoris, & similiter de omnib^o terris & tene-
 mētis recuperatis p̄ Iurat^o in curiis dñi Regis,
 si postea disseisiti fuerint à prioribus deforci-
 atoribus, versus quos recuperauerint p̄ iurat^o
 quoquomodo. [Vide W. 2. cap. 26.]

Approvements I. cap. 4.

Item quia multi Magnates Anglię, qui
 feoffauerunt Milites & alios libere tenentes
 suos de paruis tenementis in magnis mane-
 rijs suis, questi fuerunt, quod commodum
 suum facere non potuerunt de residuo ma-
 neriorum suorum, sicut de vastis, boscis, &
 pasturis [communibus] cum ipsi feoffati ha-
 beant sufficientem pasturam, quantū pertinet
 ad tenementū sua, [ita] prouisum est, & con-
 cessum, quod quicūque h̄modi feoffati assi-
 sam nouę disseisinę deferant de communia
 pasturę suę, & corā Iusticiā recognit^o fuerit
 quod

quod tantam pasturam habeant, quantū sufficient ad ten' sua, & quod habeant liberum ingressum & egressum, de [liberis] tenementis suis, vsq; ad pasturam suam: tunc inde sint contenti, & illi de quibus conquesti fuerint recedant quieti; de hoc quod commodū suū de terris, vastis, boscis, & pasturis fecerint. Si autem dixerint, quod sufficientem pasturam non habeant, vel sufficientē ingressum, [vel] egressum, quantū pertinet ad ten' sua, tunc inquiratur veritas p assisam. Et si per assisam recognitū fuerit, quod per eosdē deforciantores, in aliqua fuerit impeditus eorū ingressus, vel egressus, vel quod non habeant sufficientem pasturam, & sufficientem ingressum & egressum, sicut prædictum est: tunc recuperent seisinam suam, per visum Iuratorum, ita quod per discretionem & sacramentum eorum habeant conquerentes sufficientem pasturam, & sufficientē ingressū & egressum in forma prædicta, & disseisitores sint in mīa domini Regi, & dampna reddant, sicut reddi solent ante prouisionem istam. Si autem recognitum fuerit per assisam, quod querentes sufficientem habeant pasturā, cum libero & sufficienti ingressu & egressu, sicut præd' est: tunc licitè [& liberè] faciant [dñi] commodum suum de residuo, & recedant de illa assisa quieti. [West. 2. cap. 48.]

Vsurie 1. cap. 5.

Similiter prouisum est, & à dño Rege concessum, quod de cetero non current Vsurę contra aliquē infra etatem existē, à tēpore

C. ij.

mortis

Merton.

mortis antecessoris sui, cuius hæres ipse est, vsq; ad legitimam ætatem suam, ita tamen quod propter hoc non remaneat solutio debiti principalis simul cum vsuris ante mortem antecessoris sui, cuius hæres ipse est, inde prouenientibus.

Wardes 4. cap. 6.

Cook 94p 72
De hered' per parentes, vel per alios, contra pacem vi abductis, vel detentis, seu maritatis, ita prouisum est, quod quicumq; laicus inde conuictus fuerit, quod puerum aliquem sic detenuerit, abduxerit, seu maritauerit, reddat peridenti valorẽ maritagij: & pro delicto corpus eius capiat, vt imprisonetur, donec peridenti emendauerit delictum si puer maritetur: & præterea donec domino Regi satisfecerit pro transgressione sua. Et hoc de herede infra quatuordecim annos existẽ. De herede autẽ cum sit quatuordecim annorum, vel vltra, vsque ad plenam ætatem, si se maritauerit sine licentia dñi sui, vt ei auferat maritagium suum, & dominus eius offerat ei rationabile maritagiũ, vbi non disparagetur, dñs suus tunc teneat terram eius vltra terminũ ætatis suę, scilicet xxj. annorũ, per tantum tẽpus quod inde possit percipere duplicem valorẽ maritagij, secundum estimationem legalium hominum, vel secundũ quod ei ꝑ eodem maritagio prius fuerit oblat, sine fraude & malitia, & secundum quod probari poterit in curia domini Regis.

Wardes 5: cap. 7.

De dominis qui maritauerint illos quos habent

habent in custod', villanis, vel alijs, sicut burgenf. vbi disparagent: si talis heres fuerit infra xiiij annos, & talis etatis quod consentire non possit matrimonio: tunc si parētes conquerantur de illo dño, dñs ille amittat custodiam vsque ad ætatem heredis, & omne cōmodum quod inde perceptū fuerit, conuertatur in commodum ipsius heredis qui infra etatem est, secundū dispositionem & prouisionem parentum suorū, propter dedecus ei factū. Si autē fuerit 14. annorū & vltra, quod consentire poterit, & tali maritagio consenserit, nulla sequatur pœna. Si quis heres cuiuscunq; fuerit etatis, pro dño suo se noluerit maritare, non cōpellať hoc facere, sed cum ad etatē puenerit, det dño suo & satisfaciat ei de tanto quantū inde percipere posset ab aliquo p maritagio suo antequā terrā suam recipiat, & hoc siue se voluerit maritare, siue non: quia maritagiū eius, qui infra etatem est, de mero iure pertinet ad dominū teodi.

Limitation 1. cap. 8.

De narratione discensus in bñi de Recto ab antecessore à tēpore H. regis senioris anno & die, Prouisum est, quod de cetero non fiat mentio de tam longinquo tēpore, sed à tempore H. regis aui nostri, & locum habeat ista p̄uisio ad Pentecosten, Anno regni dñi Regis nunc 21. & non antea: & breuia prius impetrata p̄cedāt Breuia mortis Antecessoris, de Nativis, & de Ingressu, nō excedāt vltimū redditū dñi regis Iohānis de Hiberñ in Angliā, & locū habeat ista p̄uisio &c. vt sup

Merton.

Breua nouę diss. non excedant primã trans-
fretationẽ dñi regis qui nunc est in Vascoñ,
& locũ habeat ista p̄uisio à tẽpore p̄dict', &
breua prius impetrata procedant. [Vide
West. 1. cap. 38. & 32. H. 8. cap. 2.

Bastardie I. cap. 9.

Ad b̄re regis de Bastardia, vtrum aliquis
natus ante matrimoniũ habere poterit heredi-
tate, sicut ille qui natus est post matrimoni-
um, Responderunt omnes Episcopi, quod
nolunt nec possunt ad istud breue respon-
dere, quia hoc esset contra communem for-
mam Ecclesię. Et rogauerunt omnes Episcopi
magnates, vt consentirent, quod nati
ante matrimoniũ essent legitimũ, sicut illi qui
nati sunt post matrimoniũ, quantum ad suc-
cessionem hereditariam, quia Ecclesia tales
habet pro legitimis. Et omnes Comes &
Barones vna voce responderũt, quod nolunt
Leges Anglię mutare, quę hucusque vsitate
sunt & approbatę.

Attorney I. cap. 10.

Prouisum est insuper, q̄ quilibet liber ho-
mo, qui sectam debet ad cem, trithingam,
hundred', & wapentag', vel ad Curiam dñi
sui, liberẽ possit facere Attournũ suũ, ad sectas
illas p̄ eo faciendas.

Forests 17. cap. 11.

De malefactoribus in parcis & viuarijs
nondũ est discussum, quia magnates petierũt
propriam prisonam de illis, quos caperent
in parcis & viuarijs suis. Quod quidẽ domi-
nus Rex contradixit, & ideo differtur.

Dies

¶ Dies communes in Banco, edit̃
Anno 51. H. 3.

Dayes in Banke I. cap. I.

SI breue venerit in octabis Sancti Michaelis, tunc dabitur dies in octabis Sancti Hillarij. Si in quindena sancti Michaelis, in quindena sancti Hillarij. Si in tribus septimanis Sancti Michaelis, in crastino Purificationis beatæ Mariæ. Si in mense Sancti Michaelis, in octabis Purificationis beatæ Mariæ. Si in crastino animarum, in quindena Paschæ. Si in crastino Sancti Martini, in tribus septimanâ Paschæ. Si in octabis sancti Martini, in mense Paschæ. Si in quindena sancti Martini, in quinq; septimanis Paschæ. Et est quidem dies specialiter datus in crastino Ascensionis dñi, & tantum valet, quantum v. septimanâ Paschæ. Si in octa. Hillarij, in octabis Sanctæ Trinitatis. Si in quindena Sancti Hillarij, in quindena sanctæ Trinitatis, & aliquando in crastino Sancti Iohannis Baptiste. Si in crastino Purificationis beate Mariæ in crastiñ, & in octa. sancti Iohis Bapt. Si in octab. Purificationis in xv. sancti Iohannis Baptiste. Si in quindenâ Paschæ, in octa. sancti Michaelis. Si in tribus septimanis Paschæ, in quindena sancti Michaelis. Si in mense Paschæ, in tribus septimanis Sancti Michaelis. Si in v. septimanis Paschæ, vel in crastiñ Ascensionis dñi, in mense S. Michaelis. Si in octab; sanctæ Trinitatis, in crastiñ animarū.

C. iiij.

Si

Dies communes.

Si in quindena sanctæ Trinitatis, vel in crastino Sancti Iohannis Baptiste in crastino sancti Martini. Si in octab. Sancti I. Bapt. in octa. sancti Martini. Si in quindena Sancti Iohannis Baptiste, in quindena Sancti Martini. Et sic respondet quilibet terminus alij. [Vide 32. H. 8. cap. 21.]

¶ Dies communes in Banco, in placito Dotis, edit Anno 51. H. 3.

Dayes in banke 2.

SI in octa. Sancti Michaelis breue venerit, dabitur dies in crastino animarum. Si in quindena Sancti Michaelis, dabitur dies in crastino Sancti Martini. Si in mense Sancti Michaelis, in quindena Martini. Si in crastino animarum, in octabis sancti Hillarij. Si in crastino Martini, in quindena Hillarij. Si in octab. Martini, in crastino Purificationis. Si in quindena Martini, in octa. Purificationis. Si in octa. Hillarij, in xv. Paschæ. Si in quindena Hill, in tribus septimanis Pasch. Si in crastino Purificac^o in mense Paschæ. Si in octa. Purificac^o, in crastino Ascensionis. Si in quindena Pasch. in octab. Trinitatis. Si in tribus septimanis Paschæ, in quindena Trinitatis. Si in mense Paschæ, in crastino Sancti Iohannis Bapt. Si in quinq; septimanis Paschæ, in octabis Sancti Iohis. Si in crastino Ascensionis dñi, in xv. Sancti Iohannis. Si in octabis

Statutum de Marlebridge. 16

bis Trinitatis, in octabis Sancti Michaelis. Si in quindena sanctę Trinitatis, in xv. Sancti Michaelis. Si in crastino Sancti Iohannis Baptistę, in iij. septimanę sancti Michaelis. Si in octabis sancti Iohannis Baptistę, in mense Sancti Michaelis. Si in quindena Sancti Iohannis Baptistę, in crastino Animarum. [Vide 32. H. 8. cap. 21.]

¶ Statutum de Marlebridge,
edit Anno 52. H. 3.

ANno Gratiz M. CClxvij. Regni autem domini Henr̄ filij Regis Iohannis quinquagesimo secundo, in octabis S. Martini, providente ipso domino Rege, ad regni sui Anglię meliorationem, & exhibitionem justicię (prout regalis officij exposcit utilitas) pleniorē, convocatis discretioribus eiusdem Regni, tam maiorib⁹ quam minoribus : Prouisum est & statutū, ac concordatum & ordinatum, vt cum regnū Angl⁹ multis tribulationibus & dissensionum incommodis nuper [esset] depresso, reformatione legū & iurium (quibus pax & tranquillitas incolarū conseruetur) indigeat, ad q̄ remedium salubre per ipsum Regem & suos fideles oportuit adhiberi : prouisiones, ordinationes, & statuta subscripta, ab omnibus regni ipsi⁹ incolis, tam maioribus quam minoribus, firmiter & inuiolabiliter tēporibus perpe-

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perpetuis statuerit obseruari.

Distres I. cap. I.

Cum autem tempore turbationis nuper in regno Angliæ subortæ, & deinceps, multi magnates & alij iustitiam indignati fuerint recipere per dominum Regem, & curiam suam, prout debuerunt, & consueuerunt temporibus predecessorum ipsius domini Regis, & etiam tēpore suo: sed de vicinis suis, & alijs per seiplos graues vltiones fecerint, & distri- ctiones, quousque redemptiones reciperent ad voluntatem suam. Et præterea quidam eorū, se per ministros domini regis iusticiari non permittant, nec sustineant quod per ip- sos liberentur distriktiones, quas auctoritate propria fecerint ad voluntatem suam. Pro- uisum est, concordatum, & concessum, quod tam maiores, quam minores, iusticiam ha- beant & recipiant in curia domini Regis. Et nullus de cetero vltiones, aut distriktiones faciat p volūtātē suam, absq; consideratione curiæ cñi regis, si forte dampnum vel iniuria sibi fiat, vnde emendas habere voluerit de [aliquo] vicino suo, siue maiore siue minore. Super articulo autem supradicto p uisum est & concessum, quod si quis de cetero vltiones hñodi capiat per volūtatem suā [propriam] absq; consideratione curiæ domini regis (vt p̄dictū est) & inde conuincatur, puniatur per redēptionē, & hoc secundū quantitātē delicti. Et similiter si vicin⁹ sup vicinū suū faciat di- striktionē, sine consideratione curiæ dñi regis p qd' dāpnū habeat, puniatur eodē modo, & hoc

hoc secundū quantitatem delicti. Et nihilo-
minus fiant emendē plenē & sufficientē eis,
qui dampna sustinuerint per huiusmodi di-
strictiones.

Distres 2. cap. 2.

Nullus insuper maior vel minor distringat
aliquem ad veniendū ad curiā suam, qui non sit
de feodo suo, aut sup ipsū non habeat iuris-
dictionem p hundred, [wapentag,] vel bal-
luam, [quæ sua sit] nec distractiones faciat
extra feodū suū, seu locum ubi bailuā ha-
beat, vel iurisdictionē. Et qui contra hoc sta-
tutū fecerit, puniatur eodē modo, & hoc secun-
dum delicti quantitatem, & etiam qualitatem.

Distres 3. cap. 3.

Si quis autem maior vel minor, permittere
noluerit liberari per ministros domini regis,
secundum legem & consuetudinē regni, di-
strictiones quas fecerit: aut etiam sustinere
noluerit summonitiones, attachiamēta, exe-
cutiones iudiciorum curiæ dñi regis fieri [se-
cundū legem & consuetudinē regni ut præ-
dict' est] puniatur modo prædicto, tanquam
se iusticiari non permittens, & hoc secū lum
delicti quantitatem. Et si quis maior vel minor
distractiones faciat sup tenentē suū p serui-
tijs & consuetudinib', quæ sibi deberi dicat,
vel p re altera, vnde ad dominū feodi perti-
neat distractiones facere, & postea cōvincaſ,
qd' tenens ea sibi non debeat: non ideo pu-
niatur dñs per redēptionem, ut in supradictis
casib', si permittat distractiones deliberari se-
cundū legē & consuetudinē regni, sed amer-
cic-

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cientur, velut hactenus consuetum est, & tenens dampna sua recuperet versus eum.

Distres 4. cap. 6.

1. H. 6. fol 3.
Si hometient
terres per ser-
uice en vn
countie, de vn
Mannor en au-
ter countie,
Seignior pōit
distraire pur
seruices, &
amefner le di-
stres al man-
nor en auer
countie.

Nullus de cetero faciat ducere districtio-
nes quas fecerit, extra comitatū in quocapte
fuerint. Et si vicinus hoc fecerit super vici-
num suum, & per voluntatem suam, & sine
iudicio, puniatur per redemptionē vt supra,
veluti de re [facta] contra pacem. Verun-
tamen si dominus hoc super tenentem suum
facere presumpserit, castigetur per gravem
misericordiam. Districtiones insuper sint ra-
tionabiles, & non nimis graues. Et qui distri-
ctiones fecerint irrationabiles, & indebitas,
grauiter amercientur propter excessum di-
strictionum ipsarum. [Vide Statutum An̄ 1.
& 2. P. & M. cap. 13.]

Confirmation 1. cap. 5.

Magna charta in singulis suis articulis te-
neatur, tam in his que ad Regem pertinent,
quam que ad alios, & hoc coram Iusticiariis
itinerantibus in suis itineribus, & Vicariis in com-
suis, cum opus fuerit demandetur, & breuia
versus eos qui contrauerint gratis conce-
dantur coram Rege, vel coram Iusticiariis de banco,
vel coram Iusticiariis itinerantibus, cum in par-
tes illas venerint. Similiter Charta de Fore-
sta in singulis suis articulis teneatur, & con-
trauientes per dñm Regem, cum conuicti
fuerint grauitèr puniantur modo suprad.

Wardes 6. cap. 6.

De his autem qui primogenitos & here-
des suos infra ætatem existentes feoffare so-
lent

lent de hereditate sua, vt per hoc amitterent
 domini feodorum custodias suas, Prouisum
 est, concordatum, & concessum, quod occasi-
 one huiusmodi [falsi] feoffamenti, nullus ca-
 pitalis dñs amittat custodiam suam. De his
 insuper qui de terris suis, quas tradere volu-
 erint ad terminum annorum, vt per hoc dñi
 feodorum amittant custodias suas, falsa fin-
 gunt feoffamenta continētia, quod eis satisf-
 actum est de summa seruitij in illis conten-
 usque ad terminum aliquem: ita quod si ad
 dictū terminū soluere teneantur huiusmodi
 feoffati summā aliquā ad valorem terrarum
 illarum, vel in multo excedentem, vt sic post
 terminū illum terra eorū reuertatur ad ipsos,
 vel ad heredes suos, eo quod nemo eam pro
 tanto tenere curaret: Prouisum est, concor-
 datum, & concessum, vt per hñodi fraudem
 nullus capitalis dñs amittat custodiā suam:
 Veruntamen non licebit eis hñodi feoffatos
 sine iudicio disseisire: sed breue habeant de
 hñodi custodia sibi reddenda, & per testes
 in chartis de huiusmodi feoffamēto conten-
 tos, vna cum alijs liberis & legal' hominibus
 de patria, & per quantitātē & valorē tēn, &
 per quantitatem summæ, quę inde reddi de-
 beant post terminum [prædictum] attinga-
 tur, vtrum huiusmodi feoffamenta bona fide
 facta sint, an in fraudem, ad auferendum ca-
 pital' domini feodorum custodiam suam. Si
 vero capital' domini per iudicium curiæ in
 huiusmodi casib' recuperauerint custodiam
 suam, salua sit nihilominus hñodi feoffatis
 actio

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actio sua, quo ad terminum, seu ad feodum recuperandū, quam inde habuerint cum heredes ad legitimam etatem peruenerint. Et si aliqui capitales Dñi feoffatos aliquos malitiosè implacitauerint, fingentes casum istum, maximè vbi feoffamenta legitimè & bona fide facta fuerint, tunc adiudicentur feoffatis dampna sua, & misæ suę, quas fecerint occasione p̄dicti placiti, & ipsi actores per misericordiam grauitèr puniantur.

Wardes 7. cap. 7.

In placito vero communi de custodijs, si ad magnam distractionem non venerint deforciatores, tunc bis vel ter iteretur breue prædictum ad terminos quibus fieri poterit, infra medietatem anni sequentis, ita quod singulis vicibus legat breue in pleno comitatu [nisi al' vbi] prius inuentus fuerit deforciator. Et ibi publicè denunciatur, vt veniat ad diem sibi præfixum. Quod si ipse extunc se subtraxerit, ita quod infra medietatem anni p̄dicti responsurus non venerit, nec viccomes eum inuenire possit, per quod corpus suum habere non possit corā Iusticiarijs, ad respondendum secundum legem & consuetudinem regni, tunc (tanquam rebellis, & se iusticiari non permittens) amittat seisinam hñodi custodiæ, salua sibi aliàs actione sua, si tortè ius habeat ad eandem. In casibus autem vbi custodiæ pertinent ad custodes heredum infra etatem existentium versus custodes ill' [petatur custodia quę accidit heredibus illis] tanquam pertinens ad eorū hereditates;

ditates : & non amittant hñdi heredes infra ætatem existētes, hęreditatem suā per negligētiā, vel rebellionem suorū custodū, ticut in calu p̄dicto, sed currat Lex cōmunis eodē modo quo prius currere consuevit.

Redisse. sin 2. cap. 8.

Illi autē qui pro iterata dissesina capī fuerint & detenti, non deliberent sine speciali p̄cepto dñi regis, & hoc per sinem cum dño Rege inde faciendū, p̄ hñodi transgressione sua. Et si cōpertū fuerit qd' vic' aliter eos deliberauerit, p̄pter hoc grauit̄ amercietur, & nihilominus illi qui per vicecomitem, sine p̄cepto domini Regis, sic deliberantur, pro sua transgressione grauit̄ puniantur. [Merton cap. 3. West. 2. cap. 26.]

Suite 1. cap. 9.

De sectis vero faciēdis ad curiam Magna-
tum, vel ad curiam aliorū dominorū ipsarum
cur, de cetero sic obseruandū est, quod nullus
qui per chartam feoffatus est, distringatur de
cetero ad hñodi sectam faciendā ad curiam
dñi sui, nisi per formam [feoffamenti sui] spe-
cialiter teneatur ad sectam illam faciēdam.
His autem exceptis quorū antecessores, vel
ipsimet, hñodi sectam facere consueuerunt
ante primam transfretationem p̄dicti dñi
Regis Henrici in Britanniam, à tempore cu-
ius transfretationis elapsi sunt xxxix. anni
& medietas vnus anni [ad tempus] quo
huiusmodi constitutiones fuerunt statutæ.
Similiter nullus feoffatus, à tempore con-
questus [sine charta] vel aliquo alio antiquo
feoffa.

*nota qd' cap. 9. statuit
qz affirmatiue de
com. cur. 1693 au-
xxxix. 243.*

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feoffamento distringatur ad hñodi sectam faciend' ; nisi ipsimet , vel antecessores sui , eam facere consueuerūt ante primam transfretationem p̄dictam : Qui autē per cartam pro certo seruitio , veluti pro libero seruitio tot solidorū annuatim p̄ omni seruitio soluend' feoffati sunt , ad hñodi sectam , vel ad aliud , contra formam feoffamenti sui , de cetero non teneantur . Et si hēreditas aliqua , de qua tantum vnica secta debeat , ad plures hēredes participes eiusdē hēreditatis deuoluatur , ille vero qui habet enitiam patē hēreditatis illius , vnicam faciet sectam pro se & participibus suis , & alij participes sui pro portione sua , contribuunt ad sectam illam faciendam . Et si plures feoffati fuerint de hēreditate aliqua , de qua tamen vnica secta debeat , dñs illius feodi vnicam sectā inde habeat , nec possit de p̄dicta hēreditate nisi vnicā sectā exigere , sicut prius inde fieri consuevit . Et si feoffati warrantū , vel mediū non habeant , qui [inde] eos acquietare debeat , tunc omnes illi feoffati , contribuunt [p̄ portione sua] ad sectā illam pro eis faciendam . Si autē contingat , q̄ dñi cur̄ , tenentes suos contra hanc constitutionem , p̄ hñodi secta distringant , tunc ad querimoniam tenentiū illorū attachientur eorum domini , quod ad curiam Regis veniant ad breuem diem , inde responsuri , & vnicum inde habeant essoniū si fuerint in Regno , & incontinentēr deliberentur conquerenti aueria sua , siue alix restrictiones , hac occasione factę , & deliberatę

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remaneant, donec placitū inde inter eos terminetur. Et si domini curiarū, qui huiusmodi districtiones fecerint, ad diem, ad quem attachiari fuerint non venerint, vel diē per essonium sibi datū non obseruauerint, tunc mandetur vicecomiti, qd' eos ad alium diem venire faciat, ad quē diem si non venerint, tunc mandetur vicecomiti, quod distingat eos p' oīa catalla, quæ habent in balliua sua, ita qd' vicecomes respondeat dño Regi de exitibus dicti heredis, & qd' habeat corpora eorū ad certū diem sibi p'figendū corā Iusticiarijs. Ita qd' si ad diem illū non venerint, eat pars cōquerens inde sine die, & aueria sua, siue alix districtiones hac occasione factæ, deliberata remaneant, donec ipsi dñi sectā illam recuperauerint p' considerationē curiæ regis, & cessent interim hñodi districtiones, saluo dñis curiarum iure suo de sectis illis recuperandis in forma iuris, cum inde loqui voluerint.

Et cum dñi curiarū inde venerint responsuri conquerentibus de hñodi districtionibus, & sup hoc cōuincantur, tūc p' considerationē curiæ dñi regis recuperent versus ipsos conquerentes dampna sua quæ sustinuerunt occasione districtionis p'd'. Simili autē modo si tenētes, post hanc constitutionē, subtrahūt dñis [teodorum] sectas quas facere [debeant] & quas ante tēpus p'dict' transfretationis, & hætenus facere consueuerunt, tunc p' eandē iustitiam, & celeritatē quo ad dies p'figend', & districtiones adiudicand', consequatur dñi curiarū iustitiam de sectis illis p'quirēdis, vna

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cum dāpnis suis quēadmodū tenētes dāpna sua recuperarēt. Et hoc scz. de dampnis recuperādis, intelligatur de subtractionib' sibi factis, & non de subtractionib' factis p̄decessoribus suis. Veruntamen dñi curiarum versus tenentes suos seisinam de huiusmodi sectis recuperare non poterūt per defaltam, sicut prius fieri consuevit. De sectis autem quę ante tempus supradictum subtractę fuerunt, currat Lex communis, sicut prius currere consuevit.

County & Tourne 2. cap. 10.

De Tournis Vic' prouisum est, qd' necesse non habeant ibi veniē Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, nec aliqui viri Religiosi, seu Mulieres, nisi eorum p̄sētia ob aliquam causam specialiter exigatur, sed teneatur Turnus, sicut temporibus p̄decessorū dñi Regis teneri consuevit. Et qui in [diuersis] hund' habeant tenementa, non habeant necesse ad huiusmodi Turnos venire, nisi in balliuis vbi fuerint conuersantes. Et teneantur Turni secundū formam Magnę chartę, & sicut temporibus Regum Rich. & Iohannis teneri consueuerunt. [Vide Mag. chart. cap. 35.]

Beaupleder 1. cap. 11.

Prouisum est etiā, qd' nec in itinere Iustic', nec in com', in hundred', nec in cur' Baroñ de cetero capientur fines ab aliquib' p̄ pulchre placitando, neque [pro eo] qd' non occasionentur. Et sciēdū est, qd' p̄ istam constitutionem non tollūtur fines certi, seu p̄stationes arrenta-

arrentate à tempore quo dominus Rex primū transfretauit in Britanniam vsq; nunc.

Dayes in banke 3. cap. 12.

In placito vero dotis, qd' dicitur vnde nihil habet, dentur de cetero quatuor dies per annum ad minus, & plures si cōmodè fieri poterit, ita quod habeant quinque vel sex dies ad min' p annū In assisis [autem] vltimę presentationis, & in placito quā imped' de ecclesijs vacantibus, dentur dies de quindena in xv. vel de trib' septimanis in tres septimanas, put locus fuerit propinqu', vel remotus.

Quare impedit 1. cap. 13.

Et in placito quā imp' si ad primum diem ad quem summonitus fuerit, non venerit nec effonium miserit impeditor, tunc attachiet ad alium diem, quo die si nō venerit, nec effonium miserit, distringatur per magnam distractionē superius datam. Et si tunc non venerit, p eius defaultam scribatur episcopo illi' loci quod reclamatio impeditoris, illa vice conquerenti non obsistat, saluo impeditori alias iur' suo, cum inde loqui voluerit. Eadē lex de attachiamētis faciendis in omnib' breuibus vbi attachiamenta iacent de cetero (quoad distractiones faciend') firmit' obseruet: ita tmen quod secund' attachiamentum fiat p meliores pleg', & postmod' vltima distractio. [Vide Arē sup chartas cap. 15]

Essoine 1. cap. 14.

Et sciendum est [quod] postquam aliquis posuerit se in inquisitionem aliquam, que emerferit, vel emergere poterit in huiusmodi

D. ij.

breuibus

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breuibus, non habebit nisi vnicū effoniū, vel vnicam defaultam, ita qd' si ad diē sibi datum p' effoniū suum non venerit, aut secundo die defaultam fecerit, tunc inquisitio illa per eius defaultam capiatur, & secundū inquisitionem illam ad iudiciū p'cedatur. Si vero inquisitio illa capta fuerit in comitatu corā vicecomitē vel coronatore, ad Iusticiarios dñi Regis ad certum diem est remittendū. Et si pars rea non venerit ad diē illū, tunc p'pter defaultam ipsius assignetur & alius dies, secundum discretionem Iusticiariorū, & mandetur vicecomiti, qd' ad diem illū faciat eum venire ad audiendū iudiciū (si velit) secundū inquisitionem illam. Ad quem diem si non venerit, p'pter defaultam suam p'cedatur ad iudiciū. Eodem modo fiat, si non veniat ad diem sibi datum per effonium suum.

Iurours I. cap. 15.

De chartis vero exemptionis, & libertatis, ne ponātur impetrantes in assisis, iuratis, vel recognitionibus aliquibus: Prouisū est, qd' si adeo necessarium sit eorum iuramentū, quod sine eis iusticia exhiberi non poterit (veluti in magnis assisis, & in perambulationibus, & in chartis vel scriptis conuentionum, vti fuerunt testes nominati, aut in attinctis, vel alijs consimilibus) iurati cogantur, salva sibi aliā libertate, & exemptione sua p'dicta.

Distres 5. cap. 16.

Nulli de cetero liceat, ex quacunq; causa distractiones facere extra feodum suum, nec in via Regia, aut in communi strata, nisi dño Regi,

Regi, & ministris suis specialem auctoritatem ad hoc habeatibus. [Westminister 1. cap. 16.]

Mortdauncestre 1. cap. 17.

Si heres aliquis post mortem antecessoris sui infra etatem extiterit, & dñs suus custodiam terrarū, & tenementorum suorū habuerit, si dominus ille dicto heredi, cum ad legitimam etatē peruenerit, terrā suam sine placito reddere noluerit, hæres ille terrā suam per assisam mortis antecessoris recuperabit, vna cum dampnis suis, quę sustinuerit ppter detentionem illam, á tempore quo fuit legitimę etatis. Et si heres aliquis tempore mortis antecessoris sui plenę etatis fuerit, & ille heres apparens, & pro herede cognitus & inuētus sit in hereditate illa, capitalis dominus eum non eiciat, nec aliquid sibi capiat, vel amoueat, sed tamen inde simplicem seisinam habeat pro recognitione domini sui vt pro dño cognoscatur. Et si capitalis dominus hñodi heredem extra seisinam maliciose teneat, ppter q̄ breue mortis antecessoris, vel consanguinitatis oporteat ipsum impetrare, tunc dampna sua recuperet sicut in assisa nouę disseisinę. De heredibus autem, qui de domiñ Rege tenent in capite, sic obseruandū est, vt dñs Rex primam inde habeat seisinam, sicut pri⁹ inde habet cōsuevit. Nec heres nec aliquis ali⁹ in hereditatē illā se intrudat, priusquam illā de manibus domini regis recipiat, prout hñodi hereditas de manibus ipsius & antecessorū suorū recipi consueuerit tempo-

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ribus elapsis. Et hoc intelligatur de terris & feodis, que ratione seruitij militaris, vel ser-
ieantiæ, siue iuris patronatus in manibus dñi
regis esse consueuerunt. [Vide Prerogatiua
cap. 3. Et Glanuil lib. 7. cap. 9. fol 4.

Wardes 8. cap. 18.

Prouisum est insuper, qd' si terra, que tene-
tur in Socagio, sit in custodia parenti heredi,
eo quod heres infra ætatem extiterit, custodi
illi vastum facere non possunt, nec venditi-
onem nec aliquam destructionem de hære-
ditate illa, sed saluo eam custodiant ad opus
dicti heredi, ita quod cum ad legitimam æta-
tem peruenerit, sibi rñdeant de exit dictæ he-
reditatis, per legalem computationem, sal-
uis ipsis custodibus rationabilibus misis suis.
Nec etiam possunt dicti custodes maritagium
dicti heredis dare vel vendere, nisi ad com-
modum dicti heredis: sed parentes dicti he-
redi propinquiores, qui huiusmodi custo-
diam habuerint, a toto tēpore illo à quo bre-
uia non conceduntur implacitandi, hñodi
custodias habeant ad commodum heredum
vt prædictum est, sine vasto, vel exilio, vel de-
structione facienda,

Amercement 2. cap. 19.

Nullus Escaetor, vel Inquisitor, aut Iustic'
ad assisas aliquas specialitèr capiendas assig-
natus, vel ad querelas aliquas audiendum &
terminandum, de cetero habeant potestatem
aliquam ameriandi pro defalta communis
summonitionis, nisi capiit Iustic', vel Iustic' iti-
nerantes in itineribus suis.

Essoin

Essoine 2. cap. 20.

De Essoijs autem prouisū est, qd' in com̄, hundred', aut in curia baron', vel alijs curijs, nullus habeat necesse iurare pro esonio suo warrantizand'. [Vide Glanvill lib. 1. cap. 12. fol. 4.

Faux iudgement 1. cap. 21.

Nullus de cetero (excepto dño Rege) teneat placitum in curia sua de falso iudicio facto in cur̄ ten̄ suorum, quia h̄modi placita specialitèr spectant ad coronam & dignitatem dñi Regis.

Replewin 1. cap. 22.

Prouisum est etiam, qd' si aueria alicuius capiantur, & iniuste detineantur, Vic' post queremoniam inde sibi factam, ea sine impedimento vel contradictione eius qui dicta aueria ceperit, deliberare possit, si extra libertates capta fuerint. Et si infra libertates capta fuerint h̄modi aueria, & balliui libertatis, ea deliberare noluerint, tunc vic' pro defectu ipsorum balliuorum ea faciat deliberari.

Freehold 1. cap. 23.

Nullus de cetero possit distringere libere tenentes suos ad r̄ndend' de libero tenem̄to suo, nec de aliquibus ad liberū ten̄ suum spectantib', nec iurare faciat libere tenētes suos contra voluntatem suam, quia hoc null' facere potest sine p̄cepto domini Regis.

Accompt 1. cap. 24.

Prouisum est etiam, quod si Balliui, qui compositum suū dominis suis reddere tenent, se subtraxerint, & terras vel tenementa

Marlebridge.

non habuerint, p̄ quę distringi possunt, tunc per eorum corpora attachientur, ita quod vicecomes in cuius balliua inueniantur, eos venire faciat ad compotū suum reddendū.

Wardes 3. cap. 25.

Item firmarij tempoꝝ firmarum suarū vastum, venditionē, vel exiliū non faciēt de domibus, boscis, vel hominibus, nec de aliquibus ad tenementū qd' ad firmam habent spectant, nisi specialē inde habuerint concessionem per scriptū conventionis mentionē faciēs q̄ hoc facere possunt. Quod si fecerint, & super hoc conuincantur, dāpna plena restituat, & p̄ misericordiam grauiter puniantur.

Iustices in Eire. cap. 26.

Iusticiarij itinerantes de cetero non americient villatas in itinere suo, pro eo q̄ singuli xij. annorū non venerint coram Vicecomitibus & Coronatoribus, ad inquisitionem de roberijs, incendijs domorū, vel alijs ad Coronam spectantib' faciend': Dum tamen de villatis illis veniant sufficientes, per quos inquisitiones h̄modi plenē fieri possunt, exceptis inquisitionibus de morte hominis faciend', vbi omnes xij. annorū venire debēt, nisi rationabilē causam habeant absentię suę.

Murder 1. cap. 27.

Murdrum de cetero non adiudicetur coram Iusticiarij, vbi infortunium tantummodo adiudicatū est, sed locum habeat murdrū de interfectis per feloniam tantū, & non aliter.

Voucher 1. cap. 28.

Prouisum est, quod nullus qui coram Iusticiarij

ciarj

ciã itinerantibus vocatur ad warrantũ in placito terre, vel tẽtũ, amercietur de cetero, pro eo q̄ p̄sens non fuerit quando vocatur ad warrantum (excepto primo die aduentus Iusticiã ipsorum) sed si [warrantus] ille fuerit infra comitatẽ, tunc iniungatur vicecom̄, q̄ ipsũ infra tertium diem, vel quartũ (secundum locorum distantiam) faciat venire, sicut in itinere Iusticiã fieri consuevit. Et si extra comitatẽ maneat, tunc rationabilem habeat summonitionem xv. dierum ad minus, secundum discretionem Iusticiã & legẽ communem.

Mainprise and baile 7. cap. 29.

Si Clericus aliquis pro crimine aliquo, vel recto, quod ad coronam pertineat, arestatus fuerit, & postmodum per p̄ceptum domini Regis in ballium traditus [fuerit] vel replegiatus extiterit, ita quod hij quibus traditus fuerit in ballium, eum habeant coram Iusticiã, non amercientur de cetero illi quibus traditus fuerit in ballium, nec alij pleg^o sui, si corpus suũ habeant coram Iusticiã, licet coram eis propter priuilegium clericale respondere noluerit, vel non potuerit propter Ordinarios suos.

Monasteries &c. 1. cap. 30.

Prouisum est, quod si deprædationes, vel rapini aliqui fiant Abbatibus, Prioribus, vel alijs Prælatibus ecclesiasticis, & ipsi ius suum de h̄modi deprædationibus prosequentes morte p̄ueniantur, antequam iudiciũ inde fuerint assequuti, successores eorum habeant
actio-

Marlebridge.

actiones ad bona Ecclesiæ suæ de manibus huiusmodi transg̃t̃ repetend'. Similem insuper habeant actionem success. de his quæ domui suæ & ecclesiæ recentè ante obitum prædecessorū suorum per h̃modi violentiam fuerint subtracta, licet prædicti prædecessores sui ius suum ꝑsecuti non fuerunt in vita sua. Si autem in terris & tenementis huiusmodi religiosorum, de quibus eorum Prælati obierint seisiſt̃, vt de iure ecclesiæ suæ, aliqui se intrudant tempore vacationis, successores sui b̃re habeant de seisinâ sua recuperand', & adiudicentur eis dampna sua, sicut in noua disseisinâ adiudicari consuevit.

Entrie of writs I. cap. 31.

Prouisum est etiam, quod si alienationes illæ, de quibus breue de Ingressu dari consuevit, per tot gradus fiant, per quot b̃re illud in forma prius vsitata fieri non possit, habeant conquerentes breue ad recuperandum seisinam suam, sine mentione graduum, ad cuiuscunque manus per huiusmodi alienationes, res illa deuenerit, per breue originale, & per commune consilium domini Regis inde prouidendum &c.

Westm

¶ Westminster primer, edit
Anno 3. Edw. 1.

Ceux sont les establishments le Roy Edward fitz le Roy H. faits a Westminster, a son primer parliament general apres son coronement, lendemain de la cluse de Pasche, lan de son raigne 3. per son Conseil, & p l'assentiments des Archeuesques, Euesqs, Abbes, Priors, Countes, Barons, & tout la Communalte de la terē illonqs summones: Pur ceo q̄ nostre Seignior le Roy ad graund volunt & desire del estate de son Realme redresser en les choses ou mestier est damendement, & ceo pur le common pfit de saint Eglise, & de [son] Realme, & pur ceo q̄ l'estate de son Realme, & de saint Egl̄ ad este malement garde, & les Prelates & Religious de la tre en mults des maners grieues, & le people autermt treit q̄ estē duist, & la peace meines garde, & les leyes meins bles, & les missefants meins punies, q̄ estre duissēt, p quoy les gentes de la terē doubteront meins a misfaire: cy ad le Roy ordeine & estabiic, les choses southscripts, les q̄ux il entend destre pfitables & couenables a tout le Realme.

Monasteries 2. cap. 1.

En primes voit le Roy & commande, que la peace de saint Eglise, & de la tre, soit bien garde & mainteignū en toutz points, & q̄ common droiture soit fait a tous, auxybien as pouers, come as riches, sans regard de nul-
 lay.

Westm̄ primer.

Iuy. Et pur ceo que les Abbies, & les measons de religion de la terre, ont este surcharges & greues malement, per le venue des graundes gents & dauters. q̄ lour biens ne suffisent a cux mesmes, per q̄ les religieux sont ci abates & impouers, que ils ne poient cux mesmes susteign̄, ne la [charge de] charitie quils soient faire. Puruiew est q̄ nul ne veigne manger, herberger, ne giser a meason de religion dauter auowson, q̄ de la laine, al costages de la meason, sil ne soit prie & requise specialment per le gouverneur de la meason, auant q̄ il veigne. Et que nul a ses costages demesne, ne entr̄, ne veign̄ giser encounter la volunt ceux de la meason. Et p̄ cel estatute nentēd pas le roy, q̄ grace de hospitality soit sustreit as besoignes, ne q̄ les auowes des measons lez puissent p̄ lour souēt venues surcharger ne destruer. Puruiew est ensemble, q̄ nul graund ne petit, per colour de parent, ou despecialty, ou p̄ auter affiance, ne per auter encheson, ne courge en auter parke, ne peshe en aut̄ viuer, ne veign̄ manger ne herberger, en meason, ne en manour, ou en meason de Prelate, ne de home de Religion, ne dauter, encounter la volunt le seignior, ou le bailife, de costages le seignior, ne a son cost demesne. Et sil veigne, ou enter p̄ le grē, ou sans le grē le seignior ou le bailife, nul sarure, huis, ne fenestre, ne nul maner de ferme ne faire ouerer, ne de pecher per soy, ne per auter, ne nul maner de bitaile ne auter chose p̄zeign̄ per colour de achate,

ne autrement. Et q̄ nul face barter blé, ne
 p̄zender blé, ne nul maner de bitaile, ne les
 auts bien, de nulluy D̄elate, hōe de Reli-
 gion, ne de auter, ne de clerke, ne de lay, per
 colour de achate, ne autrement, encouter la
 [bone] volūt, & le conge de celuy, a q̄ la chose
 ferra, ou de gardein, deins ville marchandise,
 ou dehozs. Et que nul p̄zeign̄ chivals,
 bofes, chares, ne charets, neeses, ne bateux,
 ne auts choses affaire cariage, sans le bone
 volunt de celuy, a q̄ les thoses ferront. Et
 si il per la bone volunt de celuy le face, lozs
 maintenant face son grece solongz le couenāt
 fait enter eux. Et ceux q̄ biēdzont enconter
 les establismēts auantdits, & de ceo soient
 attaintes, soient aiudges a la pyyson le roy,
 & dillonq̄s soient rentes, et punies solongz
 la quantitie & le maner du trespas, & solongz
 ceo q̄ la Roy en sa court veier q̄ bien soit.
 Et soit assauer, que si ceux a q̄ le tr̄ns fuit
 fait, boillent suer les damages, que ils auēt
 resceux, iour ser̄ agard & restoze au double.
 Et ceux q̄ le trespas aueront fait, soient ense-
 ment punies en le maner auāt dit. Et si nul
 ne boile suer, eit le Roy la suit, come de chose
 fait encouter son defence, et encouter la
 peace. Et le Roy fra enq̄rie de an en an, si
 come il quidza q̄ bien soit, q̄ux gents event
 tiel trespas fait. Et ceux q̄ux serrōt endites
 p̄ ceux enq̄sts, serront attaches & distre: ḡn̄
 p̄ la graūd distresse, de vener a certein iour,
 que conteigne le space dun moys en la court
 del roy, la ou luy plerra. Et si ceux ne veign̄
 a cpl

Westm primer.

à cel iour, ils serront auterfois de recherche
 distreign p mesme diste, de vener a vn auter
 iour, q̄ conteign le space de vj. semaines.
 Et si ceux adonqz ne veignēt, soient adiud-
 ges come attaintes, & rendent le double
 (per le suit del Roy) a ceux queux le dam
 aueront rescoux, & soient greuement rentes,
 solonqz le maner del trespas. Et le Roy de-
 fende & commaunde, q̄ nul desozmes ne face
 male, dam, ne greuance a nul home de Reli-
 gion, pson de saint Esglis, ne a auter, p en-
 cheson de ceo q̄ ils eyont deny lhostell, ou le
 manger a nulluy, ou per encheson de ceo que
 ascun soy pleint ou court, de ceo que il soit
 greue des ascun choses auãtdits, & si ascun
 le face, & de ceo soit attaint, soit encurre le
 peine auãtdit. Et est puruiew q̄ ces points
 auãtdits lient auxibien nous councelloz,
 Justices del fozeit, & auter nous Justices,
 come auts gents: Et q̄ les points auãtdits
 soient mainteignes, gardes, & tenus. Cy de-
 fende le Roy sur la greue fozfaiture, que nul
 Prelate, Abbe, Prior, home de religion, ou
 bailife dascun de eux, ou del auter, ne resceiue
 nul home encouter la foyme auãtdit. Et
 q̄ nul enuoy au meason, ne au manoz de reli-
 gion, ne de aut hōe, gents, chivalx, ne chiens
 v soiourn, ne nul lez resceiue. Et q̄ le fra, par
 ceo q̄ est encoüter le defence & le cōmaunde-
 mēt le Roy, il serra punishe greuemēt. Un-
 coze est puruiew, q̄ le Vie ne herbergēt oue
 nulluy, ouesqz plus que v. ou vj. chivalx, ne
 q̄ ils ne greuent la gentes de Religion, ne
 auter

auter per lour souent vner, ou giser a lour measons, ne a lour manors.

Clergie 1. cap. 2.

¶ Purvieiw est ensement, q̄ quant Clerke est prise pur rette de felony, & il soit demāde per Lordinary, il luy soit liuer, solongz le p̄uiledge de saint Esclis, en tiel peril cōe ils appent, solongz le custome auaunt ces heures vse. Et le Roy amonist les Prelates, & eux enioyne en la foy q̄ ils luy doiēt, et pur la cōmon p̄fit de la peace de la terre, que ceux q̄ sont endites de tiel rette per so- lempne questes des probes homes fait en la court del Roy, en nul mañ ne les deliuerent sans due purgation, issint que le Roy neit mestier de mitter auter remedie.

Escape 1. cap. 3.

¶ Purvieiw est ensement, que nul rien de- stamp 35 formes soit demaunde, ne prise, ne leuie per Vicont, ne per auter, pur escape de laron, ou felon, ielsz a taunt que lescape soit adiudge per Justices errants. Et que auterment le ferra, cy rendra a celuy, ou a ceux que cel aueront paie, quant que il auer prise & res- ceiue, & au Roy au tant.

Wrecke 1. cap. 4.

¶ De wrecke de mere, est accorde, que la ou home, chien, ou chatte, escape viues hors de la niese, la niese ou batell, ou nul rien, q̄ la eins fuit, ne soit [adiudge] wrecke, mes soient les choses saues & gardes per le bien del vicont, cozon, ou alios, & del bailly le roy, & bailes en lez maines ceux de le ville, ou les choses

Westm primer.

choses sont troues, issint q̄ si nul sue les byens, & puit prouer q̄ ils soient, ou a son seigneur, ou en sa garde peris, deins lan & le tour, sans delay luy soient rendus: sinon, remaigne au roy. Et soient prises per le bié & Cozoners, & bailes a la ville pur respoign̄ deuant Justices de Wzecke q̄ appent a roy. Et la ou Wzecke appent a auter q̄ au Roy, ci le eit p̄ mesm̄ le maner. Et q̄ auterunt fra. & de ceo soit attaint, soit agarde al prison, & rente al volūt le roy, & rēdz̄a les dāms ensemble. Et si le baylife le face, & soit disauow de son s̄fir, & le s̄fir ne ottrie de ceo a luy, respoign̄ le baylife, sil eit de quoy, & sil neit de quoy, rēdz̄a le s̄fir le cozps du bailife au roy.

Election 1. cap. 5.

¶ Et pur ceo que elections doyent estre frankes, cy defend le Roy sur la grēue forfaiture, que nul hault home, ne auter, per popar des armes, ne per manaces, ne disturbe de faire franke election.

Amercement 3. cap. 6.

¶ Et que nul Citie, Borough, ne ville, ne nul home soit amerce sans reasonabl̄ encheson, & solonḡ le quantitie del tr̄fis, cestascavoir, franke home saue son contenemēt, marchant saue son marchandize, & villein saue son gainage, & ceo per lour p̄eres.

Purucieurs 2. cap. 7.

¶ Des prises des Constables, ou Castellaines, faits des auters q̄ des gents de la bill, ou la castels sont assise. Purucies est, q̄ nul cōstabl̄ ne castelain desozmes nul man̄ de prise

de prise ne face dauter hoime q̄ de la ville ou son castle est assise, & ceo soit paie, ou grée fait deins xl. iours, si ceo ne soit auncient prise due au Roy, ou a castle, ou al seignioz del castle.

Beupleader 2. cap. 8.

¶ Et que nul rien soit pris pur beupleader, sicome auterfois fuit defendu en temps le Roy Henry, pier le Roy q̄ oze est, [Marle-bridge cap. 11.

Robberie 1. cap. 9.

¶ Et pur ceo que la Peace de la terre ad estre faiblement gardé auant ces heures, pur defaut de bon luit fait sur les felons solong due maner, & noseint p̄ encheson des franchises ou lez felons sont rescuees: Duruiesw est, q̄ touts cōmuneint soient pristez, & aparailles, au commaundemēt & a les summons des biconts, & au crie de pays, de luer & arrestē les felons, quant mestier fra, auxibien deins frāchises come dehozs. Et ceuz q̄ ceo ne ferront, & de ceo soient attaintes, le Roy p̄ndra a euz greuement. Et si defaut soit troue en le s̄nr de la franchise, le Roy se p̄ndra a m̄ le franchise. Et si le defaut soit troue en le bailif, eit lēp̄sonmēt dun an, & puis soit greuemēt rente, & sil neit de quoy, eit lenp̄sonmēt de ij. ans. Et si Ur̄, Cozoner, ou auſ bailife deins franchi, ou dehozs, p̄ loſwer ou p̄ p̄rier, ou p̄ poies, ou p̄ nul man daffinitie, concelent, consentēt, ou p̄curēt de conceler, les felonies faitz en lour bailies, ou auterment, se teignent attacher, ou arrester les

misselants per la ou ils purt, ou auterment
 se feignent de faire leur office, en nul maner
 de fauour des misselants, & de ceo soient at-
 taintes, q̄ ils eient lenp̄risonnement dun an, et
 puis soient gr̄euement rentes a le volunt
 le Roy, s'ils eyent de quoy, si non, eyent len-
 p̄risonnement de iij. ans.

Coroners i. cap. 120.

¶ Et pur ceo q̄ petits gents meins sages
 soient esliens oze de nouel cōmunement al
 office de Coron̄: et mestier serroit q̄ probes
 homes loialx & sages se entermellent de cel
 office: Puruiew est, que p̄ tous les counties
 soient esliens suffisant homes Coron̄s,
 des plus loials & plus sages chiuallers,
 q̄ux melius sachent, puissent, et voilent a cel
 office entend̄, & que loyalment attachent &
 representent les pl̄cs de la corone. Et que
 le Vicont eit counter rolles oue les Cor-
 oners, auxy bien des appeales, come des en-
 questes, de attach̄ments, ou des auters choses,
 que a cel office appendent. Et q̄ nul Cor-
 oner riens dde, ne p̄reign̄ de nulluy pur faire
 son office, sur peine de la gr̄eue forfeiture al
 Roy. [14. E. 1. Stat Coron̄.]

Odio & atia i. cap. 11.

¶ Et pur ceo que plusors reintes de mort
 de home, & q̄ sont culpable de m̄ le mort sont
 (per fauorables enquestes, prises p̄ viscounts
 & per b̄riefe le Roy que est appell̄ Odio &
 atia) repleuies, iesq̄z a le venue des Justices
 errants: Puruiew est, q̄ tiel enquestes soy-
 ent desozmes prises p̄ p̄bes homes, esliens

(per

per serement, dont les deux soient a meins chivalers, q̄ p nul affinitie, touchent a les p̄soners, ne auterment ne soient suspecti-
ous. [Glouē cap. 9. West. 2. cap. 29.]

Felonie 1. cap. 12.

¶ Puruies est ensemment, que les felons elcries, & q̄ux sont appertmēt de male fame, et ne soy boient mitter en enquestes des felonies q̄ home mette sur eux deuant Justices a le suit le Roy, soyent mises en la prison foit s dure, come ceux q̄ux refusent este al cōmon ley de la terre. Mes ceo nest mye a entend pur p̄soners que sont prises pur legier suspicion.

Rape 1. cap. 13.

¶ Et le Roy defende, que nul ne rauise ne preigne a force dameleil' deins age, ne p sa grē, ne sans la grē, ne dame ne dameleil' de age, nauter feme mauger le soen. Et si bl le face, a le suite celuy q̄ suera deins les xl. iours, le Roy luy fra cōmon droiture. Et si nul cōmence la suit deins les xl. iours, le Roy suera, & ceux q̄ux il trouera culpables, ils aueront la p̄sonment de ij. ans, et puis serront rentes a la volunt le Roy, et sils neient dont estre rentes, soient punies per plus longe p̄sonment, solongz ceo que le trespas demaunde.

Appeales 2. cap. 14.

¶ Et pur ces q̄ home ad bfe en ascun pays de vtlager les gentes appeales de cōmādemment, force, eid, ou de receiptmēt, deins m la terme, q̄ hōe doit vtlager celuy q̄ est appell-

¶. ij.

de fait:

stamp 46
 de fait: Duruiew est & commaunde per le Roy, q̄ null' ne soit vtlage pur appell' de cōmauudem̄t, force, aide, ou de receiptm̄t, ielsq̄ a taunt q̄ lappellē del fait soit attaint, issint que vn mesm̄ ley soit de ceo per tout la terre, mes celuy q̄ voit appeller, ne lessa pas pur ceo de attacher son appell', al p̄cheins countie vers ceux, auxibien come vers les appelleés du fait: Mes lexigent de eux demurge tanq̄ les appelleés de fait soient attaintes p̄ vtlagary, ou auterment.

Mainprise 2. cap. 15.

¶ Et pur ceo q̄ Discounts, & auters, q̄ur ount p̄ises & retenus en p̄ison, gēts rettes de felonie [et] meint foits ount lesse p̄ repleuin les gents, q̄ux ne sont my repleuisables, et ont deten^r en p̄ison ceux q̄ux sont repleuisables, p̄ encheson de gaigñ des vns, & de greuer les auters, et pur ceo que auant ces heures ne fuit my determine [certainment] q̄ux gentes fussent repleuisables, & queux non, forsp̄is ceux queux fussent p̄ises pur mort de home, ou per commaūdem̄t le Roy, ou de lez Justic^r, ou pur la forest: Duruiew est, & p̄ le Roy commaunde, q̄ les p̄isoners queux sont auant vtlages, & ceux q̄ux eyent forziure la terē, p̄uours, et ceux q̄ux sont p̄ises oue maner, & ceux queux ont debzise la p̄ison le Roy, larons apertmēt esclies & notozies, & ceux que sont appelleés des p̄uours, tanq̄ come les p̄uours sont en vie, (sils ne soient de bone fame) & ceux q̄ux sont p̄ises pur arson feloniously fait, ou pur
 sanz

faux money, ou fauxer le Seale le Roy, ou excommenge prise per prier Leuesqz, ou par appiert malucist, ou par Treason q̄ touche le Roy mesme, ne soient en nul maner repleuisables p̄ le cōmon b̄re, ne sans b̄re: Mes ceux q̄ux sont endictes de Larceny per enq̄sts des viscounts, ou des bailifes prises de lour offices, ou par legier suspection, ou par petit larceny, q̄ namount ouster le value de xij. deniers, sils ne soient rettes dauter larceny, deuāt cel heure, ou rettes de receiptm̄t des larons, ou des felons, ou de cōmaundement, ou de la force, ou del aide de le felony fait, ou rettes dauter tr̄ns, pur le q̄l vn ne doit perdre vie ne mēber, & home appell' de prouour puis la mort le puour, sil ne soit apert laron escrie, soit desozmes lesse p̄ suffisant pleuin, deuāt le vicon, dont le viē boik respondē, & ceo sans rien doñ de lour biens pur la pleuin. Et si le viē ou aut' lessent per pleuin vll', q̄ ne soit repleuisable, si ceo soit viē, constable, ou aut' bailif de fœ q̄ eit garde de prisons, & de ceo soit attain, perdē le fœ & bailie a tous iours. Et si soit south viē, constable, ou bailife, a celui q̄ ad tiel fœ pur garder les prisons, & eit ceo fait sans la volunt son seignior, ou auter bailife q̄ ne soit de fœ, eit lenprisonm̄t de iij. ans, & soit rent a le volunt le roy. Et si vll' deteign̄ lez prisoners repleuisables, puis q̄ le prison eit offre suffisant suerty, il serē en le grēue mercie le Roy. Et sil pzent lo'wē pur luy deliuerer, il rendra le doubl' au prisoner, & ensemēt serra

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en le græue mercie le Roy. [De Finibus leuatis, 27. C. 1. cap. 13.]

Distres 5. cap. 16.

Si terē in vn county soit tenu de moy en auter countie, seignior poit distē pur service. & ameln' al moy en auter Countie.
1. H. 6. 3.

¶ En droit de ceo q̄ aucun gents pernent, & prendze fount les auers des auters, & les chasent hozs del Countie ou les auers fueront prises : Duruiew est, q̄ nul desozmes ne le face, Et si vl le face, soit greueint rente solonq̄ ceo q̄ est contenue en les estatutes de Harlebr̄ [ca. 4.] faits en tēps le Roy H. pier le roy q̄ oze est. Et per m̄ le maner soit fait de ceux, q̄ux parnent les auers a tort, & q̄ux font distres en aut' fē, plus greueint soient punies, si le maner de trespas le demaunde. [Harlebr̄idge 1. cap. 15.]

Distres 6. cap. 17.

¶ Duruiew est ensement, q̄ si vl desozmes preigñ lez auers des auters, & les face chasc en chastell, ou au forcelet, & illoñq̄z dedeins le close du chastle, ou de forcelet les deteign' encounter gage & pledge, pur que les auers seront solempnemēt dōes per bisē, ou per auter bailife le Roy a la suit del pt, le bisē ou le bailife prise oue luy poyar de son countie, ou de sa bail', & voile assaier de faire de ceo repl' des auers a celui q̄ les auer' prise, ou a son s̄nr, ou as aut's des homes son seignior quicunq̄ q̄ux sont troues en le lieu, ou les auers fueront enchales. Et si home luy desforce adōq̄z de la deliuerance des auers, ou q̄l ne troue home pur le s̄nior, ou pur celui q̄ les auer' ple q̄ respoign' & face le deliuerāce, apres ceo q̄ le seignior, ou paruour, per bisē

ou per bailife, serra admonist de faire la deliuerance, si soit en pays, ou pres, ou la ou il purra, per le parnoz, ou per auters des seés couenablement estre garnie de faire le deliuerance, sil suit hozs de cel pays quant le prise fuit fait, & ne face adonq̄s maintenant les auers deliuer, que le Roy pur le trespas et pur le dispite, face abate le chastle ou le forcelet sans recouery, & tous les dānz q̄ le pl' auer rescue de ses auers, ou de son gainage disturbe, ou en auter maner puis le primer demannde des auers fait per le biē, ou per le bailife, luy soient restozes au double, de seignioz ou de celuy q̄ les auers auer prise, sil eit de quoy, & sil neit de quoy, respoign le seignioz q̄l heure, & en quel maner deliueē soit fait apres ceo q̄ le viscont ou le bailife serra venue pur la deliuerance faire. Et soit ascauoir, que la ou le biē deueē fait retourne del bziēse le roy au bailife le seignioz du chastle, ou le forcelet, ou a aut a que retourne de bziēse le roy appent, si le bailife de cel fraunchise ne face le deliuerance, puis q̄ le biē auer returē a luy fait, face le viscont son office sans delay, et sur lauandit peine. Et per m̄ le maner soit fait la deliuerance p̄ attachment de pleint fait sans bziēse, et sur mesine le peine. Et ceo face a entendre per tout la, ou le b̄e le roy court. Et si ceo soit en la marche de Gales, ou ailoz, la ou le bziēse le Roy ne court my, le Roy q̄ est souueraign Seignioz la, fra droit a ceux queux pleindze le voudzont.

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Justice in Eire 2. cap. 18.

¶ Pur ceo q̄ la common fine & amercent de tout le Countie en eire des Justices pur faux iudgements, ou pur auter trespas, est asselle p̄ biē & barretoz des counties malesmēt, issint q̄ la somme est meintfoits encrue, & les parcellz auterment asselle que estre ne duissent, au daīm des people, & plusozs foys sont paies as viconts & barretoz, que ne poient les acquient. Puruiew est, et voit le Roy, que desozmes en eyze des Justices deuant eux, deuant leur departure soit tiel somme asselle per seremēt de chivalers & des probes homes, sur tous yceux q̄ escozer deuenent, et les Justices facent mitier les parcellz en leur estreates que ils liuerent al Eschequer, et non pas la somme total.

Dette al Roy 3. cap. 19.

¶ En droit des biē, ou auts q̄ux respoign per leur maines al Eschequer, & q̄ux oint relē de lez detz le Roy, pier le Roy q̄ oze est, ou les detz le Roy m̄ auant ceuz heures, et queux ne ont my acquit de ceo les detours al Eschequer: Puruiew est, que le Roy enuoiara bones gentes per tous les couities, a oier tous iceux, q̄ux de ceo pleine se bou-dront, & a terminer issint la besoign, q̄ ceuz q̄ purront m̄er q̄ ils eient issint auāt paies a tous iours [ent] serront quites, le q̄l q̄ les vicōts ou auters front moztz ou viues, en certain foyme q̄ leur serra baill. Et ceuz q̄ issint nauet fait, silz soient en vies, serront punies greuemēt, Et silz soient moztz, leur heirs

heires respoign, & soit charges de la dette. Et commaund le Roy, q̄ les visconts, & les autres auantdits, desozmes loialm̄t acquissent les dettoz a pchein accompt, puis q̄ ils aueront le dette resceiue: & donq̄ soit le det allowe al Eschequer, issint q̄ iâmes ne veign en summon. Et si le viē autermit face, & de ceo soit attain, cy rendra al pl̄ le treble de ceo q̄ il auer de luy resceiue, & soit rente a le volunt le Roy. Et bñ se garde chescū viscont, q̄ il cit tiel resceiue, pur q̄ il vouldra responder, car le Roy se prendra del tout as viscont, & a lour heires. Et si auter q̄ respoign p̄ la main al Eschequer le face, il rendra le treble al plaintife, & soit rent en mesm̄ le man. Et q̄ les viē facent taylor a tous iceux, q̄ux paieront le det le Roy. Et que la iūmons deschequer a tous lez debtoz, q̄ux demaundet boudront la vieu, facent monstrer sans denier les a nulluy, & ceo sās rien prendre de lower, & sans rien don, & q̄ ne le fra, le Roy se prendra a luy gretement.

Forrests 18. cap. 20.

¶ Purvieu est ensemēt de misfeasors en parkes, & en viuers, que si vl de ces soit attain p̄ le suit del plaintife, soyent agardes bones & haut amends, solongq̄ le maner del trespas, & eit la prisonment de trois ans, & dillonq̄ soit rente a le volunt le roy, sil ad de quop poit estre rent, & loz troua bon suertie q̄ il iâmes ne misface. Et sil neit dont poit estre issint rente, apres la prisonmēt de trois ans, troua mesme le suertie. Et sil ne puisse

*for covert et de
un statute
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puisse trouver la suerty, forziuē la Realme. Et si vl de ceo rette soit fugitiue, & neit terre ne tenement suffisant pur quoy il poit estre iustifie, ci court come le Roy auera ceo trone p bone enquest, soit demaunde de countie en countie. Et si ne veigne, soit vtlage. Puruiesw est ensement & accorde, que si vl ne fust deins an & le iour pur le trespas fait, le Roy auera le suit, & ceux que il troua de ceo rettes per bon enquest, seront punies p m̄ le maner en tous points, sicome desuis est dist. Et si vl tiel misseisoz soit attaint, qui eit prise en les parkes beasts domestices, ou auter chose en la mañ de robbery en venant ou demurrant, ou en returnant, soit fait de luy common ley, q̄ affiert a celui que est attaint de appt robbery & larceny, auxy bien a la suit le Roy come dauter.

Wardes 9. cap. 21.

En droit des terres des heires deins age, queux sont en le garde lour Seignours: Puruiesw est, que les Gardeins les gardent, & susteinent, sans destruction faire en tout rien: et que de tiels maners des Gardes soit fait en tous points solong ceo q̄ est conteigne en la grand Charter des franchises fait en temps le Roy H. pier le Roy q̄ oze est, [Mag. char. cap. 4. 5. & 6.] Et que issint soit vble desozmes, et p mesme le maner soient gardes les Archieuesques, Euesqs, Abbies, Eglises, & dignities en temps de vacation, [Vide Articul' super chartas cap. 18.]

Wardes 10. cap. 22.

Des Heires maries deins age, sans le grée de leur gardeins, auāt q̄ ilz auerōt passes l'age de xiiij. ans, soit fait solongz ceo q̄ est contenue en le purueiance de Werton cap. 6. Et de ceux q̄ seront maries sans le grée de leur gardeins puis que ils aueront passes l'age de xiiij. ans, le gardein eit le double balue de son mariage, solongz le tenour de mesme le purueiance. Duster ceo ceux q̄ux aueront sustret le mariage, rēdant le droit balue del mariage al Gardein pur le trespas, & ialemeins le Roy eit les amends solongz mesme le purueiance de celui que le auer sustret, Westm' 2. cap. 35. Et des h̄res females, puis q̄ ils auerōt accomplies l'age de xiiij. ans, & le seignioz a q̄ le mariage ap̄pent celes ne boudza marier, mes pur couetise de la terre, les boudza tener dismarie. Puruiesw est, que le seignioz ne poit auer ne tener p̄ encheson del mariage, les terres a tielx heires females oustē deux ans apres la terme de lauātdit xiiij. ans. Et si le seignioz deins les deux ans ne les marie, donques eyant els actions de recouer leur heritage quietment sans rien doñ pur le gard, ou pur la mariage. Et si els pur malice, ou per malueis counsell ne se voilent pur leur chiefe seigniozs marier, ou els ne sont disparages, q̄ les seigniozs teignent la terē & la heritage ielsq̄ al age del Enfant male, cestascanoir, xxi. ans, & duster, ielque ils eiant prises le balue del mariage.

Deteo

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Deute 1. cap. 23.

E Purview est enseint, q̄ en citie, burgh, ville, faire, ne en marche, ne soit nul home forrein, q̄ soit de cest roialme, distreine pur dette, dont il nest dettour, ou pledge, & que le fra, serra greuousement punie, & sans delay soit le distresse deliuer per les bailifes du lieu, ou p auters bailifes le Roy, si mestier soit.

Alsise 2. cap. 24.

E Purview est enseint, q̄ nul Eschetour, Juste, nauter baylife le Roy per colour de son office, sans especial gar̄ ou commaudent ou certaine authozitie q̄ appent a son office, ne disseise nul home de son franktenement, ne de chose q̄ appent a son frankt. Et si aucun le fait, soit a la volunt le disseisee, q̄ le Roy de son office le face amender a son pleint, ou q̄ il eit la comun ley per b̄e de Nouel disseisin. Et celui que serra de ceo attaint, rend̄ les dam̄ a double a mesme le pl̄, & serra en le greuous mercie le Roy.

Champertie 1. cap. 25.

Nul minister le Roy, ne maintaine per luy, ne per auter, les pl̄es, parols, ou besoignes q̄ux sont en la court le Roy, des terres, tenements, ou des auters choses, pur auer part de ceo, ou auter p̄fit per couenant fait. Et que le fra, soit punie a la volunt le Roy. [Vide Champertie 11. E. 1.]

Extortion 1. cap. 26.

Et q̄ nul Juste, nauter minister le Roy, ne pzeigne reward pur faire son office: mes soient

soient paies de ceo q̄ ils pernent del Roy.
Et q̄ le fra, rendra le double al pl, & sera
punie a la volunt le Roy.

Extorcion 2. cap. 27.

Et que nul Clerke de iustice, deschetoz,
ou denqroz, nul rien ne pzeign pur liuerer
chapiks, forpris solemēt clerkes des Justi-
ces errants en lour cyres, et ceo ij. s̄ & nient
plus de chescun wapentake, hundzed, ou
bille, que respoigne per xij. ou per vij. solons
que ceo que auncientment fuit vse. Et que
auterment le fra, rendra le treble de ceo quil
auera prise, & perdra le seruice son seignioz
per vn an.

Maintenance 1. cap. 28.

Et q̄ nul Clerke le roy ne des Justices
resceiue desozmes presentment del Eglise,
dont plea ou conteke soit en la court le Roy,
sans special conge le Roy, & ceo defende le
roy sur peine de perdre les glis & son seruice.
Et q̄ nul clerke de Justice, ne de vicont ne
mainteine parties en quarels, ne besoignes
q̄ux sont en la court le roy, ne fraud ne face
pur common droiture delaier ou disturber.
Et si vil le fait, il serē punie per la peine
pcheinment auantdit, ou p plus grieuous,
si le trespas le requiert.

Disceit 1. cap. 29.

Durutew est enseint, que si vl serieant,
counter, ou auter face vl maner de disceit,
ou de collusion en la court le roy, ou consent
de faire la, en disceit de la court, pur engin
la court, ou la pty, & de ceo soit attraint, lozs
puis

[puis] eit la prisonnit dun an & vn iour, & ne soit ope en la court le Roy a counter par nulluy. Et si ceo soit aut q̄ couit, per mesme le maner eit la prison dun an & vn iour a tout le meins. Et si le trespas demande greinder peine, soit a volant le Roy.

Extortion 3. cap. 30.

¶ Et pur ceo q̄ multz des gents se pleignent des sericants, criours de fée, et les Marshals des Justices en eyre, & [dauters Justices] quellz parnent a tozt deniers de ceux queux recoueront seisin del terre, ou queux gaignont leur quereles, et de fine leuie, & des iuroz, villes, prisoners, & des auters attaches en plées de la Cozone, autrement q̄ faire ne duissent, en multes des maners, & de ceo quil ad plus graund number de ceux que este ne duist, per q̄ le people est malement gréeue; le Roy defende, que cestes choses ne soient desozmes faitz. Et si vlt sericant de fée le face, office soit prise en le maine le Roy. Et si Marshals des Justices le facent, soient punis gréeuemēt a la volunt le Roy. Et a tous les pleintifes lun & l'auter rendē le treble de ceo quilz auer prise en celt maner.

Tolle 1. cap. 31.

¶ De ceux q̄ux parnent outragious tolneē, encouter common vsage du royaume en la ville merchandie: Duruiew est, q̄ si vlt le face en la ville le Roy mesm, que soit bail a fée farme, le Roy prendra le franchise del marche en la maine. Et si soit auter vlt, &

ceo soit fait per le seignior de mesm̄ la ville,
 le Roy le fra per mesm̄ le maner. Et sil soit
 fait per le bailife sans le comandement le
 seignior, il rendra al plaintife au taunt pur
 le outragious prise, come il auoit prise de
 luy, sil vst impozte son tolne: & il auera pri-
 son del xl. iours. Des citizens, & des bur-
 gesses a q̄ le roy ou son pere ad graunt mu-
 rage par lour villes enclofer, & que tiel mu-
 rage parnent auterment q̄ lour est graunte,
 & de ceo soient attaintes: Puruieu est, que
 ils pardent cel graunt de tous le tēps que
 serra a bener, et serront en le grēuous
 mercy le Roy.

Purucyours 3. cap. 32.

De ceux q̄x parnent bitail', ou nul ri-
 ens al oeys le Roy a creance, ou a garrison
 ou chastell, ou aylozs, & quant ils ont res-
 ceue le paym̄t al Exchequer, ou en Garde-
 robe, ou aylozs, detaignont le payment des
 creancers, a graund damage de eux, & en
 esclauder du Roy: Puruieu est de ceux
 q̄x ont terres ou tenem̄ts, que maintenant
 soit ceo leue de lour terres ou de lour cha-
 teur, & paies as creancers, oue lez damages
 q̄x ils aueront eue, & soient rentes pur le
 trespas, & sils neient terres ne tenem̄ts, soi-
 ent en le prison a la volunt le Roy. De ceux
 q̄x pernent part des detz le Roy, ou auters
 loxers pernent des creansours le roy, pur
 faire le paym̄t de mesmes celles detz: Pur-
 uieu est, quilz rendent le double, & soiēt pu-
 nies greuēnt a la volunt le roy. Et de ceux
 queux

queux parnont chiuais, ou charettes a faire le cariage le Roy, plus q̄ mestier serroit, & pernōt loowers pur [relesser] les chiuais, ou les charettes. Puruiew est, que si vl de la court le face, il serra greuement chastice per lez Marechalles, & si ceo soit fait hozs de la court, [p̄ vn del court] ou per auter q̄ de la court, & il [ent] soit attaint il rendra le treble, & ser̄ en le prison se Roy per xl. iours.

Countie & Tourne 3. cap. 23.

¶ Puruiew est, q̄ nul Vic̄ ne suff̄ barretours, ne maintenours des parols en counties, ne Henschalles des graundes seigniors, ne des auters (q̄ ne soit Attorney son seignior) a [la] suit faire, ne rēder les iudgements des counties, ne p̄nōcer les iudgements [ou assent̄ de faire les iusticements] sil ne soit especialm̄t prie & requise de tous les sutours & les attournies des sutours, q̄ur serront a la tourn̄. Et si vl le face, le Roy le prendra greuousem̄t a viē, & a luy.

Newes 1. cap. 34.

¶ Pur ceo q̄ plusors sont souent troues in counte controuours des countes, dont discord, ou maner de discord ad este souent entre le Roy & son people, ou [ascūs de] les hautes homes de son roialme, defēdu est pur le damage q̄ ad este, & q̄ vncoze ent purra auenier, q̄ deformes null' ne soit cy harde de dire, ne de couē null's faux nouell' ou cōtrouoz, dōt discord, ou maner de discord, ou dischaundē puit surdze ent̄ le roy & son peopl', ou les hautes homes de son roialme. Et qui

le fra, soit pris, & detenus en prison iesques
 a tant que il eit troue en court celui dont la
 parole serra moue. [2. R. 2. cap. 5]

Arrest 1. cap. 35.

¶ Des hautes homes, & de leur bailliffes,
 & des auters (forspris les ministres le roy,
 as queux especial authozitie est done de ceo
 fait) que a le pleint dez ascuns, ou p leur au-
 thozitie demesne, attachent auters oue leur
 biens trespas passantes p leur poier a res-
 pōder deuant eux des contracts, couenāts,
 ou de trās faitz hors de leur poier, & leur
 iurisdiction, la ou ils ne teignent riens de
 eux, ne deins le franchise ou leur poier est, en
 iudice du Roy, & de sa corone, & a dam̄ du
 people: Durmes est, q̄ null' desozmes ne le
 face. Et si ascū le face, il rēdra a celui, q̄ p
 el encheson serra attache, son dam̄ au dou-
 ble, & serē en le grieue mercy le Roy.

Reasonable Aide 1. cap. 36.

¶ Dur ceo que auant ceux heures ne fuit
 bnqs reasonable aide a faire leigne fitz chi-
 uall', ne a leign̄ file marier mis en certein, ne
 quant ceo deueroit estre prise, ne q̄l heure, p
 quoy les vns leuerēt outragio⁹ aide, & plus
 tost q̄ ne sembleit mestier, dont la people se
 sentit greue: Durmes est, q̄ desozmes de
 fēe de chiuall' entier solemt̄ soient dones xx. s.
 & de xx. li. de terre tenus p socage xx. s. & de
 plus, plus, & de meins, meins, solōq̄ lasse-
 rant. Et q̄ nul ne puisse leuer tiel aide a fait
 son fitz chiualler, tanq̄ q̄ son fitz soit del age
 de xv. ans, ne a la file marier tanq̄ que el soit

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del age de vij. ans. Et de ceo serra fait mention en le bzieste le roy fourm̄ sur ceo quant home le voile demander. Et si auaigni que le pier, quant il auera tiel aide leue de les tenants mozt avant q̄l eit sa file marie, les executoz le pier solēt tenuz a la file, en tant come le pier auera resceu pur cest aide. Et si les bñs le pier ne sufficient, son heit soit de ceo tenuz a le file. [Glanville fol, 71.]

Assise 3. cap. 37.

¶ Puruies est & accorde ensemt, q̄ si hōe soit attaint de disseisin, fait en tēps le Roy q̄ oze est, ouelsqz robbery, de ascun maner de chattel, ou de moueabl', & soit troue vers luy per recognisans de Assise de Nouel disseisin, le iudgement soit tiel, que le pl' recouera sa seisin & les dañz, auxybien de chattel & de moueabl' auant dits, com̄ del soile. Et le disseisour soit rente, le quel que il soit p̄sent ou non, issint q̄ [si soit p̄sent] p̄zimes soit agarde a la p̄zison. Et per mesme le maner soit fait de disseisin fait a force & armes, tout ne face home robbery.

Attaint 1. cap. 38.

¶ Pur ceo que ascuns gentes de la terre doutent meins faux serement fait, que faire ne duissent, per que mults des gentes sont disherites, & perdent lour droit: Puruies est, que le Roy, de son office, desozmes dennera Attaints sur les enquestes en pleins de terre, ou de franktenement, ou de chose que touche franktenement, quant il semblera que besoign soit.

Fitzh. Nat.
bre. 105. i.

Limi.

Limitation 2. cap. 39.

Et pur ceo que le temps est mult passe puis que les brieves desouth nosmes fuerēt auterfoits limittes : Purview est, que en count countant de discent en bře de Droit, nul ne soit ci ose de counter de la seisin son aunē de plus longe seisin q̄ de tēps le Roy & vnclē le roy Henry, pier le Roy q̄ ore est. Et q̄ le bře de Nouel disseisin, & de purparp, q̄ est appell' Nuper obijt, euent le terme mis le primer passage le Roy Henry, pier le Roy q̄ ore est en Gascoigne, mes nemy auant. Et les bres de Mortdaunē, de Coliage, de Wyel, de Entre, & bře de Meisrie, tant le terme del coronement mesm le Roy Henry, & nemy auāt. Mes q̄ tous lez bres se a p mesm purchases, ou a purchaler, enour cy & [la feast] S. John en vn an, soient ledes de tēps q̄ auant solent estē pleades.

Voucher 2. cap. 40.

Pur ceo que mults des gents sont deapayes de lour droit, p fauxm voucher a garrantie: Purview est, q̄ en bres de poss, tout deprimēs come en bře de Mortdaunē, Coliage, del Wyel, Nuper obijt, de Intrusion, & auts brieves semblables, p les q̄ux terres ou tenemts sont demaūdes, q̄ux deuoiēt disender, reuerter, remainder, ou eschier per mortdaunē, ou dauter, q̄ si le tenant bouche garrant, & le demādant luy counterpled, & poile auerrer per assise, ou per pays, ou en auter maner, sicome le court le roy agarde, q̄ le tenant ou son aunē q̄ heire il est, fuit le

F. ij.

primer

En assise de droit & de possession de terres, bon contre pleader auant que le terme soit passé & de la feast de S. John en un an, soient ledes de temps que auant solent estē pleades.

primer que entra apres la mort celuy de qui
 seisin il demaunde, soit le auerremēt del de-
 maūdant rescene, si le tenāt le voile attend,
 & sinon, soit bote ouster a auter respons si
 neit son garrantour en present, q̄ luy voile
 garranter de son grē, & maintenant enter
 en respōs, salue al demaūdāt sez exceptions
 encounter luy, sil voile boucher ouster, come
 il auoit auant, encounter le primer tenant.
 De recheffe en toutz mañs des bres Dentre,
 q̄ux font mētion des degreēs: Puruicē
 [est] q̄ nul desozmes bouche hozs de la terre.
 Et en auters bres Dentre, ou nul mention
 est fait de degreēs, les q̄ux bziefes ne sont
 sustenus, fozsqz la ou les auantdits bres de
 degreēs ne poient giser ne lieu tener. Et
 bēe de Dēt puruicē est, q̄ si le tenāt bou-
 che a garrātie, & le dōāt le voile cōūterplee
 & soit prist de auerret p̄ pays, que celuy q̄ est
 bouche a garrant, [ne nul] de ses aūcesters
 ne vnques auoient seisin de la terre, ou de
 ten demaunde, ne foz, ne seruice per la man-
 le tenant, ou [ascun] de ses aūcesters, pers
 le tēps celuy de q̄ seisin le demaūdāt cour-
 iesques al temps q̄ le bziefe fuit purchasē
 pleē moue, per q̄ il poit le tenant ou les aū-
 cesters aū feoffe: Adonq̄s soit lauerremēt
 del dōant rescene, si le tenant le voit atten-
 der, & sinon, soit le tenant bote ouster a au-
 respons, sil neit son garrantoz ē present, que
 luy voile garranter de son grē, & mainte-
 nant enter en respōs, salue al demaūdāt sez
 exceptē encounter luy, sicome il auoit auant

ncounter le primer tenant. Et lauantdit
 ception eit lieu en b̄re de Mortdauncest̄,
 en les auters b̄res deuant nosnes, aux p̄-
 ien cōe en b̄riefes q̄ux touchent droit. Et
 le tenant per cas eit charter de garrantie
 e auter home [de ceo chose] q̄ soit obligé en
 al dez auãtdits cales a le garrantie de son
 gn̄ degroe, salue luy soit son recouet̄ per
 iefe de Gar̄ de charter de le Chauncell
 rop, quant il le voudra purchaser, mes q̄
 plee ne soit pur ceo delay.

Battaile and Graund Assise 1. cap. 41.
 [De seremens des Champions, est usint
 iruiew: Pur ceo q̄ rarement auient q̄ le
 champion le demandant ne soit periure en
 o quil iure, que il ou son pier veist la seisin
 n seignior, ou de son auncestour, & q̄ son
 er luy commas̄de a faire la darreign̄, que
 sozmes ne soit le Champion le demaũdãt
 nstreint a ceo iurer, mes soit le serement
 irde en tous les auters points.

Essoine 3. cap. 42.
 [Pur ceo q̄ en b̄riefe Dassise, dattaints,
 de Iuris virum, les Juroz sont souet tra-
 iz per essoines des tenãts: Purvieu est,
 le del heure q̄ le tenant vn foites apparust
 court, iammes ne puisse [le tenant] se es-
 ine, mes faire son Attourney a fuer pur
 p, sil voile. Et si non, soit lassise, ou le Ju-
 e prise p son default. [W. 2. cap. 28.]

Essoine 4. cap. 43.
 [Pur ceo q̄ les demaũdants sont souent
 layes de tout droit, pur ceo q̄ ou sont pla-
 F. iij. loz

Westm̄ primer.

soz parçeners tenātes, dont nul puit respoign sans auē, ou q̄l ad plusours tenants ioinment feoffes, ou nul ne sciet s̄ seueral, & ceux tenants souēt forzhtēt p̄ essoīn, issint q̄ chescun eit vn essoīne. Puruieu est desozmes, que ceux tenants neiēt essoīn, forsque a vn iour, nient plus que vn sole tenāt naueroit, issint q̄ iammes ne puissent forcher, forsq̄ tantsolement auer vn essoīne.

Essoīne. 5. cap. 44.

¶ Pur ceo que multes des gentes se font fauxm̄t essoīne de oustre mere, la ou ils furent en Engleterre le iour de le summons: Puruieu est desozmes, q̄ cel essoīn ne soit pas de tout alloū, si le demaundant le challenge, & soit pzist dauerrer qui fuit en Engleterre le iour q̄ le sūmons fust fait, & n̄ semaignes apres: mes soit aiourn̄ en celi forme, q̄ si l' demaund̄ sue a tiel iour auer̄m̄ pais, ou sicome la court le roy agardē & soit atteint q̄ le tenāt fust deins le quat̄ meres [Denglet] le iour que il fuit som̄, & trois se maynes aps, issint q̄ il puit estē reasonablem̄t garny de [la] sūmōz, soit le essoīn turne en vn default, & ceo fait a entēv̄ tantsolem̄t deuasit les Justices le roy.

Estreites. 1. cap. 45.

De delaiēs en tous maners des bzietes, & des attachments est puruieu, q̄ si le tenāt ou le defendant, apres le pzim̄ attachement tesmoign̄, face default, maintēn̄ soit le grand dist̄ agardē. Et si visē ne respoign̄ suffisamment au iour, soit greuousment amerçy. Et

Il maunde q̄ il ad fait l'exécution en due ma-
 tier, & les issues bailes as mainpnois, adon-
 ques soit maunde au viē, que il al auē iour
 ace venir les issues deuāt Justices. Et si
 attaché beign a ē iour a sauē sez defaults,
 it il les issues. Et si ne beign, eit le roy les
 issues. Et les Justices le roy les facent li-
 uer a la Gardrobe, & Justices del banke
 Westm les facent liuerer al Exchequer, &
 Justices en eyre, au viē de celi countie ou
 les pledent, auxybñ de cel countie, come des
 otreine counties, & de ceo soient charges en
 ammonns per rolles de Justices.

Justices of both Benches 1. cap. 46.

¶ Puruew est ensemment, & per le Roy
 ommaunde, que les Justices de banke le
 Roy, & [Justices de bank a] Westminster
 lesozmes p̄ pledant les plēs a terminer un
 iour, auant que rien soit arraine, ou com-
 mence des plēs del iour ensuant, forspris q̄
 iour essoignes soient entres, iudges, & ren-
 dus, & per encheson de ceo nul home se affie,
 que il ne beigne au iour q̄ doñ luy est.

Age 1. cap. 47.

¶ Puruew est ensemment, que si vl desoz-
 mes purchase b̄re de Nouel disseisin, & celuy
 ur que le b̄re vient, come p̄ncipal disseisor,
 nourge auant q̄ l'assise soit passe, que le p̄-
 tit son bziefc Dentre foundus sur disseisin,
 ur le heire, ou sur [les heires] les dissei-
 sois, de q̄ age que ils soient. En m̄ le man-
 dit le heire, ou les heires le disseisee leur b̄res
 Dentre sur les disseisors [iour] auncellē, ou
 iour

Vieux Na. B.

106. a.

17 43 61 age 9. or
 fut porz 70. wot 92
 le 72. le 72. or 72
 on n'faut 41 porz
 d'mull. 5 43 71: 23
 70. 3 43 74 No
 71. 71. 71. 71. 71.
 age 70. 21 43 22
 84. 10 43 71 age 72
 10 43 54 age 93.
 10 43 58 age 94
 24 43 25 age 101.
 8 43 71 age 117.
 19 42 age 127.
 34 43 age 139.

ff. liij.

iour

2 age 141. 9 42 age 143.
 43 26 age 152. 34 43 age

leur heires, de q̄l age q̄ ilz soiēt. Et si par aventure le disseisē mourge avant que il eyt son purchase fait, issint que pur les nonages des heires dun part ne dauter ne soit le b̄c̄ abatuz, ne le p̄lee delaye, mes en quant que l'hoīm poit sans ley offend, soit haste pur la fresh suit āps le disseisin. Et en m̄ le maner soit en ceo point gardē en dēt de plates, gentz de Religion, & auters, as q̄ux terres & tenemēts en nul maner puissēt deuener āps au mort, le q̄l que ils soient disseisēs, ou disseisours. Et si les parties en pledant discendont en enquest, & lenquest passa encouter le heir deins age, & nosinemēt encouter le heire le disseisē, que il en ceo case eit lattaint de la grace le Roy sans rien doner.

Prochein amy I. cap. 48.

Vieux Na. B.
106. a.

Si gardein ou chiefe seignioz enseoffre bl' hoīm de la terre q̄ est del heritage del enfāt (que est deins age & en la garde) a le disheritance del heir: Purvieu est, que le heire eyt maintenant son recouerie p̄ b̄re de Nouel disseisin vers son gardein, & d̄s le tenāt. Et soit la seisin baill' per Justices (si el soit recouer) al prochein amy lenfant, a q̄ le heritage ne purra ny discend, pur approuer al oeps lenfant, & a respōder des issues al heir quāt il biēdē a son pleine age. Et le gardein parde a tout sa vie la gardē de m̄ le chose recouer, & touz la reñ del heritage, q̄l tient en nosme del heire. Et si auē gardein q̄ chiefe seignioz le face, parde le garde de tout cel chose [a cel soit] & soit en grieue peine enū-

e roy. Et si lenfant soit esloigne, ou disturbe
 her le gardeine. ou per le feoffé, ou p auter,
 her q̄ il ne puisse la Assise suer, sue pur luy
 an de ses pcheine amies que voudra, & soit
 ceo rescene. [w. 2. cap. 15.]

Dower 2. cap. 49.

En brieve de Dower dont Dame ryens
 ad, ne soit le brieve abatus p exception del
 enant, pur ceo q̄ el auera rescene la dower
 e auter home auant la b̄e purchase, sil ne
 puit monst̄e q̄ el eit rescene part de la dow̄e
 e luy melme, et en mesme la ville auant son
 brieve purchase.

422 age 117

Prærogatiua Regis 1. cap. 50.

Et pur ceo q̄ le Roy ad fait cel chose a
 honour de Dieu, & saint Eglise, & pur le cō-
 non pfit de people, et pur le allegeance de
 eux q̄ux sont gréues, il ne voit my q̄ auter-
 toits puissent turner a p̄iudice de luy, ne de
 la corone: Mes q̄ les droits, q̄ a luy apper-
 teign luy soient saues en tous points.

Assise 4. cap. 51.

Et pur ceo q̄ grand charitie serra de
 faire droit a tous en tout temps, ou mestier
 serroit: Puruieu est p assentmēt des Bre-
 lates, q̄ Assises de Nouel disseisin, Mort-
 dauncester, & de Darrein p̄sentmēt fuissent
 prises en le Aduent, en Septuagesime, & en
 Quaresme, auxy bien come [le home] p̄ent
 lenquestes, et ceo pria le Roy as
 Euesques.

Explicit Statut de Westm primer.

Stat de

¶ Stat̄ de Bigamis, editum
Anno 4. Edw. primi.

IN p̄sentia venerabilium p̄m quorundam Episcoporum Angliæ, & aliorum de consilio Regis, recitatæ fuerunt constitutiones subscriptæ, & postmodum coram domino Rege & Consilio suo audite & publicatæ, quia omnes de consilio, tam Iusticiæ, quam alij concordauerunt, quod in scripturam redigerentur ad perpetuam memoriam, & quod firmitèr obseruentur.

Ayde de Roy 1. cap. 1.

¶ De placitis ubi tenens excipit, quod sine Rege respondere non possit: Concordatum est per Iusticiam, & alios sapientes de consilio Regni dñi Regis, qui consuetudines & usum Iudiciorum hactenus habuerunt, quod ubi feoffamentum factum fuerit per Regem, & charta super hoc inconfecta t̄m se habeat, quod si alia persona per consimile feoffamentum & consimilem chartam teneretur ad warrant, Iusticiam ulterius procedere non potuerunt, nec hucusque processerunt, nisi super hoc preceptum à Rege habuerint, nec videre possunt quod procedere possint.

Ayde de Roy 2. cap. 2.

¶ In certis autem casibus, utpote ubi Rex confirmauerit, vel ratificauerit factum alicuius in rem alienam, vel rem aliquem alicui concesserit, quantum in ipso est, vel ubi charta profertur, quod Rex tenem̄ alicui reddiderit, nec

*3. 33 ayde de roy
si eorū fait
proffut qd ut copone
p̄r le rby sans gar
ratis ayde de roy
volsa ut il copie de
fressit d'aulor.*

nec

nec clausula aliqua in ea contineatur, p quam warrantizare debeat, & in consimilibus casibus, non erit superledend' occasione confirmationis, ratificationis, cōcessionis, seu redditionis, aut aliorū consimiliū, quin postquā hoc regi fuerit ostens. sine dilatione procedatur.

Ayde de Roy 3. cap. 3.

De dotibus mulierum vbi aliqui custodes hereditatum maritorum suorū custodias habent ex dono vel concessione regis, siue custodes rem petitam teneant, siue heredes dictorum teuemētorū vocentur ad warrant, si excipiant, quod sine Rege respondere non possint, non ideo superledatur, quin loq̄la prædicta prout iustum fuerit procedatur.

Purpresture I. cap. 4.

De purpresturis, seu occupationibus quibuscunque factis super Regem, siue in libertatibus, siue alibi: Concordatum est quod tempore Regis H. diffinit' erat & concordat, quod vbi occupatores superstites fuerint, Rex de plano resumat [sibi] rem taliter occupatam de manibus occupantium, quod etiam de cetero in regno obseruetur. Et si aliquis de huiusmodi resumptionib' conqueratur, put iustum fuerit, audiatur.

Clergie 2. cap. 5.

De Bigamis quos dominus Papa in consilio suo Lugdunensi omni priuilegio clericali priuauit, per constitutionē inde editam, & vnde quidā Prælati illos qui effecti fuerant Biga-

30 ass p l 5 abise
297.

28 ass p 39 ayd de
207 74.

Statuſ de Bigamis.

Bigami ante p̄dictam constitutionē, quando de felonis reſtati fuerunt, tanquam clericos exigerunt ſibi deliberandos: Concordatū eſt & declaratū coram Rege & conſilio ſuo, qd' conſtitutio illa intelligenda ſit, qd' ſiue effi. ſi fuerint Bigami [ante] p̄dictā conſtitutionem, ſiue poſt, de cetero non liberentur p̄z. latis, immo fiat eis juſticia ſicut de laicis.

Voucher 3. cap. 6.

In chartis autem vbi continentur (Dedi & conſeſſi tale tenementū ſine homagio, vel ſine clauſula que continet warrantiam, & tenend' de donatorib' & hered' ſuis p̄ certum ſeruitiū) Concordatū eſt p̄ eodē Juſticiā, quod donatores & hæredes ſui teneantur ad warrantiam. Vbi autem continetur (Dedi & conſeſſi &c.) tenendū de capitalibus dominis feodi, aut de alijs quam de feoffatoribus, vel heredib' ſuis, nullo ſeruitio ſibi retento, ſine homagio, vel ſine dicta clauſula [warrantiæ,] heredes ſui non teneantur ad warrantiam. Ipſe tamen feoffator in vita ſua ratione doni p̄prij tencē warrantizare. P̄dictæ autem conſtitutiones editæ fuerunt apud Weſtmonaſterium in parlamento poſt feſtum ſancti Michaelis, Anno regni Regis E. filij Regis H. quarto, & extunc locum habeant.

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bre. 134. h.
et Perk. 124.

Explicit Stat' de Bigamis.

¶ Statuē Glouceſtē, editē

Anno 6. Edw. primi.

LAn du grace M. CC. lxxij. et del
 raigne le Roy Ed. fitz le Roy Henry,
 bj. a Glouceſtē le moys Dauguſt. par=
 uieſw ante meſme le Roy, pur amendement
 de ſon Roialme, et pur plus pleiner exhi=
 bition de droiſt, ſicome le profit doſſice de=
 maunde, appelleſ les plus diſcreetes de
 ſon Roialme, auxybien des greinders come
 des meinders. Eſtablee eſt & concordant=
 ment ordeine, que come meſm le Roialme
 en pluſours diuers caſes, auxybien des
 franchises come dauters choſes, en les q̄ls
 ley auant fallit, et a eſchuer les tresgreues
 damages, & les nient numerables diſher=
 ſons, les quels icel maner defaut de ley fiſſ
 a la gent du Roialme, eit meſtier de diuers
 ſuppletions de ley, et de nouels purueian=
 ces: Les eſtatutes, ordeinments, & pur=
 ueyances ſuis eſcriptes de tout la gent de la
 Roialme deſozmes ſoient firmemēt gardes,
 come Prelates, Countees, Barons, & au=
 ters del Roialme claimēt dauer diūs fran=
 chifes, et les q̄ls examiñ & iudgeē, le Roy a
 meſmes les Prelates, Countees, Barons,
 et auters, auoit done iour. Purueiſw eſt, et
 concordantmēt graunte, q̄ lez auātdits Pre=
 lates, Countees, Barons, & auts, cel maner
 de franchise vſent, iſſint q̄ rien ne iour ac=
 creſer per vſurpation, ou occupation, ne rien
 ſur le Roy occupiēt, ieſq̄ al p̄chein venue le
 Roy

Gloucester.

Roy per le countie, ou a la procheyne venue des Justices errants, as common plées en mesme le countie, ou iesq̄s le roy cōmaunde auter chose : saue le droit le Roy come il en voudra parler, solongz ceo q̄ il eit contenue en le b̄c le roy. Et de ceo soient maundes briefes as viscounts, bailifes, et auters par chescun d̄vant. Et soit la forme del briefe change, solongz la diuersitie des franchises, les quels chescun claime dater. Et les viscounts per tous lour baillies ferront communement cryer, cestascavoir, en cities, burghes, & villes merchandes, & aplozs, q̄ tous ceux q̄ ascūz franchises claimēt aū per les charters les p̄decessors le roy, royes Dengleterre, ou en auter maner, soient deuant le roy, ou deuāt Justices en eyze a certaine iour & lieu, a monstrier q̄l maner de franchises ils claiment dater, & p̄ q̄l garant. Et les viscounts mesmes donq̄s seront illongz personalm̄t, ou lour bailifes et ministers a certifier le roy sur les auantdits franchises, & auters choses q̄ celles franchises touchent. Et cest crie dest̄ deuant le roy conteigne garnisemēt de iij. semaines. Et en mesm̄ le maner ferront les viscounts crier en oyer de Justices. Et en mesme le maner ferront ils personalm̄t, ou lour bailifes, & lour ministers, a certifier les Justic̄ de tiel maner de franchises, & des autes choses q̄ celles franchises touchent. Et cest crie conteigne garnisemēt de quarante iours, & come le common summons contient: issint q̄

Si la party q̄ clame d'auer fraunchises, soit
 deuant le Roy, ne soit pas mis en defaut de-
 uant les Justices en Epye, pur ces q̄ le Roy
 de sa grace especial ad graunt q̄ il gardera
 la party de damage, quant a cel atourneēt.
 Et si cel party soit empleē sur tiels maners
 de fraunchises deuant un paier de Justices
 auantdits, mesmes les Justices deuant les
 q̄ux la party est en pleē, garderent le party
 de damage deuant autres Justices, & deuant
 le Roy luy mesme, mesq̄ il sache p̄ les Ju-
 stices, q̄ le pty fuit en pleē deuant eux, sicom̄
 il est auantdit. Et si ceux q̄ tiels fraunchises
 claiment auer, ne beignēt pas al iour auāt-
 dit, donq̄s soient les fraunchises en nosme de
 distresse prise en la maine le Roy p̄ le biscōt
 del lieu, issint q̄ls tiel maner de fraunchises
 ne bsent, ielsq̄ ils beignēt a receiuer droit. Et
 quant ils beignēt p̄ cel distresse, iour fraun-
 chises euz soit repleuies sils lez demaūde,
 les q̄ls repleuies respoignēt maintenāt en
 la forme auantdit. Et par aduētū lez pties
 exceptēt, q̄ls ne debuiēt niēt de ceo respōdē
 sans b̄re original, d̄h̄q̄z sil puisse estre sure q̄
 euz de lour p̄per fait, eient vsurpe ou occupy
 ascūs fraunchises sur le roy, ou sur les p̄de-
 celloz, dit lour soit q̄ maintenāt respoignēt
 sans b̄re, & puis resceiuent iudgemēt, sicōe le
 court le roy agardera. Et silz dient ouster, q̄
 lour ancelter, ou lour aūcelters de mesmes
 les fraunchises moyront seilies, soient oyss,
 & maintenant soit le v̄tie enq̄le, & solōq̄ ceo
 aillent les auant en le besoigne. Et sil soit
 troue

Gloucester.

Et si soit trouue q̄ iour auincester ent mozt
 seisie : donq̄s eyt le Roy b̄re original de la
 Chauncery en forme fait de ceo . Le Roy
 maunde salute au viscounts, summones per
 bone summonozs vn tiel , que il soit deuant
 nous a tiel lieu en nostre p̄cheine venue en
 cel countie, ou deuant nous Justices a p̄
 mer Assises , come ils en celles pties vien
 dzont, a mōstrer per q̄l graunt il claime de
 uer quitāce de toz̄n pur soy ou pur ses hōes
 p̄ tout nost̄ roialme p̄ continuation ap̄s la
 mozt tiel iadis son p̄decessor. Et aits les
 summonozs & ceo b̄re. Et si les pties beignēt
 nōt al iour respoignēt, & soit replie & indḡ.
 Et sils ne beignent ne soy esloinēt deuant le
 roy, & si le Roy demurra ouster en cel coun
 tie, soit cōmaūde au viscōt q̄ il le face venir
 al quart iour. & q̄l iour sils ne beignēt, & le
 roy demur̄ ouster en cel countie, soit fait se
 come en eyze de Justices. Et si le roy depart
 del countie, soiēt lez parties aioznes a b̄re
 iour, & eyent reazonables delayes, iurte les
 discretions des Justices, sicome en actions
 personal. Et lez Justic̄ en eire facēt de ceo,
 en leur oyers solongz lor deimēt auāt die, &
 solongz ceo q̄ tiel mañ de piēs debuient esse
 deduct. En oier de plaints faits & affaires
 des baillifēs le roy, & daūs baillifēs, soit fait
 solongz lor deimēt auāt fait de ceo, & solongz
 lez enq̄sts de ceo auāt prises, & de ceo serrōt
 lez Justices en eyze solongz ceo q̄ le roy iour
 ad enioint, & solōz les articles q̄ le roy iour
 ad liuere. [Vide tout ceo en latin p̄ plaine

30. E. 1. lestatute de Quo warranto tit
Franchises 5.

Damages 1. cap. 1.

¶ Come auant ces heures damages ne
fueront agardes en Assise de nouel disseisin
forsqz tantsolement ds les disseisoꝝ: Dur
uieu est, que si lez disseisoꝝ alioit les tene
ments, & neient dont les damages puissent
estre leuies, que ceux a que maines ceux te
nements deuiendzont, soient charges des
damages, issint q̄ chescun respoign̄ de son
temps. Duruieu est ensement, q̄ le disseisee
recouet damages en b̄e Dentre foundue
sur disseisin, vers celuy que est troue tenant
apꝛes le disseisoꝝ. Duruieu est ensemt, que
la ou auant ces heures damages ne fueront
agardes en plée de Mortdauncestoꝝ, forsqz
en case ou teneints fuerōt recoueres deuers
chiefes scignioꝝ [ceo fuisse p̄ statut Marib.
cap. 16.] que desozmes damages soiēt agar
des en tous cases, ou home recouer per as
sise de Mortdauncestoꝝ, sicome est auantdit
en Assise de Nouel disseisin. Et en mesm̄ le
maner reē home damage en bꝛiefe de Coli
nage, Wyel, & Welapel. Et la ou auant ces
heures damages ne fueront taxes, forsque
a le balue des issues de la terre: Duruieu
est, q̄ le ddant puit recoū vers le tenant les
costages de son b̄e purchale, ensemblement
dꝛesqz les damages auantdits. Et tout ceo
soit tenu en tous cases, ou home recouer
damages. Et soit desozmes chescun tenu
a render damages, la ou home recouer vers

42. E. 3. 7.

Entre sur diss.

30.

Lheire le dis
seisee ne reco
uera daĩns
vers celuy q̄
est troue te
nant, mes sole
ment le dissei
see mesme.

Gloucester.

luy de sa intrusion demesne, ou de son fait demesne.

Age 2. cap. 2.

45 & 3 age 40.

C Si Enfant deins age soit tenuz hors de son heritage apres la mort son pier, cosin, apel, ou besapel, per que il couient q̄ il purchale brieve, & son aduersary veign̄ en court, & en respoignant alleage seoffmēt, ou autre chose dit, per q̄ Justices agardent lenquest, la ou lenquest fait delaye, ielsq̄ al age lenfant, cy passa oze lenquest auxy come il suit de pleine age.

Warrantie 1. cap. 2.

Litt. fol. 163.
32.

Estable est ensemēt, que si home alpen tenement, que il tient per le ley Dengleterre, son fitz ne soit pas forzarre per le fait son pier (de que nul heritage luy descend) a demaunders & recouerer per b̄e de Mortuorance de la seisin sa mier, tout face le charter son pier mencion que luy & les heyres sont tenuz a la garē. Et si heritage luy descend de part son pier, donq̄s soit il forclose de le value del heritage, q̄ luy est discendus. Et si en tiel cas apres la mort s̄ pier, heritage luy soit discendus per mesme le pier, donq̄s auera le tenāt vers luy recouery de la seisin sa mier, per brieve de iudgemēt q̄ issira hors de roilles des Justices, deuant q̄ux le plus fuit pleade, a resom̄ son garrantie, sicome auant ad estre fait en aut̄s cases, ou le garrantie vient en court, & dit que riens ne luy est discend de luy per q̄ fait il est vouche. Et en mesme le maner eyt lissue le fitz reconte
per

ver bzieste de Cosinage, Apel, & Besall. En-
 ement & en mesme ie maner ne soit iheire la
 me apres la mozt le pier & la mier, barē
 action a demaundē le heritage sa mier per
 zieste Dentre, q̄ son pier en temps sa mier
 tēna, dont nul fine nest leuie en court ic
 op.

Litt. Gan' sect'
 37. 38. 39. &
 40. lou il ar-
 gue sur parols
 de statute.

Ceslaui r. cap. 4.

Ensement si home lessa sa terre a ferme,
 a a trouer estouer en viuer, ou en besture
 que amount a la quart part de la veray ba-
 se de la terre, & celuy que la terē tient issint
 parge la lesses giser freshe, issint que home
 puit trouer distresse per deux ans, ou per
 trois, a faire le ferme rendre, ou a faire ceo
 est contenue en lescript ou leas: Establie
 que ap̄s les deux ans passēs eit le lessoz
 action a demaunder la terē en demeign̄ per
 tefe q̄ il auera en le chauncery. Et si celuy
 q̄ la terre est demaunde, veigne auant
 d'geint, & rend les arrerages & les dañs,
 si troua suertie tiel cōe la court verra q̄ soit
 assilant a rend en apres [solongz] ceo q̄ est
 bitenue en lescript du leas, si reteign̄ la t̄re.
 Et sil demurē tanqz ele soit recouer p̄ iudg-
 ment, soit il forclose a remnant. [W. ij. cap.
 . et cap. 41.

Wast 2. cap. 5.

Ensemēt est puruiesw, que home eit de-
 mes b̄re de wast en le chauncery vs hōe
 tient p̄ le ley Dengleterre, ou en auter ma-
 r a terme de vie, ou dez ans, ou feme q̄ tiēt
 dower, Et celuy q̄ serē attaint de wast,
 G. ij. per de

Gloucester.

Ve. Na. bre.
88. b.

perde le chose q̄ il auer wast : Et ouster ceo face gr̄e del treble de ceo q̄ le wast ser̄ tare. Et en wast fait en gard, soit fait solongz ceo q̄ contenu est en le graund Charter cop. 4. Et par la ou il est contenu en la graund chart̄, que celui q̄ auer fait wast en gard, perd̄ le gard : Accord est, q̄ il r̄endra al heir les dañs del wast, si illint soit que la gard p̄due ne suffist mie a le balue des dañs, auant lage del heire de mesm le gard [W. 1. cap. 21. Articuli sup chartas cap. 18.]

Mortdauncester 2. cap. 6.

C Duruew est enseint, q̄ si home moure, & ait plusours heires, dont lun est fitz ou fil, frere ou soer, nephew ou niece, & les autres sont en plus longe degre, tous les heires desozmes eyent recouerie per b̄e de Mortdauncester.

Entre 1. cap. 7.

C Ensement si feme vende, ou done en fer, ou a term̄ de vie, tenem̄t q̄ el tiēt en dow̄r: Estable est, que le heire, ou auter, a que la ter̄ deueroit reuerter ap̄s le decease la fem̄, ait maintenant son recouerie per b̄e Duntre, fait de ceo en la Chauncerie.

Trespas 1. cap. 8.

C Duruew est ensemet, que les visconts pleñ en counties les pleñs de trespas, ausy cōe ils soient estre pledes. Et q̄ nul neit desozmes b̄es de trespas deuant Justices, si ne affirme p̄ soy, q̄ les byens empoztes valent xl. s. al meins. Et sil se pleint de batery, affirme per soy que sa pleint est veritable.

Des plaies, & des mailhemes, eit home bñe
 icome home soloit auer. Et graunt est, q̄ les
 defend p̄issent fait attonies en tielz plēs,
 ou appell ne gist mie, issint q̄ sils soient at-
 aintes [du trespas] en iour absence, soit
 raund al vis̄, q̄ ils soient pzises, & eient a-
 onq̄ la peine, q̄ ils aueront, sils v̄issent estē
 sentes quāt le iud geint suit rendus. Et si
 z pleintives desozmes en tiel trās se facent
 loine aps la p̄im apparans, soit iour done
 s̄s a la venue des Justices errants, & les
 ef. en dementires soient en peace en tielx
 lēs, & en auts plēs, ou attachm̄s, & distē
 isent. Si le defend se face essoine del ser-
 vice le roy, & ne port son garrant au iour q̄
 me luy est p̄ son essoine: establie est que il
 ndra al pl̄ les dāms de la tourne de xx. s̄.
 i de plus, solōq̄ le discretion des Justices,
 iademaing soit en le grēue mercie le roy.

Pardon i. cap. 9.

¶ Puruiew est ensemblement, que nul bñe ne
 eē desozmes de le Chauucery pur mort
 home, denq̄rer si home occist auter p̄ mis-
 uentur, ou soy defend, ou en aut man̄ pur
 lony, mes celuy soit en prison, iēq̄ al ve-
 ie dez Justices errants, ou assign a gaole
 liuerie, & se mist en pais deuant eux de bñ
 nale. Et si soit troue p̄ pais q̄ il le fist soy
 fend, ou p̄ misaduētur, dōq̄s fra les Ju-
 ces assausier au roy, & le roy luy en fra la
 peace, si luy pleist. [w. i. ca. 11.] Puruiew
 enseint, q̄ nul appell soit abatue et legier-
 ent come auant ad este, mes si lappellour

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counte le fait, lan, le iour, le heure, le tēps le roy, & la bill ou le fait fuisse fait, & de q̄l arme il fuit occise, se estoia l'appell, & iāmes ne soit l'appell abatus p̄ defaut de fresh suit puis q̄ hōc sue dedeins lan & le iour apzès le fait.

Essoine 6. cap. 10.

Come il soit contenue en lestatute le roy q̄ oze est [W. 1. ca. 42.] que deux parceners, ou deux queux teigne en cōmon, ne puissent fourcher per essoine, del heure q̄ ils ount vu foits apparus en courte: PurmieW est, que mesm̄ ceo soit tenus & garde, par la ou home & la feme soit enpledes en la court le roy.

Disceipt 2. cap. 11.

PurmieW est ensemblement, q̄ si home baille en la cite de Londzes son teneim̄ a terme des ans, & celuy a que le franktenement est, se face emplede per collusion, & face del. apzès defaut, ou veigne en court, & la voile r̄n̄ pur faire le termour perdze son terme, et le d̄vant eit querele, issint q̄ le termour puisse auer recouerie p̄ b̄re de couenant, le Sh̄r̄if et les Bailifes puissent enquirer per bene viln̄ en la p̄esēce del termour, & del demandant, le q̄l le demandant mouest son plēe per bon droit q̄l auoir, ou p̄ collusion & p̄ fraude pur faire le termour perdze son terme. Et si troue soit per enquest, q̄ le demandant mouest son plēe per bone droit quil auoit, ci soit le iudgement per forme maintenant. Et si troue soit p̄ enq̄st, q̄ il luy empleda p̄ fraude pur toller le termour son terme, ci demure le termour en s̄o terme, & lexecut̄ del iudgement

par le demandant soit suspendus, lesques apres le terme passe. Et en mesme le maner soit fait de equitie en tiel case deuant Justices, si le terminour le challenge deuant iudgement rendu.

Voucher 4. cap. 12.

C Duruiew est ensement, que si home soit emplede de tenement en m̄ la cite, & bouche forein a garrantie, q̄l beign̄ en la chauncery & eit bziefe de som̄ son garrantie a cert̄ iour deuant Justices du bank, & vn anter b̄e au Maire & as Bailifes, q̄ ils surcessent en le paroll q̄ est deuant eux per bziefe, lesques a tant que le paroll de le garrantie sera termine deuant Justices du bank. Et quat̄ le parol de la garrantie sera termine deuant Justices du bank, donq̄s sera dit au gar̄ q̄ il beign̄ en la cite de Lond̄ a reipoign̄ de hiese plee. Et le dd̄ant per sa suit eit b̄e de Justices de bank au Maire & as bailifes, q̄ ils voient auat en le plee. Et si le dd̄ant resoū bers le tenant, beign̄ le tenat̄ as Justices de bank, & eit b̄e au Maire & as bailifs, q̄ si le tenat̄ eit la cert̄ perd̄, q̄ ils facent exende la fre, & retozn̄ l'extent en bank a cert̄ iour, & aps soit maun̄ au vil̄ du pais ou le garraty suist som̄, q̄ il luy face auer de la fre e garrant a le value. [Vide Articul' Glouc. correct' Anno 9. Edwardi 2.]

Estrepiement 1. cap. 13.

C Duruiew est ensement, que del heure que plee sera moue en la cite de Lond̄res per b̄e, q̄ le tenant neit power de faire walk, ne

Gloucester.

estrepiement du tenemēt q̄ est en dde, p̄dant le plē. Et sil face, le Maîr & les Bailifes facent gard a le suit de le ddant. Et m̄ loz: dze & statute soit garde en auters Citiez, Bozoughes, & ayloz per tout le roialme.

Damages 2. cap. 14.

Le Roy graunt de sa grace as Citizēs de Leūdoz, q̄ la ou auant ces heures ceuz q̄x fueront disseisies de leur franktenemēt en m̄ la citie, ne poient recoū leur dam̄ auat le venue des Justices a la Towr: Que desozmes iceuz disseisies eient leur dam̄ per recognisans de l'assise, p̄ le q̄l ils recoueront leur tenemts, & les disseizoꝝ soiēt amercies deuant deux Barons dexchequer, q̄x un foits p̄ an viendē en le Citie a ceo faire. Et ceo soit maunde a Treasozer & as Barons dexcheq̄r, q̄ls le facent fait chescū an p̄ q̄. de euz a leur leuer ap̄z la Chaūdeleure. Et les amercemts p̄ les sūmons del Escheq̄r, soiēt leuies al oeps le roy, & al escheq̄r deliueres.

Wines 1. cap. 15.

Puruew est ensement, q̄ le Maîr & les Bailifes auant le venue de ceuz Barons enquerger des Wines vendus encounter l'assise, & le p̄sentēt deuant eux a leur venir, & donq̄z soiēt amercies, la ou ils soient at tēdre, ielsq̄z a le venue des Justices errants. Dones a Gloucest̄ le quart iour de October, lan du raigne le Roy Edward fits le Roy Henry, 6.

Explicit Statutum de Gloucest̄.

¶ Explanaciones Stat' Gloucest'r,
An. prædict' Regis 6. ædite.

Postmodum per dominum Regem, & Iusticiarios suos factæ sunt quædam explanaciones quorundam articulorū superius positorum.

Damages 3. cap. 1.

Videlicet ad primum Articulum, vt illi qui habent ingressum per disseisinam incurrant dampna à tempore statuti publicati. Eodem modo de breuibus de ingressu super disseisinam. De damnis in omnibus breuibus mortis antecessoris consanguinitatis, Aui, vel Proaui, de Intrusione, vel de facto proprio, vel quodcunq; breue, currant damna post impetrationem breuis, contra eos qui conuenerunt per statutum, licet antecessores sui prius inde obierunt seifiti.

Age 3. cap. 2.

De inquisitione faciend', quæ tangit illos qui sunt infra ætatem, currat statutum sine temporis limitatione.

De terris alienatis per illos qui tenent per legem Angliæ, currat statutum de huiusmodi terris alienatis post statutū illud publicatū. Eodem modo currat statutum de terris vxoris alienatis per virum, vbi finis in curia non est inde leuat.

Cessavit 2. cap. 3.

De terris dimissis ad feodi firmam, reddend' inde per annū quartam partem veri valoris earum, currat statutū, tam de terris,
dimissis

De Religiosis.

dimissis ante statutū editū, quam post, & modo tenens detinuerit ultra duos annos post statutum editū, id quod soluere debuit dimissori per annum, iuxta scriptū conuentionis illius.

Wast 1. cap. 4.

De pœna vassi, de omnibus (preterquam de dotibus & custodijs) intelligatur de vastis factis post statutum editum. Et de pœna tripli in casibus vasti de dotibus & custodijs, intelligatur de vastis factis post statutum editum.

Entre 2. cap. 5.

De his qui alienant dotem suam, intelligatur post statutum editum.

Datū apud Glōcest' die dominica proximo post festū diui Petri ad vincul', Anno regni Regis E. I. sexto.

¶ Statutum de Religiosis, editum
Anno 7. Edw. primi.

Mortmaine 2. cap. I.

CVM dudum prouisum fuerit, q̄ viri Religiosi non ingrederētur feoda aliquorum, sine licentia & voluntate capitalium dominorum feodorum de quibus feoda illa immediatē tenētur, & viri Religiosi postmodum nihilominus tam feoda sua ppria quā aliorū hactenus ingressi sunt, ea sibi appropriando, & emēdo, & aliquando ex dono aliorum

aliorum recipiendo, per quod seruitia quæ ex huiusmodi feodis debentur, & quæ ad defensionem regni ab initio prouisa fuerint, indebitæ subtrahuntur, & capitales domini escaetas suas inde amittunt: Nos super hoc pro utilitate Regni nostri congruè volentes prouidere remedium, de consilio Prelatorum, Comitum, Baronum, & aliorum fidelium regni nostri de consilio nro existentium, prouidimus, statuimus, & ordinauim⁹, qd' nullus Religiosus, aut alius quicumque terras aut tenemēta aliqua emerit vel vendere, vel sub colore donationis, aut termini, aut ratione alterius tituli cuiuscunque, terras, aut tenementa ab aliquo recipere, aut alio quouismodo, arte vel ingenio sibi appropriare presumat, sub forisfactura eorundem per quod ad manum mortuam terre vel tenemēta huiusmodi deueniat quoquomodo. Prouidimus etiam qd' si Religiosus aut alius cōtra presens statutū aliquo modo, arte vel ingenio uenit præsumpserit, liceat nobis & alijs immediatè capital' dominis feodi taliē alienati illud infra annū à tempore alienationis huiusmodi, ingredi & tenere in feodo & hereditate. Et si capitalis dñs immediatè negligens fuerit, & feod' huiusmodi ingredi noluerit infra annū, tunc liceat pximo capitali domino immediatè feodi illius, infra dimidium annū sequentem, feod' illud ingredi, & tenere sicut p̄dict' est, Et sic quilibet capital' dñs immediatè ingredi possint hñdi feoda, si ppinquior dñs immediat' ad ingrediēd' hñdi feoda negligens fuerit,

*to uinc p̄x uel hñdi
797 s. Car. 152.*

De Religiosis.

vt prædictū est. Et si omnes huiusmodi capitales domini huiusmodi feodi qui plene etatis fuerint infra quatuor Maria, & extra prisonā, p̄ vnū annū & dimidium negligentes fuerint, vel remissi in hac parte. Nos statim post annum completum à tempore quo huiusmodi emptiones, donationes, vel alios appropriationes fieri contigerit, terras & tenementa huiusmodi capiemus in manū nostrā, & alios inde feoffabimus per certa seruitia nobis inde ad defensionem regni nostri facienda, saluis capital' dñis feodorū illorū wardis, releuijs, & escaetis, & alijs ad ipsos pertiñ, ac seruitijs inde debiē & consuei. Et ideo vobis mandamus, quod statutū prædictū coram vobis legi, & de cetero firmiter teneri & obseruari faciatis. Teste me ipso apud Westminst. xiiij. die Nouēbris, Anno regni nostri vij. &c. [Mag. char. cap. 36 W. 2. ca. 32. & 33. & W. 3. Anno 18. E. 1. cap. 4.]

Explicit statutum de Religiosis.

¶ Statutum de Acton Furnel, editū
Anno 11. Edw. primi.

Recognisance & Stat. marchant. cap. 1.

Pur ceo que Merchantes, queux auant
ceux heures ount pristres leur auoir as
diūs gents, q̄ux sont chues en pouerty,
pur ceo q̄ ils nauoiēt pas cy ready ley pur-
uisew, p̄ la q̄l ils poiēt leur dettes hastincēt
recouer

recouerer al iour de la paye assigne, & p ycel
 encheson sont mults dez merchâts fruitretz
 de vener en cest terē ouc lour merchâdis
 as daîns dez merchâts, & de tout le roialme.
 Le Roy per luy, & per tout son coûsel, ad or-
 deine & establie, que Merchant q̄ voit estre
 sure de son det, face vener son dettour de-
 uant le Mayor de Loundres, ou de Cuer-
 wike, ou de Bristoll, ou deuant le Mayor &
 un Clerke, que le Roy a ceo attournera, a
 conuser la det, & le iour de paym̄t, soit la re-
 conus. entre en roll de la maine le dit Clerk
 que serra conue. Duster ceo le dit Clerk
 face de la maine lettre obligat, a q̄l escrip-
 ture soit mis le seale le dettour, ou seale le
 Roy que a ceo soit puruew, le q̄l seale de-
 murra en le gard del Mayor & le Clerk a-
 uantdit. Et si le dettour ne luy rend al iour
 q̄ luy est done ou assis, si veigne le creansour
 al Mayor & al Clerk ouc la lettre obligat:
 Et si troue soit per rolle, ou per lettre, que
 la det fuit conue, & q̄ le iour assis est passe,
 le Mayor p biew des prudes homes, main-
 tenant face vendre les moueables du dettoz
 come attaint de la dette, sicome chatour bur-
 gages deuisables, iesque a la somme de la
 dette, et les deniers soyent payes al crean-
 sour. Et si le Mayor ne troue achatour,
 face p reasonable pprice liuerer les mouea-
 bles a creansour, iesqz a la somme de la det
 en allowance de le det. Et a la vende, & la
 liuere des burgages deuisables serra mis
 le seale le Roy auantdit, en pardurable tes-
 moign

Acton Burnel.

moigne. Et si le dettour neit moueables en le poier le Mayor, dont le dette purt estre leue, sins eit aloz en la Realme, donqs maunde le Mayor desouth le seale le roy auantdist al Chaunceloz la conul. fait deuât luy & lauandit Clerke. Et le Chaunceloz maunde bre al viē en q̄ bailly auēt moueables le dettoz. Et le vicoit face faire grēe al creansoz p̄ m̄ la forme, q̄ le Mayor le serroit, si les mouables le dettoz fussent en son poier. Et bien soy gardēt ceux, q̄ ont praisē les biens mouables pur liuerer al creansoz, que ils mett̄ reasonable price. Car silz les mittent trope haut, en fauour del dettoz, al daīm del creansoz, la chose price soit liuer a ceux q̄ur laueront praisē pur la price q̄ ils ent ont mise, & maintenant respaign̄ al creansoz de la det. Et si la dettoz boile dire, q̄ les bñs mouables fueront vende ou liueres pur meinos q̄ ils ne baillent, de ceo ne purt il my remedy auer, pur quoy q̄ le Mayor ou le viē eyent loyallyment les biens mouables a celui que plus offert vendus, car il pourra retier a luy m̄ auant la iour de la suit port, & les bñs mouables auer vend, & p̄ les mains les deniers auoir leue, & ne voidet.

¶ Et si le dettoz neit mouables, dont la det purt eē leue, donqs soit son corps prise ou q̄ il serra troue, & en prison tenue, ielsz a tant q̄ il eit fait grēe, ou ses amies pur luy. Et sil nad dont il poit estre sustenus en prison, la creansoz luy trouera paine & eue, q̄l ne mozge en prison pur default, les q̄ur
colta ges

ostages le dettoz luy rend oue le det, auant
q̄ il issēt del prison.

¶ Et si le creansoz soit marchāt estrange,
il demurra al ostages le dettoz tout le tēps
q̄ il demurt pur suer la dette leuer iesque al
heure q̄ les biens mouables le dettoz soient
pendus, ou a luy liueres.

¶ Et si le creansour ne se paia pas de la
uertie solement le dettoz, per q̄ pledges luy
oiēt troues ou mainpernozs, si les mainper-
nozs, ou les pledges veignēt deuant le Maioz
le dit Clerke, & soy obligent per escripturē
& recognisans; sicome auant est dit del
ettoz. En mesm le maner si la dette ne soit
aya a iour assignē, soit fait l'execution sur
les pledges & mainpernozs, come auant est
ist del dettoz. Et eyt le creansoz recouery
sur les pledges & mainpernozs come auant
est dit del dettoz.

¶ Et issint ne pur quant que tanqz come
la dette puisse estre pleinment leue des biens
mouables del dettoz en le fozm auantdit, les
mainpernozs ou les pledges ne eiant dam-
nes en default des biens mouables du dett,
il le creansour recouerie sur les mainper-
nozs, ou sur lez pledges en la forme, q̄ auant
est dit del dettozs &c. Et a susteneir les
ostages de lauantdit Clerke, si prendra le
Roy de chescun liuer vn denier. Cest esta-
lishment voit le Roy q̄ desozmes soit te-
nus & garde per tout son Realme de Angli-
erre, enter q̄l gents q̄ ceo soit, que de lour
meesm degre vouldrēt cest recognisāz fait
hors

Acton Burnel.

forzprise Jhesus, aux q̄ux cest establissement ne se extende pas.

¶ Et per cest establissement ne soit pas bre de Dette abatus, & ne soient pas le Chaunceler, Barons de Leschequer, Barons de lun bank & de lauter, ou Justices errants, forz clos de p̄d̄ze recognuſances des dettes de ceux q̄ deuant eux boudzont faire. Mes l'execution des recognuſances deuant eux ne soient faits en la forme auantdit, mes per la ley, et les vsages, & les maners & uant bles. Done a Acton Burnel, le xij. iour de October, lan de nostre raigne 11. [Vide statut de Mercatoribus, Anſi 13. C. 1.]

¶ Statutum de Westm̄ secundo, edit̄ Anno 13. Edwardi primi.

CUm nuper Dominus Rex, in quindena Sancti Iohannis Baptiste, anno regni sui sexto, conuocatis Prelatis, Comitibus, Baronibus, & consilio suo apud Glouceſt̄: Quia plures de Regno suo exheredationem patiebantur, eo quod in multis casibus, vbi remedium apponi debuit prius, non fuit per p̄deceſſores suos, aut per ipsum remedium prouisum, queſdam ſtatuta populo suo valde necessaria & vtilia edidit, per queſ populus suus Anglicanus & Hybernicus sub suo regimine gubernatus, celerioreſt iuſticia

iam, quam prius, in suis oppressionibus
 consecutus est, ac quidam casus, in quibus
 ex deficiebat remanserunt indeterminati,
 & quidam ad reprimendam oppressionē po-
 puli remanserunt statuend'. Dominus Rex
 in Parlamēto suo, post Pascham, anno regni
 sui tertio decimo, apud Westminster, multas
 oppressiones populi, & Legum defectus, ad
 appletionem dictorum Statutorum apud
 Glocester' & ditorum, recitari fecit, & statuta
 didit, vt patebit in sequentē.

Taile I. cap. I.

In primis, de tenementis, quę multociens
 cantur sub conditione, videlicet, cum aliquis
 dat terram suam alicui viro & eius vxori, &
 eted' de ipsis viro & muliere procreatis, ad-
 ecta conditione expressa tali. Si huiusmodi
 vir & mulier sine hered' de ipsis viro & mu- Taile speciall.
 liere pcreato obiissent, terra sic data ad do-
 natorem, vel ad eius heredem reuertatur. In
 casu etiam cum quis dat tenement' alicui in
 haberū maritagiū, quod donū habet condi-
 tionē annexam, licet non exprimatur in carta
 doni, quę talis est. Quod si hñodi vir & mu-
 lier sine hered' de ipsis viro & muliere pro-
 creato obiissent, tenementū sic datum ad do-
 natorem, vel ad eius heredem reuertatur. In
 casu etiam cum quis dat tenemētū alicui, & Taile generall.
 hered' de corpore suo exeuntibus, durum vi-
 debatur, & adhuc videtur, huiusmodi dona-
 torib', & heredib' donatorū, quod voluntas
 donatorū ipsorum in donis suis expressa, non
 fuit prius, nec adhuc est obseruata. In om-
 nibus

Westm̄ second.

Post prolem
sulcitat', ne-
my deuant.

nibus enim p̄dictis casib' post prolem sul-
citatam, & exeuntem ab ipsis quibus tenē sic
condicionalit̄ fuit datum, hucusque habue-
runt huiusmodi feoffati potestatem alienandi
tenement' sic datum, & exheredandi exitum
eorum, contra voluntatem donatorū, & con-
tra formam in dono expressam. Et p̄terea
cum deficiente exitu de h̄modi feoffatis, tenē
sic datum ad donatorem, vel ad eius here-
des reuerti debuit per formam in charta de
dono h̄modi expressam, licet exitus (si quis
fuerit) [obijisset] per factū [tamen] & feoffa-
mentum eorum, quibus tenē sic fuit datum
sub conditione, exclusi fuerunt hucusque de
reuerfione eorundē [tenentorum] quod mani-
festē fuit contra formam doni: Propter qd'
dñs Rex perpendens, quod necessariū & utile
est in p̄dictis casibus apponere remediū, sta-
tuit quod voluntas donatoris, secundum for-
mam in charta doni sui manifestē expressam,
de cetero obseruetur, ita quod non habeant
illi, quibus tenē sic fuit datū sub conditione,
potestatem alienandi tenē sic datum, quo mi-
nus ad exitum illorum, quibus tenē sic fuerit
datum remaneat post eorum obitum, vel ad
donatorem, vel ad eius heredem (si exitus
deficiat) reuertatur, per hoc quod nullus sit
exitus omnino, vel (si aliquis exitus fuerit, &
per mortem deficiet) herede de corpore huius-
modi exitus deficiente. Nec habeat de
cetero secundus vir huiusmodi mulieris ali-
quid in tenement' sic dato per conditionem,
post mortem vxoris suæ, per legem Angliæ:
nec

Nota, parols
(fuit dat' &c.)
quæ ad rela-
tion ad dona
precedentia,
non obstante
pols (de cetero
&c.) queux ad
relation ad do-
na futura.

nec exitus de secúdo viro & muliere successi-
 onem hereditariam : sed statim post mortē
 viri & mulieris, quibus tenē sic fuit datū, post
 eorum obitum ad eorū exitum, vel ad dona-
 torem, vel ad eius heredem (vt p̄dictum est)
 reuertatur. Et quia in nouo calu nouum re-
 medium est apponendum : fiat impetranti
 tale breue. Pręcipe A. quod iustē & c. reddat
 B. tale maneriū cum pertineñ, quod C. dedit
 tali viro, & tali mulieri, & hered' de ipsis viro
 & muliere exeuntibus: Vel quod C. dedit tali
 viro in liberū maritagium, cum tali muliere,
 & quod post mortem p̄dictorū viri & mulie-
 ris p̄dicto B. filio eorundē viri & mulieris dis-
 cendere debet per formam donationis præ-
 dictę, vt dicit: Vel quod C. dedit tali & he-
 red' de corpore suo exeuntibus, & quod post
 mortē ipsius talis, p̄dicto B. filio p̄dicti talis
 discendere debet p̄ formam donationis & c.
 Breue p̄ quod donator habet recuperare de-
 ficiente exitu, satis est in vsu in Cancellaria.
 Et sciendum est, quod hoc statutum quoad
 alienationē tenementi contra formam doni
 impoſterum faciend', locum habeat, & ad
 dona prius facta non extendatūr. Et si finis
 super h̄modi tenē impoſterum leuetur, ipſo
 iure sit nullus. Nec habeant heredes h̄modi,
 aut illi ad quos spectat reuerſio, (licet fuerūt
 plenē gratis, in Anglia, & extra prisonam)
 necesse apponere clameum suum.

Replevin 2. cap. 2.

Quia domini feod' dīſtringentes tenentes
 suos, pro ſeruitijs & conſuetud' ſibi debīt,

H ij.

mul-

Finis leuat'
 cōtra formam
 donationis va-
 cat.

Aliter est mo-
 do per Stat. 4.
 H. 7. 24. & 32.
 H. 8. 36. per
 queux ſi tenāt
 en taile leuie
 fine, est tous
 foits barred.

Westm̄ second.

multociens grauantur per hoc, quod cum tenentes sui districtiōem suā per breue, vel sine breue, replegiauerint, ac cum ipsi domini (ad queremoniam tenentiū suorum) ad com̄, vel ad aliam curiam habentem potestatem placitandi placita de Verito namio, p̄ attachiamē venerint, & rationabilē & iustam districtiōē aduocauerint, p̄ hoc q̄ tenentes disaduocant, nihil tenere nec clamant tenere de eo qui districtiōem fecit, & aduocauit, remansit ille qui distrinxit in misericordia, & tenentes sui quieti, quibus pro illa disaduocatione per recordū Com̄, siue aliarum curiarū, quę recordū non habēt p̄na infligi non potest. De cetero prouisum est & statutum, quod cum h̄modi dñi in com̄ vel huiusmodi curia, iusticiam de huiusmodi tenentib⁹ suis consequi non possint, quam cito attachiati fuerint ad sectam tenentiū suorū, concedatur eis breue ad ponendū loquelam [illam] coram Iusticiarijs, coram quibus [& non alibi] iusticia huiusmodi dominis exhiberi poterit, & inserat̄ causa in breui, quia talis distrinxit in feodo suo pro seruic⁹ & cons. sibi debitis. Nec per istud statutum derogat̄ Legi cōmuni vsitatę, quod non permittit aliquod placitū poni coram Iustic⁹ ad petitionē defendentē: quia licet prima facie videatur tenens actor, & dominus defendens, habito tamen respectu, ad hoc q̄ dñs distrinxit, & sequit̄ pro seruitijs & cons. sibi a retro existēti realit̄ apparebit potius actor, siue querens, quā defendens. Et vt in certo sint Iustic⁹,

de qua

de qua recenti seifina poterint domini aduocare rationabilem diftrictionem fup tenentes fuos: De cetero concordatum eſt, quod rationabilis diftrictio poterit aduocari de feifina antecellorū vel p̄decellorū fuorum, à tempore quo breue Nouę diffeifinę currit. [Vide W. 1. cap. 38.] Et quia aliquando contingit, quod tenens poſtquam replegiauerit aueria ſua, aueria illa vendit vel elongat, quo minus retornum poſſit fieri dño diftringenti, i adiudicetur. Prouiſum eſt, quod Vicecomes, vel Balliui, de cetero non recipiant à conquerētibz ſolummodo plegios de p̄ſequendo, antequam deliberationē faciant de auerijs, ſed etiam de auerijs retornandis, ſi adiudicet retornū. Et ſi quis alio modo plegios ceperit, reſpondeat ipſe de precio aueriorum. Et habeat domin⁹ diftringens recuperare per breue, quod reddat ei tot aueria, vel catalla. Et ſi non habeat balliuus vnde reddat, reddat ſuperior ſuus. Et quia aliquādo contingit, qd' poſtq̄ adiudicatū fuerit diftringenti retornū aueriorū, & ſic diftrictus, poſtquam aueria ſic retornata iterum replegiauerit, & cum viderit diftringentē compaentem in curia paratū ſibi reſpondere, deſaltam fecerit, ob quam iterū readiudicabitur diftringenti retornū aueriorū, & ſic bis, vel ter, & in infinitū replegiabuntur aueria, nec habebūt iudicia curię Regi in hoc caſu effectū, ſuper quo non fuit prius remediū prouiſum. Ordinatū eſt in hoc caſu talis p̄ceſſus, quod quam cito adiudicatū fuerit retornū auerio-

Westm̄ second.

rum distringenti per breue de Iudicio, mandetur Vic', quod retornum habere faciat distringenti de auerijis, in quo breui inseratur, quod Vic' ea non deliberet sine breui, in quo fiat mencio de iudicio p Iustic' reddit: quod fieri non poterit, nisi per breue quod exeat de rotulis Iustic', coram quibus deducē fuerit loquela. Cum igitur [districtus] adierit Iustic', & petierit aueria sua iterum sibi replegiari, fiat ei breue de Iudicio, qd' vic' (capta securitate de psequendo, & etiam de auerijis seu catallis retornand', vel eorum precio, si adiudicetur retornum) deliberet ei aueria, vel catalla prius retornata: & attachietur ille qui distrinxit, ad veniend' ad certū diem coram Iustic', coram quibus placitum deducatur in p̄sentia partium. Et si iterato ille, qui replegiauerit aueria, fecerit defaltam, vel alia occasione adiudicetur retornum districtionis iam bis replegiat, remaneat districtio illa in perpetuum irreplegiabilis. Sed si de nouo, & de noua causa fiat districtio, de noua districtione seruetur processus supra dictus.

Cui in vita I. cap. 3.

In casu quando vir amiserit per defaltam tenē, quod fuit ius vxoris sue, durū fuit quod vxor post mortem viri non habuerit aliud recuperare, quam p breue de Recto: Propter quod dñs Rex statuit, quod mulier post mortem viri sui habeat recuperare per breue de Ingressu, cui ipsa in vita sua contradicere non potuit, & in forma subscripta erit placitand'.

Si contra petitionem mulieris tenens excipiat, quod habuerit ingressū per iudiciū, & compertū fuerit, quod per defaultam, ad quod tenens necesse habet responderē, si ab eo querat, tunc ulterius habet necesse ostendere ius suum, secundū formam b̄ris, quod prius impetrauit sup̄ virum & vxorem. Et si verificare poterit, q̄ habuerit, vel habet ius in testio petito, nihil capiat mulier per b̄re suum. Quod si ostēdere non poterit, recuperet mulier testitum: Hoc obseruato, quod si vir absentauerit se, & noluerit ius vxoris suę defendere, vel inuita vxore sua reddere voluerit, si vxor ante iudiciū venerit, parata petenti, respondere, & ius suū defendere, admittatur vxor.

Eodē modo si tenens in dotem, per legē Anglię, vel aliter ad terminū vitę, vel per donū in quo reseruatur reuersio, fecerit defaultā, vel reddere voluerit, admittātur heredes, vel illi ad quos spectat reuersio, ad responsionem, si uenerint ante iudiciū. Et si p̄ defaultā, vel redditionē reddat iudiciū, tunc habeant heredes, vel illi ad quos spectat reuersio, post mortem t̄modi tenentiū, recuperare p̄ b̄re de ingressu in quo obseruetur idem p̄cessus, sicut p̄dictū est in casu ubi vir amittit per defaultā test̄ vxoris suę. Et sic in casibus p̄dictis duę concurrunt actiones: vna inter petentem & tenentē, & alia inter tenentem ius suū ostendentem & petentem. [Vide 20. E. 1. defēsiō iuris fo. 88.]

Dower 3. cap. 4.

In casu quando vir implacitatus de tenementi, reddit tenementum petentem aduersario

H. iij.

suo

1983 age 1. 2 42 age
79. 743 32 age 112
947 4 age 118. 13
2 age 147. 29
83 age 152.

Westm̄ second.

suo de plano, post mortem viri, Iusticiarij
 adiudicent mulieri dotem suam, si per breue
 petat. Sed in casu quando vir amittet p̄ de-
 faltam tenementum petatum, si mulier post
 mortem viri petat dotem, & compertū est,
 quod per aliquos Iusticiarios adiudicata fuit
 dos mulieri petenti, non obstante defalta,
 quam vir suus fecit, alijs Iusticiarijs in con-
 traria opinione existentib', & contrariū iudi-
 cantib', vt de cetero huiusmodi ambiguitas am-
 putetur, & sit in certo: Ordinatum est quod
 in vtroque casu audiatur mulier, quę dotem
 petit. Et si excipiatur contra ipsam, quod vir
 suus tenēt, vnde dos petita est, amisit per iudi-
 cium, per quod dotem habere non debet, &
 si queratur p̄ quod iudiciū, & compertū fue-
 rit quod per defaltam, ad qd' tenens necesse
 habet respondere, tunc oportet tenentē vltē-
 rius respondere, & ostendere quod ipse [te-
 nens] ius habuit, & habet in p̄dicto tenēt, se-
 cundum formam breuis, quod tenens prius
 super virum impetrauit. Et si ostendere po-
 terit, qd' vir mulieris non habet ius in tenēt,
 nec aliquis alius quā ipse qui tenet: recedat
 quietus, & vxor nihil capiat de dote. Quod
 si cōstēdere non poterit, recuperet mulier do-
 tem suam. Et sic in casibus istis, & in quibus-
 dam casibus subsequenē. s. quando vxor do-
 tata amittat dotē suam p̄ defaltam, & tenen-
 tes in liberū maritagio per legem Anglię, vel
 ad terminum vitę, vel per feodum talliatū,
 concurrūt plures actiones. Quia huiusmodi
 tenentes, cum oporteat eos petere tenemēta
sua

sua p̄ defaultā amissa, & cum ad hoc peruentū
 fuerit, qd̄ tenēs necesse habeat ostendere ius
 suū, non possunt ipsi, sine his ad q̄ spectat re-
 uersio, de iure respondere: & ideo cōcedatur
 eis, qd̄ uocent ad warrant̄ secundū tenorem
 breuis, ac si essent tenentes [in priori breui]
 warrant̄ habeant. Et cum warrantus warranti-
 zauerit, p̄cedat placitum inter illū qui seisit^o
 est & warrantū, secundū tenorem breuis, quod
 tenēs prius impetrauit, & p̄ qd̄ recuperaue-
 rit per defaultam. Et si ex pluribus actionibus,
 ad vltimū perueniat ad vnum iudiciū, videli-
 cet ad hoc qd̄ huiusmodi petentes recuperent
 petitionē suam, vel qd̄ tenentes eant quieti.
 Et si actio huiusmodi tenentis, qui necesse
 habet ostendere ius suū, mota fuerit p̄ breue
 de Recto, licet magna assisa, vel duellū iungi
 non possunt per verba consueta, [iungi] ta-
 men possunt per verba satis apta. Quia cum
 tenens in hoc qd̄ ostendat ius suum, quod ei
 competet per breue qd̄ prius impetrauit [&]
 sit loco actoris, benè poterit warrant̄ de-
 fendere ius tenentis, qui loco petentis (vt
 dictum est) habet, & seisinam antecessoris sui
 offerre & defendere p̄ corpus liberi hominis
 sui, vel ponere se in magnam assisam, & pe-
 tere inde recognitionē fieri, vtrum ipse ma-
 ius ius habeat in tenemento petito, an præ-
 dictus talis: vel alio modo iungi poterit
 magna assisa, & sic talis warrantus defend^o
 ius &c. Et cognoscit seisinam antecessoris sui
 & ponit se in magnam assisam &c. & petit
 recognitionē fieri, vtrum ipse maius ius ha-
 beat

Westm̄ second.

beat in prædicto tenemento, vt in illo de quo
 scõffauit talem, vel quod talis remisit, & qui-
 etum clamauit &c. an prædictus talis &c. Cũ
 aliquando contingat, quod mulier non ha-
 bens [ius] petendi dotem hereditatis here-
 dis alicuius infra etatem existẽtẽ, impetret
 breue de dote super custodem & custos per
 fauorem mulieri dotem reddiderit, vel de-
 faltam fecerit, vel placitum ita fictum p̄ col-
 lusionem defenderit, per qd̄ dos huiusmodi
 mulieri (in præiudicium heredis) adiudicata
 fuerit: Prouisum est quod heres, cum ad
 etatem peruenerit, habeat actionem petendi
 seisinam antecessoris sui versus huiusmodi
 mulierem, qualem haberet versus quemcun-
 que alium deforciatorem, ita tamen quod
 salua sit mulieri versus petentem exceptio
 ostendendi, quod ius habet in dote sua, quod
 si ostendere poterit, recedat quieta, & dotem
 suam retineat, & sit heres in misericordia, &
 amercietur grauiter secundum discretionem
 Iusticiariorum. Sin autem recuperet hæres
 petitionem suam. Eodem modo subuenia-
 tur mulieri, si heres vel alius eam implaci-
 tauerit de dote sua, si dotem suam per defal-
 tam amiserit. In quo casu sua defalta non sit
 ei ita præiudicialis, quin dotem suam (si ius
 habeat) recuperare possit, & fiat ei tale b̄re.
Præcipe A. quod iuste &c. reddat tali, quæ
 fuit vxor talis tantam terram cum pertinen-
 tijs in C. quam clamat esse rationabilem do-
 tem suam, vel de rationabili dote sua, & quã
 prædictus talis ei deforceat. Et ad istud b̄re
habeat

habeat tenens exceptionem suam, ad ostendendum, quod mulier ius non habet in dote: Quod si verificare poterit, recedat quietus, alioquin recuperet mulier tenementū, quod prius tenuit in dote. Et cum temporibus retroactis aliquis amisisset terram suam per defaultam, non habuit aliud recuperare quam per breue de Recto, quod eis competere non potuit, qui de mero iure loqui non potuerūt, veluti tenentes ad terminum vitæ, vel per liberum maritagium, vel per feodum talliatum, in quibus casibus saluatur reuersio. Prouisum est quod de cetero non sit eorum defaulta eis ita præiudicialis, quin statū suum (si ius habeant) recuperare possint per aliud breue quam per breue de Recto. De maritaggio amisso per defaultam fiat tale breue. Præcipe A. quod iuste &c. reddat B. manerium de C. cum pertinentijs, quod clamat esse ius, & maritagium suum, & quod prædictus A. ei deforc'. Eodem modo de tenito ad terminum vitæ per defaultam amisso, fiat tale breue. Præcipe A. quod iuste &c. reddat B. manerium de C. cum pertinē, quod clamat tenere ad terminum vite sue, & quod prædictus A. ei deforceat. Similiter quod clamat tenere sibi & heredibus suis de corpore suo legitimè procreatis, & quod prædictus A. ei deforc' &c.

Fitzh. Nat. bre. fol. 8. d.

F. Nat. ibre. fol. 155. b.

Aduowson 1. cap. 5.

Cum de Aduocationibus Ecclesiarū non sint nisi tria breuia originalia, videlicet breue de Recto, & duo de possessione, sciz, vltimè præ-

presentationis, & Quare impedit hucusque
 vsitatū fuerit in regno, quod cum aliquis ius
 p̄sentandi non habens p̄sētauerit ad aliquā
 Ecclesiam, cuius p̄sentatus sit admissus, ipse
 qui verus est patronus, per nullū aliud breue
 recuperare potuit aduocationē suam, quam
 per breue de Recto qd' habet t̄minat per du-
 ellum, vel p̄ magnam Assisam, per qd' h̄eres
 des infra etatem existentes per fraudem &
 negligētiam custodū, h̄eres etiam siue ma-
 iores, siue minores per negligētiam vel frau-
 dem tenentiū per legem Angliæ, vel mulie-
 rum tenentium in dotem, vel alio modo ad
 terminū vitæ, vel annorum, vel per feodum
 talliatū, multotiens exh̄ereditationē patie-
 bantur de aduocationibus illis, vel ad minus
 (qd' eis melius fuit) ponebantur ad breue de
 Recto, & in casu omnino exh̄ereditati fuerūt
 hucusque. Statutum est quod huiusmodi pre-
 sentationes non sint huiusmodi rectis h̄ere-
 dibus, aut illis ad quos post mortē aliquorū,
 h̄modi aduocationes reuerti [debent] ita
 preiudiciales, quin quotiescunque aliquis ius
 non habens, tempore h̄modi custodiarū p̄sē-
 tauerit, vel tempore tenentium in dote, per
 legem Angliæ, vel alio modo ad terminum
 vitæ, vel annorum, vel per feodum tallia-

Fitzh. Nat.

bre. fol. 31 g.

in proxima vacatione, postquam h̄eres
 ad etatem peruenerit, vel aduocatio post
 mortem tenentium in forma p̄dicta ad h̄e-
 redem plenē etatis existentem reuertetur,
 habeat eandē actionem & recuperationem
 per breue de aduocatione possessorium qua-

sent in tail

alio dicitur qd'

si p̄sētauerit

et mortē h̄ereditatis

umbrauxi

super p̄sētauerit

si p̄sētauerit

in proxima vacatione

et incubent mortem

si p̄sētauerit

del. h̄ereditatis

in tail

quare p̄sētauerit

lem haberet vltimus ante cessor huiusmodi he-
 redis plenam habens etate, in vltima vacati-
 one temporis suo accidente ante mortem suam,
 vel antequam dimissio facta fuerit ad terminum,
 vel ad feodum talliatum, vt predictum est.
 Hoc idem obseruetur de presentationibus
 factis ad Ecclesias de hereditate vxorū, tem-
 pore quo fuerunt sub potestate virorum suo-
 rum, quibus per istud statutum subueniatur,
 per remedium suprascriptum. Viris etiam Re-
 ligiosis, Episcopis, Archidiaconis, Rectori-
 bus Ecclesiarum, & alijs personis ecclesiasticis
 per istud idem statutum subueniatur: si aliquis
 eius presentandi non habens presentauerit ad
 Ecclesias domus siue praelatiæ, dignitati aut
 personatui spectantes, tempore quo vacau-
 erint prelatiæ, dignitates, aut personatus hu-
 iusmodi: nec tamen ita largè intelligatur
 istud statutum, quod personæ, ad quorum reme-
 dium statutum istud est editum, habeant recu-
 perare suprascriptum, dicentes quod custodes,
 tenentes in dotem, per legem Angliæ, vel
 alias ad terminum vite, vel annorum, vel viri-
 ficte defenderint placitum per ipsos, vel con-
 tra ipsos motum, quia iudicia in curia Regis
 reddita per istud statutum non adnihilentur,
 sed stet iudicium in suo robore, quousque per
 iudicium curiæ [Regis] tanquam erroneum
 (si error inueniatur) adnulletur, vel assisa vl-
 time presentationis, vel inquisitio p̄ Quare
 impedit si transierit per attinctam, vel p̄ certi-
 ficationem adnulletur, que gratis concedatur.
 Et de cetero vna forma placitandi in breuibus
 vltimæ

Westm̄ second.

presentationis, & Quare impedit, inter Iu-
 sticiarios obseruetur, quoad hoc, quod si
 pars rea excipiat de plenitudine Ecclesie per
 suam ppriam p̄sentationē, non p̄pter illam
 plenitudinem remaneat loquela, dummodo
 breue infra tempus semestre impetretur,
 quanquam infra tempus semestre presenta-
 tionem suam recuperare non possit. Et cum
 aliquando inter plures clamantes aduoca-
 tionem alicuius Ecclesie pax fuerit formata
 inter partes, & irrotulata coram Iusticiarijs
 in rotulo, vel [in] fine sub hac forma, qd' vn'
 primo presentet, & in sequenti vacatione
 alius, & in tertia tertius, & sic de pluribus, si
 plures sunt. Et cum vnus presentauerit, &
 habuerit suam p̄sentationē, quam habere de-
 bet per formā conuentionis illius, & in p̄xi-
 ma vacatione impediatur ille ad quem spe-
 ctat sequens p̄sentatio p̄ aliquē qui fuit pars
 illius conuentionis, vel loco eius: Statutū est
 quod de cetero non habeat h̄modi impedit'
 necesse perquirere breue de Quare imp̄, sed
 habeat recuisum ad rotulum, vel ad finem.
 Et si in rotulo, vel in fine compta fuerit p̄dic'
 pax, vel conuentio, mandetur Vic', qd' Sc̄i
 faciat parti impediēti, q̄ sit ad aliquem bre-
 uem diem continentem spaciū xv. dierū, vel
 trium spetimanaŕ, secundū qd' locus est pro-
 pinquus vel remotus, ostens. (si quid sciat di-
 cere) quare sic impeditus talem p̄sentationē
 suam habere non debeat. Et si non venerit, vel
 forte venerit, & nihil sciat diceŕ, quā sic im-
 peditus p̄sentationē suā habere non debeat,

ratione

ratione alicuius facti post pacem factam, vel irrotulata, vel chirographata, recuperet presentationem suam cum damnis suis. Et cum contingat quod post mortem antecessoris sui, qui ad aliquam ecclesiam presentauit personam, assignata fuerit illa aduocatio in dotem alicuius mulieris, vel tenenti per legem Angliæ, & tenentes in dotem, vel tenentes per legem Angliæ presentauerint, & verus hæres post mortem huiusmodi tenentium per legem Angliæ, vel in dotem, impediatur presentare, cum Ecclesia vacauerit: Prouisum est, quod de cetero sit in electione impediti, utrum perquirere velit per breue de Quare impedit, vel vltimæ presentations. Hoc etiam de cetero obseruetur de aduocationibus dimissis ad terminum vitæ, vel annorū, vel ad feodum talliarum. Et de cetero in breuibus vltimæ presentations, & Quare impedit, adiudicentur dampna, videlicet, si tempus semestre transierit per impedimentū alicuius, ita quod Epus ecclesiam conferat, & verus patronus ea vice presentacionē suam amittat, adiudicentur dampna ad valorem Ecclesiæ de duobus annis. Et si tempus semestre non transierit, sed disfractionetur presentatio infra tempus prædictum, tunc adiudicentur damna ad valorem medietatis ecclesiæ per vnum annum. Et si impeditor nihil habeat, unde restituere possit damna, in casu quod episcopus confert [ecclesiæ] per lapsum temporis, puniatur per prisonam duorū annorū. Et si aduocatio disfractionetur infra tēp' semestri, puniatur tamē impeditor per prisonam

Fitzh. Nat.
bre. fol. 3 I. g.

Westm̄ second.

prisonam dimidij anni. Et de cetero concedantur breuia de Capellis, prebendis, vicarijs, hospitalibus, abbatijs, prioratib⁹, & alijs domibus que sunt de aduocationibus illorum, que prius concedi non consueuerunt. Et cum p^r breue Indicauit, impeditur rector alicuius Ecclesie, ad petendum decimas in vicina parochia, habeat patronus rectoris sic impediti breue ad petend⁹ aduocationem decimarum petitarum. Et cum districtionatum fuerit, procedat postmodum placitum in curia Christianitatis, quatenus districtionatum fuerit in curia Regis. Cum aduocatio discendat participibus, licet vnus bis p̄sēter, & vsurpet sup̄ cohēredem, non p̄pter hoc exclusus sit ille in toto qui fuit negligens, sed alias habeat turnum suum presentandi, cum acciderit.

Fitzh. Nat.
bre. fol. 30. e

Voucher 5. cap. 6.

Cum quis petat ten⁹ versus alium, & implacitatus vocauerit ad warrant⁹, & warrantus dedicat warrantiam, & diu p̄deat placitum inter tenentem & warrantū, cum ad vltimū conuincatur, qd' vocatus ad warrantū warrantizare tenetur per legem & cons⁹, hactenus vsitatam, non fuit antea alia poena inflicta vocato, qui warrantiam dedixit, nisi tamen quod warrantizaret, & esset in m̄ia, quia prius non warrantizauit, quod durum fuit petenti, quia multociens per collusionē inter tenentem & warrantum magnas sustinuit dilationes. Propter qd' dominus Rex statuit, quod sicut tenens amitteret tenementū petiti, si vocasset ad warrantum, & warrantus se possit

possit deuoluere de warrantia: Eodem modo
amittat warrantus si warrantiam dedicat, &
conuincat qd' Warrantizare debeat. Et si in-
quisitio pendeat inf̄ tenentem, & warrantum,
& petens petat per breue ad faciendum veni-
uratum, concedatur ei &c.

Admesurement de dower. I. cap. 7.

Custodi de cetero cōcedatur b̄c̄e de admē-
uratione dotis. Nec per sectam custodis, si
ctē & per collusionem sequatur versus mu-
erem tenentem in dotem, p̄cludatur h̄eres
um ad ætatem puenerit ad dotem admen-
urandum, secundum quod p̄ legem Angliæ
ait admēsurandū. Et tam in isto breui, quā in
c̄i de admensuratione pasturæ, celerior quā
ri' de cetero sit processus, ita qd' cū peruē-
um fuerit ad magnam distinctionem, denē
ies, infra quos duo com̄ teneantur, ad quos
ublica fiat proclamatio, quod defendens
eniat ad diem in breui contentum querens
responsū. Ad quē diem si venerit, p̄cedat
lacitum inf̄ eos, & si non venerit, & procla-
natio supradict' modo per vic' testificata fue-
t, p̄cedatur per defaultam ad admēsuratio-
em faciendam.

Admesurement de pasture. I. cap. 8.

Cum p̄ placitū motum per b̄c̄e de admē-
uratione pasturæ, pastura fuerit admensura-
a aliquando coram Iustic', aliquñ in com̄ co-
am vic', multociēs contingit, qd' post huius-
nodi admensurationem actam, iterum po-
it ille, qui primo superoneravit pasturam,
lura animalia quam ad ipsum pertinet ha-
bend',

bend^o, nec super hoc hucusq; p̄sum fuisse
 remediū: Statutū est, quod de secunda su-
 peroneratione fiat remediū conq̄renti sub
 hac forma, Quod conquerens habeat breue
 de Iudicio, si coram Iustic^o admēsurata fuerit
 pastura, quod Vic^o in p̄sentia partium p̄-
 monitarum (si interesse voluerint) inquirat
 de sc̄da superoneratione. Quę si inuenta fu-
 erit, mandet Iustic^o sub sigillo vic^o, & sigillis
 Iuratorum, & Iusticiarij adiudicent conque-
 renti damna, & ponant in extractis valorem
 animalium quę superonerat post admēsurati-
 onē factam, posuit in pastura, ultra qd^o de-
 buit, & extractas liberent Baronib^o de Scac-
 cario, vt inde respondeant dño Regi. Si in
 com̄ facta fuerit admensuratio, tunc ad in-
 stantiam querentis exeat b̄re de Cancellaria,
 qd^o vic^o inquirat sup̄ h̄modi superoneratione,
 & de auerijs positis in pasturam ultra debitū
 numerū, vel de precio dño Regi ad scacca-
 rium suum r̄deat. Et ne Vic^o fraudem faciat
 dño Regi in isto casu: Concordatū est, qd^o
 oīa h̄modi breuia de secunda superonerati-
 one, q̄ exeunt de Cancellaria irrotulentur, &
 in fine anni mittant̄ transcripta ad Scaccari-
 um, sub sigillo C̄cellarij, vt videant Thesau-
 rius & Barones de scaccario qualiter Vice-
 r̄deat de exitibus h̄modi breuium, Eodem
 modo irrotulentur b̄ria de Rediffisina, &
 mittantur ad Scaccarium in fine anni.

Mesne 1. cap. 9.

Cum capitales domini distringunt feodum
 suum pro consuetudinibus & seruicijs sibi
 debitis,

debitis, & medius sit qui tenentem acquietare debeat, cum non iaceat in ore tenentis, postquam distractionem replegiauerit, deducere de mada capitalis dñi sui, qui aduocat in curia Regis iustam distractionem fieri super tenentem suum, viz. super medium, multi per huiusmodi distractiones hucusque grauati extiterunt, per hoc qd' medius (licet haberet per qd' distringi posset) magnas fecit dilationes antequam ad curiam venerit ad respondendum iñodi tenentib' suis ad breue de Medio: per hoc etiam qd' durius fuit in casu quādo melius nihil habuit, in casu etiam cum tenens paratus esset facere capitali domino seruitia & consuetudines exactas, & capitalis dominus seruitia & cons. sibi debitas renuebat percipere per manum alterius, quam per manum proximi tenentis sui, & sic amiserunt iñodi tenentes in dominico, p̄ficuum, terrarum suarū aliquando ad tempus, aliquando toto tempore suo, nec fuit antea aliquod remedium in hoc casu prouisum. Ordinatum est & prouisum in hoc casu remedium posterum, sub hac forma, quod quamcito iñodi tenens in dominico, habens medium inter ipsum & capitalem dominum, distringatur, statim p̄quirat sibi tenēs breue de Medio. Et si medi' habēs terrā in eodē com̄ distringatur vsq; ad magnā distractionē, detur q̄d' tenenti in bñi suo de magnā distractione talis dies, ante cui' aduētū duo com̄ teneātur, & p̄cipitur vic', quod distringat mediū p̄ magnam distractionem, prout in breui continetur. Et

Westm̄ second.

nihilominus Vic' in duobus plenis com̄ so-
 lemnitèr proclamare faciat, qd' h̄modi me-
 dius veniat ad diem in breui content, respon-
 surus tenenti suo, Ad quem diem si venerit,
 p̄cedat placitum inter eos mod' coniuncto,
 Et si non venerit huiusmodi medius, amittat
 seruicium tenētis sui, & a modo non respon-
 deat ei tenens in aliquo, sed (omisso illo me-
 dio) respondeat capitali domino de eisdem
 seruicijs & cons. que prius facer̄ debuit p̄-
 dictus medius. Nec habeat capitalis domin'
 potestaté distringendi tenentes in dominico
 dū p̄dictus tenens offerat ei seruicia debita &
 consueta. Et si capitalis domin' exigerit plus
 quam medius ei facere deberet, habeat te-
 nens in hoc casu exceptionem versus domi-
 num quam haberet medius. Si vero medius
 nihil habuerit in potestate Regis: nihilomi-
 nus perquirat tenens breue suum de medio,
 ad vic' illius com̄ in quo distringitur. Et si
 vic' mandauerit, quod medius nihil habeat
 vnde potest summoneri, nihilominus sequa-
 tur breue de Attachiamto. Et si Vic' man-
 dauerit, quod nihil habet per quod potest at-
 tachiari, nihilominus sequat̄ breue de magna
 districtione, & fiat p̄clamatio in forma p̄-
 dicta. Si vero medius non habeat terram,
 in com̄, in quo fit districtio, sed habeat terram
 in alio com̄, tunc exeat breue originale ad
 summoniendū medium, ad vic' illius com̄ in
 quo fit districtio. Et cum testificatū fuerit per
 illum vic', quod nihil habet in com̄ suo, exeat
 breue de Iudicio ad sūmōn̄ medium, ad vic'
 illius

illius com̄ in quo testificat̄ fuerit quod habet
 ten̄, & fiat secta in illo com̄, quousque perue-
 niatur ad magnam distinctionē, & p̄clama-
 tionem, sicut dictum est supra de medio ha-
 bente terram in eodem com̄ in quo sit distri-
 ctio. Et nihilominus fiat secta in com̄ in quo
 nihil habet (sicut dictum est supra de medio
 nihil habente, quousq; perueniatur ad mag-
 nam distinctionem & proclamationem, & sic
 post p̄clamationem in utroque com̄ factam
 adiudicetur medius de feod' & serui-
 cio suo. Et cum aliquñ contingat, qd' tenens in domi-
 nico feoffatus est, ad tenend' de medio per-
 minus seruicium quam medius facere debuit
 capitali domino, cum post huiusmodi pro-
 clamacionem attornatus sit tenens capitali
 domino, medio omisso, necesse habet tenens
 respondere capitali domino de seruicijs &
 cons. quę medius ei prius facere debuit, &
 postquam medius venerit in cur̄, & cogno-
 uerit, quod acquietare debet tenentem suum,
 vel adiudicetur ad acquietand', si post huius-
 modi cognitionem aut iudicium queremo-
 nia perueniat, quod medius non acquietat
 tenentem, tunc exeat breue de Iudicio, quod
 ric' distringat medium ad acquietandum te-
 nentem, & ad essend' coram Iustic' ad certū
 diem, ad ostendend', quā prius eum non ac-
 quietauit. Et cum per distinctionem venerit,
 audiatur querens. Et si querens verificare
 poterit, qd' ipsum non acquietauit, satisfaciat
 de damnis, & per iudiciū recedat tenens
 quietus de suo medio, & attornetur capitali

Westm̄ second.

domino. Et si ad primam distinctionem non venerit, exeat b̄re de alia distinctione, & fiat proclamatio, & postquam testificat fuerit, p̄cedatur ad iudicium, sicut superius dictum est. Et sciendum est, quod per hoc statutum non excluduntur tenentes, quin habeant warrantiam, s̄ de tenementis suis implacitentur, super medios suos & eorum hered̄, secundū quod prius habuerunt, nec etiam excluduntur tenentes, quin sequi possunt versus medios suos, secundum consuetudinem prius vsitatam; si viderint quod processus eorum plus valeat per antiquam consuetudinē quā per istud statutum. Et sciendum est, quod per istud statutum non p̄videtur remedium quibuscunq; medijs, sed solummodo in casu cum sit vnus medius tm̄ inter dominum distringentem & tenentem, & in casu quando medius ille est plenę etatis, & in casu quando tenens, sine p̄iudicio alterius quam medij, attornare se potest capitali domino, qđ dictum est pro mulieribus tenentibus in dotem, & tenentibus per legem Anglię, vel aliter ad terminum vitę, vel per feodum talliatum, quibus pro aliquibus causis nondum est prouisum remedium: sed (Deo dante) alias prouidebitur.

Iustices in eyre 3. cap. 10.

Cū in itinere Iustic̄ p̄clamatū fuerit, qđ omnes qui b̄ria liberaſ voluerint, ea liberaſ infra certum terminū, post quē nullū b̄re recipiantur, multi de hoc cōfidētes, cū morā fecerint vsq; ad p̄dictum terminū, & nullū b̄re sup̄ eos fuerit

fuerit liberatū, de licentia iustic' recedūt, post
 quorū recessum aduersarij sui ipsorū absentia
 percipientes, breuia sua porrigunt in cera,
 que aliquando per fauorē, aliquādo p̄ dono
 p̄ vicecomitem recipiuntur, & illi, qui secure
 credebant recessisse, ten̄ sua amittunt: vt hu-
 iusmodi fraudi subueniatur in posterum, sta-
 tuit dominus rex, quod iustic' in itineribus
 suis statuāt t̄minū quindenę, vel mensis, mi-
 noris vel maioris termini, secūđ qd' com̄ fu-
 erit maior vel minor, infra quem terminum
 public' ꝛ clametur, qd' omnes qui breuia li-
 berare voluerint, ea liberent infra terminum
 illum. Et in aduentum illius termini certifi-
 cet vic' capitali iustic' itineranti, quot b̄ria
 habet, & que, & quod vltra illum t̄minū nullū
 b̄re recipiatur qd' si receptum fuerit, proces-
 sus per illud factus pro nullo habeatur: ex-
 cepto quod breue cassatum durante toto iti-
 nere releuari poterit. Breue etiam de dote de
 viris qui obierint al' seisi in infra summoniti-
 onem itineris, assise vltimę presentationis, &
 quare impedit, de ecclesijs vacantibus, infra
 summonitiōē p̄d', quocunq; tempore ante
 recessum iustic' recipiantur in itinere. Breuia
 etiam nouę disseisinę, quocunq; tempore
 facta fuerit disseisina, recipiantur in itinerib'
 iustic'.

Attorney 2. cap. II.

Concedit dñs rex de gratia speciali, quod
 illi qui habent ten̄ in diuersis com̄, in quibus
 iustic' itinerant, vel de quibusdam ten̄ in com̄
 in quo iustic' non itinerāt timent implacitā,

Westm̄ second.

& de alijs tēn̄ in com̄, in quo Iustic' non itinerant, implacentur: vt coram Iustic' apud Westm̄, vel de banco domini Regis, vel coram Iusticiarijs ad Assisas capiendas assignatis, vel in aliquo comitatu coram vic', vel in aliqua Cur' Baroñ, facere possint generalem attornat' ad prosequendū pro eis in omnibus placitis in itinere Iustic' p̄ ipsis, vel contra ipsos motis vel mouendis, durante itinere. Qui quidem Attornatus, vel Attorñ, habeat potestatem in placitis motis in itinere quousque placitum terminetur, vel dominus suus ipsum amouerit, nec per hoc excusentur, quin sint in iuratis, & assisis, coram eisdem Iustic'.

Accompt 2. cap. 12.

De seruientibus, balliuis, camerarijs, & quibuscunq; receptoribus, qui ad compotū reddend' tenentur: Concordatum est & statutum, quod cum dominus huiusmodi seruientē dederit eis auctores compoti, & contingat ipsos esse in areragijs super compotum suum omnibus allocatis, & allocadis, arrestentur corpora eorum, & per testimonium auditorum eiusdē compoti, mittantur & liberentur p̄xim̄ gaolē domini Regis in partibus illis, & à vic' seu custode eiusdem gaolē recipiantur, & carceri mancipentur in ferris, & sub bona custodia, & in illa prisona remaneant de suo pprio viuentes, quousque dñs suis de areragijs plenariē satisfecerint. At si quis sic gaolē liberat' conqueratur, q̄ auditores compoti sui ipsum iniuste grauauerunt, oncrando

merando ipsum de receptis que non rece-
 pit, vel non allocando ei expensas aut libe-
 rationes rationabiles, & inueniat amicos,
 qui eum manucapere voluerint ad ducend^o
 coram Baronib^o de Scaccario, liberatur eis, &
 exire faciat vicecom̄ (in cuius prisoa fuerit)
 domino, quod sit corā Baronib^o de scaccario
 ad aliquem certū diē cum rotulis & alijs, per
 quos compotū suū reddiderit, & in pręsentia
 baronū vel auditorū, quos assignare volue-
 rint, recitetur compotus, & fiat partib^o iusti-
 tia, ita qd' si fuerit in arrearagijs, committatur
 gaolę de Fleete, vt supradictū est. Et si diffu-
 gerit, & gratis compotum reddere noluerit,
 sicut in alijs statutis alibi cōtinetur. [Marle-
 bridge cap. 23.] Distingatur ad veniendum
 coram Iusticiarijs, ad compotum reddendū,
 si habeat per qd' distringi possit. Et cum ad
 iudiciā venerit, dentur ei Auditores compoti,
 coram quibus si fuerit in arrearagijs, & statim
 arrearag^o soluere non possit, committatur ga-
 olę custodiendū in forma p̄dicta. Et si diffu-
 gerit, & testificatū fuerit per Vic^o, qd' non sit
 inuentus, exigatur de com̄ in comitatū, quo-
 usque vtlagetur. Et sit h̄modi incarceratus
 irreplegiabilis. Et caueat sibi vic^o, vel custos
 eiusdē gaolę, siue sit infra libertatē siue extra,
 quod per commune breue, qd' dicitur Reple-
 giare, vel alio modo sine assensu dñi ipsum à
 prisoa exire non permittat: Quod si fecerit,
 & sup hoc conuincatur, respondeat domino
 de damnis, per huiusmodi seruientem sibi
 illatis, secundum quod per patriam verificare
 poterit,

Westm̄ second.

poterit, & habeat dominus suum recuperare per breue de debito [versus custodem.] Et si custos gaolę non habeat, p̄ quod iusticietur, vel vnde soluat, respondeat superior suus equi custodiam huiusmodi sibi gaolę committit, per idem breue.

Appeales 4. cap. 13.

Quia multi per malitiam volentes alios grauare, procurant falsa appella fieri de homicidijs, & alijs felonijs, per appellatores nihil habentes, vnde domino Regi, pro falso appello, nec appellatis de damnis respondere possint: Statutum est, quod cum aliquis sic appellatus de feloniam sibi imposta, se acquietauerit in curia Regis modo debito, vel ad sectam appellatoris, vel domini Regis, Iusticiarij coram quibus auditum erit h̄modi appellum & terminatū, puniant appellatorem p̄ prisonam vnius anni, & nihilominus restituant huiusmodi appellatores damna appellatis, secundum discretionem Iustic̄, habito respectu ad prisonam vel arrestationē quam occasione h̄modi appellorū sustinuerint appellati, & ad infamiam suam, quam per imprisonment, vel alio modo incurrerunt, & nihilominus versus dominū Regem grauitè redimantur. Et si fortè h̄modi appellatores non habeant, vnde p̄dicta damna restituere possint, inquiratur per quorū abbetum formatum fuerit huiusmodi appellum, per malitiam, si appellatus hoc perat. Et si inueniatur per illam inquisitionem, qd̄ aliquis sit abbetator per malitiā, per breue de Iudicio,

ad

*cont 38. qd̄ bill de Just
ne qui in cast. cast. m̄
qd̄ qd̄ sive Custoditō d̄*

*de appositionem
quint. cap. 13. 57
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ad sectam appellati, distringatur ad veniendum coram Iustic'. Et si legitimo modo conuictus fuerit de hñodi abbeteo per malitiam, puniatur per prisonam, & teneatur ad restitutionem damnorū, sicut superius dictū est de Appellatore. [Vide anno 1. R. 2. ca. 13.]

Essoine 7. cap. 14.

Nec iaceat de cetero appellatori in appello de morte hominis essoniū, in quacunq; curia vbi appellū fuerit terminandum.

Indictments 1. cap. 15.

Quia etiam Vicecom̄ multotiens fingens aliquos coram eis in Turnis suis indictatos de furtis, & alijs malefactis, capiunt homines non culpabiles, nec legitimo modo indictatos, & eos imprisonant, vt ab eis pecuniā extorqueant, cum legitimo modo per duodecim Iuratores non fuerint indictati: Statutū est, quod Vic' in Turnis suis, & alibi, cum inquirere habeant de malefactorib' per preceptum Regis, vel ex officio suo, per legales homines ad minus duodecim faciant inquisitiones suas de hñodi malefactoribus, qui huiusmodi inquisitionibus sigilla sua apponant, & illos quos per hñodi inquisitiones inuenerint culpabiles, capiant & imprisonēt, secūdum quod alias fieri consuevit. Et si aliquos aliter imprisonauerint, quam per huiusmodi inquisitiones indictatos, habeant huiusmodi imprisonati actionem suam per breue de imprisonmento versns Vicecomitem, sic vt haberent versus quamcunque aliam personam, qui eos imprisonaret sine

war-

Westm̄ second.

warranto. Et sicut dictum est de vicecom̄,
obseruetur de quolibet balliuo libertatis,

Wast 5. cap. 16.

Cum de vasto facto in hereditate alicuius
per custodes, tenentes in dotem, per legem
Angliæ, vel aliter ad terminū vite, vel anno-
rum, consueuerit fieri breue de prohibitione
vasti, per quod breue multi fuerunt in errore,
credentes quod illi qui vastum fecerint, non
habuerint necesse respondere, nisi tamen de
vasto facto post prohibitionem eis directam,
Dominus Rex (vt h̄modi error de cetero tol-
latur) statuit, quod de vasto quocunque ad-
nocumentum alicuius facto, non fiat de ce-
tero b̄re de p̄hibitione, sed b̄re de summo-
nitione, ita q̄ ille, de quo queritur, respondeat
de vasto facto quocunque tempore. Et si post
summonitionem non venerit, attachietur, &
post attachiamentum distringatur, & post
districtionem, si non venerit, mandetur vic̄,
quod in p̄pria persona, assumptis secum xij.
&c. accedat ad locū vastatum, & inquiret de
vasto facto, & retornet inquisitionē. Postquā
retornata fuerit inquisitio, p̄cedatur ad iudi-
ciū, secundū quod continetur in statuto prius
ēdito apud Gloc' cap. 5. de vasto, 20. E. 1.

Prochein amy 2. cap. 17.

In omni casu quo minores infra etatem
implacitare possunt: Concessum est, quod si
huiusmodi minores elongati sint, quod mi-
nus personalit̄er sequi possint, propinquiores
amici admittantur ad sequendum pro eis,
Westm̄ I. cap. 47.

Wardes II. cap. 18.

In casu quo alicui minori descendat hereditas ex parte patris, qui tenuit de vno dño, & ex pre matris quæ tenuit de alio domino, & ubi habitatio hucusq; extitit de maritagio huiusmodi minoris, ad quem de duobus dominis pertineat. Concordatū est, quod ille dominus de cetero habeat maritagium, de quo antecessor suus prius fuit feoffatus, non habito respectu ad sexum, nec ad quantitatem tenementi, sed solummodo ad antiquius officamentum per seruicium militare.

Essoine 8. cap. 19.

In Itinere Iustic' non admittatur de cetero toniū de Malo lecti, de tenem'nto in eodē comitatu, nisi ille, qui se facit essoniari, veratē sit infirmus, quia si excipiat a petente, d' tenens non est infirmus, nec in illo statu quo minus venire potuit coram Iusticiarijs, admittatur eis calumnia. Et si hoc per inquisitionem conuinci poterit, vertatur illud essonium in defaultam. Nec fiat de cetero illud essonium in breue de Recto inter duos clamantes per eundem discensum.

Execution I. cap. 20.

Cū debitum fuerit recuperatū, vel in curia Regis cognitū, vel damna adiudicata, sit de cetero in electione, illius qui se quitur pro huiusmodi debiti, aut damnis, sequi hōie qd' Vic' fieri faciat, de terris & catall' debitoris, vel q' Vic' liberet ei omnia catalla debitoris (exceptis bobus & affris carucæ) & medietatem terrę suę, quousque debiti fuerit leuat per

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per rationabile preciū & extenſ. Et ſi eijciatur de illo tenemento, habeat recuperare per breue Nouę diſſeiſinę, & poſtea per breue de Rediſſeiſina, ſi neceſſe fuerit.

Ordinaries 1. cap. 21.

Cum poſt mortem alicuius decedentis in teſtati, & obligati aliquib⁹ in debito, bona deueniant ad Ordinarium diſponendū, obligetur de cętero Ordinarius ad reſpondendū de debitis quatenus bona defuncti ſufficiunt. Eodem modo quo Executores reſpondere tenerentur, ſi teſtamentum feciſſet.

Cofinage 1. cap. 22.

Cum Iuſticiarij in placito mortis antecęſſoris conſueuerunt admittere reſponſionem tenentis, quod petens non eſt p̄p̄inquit heres antecęſſoris, de cui⁹ morte tenēs petitur, & hoc parat eſt per aſſiſam inquirere: Concordatum eſt, qd⁹ in breuibus de conſanguinitate, auo & proauo, quę ſunt eiufdē nature, admittatur illa reſponſio, & inquiretur, & ſecundū illā inq̄ſitionē ad iudiciū p̄cedatur.

Ceſſauit 3. cap. 23.

Cum in ſtatuto edito apud Glouceſt̄ [ca. 4.] contineatur, quod ſi quis dimiſerit terram alicui ad reddendum valorem quartę partis tenementi, vel maioris, habeat ille qui dimiſit, vel eius heres [poſtquam ceſſatum fuerit à ſolutione per biennium] actionem petendī tenē ſic dimiſſum in dominico. Eodē modo concordatum eſt, quod ſi quis detineat dño ſuo ſeruitium debitū & conſuetum per biennium, habeat dominus actionem petendī tenē

in dominico per tale breue: Præcipe A. quod
 iste & c. reddat B. tale tenē. q̄ A. de eo tenuit
 et tale seruitiū, & qd' ad p̄dictū B. reuertit de-
 et, eo quod p̄dictus A. in faciend' p̄dictū ser-
 itū per bienniū cessauit, vt dicit. Et non solū
 in isto casu, sed in casu de quo fit mentio in
 dicto statuto Glouc', fiant b̄ria de Ingressu
 credi petenti sup heredem tenentem, & su-
 er eos quibus alienatum fuerit h̄modi tenē.
 2. Cum duo vel plures teneant boscū, tur-
 riam, piscariam, vel alia h̄modi in cōmuni,
 sique hoc quod aliquis sciat suum seperale,
 aliquis eorū faciat vastum contra volun-
 tem alterius, moueatur actio per breue de
 facto. Et habeat defendens, cū ad iudicium
 fuerit, electionem capiendi partem suam in
 certo loco per Vic', & per visum & factum, ac
 signationem vicinorū ad hoc electorū & iu-
 torū, vel quod concedat quod nihil capiat
 de cetero in h̄modi bosco, turbaria, & alijs,
 si secundum qd' particeps sui capere volue-
 rit. Et si eligat capere partem suam in certo
 loco, assignetur ei locus vastatus in suā prem,
 eundū qd' fuit antequā vastum fecit. Et est
 tale breue in hoc casu, scilicet: Cum A. & B.
 teneant boscū per indiuisū, B. fecit vastū & c.

Executors I. cap. 24.

Habeāt de cetero Executores b̄rie de com-
 o, & eandē actionē & p̄cessū p̄ illad b̄rie,
 tale habuit mortuus, & haberet si vixisset.

Nusans I. cap. 25.

In casibus in quibus conceditur breue
 a Cancellaria de facto alicuius, de cetero
 non

non recedant querentes à curia Regis sine remedio, pro eo quod ten̄ transfertur de vno in alium. Et in registro de Cancellaria non est inuentum aliquod breue in isto casu speciale, sicuti de muro, domo, mercato, conceditur breue super eum qui leuauit ad nocumentum. Et si transferatur domus, murus, & his similia, in aliam personam, breue non denegetur, sed de cetero cum in vno casu conceditur breue, in consimili casu simili remedio indigente, sicut prius, fiat breue: Questus est nobis A. qd' B. iniuste &c. leuauit domum, murum, mercatum, & alia que sunt ad nocumentum liberi tenementi sui. Et si huiusmodi leuata ad nocumentum transferantur in aliam personam, de cetero fiat breue sic: Questus est nobis A. quod B. & C. leuauerunt &c.

Quod permittat l. cap. 26.

Eodem modo sicut persona alicuius Ecclesie recuperare potest communem pasturam per breue Noue diss. Eodem modo de cetero recuperet successor sup disseistorem, vel eius heredem, per breue, Quod permittat, licet hmodi breue prius in Cancellaria non fuerit concessum.

Iuris vtrum l. cap. 27.

Eodem modo sicut conceditur breue, vtrum aliquod ten̄ sit libera elemosina alicuius Ecclesie, vel laicū feodi talis, fiat de cetero breue vtrū sit libera elemos. talis ecclesie, vel alteri ecclesie, in casu quo liber elemosina vni ecclesie trāseratur in possess. alteri ecclesie.

Writs 1. cap. 28.

Et quotienscunq; de cetero euenerit in Cancellarij, quod in vno casu reperitur breue, & in consimili casu cadente sub eodem iure, & simili indigēti remedio non reperitur, cōcordent Clerici de Cancellaria in breui faciēdo, vel atterminent q̄rentes in p̄ximum parliamentū, & scribantur casus in quibus concordare non possunt, & referant eos ad p̄ximum parliamentū, & de consensu iurisperito ū fiat breue, ne contingat de cetero quod curia dñi Regis deficiat conquerētibus in iusticia perquirenda.

Affise 5. cap. 29.

Quia non est aliquod breue in Cancellaria, per quod querentes habeant tam festinū remediū, sicut per breue Nouę disseisine; dñs rex voluntatē habens vt celeris fiat iusticia, & qd' dilaciones in placit̄ communis ampuentur & abreuientur, concedit qd' b̄re Affise no. disseisine locū habeat in pluribus casibus quam prius habuit. Et concedit qd' de estoerijis bosci, proficuo capiend' in bosco, de aucibus, & glandibus, & alijs fructibus colligend', de corrodio, liberatione bladi, & aliorū victualiū, ac necessariorum in certo loco annuatim recipiend', tolneto, tōnagio, passagio, pontagio, pannagio, & hijs similibus in certis locis capiend', custodijs boscorū, parcorum, forestarū, chafearū, warrennarū, portarum, & alijs balliuis, & officiarum de feod' iaceat de cetero Affisa no. disseis. Et in omnibus supradictis casib' modo consueto fiat

K. j.

breue

Aut s p̄ 46

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breue de libero tenēto. Et sicut prius iacuit,
 & locum habuit in communia pasturę, ita
 de cętero locum habeat in communia tur-
 barię, piscarię, & alijs communi his similibus,
 quas quis habet pertinentes ad liberum tenē,
 vel etiam sine tenē per speciale factum, ad mi-
 nus ad terminū vitę. In casu etiam quando
 quis tenens ad terminū annorum, vel in cu-
 stodē, illud alienat in feodē, & per illam alie-
 nationem transfertur liberum tenementū in
 feoffatum, fiat remedium per breue Nouę
 disseis. & habeantur p̄ disseisitoribus tam ille
 qui feoffat, quam feoffatus, ita quod uiuente
 altero eorum locum habeat p̄dictū breue.
 Et si per mortem personarū cesset remedium
 per p̄dictū breue, fiat remediū p̄ breue de Ingressu.
 Et quamuis superi⁹ fiat mentio de aliquibus
 casibus de quibus locū non habuit prius breue
 Nouę disseisine, non p̄pter hoc credit aliquis
 illud breue non competere, vbi pri⁹ cōpeterat.
 Et licet dubitauerint quidā, vtrū in casu quo
 quis pascat alterius seperale, fieri poterit re-
 mediū p̄ p̄dictū breue, teneatur pro certo, qd̄ in
 casu illo p̄ p̄dictū breue bonū & certū est remediū.
 Caueant de cętero illi qui nominati sunt dis-
 seisitores, qd̄ nō p̄ponāt falsas exceptiones,
 per quas captio assise differatur, quādo quod
 alias transiit assisa de eodem tenē inter eas-
 dem partes, vel dicendo & mentiendo, qd̄
 breue de altiori natura pendet inter easdem
 partes, de eodem tenē, & super his & consimi-
 libus vocent rotulos, vel recordum ad war-
 rantum, vt per illam vocationem asportare
 possint

possint vesturam, & leuare redditus, & alia
 proficua ad magnum detrimentū querentis.
 Et quia prius aliam pœnam non habuit, qui
 cuiusmodi falsas exceptiones mendaciter
 proposuit, nisi tantum quod post mendatium
 suum conuictum, processum fuit ad captio-
 nem assise: Dominus Rex, cui odiose sunt
 cuiusmodi false exceptiones, statuit, quod si
 quis disseisor nominatus personaliter pro-
 ponat illam exceptionem ad diem sibi datū,
 & defecerit de warranto quod vocauit, habe-
 tur pro disseisore absque recognitione as-
 se, & restituat damna pri' inquisita, vel post-
 inquirenda de duplo, & nihilominus pro fal-
 sitate sua puniatur per prisonā vnius anni. Et
 illa exceptio proponatur per balliuum, non
 propter hoc differatur captio assise, nec iu-
 dicium super restitutione tenē, & dampnum.
 Ita tamen, quod si dominus illius balliui, qui
 absens fuerit, postmodū veniat coram Iustic'
 qui assisam ceperint, & offerat verificare per
 recordum, vel per rotulos, quod assisa alias
 transiit de eodem tenē inde inter easdē par-
 tes, vel quod querens alias se retraxit de
 reui consimili, vel placitū pendeat per breue
 de altiori natū: fiat ei breue de faciendo
 venire super hoc recordū. Et cum illud ha-
 uerit, & videant Iustic' quod recordum ita
 si missum valeret ante iudicium, quod
 per illud excludetur querens ab actione sua,
 statim faciant Iustic' sciri parti quę recupera-
 uit, quod sit ad certum diem, ad quem reha-
 beat defendens seisinam suam, & damna si
 quę

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quę prius soluit per primum iudicium, simul cum damnis quę habuit post primum iudicium redditum, quę ei restituatur in duplo, sicut supradictum est: & nihilominus puniatur ille qui primo recuperavit, per prisonam secundum discretionem Iusticiariorum, Eodem modo si defendens contra quem transiuit assisa, in sua absentia ostendat chartas, vel quiet clām, super quarū confectioe non fuerunt Iurat̄ examināt, nec examinari poterunt, pro eo qd' de eis non fiebat mentio in placitand', & probabiliter ignorare potuerunt confectioem huiusmodi scriptorum: Iustic' visis scriptis illis faciant scire parti que recuperavit, qd' sit ad certum diem coram eis, & venire fac' Iurat̄ eiusdem assise. Et si p̄ veredictum Iuratorum, vel forte per irrotulamentum scripta illa verificauerint, puniatur ille, qui assisam impetrauit contra factum suum per pœnam supradictum. Nec capiat Vic' de cetero bouem a disseisito, sed à disseisitore tamen. Et si plures sint disseisitores in vno breue nomināt, nihilominus de vno boue sit contentus: nec exigat bouem nisi de precio v. s. vel precium.

Redisseisin 3. cap. 30.

In breuibus de Redisseisina adiudicetur de ceteri' damna in duplo: redisseisitores de cetero irreplegiabiles per cōmune b̄re. Et sicut in statut̄ de Merton [ca. 3.] p̄uisū fuit illud b̄re de his qui disseisit̄ fuerunt postquā recuperauerunt p̄ Assisam no. disseisine, mortis antecessoris, aut p̄ alias iuratas: Vlt̄erius de cetero habeat

habeat illud breue locum in illis qui recuperauerint p̄ defaltā, redditionē, aut alio modo sine recognitione assisarū vel iuratarum.

Essoine 9. cap. 31.

Postquā aliquis imposuerit se in inquisitionem aliquā ad p̄ximū diem, allocetur ei essonium, sed ad alios dies sequentes per essoniū non differatur captio inquisitionis, siue prius habuit essoniū siue non. Nec admittatur essoniū post diem dat̄ de prece partium in casu in quo partes consentiunt venire sine essonio.

Essoine 10. cap. 32.

Cum per statutum Westm̄ primer cap. 41. statuatur, quod postquam tenentes semel comparuerint in curia, non allocetur eis essoniū in breuibus assisarum: Eodem modo de cetero obseruetur de petentibus.

Oyer & terminer 1. cap. 33.

Breue de transḡr ad audiendum & terminandum, de cetero non concedatur coram aliquibus Iustic' except̄ Iustic' de vtroque banco, & Iustic' itinerant̄, nisi pro enormi transḡr vbi necesse est apponere festinum remedium, et dominus Rex de gratia sua speciali hoc duxit concedend'. Nec etiam de cetero concedatur breue ad audiendum & terminandum appella coram Iustic' assign̄, nisi in speciali casu, & certa causa cum dominus Rex hoc preceperit. Sed ne huiusmodi appellati, vel indictati diu detineantur in prisona, habeant breue de Odio & atia, sicut in Magna Charta cap. 26. & alijs sta-

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tutis dictum est. [W. 1. cap. 11. Gloc' ca. 9.]

Nisiprius 1. cap. 34.

Assignentur de cetero duo Iustic' iurati, coram quibus, & non alijs capiantur Assise no disseisine, mortis antecessoris, & attincte, & allocient sibi duos vel vnū de discretioribus Militib' com̄ in quē venerint, & capiant assisas p̄dict', & attinctas, ad plus ter p̄ annum, viz. semel in̄ quindenam S. Ioh̄is Bap̄t, & gulam Augusti, & iterū inter festū Exaltationis S. Crucis, & Octab. Sancti Michaelis, & tertio inter festū Epiphani, & festū Purificationis beatae Mariæ. Et in quolibet comitatu ad quamlibet captionem assise, antequā recedant, statuāt diem de redditu suo, ita qd̄ omnes de com̄ scire possint eorum aduentū, & de t̄mino in terminū adiournent Assisas.

Si per vocationem warranti, per esson, vel per defectum recognitorum, ad vnum diem captio earundem differatur. Et si aliqua causa viderint quod vtile sit, quod assise mortis antecessoris per esson, vel vocationem warranti respectuatē adiournent in banco, liceat eis hoc facere, & tunc mittant Iustic' de banco recordum, cum breui originali. Et cum loquela peruenerit ad captionem assise, remittatur loquela cum breui originali per Iustic' de banco, ad priores Iustic' coram quibus capiat assisa. Sed de cetero dent Iustic' de banco in huiusmodi assisis ad minus quatuor dies per annum, coram p̄fatis Iustic' assisign, vt parceant laboribus & expensis. Atterminentur inquisitiones capiend' transgr̄ placit

cit̄ coram Iustic̄ de vtroque banco, nisi ita
 enormis sit transḡ, quod magna indigeat
 examinatione. Atterminentur etiam inqui-
 sitiones coram eis de alijs placitis in vtroque
 banco, in quibus facilis examinatio, vt
 quando dedicit̄ ingressus, vel seifina alicuius,
 vel in casu quando de vno articulo sit inqui-
 rend̄. Sed inquisitiones de grossis & pluri-
 bus articulis, quę magna indigeant exami-
 natione, capiantur coram Iusticiariis de ban-
 cis, nisi ambeque partes petant, quod inquisitio
 capiatur coram aliquibus de societate, cum
 in partes illas venerint, quod de cetero non
 fiat nisi per duos Iusticiarios vel vnum, cum
 aliquo milite de com̄, in quem partes con-
 sentiunt. Nec atterminentur huiusmodi in-
 quisitiones coram aliquibus Iusticiarijs de
 banco, nisi statuat̄ certus dies & locus in
 com̄ in present̄ partium, & dies & locus
 inferantur in breui de iudicio per hęc verba.
 Pręcipimus tibi quod venire fac̄ coram Iu-
 sticiarijs nostris apud Westminster in octab̄
 S. Michaelis, nisi talis & talis die & loco ad
 partes illas venerint, xij. & c. Et cum huius-
 modi inquisitiones capte fuerint, retornen-
 tur in bancis, & ibi fiat iudicium, & irrotu-
 lentur. Et si omissa forma predict̄ aliquę
 inquisitiones capiantur, pro nullis habeantur,
 excepto quod Assise vltimę present̄-
 tionis, & inquisitiones super Quare im-
 ped̄ atterminentur in pprio com̄ coram vno
 Iusticiari de banco, & vno Milite, ad certos
 tamen diem & locum in banco statutos.

& siue defendens consentiat siue non: & ibi statim reddat iudicium, [vide 12. E. 2. stat. Eborum ca. 3.] Habeant de cetero omnes Iustic' de bancis in itineribus clericos irrotulantes omnia placita coram eis placitata, sicut antiquitus habere consueuerunt. Item ordinatum est, quod Iusticiarij ad assisas capiendas assignati non compellant Iuratos dicere precise, si sit disseisina vel non, dummodo dicere voluerint veritatem facti, & petere auxilium Iustic'. Sed si sponte velint dicere, quod disseisina est, vel non, admittatur eorum veredictum sub suo periculo. Et de cetero non ponant Iustic' in assisis aut iuratis, aliquos iurati, nisi eos qui ad hoc prius fuerunt sumi, [de finibus leuatis 27. E. 1. cap. 4.]

Exception I. cap. 35.

Cum aliquis implacitatus coram aliquibus Iustic' pponat exceptionem, & petat quod Iustic' eam allocent quam si allocare noluerint, & ille qui exceptionem pposuerit, scribat illam exceptionem, & petat quod Iustic' sigillum suum apponant in testimonio, Iusticiarij apponant sigilla sua. Et si vn' apponeat noluerit, apponat alius de societate. Et si forte ad q'remoniam de facto Iusticiariorum venire fac', dominus Rex recordum coram eo, & si illa exceptio non inueniatur in rotulo, & q'rens ostendat exceptionem scriptam sub sigillo Iustic' appenso, mandetur Iusticiario, quod sit ad certum diem ad cognoscendum sigillum suum, vel ad deducendum. Et si Iustic' sigillum suum deducere non possit, procedatur

datur ad iudiciū secundū illam exceptionem, prout admittend' esset vel cassand'.

Mortmaine 2. cap. 36.

Cum viri Religiosi, & alię personę Ecclesiasticę implacitent aliquem, & implacitatus fecerit defaultam, ob quam tenementū amittere debeat, quia Iustic' hucusque tenuerunt, quod si implacitatus fecerit defaultā p collusionē, vt cū petens occasione statuti [de Religiosis anno 7. Ed. 1.] per titulum doni, vel alterius alienationis, seisinam de tenemento consequi non possit, per illā defaultam consequeretur, & sic fieret fraus statuto: Ordinatum est per dominū Regem, & concessum in hoc casu, quod postq̄ defaulta facta fuerit, inquiratur per patriam, vtrū petens habeat ius in sua petitione vel non. Et si compertū fuerit, quod petens ius habuerit, procedatur ad iudiciū p petente, & recuperet seisinā suam. Et si ius non habuerit, incurratur ten' pximo domino feodi, si illud petat infra annū a tempore inquisitionis capte. Et si infra annum non petat, superiori domino incurratur si petat infra dimidium annum post illū annum. Et sic habeat quilibet dominus post proximum dominū, spacium dimidij anni ad petendum successuē, quousquē perueniatur ad Regem, cui ad vltimum pro defectu aliorum dominorum tenementum incurratur. Et ad calumpniandum Iuratores inquisitionis, admittantur quicumque capitales domini feodorum, & similiter pro Rege qui calumniare voluerint. Et remaneat terra, postq̄ iudiciū datum

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datum fuerit in manu domini Regis quousq; ten per petentem, vel per aliquem capitalem dominum distracionetur, & oneretur Vic' ad respondend' inde ad scaccarium.

Crosses 1. cap. 37.

Quia multi tenentes erigunt cruces in tenementis suis, aut erigi permittunt, in preiudicium dominorum suorum, vt tenentes per privilegium Templariorum & Hospitaliorum tueri se possent contra capitales dños feodorum: Statutum est, quod huiusmodi teni capitalibus dñis, aut Regi incurrantur. Eodem modo quo statuit alibi de tenementi alienati ad manum mortuam. [De Religiosis 7. E. 1.

Rape 2. cap. 38.

Rapuew est, que si home rauist feme espouse, damesell', ou auter feme desozmes, per la ou el ne soit assentis, ne auant, ne apres, eyt iudgement de vie & de membre. Et ensemblement per la ou home rauist feme, dame espouse, damsell', ou auter feme a force, tout soit q̄ el soy assent apres, eit tiel iudgement come deuant est dit, sil soit attaint a le suit le Roy, & eit le Roy la suit. De Mulier abductis cum bonis virorum suorum, habeat Rex secta de bonis sic asportatis. Et si vxor sponte reliquerit virum suum, & abierit, & moretur cum adulterio suo, amittat in perpetuum actione petendi dotem suam, que ei competere posset de teni viri sui, si super hoc conuincatur, nisi vir suus sponte, & absque cohercione Ecclesiastica eam reconciliet, & secum cohabitare permittat, in quo casu restituatur ei actio.

Eloperenz
Perkins 354.

muab

Qui

Qui monialē a domo sua abducat, licet monialis consentiat, puniatur per prisonā trium annorum, & satisfaciatur domui a qua abducta fuerit, competent: [&] nihilominus redimatur ad voluntatem Regis.

Wardes 12. cap. 39.

De pueris masculis, siue femellis, (quorum maritadium ad aliquem pertineat) raptis & abductis, si ille qui rapuit non habens ius in maritadio, licet postmodū restituat puerum non maritatū, vel de maritadio satisfecerit, puniatur tamen pro transgress. per prisonam duorum annorum. Et si non restituerit, vel heredes post annos nobiles maritauerit, & de maritadio satisfacere non potuerit, abiuret regnum, vel habeat perpetuam prisonam. Et in hoc habeat querens tale breve: Si A. fecerit te securum &c. tunc pone per vad' &c. & quod sit coram Iusticiarijs n̄ris &c. ostens. quare talē heredē infra etatem existentem, cuius maritadiū ad ipsū A. pertinet, apud C. inuentum, tali loco rapuit & abduxit, contra voluntatē ipsius A. et contra pacem &c. Et si heres sit in eodē comitatu tunc ad datur ista clausula. Et diligēter inquiras vbi ille h̄res sit in balliua tua, & ipsū vbi cunq; inuētū fuerit capias, & saluo & secure custodias, ita qd' eum habeas corā prefatis Iusticiarijs n̄ris ad p̄fatū terminū, ad reddēdū cui p̄dictorū A. & B. reddi debeat. Et fiat secta versus partē de qua queritur, quousq; p̄ districtiōnē venerit, si habeat p̄ q̄ distringi poterit, vel p̄ cōtumaciā (si non sit iusticiabilis) exigatur, & vtilagetur.

F. Nat. bre.
fol. 139. i.

Si

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Si fortè huiusmodi hères ducatur, & transferatur in alium comitatû, tunc Vic' illi' comitat' fiat tale b're sub hac forma: Questus est nobis A. quod B. nuper talē hēredem infra etatē, & in custodia sua existenti, tali loco in comitatu tali, rapuit, & de comitatu illo ad talē locū in com̄ tuo abduxit, contra voluntatem ipsius A. & contra pacem &c. Et ideo tibi p̄cipimus, quod p̄dictū hēredē, ubicunque eum in balliua tua inuenire poteris, capias, & saluo & secure eum custodias, ita quod eum habeas coram Iusticiarijs nostris &c. tali loco & die, quem diem idē A. habet versus p̄dictū B. ad reddend' cui de iure reddi debeat. Et si hères antequam inueniri poterit, vel antequā restituatur querēti, obierit, nihilominus p̄cedat placitū inter eos, quousq; terminetur, cui restitui deberet, si superstes fuisset. Nec excusabitur aut alleuiabitur ille, qni iniuste rapuit h̄modi hēred' de p̄na supradicta p̄ mortē hēred', cuius extitit male fidei possessor dum vixit. Et si querens obierit ante placitū terminatur, si ius ei comperebat ratione pprij feodi sui, resumoneatur loquela ad lectam hēred' querentis, & p̄cedat placitū debito ordiñ. Si vero per aliū titulum competat ei ius, sicut titulo donationis, venditionis, aut alio h̄modi titulo, tunc resumoneatur loq̄la ad lectā executorū querentis, & procedat placitū vt p̄dictū est. Eodem modo si moriatur pars defendens antequam placitū terminetur, vel hères restituatur, p̄cedat placitū per resum̄ inter querentem, vel

eius

eius heredem, seu executores, & executores defendentis, vel eius heredes, si executores non sufficiant, quo ad satisfactionē de valore maritagij, secundū quod in alijs statutis continetur, sed non quo ad pœnam prisonę, quia quis pro alieno facto non est puniendus. Eodē modo cum pendeat placitum inter partes de custodia terrę, vel heredis, vel vtriusque per commune breue, quod incipit: Pręcipe tali &c. quod reddat &c. fiat resumonitio inter heredes & executores querentis, & similiter heredes aut executores defendentis, si mors alteram partē preueniat ante placitū terminatū. Et cum perueniatur ad magnā districtiōnem, detur terminus infra quem tres comitatus ad minus, in quorū quolibet comitatu fiat publica proclamatio qd' deforciator veniat ad bancum, ad diē in breui contentū, responsum querenti. Ad quem diem si non venerit, & proclamatio sic semel, secundo, & tertio testificatū fuerit, procedatur ad iudiciū pro querente: salvo iure defendentis, si postmodum inde loqui voluerit. Eodem modo fiat in breui de transgress. cum quis queritur, & eiectum fuisse de huiusmodi custodijs.

Procurements I. cap. 40.

Quia dñi curiār, & alij qui curiam tenent, & Senescalli, volētes grauare subditos suos, cum non habeant legalē viam eos grauandi, procurant alios mouere querelas versus eos, & dare vadium, & offerre plegios, vel impetrare breuia, & ad sectas hñodi querentium compellunt eos sequi comitatū, hundredum, wapen-

Westm̄ second.

wapentagium, & cur, quousque finem fecerint cum ipsis pro voluntate sua: Statutum est, quod hoc de cetero non fiat. Et si aliquis per h̄modi falsas queremonias fuerit attachatus, replegiat distrionē suam sic captam, & poni fac' loquelam coram Iusticiarijs, coram quibus si Vicecomes, vel alius balliuus, vel dominus, postquam sit districtus formauerit querimoniam suam, aduocauerit iustam districtionem ratione huiusmodi querimoniarum coram eis factarum, & replicet, quod huiusmodi querimonię mouebantur versus eos maliciosē, ad instantiam seu pcuracionem Vic', aut aliorum balliuorum, aut dominorum, admittatur illa replicatio. Et si super hoc conuicti fuerint, versus dominū Regem redimantur, & nihilominus huiusmodi sic grauatis, damna in triplo restituantur.

Distresses 7. cap. 41.

Quia etiam Balliui, ad quos ex officio pertinet districtiones facere, grauare volentes subditos suos, vt ab eis pecuniam extorqueant, mittunt ignotos ad faciend' districtiones, ea intentione, vt subditos grauare possunt, per hoc quod sic districti non habentes notitiam personarum non permittunt huiusmodi districtiones super eos fieri: Statutum est, quod nulla districtio fiat nisi per balliuos notos & iuratos. Et si alio modo districtiones fecerint, & de hoc conuicti fuerint, si grauati, breue de transgress. impetrauerint, restituant grauatis damna [alias in triplo] & versus Regem grauiter puniantur.

IURORS 2. cap. 42.

Quia etiam Vic', Hundredarij, & Balliui libertatum, consueuerunt grauari subditos suos, ponendo in Assisis & iuratis homines languidos, & decrepitos, perpetua vel temporali infirmitate languētes, homines etiam tempore summonitionis suę in patria non commorantes, summonendo etiam effrenatam multitudinem iuratorū, ita ut à quibusdā eos in pace dimittendo pecuniā extorqueant, & sint assise & iuratis multociens per pauperiores, diuitibus pro suo dando, domi commorantibus: Statutū est, quod de cetero non amoneantur in vna assisa plures quam xxiiij. homines etiam videlicet ultra 70. annos, perpetuo languidi, vel tempore summonitionis infirmi, vel in patria non commorantes, non ponantur in Iuratis, vel minorib' assisis. Nec ponantur in Assisis vel iuratis, licet in proprio comitatu capi debeant aliqui qui minus tenent habeant, quam ad valentiam viginti solidorū per annum. Et si hūmādi assise & iurati, extra comitatum capi debeant, non ponantur in eis aliqui qui minus tenementū non habeant, quam ad valentiā xl. s. per annum, nisi excepti qui testes sunt in chartis, vel alijs scriptis, quorum presentia necessaria est, dum tamen potentes sunt ad laborandum. Nec debet istud statutum extendi ad magnas Assisas, in quibus oportet aliquādo ponere Milites in patria non residētes, ppter paucitatem Militū, dum tamen tenentū habeant in comitatu. Et si Vic' vel subballiui sui, vel ball' libertatū, contra

Westm̄ second.

contra istud statutū in aliquo articulo vene-
rint, & super hoc conuincantur, restituant
dampna grauatis, & nihilominus sint in mi-
sericordia dñi Regis. Et habeant Iusticiarij
ad assisas capiend' assignā, cum in com̄ vene-
rint, potestatem audiendi queremonias sin-
gularū conquerentium, quo ad articulos in
isto statuto contentos, et iusticiam in forma
prēdicta exhibend'. [21, E. 1. de Ponendis
in Assisis.

Retorne of Shirifes I. cap. 43.

Quia Iusticiarij (ad quorum officiū spectat
vnicuique coram eis placitanti iudiciam ex-
hibere) frequentius impediuntur, quo minus
officium suum debito modo exequi possint,
per hoc quod Vic' breuia originalia & iudi-
cialia non retornant, per hoc etiam quod ad
breuia dñi Regis falsum retornant respōsum:
Prouidit dominus Rex & ordinauit, quod illi
qui timent malitiam Vic', liberent breuia sua
originalia & iudicialia in pleno com̄, vel [in]
retro com̄, vbi fit collatio denariorū dñi
Regis, & capiatur billettum de Vic' presente,
vel Subuic', in quo billetto contineantur no-
mina petentium & tenentiū in bñi nominat',
& ad requisitionem illi' qui breue liberauit,
apponat billetto sigillum Vic' vel Subuic' in
testim̄, & fiat mētio de die liberationis breuii.
Et si Vicecomes vel Subuicecomes hñodi
billetto sigillū suū apponere noluerit, capia-
tur testimoniū Militū, & aliorū fide dignorū
qui p̄sētes fuerint, q̄ sigill' sua hñodi billetto
apponant. Et si Vic' breuia sibi liberata non
retorna-

*no 21. donec
false returne*

*si vic' returne dixerit
quod non returne respōsum
20 & 3. dicitur 51.*

retorna-

tornauerit, & super hoc ad iusticiarios perue-
 niat querimonia, mandet per breue de iudi-
 cio, Iustic' ad assisas capiendas assigni, quod
 inquirent per eos qui presentes fuerint quan-
 do breue vic' libertatum fuit, si sciuerint de il-
 la deliberatione, & inquisitio returnetur. Et si
 cōpertum fuerit per inquisitionē, quod breue
 fuit ei liberat', adiudicentur querenti vel pe-
 nenti damna, habito respectu ad qualitatem
 & quantitatem actionis, & ad periculum quod
 ei euenire posset, p̄ dilationem quam patie-
 retur. [Anno 2. E. 3. ca. 5. apud Noī.] Et per
 istam vitam fiat remedium quando vic' res-
 pōdet, quod breue adeo tarde venit, quod
 preceptum regis exequi non potuit. Multo-
 tiens etiam capiunt placita dilationes p̄ hoc
 quod vic' respondet, quod precepit balliuis
 alicuius libertatis, qui nihil inde fecerint, &
 uolunt libertates, que nunquam retorum
 breuium habuerunt. Propter quod, ordina-
 uit dominus Rex quod Thesaurus & Baroñ
 de Scaccario liberent Iusticias in rotulo om-
 nes libertates in quibuscunque com̄ qui ha-
 bent retorum breuium. Et si vic' respōdet
 quod mandauit balliuo alterius libertatis,
 quam alicuius contente in prædict' rotulo,
 statim puniatur vic' tanquam exheredator
 regis & coronæ suæ. Et si forte respondeat
 quod mandauit balliuo alicuius libertatis,
 que veracit' retorn' habet [qui nihil inde fecit]
 mandet vic' quod non omitat propter aliqua
 liberatē p̄d, quin exequatur preceptū dñi re-
 gis, & quod scire faciat balliuis, quibus fecit returni
 quod

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quod sint ad diem in breue contentū ad respondendū, quare de p̄cepto dñi Regis executionē non fecerint. Et si ad diem venerint, & se acquietent, quod returnum breuis non fuit eis factum, statim condemnentur vic' dño illius libertatis, & similites parti læse per dilationē in restitutionem damnorum. Et si ad diem non venerint balliui, vel venerint, & supradicto modo se nō acquietauerint, in quolibet breui de iudicio, quam diu durat placitū, precipiatur vicecomiti quod non omittat propter libertatem &c. Multociens etiā vic' falsum dant responsum, quo ad illum articulum quod de exitū &c. Mandantes aliquādo & mentientes, quod nulli sunt exitus, aliquando q̄ parui sunt exitus, cū de maioribus respondere possint, aliquando non facientes mentionem de exitibus. Propter quod ordinatū est & concordatum, q̄ si querens petat auditum respōsionis vicecom̄, concedatur ei. Et si offerat verificare, quod vicecom̄ de maioribus exitibus regi respondere potuit, fiat ei breue de iudicio ad Iustic' ad assisas capiendas assignatos quod inquirent in presentia vicecomitis, si interesse voluerit, de quibus & quantis exitū respōdere potuit a die impetrationis breuis vsque ad diem in breui contentum [al' receptionis vide P. 27. H. 6. ca. 10. f. 3. & P. 20. H. 6. ca. 10. fo. 25.] & cum inquisitio retornata fuerit, si de pleno prius non respōderit, oneretur de superplusagio p̄ extractas Iustic' liberatas ad scaccarium, & nihilominus grauerit amercietur pro conclamento.

Et

issus

*P. 2 R. 2 autum 20
 issus dicitur se utroq;
 1952 autum 48 qd
 29. nul' issus r. l. 10. 11
 issus de il' r. l. 10. 11*

Et sciat vic' q' redditus, blada in grangia, & omnia mobilia, præter equitaturam, indumēta, & utensilia domus continentur sub nomine exituum.

Et præcepit dñs Rex, q' vic' p' huiusmodi falsis responsionibus semel & iterū (si sit necesse) p' Iustic' castigentur. Et si tertio deliquerint, alius nō appon' manū quā dñs rex. Multotiens etiā falsū dant responsū, mandando q' non potuerunt [exequi] preceptū regis p'pter resistentiā potestatis alicui' magnatis, de quo causet vic' de cetero, quia hñdi responsio multū redundat in dedecus dñi regis & coronæ suæ.

Et quam cito subballiui sui testificentur, q' inuenerunt huiusmodi resistentiā, statim (omnibus omissis) assumpto secū posse com' sui, eat in p'pria p'ona sua, ad faciend' executionem.

Et si inueniat subballiuos mēdaces, puniat eos p' prisonā, ita q' alij p' eorū pœnam castigentur.

Et si inueniat eos veraces, castiget resistentes p' prisonam, a qua non deliberentur sine speciali præcepto domni regis. Et si forte vic' cum venerit, resistētiā inuenerit, certificet eū de nominibus resistentium, auxiliantiū, consentientium, præcipientium & fautorum, & per breue de iudicio attachienf huiusmodi per corpora, ad veniendū ad eū Regis. Et si de hñdi resistētia conuincantur, puniantur secundū quod dño regi placuerit. Nec intro-

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huiusmodi infigenda, quia dominus rex hoc sibi specialiter reservat, pro eo quod huiusmodi resistentes censentur pacis sue & regni perturbatores [13. E. 1. de Mercatoribus, Articuli super cartis cap. 16.]

Age 4. cap. 44.

Cum quis alienat ius uxoris sue, concordat est quod de cetero facta mulieris, aut eius heredes non differatur post obitum viri per minorem etatem heredis, qui warrantizare debet, scilicet expectet emptor (qui ignorare non debuit quod ius alienum emit) usque ad etatem warranti sui, de warrantia sua habenda.

Contra formam collationis I. cap. 45.

Statuit Dominus Rex quod si Abbates, Priores, custodes hospitalium, & altiarum domorum Religiosarum fundatarum ab ipso, vel a progenitoribus suis alienauerint de cetero eadem domibus ipsis ab ipso vel a progenitoribus suis collata, tamen illi in manu domini regis cupiantur, & ad voluntatem suam teneantur, & emptor amittat suum recuperare, tam de tene quam de pecunia, quam paiauit. Si autem domus illa a comite, barone, vel ab alijs fundata fuerit, de tene sic alienata habeat ille a quo vel a cuius antecessore tene sic alienata collata fuerit, breue ad recuperandum tene illud in dominico, quod tale est: Precipit alicui Abbati, quod iuste & c. reddat B. tale tene quod eidem domui colatum fuit in liberam elemosinam per prelatum B. vel antecessores suos, & quod ad dictum B. reuerti debet per alienationem, quam predictus Abbas fecit de predicto tene

ten

vi lxxposio 1943 age
2. 16. 43 age 47.
1743 53 age 49. 5
237 age 60. 623
46 age 65. 223 63
age 67. 323 49 age
66. nota 46 43 age
76. 323 10 age 113.
923 4 118. 20 42
age 126. 542 age
138. 742 age 139

tenē contra formam collationis præd^a, vt dic^t.
 eodem modo de tenē dat^a pro Cantaria [sustē-
 enda] vel luminari in aliqua Ecclesia vel
 Capella, vel alia elemosina sustētanda, sic tenē
 sic dat^a alienetur. Et si fortè tenē sic dat^a p^{ro} can-
 aria, luminari, pastu pauperum, vel alia ele-
 mosina sustētanda vel faciend^a, non fuerit
 alienat^a, sed subtracta fuerit h̄modi elemosina
 per biennium, competat actio donatori aut
 eius heredi ad petendū tenē sic datum in do-
 minico, sicut statutū est in statuto Glocest^{ria},
 de tenē dimissis ad faciendū vel reddendum
 partem valoris tenē, vel maiorem.
 Glocester cap. 4.

Fees 1. cap. 46.

De Marescallis domini Regis de feodo,
 Camerarijs, custodibus hostiorum in itinere
 iustic^a, & seruiantibus virgam portantibus
 iustic^a apud Westm̄, qui officium il-
 lud habeant de feodo, & qui plus exigunt
 ratione feodi sui quam exigere consueue-
 runt, secundum quod multi queruntur super
 hoc, quod statū curā à multo tempore viderunt
 & sciunt, dominus Rex inquiri fecit, quem
 statū prædict^a ministri de feodo habere con-
 uenerunt temporibus retroactis, & per in-
 quisionem statuit & præcepit, quod Mares-
 callus de feodo qui de nouo exigit palfridū
 de Comitibus, Baronū, & alijs per partem
 baronię tenentē, quando h̄ magiū fecerint,
 & nihilominus ad malitiam eorū alium pal-
 fridum, & de quibusdam (de quibus palfri-
 dum habere non debuit) palfridum de
 L. iij. nouo

Westm̄ second.

no uo exigunt, ordinauit quod prædictus Mareſcallus de quolibet comite & barone (integram baroniam tenente,) de vno palfrido ſit contentus, vel de precio quale antiquitus percipere conſueuit, ita quod ſi ad homagium, quod fecit, palfridum vel precium in forma prædicta ceperit, ad militiam ſuam nihil capiat.

Et ſi fortè ad homagium nihil ceperit, ad militiam ſuam capiat. De Abbatibus & Prioribus integram baroniam tenentibus, cum homagium aut fidelitatem pro baronijs ſuis fecerint, capiat palfridum vel precium, vt prædictum eſt.

Hoc idem de Archiepiſcopis, & Episcopis obſeruand⁹ eſt. De his autem qui partem baronię tenent, ſiue ſint religioſi, ſiue ſeculares capiat ſecundum portionem partis baronię, quam tenent. De Religioſis tenent in liberam elemoſinam, & non per baroniam, vel partē baronię, nihil de cetero exigat Mareſcallus.

Et conceſſit dominus Rex, quod per hoc ſtatutū non præcludatur Mareſcallus ſuus de feudo in plus petendo, ſi impoſterum oſtendere poterit, quod ius habeat plus petendi.

Camerarij domini Regiſ habeant de cetero de Archiepiſcopis, Episcopis, Abbatibus, Priorib⁹, & alijs perſonis eccleſiaſticis, Comib⁹, Baroñ, integram baroniam tenent, rationabilem finē cum homagiū aut fidelitatem p baronijs ſuis fecerint. Et ſi per partem baronię teneant, capiant rationabilem finem ſecundum portionem ipsis contingentem. Alij

ero abbates, priores, religiosi, & seculares
 tenentes per baroniam, vel partem ba-
 roniam, non distringantur ad finem faciendū, se-
 cundum quod de tenentibus per baroniam
 et partem baronie dictum est, sed sit Came-
 rarius de superiori indumento contentus, vel
 de precio indumenti: quod plus honestè di-
 citur est pro Religiosis quam secularibus,
 etiam honestius est, quod Religiosi pellant pro
 superiori indumento, quam exuant.

Citation 1. cap. 47.

Prohibeatur de cetero Hospitalarijs &
 Templarijs, nec de cetero trahant aliquem
 placitum coram conservatoribus privile-
 giorum suorum de aliqua re, cuius cognitio
 spectat ad forum Regium: Quod si fecerint,
 prima restituant damna parti grauate, & ver-
 sus dominū Regem grauiter puniantur. Pro-
 hibet etiam dñs Rex conservatoribus privile-
 giorum eorundem, ne de cetero (ad instan-
 tiam Hospitalarium, Templarium, aut
 aliorum privilegiatorum) concedant Cita-
 tiones, priusquam exprimat super qua re fieri
 debeat citatio. Et si viderint [huiusmodi]
 conservatores, quod petatur citatio de ali-
 qua re, cuius cognitio spectat ad forum Re-
 gium, huiusmodi conservatores, nec citationem
 faciant, nec cognoscant. Et si aliter fecerint
 conservatores, respondeant parti læsæ de
 damnis, & nihilominus versus dominū Regē
 grauiter puniantur. Et quia huiusmodi privilegia im-
 petrant conservatores, subpriors, p̄ntatores sa-
 cristas, religiosos, q̄ nihil hēnt unde læsis aut
 domino

Westm̄ second.

domino Regi satisfacere possint, qui audaciores sint ad ledend^o dignitatem dñi Regis quam eorum superiores, quibus per eorum temporalia pœna potest infligi: Caueant de cetero Prælati hñodi obedientiariorum, ne permittant obedientarios suos assumere sibi iurisdictionem in præiudiciũ dñi Regis & coronę suę. Quod si fecerint, pro facto ipsorũ respondeant sui superiores, ac si de proprio facto suo conuicti essent.

Fees 2. cap. 48.

De custodibus hostiorum in itineribus virgam portantib^o coram Iustic^o de banco: Ordinatum est, quod de qualibet Assisa & iurata quam custodiunt, capiant decẽ denarios tm̄, de Chirographis nihil. De his qui recuperat demandas suas versus plures per defaultam, redditiõẽ, vel alio modo per iudiciũ sine assisa, vel iuratẽ, nihil. De his qui recedunt sine die per defaultã petentis vel querentis, nihil capiant. Et si quis recuperauerit demandam suam versus plures per vnũ breue, & per recognitionem assisę vel iuratẽ, de quatuor denarijs sint contenti. Et similiter si plures in vno breui nominati per recognitionẽ assisę vel iuratę recuperauerint demãdam, de quatuor denarijs sint contenti. De his qui faciunt homagium in banco, de superiori panno sint contenti. De magnis Assisis, attinctis, iuratis, & duello percusso xij. d. tantũ capiant. De his qui vocati sunt coram Iustic^o ad sequend^o, vel defendend^o placitum suum, nihil capiant pro egressu vel ingressu. Ad placita Coronę de qualibet

qualibet duodena xij. d. tantum capiantur. De quolibet prifonario de liberato iij. d. tantum capiantur. De quolibet cuius pax proclamata fuerit j. d. tantum capiatur. De inuentoribus occiforū, & alijs attachiatis vill', iij. d. De decennarijs hominibus alijs, de quatuor hominibus & pposito ac denarijs nihil [nihil] capiatur. De Cirographijs pro Cirographo faciendo statutum est, quod de quatuor solidis sint contēti. De Clericis fubfcribentibus breuia originalia & iudicialia statutum est: quod pro vno breui de vno denario sint contenti. Et iniungit dñs Rex omnibus & fingulis Iufticiarijs fuis in fide & facramēto quibus ei tenentur, qd' fi hñodi miniſtri contra p̄dict' statutū in aliquo articulo venerint, & queremonia ad eos pertineat, pœnam eis infligant rationabilem. Et fi iterū deliquerint maiorē pœnam eis infligant, qui caſtigari merito debeant. Et fi tertio deliquerint, & ſup hoc conuicti fuerint, fi ſint miniſtri de feodo amittant feodum ſuum, & fi alij ſint, amittant curiam Regis, nec redeant ſine ipſius Regis ſpeciali p̄cepto aut gratia.

Execution 2. cap. 49.

Quia de his quę recordata ſunt corā Cancellario dñi Regis, & eius Iuſtic' qui recordū habent, & in eorum rotulis irrotulatur, non debet fieri proceſſus placiti per ſummonitionem, attachiamenti, eſſoniam viſus terre, & alij ſolemnitates curię, ſicut fieri conſuevit de contractibus & conuentionib' factis extra curiam: Obſeruandū eſt de cetero, q̄ ea
quę

quæ inueniuntur irrotulat̄ coram his, qui recordū habent, vel in finibus content̄ siue sint contractus, siue conuentiones, siue obligationes, siue seruitia, aut consuetudines, recognita, siue aliqua quecunque irrotulata, quibus curia dñi Regis (sine iuris & consuetudinis offenso) auctoritatē prestare potest, talē de cetero habeant vigorē qd' non sit necesse in posterū de his placitare, sed cū venerit conquerens ad curiā dñi Regis, si recens sit cognitio, vel finis leuat̄, v. z. infra annū, statim habeat breue de executione illius recognitionis factæ. Et si fortè à maiori tempore transacto facta fuerit illa recognitio, vel finis leuatus, præcipiatur vice com̄ quod scire faciat parti, de qua sit queremonia, qd' sit ad certū diem coram Iustic', ostendens (si quid sciat dicere) quare h̄modi irrotulat̄, vel in fine content̄ executionē habere non debeant. Et si ad diē non venerit, vel fortè venerit, & nihil sciat dicere, quare executio fieri non debeat, percipietur vic', qd' rem irrotulatam, vel in fine contentam exequi faciat. Eodē modo mandetur Ordinario in suo casu, obseruat̄ nihilominus quod [W. 2. ca. 9] supradictū est, de Medio, qui p̄ recognitionē aut iudiciū obligatus est ad acquietandū. [13. E. 1. Mercatoribus.]

Approuer. cap. 50.

Cum in statuto ædito apud Merton, cap. 4. concessū fuerit, quod dñi vastorum, boscorū, & pasturarum approuare se possint de vastis, boscis, & pasturis illis, non obstante contradictione tenentiū suorum, dummodo tenen-

tes ipsi haberent sufficientem pasturam ad tenementa sua, cum libero ingressu & egressu ad eadem. Et pro eo qd' nulla fiebat mentio inter vicinũ & vicinum, multi dñi vastorum, boscorũ, & pasturarum hucusq; impediti existerint per contradictionem vicinorum sufficientem pasturam habentium. Et quia forinseci tenentes non habent maius ius communicandi in bosco, vasto, aut pasturũ alicuius domini, quam proprii tenentes ipsius dñi: statutum est de cetero, quod statutũ apud Mer-ton prouisum inter dñum & tenentes suos, locum habeat de cetero inter dominos vastorum, boscorũ, & pasturarũ & vicinos, ita qd' dñi hñodi vastorum, boscorum, & pasturũ salua sufficienti pastura hominibus suis & vicinis, approuare sibi possint de residuo. Et hoc obseruetur de his qui clamant pasturam tanq̄ pertinentem ad tenementũ suum. Sed si quis clamat communiam pasturam p̄ speciale feoffamentum, vel concessione ad certum numerum aueriorũ, vel alio modo, quã de iure cõmuni habere deberet, cũ contentio legi deroget, habeat suũ recuperare, quale habere deberet p̄ formam concessionis sibi facte. Occasione molendini ventritici, bercarię, vaccarię, necessarij, augmētationis curũ, aut curtilagij de cetero non grauetur quis p̄ Assisam nouę disseisinę de cõmunia pasturę. Et cum contingat aliquando, quod aliquis ius habens approuare, fossatum aut sepem leuauerit, & aliqui noctant, vel alio tali tempore quo non credant factum eorum sciri, fossa-

Westm̄ second.

fossatum aut sepem prostrauerint, nec sciri poterit per veredictum assisæ, aut iurate, qui fossatum aut sepem prostrauerint, nec velint homines de villatꝫ vicinis indictare de hñdi facto culpabiles, distringantur p̄pinque vil- late circū adiacentes, leuare fossatum aut se- pem, ad costū propriū, & damna restituere.

Assise t. cap. 51.

Et cum aliquis ius non habens communi- candi vsurpet communiam tempore quo he- redes infra etatem extiterint, vel vxores sub potestate virorū suorū existentes, vel pastura sit in manu tenentium in dotem, per legem Angliæ, vel aliter ad terminam vitæ, vel an- norum, vel per feodum talliatum, & pastura illa diu fuerint vsi, multi sunt in opinione qđ hñdi pasturę debent dici pertinere ad liberū teñ, & quod hñdi possessori competere de- bet actio per bre No. diss. si ab hñdi pasturę deforceantur, sed de cetero tenendum est, qđ habentes huiusmodi ingressum á tēpore quo currit breue mortis antecessoris [s. del com- mencement del H. 3. per W. 1. ca. 38.] si an- tea comuniam non habuerunt, non habe- ant recuperare per breue Nouę disseisinę si fuerint deforciati.

Fish and Fishings 1. cap. 52.

Prouisum est, quod aque de Hambre, Ouse, Trent, Doue, Arre, Derewent, Wherff, Nid- diore, Swale, Tese, Tyne, Eden, & omnes alię aquæ [in Regno] in quibus Salmones capi- untur, ponantur in defenso, quo ad Salmones capiendos, á die Natiuitatis beatæ Mariæ, vsque

vsque ad diem sancti Martini. Et similiter qđ salmunculi non capiantur, nec destruantur per retia, nec per alia ingenia ad stagna molendinorum, a medio Aprilis vsque ad natiuitatē sancti Io. Bap. Et in partibus vbi huiusmodi riparie fuerint, assignentur conseruatori istius statuti, qui ad hoc iurati sepius videant & inquirant de huiusmodi transgressione, & in prima transgř puniatur per combustionē retium, & ingenorū suorum. Et si iterato deliquerint, puniatur per prisoniam quarterij anni. Et si tertio deliquerint, puniantur per prisonā vnus anni. Et sic multiplicata transgressione, crescat pene inflictio. [anno 17. R 1. cap. 9.

View 1. cap. 43.

De visu terre ordinatum est & statutum, qđ de cetero non concedatur visus, nisi in casu quando visus est necessarius. Sicut si aliquis amittat tenementū per defaultam: & ille qui amisit suscitet aliud breue ad petendum idē tenē. Et in casu quando aliquis per exceptionem pilatoriam cassat breue post visum terre, sicut p non tenuram, vel malenominando villam, vel huiusmodi, si suscitet aliud breue, in hoc casu & in superiori de cetero non concedatur visus, dummodo visum habuerit in prioribus breuibus. In breui de dote competatur dos de tenemento, quod vir vxoris alienauit tenenti aut eius antecessori, cū ignorare non debeat tenens, quale tenē vir vxoris alienauit sibi vel antecessori suo licet vir non obijt scisatus, nihilominus tenenti de cetero

Westm̄ second.

eetero non erit visus concedendus. In breui etiam de ingressu castato per hoc quod petens nominauit male ingressum, si petens sulcitet aliud breue de alio ingressu, si tenens in priori breui visum habuerit, in secundo non habebit. In omnibus etiam breuibus per que tenentur ratione dimissionis, quā petens vel eius antecessor fecit tenenti, & non eius antecessori, sicut quod ei dimisit, dum fuit infra ætatem, non compos mentis, in prisona, & consimilibus, non iaceat de cetero visus, sed si dimissio facta fuerit antecessori iaceat visus sicut prius.

Champerty 2. cap. 54.

Chaunceller, Treasorer, Justices, ne nul de counsel le roy, ne clerke de la chauncery, ne del Eschequer, ne de Justice, ne daut minister, ne nul de hostel le Roy, ne clerke, ne lay, ne puç resceiuer esglise, ne aduowson de esglise, ne terre, ne tenement en fee, p done, ne p achate, ne a ferm̄, ne a champy, ne en auter maner, tanqz come le chose est en plaç deuant nous, ou deuant vl de nous ministr̄, ne nul lower ent soit pris. Et q̄ encounter cest chose face, ou per luy ou per aut̄, ou nul [bargaine ent] face, soit puny a la volunt le roy auxibien celuy q̄ le purchasera com̄ celuy que le fra [1 1. C. 1. Champertie 1. Articuli super chartas ca. 11.

55 Omnia prædicta statuta incipiant conseruari ad festum sancti Michaelis proximo venturum, ita quod occasione aliquorum delictorum contra aliquod prædictorum statu-

orum circa prædictum festum perpetrato-
rum, pœna delinquentibus, de quibus men-
tio sit in statutis, non infligatur.

Action vpon the Statute 1. Cap. 56.

Super vero statutis in defectum legis & ad
remedia editis, vt diutius quærentes cum ad
curiam Regis venerint recedant de remedio
desperati, habeât breuia sua in suo casu
prouisa, sed non placitant vsque ad
festum Sancti Michaelis.

*Explicit statutum de Westm̄
second.*

Statutum de Mercatoribus edit̄
Anno 13. E. 1.

Recognisance &c. 1. cap. 1.

Rur ceo que marchants, queux
auant ceux heures ont a prest
leur auoier a dis̄s gents, s̄ot
chies en pouertie, pur ceo que
nauoient pas ci ready ley par
meux, pur la quel ils purroient leur detz ha-
stiment reconera au iour assets de la pay, et
per cel encheson, sont multes des mar-
chants sustretes de vner en cel fre oue leur
mer-

Mercatoribus.

merchandises, au dañ des merchants & de tout le Roialme: Nostre sñr le Roy p luy, & per son counsel a son parliamēt quil tient a Toton Burnel, apzès la seint Michael, lan de son raigne xj. fist & ordeigne les establisshments sur ceo, a remedy des inerchants les q̄ux ordeinments & establisshment le roy cōmanda q̄ tenus fuissent, & firmemēt gardes en tout son roialm, dont merchants ont eue remedie & incins des mischieues & trauailz de recouer lour detts que auant ne soient. Mes pur ceo que marchants pur soy pleindzont au roy que lez vis̄ malemēt interpretont son estatute, & aucun foits per malice, & per male interpretation delaieront l'ex̄ del estatute, au grand dañ des merchants.

2 Le Roy a son parliament a Westm, apzès la Pasche, lan de son raigne xiiij. fist reciter lauandit statut fait a Toton Burnel, & pur declarer ascuns articles de le statute auandit, ad ordeigne & establie q̄ merchāt que voit estre suer de sa det, face venir son dettoz deuant le Maioz de Londres, ou deuant [auter] chiefe gardeine de cel Citie, ou dauter bon ville, ou le roy ordeigne, & deuant le Maioz ou chiefe gardeine ou auter probe home a ceo esliu & iure, quant le Maioz ou chiefe gardein ne poient a ceo entendre, et deuant vn des clerkes que le Roy a ceo assignera, quant ambideux ne poient a ceo entend, conus la dette et le iour de le payment, & soit le recognisance enroil de le maistr dun des auandits clerkes que sera conus:

& le roule serra double, dont lun demurget
 bers le Mayor ou chiefe Gardein, & l'auter
 bers le Clerke, q̄ a ceo serra p̄mes nosme.
 Et oust̄ ceo vn des auantdit clerks de son
 maine face lescript del obligatiō, a q̄ escript
 soit mis le seale del dettoz, oue le seale le roy
 q̄ a ceo est puruiesw: le q̄l seale serra de deux
 p̄ces, dont le greinder p̄ce demurrera en
 le gard le Mayor, ou le chiefe gardein, & lau-
 ter p̄ce en le maine le auantdit Clerk. Et
 si le dettour ne rendra le det au iour que a
 luy est assigne, ci veigne le Marchant al
 Mayor & clerke oue son letter del oblig. Et
 si trone soit per roll', ou per letter, que la det
 soit conus, & la iour [de payment] assigne
 soit passe, ci face le Mayor, ou chiefe gar-
 dein prendre le cozps le dettour (sil soit lay)
 q̄l heure q̄ il soit troue deins lour powze, a
 luyer al prison de la ville, si prison y soit, & la
 demurge a ses costages p̄pres, ielsq̄ a tant
 q̄l eit fait grece de la det. Et commaund est q̄
 la gardein de la prison de la ville le resceiue
 p̄ le liuerie del Mayor, ou le chiefe gardein.
 Et si ne luy voille resceiū, ci respoign̄ main-
 tenant le gardein de la prison de la det, sil ad
 de quoy, et sil nad de quoy, respoigne celui
 que la prison luy baile a garder. Et si le
 dettour ne puit estre troue en le power le
 Mayor, ou le chiefe Gardein, donq̄s maūde
 le Mayor, ou chiefe gardein desouth le seale
 del roy auantdit al Chaunt̄ la recognif, fait
 de la det. Et le Chaunt̄ enuoyera b̄iese al
 Afront, en que bailie le dettour serra troue,

que il pzeigne son corps, sil soit laye, et en
 safe prison luy gard, ielques a taüt quil ad
 fait grée de la dett. Et dedeins vn quarter
 de lan apres ceo que il serẽ prise, eit les cha-
 teux & ses terres deliueres, issint que per les
 soiens puisse leuer & paier la dette. Et bien
 luy list deins ccl quarter del an, terres & te-
 nementes vendze pur ses detts acquiter,
 & la vende serra ferme & establie. Et sil ne
 face grée deins le quarter, apres le quarter
 passe soient liueres al marchant toutes les
 biens del dettour, & tous les terres p rea-
 sonable extant, a tener ielque a taunt que le
 dette serẽ leue pleinmēt. Et la le plus tard
 le corps demurge en prison, come deuant est
 dit: Et le marchant luy troua pane & ebe.
 Et eit le merchant, en ceuz tenements liue-
 res a luy ou son assigne, tiel seisin quil pu-
 isse porter bzieste de novel disseisine sil soyt
 engette, & redisseisine auxy come de frankte-
 nement, a tein a luy & a ses assignes, tanqz la
 dett soit paie. Et apres la dette leue et pay
 soit le corps le dettour deliueẽ, cue la terre.
 Et en les bziestes que le Chaunẽ enuoyera,
 soit mēciõ fait, que l' bise certifiera les iusti-
 ces de lun banke ou de lautre, coment il a-
 uerẽ per forme le cõmaundement le roy a vn
 certain iour, a q̄l iour le merchant, si sõ grée
 ne soit fait, sua deuant les Justices. Et si l'z
 bise ne retozn nul bzief, ou retozn que le bise
 biẽt trope tard, ou q̄ls ont maũdes as bai-
 liffes des fraunchises, facent les Justices
 selonqz ceo que est contenue en le darreine

estatut de Westminster [ca. 39.] Et si p caz
 le biscot maud q le dettour n'est pas troue
 ou soit clerke, cy eit le merchāt bres a toutz
 les biscots ou il auera terre, quilz luy liue-
 rōt tous les chatenx, & tous les tenemēts
 le dettour per reasonable extent a ten a luy
 & a les assignes en la fourme que est auant-
 dit. Et ialemeins eit bziēse a quel biscot q
 il boudra, de prendre son corps sil soit laye,
 et a tener en la fourme auantdit. Et byen
 soy garde le gardein del prison, que luy co-
 niendra rēsponder del corps, ou de la dette.
 Et apres ceo que les terres le dettour sont
 liueres al merchāt, bien purra le dettour sa
 terre vendre, issint que le merchāt neit da-
 inages de les aprouemēts. Et salues soy-
 ent tous iours al marchants, dainages, et
 tous costages necessari & reasonable en
 trauailes, sutes, delates, & dispenses. Et si
 le dettour troua pledges que se conust estre
 principales dettoirs, apres le iour passe soit
 fait de les pledges en tous choses come de-
 vant est dit de le principal dettour quant a
 corps prendre, et terres liuerer, et auters
 choses. Et quant les fres les dettoirs soy-
 ent liueres au merchāt: il eit seisin de tous
 terres queux fueront en la maine le dettour
 le iour de la reconisans fait, en que maines
 que ils serront apres deuenus, ou p feoffe-
 mēt, ou per auter matter. Et apres la dette
 paie, les terres & liues des terres des det-
 toirs p feoffemēt, retournent aux bien arere
 al feoffe, cōe les auters terres as dettoirs.

Mercatoribus.

Et si le dettour ou les pledges mourge, nett
le Marchant posser de prendre le corps del
heire, mes eit ses terres, come auant est dit,
S'il est d'age : ou quant il serra de pleine age,
lesqz a tant que il ad leue des terres le a-
mountance de la det. Et soit purmieu vn
auter seale q̄ seruera a faires. Et icel seale
serra enuoy a chescun sayze desouth le seale
le Roy, per vn clerke iure, ou per gardeine
de la sayze. Et p le Cōminaltie des Mar-
chants de la Citie de Loundres, soient esli-
cus deux loyaux Marchants, q̄ux facent le
serement, & deuant eux soit le seale ouert, &
lun pcece soit baile a les auantdits Mar-
chants, & l'auter demurge vers le Clerke: et
deuant eux, ou de lun des Marchants, si
ambideux ne poiēt attendze, soient les conu-
sances faits, sicome auāt est dist. Et auant
ceo q̄ le recognifāce soit enroil, soit la peine
del auantdit estatute appiert mēt iye deuant
le dettour, issint que il ne puisse auterfoits
dire, que vn luy mist a auter peine q̄ a cel a
que il soy oblige. Et a suskeyner les costa-
ges de l'auantdit Clerke, ci prendra le Roy
de chescun lib̄ j s. en chescū ville ou le seale
serra mis, forspise sayzes, ou il p̄ēdra trois
mailles de [chescun] li. Cest ordeinmēt &
establihmēt hoit le Roy, que desozmes soit
tenus p tout son roialm̄ Denglētre & Dire-
land, entē q̄l gentes que ceo soit, que de lour
eigne degreē celles reconus, boudzont faire,
forspis Jeyes, as queux cest establihmēt
ne se extende, Et p cest estatute & establi-
ment

ment ne soit bre de det abatus. Et ne soit le
 chaucell, barons del eschequer, Justices de
 lu & de laut bank, ne Justit errats forclos
 de prendt reconul. des detz deuāt eux faits
 & conus, mes les executions de reconul. de-
 uant eux faits ne soient pas faitz y la forme
 auādit, mes per la ley & lusage auant vles
 & purueux aillours en aut estatuts. [viz. W.
 2. cap. 45.] Bre fundatū sup statutū pdict.
 Rex vic saltm. Quia corā tali maiori, vel
 custode talis villæ, vel corā custod' sigilli nri
 de mercatoribus in nundinis de tali loco, &
 tali cleric' nro recognouit A, se deber' B. tā-
 tū, qd' soluisse debuit tali die & tali anno, qd'
 eidē B. nondū soluit, vt dicit. Tibi precipim',
 qd' corp' pred' A, si lacius sit capias, & in pri-
 sona nra saluo custodiā facias, quousq; præd'
 B. de prædicto debito plenarie fuerit satisfā-
 ctum. Et qu iliter hoc pceptū nrum fueris ex-
 ecut, scire facias iustic' nostris apud Westm
 &c. per literas tuas sigillatas. Et ha-
 beas ibi hoc breue.

Teste, &c.

M. iij.

Statut

¶ Statuē de Westm̄ 3. edit̄

Anno 18. Edm. primi.

Cest estat' est fait pur aduantage de Seigniors.

Tenure 4. cap. 1.

Quia emptores terrarum & tenementorum de feodis Magnatum & aliorum dominorum, in preiudicium eorundem, temporibus retroactis, multociens in feodis suis sunt ingressi, quibus liberi tenentes eorundem magnatum & aliorum terras & tenementa sua vendiderunt, tenend' in feod' sibi & heredibus suis de feoffatoribus [& heredibus] suis, & non de capitalibus dominis feodorum, per quod iidem capitales dñi eschaetas, maritagia, & custodias terrarum & tenementorum de feodis suis existentium sepius amiserunt: quod quidem eisdem Magnatibus & alijs dñis quamplurimum durum & difficile videbatur, & [sic] in hoc casu exhereditatio manifesta. Dñs Rex in parlamento suo apud Westm̄ post Pasch. ann' regni sui xvij. videlicet in quindena Sancti Iohis Bap. ad instantiam Magnatum Regni sui, concessit, prouidit, & statuit, quod de cetero liceat vnique libero homini, terras suas, seu tenementa sua, seu partem inde ad voluntatem suam vendere, ita tamen qd' feoffatus teneat terram illam, seu tenement' illud de capitali dño feodi illius per eadem seruitia

ritia & consuetudines, p̄ quæ feoffator suus
 illa prius [de eo] tenuit. Et si partem aliquā
 earundē terrarū, seu tenemētorū alicui ven-
 diderit, feoffatus ille [ptē] illā teneat imme-
 diatē de capitali dño, et oñet statim de seruici-
 js quantū ptineat siue ptineat debet eidē ca-
 pitali dño p̄ p̄ricula illa secundū quantitātē
 terræ seu tenē sic vēditi. Et sic in hoc casu de-
 cidat [eidē] capitali dño ipsa pars seruitij per
 manū feoffati capiendū ex quo feoffat[us] [debet]
 eidē capitali dño, iuxta quantitātē terræ seu tenē
 vēditi, de particula illi[us] seruitij sic debiti esse
 intendens & respondens. Et sciendū est qd̄ p̄
 p̄dict[is] venditiones, seu emptiones terrarum,
 seu tenē, aut ptē alicui[us] earundē, nullo modo
 possint terre seu tenē illa in partē vel in toto ad
 manum mortuam deuenire, arte vel ingenio
 contra formā statuti sup̄ hoc dudū editi [7. E.
 1. de Religiosis] Et sciendum est qd̄ istud sta-
 tutū teneat locum de terris [seu tenētis] vendi-
 tis tenendū in feodo simplici tantum. Et qd̄
 se extendat ad tempus futurum. Et inci-
 piet locum tenere ad festum sancti

Andree apostol[ic]i proximo su-

tuū Anñ regni Regis

E. filij regis H.

xviii.

Explicit statut[us] Westm̄. ij.

M. iiii.

¶ Modus

Q' Modus leuandi Fines, edit
Anno 18. Edm. primi.

Fines 1.

Quant le brieve original soit lie en presence des parties deuant Justices, donques dirra vn countour issint: Sir Justice, conge d'accord, Le Justice dirra, que dirra: Sir Robert, & nosmera vn des parties. Donques quant ils seront agrée de la somme de pecune que est done al Roy, donqs dirra le Justice, Cries la peace. Et puis dirra le countour, issint que la peace est tiel, a vous conge, que William & Alice la feme, que cy sont, recognifont le mannour de B. oue les appartenances contenus en le brie, estre droit du R. come cell que il ad de leur done, & ouer & tener a luy & a ses heires, de W. & Alice, & les heires B. come en demesne, rent, seigniozies, courts, plees, purchases, gardes, mariages, reliefs, escheates, molins, & uoxlons de Eglises, & tous auters franchises, & franke customes al auãtdits mannours apperteignant, rendant per an a R. & ses heires, chiefes seigniozies de fee, seruaice due, & customes par tous services. Et fait assauoir, que order de ley ne suffre ny, que final accorde soit leue en la court le Roy sans brieve original, & ceo a tout le meins deuant iij. Justices en bank, on en Cyze, & non pas aillours, et en presence des parties nosyres en brieve, queux soient

de pleine age, & de bone memoire, et hors
 de pryson. Et si feme couert de baron soit
 vn des parties, donq̄s couient que el soit
 primerment confesse de iij. Justices auant-
 dits. Et si el nassent al fine, ne ceo liuet
 mie. Et la cause pur que tiel solempnitis
 doit estre fait en cel fine est, pur ceo q̄ Fine
 est ci hault barre, et de ci grand force, &
 de ci puissant nature en soy, que el forclos
 nemy solement ceux q̄ux sont parties & pr̄s
 uies a la fine, et leur heires, mes toutes
 auters gentes de mound, q̄ux sont de pleine
 age, hors de pryson, et de bone memoire, &
 deins les iij. meres, le iour del fine leue,
 sils ne mettront leur claime de leur
 action pur le pays, deins lan
 & le iour. [Vide plac.

fol. 354.]

¶ Statutum

Statutum de vocat̄ ad warrant̄,
æditum Anno 20. Ed. primi.

Voucher 6.

CUm tenens implacitatus in placit̄ terre
temporibus retroactis vocauerit ali-
quem ad warrant̄, & petens super hoc
verificare voluerit [quod nec vocatus,] nec
aliquis antecessorum suorum à tempore sei-
sinæ antecessoris ipsius tenentis fuerit in sei-
sina, de tenē prædictis, nec in dominico, nec
in seruitio, sed si ille vocatus ad warrant̄ fue-
rit præsens, & gratis tenenti warrantizare
voluerit, prædicta verificatio petentis admitti
non consuevit, nisi vocatus absens fuerit, &
hoc ratione cuiusdam statuti dñi Reḡ nunc,
æditi inter cetera statuta sua prim̄ Westm̄
[cap. 39.] propter quod dñs Rex animadu-
rens fraudem, deceptionem, & maliciam, &
etiam damnum suum, & exheredationē co-
ronæ suæ, qd̄ in casu prædicto in curia sua
multociens posset interuenire, & isto die in-
teruenerit. Cum quidem tenentes de ipso
Rege in capite per baroniam integrā in quo-
dam placito pendente coram Iusticiar̄ de
banco vocauerint ad warrant̄ de demanda
particularitèr quosdam gaciones ignot̄, &
extraneos, quos præsentēs duxerint, & quorū
antecessores aut ipsimet, nunquam in tenē
quæ warrant̄, aliquid habuerint, aut in ali-
quibus terr̄ aut tenemētis alijs in regno suo,
nequē in dominico, nequē in seruitio, (prout
à di-

a diuersis domini Regis fidelibus testabatur) ut per cautelam illam, fraudem, & maliciam, ipsi per baroniam tenentes auferre possent. In hoc Regi misericordiam suam, in quam incidit, si petens versus eos demandam suam recuperaret. Et similiter cum garciones warrantizauerint, viz. quilibet de portione quam warrant̄ debet [in casu vbi duellum iacet,] possit se defendere per corpus seruientis sui prouisi, & conducti per ipsos baroniam tenentes. Et sic sup vno breui, & vna demanda facta fuerunt duo vel tria duella vadiata, quod durum est, & exemplum perniciosum tēpore futuro p pauperibus petētibus versus magnates & diuites, qui se per maliciam p̄dictam desēdere voluerint, nec petens contra dictos warrant̄, quādo vocati fuerint verificationē suam in forma p̄dicta habere possit, eo qd' ipsi vocat̄ presētes fuerint, & gratis warrant̄: Dominus Rex de consilio suo communi statuit, & firmiter de cetero, videlicet, a festo sancti Hillarij, anno regni sui xx. precepit obseruari, qd' quicumque tenens aliquem vocauerit ad warrant̄, & petens in forma p̄dicta verificare voluit, admittat̄ eius verificatio, siue vocatus fuerit absens, siue presens, nullo habito respectu ad eius presentiam, vel absentiam.

¶ Statuū

Statut de defensione Iuris, editū
Anno 20. Edw. primi.

Rescit I.

CUm quis aliquod breue domini Regis impetret versus tenentem per legem Angliæ, vel feodum talliatum, vel sub nomine dotis, vel alio modo, ad terminū vite, vel annorum, & petens tantum fuerit prosecutus, quod tenementū sunt quasi admittenda [et sibi adiudicanda,] et super hoc venerit alius ante iudicium redditum à latere, dicens se habere feodū & ius in tenementis illis, & curiam supplicauerit, quod ex quo ante iudicium venerit tenementū sua defendere, & paratur inde petenti respondere, ad hoc admittatur ratione cuiusdam statuti dñi Regis nunc, inter cetera vltima statuta Westm̄ edita [s. W. 2. cap. 3.] per quod statutum tamen nullū ius habentes, quam illi qui ius habent multociens in casu predicto falso, & in deceptione curiæ superuenerint, & petierunt se admitti responsuri, ut per admissionem suam possent petentem elongare de iudicio, & seisinam demandę suę habere, & ad faciendum eisdem petentes de nouo placitare, & sic petentes in casu predicto in curia Regis sepius elongantur à iure suo, per malitiam supradictam, tam de falsitate de predicto statuto superueniente, quā ex iusta causa rationabili, & hoc corā Iusticiarijs multociens contingit & inuenitur: propter quod dñs Rex, ad malitiam predictam in predicto casu destruendam, reme-

remedium volens apponere, in pleno Parlamento suo ex communi consilio suo statuit, & firmiter de cetero, videlicet, à die Lunę proximo post festũ Purificationis beatę Marie virginis, anno regni sui vicelimo, precepit obseruari: Quod cum aliquis à latere ante iudicium in casu p̄dicto superuenerit, & petierit se admitti, antequam admittatur inueniet sufficientem securitatem, p̄ut curiæ vltimum fuerit, ad respondendum petenti de valore exituum tenē sic amittendorũ, à die quo recipitur responsũ, vsque ad diem quo iudicium finale fiat super petitionem petentis. Et si ille petens demandam suã recuperet, grater amercietur defendens, si habeat vnde. Et si non habeat vnde, committatur gaolę, ad voluntatem Regis. Et si verificare poterit ius suum esse tale, quale illud asserit quando petit ipsum admitti, tunc sit quietus.

Explicit.

Statut de Finibus leuatis, editum

Anno 27. Edw. primi.

Fines 2. cap. 1.

Quia Fines in curia nostra leuat finem litibus debet imponere, & imponunt, & ideo Fines vocatur, maximè [cum] post duellum & magnam Assisam in suo casu vltimum locũ finalem teneant in perpetuum iamque

De Finibus leuatis.

iamque per aliquod tempus præteritum, tam tempore clarę memorię domini Henrici Regis patris nostri, quam nostro, partes eorundem finium, & earũ partium heredes (contra leges & consuetudines regni nostri antiquitus vsitatas) sup hñodi finibus adnullandis & euacuandis admittebantur, proponentes quod ante finem leuatum, & tempore leuationis eiusdem, & postea, petentes, seu querentes, aut eorum antecessores de tenemētis in finibus contentis, aut de aliqua parte eorundem, semper fuerunt seisiť, & sic fines huiusmodi ritę leuať per Iuratores patrię falsõ subornatos, & maliciõse procuratos, multociens euacuabantur & adnullabantur minus iustę: Nos volentes super præmissis remediũ adhibere, in parlamēto nostrũ ad Westm̃ statuimus, quod dictę exceptiones, seu responsiones, vel inquisitiones patrię, super huiusmodi exceptionibus seu responsionibus nullo modo contra hñodi recognitiones & fines de cętero admittantur. Et nos vero volumus, quod statutum istud tam locum habeat ad fines prius leuatos, quam in posterum leuandos. Et videant Iusticiarij, quonotę, & fines in curia nostrã in posterũ leuandi publicę & solemniter legantur, & quod placita interim cessent omnino, & hoc fiat per duos dies in septimana, secundum discretionem Iusticiař.

[cum] Shirifes 1. cap. 2.

Item ordinauimus de consilio nostro, quod Vicecom̃ de cętero non oneretur de aliquo

Bus exitū leuand' , nec aliquos leuent , ante-
 quam exeant de Scaccario per extractas Iu-
 stic' ibidem deliberandas . Et quod in extra-
 ctis Iustic' singula capita onerentur de exiti-
 bus suis forisfactis, sicut & de amerciamen-
 tis . Et si forsan aliquis Vicecom' responderit
 de exitibus alicuius recognitoris , vel plegij,
 seu manucaptoris per ipsum oppositi , & in-
 iuria nostri retornati, qui ad solutionem eo-
 undem exituum seu amerciamentorū tem-
 pore returni non sufficiat , idem vicecomes
 ad Scaccariū nostrum inde oneretur & res-
 pondeat . Et caueant sibi Vicecomites sub-
 rari forisfactura, quod de cetero faciant sin-
 gulis tallias de denarijs quibuscunque per
 receptum nostrum per ipsos vicecomites &
 abditos suos receptis . Et quod non retor-
 nent alicubi nomina manucaptorum , iura-
 torum , seu aliorum , nisi ipsi manucaptores,
 iuratores , seu alij , secundum tenorem bre-
 uium nostrū vicecomit' inde directorum , ad
 hoc legalitè & manifestè ponantur . Nec
 retornent aliqua nomina plegiorum libero-
 rum hominum , nisi ipsi manifestè se plegios
 consenserint . Et super hoc statuimus , quod
 quolibet anno semel in anno mittantur vnus
 Baro , & vnus Clericus de dicto Scaccario
 nostro per singulos Comitatus Angliæ , ad
 imbreuiandum nomina omnium , qui anno
 illo debita per veridem ceram ab eis exacta
 soluerint . Et iidem Baro & Clericus, tallias
 illas videant , & imbreuient , & audiant , &
 terminet querelas sup vic' , & clericos suos , &
 balli-

De Finibus leuatis.

balliuos contra præmissa venient, & grauitèr puniant transgressores.

3 Quia Vicecom, & alij, temporibus retroactis, latrones notorios & manifestos, & pro morte hominis, & alijs felonijs captos & imprisonatos, & qui non sunt replegiabiles, per pleuin dimiserunt, contra formã statuti nostri apud Westm̄ æditi, de his qui sunt replegiabiles, & qui non, [s. W. 1. cap. 15.] per quod ipsi malefactores irreplegiabiles, sunt replegiati, ad quorum deliberationem falso faciend', iuratores patrie p se & amicos suos, ante aduentũ Iusticiar̄ itinerantiũ, aut aliorum, ad eorum deliberationẽ assignat, pcurant & subornant, alijsq; minant, ppter quod tam ppter metum Vic', & aliorum, per talem pleuinam illos dimittẽtium, quam timorem eorundem latronum, seu felonum sic deliberat, coram Iusticiarijs ad gaolas deliberandas assignã hñodi latrocinia & homicidia suffocantur, & ipsa sic conclata penitus remanent impunita: Nos pro vtilitate regni nostri, & pace nostrẽ firmissime obseruanda, statuimus & ordinauim', qd Iusticiarij ad assisas capiendas assignati, in singulis Comitatus, vbi capiunt Assisas, prout ordinatum est, statim post assisas captas in eisdem comitatibus, remaneant ambo si laici fuerint. Et si vnus ipsorum Clericus fuerit, tunc associato illi Iustic' qui laicus est, vno de discretioribus Militibus comitatus illius, per breue nostrum deliberent gaolas in com̄ illis, tam infra libertatem, quam extra, de prisonarijs quibuscũque,

secundum

secundum formam deliberationis gaole comitatum illorū hactenus vsitatam. Et ijdem Iusticiarij tunc inquirent qui vic' & alij, prisonarios irreplegiabiles per pleuinam dimiserunt, vel in aliquo contra formam statutū predicti nup apud Westmonasterē ēdit, deliquerint: et quos culpabiles inde inuenerint [ipso] in omnibus, secundum formam statutū predicti puniant & castigent. [28.E.1.de Appellat.]

Nisi prius 2. cap. 3.

Item cum statuerimus, quod nullus ponat alicubi extra com' in recognitionibus, inquisitionibus, & iuratis aliquibus, qui minus quā C. s' terrē, vel reddiē habeat, per quod tam ipsi q' plus terre habentes ppter frequentē, tam ad Scaccariū nostrū, quam coram Iustic' nostris de vtroque bāco summonitiones, depauperentur. [21.E.1.de Ponendis in Assis & Iuratis] Nos tanē intolerabilem populū nostri iacturam aduertentes, non solū ad eundē iuratorū exonerationem, sed etiam ad celerem partib' in curia nostrē placitantibus iustitiam exhibend', Statuimus & ordinamus, quod inquisitiones & recognitiones coram Iusticiā de vtroque banco de cetero adiudicāde, capiantur tēpore vacationis coram aliquo Iustic' eorundē. coram quib' placitū deductū fuerit, associato sibi vno Milite com' illi', vbi tales inquisitiones emerlerint, nisi fuerit inquisitio magna indigens examinatione. Et sic in hmodi inquisitionib' capiendis de cetero fiat, sicut Iustic' ad utilitatem regni

Articuli super chartas.

regni nostri potius esse viderint faciend^o, non obstante statuto nuper apud Westm̄ [2. cap. 30.] super h̄modi inquisitionibus capiend^o edit^o, continent^o, qd^o si omissa forma in statuto illo ordinat^o aliquę inquisitiones capiantur, p̄ nullis penitus habeantur. Dat^o apud Westm̄ secundo die Aprilis, An^o regni nostri xxvij. [12.E.2. cap. 3. de statuto Eboracē.

Explicit status de Finibus lenatis

¶ Articuli super Chartas, edit^o *Anno 28. Edw. primi.*

Pur ceo que les pointes de la grande Charter des fraunchises, & de la forest, les q̄ux le roy Henry, pier nost^r Seignour le Roy q̄ ore est, graunta a son peuple par le pzintie de son roialm̄, ne ount pas este tenus, ne gardes auant ces heures, pur ceo que auant ces heures peine ne fuit establie vers les trespasants countre les pointes des Charters auantdits: Nostre seignour le Roy les ad de nouell^e graunt renouell^e & confirme, Et a la requestes des Prelates, Countees, & Barons a son parliam^{nt} a westminst^r, en quaresme lan de son reigⁿ xxvij. ad certaines pointes affirme, & peine ordeigne, & establie, encounter tous p̄ceux que encounter les pointes des auantdits
Char

Charters, ou nul point de eux, en nul maner biendront, ou misprendront, en la forme que sensuit.

Confirmation 2. cap. 1.

¶ Cestascavoir, q̄ de ci en auant la grand Charter des fraunchises Dengleterre, grant a tout la commune Dengleterre, & la charter de la Forest en mesm le maner grant, soient tenus, gardes, & maintenus en chescun article, et chescun point, auxi pleinmet come le roy les ad graunt, renouele, & per la charter confirme. Et q̄ celles charters soient bailez a chescun viscont Dengleterre desoubes le seale le Roy, a lier quater foites per an deuant le peole en pleine countie: cestascavoir, au pchein countie apres la saint Michell, au prochein countie apres le Nowel, au prochine countie apres la Pasche, & au pchine county apres la saint John Baptist. Et a ceux deux charters en chescun point, & en chescun article dicel, fermement tener, & garder, ou remedie ne fuit auant p la common ley, soyent eslieus en chescun countie p la cōmunes de mesm la county trois probez homes chiualers, ou auters loialx, sages, et auises, q̄ soyent iures & assignes per les letters le Roy ouertes de son grand seale, de oper & terminer, sans auter h̄re q̄ lour common grant, les pleints q̄ se ferront de tous peours, que contrebendront ou misprendront en nul des dits points des auantdits charters en counties ou ils sont assignes, au tybien dedeins fraunchises, come dehors, &

Articuli super chartas.

auxy bien des ministres le roy, hors de leur places, come des autres, & les plaintes oper de iour en iour sans delay : & les terminent sans alloxer les delaies, q̄ sont alloxees p̄ la common ley. Et q̄ mesm̄ ceux chivalers, eyent poyer de punier tous ceux q̄ seront atteintes de trespas fait encouter vi point des charters auantdits, ou remedy ne fuit suant per la cōmon ley, auxy come auant est dit, per imprisonment, ou per ransom, ou p̄ amerciamment, solongz ceo q̄ le trespas le demaund. Et per ceo nentend pas le Roy, ne nul des soiens que a cest ordeignement furent, que les chivalers auantdits, teignent nul plex per le power que done iour soit, en cas ou auant ces heures fuit remedie paruiex solongz la cōmon ley p̄ brieve: Ne que p̄iudice soit fait a la common ley, ne a les charters auantdits, en nul de leur points. Et doit le Roy, q̄ si tous trois ne soient presentes, ou ne purront a tous les foies attendre, a faire leur office en la forme auantdit, q̄ deux dez trois le facēt. Et ordeign est, q̄ les viscōts & les bailifes le roy soient attendants a les cōmandemēts des auantdits Justic̄s, en quāt q̄ appēt a leur office. Et oust ces choses grantes sur lez points des chēs auantdits, le roy de sa grace especial, en alleueance dez greuāces, q̄ son peop ad ex̄ p̄ lez guerres q̄ ont estre, & en amēdemēt de leur estate, & pur tant q̄ ilz soiēt plus pristres a son seruice, & plus voluntiers aydants, q̄ il en auēt a fait, ad graūt alcu

articles, les queux il entend que tyendront
 aybien lieu a son people, et auxy grand
 profit ferront, ou plus, que les pointes
 tant grauntes,

Purueiours 4. & 5. cap. 2.

Enprimes, pur ceo q̄ vn grand gre-
 nce est en cest Roialme, & dām sans num-
 r, de ceo que le Roy & ses ministers de sa
 Roialme, auxy bien les aliens, cōe les deni-
 ns, font lour prises par la ou ils passēt p
 la Roialm, & pernent lez biens dez gēts,
 clerics, & des layes, sans rien payer, ou
 meins q̄ la value : Ordeine est, que de ci
 auāt nul ne pigñ prises p my le roialm,
 q̄ les pernoys le Roy, & les Purueiours
 r hostell le roy. Et q̄ les pnours le roy,
 purueiours pur son hostell ne preignent
 s, foys pur mesm lhostell. Et des pri-
 q̄ ils ferront p my le pays de manger ou
 boper, & des auters menus necessaries
 r hostell, que ils facent la paie ou grēe a
 r, des q̄ux les choses ferront prises. Et
 toutes ceux pernoys le roy, puruepours,
 achatours, eyent de ci en auant lour gar-
 at, ouesq̄ eux du grande seale, ou vn
 ite seale le Roy, conteignant lour poiar,
 s choses dont ils ferront prises, ou pur-
 ance, le q̄l garrant ils monstrent a ceux
 q̄ux ils ferront la prise, auant ceo q̄ ils
 preignēt rien. Et q̄ ceux pnours, pur-
 pours, ou achatours le roy, ne preignent
 s q̄ besoigne & mestier ne soit pur le roy
 on hostell, & de ses enfants. Et q̄ ryens

Articuli super chartas.

ne pzeignent pur ceux que sont as gages, ne pur nul autre. Et q̄ ils respoignent en hostell, ou en la gardzobe pleinement de toutes leur prises, sans fait leur largesses ailleurs, ou lieries des choses, que pur le roy serrôt prises. Et si vl pernour del hostel le roy, per garrantie que il est, face prises, ou lieries en aut maner, que desuis nest dit, p̄ plaint fait al seneschal, & au tresorier del hostel le roy, soit la veritie inq̄le. Et si de ceo soit attaint, soit gr̄e maintenant fait al plaintife, & soit ouste de seruire le roy pur tous iours, et demurge en prison a la volunt le roy. Et si vl face prises sans garrantie, & les emport encouter la volunt de celui, a q̄ les byens sont soit maintenant arrest per la ville, ou le prise serra fait, & amesn̄ a la p̄chein gaole. Et si de ceo soit attaint, soit la fait de luy, cō de laron, si la quantite des byens ceo de maunde. Et quant as prises faits in fayres et en bones villes, & en portes, pur la grant gardzobe le roy, eient les pernozs leur common garrant p̄ le graund seale. Et des choses q̄ ils prendzont, eyent la tesmoigne le seale due gardein de la garderobe. Et des choses issint per ceux prises, de nombre, de quantite, & de value, soit fait diuidend entre les pernozs & les gardeins des faires, Maisoiz, ou chiefe baylies des villes, & portes per le vieux de merchants des q̄ux les biens serrôt issint prises. Et riens ne luy soit suff de prendre, q̄ il ne mette en diuidende. Et ce diuidende soit port en garderobe soubes

le le Gardeine, Baioz, ou chiefe Bailife
 andits, & la demurge tanqz sur laccompt
 garderobe le Roy. Et sil soit troue q̄ vl
 auterment prise, que faire ne deueroit,
 t punie sur laccompt per le Gardeine de
 garderobe le Roy, solongz la desert. Et si
 face tielz prises sans garrantie, & sur ceo
 t atteint, soit fait de luy come de ceux que
 t prises pur lhostell le Roy sans gar̄,
 ne deluis est dit. Et nentende mpe le
 y, ne son Counsaile, q̄ per cest statute
 n decresse au Roy de son droit des aun-
 nt prises dues & accustomes, come des
 nes, et auters byens: mesqz en tous
 ntes pleinment luy soit saue.

Marshalle 1. cap. 3.

Des estates des Seneschalx, & des
 archalx, & des plees q̄ eux deuoiet tener,
 onent: Ordeine est, q̄ desozmes ne teigf̄
 e de franktenemt, ne de dette, ne de coue-
 nt, ne de cōtract dez gēts de people, forsqz
 tsolement de tr̄ns del hostel, et dauters
 ppasses fait dedeins la vierge, & des con-
 ts & couenants, q̄ ascun del hostel le roy
 ra fait a auter de mesme lhostel, & en m̄
 ostel, & nemy aillours. Et nul plee de
 pas ne pledzont, auter q̄ ne soit attache
 eux, auant ceo que le Roy issera hozs de
 vierge ou la trespas serra fait. Et les ple-
 hastiuement de iour en iour, issint q̄ ils
 nt pledes & termines auant ceo que le
 issē hozs des boundes de cel vierge, ou
 trespas fuit fait. Et si par cas dedeins les

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boundz de cel berge ne poiēt estē termines,
cessent tiex pleēs deuāt le seneschall, & soiēt
les pleēs a la common ley. Ne desozmes ne
preign le seneschall conuances des detz, ne
dauter chose, forsqz des gents del hostel
auantdit, ne nul auter pleē en tiendē per ob-
ligatē fait a le distresse le seneschall, ou le
Mareschall. Et si les Seneschals, ou les
Mareschals rien facent encoūter cest orde-
nance, soit lour fait tenus pur nul. Et par
ceo q̄ auant ces heures mults des felonies
fait dedeins la bierge ount estre depunies,
pur ceo q̄ les Coroners de pays ne le ont
pas entermis denq̄rer des tiex maners de
felonies dedeins la bierge, mes le coroner
del hostel le roy, q̄ est passant, de quoy il
n'ad my este fait en due maner, ne les felons
mis en exigēt, ne vtgages, ne rien de ceo pre-
sēt en eyre, q̄ ad ēe a graūd damage du roy
& a meins bone garde de la peace: Ordein
est, que desozmes en case de mozt de home
ou office de coroner appēt as bieswes, & en
questz de ceo faire, soit maunde al coroner
del pays, q̄ ensemblement oue le coroner de
hostel le roy face loffice q̄ appēt, & le mette
enroll. Et ceo q̄ ne purra mie deuāt le Se-
neschal estre termine, pur ceo q̄ lez felons n'
purrōt estre attaches, ou pur aut enchelon
demurge a la cōmen ley, issint q̄ les exigēts
vtlagaries, & presentinētz en eyre soyent
de ceo faytz p̄ le coroner du pais, auxi come de
autres felonies faits hors de la berge. Ne
pur ceo ne soit lesse, que les attachment
ne soy

ne soyent faites freshment sur les felonies
faits.

Common plees 2. cap. 4.

¶ Duster ceo nul cōmon plée ne soit desoz-
mes tenus a Leschequer, encoūter la foyme
de la grand charter. [cap. 11.]

Chauncerie 1. cap. 5.

¶ Et dauter part le Roy voit q̄ le Chaū-
celloz, & les Justices de son bank luy sui-
uent, issint que il eyt tous iours pres de
luy ascun sages de la ley, que sachent les
besoignes, que veignent a la court duemēt
delinerer a toutes les foites que mestier
erra.

Seale 1. cap. 6.

¶ Desouth le petite Seale, ne issira de
mes nul b̄re que touche le common ley.

¶ Le Constable du chaste! de Douer
ne pleade desozmes a la port de chastel nul
de la fozein du County, q̄ ne touche le gard
du chaste!. Et le dit Constable ne distreign
mes gents du Cinqz Ports, a pledē ayloz,
ne en auter maner q̄ ils deuoient, solong
de la foym des Chartes q̄ ils ount des Royes,
de leur fraūchises auncientes, affirmes per
grand Charter [cap. 4.]

Shirife 2. cap. 8.

¶ Le Roy ad graunt a son people, que ils
ont election de leur Viscount, en chescun
countie ou Viscount n'est mye de ses, s'is
sillent. [Post cap. 13.]

Jurours 3. cap. 9.

¶ Le Roy voit, & commaunde, que nul
Viscount,

Articuli super chartas.

Wiscout, ne Bailk, ne mitte en enquestes, ne in Juries, plus dez gentes, en auters ne en auter maner q̄ il est ordeine per estatute, & que ils mittent en tiels enquestes, & iaries, le plus procheines, le plus suffisants, et meines suspicious. Et que autermt le fra, et de ceo soit attaint, rendē au plaintife les dañ au double, et soit en la greue mercie le Roy. [Westm̄ 2. cap. 38.]

Conspiracie 1. cap. 10.

¶ En droit des conspiratours, faux enformours, & malueis pcurours des douceines, enq̄sts, assises, & Juries, le Roy ad ordeine remedy as plaintifes per b̄res de Chauncellerie. [33. E. 1. de Conspiration] Et indemaines voit le Roy, q̄ les Justices de lun bank, & del auter, & Justices d'assises p̄dēt assignes, quant ils veignant en pais a faire lour office, de ceo facent lour enq̄sts a chescun pleint sans b̄refe, & sans delay facent droit as plaintifes.

Champertie 3. cap. 11.

¶ De rechefe, pur ceo q̄ le Roy auoit auāt ordeign̄ per estatute [W. 2. ca. 49.] que nul de sez ministers ne p̄st nul plēe a champertie, & p̄ cel estatute auters ministers nestoient pas auant ces heures a ceo lies: Voit le Roy, q̄ nul ministr̄, ne nul auter, pur part auoier des choses q̄ sont en plēe, enpreigne les besoignes que sont en plēe. Ne nul sur tiel couenant son droit ne lesse a auter. Et si vl le face, & de ceo soit attaint, soit forfait, & encurē deuers le roy des biens, & des terres

le parnour, a la balue de tant com̄ la partie
de sō purchaſe per tiel enpziſe amoūteē. Et
ceo atteind̄, ſoit reſcūe celuy q̄ ſuer boudē
pur le roy deuāt les Juſtices, deuāt queux
pleē auer eſte, & per eux ſoit lagard̄ fayt.
Des en ceo caſe neſt mye a entendē, q̄ hom̄
peit auer counſaile des countours, & des
ages gentes pur ſon donant, ne de ſes pro-
cheine amies.

De al roy 4. cap. 12.

De recheſe voit le roy q̄ diſtreſſes que
ont a faire pur la dett, ne ſoyent faites per
eſtes des charaes, tanque come home poit
auter trouver, ſolsnq̄ ceo que eſt ordeine ail-
ours p eſtatute, oue la peine &c. [51. h. 3.
De Diſtr̄ (caccarij.) Et ne voit q̄ trope greue
diſtres ſoit pziſe pur ſa dette ne trope loign̄
reſne. Et ſi le dettour puiſſe trouver ſuffi-
ant, & conuenable ſuertie ieſque a vn iour
eins le iour al bicount, dedeynes le quel
home puiſſe purchaſer remedie a faire grēe
de la demaunde, ſoit la diſtres reſeſſe ende-
uentiers, & que autermt̄ le fra, ſoit greue-
ment punie.

Shirifes 1. cap. 13.

Et pur ceo q̄ le roy ad grant le election
des biſcounts a ceux des countes [5. antea
] voit le roy que ils eſſient tielx biconts,
ne ne les charge mie: & ne mittent nul mi-
ſtre en baillie pur loſwer, ne pur doñ. Et q̄
ils ne ſe herbergent trope ſouent en vn li-
u, ne ſur les pouers ne ſur les religious,
[C. 1. Lincolñ de vicecomitibus.]

Hundreds

Articuli super chartas.

Hundreds 1. cap. 14.

De recheſe voit le Roy, que les baillies & les hund du Roy, ne les autres grand S^{ns} de la terre, ne ſoient leſſes a trope grand ſumme a ferme, per quoy le people ſoit gréue ne charge per contribution faire a t^lex fermes.

Proces 1. cap. 15.

En Summons, & en Attachments en plé de terre, deſozmes conteign la ſummons ou lattachment le terme de v. iours a tout le meines, ſolongz la cōmon ley, ſil ne ſoit en attachment des aſſiſes p^zend^r en p^zeſence le Roy, ou des plés deuant Juſtices en eyre durant le eyre, [Vide Harlebr cap. 12.]

Retorne de Vicont 2. cap. 16.

Soit fait de ceux que font faux retoirne des b^riefes al maundemēt le Roy, per quoy d^royture eſt delay, auxy come ordeine eſt en le ſecond eſtatute de Weſtminſter [cap. 39.] oue la peine.

Proclamation 1. cap. 17.

Et pur ceo q̄ multes miſſeſours ſont en la terre plus que ne ſolent, & robberies, arſions, & homicides faits ſans number, & la peace meines bien garde, pur ceo q̄ leſtatute, que le Roy fiſt faire nadgaires p^zelles a Wincheſter, [Aⁿ 13. E. 1.] nad pas eſte tenus: Voit le Roy q̄ cel eſtatute ſoit de nouel enuoy en cheſcū countie, & ſoit lie & publié 4. foits per an, auxy bien come les deux grand charters, & firme^{nt} gardes en cheſcun point, ſur les peines que la cyens ſont aſſeſes.

asselles. Et a cei estatute garder & maintenir, soient charges les trois chivalers, que sont assignes per nuy les counties pur redresser les choses faitz encounter les graūd charters, & de ceo eyent garrantie, [ante cap. 1.]

Wast 5. cap. 18.

En droit des wastes & destructions faits en gardes per Eschetors & subeschetors, de measons, bois, parkes, viuers, & de tous auters choses, q̄ eschiont en le maine le Roy: Vloit le Roy, que celui que auet le dam̄ resceu, ait b̄re de Wast en la Chancerie, vers leschetor de son fait, ou subeschetor de son fait, sil eyt de quoy respondē, & sil nad de quoy, ci respond son soueraign̄ per autiel peine, quant az dammages, cōe darreine ordeine est per estatute sur ceux que font wast en gardes. [Glō cap. 5. & west. 1. cap. 21.]

Liuerie & Ouster le maine 1. cap. 19.

De rechesse la ou Leschetor, ou le Viscont seissent en la maine le Roy auts terres la ou il nad reason de seiser: et puis quant troue est le non reason, les issues du mes̄ tēps ont estre ceo en arere retenus, & nemy rendus, quant le Roy ad la maine ouste: Vloit le Roy q̄ desozmes, la ou terres sont issint seissies, & puis la maine ouste pur ceo q̄ il nad reason de seisier, ne ceo tener, soient les issues pleinment rendus a celui a q̄ la terre demurre, & aūa le dam̄ resceiue. 23. C. 1. De Escaetozibus.

Golde

Articuli super chartas.

Golde &c. 1. cap. 20.

Couueigne est q̄ nul Ouzuer D'angleterre ne aillors de la seignioz le Roy, ne ouere, ne face de ci en auant nul manner de vessel, ne iaialx, ne auter chose doze ne d'argent, q̄ ne soit de bon & veray allay, cest assauoir, oze de certaine touche, & argent del allay del esterling, ou de melioz allay, solongz le volunt de celuy, a que les oucrers sont. Et que nul oucr, peioz argent que money. Et que nul manner de vessel d'argent, ne departe hois des maines dez ouerours, tanqz ei soit assay per les gardeines de le myster, & auxy q̄ ei soit sign d'un teste d'un Leopard. Et q̄ nul ne ouer peioz oze q̄ de touche de Paris. Et q̄ les gardeins du mysterie allent de shope en shope entz les ozseurs, assaiants q̄ loze soit tiel cōe la touche auantdit. Et sils trouōt nul peioz q̄ la touch, q̄ lower soit forfait al roy. Et que nul ne face anneux, croix, ne firmaux. Et nul ne mett p̄ire en oze, si d ne soit naturel. Et que taillours des aimans & dez scales, rendant a chescū son poyz d'argent & doze auxy auant cōe ils le purront scauer sur leur foialty. Et les ioyaux doze, q̄ ils ont entermains de veil ouere, q̄ ils sen deliueront a plus toft q̄ ils purront. Et sils achatent deloz en auant de mesme cell ouerage, q̄ ils lachotent pur deferre, & ne my pur rebender. Et tousz lez bones villes D'engleterre, la ou il y ad ozseurs, que ils facent per mesm lestatute, cōe ceuz de Londres font. Et que vn veigne de chescū ville pur

pur tous, a Londres, de queſ lour certain
 touche. Et si vlt' Dyseure soit attainit que
 auterment le face que desuis n'est ordeine,
 soit punie per prison, & per ransom a la vo-
 lunt le Roy. Et en tous les choses desuis
 ditz, & chescun de els voit le Roy, & tend il
 & son Counsell, & tous ceux q̄ a cest
 ordeinement fuerent, que le droit
 & la seigniozie, de la Cozone
 laues luy soient per
 tous &c.

Explicunt Articuli Super Chartas.

¶ Statutum de Appellatis.

Note that this Statute is in other
 prints vntreuely intituled Modus
 leuandi Fines.

Appeales 3.

CUm certi Iusticiai in singulis Comi-
 tatibus Regni ad Assisas in eisdē ca-
 piendas de nouo assignati sint, simul-
 que ad deliberationē Gaolarū eorū-
 dem Comitatuū in singulis aduenti s
 suis fac' post captionem earundem assisarū,
 prout in statuto domini Regis inde confecto
 plenius

Statutum de Appellatis.

plenius continetur. [27. E. 1. ca. 13. de Finibus leuatis.] Dñs Rex ad parliamentū suum apud Westm̄, Anñ regni sui xxviij. pro pace firmiter obseruāda, felonibusq; celerius conuincend', & prisonibus citius deliberand', concessit, ordinauit, & statuit, quod quicumque fuerint appellati per probatores existētes in gaolis, quas ipsi Iustic' deliberant, & ubicunque in regno n̄ro ipsi appellat' commorantes fuerint, aut latitantes, qd' statim mandetur Vic', in quorum balliua talit' appellati fuerint conuertentes aut poterint inueniri, per breue dñi Regis sub testimonio eorūdem Iustic', qd' taliter appellatos capiant & ducere fac', ad gaolas vbi appellatores p quos appellant' fuerint detenti, & ibidem coram ipsis Iustic' respondeant. Et si ipsi appellati se super patriā posuerint, similiter mandetur per breue de Iudicio per eosdē Iustic' vic' in cuius balliua feloniz factē fuerint, de quibus appellantur, quod venire faciat coram eisdē Iustic' inquis. patrię ad eundem locum, vbi appellatores sunt detenti, ad certum diem. Et Vic' & alij in quorum custodia appellatores detinentur, admittant sine contradictione appellatos per eosdem probatores, cum eisdem appellati capti fuerint in forma prædicta, & ad ipsos appellatores adducti.

De coniunctim Feoffatis.

testas simul cum tenente qui presens est coniunctim feoffatum, qd' sit ad certum diē responsurus, simul cum alio tenenti parti querenti, tam de exceptione proposita, quam de ten' petitis & positis in visu, si sibi viderint expedire. Ad quem diem si ambo qui dicuntur tenentes venerint, & feoffamentū illud aduocauerint, respondeant, & manuteneant exceptionem p vnū eorū ppositam, & similiter vltorius ad assisam, ac si bñe originale super eos coniunctim fuisset impetratum.

3 Et si conuincatur p assisam, qd' exceptio illa in retardationem iuris querentis maliciose fuit pposita, eo qd' ipsi non fuerunt coniunctim feoffati de ten' illis, die impetrationis p'dict' breuis, tunc licet assisa illa transferretur p tenentibus, & contra querentem, nihilominus puniantur talē exceptionem proponentes, per prisonam vnus anni, à qua non exeant sine graui redemptione.

4 Et caueant de cetero Iustic', qd' talem exceptionem sic ppositā p balliuos aliquorū tenentium non admittant. Si autem ille qui exceptionem illam proposuit se ad diem illum absentauerit, & alter qui dicitur coniunctim feoffatus comparuerit, licet ipse comparens p'd' cartam aduocauerit, & dixerit se nihil habere in p'ced' ten', nihilominus aduocatus dicitur assisa versus tenentem absentem peius defaltam. Et si conuincatur p assisam, qd' ipsi non fuerūt coniunctim feoffati, die impetrationis bñis p'dicti, & si similiter conuincatur quod tenēs super quem breue fue

rit impetratū, vel alius nominatus in breui disseisierit querentem, tunc habita consideratione ad exceptionem in lesionem partis falsō & maliciose ppositam, & ad disseisinam p eos factam, pars querens recuperet seisinā suā, & dāpna sua in duplo, & pponentes illā exceptionem habeant pœnam supradictā.

5 Si autem neuter tenentiū ad diem illum venerit, tunc per eorum defaultā versus eos capiatur assisa. Et si compertū sit per eandē, qd' exceptio illa verē & ritē sit pposita, quia ipsi qui eam pposuerint fuerunt coniunctim feoffati antequam qrens breue suum versus eos impetrauit, non procedatur vltterius ad assisam, sed cassetur breue querentis. Hoc idē obseruetur si ambo vel vnus tantū venerit, si comperiat per assisam, qd' exceptio p̄dicta (vt p̄dictum est) veracit̄ fuit pposita. Eodem modo statutum & concordatū est, quod in Assis mortis antecessoris, & breui de Iuris vtrum, ad primum diem quo partes compauerint in curia, si tenens proponat p̄dictam exceptionem contra petentem, & de hoc p̄tendit chartam, & petens offerat verificare per assisam, vel iuratam, qd' die impetrationis breuis sui, ille qui talē exceptionē proposuit, fuit solus tenens, extunc idem p̄cessus & modus p̄cedendi seruetur in huiusmodi assisa mortis antecessoris, & breui de Iuris vtrum, qui p̄ordinat̄ est, & statut̄ in assis nonē disseisinē.

6 Et eadem pœna delinquentibus & conuictis infligat̄. In alijs vero breuibus per que-

De coniunctim Feoffatis.

tenementa petentur, talis fiat processus, qd' si primo die quo partes compatuerunt in curia, tenens proponat exceptionem prædictam de coniuncto feoffamento, & petens offerat verificare per iurata patrie, quod die impetrationis breuis sui, ille qui exceptionem illam proposuit fuit solus tenens, tunc idem processus & modus procedendi seruetur inter partes, quousque iurata inde inter eas transferit. Et si comperiat per Iurata quod exceptio illa veraciter fuerit proposita, tunc cassetur breue petentis. Et si comperiat per iurata, quod exceptio illa falso & maliciose in læsionem partis fuit proposita, tunc petens recuperet seisinam suam de tenementis petitis, & tenens puniatur per poenam supradictam in Assisa nouæ disseisinæ, quoad prisonam, & quoad dampna secundum discretionem Iusticiariorum. Et volumus & concedimus, quod istud Statutum incipiat locum tenere in crastino Sancti Petri ad vincula proximum futuro.

Indicavit. cap. 2.

¶ Quia etiam lites in curia Christianitatis hæctenus indebitas dilationes multoties sortiebantur, per hoc qd' breue nostrum quod vocatur Indicavit, iudicibus talium lituum in initio earum dilatatum fuit, & super hoc capitalis Iusticiarius noster ad consultationem super tali processu faciendam, ritum seu debito modo nequit procedere: Comcordatum est, qd' tale breue Indicavit alicui de cetero non concedatur, antequam lis in

curia

Stat̄ de frangentibus prison̄. 101

curia Christianitatis inter partes fuerit contestata, et per inspectionem libelli Cancellarius noster certioreretur super hoc. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westm̄ 27. die Maij. Anno regni nostri 34.

Explicit statutum de coniunctim Feoffatiis.

¶ Statuē de frangentibus Prisonam, editum Anno primo Edw. 2.

Felonie 2.

DE Prisonarijs prisonam frangentibus, Dominus Rex vult & precepit, quod nullus de cetero qui prisonam fregerit, subeat iudicium vite vel membrorum pro fractione prisonam tantum, nisi causa, pro qua captus & imprisonatus fuerit, tale iudicium requirat, si de illa secundum Legem & consuetud' terre fuisset conuictus, licet temporibus preteritis aliter fieri consuevit.

O. iij.

¶ Arti.

¶ **A**rticulus statuti Gloc', correctus
pro Ciuibus Londoñ, de Foren-
sificis vocatis ad warri in Hu-
stingo Londoñ. [9.E.2.]

Voucher 7.

PArriew est ensement, que si homs
pemples en la Citie de Loundres,
bouche forzreñ a garrantie, le Mayoz
& les Bailifes aioznt les parties
deuant Justices de bank au certein
iour, & enuoient la leur recozd. Et les Ju-
stices fañ summosñ le garñ deuant eux, &
pledent le garñ. Et le Mayoz & les Bai-
lifes en dementiers surcessent a la parole
que est deuant eux per bñe, iesqz a taunt que
que la parolt de la garñ soit termine deuant
Justices du banke. Et quant la parole
serra termine en banke, sera dit al garñ, q
il voise en la Citie, et respoignñ del chief
plee. Et le demaundant per sa suit ept des
Justices de bank au Mayoz, & aux bailifes,
que ils voissent auant en le plee. Et si le de-
mandat recouet, veignñ le tenat aux Justi-
de banke, & eit bñe au Mayoz & as bailifes
que si le tenant cit la terre perdu, que il
facent extēdze la terre, & retournent l'extē-
au banke au certein iour, apzès soit maun-
au viscount du pais ou le garñ fuit sum-
que il face auoir de la terē du garrant a
baliance. Et sil aueignñ, que le tenant fa-
defait au iour q̄ luy est doñ en banke, do-
qui

ques issira briefe des Justices du bank as
 Mayor & bailifes de prendre le tenement
 demaunde, en la maine le Roy per le petit
 Cap, & de summoſi le tenant q̄ il soit al Hu-
 ſting au certaine iour, dont les Justices
 ser̄t auſſes, a rendē iudgemēt de cel default,
 sil ne la puisse sauē, & sil la puisse sauē, a
 donq̄s les Justices soient de ceo certifies
 per leur recoz̄d, & les Justices per leur res-
 coz̄d pledent le gar̄t.

Memorandum quod iste Articulus in for-
 ma præd' consignatus fuit sub magno sigillo
 domini E. filij Regis E. anno regn̄ sui nono, &
 missus Iustic' de banc' in modum breuis pa-
 tentis, cum quodam breui clauso sub data
 Regis apud Westm̄ secundo die Maij anno
 prædicto, quod ipsi omnia & singula in arti-
 culo prædicto contenta facerent & exequere-
 rentur: Non obstante quod articulus

ille in omnibus cum Statuto

Gloc' [cap. 12.] non
 concordat.

O. iij.

¶ Arti-

¶ Articuli Cleri, editi

Anno 9. Edm. 2.

Edwardus Dei gratia Rex Anglię, &c. Omnibus ad quos presentes literę peruenerint, salutem. Sciatis quod cum dudum temporibus progenitorum nostrorũ quondam Regum Anglię, in diuersis Parliamentis suis, & similiter postquam Regni nostri gubernacula suscepimus, in parliamētis nostris, per Pręlatos, & Clerum Regni nostri, plures Articuli continentes grauamina aliqua Ecclesię Anglicanę, & ipsis Pręlati & Clero illata, ut in eisdem asserebatur porrecti fuissent, & cum instantia supplicatum, ut inde apponeretur remedium opportunũ, ac nuper in Parliamēto nō apud Lincolnũ añ regni nostri nono, Articulos subscriptos, & qualdẽ responsiones ad aliquos eorũ prius factas, eorum consilio nō recitat, ac qualdam responsiones corrigi, & ceteris articulis subscriptis p nos & dictũ consiliũ nrm fecerimus respondere: quorũ quidem Articulorũ & responsionum tenores subsequunt in hunc modum.

Prohibition I. cap. I.

¶ In primis Laici impetrant phibitiones in genere sup decimis, obuentionibus, oblationib⁹, mortuarijs, redẽptionibus penitentiarum, violenta manuum iniectione in Clericum vel conuersum, & in causa diffamation: in quibus casibus agitur ad pœnam canonicam imponendam: Rex ad istũ articulũ respondit, quod in decimis, oblationibus, obuen-

obventionibus, mortuarijs, quando sub istis nominibus proponuntur, prohibitioni Regiæ non est locus: etiam si, propter detentionem istorum diuturnam ad estimationem earundem pecuniarum veniant. Sed si Clericus vel Religiosus decimas suas in horreo suo congregatas, vel alibi existentes vendiderit alicui pro pecunia, si petatur pecunia coram Iudice ecclesiastico, locum habet Regia prohibitio, quia per venditionem res spirituales fiunt temporales, & transeunt decime in catalla.

Prohibition 2. cap. 2.

Item si sit contentio de iure Decimarum, originem habens de iure patronatus, & earundem decimarum quantitas, ascendat ad quartam partem bonorum Ecclesie, locum habet Regis prohibitio, si hæc causa coram Iudice ecclesiastico ventiletur. Item si Prelatus imponat penam pecuniariam alicui pro peccato, & repetat illam, regia prohibitio locum habet. Veruntamen si Prelatus imponat penitentias corporales, & sic puniti velint huiusmodi penitentias per pecuniam redimere sponte, non habet locum regia prohibitio, si coram Prelatis pecunia ab eis exigatur.

Prohibition 3. cap. 3.

Insuper, si aliquis violentas manus iniecerit in Clericum pro violentia facta, debet emenda fieri coram Rege, pro excommunicatione vero coram Prelato, ubi imponatur penitentia corporalis, quem si reus velit sponte per pecuniam redimere, dandum Prelato vel lesio, potest repeti coram Prelato, nec in talibus regia prohibitio locum habet.

Prohi-

Articuli Cleri.

Prohibition 4. cap. 4.

In diffamatoribus etiam corrigant Prælati supradicti modo, Regia prohibitione non obstante, primo iniungendo pœnam corporalem, qd' si reus velit redimere, libere percipiat Prælatus pecuniam, licet Regia prohibitio porrigatur.

Prohibition 5. cap. 5.

Item si aliquis in fundo suo Molendinum erexit de nouo, & postea à rectore loci exigat decima de eodẽ, exhibetur regia prohibitio sub hac forma: Quod de tali Molendino hætenus decimę non fuerunt solutę, prohibemus & c. et sententiam excommunicationis si quam hac occasione promulgaueritis, reuocetis omnino. ¶ Responso. In tali casu nunquam exiuit regia prohibitio de principis voluntate; qui & decernit talem perpetuo non exire.

Jurisdiction 2. cap. 6.

Item si aliqua causa vel negotium, cuius cognitio spectat ad forum Ecclesiasticum, & coram ecclesiastico Iudice fuerit sententialitèr terminatę, & transierit in rem iudicatam, nec per appellationem fuerit suspensum, & postmodũ coram iudice seculari sup eadẽ rem inter easdẽ psonas questio moueatur, & probetur per testes vel instrumẽta, talis exceptio in foro seculari non admittatur. ¶ Responso. Quando ea de causa diuersis rationib' coram Iudicibus ecclesiasticis & secularibus ventilatur vt supra, patet de iniectione violentèr manuũ in clericũ, dicunt quod (non obstante ecclesi-

ecclesiastico iudicio) cur Regis ipsum tractat negotium, ut sibi expedire videtur.

Excommungement 1. cap. 7.

Item litera Regia Ordinarijs dirigitur, qui aliquos suos subditos excommunicationis vinculo innodarunt, qd' eos absoluant infra certum diem: alioquin qd' compareant responsi. quare eos excōmunicauerunt. ¶ Responſio. Rex decernit, qd' talis litera nunq̄ in posterū exire permittatur, nisi in casu in quo possit inueniri, leđi per excōmunicationem regiam libertatē.

Residence 1. cap. 8.

Item Barones de Scaccario dñi Regis vendicantes sibi ex privilegio, quod non debent extra illū locū conquerenti cuicunq; respondere, extendunt illud privilegiū ad Clericos commorantes ibm̄, vocatos ad ordines, seu ad residentia, & dioecesanis inhiſcant, ne aliquo modo, aliquaue ex causa, dū sint in Scaccario, & in seruitio dñi Regis, trahant ad iudicium quouismodo. ¶ Responſio. Placet dño Regi, ut Cleric' suis obsequijs intendentes, si delinquāt p̄ ordinarios (ut ceteri) corrigantur, sed tēpore quo occupantur circa scaccarū, ad residentia in suis faciendā ecclesijs non teneantur. Hic additur de nouo, p̄ conciliū dñi Regis. Rex & antecessores sui à tēpore cuius cōtrarij memō non existit, vsi sunt, q̄ clerici suis immorantes obsequijs, dū obsequijs illis intēderint, ad residentia in suis bñficijs faciendā minimē cōpellātur: nec debet dici tēdere in iudiciū ecclesiasticę libertatis, qd' p̄ rege & repub-

Articuli Cleri.

republica necessarium inuenitur.

Dist. 6. cap. 9.

Item ministri dñi Regis, vt Vic' & alij, ingrediunt feoda Ecclesie ad faciendū distri-
ctionē, & aliquando capiunt animalia recto-
rum in via regia, qñdo non habēt nisi terram
pertinentē ad Ecclesiam. ¶ *Responsio.* Pla-
cet domino Regi[ne] de cetero distri-
ctionē fiant hñodi, nec in via regia, nec in feodis,
quibus olim Ecclesie sunt dotatz. Vult ta-
men distri-
ctiones fieri in possessionibus de
nouo à personis Ecclesiasticis acquisitis.

Abiuration 3. cap. 10.

Item quandoq; aliqui confugientes ad Ec-
clesiam abiurant terram, secundū regni con-
suetudinē, & psequuntur laici eos, vel inimici
eorū, & à publica strata abstrahuntur, & sus-
pēduntur, vel statim decapitātur, & dum sint
in Ecclesia custodiuntur per armatos infra
cemiteriū [&] quandoq; infra Ecclesiam ita
arctē, q̄ non possint exire locum sacrum causa
superflui ponderis deponēdi, nec pmittit eis
necessaria ad victus ministrari. ¶ *Responsio.*
Qui terram abiurauerint, dum sint, in strata
publica, sint in pace dñi Regis, nec debent ab
aliquo molestari: et dum sint in Ecclesia, cu-
stod' eorū non debent morari infra cemiteri-
um, nisi necessitas, vel euasionis periculū hoc
requirat, nec arctent' confugeēt, dū sint in Ec-
clesia, quin possint habere vitæ necessaria: &
exire liberē p obsceno pondere deponēdo.

Appeales 6. cap. 11.

Placet etiam dño Regi, vt latrones, vel ap-
pella-

pellatores, quecunque voluerint, possint Sacerdotibus sua tacinora confiteri: Sed caueant confessores, ne erroneè huiusmodi appellatores informant.

Monasteries 3. cap. 12.

Item petit, quod dñs Rex, & regni Magnates, non onerent domos Religiosas, vel Ecclesiasticas personas pro corodijs, pencionibus, vel perhendinationibus faciend' in domibus Religiosis, & alijs locis Ecclesiasticis, carectis & equis sibi mittend', cū p hoc p̄dicē domus depauperentur, cultusquē diuinus in hac pte diminuat, & ppter h̄m̄di onera compelluntur sepiusimè presbiteri, & alij ministri ecclesiastici, diuinis officijs deputat, à locis recedere supradict. ¶ Responsio. Placet domino Regi, quod sup contentis in petitione, de cetero indebitè non onerentur. Et si per Magnates, aut alios contra fiat, habeant inde remedium iuxta formam Statutorū tempore domini Edwardi Regis, patris domini Regis nunc q̄ditorum. Et fiat consimile remedium de corodijs & pencionibus per coherisionem exactis, de quibus non fit mentio in statutis.

Excommungement 2. cap. 13.

Item si aliqui de tenura domini Regis vocantur coram Ordinarijs extra parochiam in qua degunt, si propter suam contumaciam manifestam excommunicentur, ac cum post xl dies pro eorū captione scribatur, p̄tendant se priuilegiatos, q̄ extra villam, seu parochiam suā non debent vocari, & sic denegatur breue Regiū pro captione eorundem.

¶ Respon-

Articuli Cleri.

¶ **Responsio.** Nunquam fuit negatum, nec negabitur in futurum.

Abilitie & Nonabilitie 1. cap. 14.

Item petitur quod personæ ecclesiasticæ, quas dñs Rex ad beneficia præsentet ecclesiastica, si Episcopus eas non admittat, ut puta propter defectum scientiæ, vel aliam causam rationabilem non subeant examinationem Laicarum personarum in casibus antedictis, prout his temporibus attentatur de facto, contra Canonicas sanctiones: sed adeant iudicem ecclesiasticum, ad quem de iure pertinet, pro remedio, prout iustum fuerit, consequendo. ¶ **Responsio.** De idoneitate personæ præsentatæ ad beneficiû ecclesiasticum, pertinet examinatio ad Iudicem ecclesiasticû, & ita hæctenus vsitatû, & fiat in futurum.

Electio 2. cap. 15.

Item si vacet aliqua dignitas, ubi electio est faciêda, petitur quod electores liberè possint eligere, absquè incussione timoris à quacunque potestate seculari: & quod cessant preces & oppressiones in hac parte. ¶ **Responsio.** Fiant liberè, iuxta formam statutorum & ordinationum. [Westm̄ 1. cap. 5.]

Clergie 3. cap. 16.

Item licet Clericus coram seculari Iudice iudicari non debeat, nec aliquid contra ipsum fieri, per quod ad periculum mortis, vel ad mutilationem membrorum valeat pervenire, seculares tamen Iudices clericos ad ecclesiam confugientes, & reatus suos fortè confitentes, faciunt abiurare Regnum, &

eorum abiurationes admittunt de illa causa, quamquám eorum iudices super his non existant: Sicq; dat̄ laicis indirectè potestas huiusmodi Clericos cruciandi, si ipsos post huiusmodi abiurationem in Regno contigerit inueniri, super quo petunt Prælati & Clerus tale remedium adhiberi, vt immunitas Ecclesie, & personarum ecclesiasticarum conseruetur illæsa. ¶ Responsio. Clericus ad Ecclesiam confugiens pro feloniam p̄ immunitate ecclesiastica obtinenda, si asserit se esse Clericum, regnū non compellatur abiurare, sed Legi regni se reddens, gaudebit ecclesiastica libertate, iuxta laudabilem consuetudinem Regni hæctenus vsitatam.

Clergie 4. cap. 17.

Item quanq̄ confessio, coram illo qui non est Iudex, confitentis locum non teneat, nec sufficiat ad satisfaciend' p̄cessū, vel sententiã p̄ferendã: quidam tamen seculares iudices, clericos qui de foro suo in hac parte non existunt, reatus p̄prios, & enormes, vtputa turpita, roberias, homicidia coram eis confitentes, admittunt accusationē illorū, quam ipsi communitè vocant appellū ipsos sic confitentes & accusates, seu appellū faciētes non liberant Prælatis eorū post præmissa, quanq̄ sup his fuerint sufficiēt requisit̄, licet corā eis etiã p̄ confessionē p̄priam iudicari vel condemnari nequeant, absq; violatione Ecclesiasticę libertatis. ¶ Responsio. Appellatoꝝ in forma debet tanq̄ clerico p̄ ordinariū perito, libertat̄ ecclesiasticę benefic' nō negabitur.

Nos

Statutū Eborac'.

Nos desiderantes statui Ecclesię Anglicanę,
& tranquillitati, & quieti Pręlatorū & Cleri
prędictorum (quatenus de iurę poterimus)
prouidere ad honorę Dei, & emendationem
status dictę Ecclesię, & Pręlatorum, & Cleri
prędictorū, omnes & singulas responsiones
p̄dictas, ac omnia & singula in eisdę respon-
sionibus contētis, ratificantes & approbātes,
ea p̄ nobis & heredib' nostris concedimus,
& pręcipimus in perpetuum inuiolabilitę
obseruari: Volentes & concedentes pro no-
bis & heredibus nostris, quod p̄dicti Pręlati
& Clerus, & eorū successores in perpetuum
in pręmissis iurisdictionę Ecclesiasticam ex-
erceant, iuxta tenorem responsionum prę-
dictarū, absquę occasione [Ecclesię] inquietatione,
vel impedimento nostri, vel no-
strorum heredum, seu ministro-
rum quorumcunque. In
cuius &c. Teste &c.

Explicunt Articuli Cleri.

¶ Statutum Eborac', editū
Anno 12. Edw. 2.

PAr ceo q̄ plusors gentes du Roialme
Dengleterre, et de la terre Dires-
land, ount auant ceux heures souer-
foytes, suffertes mischiese, damage, et
disherisons, per encheson de ceo q̄ en
alcan

ascun case ou default fuit en ley, remedie ne fuit ordeigne: et auxint pur ceo q̄ ascuns points des estatutes auant faits auoyent mestier declarisemēt: Post̄ seignioz le Roy Edward, fitz au Roy E. desirant plenier droit estre fait a son people, a son parliamēt a Cuerwicke, a troys semaignes de saint Michell, lan de son reigne 12. p̄ assent des Prelates, Countes, Barons, & le Cōmunaltie de son Roialme, il lonq̄s assemblies, fist lez establishmēt, & lez estatutes, q̄ur sensuont, les q̄ur il voit q̄ en le dit Roialme, & en la dit terre soyent fermement tenus.

Assise 8. cap. 1.

Enprimis, pur diuers mischiefes queux ont este, de ceo q̄ les tenants en Assises de Nouel dissein. ne puissent auāt ceuz heures faire Attournies. Accord est, q̄ les tenants en Assises de Nouel dissein puissent faire Attournies. Et ne entend̄ my le Roy per tant que lez tenants & les defēdants en Assise de Nouel diss. ne puissent pleder p̄ bailifes s̄is boillent, come auant soient.

Witness 1. cap. 2.

Et ensemēt accord est, q̄ quant charter, quite claim, acquitance, ou autre escript soit dedist en la court le Roy, en queux sont tesmoign̄ nosines, soit proces fait de faire beñ les tesmoignes, come auāt ad este vse, issint q̄ si nul veigne a la graund distres sur eux retozne, ou retozne soit q̄ ils nont riens, ou ne sont troues: que adonques ne soit lesse le prise del enquest p̄ absēce de ceuz tesmoign̄.

¶. j.

Et G

De Statuto Eborac'.

Et si les tesmoignes veignent p le grand distresse, & lenquest per ascun encheson, remaine appzende, soit mesme le iour done a ceux tesmoignes q̄ux issint viendront, q̄ est done a lenquest pزند: & q̄l iour si les tesmoignes ne viēdzont, soient iour issues p̄zimes sur eux retoznes forzfaits, & la p̄ise del enquest ne remait a pزند pur iour absence. Et pur le absence des tesmoignes, q̄ux sont deins franchises, ou b̄e le roy original ne court, ne soit le p̄ise del enquest lesse.

Nisi prius 3. cap. 3.

Et come il soit conteigne en lestatute fait a Westminster, le second iour de April, lan du raigne le Roy, pier nostre seignior le roy que oze est xxvij. [de Finibus leuatis cap. 4.] q̄ les Enquestes & les reconusances deuat Justices de lun banke & de lautre aindges fuissent p̄ises deuant ascun des Justices des places, associe a luy vn chivaler del coustie ou les enquestes serront appzendes, si les enquestes ne fuissent de grande examinemet, & q̄ en tiels enq̄stes soit fait sicō les Justices vieront q̄ soit affaire au p̄ite du Roialme, le q̄l statute ad mestier destre mieux declare. Accozd est, q̄ les Enquestes & Juries, q̄ux serront ou soient appzendes en pleē de terre, q̄ux ne sont mpe de grande examenement, soyent p̄ises en pays deuant vn Justice del place ou le pleē est, associe a luy vn probe home del pais, chivaler, ou auter, issint q̄ certeine iour soit done en banke & certein iour & lieu en pays, en p̄esēce des parties

parties, si le ddant le prie. Et auxy les Enquestes & Juries en plée de terē, q̄ demaūds graund examineēt, soyēt prises en pays, en la foiz̄m̄ susdit, deuāt deux Justices de bāk.

Nisi prius 4. cap. 4.

Et eit le Justice, ou les Justices poyar de recorder nonsuites & defaults en pays, as iours & lieux q̄ux seront assignes, sicōe desuis est dit. Et ceo q̄ ils aueront fait en les choses susdits, soit report en bank au iour done, & illonq̄s enrolle, & sur ceo iudgement rendus. Et nentend my le Roy, q̄ les dits Enq̄stes & Juries ne puissent estre prises en bank sils veignont, ne q̄ cest estatute soy extēde as graund Assises. Et auxy vn Justice de lun place, ou de laut̄, associe a luy vn probe home du pays, chivaler ou auter, a la request del pl̄ preigna les enq̄sts des plées pledes, & a pleder, q̄ux sont moues p̄ attachement, & distres, & eit poyar de recorder nonsuits, cōe desuis est dit, & p̄der les enq̄sts p̄ defaults illonq̄s faits. Et quāt a les Assises de Darrein p̄sentment, & les enq̄sts sur b̄e de Quare impedit prendes, soit fait cōe est conteign̄ en le ij. estatute de Westminster cap. 30. Et eyent les Justices poiar a recorder nonsuits & defaults en pays, & sur ceo iudgemēt don̄ come en bank, & soit report en bank ceo q̄ ils ont faits, & illonq̄s soient enrolle. Et si aueign̄, q̄ le Justice, ou les Justices, q̄ux sont, ou fr̄ont assignez dapp̄redre tiex enquestes en pays ne veignont, ou si veign̄ en pays au iour assigne iademaines,

De Statuto Eborac'.

les parties & les gentes des enquestes gardent iour iour en banque.

Retournes &c. 3. cap. 5.

Et par ceo q̄ souent pleints ont este faits en la Court le Roy, que les retoznes queux Bailifes des fraunchises, q̄ux ount pleine retourne del bziefe le Roy, ount liueres as biconts, apzès ont este chaūges, & en auter maner retoznes en la court del Roy, a dañ des ascuns des parties, & en delayance de droiture. Accorde est, que des retoznes, queux desoze le ferront as biconts per baylifes de tielx franchises, soit fait Indēture perenter le baylife del fraunchise, nosme per son proper nosme, & le bicont nosme per son pper nosme. Et si le bicont change le retozn̄ issint liuere a luy per Indenture, et de ceo soit attaint al suīt del seignioz du franchise, dont il ad tiel retozne resceiue, si le seignioz auet damages encurrue, ou sa fraunchise soit emblemy, et a le suīt del partie q̄ auera damages encurrue per cel encheson, soit punie deuers le Roy come de faux retozne, & rend al seignioz & a la partie damages au double. Auxint est accord, que desoze, les biē, ou auters bailifes q̄ux resceiuont bēes le Roy retozn̄ en sa court, mittent leur proper nosmes oue les retoznes, issint que la court puit scauer a que ils prendzont tielx retoznes, si mestier soit. Et si ascun bicont ou auter bailife en ses retoznes enterleste son nosme, soit il grēuousement amercie a oeps del Roy.

Vittales I. cap. 6.

Ensement pur common profit du peole
 accorde est, q̄ nul minister en Citie, ne Bo-
 rough, que per reason de son office doit gard
 Illises des vitiers, & des vitales, entant
 come il serra attendant a cel office, ne mer-
 chandizer Vines ne Vittales en grosse ne
 a retaile. Et si ascun le face, & de ceo soit at-
 taint, le merchandize dont il serra attainte
 soit foysait au Roy, & la tierce part soit li-
 uere, come del done le Roy a celuy a q̄ suit
 le trespassoz serra issint attaint. Et en tiel
 case soit resceiue celuy que voudra suer pur
 tiel chose atteind. Et Chauncelloz, Treas-
 sozer, Barons del Eschequer, Justice de
 lun banke et de lautre, & Justices assigne
 as Illises prender, resceiuent tielx plaints
 per briefes, et sans bres, & les terminent,
 & persacent toutes les choses conteigne en
 cest article en le forme auantdit. Et iade-
 maines puis le Roy assigne les Justices
 a cel chose persaire en Cities, &
 Boroughes, quant, & la
 ou luy plerra.

Explicit Statutum Eborac'.

P. iij. ¶ Statu-

¶ Statutum de Essoiñ calumniand',
edit' Anno 12. Edw. 2.

Essoine II. cap. I.

Hic demonstratur quot modis Essoiñ
sunt calumniand', & in quibus casu-
bus essoiñ non iacet: videlicet, non
iacet Essoiñ, quia terra capta est in
manū dñi Regis. Non iacet essoiñ
quia districtus est p terras. Non iacet essoiñ
quia concessum est hinc iudiciū, si Iurata ve-
niant. Non iacet essoiñ, quia visus fuit in cu-
ria. Non iacet de vltra Mare, quia alias se es-
soniauit de malo veniendi. Non iacet, quia
alias se essoniauit tali die. Non iacet, quia
pceptū fuit Vicecomiti, quod faceret eum
venire. Non iacet de seruitio dñi Regis, quia
fæmina, nisi quia nutrix, obstetrix, aut mita-
tur per breue ad ventrem inspiciendam. Non
iacet in breui de Dote, quia videtur de ce-
tio, & prorogatio iuris. Non iacet, quia talis
querens non inuenit plegios de psequendo.
Non iacet, quia Attornū fuit essoniatus. Non
iacet, quia habet Attornū in loquela. Non i-
acet, quia essoniator testat, quod non est in se-
ruicio dñi Regis. Non iacet, quia sum testificatus
non est, vel pars non attachiat, eo qd' Vice-
comes mandauit quod non est inuenta.
Non iacet, quia alias se essoniauit de seruitio
dñi Regis, scilicet, tali die [et] modo non n-
sit warrantiam. Non iacet, quia resum fuit
ultima p'sentatione, vel morte antecessoris.
Non iacet, quia talis non nominatur in b
N

Non iacet, quia præceptum fuit Vicecom̄,
quod distringat eum venire per terras & cat-
talla. Non iacet, quia mandatū fuit tali Epis-
copo, quod faceret eum venire. Non iacet,
quia terminus præterijt. Et sciendū est, quod
Esloin de seruitio domini Regis allocan-
tur post magnum Cap, post paruum
Cap, & post distractiones factas
per terras & catalla,

¶ Prærogatiua Regis, edit

Anno 17. Edm. 2.

Wardes 13. cap. 1.

Dominus Rex habeat custodiam,
omnium terrarū eorum qui de ipso
tenent in Capite per seruitium Mili-
tare, de quibus ipsi tenentes fuerunt
feisti in dominico suo vt de feodo,
die quo obierunt, de quocunque tenuerint
per hñodi seruitium, dum tamen ipsi tene-
runt de Rege aliquod tenē ab antiquo de Co-
rona, vsque ad legitimam etatem heredis,
exceptis feodis Archiepiscopi Cantuarien̄,
Episcopi Dunolm̄ inter Cine & Cise, feodis
Comitat, & Baronū de Marchia, de terris in
Marchia vbi breuia dñi Regis non currunt,
& vnde prædicti Archiepiscopus, Episcopus,
Com̄, & Baron̄, habeant hñodi custodiam:
licet alibi tenuerunt de Rege.

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Prerogatiua Regis.

Wardes 14. cap. 2.

Item Rex habebit Maritagium hered' infra etatem, & in custodia sua existent, siue terre hered' eorundem, sint ab antiquo de Corona, siue de eschaetis, que sunt in manu dñi Regis, siue habuerint Maritagium ratione custodiæ terrarū dominorū eorundem heredum, nullo habito respectū ad prioritatem feoffamenti: licet de alijs tenuerint.

Primer seisin 1. cap. 3.

Item Rex habebit primam seisinam post mortem eorū, qui de eo tenent in capite, de omnibus terris & tenētis, de quibus ipsi fuerunt seisiti in dñico suo vt de feodo, cuiuscunque etatis hered' ipsorū fuerint, capiēdo omnes exitus eorundem terrarū & tenementorū, donec facta fuerit inquisitio, prout moris est, & ceperit homagium huiusmodi heredum.

Women 2. cap. 4.

Item assignabit viduis post mortē virorum suorum, qui de eo tenuerint in capite, dotem suam que eis contingit &c. licet hered' fuerint plene etatis, si vidue illæ voluerint. Et vidue illæ ante assignationē dotis sue p̄dict', siue hered' plene etatis fuerint, siue infra etatem, iurabunt qd se non maritabūt sine licētia Regis. Et si se maritauerint sine licētia Regis, tunc Rex capiet in manū suā nomīnū districtiōnis, omnes terras & tenementa, que de eo tenent in dotem, donec satisfecerint ad voluntatē dñi Regis, ita quod ipsa mulier nihil capiet de exitibus &c. quia [al' quousq;] per hmodi

hūmodi districtiones huiusmodi mulieres, seu
 viri earū finem faciant Regi ad voluntatem
 suam. Et illa voluntas tēpore regis Henrici,
 patris Regis E. estimari consuevit ad valen-
 tiam p̄dictę dotis p̄ vnum annū ad minus, nisi
 vberiorē gratiam habuerint. Mulieres quę
 de Rege tenent in capite aliquam heredita-
 tem, iurabunt similiter (cuiuscūq; fuerint etat-
 is) qd' se non maritabunt sine licentia Re-
 gis. Et si fecerint, terre & tenemēta ipsarum
 eodem modo capiantur in manū dñi Regis,
 quousq; satisfecerint, ad voluntatem domini
 Regis. [Magna charta cap. 7.]

Partition 1. cap. 5.

Et si vna hereditas, quę de Rege tenetur
 in capite, descendat plurib' participibus, tunc
 omnes illi heredes faciant homagium Regi,
 & illa hereditas quę de Rege tenetur, parti-
 cipabitur inter heredes illos, ita quilibet eorū
 extunc partem suam tenebit de Rege.

Wardes 15. cap. 6.

Si Mulier ante mortē antecessoris sui qui
 de Rege tenet in capite, ante annos nobiles
 maritata fuerit, tunc Rex habebit custodiam
 corporis illius mulieris vsque ad etatem, qd'
 consentire possit: & tunc eligat ipsa vtrum
 maluerit habere virum illū, cui premaritata
 fuerit, vel alium, quem Rex ei obtulerit.

Alienation without licence 1. & 2. cap. 7.

Nullus qui de Rege tenet in capite per ser-
 uitiū militare, potest alienare maiore par-
 tem terrarū suarū, ita qd' residuum non suffi-
 ciat ad faciendum seruitiū suū, sine licentia

Regis.

*Case null est mltro
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124.

Prerogatiua Regis.

Regis. Sed hoc non consuevit intelligi de membris & particulis earundem terrarum.

De Sericantijs alienatis sine licentia Regis, consuevit Rex arentare hñodi sericantias per rationabilem extētam inde faciendam.

Adworsen 2. cap. 8.

De Ecclesijs vacantibus, quarū aduocationes spectant ad Regem, & alij presentauerint ad eadem, ita qd' contentio inter dominum Regem & alios oriatur: Si Rex p considerationē Curiz presentationē suam recuperauerit, licet post lapsū sex mensū à tēpore vacationis, nullū occurrit ei tempus, dum tamen Rex p̄sentauerit infra tēpus sex mensū.

Fooles 1. cap. 9.

Rex habebit custodiam terrarū fatuorum naturalium, capiēdo exitus eorundem, sine vasto & destructione, & inueniet eis necessaria sua de cuiuscunq; feodo terre illę fuerint. Et post mortem eorū reddat eam rectis heredibus, ita q̄ nullatenus p eosdē fatuos alienentur, nec qd' eorū hered' exheredentur.

Fooles 2. cap. 10.

Item Rex prouidebit, quando aliquis qui prius habuerit memoriā & intellectū, non fuerit compos mentis suę, sicut quidam sunt p lucida intervalla, qd' terī & tenemta eiusdem saluo custodiantur, sine vasto & destructione, & qd' ipsi & familia sua de exitibus eorundē uiuant & sustineant competentē, & residuū ultra sustentationem eorū idē rationabiliter custodiatur, ad opus ipsorū, liberand' eisde quando memoriā recuperauerint,

Regis

ita

ita qd' p̄dict' terrę & tēta infra p̄dictū tem-
pus nullatenus alienentur : Nec Rex aliquid
de exit percipiat ad opus suum. Et si obierit
in tali statu, tunc illud residuum distribuatur
pro anima eiusdē, per consiliū Ordinarij.

Wrecke 2. cap. 11.

Item Rex habebit wreccum Maris per totū
Regnum, Balenas, & Sturgiones captos in
Mare, vel alibi infra Regnum, exceptis qui-
busdam priuilegiatis locis per Reges.

Escheat 1. cap. 12.

Item habebit eschaetas de terris Norman-
norum, cuiuscunque feodi fuerint, saluo ser-
uicio quod pertinet ad capitales dominos
feodi illius. Et hoc similiter intelligendū est,
si aliqua hæreditas descendat alicui nato in
partibus transmarinis, & cuius antecessores
fuerunt ad fidem Regis Franciæ, vt tempore
Regis Iohannis, & non ad fidem Regis An-
glie: Sicut contingit de Baronia Monumentę
post mortē Iohannis de Monumenta, cuius
heredes fuerint de Britannia, & alibi. De
feodis aliorum recuperauit Rex Henricus,
plures eschaetas de terris Normannorū oc-
casionē prædicta, & eas contulit tenend' de
capitalibus dominis feodi per seruitia inde
debita & consueta.

Intrusion 1. cap. 13.

Quando aliquis, qui de Rege tenet in Ca-
pite in fata decedat, & heres eius ingredia-
tur tēn, quod antecessor suus tenuit de Rege
die quo obiit antequam fecerit homagium
Regi, & seisinam suam ceperit per Regem:
tunc

Prerogatiua Regis.

tunc nullum accrescit ei liberū tenementū. Et si obierit seiscitus p̄ idem tēpus, vxor eius non habebit dotem de tenemēto illo: Sicut contingit de Matilda filia Comitis Hereford^o vxoris Maunsell^o Mareſcalli, qui post mortē Wilhelmi Mareſcalli Anglię fratris sui, cepit seiscinam Caſtri & manerij de Scrogoill^o, et obiit in eodē Caſtro, antequam intrasset per Regem, & fecisset ei homagiū, & vnde concordatum fuit, q̄ vxor non haberet dotem, eo qd' vir suus non intrauit per Regem, vto per Intrusionem. Sed hoc non intelligatur de [Eschaetis alias] Socagio & paruis tenuris.

Forfaiture cap. 14.

Item Rex habebit Eschaetas de terris libere tenentiū Archiepiscopōrū, & Episcopōrū, quando ipsi tenentes damnati sunt pro felonis facta tēpore vacationis, dū temporalia eorūdem fuerint in manu domini Regis, conferend' cui voluerit imperpetuum: Saluo seruitio quod ad dictos Prelatos inde pertinet & fieri consuevit.

Patents 3. cap. 16.

Quando dominus Rex dat vel concedit alicui manerium vel terram cū pertinentijs, nisi faciat in charta sua vel scripto expressam mentionem de feodis Militum, aduocationibus Ecclesiarum, & dotibus cum acciderint, ad p̄dictum manerium vel terram pertinentē, tunc his diebus Rex reseruat sibi eadem feoda, & aduocatē, cum dotibus: licet inter alias personas non fuerint obseruata.

Forfai-

Forfaiture 3. cap 17.

Item Rex habebit omnia catalla felonum
 damnatorū & fugitiuorū, vbicunq; fuerint in-
 uentū. Et si ipsi habent liberū tenē, tunc illud sta-
 tim capiatur in manū dñi Regis: Et Rex ha-
 bebbit omnes exitus eiusdē per vnū annum &
 vnum diem, & tenementū illud vastabitur &
 destruetur de domibus, boscis, & gardinis, &
 alijs quibuscūque ad p̄dictū tenementū spe-
 ctant, exceptis hominibus quorundam loco-
 rum priuilegiatorū inde per Regem. Et post-
 quam dñs Rex habuerit annum, diem, & va-
 stum, tunc reddatur tenē illud capitali dño fe-
 odi illius, ^{unū pri} faciat finem p̄ anno, die, &
 vasto. De consuet̄ tamen dicitur, quod post
 annum & diem, terre & tenementa felonū in
 Glōc' reddentur & reuertēt̄ p̄ xim heredi,
 cui debuerant discēdere, si feloniam facta non
 fuisset. Et in Kanc' in Guelkind: (The Fa-
 ther to the bough, the sonne to the plough)
 Ibidem omnes hered' masculi participabunt
 hereditatem eorum, & similiter feminæ, sed
 feminæ non participabunt cū masculis. Et
 Mulier habebit post mortem viri medie-
 ratem pro dote sua. Et si mulier for-
 nicetur in viduitate, perdet
 dotem suam, vel si sit
 disponfata viro.

Explicit Prerogatiua Regis.

¶ Incipit

¶ Incipit Statutum de Magna Assisa
iniungend' siue Duello.

Vous deues sauoir ou graund Assise
se ioint, & bataille nient, ou bataille se
ioint, & graund assise nient, & ou l'un
ne l'auter ne se ioient. Graund assise se ioint
& bataille nient, lou vn hōe vend terre a vn
autr' p charte, & cell' purchaser vend cell' terre
ouster, & nad niēt plus de terre, & il rende la
charter dont il est enfeoffe, vient le heire le
p'zimer feoffour & luy empled, il ne purt my
la seisin' defendere p le corps son frank hom,
mes il se purt mettē en Dieu & en la graund
assise. Bataille se ioint & graund assise niēt
la ou le bouchee est enfeoffe, & bouche son
feoffoz a garē p chēe q̄ il aū de luy, il purra
bedire la chēe per le corps son frank home,
la ne gist pas graund assise, mes bataille.
Auxint graund assise ne se ioint pas entē pa-
rents auāt q̄ ils soiēt passes le tierce degré
la ou ils claument p vn m̄ la discent. Mes
bataille se ioint enter freres, la ou l'un est
feoffe p charter, & l'autr' claime p discent. Et
ou l'un ne l'auter ne se ioint, niēt la ou le de-
maūdāt claim a teñ en frank mariage, ou
frank Burgage, ou en frankk locage, ou en
Gauelkind cōe en Kent, ou en auf man, cōe
si le dōant demaunde foizsqz petite chose, cōe
vn acre de fre, ou demy toft, ou croft, dōqz p
assēt dez pties, ou p agz bez Justices, ci pou-
ent ilz consēter en vn Jur de bones franks
hōes & loialx, pur esparer le traual & le ser-
m̄t de bonez chiualers, & ils ferrōt le serm̄t
sans delay dōt ils dirē voier a lour asscient
[Veies le Vieux natū des b'ēs fo. 1.] Ann

Anno 1. Henrici quinti.

Addition 1. cap. 5.

Item ordeine est & establies, que en chescun brieve original des actions personels, appeales, & endictments, et en quez exigend terra agard q̄ auxy nosme des defendants en tiels briefes originals, appeales, & endictments soient faits addition de leur estate, ou degre, ou de misterie, & les villes ou hamlettes, lieux, & les Counties de quez ils fueront ou sont, ou en quez ils sont ou fuerent conuersantes. Et si per proces sur les dits bres originals, appeales, ou endictments, en quez les dits Additions soient enterlesses ascuns vlagaries soiēt pronoucies, q̄ ilz soient voides, irrites, & tenus pur nul. Et q̄ auant les vlagaries pronoucies les dits bres & endictments soiēt abatus per exception du partie, per la ou en icell' les dits additions soient enterlesses.

2 Puruiew toutz foitz, que mesmes les dits briefes d'actions personels ne soient accordsants as recordes, & faits p̄ le surplusage de additions suisdits, q̄ pur cel cause ils ne soient abatus. Et q̄ les Clerkes del Chancellerie, south q̄ nosmes tiels bres issent escriptes, ne enterlessent ne facent omission des dits additions, come desuis est dit, sur peine destre punis, & faire fine al Roy p̄ discretion de le Chauceller. Et commencera cest ordinance a tener lieu al suit de ptie, de la feast de saint Michael p̄cheine ensuant.

Anno

Forcible entrie 3. cap. 9.

Item come per le noble Roy Richard
 nadgaires Roy Dengleterre, puy
 conquest second, a son Parliamt tenu
 Westminster lendemain des Almes
 lan de son Reigne 15. [cap. 2.] enter au
 ters choses ordeines soit & establies, q̄ le
 estatutes & ordinaunces faits & nient re
 pelles de ceux q̄ fount entries oue fort ma
 & armes en aucuns terres, tenements, o
 auters possessions quicunque, et lour teig
 nent eins oue force & armes, et de ceux qu
 font insurrections, riots, routes, chiva
 ches, & assembles en disturbance de la peac
 nostre s̄r le Roy, ou de la common Ley, e
 affray de son people, serroiēt tenuz & plei
 nement & duement executes.

2 Et ouster ceo ordeigne est p̄ mesm̄ lesta
 tute, que tous les soites q̄ tiels forcible
 entries soient faits, & pleint ent veign̄ a
 Justices du peace, ou ascū deux, q̄ mesme
 lez Justices ou Justice preignēt ou preig
 popar del Countie, & voient ou voise al lie
 ou tiel force soit fait.

3 Et sils trouent, ou troue aucuns teig
 nantes tiel lieu forciblement apres tiel en
 trie fait, soyent prises & mises en prochein
 Gaole, a y demurrer conuict de record
 mesmes les Justices ou Justice, tanq̄ il
 eyent fait fine & ransome au Roy.

4 Et q̄ toats gents de Countie, cibis
 Misconts come auters, soient entendant

as dits Justices, & de eux enforcer par arrester tiels malefaisors sur peine d'empriſonnement, & de faire fine & ranſome au Roy.

5 Et q̄ en m̄ le man̄ soit fait de ceux q̄ font forcibles entries en benefices ou offices de ſaint Eglise, cōe en m̄ leſtatute eſt conteine plus au pleine.

6 Et p̄ tāt q̄ le dit eſtatute nextend̄ mye as entries en tenemens en peacible maner & apres teñ oue force.

7 Ne, ſi les pſons que entreint oue force, en alcūns t̄res ou tenemēts, ſoiēt de tout remoues & voides deuāt le venue de dits Juſtices ou Juſtiē come deuant.

8 Ne nul peñ ordeine, ſi le viſcount ne obey mye les cōmañdemēts & p̄ceptes des dits Juſtiē pur execut lozdinance ſuiſdit.

9 Plusours extorcemens et forcibles entries ſont faits de iour en auter, en terres & tenemēts, p̄ ceux que droit nont.

10 Et auxy diſis dones ſcoffemēts, & diſcontinūāces aſē foitz faits as ſñrs & auz pſōz puiſſāts & extorcioñs deinz l's ditz couñtez, ou ils ſont conuſātz, pur maintenāce auoir, & aſē foitz as tielx pſōs enſy ouſtes, diſcon² a tiel entent, pur delayer & defrauder tielx droiturelz poſſeſſours de leur dēt & recoueres a tous iours, a finall diſheriſon de plusors des melmes ſoialz lieges n̄e ſeignior le roy, & ſemblabl' eſt dencreſſer de iour en auter, ſi due remedy ne ſoit puruiew en cel party.

11 Noſtre Seignior le Roy conſiderāt
 D. j. les

Forcible Entre.

les p̄misses, ad ordeine q̄ le dit estatute & tous autres estatutes de tiels entres ou alienations devant faits, soient tenus & due-
ment executes.

12 Adionstant a icelles, que desoz e-
stant, si ascū face tiel forcible entree en ter-
res, tenements, ou autres possessions, ou
eux teigne forciblemēt apres compleint ent-
fait deins mesm le county lou tiel entree soit
fait as Justices du peace, ou a un deux p̄ la
partie greue, que les Justices ou Justice
ensy garnie, deins temps couenable facent
ou face duement executer le dit estatutes,
ceo as costages de la ptie ensy greue.

13 Et ouster ceo, coment q̄ tiels persons
faisants tiels entres, soient presentes ou
bords devant le venue des dits Justices ou
Justice, maintenant mesmes les Justices
ou Justice, en ascun bon ville, plus p̄chein
as tenements ensy entres, ou en ascun lie
couenable, solongz leur discretton, euent,
chescun deux eyt authozitie & poyat denqu-
rer p̄ les gentes de mesme le Countie, aux
bien de ceux q̄ font tiels forcibles entres en
terres & tenements, come de ceux que
teignent oue force.

14 Et si trouue soit devant ascun de eu
que ascun face le contraire de cest estatute
adonqz les dits Justices ou Justice, face
ou face reseiser les tres ou tenements ensy e-
tries, ou tenus come devant, & mettre la p̄
ensy ouste en pleine poss. de m̄z les terres
tenements come devant entres ou tenus.

15 Et si ascū pson apres tiel entrie en terres ou tenemēts tenus oue force, face feoffemēt, ou aut̄ discontinuance, al ascun s̄r ou auter pson pur maintenance auoir, ou pur toller & defrauder le possessor de son recoūy en ascū maner, si apres, en assise ou aut̄ action ent estē p̄ise ou pursue deuant Justices des Assises, ou aut̄s Justices du Roy quicunq̄ per due enq̄rer ent app̄endre, purra duement estē p̄oue, mesmes les feoffemēts & discontinuances estē faits pur maintenāce, cōe desuis est dit, q̄ adonq̄z tielx feoffemēts, ou auters discontinuances ensū come deuāt faits, soiēt voides, irrites, & tenus pur nul.

16 Et auxy q̄nt les dits Justices ou Justice ferront tielx enquires cōe deuāt, facent ou face lour garrants & p̄cepts, directes as Viscount de mesm̄ le Countie, luy commandant deper le Roy de faire venir deuant eux, & chescun deux, persons sufficients & indifferents pluis p̄ocheine demurrants enter les tenemēts ensū entres, cōe deuant, denquiere de tielx entries.

17 Dont chesē q̄ serē empanell denquiere en celle partie, eit terē ou tēnt dānuel value de xl. s. p̄ an au meines, ouist̄ les reprises.

18 Et que le viscount retoz̄n̄ illue sur chescū deux a iour de p̄mier p̄cept retoz̄nable xx. s. & al second iour xl. s. & al tierce fois C. s. & a chescun iour ap̄s le double. Et si ascū Vis̄ ou Bailife deins fraūchise eiant retoz̄ne de b̄e du Roy, soit lache, & ne face duement exē des dits p̄cepts a luy directes

Forcible Entre.

pur tiels enquires faire, que il foz fait deuenir
le Roy xx. li. pur chescun defaut, & oulté fact
fine & ranfome au Roy.

19 Et q̄ auxy bien les Justices ou Justitiars
auant dits, cōe lez Justices des assises a loz
benir en pays, pur assises p̄nder, eient, & che
cū de eux eit, potar doier & terminer tiels de
faits & negligences des dits Visconts & ba
lifes, & chescū deux, auxy bien p̄ bill al suz d
partie greue, pur luy mesme, come pur le ro
a suer, come per enditement app̄pendē pur
Roy solement.

20 Et si le Viscont ou bailife soit duement
attaingt en cel partie per lenditement, ou p̄ bill
que celuy q̄ sue pur luy & pur le Roy, eit v
moitie del forz faiture de xx. li. ensemblemen
oue les collages & expences.

21 Et q̄ mesme le p̄ces soit fait vers tiels
endites ou sues p̄ bill en cel pty, sicōe serron
vs endites ou sues p̄ b̄re de Cr̄ns oue forz
& armes encoūtē la peace de n̄re s̄nr le Roy.

22 Et ouster ceo, si ascū p̄son soit ouste ou
diseisne de aucuns terres ou tenements ou
forcible maner, ou ouste peaceablement, & a
pres tenus de hors oue forz maine & armes
encounter la Justice du peace, ou apres tie
entre ascū man̄ ent soit fait pur defrauder
toller le d̄t del possessour, q̄ la pty greue er
celle partie eyet Assise de Nouel diseisne, ou
brieve de Trespas vers tiel diseisour.

23 Et si la partie greue recouere per assise
ou per action de Cr̄ns, & troue soit per v̄dic
ou en auter maner per due forme de ley, que

la partie defendant entré oue force en terres & tenements, ou eux per force apres son entree tiendra, que le pl' recouera les damz au treble, vers le defendant.

24 Et ouster ceo, que il face fine et ran-
sone au Roy.

25 Et que Mayors, Justices, ou Justice de peace, Viscounts, & Bailifes de Cities, & Boroughes, cyants franchise, eiant en les dits cities, villes, & boroughes autiel poyar de tiels entrees ouster, & en auters articles deluis dits emergentes deins icelles, come ont les Justices du peace & Viscounts en counties & pays suisoits.

26 Puruew tous foits, q̄ ceux que gar-
dent per force lour possessions en ascūz ter-
res ou teneiments dont ils ou lour aunces-
toys, ou ceux queux estate ils ont en tiels
terres & tenements ont continues lour pos-
sessions en icelles, per trois ans ou plus, ne
soyent mye endam̄ p̄ force de celt' estatute.

Anno 23. H. 6.

Shirifes 4. cap. 10.

Item le Roy considerant les grandes
peruurie, extorcion, & oppression, q̄ux sont
& ont este en cest Roialme per les Vis-
counts, souch Viscounts, & lour Clerkes,
Coroners, Seneschals des franchises,
bailifes, & gardeins dez prisons, & aus offi-
cers en diuerses Counties de cest Roialme.

Shirifes.

2 Ad ordeine per lauthoritie suisdit en
elcheving de tous tielx extorcions, pirrie,
& oppzession, q̄ nul Viscont lesse a ferme en
ascū man son County, ne ascun de ses bay-
lywikes, hundredes, ne wapētakes, ne q̄ les
dits Visconts, south visc̄, bailifes des fraun-
chises, ne ascun auter bailifes retourne sur
ascū b̄re ou p̄cept a eux direct de retour̄n, ab-
cuns Enq̄ts, en ascū panell sur ceo destre
fait, ascūs bailifes, officers, ou servants, a
ascū de les officers suisdits, en ascū panel p̄
eux issint affaire, ne q̄ null' dez officers & mi-
nisters p̄ occasion, ou sous colour de leur
office, p̄igne ascū aut̄ chose, per eux ne p̄ ascū
aut̄ p̄son a leur vse, p̄fit, ou auait', dascū p̄son
p̄ eux, ou ascun deux dest̄ arrestus, ou atta-
ches, ne de nul aut̄ p̄ eux, pur la lesse dascū
arrest ou attachm̄t destre faitz p̄ leur corps,
ou ascū person per eux, ou ascū deux, p̄ force
ou colour de leur office arrest² ou attaches
pur fine, fē, sekwet del prison, mainprise, les-
sance a baile, ou monstrance ascū eale ou fa-
uour a ascū tiel person issint arrestus ou ar-
restet̄ pur leur regarde, ou p̄ofite, sinon tiel
come ensuit, cest assavoir, pur le viscont xx. s.
le baylife q̄ face larrest ou attachment iiii. s.
& le gaoler si le p̄ysoner soit commis a sa
garde iiij. s.

3 Et que le Viscont, south viscont, clerke
de visc̄, seneschalt', ou bailife de fraunchise,
servant au bailife, ne Cozoner, p̄eigne per
colour de son office per luy, ne per ascun au-
ter person a son vse, dascun person pur le
fealour

fealour dascun retour si ou panel ascū chose,
 & pur le copie dun panel iij. s.

4 Et que les dits Viscounts, et tous
 autres officers & ministers auantdits, lesse-
 ront hors de prison, toutes maners des per-
 sons per eux, ou ascun deux arrestes, ou
 esteants en leur garde per force dascun bte,
 bill, ou garrant, en ascū actions personels,
 ou per cause d'endictment de trespas, sur
 reasonable suertie de sufficientes persons
 eyants sufficient deins les counties lou ti-
 els psons sont issint lesles a baile ou main-
 prise, de garder leur iours, en tielx lieux,
 come les dits bziefes, bills, ou garrants re-
 quirent: tiel person ou persons que sont ou
 seront en leur garde per condemnation,
 execution, Capias velagatum siue excom-
 municatum, suertie de la peace, et toutes
 tielx persons que sont ou seront commis a
 gard, & p especial commaundment dascun
 Justice, & vagarants refusants de seruire,
 solong la fourme de lestatute de Labourers
 tantsolemt except.

5 Et que nul Viscount, ne nul de les offi-
 cers ou ministers suisdit, preigne, ou face de
 prendre, ou faire, ascun obligation pur as-
 cun cause suisdits, ou colour de leur office,
 sinon tantsolemt a leur mesmes, dascun per-
 son, ne per ascun person, q soit en leur gard,
 per le cours de la ley, fors sur le nosme de
 leur office, & sur condition escrete, q les di-
 s prisoners appergeront a le iour contenu
 en les dits bziefes, bills, ou garrant, et en

*vi jous le nabor de justice pas
 cont 64 & iour soit a
 cont 64 & le cont 64
 cont 64*

tielx lieux ou les dits briezefes, blis, ou garē
requires.

6 Et si ascū des dits Viscounts, ou auters
officers, ou ministers suisdits, pzeigne ascū
obligation en auter foyme, p colour de leur
offices, q̄ il soit boide. Et q̄ il ne pzeign plus
pur le feafans dascun tiel obligatē, garrant,
ou pzept per eux destre fait fozsq̄ iij. d.

7 Et auxint q̄ chescū de les dits viscounts
face annuelment vn deputie en les Courts
du Roy de la Chauncery, le Banke, & Les-
chequer, de record, deuant que ils retoznent
ascūs bres, de resceiver tous maners des
bres & garrants a eux destre deliueres.

8 Et q̄ tous viscounts, south viscounts,
clerkes, bailifes, gaolers, cozoners, lenes-
chals, bailifes des fraunchises, ou ascun au-
ters officers ou ministers q̄ux font le con-
trarie de cest ordonnance en ascū point dicell,
perdeē al pty en icell' endam̄ ou greue, ses
trebles dam̄s, & fozfaitē la somme de xl. li.
a chescū temps q̄ eux, ou ascun de eux font
le contrarie dicell, en ascū point dicell: dont
le Roy dauer lun moitie, ceo destre employes
al ble de son hostell, & en nul auter maner, &
la party q̄ ceo voit suer l'auter moitie.

9 Et que les Justices des Assises en leur
Sessions, Justice de lun bank & de l'auter,
& Justice de peace en leur pays, eyant poiar
denquīrer, oyer et terminer del office sans
especial commission, de & sur tous yceux q̄
ferront le contrarie de cestes ordonances en
ascun article ou point dycel.

10 Et si les dits Wiscounts retournent sur ascū person Cēpi corpus, ou Reddidit se, q̄ ils soyēt chargeables d'auer les corps des dits persons a les iours des retournes des dits b̄res, bils, ou garrants, en tiel fourme come ils fuerent deuāt la fessans de ceo ad.

11 Puruiew tous foits que per cest present ordināce le Gardeine del gaole du Roy de flēte, & del Paleis du Roy a Westminister, pur le temps esteant, ne soit endamage ne p̄iudice en son duitie de son office. Et auxint que cest ordinance commença al feast de Pasche, que sera en lan nostre Seignior 1446.

Anno 4. Hen. 7.

Fines 8. cap. 24.

Item where it was ordeined in the time of king Edward the first, by the statute de Finibus, that notes and fines to be leuied in the kings court afore his Iustices, should be openly and solemply read. And that pleas in the meane time should cease: And this to be done by two dayes in the weeke, after the discretion of the Iustices, as in the said statute moze plainly appeareth: [Vide Stat. de Finibus leuatis 27. E. 1. Fines 1. before, añ 34. E. 2. cap. 6. Fines 4.]

2 The king our Soueraigne Lord, considereth that fines ought to be of the greatest strength to auoide strifes and debates, and to the finall end and conclusion, and of such effect

Fines.

effect were taken, afoze a Statute made of Non claime, and now is vied the contrarie, to the vniuersall trouble of the Kings Subiects: Will therefore it be ordeined, by the aduise of the Lords spirituall and temporall, and the commons in the said parliament assembled, and by authoritie of the same, That after the ingrossing of euery fine to be leuied after the feast of Easter, that shall be in the yeare of our Lord, 1490. in the kings Court, afoze his Iustices of the Common p^lees, of any lands, tenemets, or any other hereditaments, the same fine be openly & solempnly read and pzoclaimed in the same Court the same Terme, and in thzee Termes then next following the same ingrossing in the same Court, at foure sene- rall daies in euery Terme. And in the same time that it is so read and pzoclaimed all p^lees to cease.

3 And the said pzoclamations so had and made, the fine to be finall end, and conclude aswell priuies as esttraungers to the same, except women couert, other then bin parties to the said fine, and euery person then being within age of xxj. yeres, in pzison, or out of this realm, or not of whole mind at the time of the said fine leuied, noz parties to such fine.

4 And sauing to euery person or persons, or to their heires, other thē the parties in the said fine, such right, claim, & interest, as they haue to or in h^e said lands, tenemets, or other heredi-

Quant vn fine
terra dit deste
engrosse, vide
Nat. br. 147. a.

hereditaments, time of such fine ingrossed.

5 So that they pursue their title, claime, or interest, by way of action, or lawfull entrie, within five yeares next after the said proclamations had and made.

6 And also saving to all other persons such action, right, title, claime, & interest, in or to the said lands, tenements, or other hereditaments, as first shal grow, remain, or come to them after the said fine ingrossed, & proclamation made, by force of any gift in the taile, or by any other cause or matter, had & made befoze the said fine leuied, so that they take their action, or pursue their said right & title, according to the law, within five yerres next after such action, right, claime, title, or interest to them accrued, discended, fallen, or come: & that the said persons & their heires may haue their said action against the person or the profits of the said lands & tenements, and other hereditaments time of the said action to be taken: & if the same persons at the time of such action, right, and title accrued, discended, remained, or come vnto them, be couert baron, or within age, in pryson, or out of this land, or not of whol mind:

7 That then it is ordeined by the said authoritie, that their action, right, and title to be reserued & saued to them & to their heires, vnto the time they come and be at their full age of xxj. yerres, out of pryson, within this land, vncouert, and of whole mind, so that they or their heires take their said actions, or their

Fines.

their lawfull entrie, according to their right & title, within five yerres next after that they come and be at their full age, out of pryson, within this land, vncouert, and of whole mind, and the same actions pursue, or other lawfull entrie take, according to the law.

8 And also it is ordeined by the authority aforesaid, that all such persons as be couert be baron not partie to the fine, & euerie person being within age of xxj. yerres, in pryson, or out of this land, or not of whole mind at time of the said fines leuied and ingrossed, and by this said act afoze except, hauing any right or title, or cause of action, to any of the said lands, & other hereditaments, that they or their heires, inheritable to the same, take their said actions, or lawfull entrie, according to their right & title, within five yerres next after they come & be of the age of xxj. yerres, out of pryson, vncouert, within this land, & of whole mind, and the same actions sue, or their lawfull entrie take and pursue, according to the law.

9 And if they do, & take not their actions and enter as is aforesaid, that they & euerie of them & their heires, & the heires of euerie of them be concluded by the same fines for ever, in like forme as they bin that bin parties or priues to the said fines.

10 Hauing to euerie person or persons, not partie nor priue to the said fine, their exception to auoid the same fine by that, that those [that] were parties to the fine, nor any of them,

them, nor no person nor persons to their vse, ne to the vse of any of them, had nothing in the lands or tenements comprised in the said fine, at the time of the said fine leuied.

11 And it is ordeined by the said authozity, that euery fine that hereafter shall be leuied in any of the kings courts, of any manors, lands, tenements, & other possessions, after the maner, vse, & forme that fines haue bin leuied afore the making of this act, be of like force, effect, & authozity, as fines so leuied, be or were afore the making of this act: this act or any other act in the said parliament made or to be made notwithstanding.

12 And euery peer son be at his libertie, to leuie any fine hereafter, after his pleasure, whether he will, after the forme contened and ordeined in and by this act, or after the maner and forme afozetime vled.

Women 3.

Anno 11.H.7.cap. 20. Discontinuance
of right or estate.

For certeine reasonable considerations be it ordeyned, enacted, and established by the king our soueraigne Lord, and by the assent of the Lords spirituall & temporall, and the cominons in this present parliament assembled, and by authozitie of the same, that if any woman which hath had, or hereafter shall haue any estate in dowry, or for terme of life, or in taile iointly with her hus

3 And ouer this be it ordeined & enacted by the said authozitie, that if any of the said husbandes and women, or any other seised, or that shall be seised to the vse of them, of the estate afoze specified, after the said first day of December, do make, or cause to be made, or suffer any such discontinuance, alienations, warranties, or recoueries, in forme afozesaid, that then it shall be lawfull to the person or persons, to whom the said tenements should or ought to belong after the decease of the said woman, to enter into the same, and them to possede and inioy, according to such title & interest, as they should haue had in the same, if the same woman had been dead, no discontinuance, warrantie nor recouerie had, as against the said husband during his life, if the said discontinuance, alienation warranties, and recoueries, be hereafter had, by or against the same husbandes and women during the couerture and espouseis betwixt them.

4 Provided alway, that the said women, after the decease of their said husbands, may reenter into the manors, lands, and tenements, and them to inioy according to their first estate in the same. And ouer this be it ordeined and enacted by the said authority, that if the said woman at the time of such discontinuance, alienations, recoueries, warranties, after the said first day of December, in forme afozesaid to be had & made of any of the p̄misses be sole, that then she shall

Women.

shall be barred and excluded of her title and interest in the same from thenceforth, & that the person and persons to whom the title, interest, and possession of the same should belong after the decease of the said women, shall immediatly after the said discontinuance, alienations, warranties, and recoveries, enter into the same manors, lands, tenements, and other hereditaments, & them to possede and enioy, according to his or their title in the same.

5 Provided also that this act extende not to auoioe any recoverie, discontinuance, or warrantie, after the forme aforesaid, afoze this time had, made, or suffered, but onely where the said husband & woman, or either of them now being aliue, or any other to their vse, now haue interest and title to the said manors, lands, tenemēts, or other hereditaments, aliened, discontinued, or suffered to be recovered, after the forme aforesaid, & thereof now taking the issues and profits, or any other person or persons to their vse.

6 Provided also that this act extende not to any such recoverie or discontinuance to be had with the heires next inheritable to the said woman, or where he or they that next after the death of the same woman should haue estate of inheritance in the same manours, lands or tenements, be assenting or agreeable to the said recoveries, where the same assent and agreement [be] of record or inrolled.

7 Provided also, that it shall be lawfull to every such woman being sole, or maryed, after the death of her first husband, to gyve, sell, or make discontinuance of any such lands for terme of her life onely, after the course and vse of the Common Law befoze the making of this present Act.

Actions populer.

An act concerning Actions populer, and Statutes penall. Anno 7. H. 8. cap. 3.

Actions populer 3.

Whercas diuers and many penall statutes & ordinances haue been made and ordeyned, some whereby the punishments giuen onely to the King our soveraigne Lord, his heires & successors, by action, writ, bill, indictment, or information, and some whereby the King by himselfe, or any other common person for the king, or for himselfe onely, may sue by writ, bill, indictment, or information against the offenders in that behalfe: And because of long tract of time, and for sparing of the suit thereof, and that the after such long tract of time, diuers and many of the kings true Subiects haue been in time passed vexed and troubled for the penalties contained in the said statutes & ordinances, moze for malyce then for Justice, whereupon perjuries haue insued, to the great trouble and vexation of the kings true

R. j. true

Actions populer.

true subiects, their heires and executors, being ignozant of the said statutes & offences: wherefoze, and for the tender loue and zeale that our soueraigne Lord the king beareth to his said louing Subiects, and at their humble desire,

2 We it enacted, ordeined, and established by his highnes, & by the assent of the Lords spirituall & temporali, and the commons in this present parliament assembled, and by the authoritie of the same, that all and singular such actions, suits, bills, indiments, or informations, as from the xx. day of the moneth of Nouember, the vij. yeare of our said soueraigne Lordes raigne shalbe commenced, taken, sued, had, or made, onely for any dette, moueable goods, or cattels, forfaited and lost, or to be forfaited or lost, wherunto the king onely his heires or successors, and none other common person shall or may be intituled by reason of the sayd penall statutes, or any of them, shall be commenced, sued, taken, or had within fower yeres next after the offence or offences, forfaiture or forfaitures, of, or for the same, had or made against the ordinance & prouision of any such act or actes, statute or statutes penall, & not after the said fower yeares.

3 And that for any offence or forfaiture made or had, or to be made or had against the ordinance and prouision of any act or actes penall, made & ordeyned, or to be made and ordeyned, wheremy, action, suit, bill,

oz information populer, is oz shalbe giuen to any person oz persons, such as will sue for the king & for him oz themselfe, oz onely for him oz themselfe, that such action, bill, suit, oz information be commēced, sued, had, & made, by such person oz persons, other then the king, as will sue in that behalfe, within one yere next after the offence oz forsaiture, had, made, oz committed against the ordinance & prouision of any such act oz acts penall, and not after the said yere ended.

4 And that the kings suit by writ, bill, plaint, indictment, oz information on that behalfe be commenced, sued, had, oz made, within two yeres next after the offence oz forsaiture made oz had against the prouision and ordinance of any act oz actes, statute oz statutes penal, and not after the said two yeres.

5 And if any action, suit, bill, indictment, oz information, concerning the foresaid statutes, oz any of them [be] had, oz made, otherwise then within the time oz times limited, as is aforesaid, that then the same action, suit, bill, indictment, & information, and euery of them commenced, sued, had, oz made, for the said offence oz offences, forsaiture oz forsaitures, shalbe void and of no force ne effect: any act oz acts, statute oz statutes made to the contrary notwithstanding.

6 Prouided alway that where any action, information, oz inditement, is limited by any statute to be had, made, oz taken within

Recoveries.

shorter time or times, then (as is afoze rehearsed) that it be had, made, and taken, according to the time limited in that statute.

Recoveries.

An act concerning Aduowries for Rents and seruices . Anno 7.H.8.cap.4.

Recoveries 1.]

Whereas diuers, as well noble men as other the kings subiects, haue suffered Recoveries against them of diuers their manors, lordships, lands, & tenements, for the performance of their Wills, or for the suertie of their wiues iointures, or for the iointure of sonnes and heires apparent & their wiues, or for any other person or persons, according to their couenants & agréments, and those persons that so haue recovered the said manors by the course of the common Law, had no remedie, nor may haue, to compell the fermor, freholders, and tenants, which held of the same manors, by the rents, seruices, or customes, to attourne to them, nor could by the order of the Law attaine to the rents, seruices, or customes, (if they were denied) by distres, or action, without they could once attaine to the possession of the same rents, seruices, and customes, by paying or doing the said rents, seruices, or customes, by the same freholders, fermors, & tenants, which to do, diuers
and

and many of them haue oftentimes refused, & yet do, to the great offence & charge of their conscience, not onely to the disheritance of the said recouersers, but also in breaking of the last wils of them against whom such recouerie is had: and also to the disheritance of the said husband, wifes, & other to whose vse the same recouerie was so had.

2 Also if there were any aduowson appendant to any of the said manors, the same aduowson had fallen voide, & a stranger had presented, the said Recouersers, nor they to whose vse the same recoueries were had, had no remedy for the same disturbance, & sometime there by they haue been disinherited.

3 Be it therefore enacted by this present parliament, & by the authozitie of the same, that the Recouersers in all such recoueries, their heires, & all assignes, may from henceforth distreine for the foresaid rents, seruises, & customes, so being due & vnpaid, and make auowzie, or iustifie the same, as those persons against whom the said recouerie is, should haue done, if the said recouerie had not been had, & also haue like remedy for the recovering of the said rents, seruises, and customes, by auowzie, & also Quare impedit for the said aduowson, if any disturbance be made, as those persons, against whom the said recoueries were had, might, or should haue had, by the course of the common Law before the said recovery, if any such rents, seruises, or customes had been denied them, or

Assise.

any such disturbance had bin had in their times.

4 And also that every auowant, and every other person or persons that maketh auowrie, conuance, or knowledge, or iustifie as bailie to any other person or persons in any Replegi. or second deliuerance, for any rent, custome, or seruice, if their auowrie, conuance, or iustification be found for them, or the plaintifes in the said actions otherwise barred, shall recouer their dammages and costes that they haue sustained, as the plaintife should haue done, if they had recouered in the said Repleuings. [See after Anno 21. H.8. cap. 19. Auowrie 1.]

Assise.

An act concerning Abridgements of plaints in Assise, Anno 21. H.8. cap. 3.

Assise. 9.

FOrasmuch as Assises which haue ben thought the most speedy remedy, be now by occasion of pleding of many barres to moities & partes of the lands put in view and plaint, greatly delayed, for difficulties & diuision of pleding.

2 And one cause thereof is because the plaintifes in the assise in such pless, to moities and parts cannot by the law abridge their plaints.

3 For remedie whereof be it enacted, that the

the plaintif in euery Masse from henceforth, may at his pleasure seuer and abzidge his plaint, of any part or partes whereunto any barre is pleaded, in such like maner, as he or they might doe in case that pless in barre had bin made & diuided to any certaintie or number of acres in the plaint, and that the plaint for the residue of the part or parts of the lands not abzidged, shall be & stand good & effectuell in the law.

Spirituall persons.

¶ An Acte against pluralities of benefices, for taking of fermes by spirituall men, & for residence. An. 21. H. 8. ca. 13.

Residence 2.

FOR the more quiet & vertuous increase and maintenance of diuine seruice, the preaching & teaching the word of God, with godly and good example giuing, the better discharge of Curats, the maintenāce of hospitality, the reliefe of poore people, the encrease of deuotion, and good opinion of the lay see toward the spirituall persons,

It is enacted, ordeined, & established by the king our soueraigne Lord, with the assent of the Lords spiritual & temporal, & the commons in this present parliament assembled, & by authoritie of the same, that no spirituall person, seculer or regular, of what degree soeuer he or they be, shall from hence-

Spirituall persons.

fozth take to ferme to himfelfe , oz to any person oz persons to his vfe , of the leafe oz graunt of the king our foueraigne Lord, noz of any other person oz persons , by letters patents, indentures, writings, by word, oz otherwife, by any maner of means, any manors, lands, tenements , oz other hereditaments, foz terme of life, foz terme of yeares, oz at will , vpon paine to fozfait ten pound foz euery Moneth that he oz any other to his vfe fhall occupie any fuch ferme, by reafon of any fuch Leafe oz graunt hereafter to be made . The one halfe of which fozfaiture to be to the king our foueraigne Lord, and the other halfe therof to euery fuch perfon as will fue foz the fame by originall writ, bill, oz plaint of debt, oz by any information in any of the kings Courts , in which action and fuit no wager of law fhall be admitted foz the defendant , noz any efsoine oz proteccion allowed.

3 And be it alfo enacted by the authoritie afozefaid , that all and euery fuch spirituall person oz persons , which now haue, oz occupie in ferme by them felfe, oz by any other to their vfe, any manors, lands, tenements, oz hereditaments , of the leafe oz graunt of the king our foueraigne Lord, oz any other person oz persons foz terme of life , oz foz yeares, oz at will, by any writing, oz otherwife, oz that now haue any annual rents, oz other annual aduantage oz profit, by occafion oz colour of any fuch leafe oz ferme : fhall
clearly

clereþ bargaine, ſell, giue, or graunt a way, on this ſide the feaſt of Saint Michael the Archangell next coming, to any ſuch lay perſon or perſons, as they wil at their owne nominations & appointment, all ſuch leaſe, terme, intereſt, and profit, as any ſuch ſpirituall perſon, or any other to his uſe now hath, or haue, in, or by reaſon of any ſuch ferme, ſo that in no wiſe any ſuch ſpirituall perſon or perſons at any time after the ſame feaſt, by them ſelſe, or any other to their uſe by any maner of means, fraud, or male engyn, ſhall haue, uſe, or occupie in ferme, any manors, lands, tenements, or hereditamētſ, of the demife, leaſe, or graunt of any perſon or perſons heretofore made, or hereafter to be made, to them ſelſe, or to any other to their uſe: nor from the ſaid feaſt ſhall take any annuall rent, or other annuall aduantage or profite, by occaſion or colour of any ſuch leaſe or ferme, by any maner of meanes, vpon paine to forfeit for euery moneth ſo occupying any ſuch ferme, at any time after the ſaid feaſt, contrary to this preſent act, tenne pound, and vpon paine to forfeit ten times as much as any ſuch ſpirituall perſon, or any to his uſe, ſhall take in any annuell rent, aduantage, or profite, by occaſion or colour of any ſuch leaſe at any time after the ſaid feaſt. The one halfe of which forfeiture to be to the king our ſoueraigne Lord, and the other halfe to him that will ſue for the ſame by originall writ, bill, or plaint of debt, or
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Spirituall persons.

by information in any of the kings courts, in which action & suit no wager of law shall be admitted for the defēdant, nor any essoine or protection allowed.

4 And be it also enacted, that all such leases made or hereafter to bee made vnto any such spirituall person or persons, or to any other to their vse, for terme of life, terme of yeares, or at will, of any manors, lands, tenements, or hereditaments, whereof they or any of them shall take any profit, or medling by themselves or any to their vse, after the said feast of saint Michael, by colour of any such lease or grant, (and not by them bargained, graunted, and sold away before the said feast, as is before limited) shall from thenceforth be vtterly void and of none effect, as well against the lessour or lessours, grauntour or grauntours, their heires and assignes, and against euery of them, as against the lessee or lessees, and their executors and assignes, and euery of them.

5 Provided alway that this present acte shall not extend to any spirituall person or persons, in, & for taking to ferme any temporalties, during the time of vacations, of any Archbishopricks, Bishopricks, Abbeis, Priories, or other collegial, cathedrall, or conuentual churches, nor to any spiritual person or persons, that shall tender or make any trauerses vpon any offices or office, concerning his or their freehold.

6 And be it also enacted by the authoritie
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aforsaid, that no spiritual person or persons secular or regular, of what estate or degree soever they be, shall from henceforth by himself, nor by any other for him, nor to his use, bargain and buy to sell againe for any lucre gaine or profite, in any markets, faires, or other places, any manner of cattels, cozne, led, tinne, hides, lether, tailow, fish, swoll, wood, or any maner of victuall or marchandise, what kind soever they be of, vpon pain to forfait treble the value of euerie thing by them, or by any to their use bargained and bought to sell againe contrary to this present act. And that euerie such bargain and contract hercafter to be made by them, or by any to their use contrary to this acte, shall be vtterly boide and of none effect. And the one halfe of euerie such forfeiture to be to the king our soueraigne lord and the other halfe to him that wil sue for the same by original writ of det, bil, plaint, or infor matiō, in any of the kings courts. In which action or suit no wager of law for the defendand shall be admitted, nor any essoine nor protection allowed.

7 Provided alway, that if any such spiritual person or persons, shall happen hereafter without fraud or couine to buy any horses, mares, or mules to the onely intent to occupy for himselfe or his seruants, to ride to and fro, vpon his necessarie busines, or any other cattels or goods, to the only intent and purpose at the buying thereof to be employed

Spiritual persons.

ployed and put, in, and about his necessarie apparell of his owne house, or of his person and seruants, or in, for, and about the onely occupying, manuring, or tillage of his owne glebe or demeane landes annexed to his church, or for the necessarie expenses of his owne household keeping: And after the buying of any such houses, cattels or goods, or exercise of them or of any of them, hapneth to mislike any of them, that they should not be good, profitable nor conuenient for any of the purposes abovesaid, for the which they were bought, that then euerie such spirituall person or persons may lawfully bargain and put away such thing as so by him bought, without fraud or couine for any of the purposes abovesaid, at his pleasure and aduantage, this act or any thing therein contained notwithstanding.

Is provided alway that all abbots, priours, abbesses, prioresses, priouostes, presidents, masters of colledges, and hospitals, and all other spirituall gouernors, and gouernesses of any spirituall monasteries, or houses of religion, by what name or names soeuer they be called, hauing manors, lands, and tenements, hereditamentes and other yerely profits, in the right of their monasteries or houses, of the yerely value of vij. **l.** markes, or vnder, and not aboue, may vse & occupie as much and as many of their demeane landes, for fermes, and fermes to their most aduantage, commoditie, & profit

to and for the onely maintenaunce of their householdes & hospitalities, in as ample and as large manner as they or any of them, or their predeceffours, or the predeceffours of any of them, at any time by the space of one C. yeres last past, befoze the making of this act, haue done, bled, and occupied. Any thing in this present act to the contrarie notwithstanding.

9 Provided also that euerie other spirituall person & persons, not hauing sufficient glebe or demean lands in their own hands, in the right of their churches, monasteries, & houses for pasturage of cattels, or for increase of coznes, to and for the only expenses of their householdes, or for their cariages and iourncies, may take in ferme other lands, and buy and sell cozne and cattell for the onely manurance, tillage, and pasturage of such fermes, so that the increase thereof bee alwaies employed and put to, and for the onely expenses in their householdes and hospitalities, and not in any wise to buy and sell againe, for any other commoditie, lucre, or aduantage any cozne or cattell, renewing, comming, or growng, in and vpon any such ferme or otherwise, but onely the remaine and ouer plus aboue the expenses of their householdes, if any such shall happen to be bred and increase thereof, without fraud or couine. Any thing in this present act to the contrarie hereof notwithstanding.

10 And be it enacted by the authority afoze said,

Spiritual persons.

said, that if any person or persons having one benefice with cure of soule, being of þe yerely value of 8. pound, or aboue, accept & take any other with cure of soule, & be instituted & inducted in possession of the same: that then & immediatly after such possession had therof, the first benefice shal be adiudged in the law to be void. And that it shal be lawful to euery Patron, hauing the auowson thereof, to present an other, & the presentee to haue the benefit of þe same, in such like maner & forme as though the incumbent had died or resigned: any licēce, vniōn, or other dispē sation to the cōtrary herof obtained, notwithstanding.

11 And that euery such licence, vniōn, or dispensation had, or hereafter to be obtained contrary to this present act, of what name or names, qualitie or qualities soeuer they be, shal be vtterly void and of none effect.

12 And if any person or persons at any time after the first day of Aprill, in the yere of our Lord God 1530. contrarie to this present act, procure and obtaine at the court of Rome, or elsewhere, any licence or licēces vniōn, tolleration, or dispensation, to receiue & take any moe benefices with cure, than is aboue limited, or else at any time after the said day put in execution any such licence tolleration, or dispē sation, befoze that obtained cōtrary to this act: that then euery such person or persons, so after the said day suing for himself, or receiuing & taking such benefice by force of such licence or licēces, vniōn, tolle-

tolleration, or dispensation, that is to say, the same person or persons onely & none other, shall for euery such default incurre the danger, paine, & penaltie of xx. li. sterling. And also lose the whole profits of euery such benefice or benefices, as he receiueth or taketh by force of any such licēce or licences, vniōn, tolleration, or dispensation. The one halfe of which forfeiture to be to the king our soueraigne Lord, & the other halfe thereof to him that will sue for the same by originall writ, bill, plaint of debt, or information in any of the kings Courts, in which action & suit no swager of law, essoine, or protection for the defendant shall be admitted or allowed.

13 Provided alwaies, that this Act concerning the not keeping of moe Benefices with cure of soule then one, extend ne be prejudiciall to any person or persons which at any time befoze the said first day of April, in the yēre of our Lord God M. v. C. and xxx. shalbe really intituled or possessed of any such benefices with cure of soule, as concerning or touching any of the same benefices, wherof they shal then be all ready really intituled or possessed befoze the said day, to or vnder the number of iij. and not aboue, and if any such spiritual person or persons so being entitled or possessed of mo benefices with cure of soule then iij. doe not by the first day of April cleerly and without yērely pension resigne or otherwise giue by all and euerie such benefices and benefice as he shall be so
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Spirituell persons.

resigne or otherwise giue by all and euerie such benefices and benefice as he shall be so entitled & possessed of, aboue the laid number, that then it shall be lawfull for euerie patron hauing the aduowson of any such benefice of the same, in like maner & forme as though it had beene void by death or resignation of the incumbent, any licence, vntion, or other dispensation to the contrary hereof obtained notwithstanding. And this clause of presentation to be taken and vnderstanden, & of such benefices with cure of soule, as were giuen to any such spirituall person after the said number of iiii. benefices with cure furnished and fulfilled.

14 Provided also, that all spirituall men now being, or which hereafter shall be of the kings counsell, may purchase licence or dispensation, and take, receiue, and keepe three personages or benefices with cure of soule, & that al other being the kings chapleins, & not sworn of his counsell, the chapleins of the Quene, prince, or princesse or of any the kings childzen, brethren, sisters, vncles, or aunts, may semblable purchase licence, or dispensation, & receiue and keepe two personages or benefices with cure of soule. And in likewise that euery Archbishop & Duke may haue vij. chapleines, whereof euery one shall and may purchase licence, or dispensation, and take, receiue, and keepe two personages or benefices with cure of soule, and that euery Marques & Earle may haue vj. chap-

chapleins, whereof euery one may purchase licence or dispensation, and take, receiue and keepe ij. personages or benefices with cure of soule. And that euery Viscount and other Bishop, may haue fower chapleins, wheres of euery one may purchase licēce, & receiue, haue, & keepe two personages or benefices with cure of soule, as is aforesaid. And that the Chancelloz of England for the time being, & euery baron & knight of the Garter, may haue three Chapleines, whereof euery one shall now purchase licence or dispensation, and receiue haue, and keepe two parsonages or benefices with cure of soule. And that euery Duchesse, Marques, Countesse, & Baronesse, being widowes, may haue ij. chapleins, whereof euery one of them may purchase licence or dispensation to receiue, haue, and keepe two benefices with cure of soule, & that the treasurer & comptroller of the kings house, the kings secretary, & deane of his chappell, the kings almoner, & the Master of the rols, may haue euery of them two Chapleins, & the chiefe Justice of the kings bench one Chapleine, and the warden of the b. ports for the time being, one chapleine, wherof euery one may purchase licence, and receiue, haue and keepe two parsonages, or benefices with cure of soule. And that the brethren and sonnes of all temporall lordes, which are bozne in wedlocke, may euerie of them purchase lycence or dispensation, and receiue, haue and keepe as many parsona-

Spiritual persons.

ges or benefices with cure, as the chapleins of a Duke or an Archbishop. And likewise the brethren and sonnes bozne in wedlocke of euerie Knight, may euery of them purchase licence or dispensation, & receiue take & keepe two personages or benefices with cure of soule.

15 Prouided alwaies, that the said chapleines so purchasing, taking, receiuing and keeping benefices with cure of soule as is aforesaid, shall be bound to haue and exhibite, where neede shall be, letters vnder the signe & seale of the king, or other their Lord and master, testifying whose chapleins they be, and els not to enioy any such pluralitie of benefices by such chapleine. Any thing in this act notwithstanding.

16 Be it also prouided, that all doctors and bachelers of diuinitie, doctors of law, and bachelers of law canon, and euery of them which shall be admitted to any the said degrees, by any of the Uniuersities of this Realme, & not by grace onely, may purchase licence, & take, haue, & keepe two personages or benefices with cure of soule.

15 So that alwaies the said libertie by any of the prouisions beforesaid, given to any of the said counsaillors, chapleins, and other persons befoze specified, to purchase licence or dispensation, and take receiue, and keepe no benefices then one, after the mauer and forme aforesaid, be taken and vnderstanden to extend in number to no more benefices

benefices with cure of soule, then is aboute limited, accompting in the same & as parcel thereof, such benefices with cure of soule, as any of the said persons shal haue in real title or in their possession, at the said first day of April, in the yere of our Lord God 1530.

18 Provided also, that euery Archbishop, because he must occupie viij. chapleins at consecrations of Bishops, and euerie Bishop because he must occupie vij. chapleins at giuing of orders and consecration of churches, may euery of them haue ij. chapleines ouer and aboue the number aboue limited vnto them, whereof euery one may purchase licence or dispensation, and take receiue and keepe as many personages & benefices with cure of soule, as is befoze assigned to such chapleines

19 Provided also, and be it enacted by authoritie aforesaid, that no person or persons to whom any number of chapleines or any chapleine by any of the provisions aforesaid is limited, shall in any wise, by color of any of the same provisions, aduance any spirituall person or persons, aboue the number to them appointed, to receiue or keepe any more benefices with cure of soule, then is aboue limited by this act, any thing specified in the said provisions notwithstanding, and if they doe, then euery such spirituall person & persons, so aduanced aboue the said number, to incurre the paine and penalty contained in this act.

Spiritual persons.

20 Be it also furthermoze enacted by the
authozitie afozesaid, that as well euery spi-
rituall person now being promoted to any
Archedeaconry, Deanry, or dignitie in any
Monasterie or Cathedrall church, or other
Church conuentuall or collegiall, or being
beneficed with any personage or vicarage,
as all and euery spirituall person and per-
sons, which hereafter shal be promoted to a-
ny of the said dignities, or benefices, with a-
ny personage or vicarage from the feast of
saint Michael tharchangell next coming,
shalbe personally resident & abiding, in, at,
and vpon his said dignitie, pzebend, or bene-
fice, or at one of them at the least. And in case
any such Spiritual person at any time after
the said feast, keepe not residence at one of
his said dignities, pzebend, or benefices, as
is afozesaid, but absent himselfe willfully by
the space of one moneth together, or by
the space of two moneths, to be accounted
at severall times in any one yere, and make
his residence & abiding in any other places
by such time, that then he shal forsaie for eue-
rie such default x. li. sterling. The one halfe
thereof to the king our soueraign Lord, and
the other halfe of the same to the partie that
will sue for the same in any of the kings
courts by originall writ of debt, bill, plaint
or information. In which action & suit the
defendant shall not wage his law, nor have
any essoine or protection allowed.

21 And if any person or persons procure
obtain

obtaine at the court of Rome or els where, any maner of licence or dispensation to bee non resident at their said dignities, prebend or benefices, contrarie to this act, that then euery such person or persons, putting in execution any such dispensation or licence for himselfe from the said first day of Aprill, in the yere of our Lord God 1530. shall runne and incurre in the penalty, damage, & paine of xx. pounds sterling for euerie time so doing, to be forfeited & recouered as is abouesaid, and such licence or dispensation so procured, or to be put in execution, to be void and of none effect.

22 Provided alwaies, that this act of non residence shall not in any wise extend ne bee prejudiciall to any such spirituall person as shall chauce to be in the Kings seruice beyond the sea, nor to any person or persons going to any pilgrimage or holy place beyōd the sea, during the time that they shall so be in the kings seruice, or in their pilgrimages going and returning home, nor to any scholar or scholars being conuersant & abyding for studie, without fraude or couin at any vniuersitie within this realme or without, nor to any of the chapleins of the kings or Quēnes, daylie or quarterlie attending & abiding in the Kings or Quēnes most honorable houtholdes. Nor to any of the chapleines of the prince or princesse, or any of the Kings or Quēnes children, brethren or sisterne, attending daily in their honorable

Spiritual persons.

housholdes, during so long as they shall attende in any of their said housholdes. For to any chapleine of any Archbishop, or Bishop, or of any spirituall or tempozall lordes of the parliament, daily attending, abiding and remaining in any of their honourable housholds. For to any chaplein of any duchesse, marques, countesse, vicountesse or baronesse, attending dailie and abiding in any their honozable housholds. For to any chapleine of the Lord Chancellor or Treasozer of England, the kings Chamberlaine or Steward of his housholde for the time being, the Treasozer and comptroller of the Kings most honourable housholde for the time being, attending dailie in any their honozable housholds. For to any Chaplein of any the knights of the honozable order of the garter, or of the chief iustice of the kings bench, warden of the 5. Ports, or also of the Maister of the rolles. For to any Chapleine of the kings Secretarie and Dean of the Chappell, or alimner for the time being dailie attending and dwelling in any the housholdes, during the time that any such chaplein or chapleins shal abide and dwell without fraude or couine, in any of the said honourable housholdes. For to the maister of the rolles, or deane of the arches. For to any Chancellor or commissary of any Archbishop or Bishop For to as many of the masters of the Chancery, and xij. aduocates of the arches, as be or hereafter shalbe spiritu

small men, during so long time as they shall occupy their said rooms & offices. Nor to any such spiritual persons, as shall happen by iniunction of the Lord Chancellor or the Kings Counsel to be bound to any daily apparance & attendāce to answer to the law, during the time of such iniunction.

23 Provided also, that it shalbe lawfull to euerie Spiritual person or persons, being chapleines to our soueraigne lord the king, to whom it shall please his highnes to giue any benefices or promotions spiritual, to what number soeuer it be, to accept & take the same, without incurring the danger, penaltie, & forfaiture in this estatut comprised. And that also it shall be lawfull to the kings highnesse to giue licence to euerie of his own chapleins for non residence vpon their benefices: Any thing in this present act contained to the contrarie notwithstanding.

24 And bee it furthermoze enacted by the authoritie aforesaid, that no spiritual person, secular, or regular, beneficed with cure, as is afoze rehearsed, from the feast of saint Michael tharchangel next comming, by authority of any maner licence, dispensation, or otherwise, shall take any particular stipende or salarie to sing for any soule, nor haue or occupie by himselfe, or by any other to his vse, any personage, or vicarage in ferme of the lease or graunt of anie person or persons, nor take any profite or rent out of any such ferme, vpon paine to forfait xl. s. for every

Spiritual persons.

every such wicke that hee or any to his vse shall occupie or haue any such stipende or ferme contrarie to this present act. And by paine to losse x. times the value of such profit or rent as he shall take out of any such ferm after the said feast. The one halfe of which forfeitures to be to the King our soueraign Lord, & the other moiety to him that will sue for the same by originall writ, bill, plaint of debt, or by information in any of the Kings courts, in which suit & action, no wager of law shall be admitted for the defendand, nor any essoine or protection allowed.

25 Provided alway, that no deanry, Archdeaconry, Chancellourship, Treasurership, chauntership, or prebende in any cathedrall or collegial church nor personage, that hath a vicar indued, nor any benefice perpetually appropriate, be taken or comprehended vnder the name of benefice hauing cure of soule, in any article afoze specified.

26 Provided also, and be it enacted by the authoritie afozesaid, that no spiritual person or persons regular or secular, of what estate, degree, or condition soeuer he or they be, from the first day of Aprill next coming, haue, vse, or keepe, by him or them self, or by any person or persons to his or their vse or commoditie, any maner of tan-house or tan-houses, to be vsed or occupied to his or their owne vse, commoditie, or behoufe: nor from the said first day of Aprill next coming, shall haue, vse or keepe any maner of
by sw

brewhouse or brewhouses to any other use, intent or behoofe, then onely to be spent and occupied in his or their owne houses, upon paine to forfait for euerie moneth so vsing and occupying any of the said misteries, or occupations x. li. The one moitie thereof to the king our soueraign Lord, and the other moitie to him that will sue for the same by originall writ, bill, plaint of debt, or information in any of the Kings Courts, in which action and suit no wager of law shalbe admitted for the defendand, ne any essoine, or protection allowed.

27 Provided alwaies, that euery duchesse, marquesse, countesse, baronesse, widowes which haue taken, or that hereafter shall take any husbandes vnder the degree of a baron, may take such number of Chapleins as is aboue limited to them being widows, and that euery such chapleine may purchase licence to haue and take such number of benefices with cure of soule, and haue like libertie of non residence, in maner and forme as they might haue done if their said ladies & mistresses had kept the selues widowes: Any thing in this present act contained to the contrary notwithstanding.

28 Provided alwayes, that euery spirituall person or persons, hauing lands, tenements or other possessions in the right of their houses, aboue the yeerely value of viij. C. markes, may keepe & retaine in their occupation and manurance, as much as their
said

Spiritual persons.

said lands and tenements, and other possessions, as shall be necessarie and sufficient for pasturage of their cattels, and for tillage of corne to be employed and spent for the onely maintenance, sustentation, and keeping of his or their householdes and hospitalities, without fraud or couine, any thing in this present act to the contrarie thereof notwithstanding.

29 **P**rouided alway, that it may be lawfull to euery spiritual person & persons, to take in ferme any meases, mansions, or dwelling houses, hauing but onely orchards, or gardeins, in any citie, bozough, and towne for their owne habitation or dwelling: Any thing in this act to the contrarie notwithstanding. So that no person spiritual other then be aboue prouided for, for their non residence haue any liberty of non residence by colour of this prouise. [See the statutes made 25. Henry 8. cap. 16. and 28. H. 8. cap. 13. and 33. H. 8. ca. 28. in Residence 3. 4. & 5. who els may haue dispensation & be non resident.]

An Acte that al fermers may enioy their leases, against recoueries had by fained titles and falsifie the same recoueries, An. 21. H. 8. cap. 15. Recoueries 2.

WHere afoze this time diuers persons haue made leases of their manors, lands, tenements, and other hereditaments, sometime by their indentures, and sometime without writings to other persons for term of yeres, taking of them great fines for the incams of the same leases, and after the same lessours, their heires or assigns, haue caused and suffered recoueries to be had against them in the Court of our soueraigne lord the king, and in other lords courts, vpon fained & vnttrue titles, by craft & couin, to put the said termours from their said termes. And after such recoueries had, the same recouerers, by reason of such recoueries and iudgments, haue entred into the same manors, lands, tenements, and other hereditaments, so to ferme letten, & thereof haue expelled the said fermers, contrary to their said leases, couenants, & agreements. And because it was doubted to some persons whether the said fermers might falsifie such recoueries or not:

It is therefore enacted by the king our soueraigne Lord, by the assent of the Lords spiritual & tempozall, & the commons in this present parliament assembled, and by the authority of the same, that al such fermers shal & may

Recoueries.

may falsifie for his terme onely, such recoueries, as wel heretofore had, as hereafter to be had, in such wise & form, as a tenant of a freehold, shall & may do by the course of the common law, where such tenant of freehold was neither priuie nor party to the same recouerie.

3 And that the same termors their executors & assignes, notwithstanding such recoueries so had, shall retaine, hold, & enjoy their said termes, according to their said leases against all such recouerors, their heirs and assignes.

4 And that the said recouerors their heirs & assignes, after such recouerie so had, shall haue like remedy against the said termors, their executors & assignes, by auowry or action of debt for the rents & seruices returned upon the same leases, being due after the same recoueries, & also like actions against them for wast done after the same recoueries so had, in like maner and forme as the said lessors should or might haue had, if the same recoueries had neuer bin had.

5 And also be it further enacted by the authoritie aforesaid, that no maner of statute of the Staple, statute Marchant, nor execution by Elegit, be hereafter auoided, or in any wise made frustrate, by meanes of any such feined recovery, but that al persons hauing any lands, tenements, or other hereditaments in execution, or being intituled to haue execution of any manours, lands, or tenements, by any such means, shall haue by

force of this estatute like remedy to auoide and falsifie the same recoueries, as befoze is ordeined and prouided for the lessee for terme of yeares.

Auowrie.

An Act concerning Auowries. Anno
21. H. 8. cap. 19.

Auowrie 1.

Where aswell the noble men of this Realme, as diuers other persons, by fines, recoueries, graunts, and secret feoffements & leases, made by their tenants to persons vnknown, of the lands & tenemets holden of them, haue bin put from the knowledge of their tenants, vpd whom they should by order of the Law make their Auowries, for their rents, customes, & seruices, to their great losses & hinderances.

2. Be it therfore enacted, established, and ordeined by authoritie of this present parliament, that wheresoeuer any manours, lands, tenements, and other hereditaments be holden by any maner person or persons, by rents, customes, or seruices, that if the Lord, of whom any such manors, lands, tenements, or hereditaments be so holden, distraine vpon the same manors, lands, or tenements, for any such rents, customes, or seruices, & repleuin thereof be sued, that the

Auowrie.

oz hereditaments be so holden, may auow, oz his bailife oz seruant make conuſance, oz iuſtifie for taking of the ſaid diſtreſs, vpon the ſame lands, tenements, oz hereditaments ſo holden, as in lands oz tenements within his fee oz ſeignorie, alleaging in the ſaid auowrie, conuſance, & iuſtification, the ſame manors, lands, and tenements to be holden of him without naming of any perſon certaine to be tenant of the ſame, and without making any auowrie, iuſtification, oz conuſance vpon any perſon certaine. And likewiſe the Lord, bailife, oz ſeruant to make auowrie, iuſtification, oz conuſance, in like maner and forme vpon euery writ ſued of
Second deliuerance.

3 And alſo be it enacted by the ſaid authoritie, that euery auowant, and euery other perſon and perſons, that make any ſuch auowrie, iuſtification, oz conuſance, as bailife oz ſeruant to any perſon oz perſons in any Replegiare, oz Second deliuerance, for rents, cuſtomes, ſeruices, oz for damage leſant, oz other rent oz rents, vpon any diſtreſs taken in any lands oz tenements: if the ſame auowrie, conuſance, oz iuſtification be found for them, oz the plaintifes in the ſame be nonſuit, oz otherwiſe barred: that then they ſhall recouer their damages & coſts againſt the ſaid plaintifes, as the ſame plaintifes ſhould haue done, oz had, if they had recouered in the Repleg. oz Second deliuerance found againſt the ſaid defendants. [See be-

fore, Anno 7. H. 8. cap. 4. Recoveries 1.

4 And be it also ordeined, that the said plaintifes and defendants in the said writs of Replegiare, or writs of Second deliuerance, and in euery of them, shall haue like plees, and like adde and pzapers in all such auowries, conusances, and iustifications, plees of disclaimer onely except, as they might haue had befoze the making of this Act, and as though the said auowrie, conusance, or iustification had been made after the due order of the common Law.

5 And it is further enacted by the said authoritie, that al such persons as by the order of the common Law may lawfully ioine to the plaintifes or defendants in the said writs of Replegiare, or Second deliuerance, as well without proces, as by proces, shall from henceforth ioine vnto the said plaintifes or defendants, as well without proces as by proces, & to haue the like plees & like aduantages, in all things (disclaimer only except) as they might haue done by the order of the comon Law befoze the making of this act.

Attaint.

An act concerning Periuries and punishment of vntreue Verdictes. An 23. H. 8. cap. 3.

Attaint 2.

The king our soueraigne lord of his most godly & gracious disposition, calling to his remembrance, how that periurie in this land

Attaint.

land is in manifold causes, by unreasonable meanes, detestably vbled, to the disinheritaunce and great damage of many & great number of his subiects, well disposed, and to the most high displeasure of Almighty God, The good statutes against all officers having retorne of writs, and their deputies, making panels partially for rewards to them giuen, against vnlawfull Mainteinors, Embraceors, and Juroors, and against Juroors vntreuely giuing their verdict, notwithstanding. For reformation whereof, and forasmuch as the late noble king Henry the seventh, prouided remedy for the same by a statute made in the 11. yeare of his raigne [cap. 24.] which statute is now expyed:

It is therefore now enacted by the king our soueraigne Lord, & the Lords spiritual and temporall, and the Commons in this present parliament assembled, & by authoritie of the same, That vpon euery vntreue verdict hereafter giuen betwixt partie and partie, in any suit, plaint, or demaund, before any Iustices, or Judges of record, where the thing in demaunde & verdict thereupon giuen, extendeth to the value of xl. pound, and concerneth not the ieopardie of mans life, the partie griued by the same verdict, shall haue a writ of Attaint against euery person hereafter so giuing an vntreue verdict, & euerie of them, and against the party, which shall haue Iudgement vpon the same verdict. And that in the same Attaint, there shall

shalbe awarded against the petit Jurie, the partie, and the graund Jurie, Sommons, resommons, and distresse infinite, which graund Jurie shal be of like number, as the graund Jury is now in attaint: and euerie of them that shal passe in the same, shall haue lands & tenements to the value of tʷentie marks by the pere, of freehold, out of the ancient demesne.

3 And vpon the distres which shall be deliuered of record vpon the same, open proclamation to bee made in the court where the distresse shall be awarded moze then fiftene daies afoze the retourne of the same distresse, and euerie such distresse shall bee made vpon the lande of euerie of the saide graund Jurie, as in other distresses is and hath bene vʃled.

4 And if the saide partie defendant, or the petite Jurors, or any of them appeare not vʃd the distresse, then, the graund iurie to be taken against them and euerie of them that shall so make default.

5 And if any of the saide petite Jurie appeare, then the partie complainant in that behalfe, shall assigne the false serement of the first verdict vniʃruely giuen, whereunto they of the petite iurie shall haue none answer (if they be the same persons, and the wit, proces, retozne, and assignement good and lawfull) except that the demaundant, or plaintife in the same Attaint hath afoze bin nonsuit, or discontinued his suit of at-

Attaint.

taint taken for the same, or hath for the same verdict in a writ of Attaint had judgement against the said petit jury, but only that they made true serement, which issue shall be tried by xxiiij. of the said graund iurie. And the party shall plead, that they gaue true verdict, or any other matter, which shall be a sufficient barre of the said Attaint. And, that plea notwithstanding, the graund iurie to be taken without delay, to enquire whether the first iury gaue true verdict or no. And if they finde that the said petit iury gaue an vntue verdict, then euery of the said petite iurie to forfait xx. li. whereof the one halfe shall be to the king our soueraigne Lord, and the other halfe to the partie that sueth. And ouer that, that euery of the said petit iury shall severally make fine & ransome by the discretion of the Justices, before whom the said false serement shall be found, after their severall offences, defaults and sufficiencie of euery of the said petit iury. And, after that, that those of the said petit iurie so attainted shall neuer after be in any credence, nor their oth accepted in any court. And if such plea as the partie pleadeth, which is a barre of the said attaint be found or deemed against him that so pleadeth, then the partie that so sueth shall haue judgement to be restored to that he lost with his reasonable costes and damages.

6 Forseeue alway, that any vtlarie in action or cause personal, or excommengement pleaded or alleaged in the partie plaintife or

Deman-

demandant shalbe taken but as a void pleé,
 & to that he shall not be put to answer. And
 that in al the aforesaid processe such day shall
 be given as in a writ of Dower, and none
 esoine or protection to lie nor to be allowed
 in the same.

7 And if the said grand iurie appeare not
 upon the first distress had against thē, so that
 the iury for their default do remaine, he that
 maketh default shall forfait to the king xx. s.
 and upon the second distress xl. s. and after
 making default, for everie such default, five
 pound, and like penalties and forfeitures
 to be against them and everie of them that
 shall be named in the Tales, as is afoze ex-
 pressed against everie of the said graund iu-
 rie afozesaid. And that for and by the death
 of the partie or any of the said petite iurie,
 the said attaint shall not abate, nor be defer-
 red against the remnant, as long as two of
 the said petit iury be alive.

8 And if hereafter any false verdict be gi-
 ven in any action, suit or demand, afoze any
 Justice or iudge of record, of any thing per-
 sonall, as det, trespass, and other like, which
 shall be vnder the value of forty pound, that
 then the partie grieved shall have attaint,
 with such processe & pleés as is afoze reher-
 sed, & delays to be takē away as is afoze re-
 membred, except that in this case of attaint
 everie person of the graund iurie that may
 dispend x. markes by the yeare of freehold
 out of ancient demesne, or is worth an hun-

Attaint.

dzed markes of goods and cattels, shall bee able to passe in the same attaint. And if the petit iurie be attainted, that then they shall in this case of attaint euerie of them forsaite **v. li.** whereof one halfe shall be to the king, and the other halfe to the partie, after the forme afoze reherfed, and ouer that to make fine and ransome by the discretion of the iustices, as is afozelsaid.

9 And if there be not persons of such sufficiencie within the shire oz place where any of the said attaints shall bee taken, as may passe in the same: be it ordeined by the authoritie abouesaid, that then one Tales shall be awarded into the shire next adioyning by the discretion of the Justices, afoze whom the same attaints shall be taken, which shall be warned to appeare vpon like paines, as is afozelsaid, and enabled to passe in the said attaints, as if they were dwelling in the shire where the same attaint shall be taken.

10 And that the same lawes, action, and remedy ordeined by this present act, be kept for and to all them that shall bee grieved by such vnttrue verdicts of any inheritance, in discent, reuerfion, remainder, oz of any freehold in reuerfion oz remainder. And if the patie in attaint giuen by this act be nonsuit, oz the same discontinue, that then the said partie so nonsuit oz so discontinuing the said attaint, make fine and ransome by the iustices afoze whom the said attaint shall be taken and depending.

11 And that al attaints hereafter to be taken,shalbe taken afoze the king in his bench or afoze the Justices of the common place, & in none other Courts. And that Nisi prius shall be granted by discretion of the Justices vpon the distress. And euerie of the said petite Jurie may appeare and aunswere by attornei in the said attaint. And that the moity of the said forfaiture of the petit Jury shalbe leuied to thuse of our soueraigne lord by Capias ad satisfaciend', or Fieri facias, or Elegit, or by actiō of debt, against euery person of the petit iury so forfaiting, & against his executozs and administrators, hauing then sufficient goods of their sayde testator not administred: and the other moitie shall by like proces be leuied to the vse of the party that sueth any attaint giuen by this act, against euerie of the said petit iurie and his executozs or administrators, hauing then sufficiencie of goods as is afozelsaid, not administred, and the iudgement of restitution to the partie griued suing this act & execution of the same to be had, and like iudgemēt for the partie defendand or tenant to be discharged of restitution, as afoze this present act in case of a graund attaint had bin vled.

12 And if there be diuers plaintiffs or demandants in attaint, that the nonsuit or release of any of them shall not be in any wise hurtful or preiudicial to theresidue, but that they & euery of them in such cases may be summoned and seuered like as it is vled

Attaint.

When there be diuers demandants in actions reals.

13 Be it also ordeined and enacted by the authoritie abouesaid, that in euerie writ of attaint hereafter to be taken by or vpon this act, the which shall be such as other writs of attaint be, and after the Teste of the same writ, shall be written these words in latine, Per statutū cōtinuāt vsq; annum vicesimū tercium dñi Hērici octauī, dei gratia Angliz & Franc' Regis fidei defens. & dñi Hibernie.

14 And it is also enacted, that this act shall take effect for verdictes hereafter to be giuen, and to continue to the last day of the next parliament,

15 Provided alway, that this act be not preiudiciall to a statute made in the xj. yere of the late king of famous memorie Henrie the vij. for punishment of Periurie in vnttrue verdictes giuen in plaints sued in the Courtes of the Citie of London, but that it shall be at the libertie of al persons, for and vpon any vnttrue verdict giuen in any courts of the same citie, to sue their Attaint vpon this estatute, or else vpon the said estatute made in the said xj. yere at their owne pleasures and willes. [See Anno 11. H. 7. ca. 25. Attaint. 13. for Attaints in London.

16 Note that this Statute is made perpetuall, An. 13. Eliz. ca. 25.

An act expressing an order for Vses, and
Willes, An. 27. H. 8. cap. 10.

Vses 9.

Where, by the commons Lawes of
this Realme, lands, tenementes,
and hereditaments, be not deuifable
by testament, noz ought to be transferred
from one to an other, but by solempne liuery
& seisin, matter of record, wryting sufficient,
made bona fide, without couin or fraude: yet
neuerthelesse, diuers and sundry imagina-
tions, subtil inuentions, and practises haue
been vsed, wherby the hereditaments of this
Realme haue been conueyed from one to an
other by fraudulent feoffements, fines, re-
coueries, & other assurances craftely made,
to secret vses, intents, and trustes, and also
by willes & testaments, sometime made by
nade parol and wordes, sometime by signes
and tokens, and sometime by wryting, and
for the most part made by such persons as
be visited with sicknes in their extreame a-
gonies and paines, or at such time as they
haue had scantly any good memoire or re-
membrance; at which times they being pro-
uoked by greedy & couetous persons lying
in a wayte about them, do many times dis-
pose indiscretly, & vnaduisedly their lands
and inheritances: by reason whereof and by
occasion of which fraudulent feoffements,
fines, recoueries, and other like assurances
to vses, confidences, and trustes, diuers and
many

Vses.

many heires have been iniustlie at sundrie times disherited, the Lords haue lost their wardes mariages, reliefes, harriots, escheates, apdes pur faire fits chiualer, & pur file marier, and scantly any person can be certainly assured of any lands by them purchased, noz knowen surely against whom they shall vse their actions, oz execution for their rights, titles, & duties.

2 Also men married haue lost their tenancy by the curtesie, women their dowers, manifest periuries, by triall of such secret willes and vles, haue been committed.

3 The kings highnesse hath lost the profits and aduantages of the lands of persons attainted, & the lands craftely put in feoffment to the vles of alyens borne, & also the profits of wast for a yeare & a day, of lands of felons attainted, and the Lords their escheates thereof, and many other inconueniences haue happened, and daily do encrease among y^e R. subiects, to their great trouble and iniquietnes, to the vtter subuersion of the auncient common lawes of this realm.

4 For the extirping and extinguishment of al such subtil practised feoffments, fines, recoveries, abuses, and errours, heretofore vled and accustomed in this Realme, to the subuersion of the good & auncient lawes of the same: and to the intent that the kings highnesse, oz any other his subiects of this Realme, shall not in any wise hereafter by any meanes oz inuentions, bee deceiued, Damaged,

damaged, or hurted, by reason of such trustes, vles, or confidences: It may please the kings most royal Maiestie, that it may be enacted by his highnes, by thassent of the Lords spirituall and tempozall, and the commons in this pzent parliament assembled, and by authoritie of the same, in maner and fourme following, that is to say:

That where any person or persons shād or be seised, or at any time hereafter shall happen to be seised, of, and in any honozs, castels, manozs, lands, tenements, rents, seruices, reuerfions, remainders, or other hereditamētis, to the vls, confidence, or trust, of any other person or persons, or of any bodie politique, by reason of any bargaine, sale, feoffement, fine, recouerie, couenant, contract, agrément, will, or otherwise, by any maner meanes whatsoeuer it be, that in every such case, all and every such person and persons, and bodyes politique, that haue, or hereafter shall haue any such vls, confidence, or trust, in fee simple, fee taile, for terme of life, or of yeares, or otherwise, or any vls, confidence, or trust in remainder, or reuerter, shall from hencefozth stand and be seised, deemed, and adidged in lawfull seisin, estate and possession, of, and in the same honours, castels, manours, landes, tenements, rents, seruices, reuerfions, remainders, and hereditamētis with their appurtenances, to all intentes, constructions, and purposes in the law, of, and in such like

like estates, as they had, or shall haue in vse, trust, or confidence, of, or in the same.

6 And that the estate, title, right, and possession that was in such person or persons, that were, or hereafter shall be seised of any lands, tenements, or hereditaments, to the vse, confidence, or trust of any such person or persons, or of any bodie politike, be from henceforth cleerey deemed, and adiudged, to be in him or them that haue, or hereafter shall haue such vse, confidence, or trust, after such qualitie, maner, forme, and condition, as they had befoze, in, or to the vse, confidence, or trust that was in them.

7 And be it further enacted by the authoritie aforesaid, that where diuers and many persons, be, or hereafter shall happen to be iointly seised, of, & in any lands, tenements, rents, reuerfions, remainders, or other hereditaments, to the vse, confidence, or trust of any of them, that be so iointly seised, that in euery such case, that those person or persons, which haue, or hereafter shal haue any such vses, confidence, or trust, in any such lands, tenemētts, rents, reuerfions, remainders, or hereditaments, shall from henceforth, haue, and be deemed and adiudged to haue, only to him or them, that haue, or hereafter shall haue such vse, confidence, or trust, such estate, possession, & seisin, of, and in the same lands, tenements, rents, reuerfions, remainders, or other hereditaments, in like nature, maner, forme, condition, and course,

as he, or they had befoze in the vse, confidence, or trust, of the same lands, tenements, or hereditaments.

8 Having, and reseruing to all & singular persons, and bodies politike, their heires and successors, other then those person or persons, which be seised, or hereafter shal be seised of any lands, tenements, or hereditaments, to any vse, confidence, or trust, all such right, title, entrie, interest, possession, rents, & action, as they, or any of them had, or might haue had befoze the making of this Act.

9 And also sauing to all and singular those persons, & to their heires, which be, or hereafter shal be seised, to any vse, all such former right, title, entrie, interest, possessions, rents, customes, seruices, & action, as they, or any of them might haue had to his or their own proper vse, in, or to any manors, lands, tenements, rents, or hereditaments, whereof they be, or hereafter shal be seised to any other vse, as if this present Act had neuer been had or made: any thing contained in this act to the contrary notwithstanding.

10 And where also diuers persons stand & be seised, of, and in any lands, tenements, or hereditaments, in fee simple, or otherwise, to the vse or intent that some other person or persons, shal haue & perceiue yerely to them and to his or their heires, one annuall rent of ten poundes, or moze, or lesse, out of the same lands & tenements, & some other person, one other annuall rent to him and his assignes

assignes for terme of life, or yeares, or for some other speciall time, according to the intent, and vse, as hath been heretofore declared, limited, & made thereof. Be it therefore enacted by the authority aforesaid, that in every such case, the same persons the heires, and assignes, that haue such vse and interest, to haue and perceiue any such annual rents out of any lands, tenements, or hereditaments, that they and every of them their heires, and assignes, be adiudged and deemed to be in possession and seisin of the same rent, of, and in such like estate, as they had in the title, interest, or vse of the said rent, or profite, and as if a sufficient graunt or other lawfull conueiance had been made & executed to them, by such as were or shall be seised to the vse or intent of any such rent, to be had, made, or paid, according to the verie trust and intent thereof.

II And that al and every such person and persons, as haue, or hereafter shall haue any title, vse, & interest, in, or to any such rent or profite, shall lawfully distraine for non payment of the said rent, & in their owne names make auowries, or by their baylives or seruants make cognuances & iustifications, & haue all other suites entries, & remedies, for such rents, as if the same rents had been actually & really graunted to them, with sufficient clauses of distress, reentry, or otherwise, according to such conditions, paines, or other things limited & appointed vpon the trust
and

And intent for paymēt oz suerty of such rent.

12 And be it further enacted by the authority aforesaid, that whereas diuers persons haue purchased, oz haue estate made & conueyed, of, & in diuers lands, tenements, and hereditaments, vnto them, and to their wiues, & to the heires of the husband, oz to the husband & to the wife, and to the heires of their twobodies begotten, oz to the heires of one of their bodies begotten, oz to the husband & to the wife for terme of their liues, oz for terme of life of the said wife:

13 Or wher any such estate, oz purchase of any lands, tenements, oz hereditamēt, hath been, oz hereafter shall be made to any husband and to his wife, in maner and forme aboue expressed, oz to any other person oz persons, & to their heires & assignes, to the vse and behoufe of the said husband & wife, oz to the vse of the wife, as is befoze rehearsed, for the iointure of the wife: that then in every such case, euery woman marryed, hauing such iointure made, oz hereafter to be made, shall not claime, noz haue title to haue any dower of the residue of the lands, tenements, oz hereditaments, that at any time were her said husbands, by whom shee hath any such iointure, noz shall demaunde, noz claime her dower, of, & against thē that haue the lands, and inheritances of her said husband. But if she haue no such iointure, then she shall be admitted & inhabled to pursue, haue, and demaunde her dower, by writ of dower,

doſwer, after the due courſe & order of the common Lawes of this Realme: this Act or any law or prouifion made to the contrary thereof notwithstanding.

14 Prouided alſo, that if any ſuch woman be lawfully expelled, or euieted from her ſaid iointure, or from any part thereof, without any fraud or couin, by lawfull entrie, action, or by diſcontinuance of her husband: then euery ſuch woman ſhall be endowed of aſmuch of the reſidue of her husbands tenements, or hereditamētſ, whereof ſhe was befoze dowable, as the ſame lands and tenements, ſo euieted & expelled ſhall amount or extend vnto.

15 Prouided alſo, that this Act, or any thing therein contained or expreſſed, extend not, nor be in anywiſe hurtful or prejudicial to any woman, or women, heretofoze being married, of, for, or concerning ſuch right, title, uſe, intereſt, or poſſeſſion, as they or any of them haue, claime, or pretend to haue for her or their iointure, or doſwer, of, in, or to any manors, lands, tenements, or other hereditamētſ, of any of their late husbands being now dead or deceaſed: any thing contained in this Act to the contrary notwithstanding.

16 Prouided alſo, that if any wife haue or hereafter ſhall haue any manors, lands, tenements, or hereditaments, vnto her given or aſſured after marriage, for term of her life, or otherwiſe in iointure, except the ſame aſſurance be to her made by Act of parliament

ment, and the said wife after that fortune to overlive the same her husband, in whose time the said iointure was made or assured unto her, that then the same wife, so overliving, shall and may at her libertie, after the death of her said husband, refuse to haue and take the lands and tenements, so to her giuen, appointed, or assured, during the co-verture, for terme of her life, or otherwise, in iointure (except the same assurance be to her made by Act of parliament, as is aforesaid) and thereupon to haue, aske, demaund and take her dower, by writ of dower, or otherwise, according to the common Law, of, and in all such lands, tenements, & hereditaments, as her husband was and stood seised of any estate of inheritance, at any time during the coverture: any thing contained in this Act to the contrarie in any wise notwithstanding.

17 Provided also that this present Act, nor any thing therein contained, extend, nor be at any time here after interpreted, expounded, or taken, to extinct, recalc, discharge or suspend, any statute, recognisance, or other bond by the execution of any estate, of, or in any lands, tenements, or hereditaments, by the authoritie of this Act, to any person or persons, or bodies politique: any thing contained in this Act to the contrarie thereof notwithstanding.

18 And forasmuch as great ambiguities & doubts may arise of the validty and inualidity

Idity of wils heretofore made of any lands
 tenements, and hereditaments, to the grea
 trouble of the kings subiects: The kings
 most royall Maestie, minding the tranqui
 litie & rest of his louing subiects, of his mo
 excellent and accustomed goodnesse is plea
 sed & contented, that it be enacted by the au
 thozitie of this present Parliament, that al
 maner true & iust willes and Testaments
 heretofore made, by any person or persons
 deceased, or that shall decease, before the first
 day of May, that shall be in the yeare of our
 Lord God M. v. C. xxxvj. of any lands
 tenements, or other hereditaments, shall be
 taken and accepted good & effectually in the
 law, after such fashion, maner, and forme
 as they were commonly taken & vled, at any
 time within forty yeares next before the
 making of this Act: any thing contained in
 this Act, or in the Preamble thereof, or any
 opinion of the common Law to the contra
 rie thereof notwithstanding.

19 Provided alwayes, that the Kinges
 highnesse, shall not haue, demaund, or take
 any aduantage or profit, for, or by occasion
 of the executing of any estate only by autho
 ritie of this Act, to any person or persons, or
 bodie polittique, which now haue, or on
 this side the said first day of May, which
 shall be in the yeare of our Lord God 1536.
 shall haue any vse or vles, trustes, or con
 fidences, in any manours, lands, tene
 ments, or hereditamētts, holden of the kings
 highnesse,

highnesse, by reason of Primer seisin, Liverye, Duster le maine, Fine for alienation, Reliefe, or Harriot, but that Fines for alienations, Reliefes, & Harriots, shall be paid to the Kings highnesse.

20 And also Liveries, & Duster le mains shall be sued for vles, trustes, and confidences to be made and executed in possession, by authority of this Act, after and from the said first day of May, of lands and tenements, and other hereditamētts holden of the king, in such like maner & forme, to all intents, considerations, and purposes, as hath heretofore been vled or accustomed by the order of the Lawes of this Realme.

21 Provided also, that no other person or persons, or bodies politique, of whom any lands, tenements, or hereditaments be, or hereafter shall be holden, mediate or immediate, shall in any wise demaund or take any fine, reliefe, or harriot, for, or by occasion of the executing of any estate by the authoritie of this Act to any person or persons, or bodies politique, before the said first day of May, which shall be in the yeare of our Lord God 1536.

22 And be it enacted by authoritie aforesaid, that all & singuler person & persons, and bodies politique, which at any time on this side the said first day of May, which shall be in the yere of our Lord God 1536, shall have any estate vnto them executed, of, and in any lands, tenements, or hereditaments, by the

authoritie of this Act, shall & may haue and take the same or like aduantage, benefite, vouchier, aide pzaier, remedy, commodity, & profite, by action, entrie, condition, or otherwise, to all intents, constructions or purposes, as the persō or persons seised to their vse, of, or in any such lands, tenements, or hereditaments, so executed, had, should, might or ought to haue had, at the time of the execution of the estate thereof, by the authority of this act, against any other person or persons, of, or for any wast, disseisin, trespass, condition broken, or any other offence, cause, or thing concerning or touching the said lands or tenements so executed by the authority of this act.

23 Provided also, and be it enacted by the authoritie aforesaid, that actions nowe depending against any person or persons, seised of, or in any lands, tenements, or hereditaments, to any vse, trust or confidence, shall not abate, ne be discharged, for or by reason of executiug of any estate thereof by authority of this act, befoze the said first day of May which shall be in the yēere of our Lord God 1536. any thing contained in this act to the contray notwithstanding.

24 Provided also, that this act nor any thing therein contained, shall not be preiudicial to the Kings highnes, for wardships of heires now being within age, nor for liveryes, or for ouster le main, to be sued by any person or persons now being within
age,

age, or of full age, of any lands or tenements vnto the same heire or heires now already descended, any thing in this act contained to the contrary notwithstanding.

25 Provided also, & be it enacted by the authority aforesaid, that al & singular recognitions heretofore knowledged, takē or made, to the R. vse, for or concerning any recoveries of any lands, tenements or hereditaments, heretofore vsed or had, by writ or writs of Entre vpon disseisin en le post, shall from henceforth be vtterly void, & of none effect to al intents, constructions, & purposes.

26 Provided also, that this act, nor any thing therein contained, be in any wise prejudicial or hurtful to any person or persons born in Wales, or the marches of the same which shall haue any estate to them executed by authority of this act, in any lands, tenements, or other hereditaments, within this Realme, wherof any other person or persons, now stand or be seised, to the vse of any such person or persons bozne in Wales, or in the marches of the same: but that the same person or persons bozne in Wales or in the marches of the same, shall or may lawfully haue, retaine or keepe the same lands tenements or other hereditaments, wherof estate shall be so vnto them executed by the authority of this act according to the tenor of the same, any thing in this act contained, or any other act or provision heretofore had or made to the contrary, notwithstanding.

Inrolments.

An act concerning Inrolments of Bargaines
and Contracts of lands and tenements,

Anno 27. H. 8. cap. 16.

Inrolments I.

BE it enacted by the auzhoritie of this
pzeſent Parliament, that from the laſt
day of July, which ſhal be in the yeare of
our Lord God 1536. no manors, lands, te-
nements, oz other hereditaments, ſhal paſſe,
alter, oz change, from one to an other, wher-
by any eſtate of inheritance oz freehold ſhall
be made oz take effect in any perſon oz per-
ſons, oz any uſe thereof to be made, by reaſon
onely of any bargaine & ſale thereof, except
the ſame bargaine and ſale be made by wry-
ting indented, ſealed, & inrolled in one of the
kings Courts of record at Weſtmiſter, oz
eſſe within the ſame Countie oz Counties
where the ſame manors, lands, oz tenemēts
ſo bargained & ſold, lie oz be, befoze the Cu-
ſtos Rotulorum, and two Juſtices of the
peace, & the Clerke of the peace of the ſame
countie oz counties, oz two of them at the
leaſt, whereof the Clerke of the peace to be
one: And the ſame Inrolment to be had
made within ſixe Monethes next after the
date of the ſame wrytings indēted, the ſame
Cuſtos Rotulorum, oz Juſtices of the peace
& Clerke, taking for the inrolment of euery
ſuch wryting indented befoze them, where
the land comprized in the ſame wryting
ceəd not the yearely value of xl. ſhillings
ij. ſ. that is to ſay, xij. d. to the Juſtice
an

and xij. d. to the Clerke, & for the inrolment of euery such writing indented befoze them, wherein þe land comprised exceed the summe of xl. s. yearely value v. s. that is to say, ij. s. vij. d. to the said Iustices, and ij. s. vij. d. to the said Clerke for the inrolling of the same.

2 And that the Clerke of the peace for the time being, within euery such Countie, shal sufficiently inroll & ingrosse in parchment the same deedes or writings indented, as is aforesaid, and the Rols thereof, at the end of euery yeare shall deliuer vnto the Custos Rotulorum of the same Countie for the time being, there to remaine in the custodie of the said Custos Rotulorum for the time being, amongst other Records of euery of the same counties, where any such inrolments shalbe so made, to the intent that euery party that hath to do therewith may resort & see þe effect & tenour of euery such writing so inrolled.

3 Provided alwaies that this act, nor any thing therein contained, extend not to any manor, lands, tenements, or hereditaments, lying or being within any Citie, Borough, or Towne corporate within this Realme, wherein the Maiors, Recorders, Chamberlains, bailifs, or other officer or officers haue authority, or haue lawfully vsed, to inrol any evidences, deedes, or other writings within their precinct or limits: any thing in this act contained, to the contrary notwithstanding. [See after a Stat. made 34. H. 8. ca. 22. touching deedes inrolled in such Cities &c.

Partition.

An act concerning Iointenants, and Tenants in common, An 31. H. 8. cap. 1.

Partition 2.

FOrasmuch as by the Common Lawes of this Realme, diuers of the Kings subiects, being seised of manors, lands, tenements, and hereditaments, as Iointenants, or as Tenants in common, with other of any estate of inheritance, in their owne rights, or in the right of their wiues, by purchase, descent, or otherwise, & euery of them so being Iointenants, or Tenants in common, haue like right, title, interest, or possession in the same manors, lands, tenements & hereditaments, for their parts & portions iointly or in common vndiuidedly together with other, & none of them by the law doth or may know their seuerall parts or portions in the same, or that that is his or theirs by it selfe vndiuided; and cannot by the Lawes of this Realme otherwise occupie or take the profits of the same, or make any seuerance, diuision, or partition thereof without other of their mutuall assents and consents: by reason whereof diuers a man of them, being so iointly & vndiuidedly seised of the said manours, lands, tenements, hereditaments, oftentimes of their peruersely couetous, and malicious mindes and wils against all right, iustice, equitie, & good conscience, by strength & power, haue not onely cut and felled doونه all the woods & tree
groswin

growing vpon the same, but also haue extirped, subuerted, pulled downe, & distroied all the houses, edifications, and buyldings, meadowes, pastures, commons, & the whole commodities of the same, & haue taken and conuerted them to their owne vles, and behofes, to the open wrong & disherison, and against the mindes and wils of other, holding the same manors, lands, tenements, & hereditaments, iointly or in common with them, and they haue beene alwaies without assured remedy for the same.

¶ Be it therefore enacted by the King our most dread soueraign Lord, and by thassent of the Lords spirituall & temporall, and by the commons in this present parliament assembled, that all Jointenants, & Tenants in common, that now be, or hereafter shall be, of any estate or estates of inheritance, in their owne rights, or in the right of their wiues, of any manors, lands, tenements, or hereditaments, within this Realme of England, Wales, or the marches of the same, shall and may be coacted and compelled by vertue of this present act, to make partition betwæne them, of all such manors, lands, tenements, and hereditaments, as they now hold, or hereafter shall hold, as Jointenants, or tenants in common, by writ De Partitioe facienda in that case to be deuised, in the king our soueraign Lords court of Chancery, in like maner & forme as Coparceners by the common Lawes of this realme, haue

Monasteries.

been and are compelled to doe, and the same
to be pursued at the common law.

3 Provided alway, and be it enacted, that
euerie of the said iointenants or tenants in
common, and their heires, after such partici-
on made, shall and may haue ayde of the o-
ther, or of their heires, to the intent to de-
reigne the warrantie paramount, and to re-
couer for the rate, as is vsed betwecn copar-
ceners after partition made by the order of
the common law, any thing in this act, con-
teined to the contrarie notwithstanding.
[See after a statute made 32. H. 8. cap. 22.
touching partition betwene tenants of per-
ticuler estates.

Monasteries.

An act wherby Religious houses are dissol-
ued, and their lands are assured to the king.
And how leases and graunts made of them
shall take effect, anno 31. H. 8. cap. 13.

Monasteries 4.

Where diuers & sundrie abbots, pri-
ors, abbesles, prioresses, and other
ecclesiastical gouernors and gouer-
nesses, of diuers monasteries, abbathies,
priories, nunries, colleges, hospitals, houses
of friers, & other religious and ecclesiastical
houses & places, within this our soueraigne
lord, the kings realin of England & Wales,
of their owne free and voluntarie mindes,
god

good willes, and assents without constraint
 coercion or compulsion of any maner of per-
 son or persons, sithen the iiii. day of Febꝛu-
 ary, the xxv̄ yeare of the raigne of our now
 most dread ſoueraigne lord, by the due order
 & course of the common lawes of this his
 realme of England, and by their sufficient
 writings of Record, vnder their couent and
 commō Seales, haue seuerally giuen, gran-
 ted, & by the same their writings seuerally
 confirmed, all their said monasteries, abba-
 thies, priories, nunryes, colledges, hospi-
 tals, houses of friers, & other religious and
 ecclesiasticall houses and places, & all their
 sites, circuits, & precincts, of the same, & all &
 singular their manors, lordships, granges,
 meases, lands, teneiments, medowes, pal-
 tures, rents, reuerſions, seruices, woods,
 tithes, pensions, portions, churches, chap-
 pels, aduowſons, patronages, annuities,
 rights, entries, conditions, commons, lets,
 courts, liberties, priuiledges, & fraunchises,
 appertaining or in any wise belonging to a-
 ny such monastery, abbathic, priory, nunry,
 colledge, hospitall, house of friers, and other
 religious and ecclesiasticall houses and plas-
 ces or to any of them, by whatsoeuer name
 or corporation they or any of them were the
 named or called, and of what order, habite,
 religion, or other kind of quality soeuer they
 or any of them then were reputed, known
 or taken.

¶ To haue and to hold all the said mona-
 sties

Monasteries.

steries, abbathies, pziozpes, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiasticall houses and places sites, circuits, pzecincts, manors, lands, tenements, medowes, pastures, rents, reuerfions, seruices, and all other the pzemisses to our said soueraigne Lord his heires and successours for euer, and the same their said monasteries, abbathies, pziozies, nunries, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses & places sites, circuits, pzecincts, manours, lordships, granges, meases, lands, tenements, meadowes, pastures, rents, reuerfions, seruices, and other the pzemisses voluntari as is afozsaid, haue renounced left, & forsaken, and euery of them hath renounced, left, and forsaken.

3 We it therfore enacted by the king our soueraigne Lord, & the lords spirituall and temporall, and the commons in this present parliament assembled, & by authozitie of the same, that the king our soueraigne lord shal haue, hold, possede, & inioy to him, his heires & successours for euer, all & singular such lands, monasteries, abbathies, pziozies, nunries, colleges, hospitals, houses of friers, & other religious & ecclesiasticall houses & places, what kinds, natures, qualities, or diuerties of habites, rules, professions or orders they or any of them were named, knowen or called, which sith the said 4. day of February, the xxvij. yeare of the raigne of our sa

soveraigne Lord, haue been dissolved, suppressed, renounced, relinquished, forfeited, giuen by, or by any other meane come to his highnesse, and by the same authoritie, & in like maner shall haue, hold, possed, & in-
 isy all the sites, circuits, precincts, manors, lordships, graunges, meales, lands, tenements, meadowes, pastures, rents, reuer-
 sions, seruites, woods, tythes, pensions, por-
 tions, patronages appropriated, vicarages, churches, chappels, aduowsons, nomina-
 tions, patronages, annuities, rights, inte-
 restes, entries, conditions, [See 32. H. 8. cap. 34] commons, leetes, courts, liberties, priuiledges, franchises, & other whatsoeuer hereditainets, which appertained or belon-
 ged, to the said late monasteries, abbathies, priories, nunries, colledges, hospitals, hou-
 ses of friers, & other religious or ecclesiasti-
 call houses and places, or to any of them, in as large and ample maner & forme, as the late abbots, priors, abbesses, prioresses, and other ecclesiasticall gouernors & gouerne-
 ses, of such late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiasticall houses & places, had, held, or occupied, or of right ought to haue had, holden, or occupied in the right of their said late monasteries, abbathies, priories, nunries, colleges, hospi-
 tals, houses of friers, or other religious or ecclesiastical houses or places, at the time of the said dissolution, suppression, renouncing,
 relin-

Monasteries.

relinquishing, forfayting, giuing vp, or by ny other manner of meane comming of the same to the kings highnes, sithen the 4. of February aboue specified.

4 And it is further enacted by the authority abouesaid, that not only all the said la monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and ther religious and ecclesiasticall houses and places, sites, circuits, p̄cincts, manors, lordships, granges, meases, lands, tenements, meadowes, pastures, rents, reuerfions, seruices, and all other the p̄misses forthwith immediately & presently, but also all other monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and al other religious and ecclesiasticall houses & places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfayted, giuen vp, or by any other meane come vnto the kings highness and also all the sites, circuites, p̄cincts, manors, lordships, granges, meases, lands, tenements, meadowes, pastures, rents, reuerfions, seruices, woods, tythes, pensions, porcions, parsonages appropriate, vicarages, churches, chappels, aduowsons, nominations, patronages, annuities, rights, inclosures, entries, conditions, commons, leets, courts, liberties, p̄uileges, franchises and other hereditaments, whatsoeuer they be belōging or appertaining to the same, or any of them, whensoever & as soone as they shall

be dissolved, suppressed, renounced, relinquished, forfeited, giuē bp, or by any other mean come vnto the kings highnes, shalbe vested, deemed, and adiudged, by authoritie of this present parliament, in the very actual & real seison and possession of the king our soueraine Lord, his heires and successours for ever, in the state and condition as they now be, and as though all the said late monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, and all other religious and ecclesiasticall houses & places, so dissolved, suppressed, renounced, relinquished, forfeited, giuē bp, or come to the kings highnes as is aforesaid, as also the said monasteries, abbathies, priories, nunries, colleges, hospitalls, houses of friers, & other religious & ecclesiasticall houses, and places, which hereafter shal happen to be dissolved, suppressed, renounced, relinquished, forfeited giuen bp, or come vnto the kings highnes, sites, circuits, precincts, manors, lordships, graunges, lands, tenemēts, & other the premises, whatsoeuer they be, & euerie of them, were in this present act specially & particularly reherfed named, & expze ssed by expze sse words, names, titles, & faculties, & in their natures, kinds, and qualities.

And be it also enacted by the authoritie aforesaid, that all the said late monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, & other religious, & ecclesiasticall houses & places which bin dissolved,

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solued, suppressed, renounced, relinquished
giuen vp, or come to the kings highnesse, by
any maner of meanes, as is aforesaid, and
all the manors, lordships, granges, lands,
tenements, and other the premises, (except
such therof as be comen to the kings hand
by attainder or attainders of Treason) and
all the said Monasteries, abbathies, prio-
ries, nunries, colledges, hospitals, houses
of friers, & other religious & ecclesiastical hou-
ses or places, which hereafter shall happen to
be dissolued, suppressed, renounced, relinqui-
shed, forsatiad, giuen vp, or come vnto the
kings highnesse, & all the manors, lordships,
granges, lands, tenements, medowes, pa-
stures, rents, reuerfions, seruises, wedds,
tithes, portions, pensions, parsonages ap-
propriat, vicarages, churches, chappels, au-
uofsons, nominations, patronages, annu-
ties, rights, interests, entries, conditions
commons, leets, courts, liberties, priuileges,
franchises, & other hereditaments whatsoe-
uer they be, belonging to the same, or to any
of them (except such therof, which shall hap-
pen to come to the kings highnesse by attainde-
or attainders of treason) shall be in the order
suruey, & gouernance of our said soueraign
Lord the kings court of Augmentations
the reuenues of his crowne, & of the chaun-
celloz, officers, & ministers of the same.

And all the fermes, issues, reuenues,
profits, comming & growing of the premis-
ses, & of euery part therof, (except before ex-
cepted

cepted) shall be ordered, taken, & receiued to the kings vse by the said Chancelloz, ministers, & officers of the same court, in such & like maner & forme, as the monasteries, priories, sites, circuits, manors, graūges, meases, lands, tenements, rents, reuerfions, seruices, tithes, pēfions, porcions, aduowfions, patronages, rights, entries, conditions, and other hereditaments late appertayning or belonging vnto ſ Monasteries, abbathies, priories, or other Religious houses, late by authoritie of parliament suppressed, [viz. 27. H. 8. v. patet, but in Rastals colle& Monast. 9.] beēne ordered, surueyed, and gouerned.

6 Having to all & euery person & persōs, & bodies politike, & their heires & successozs, & the heires & successozs of al & euery of them, other then the said late Abbots, priors, abbesses, prioresses, & other ecclesiasticall gouernors & gouernesses, of the said late Monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiasticall houses & places, & their successozs, & the successozs of euery of them, & such as pretend to be founders, patrons, or donors of such monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other ecclesiasticall houses and places, or of any manors, mesuages, lands, tenements, or other hereditaments, belonging to the same, or to any of them, their heires & successozs, and the heires and successozs of euery of such founder, patron,

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or donoz, and the now abbots, priors, abbesses, prioresses, & other ecclesiastical gouernozs, & gouernesses of such monasteries, abbathies, priozies, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiastical houses & places, which here after shal happen to be dissolued, suppressed, renounced, relinquished, forfated, giuen by or come to the kings highnesse, and such a pretend to be founders, patrons, or donozs of such Monasteries, Abbathies, priozies, nūries, colleges, hospitals, houses of friers & other ecclesiastical houses & places, or any manozs, mesuages, lands, tenements, or other hereditaments to the same belonging, or to any of them, their heires and successozs, & the heires and successozs of euer of them, all such right, title, claime, interest, possession, rents, charges, annuities, leases, fermes, offices, fees, liueries, & lyuings, portions, pensions, cozodies, cōmons, synodes, proxies, & other profites, which they or any of them haue, claime, ought, may, or might haue had, in, or to the premises, or to any part or parcell thereof, in such like maner, forme, & condition, to all intents, respects, constructions & purposes, as if this Act ha neuer been had ne made, (rents seruices, rent seck, and all other seruices & lutes onl except.)

7 Provided alwaies, and be it enacted by the authozitie abouesaid, that if any lat abbot, prior, prioresse, abbesse, or ther ecclesiastica

any lease or graunt for terme of life, or for terme of yeares, of any manors, meases, lands, tenements, meadowes, pastures, woods, parsonages appropriate, tithes, pensions, porciōs, churches, chappels, or other hereditaments, whatsoeuer they be, wherof and in the which any estate or interest for terme of life, yeare or yeares, at the time of the making of any such graunt or lease, then had his being or continuance, or hereafter shall haue his being or continuance, and that was not determined, finished, or expyred, or at the time of any such lease to be made, shall not be determined, finished, or expyred, or within one yeare next befoze the first day of this present Parliament, hath made, or hereafter shall make any lease or graunt for terme of life, or for terme of yeares, of any manors, mesuages, lands, tenemēt, meadowes, pastures, woods, parsonages appropriate, tithes, pensions, porciōs, churches, chappels, or other hereditamēt what soeuer they be, vpon the which leases and graunts the vsual and old rents & fermes, accustomed to be payden & reserued by the space of xx. yeares, next befoze the said first day of this present parliament, is or be not, or hereafter shall not be thereupon reserued & payden: Or if any such gouernor or gouernesse, of any such monasterie, abbathie, priory, nunry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, which hereafter shall happen to be

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dissolued, suppressed, renounced, relinquished, forfeited, given by, or come to the kings highnesse, within one yeare, next before the first day of this present Parliament, hath made, or hereafter shall make any bargain or sale of his woods, which woods be yet growing & standing: that then all & every such lease, graunt, bargaine, and sale of wood or woods, shall be utterly void & of none effect.

10 And it is also enacted by the authority aforesaid, that all feoffements, fines, & recoveries, had, made, knowledged, or suffered within one yeare next before the first day of this present parliament, or hereafter to be had, made, knowledged, or suffered, by any governor or governess, of any monasterie, abbacie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfeited, given by, or come to the kings highnesse, without the kings licence vnder his great seale, of any manors, messes, lands, tenements, or other hereditaments whatsoever they be, which the said abbots, priors, abbesses, prioresses, and other ecclesiasticall governors & governesses, which hereafter shall happen to be dissolued, suppressed, relinquished, forfeited, given by, or come vnto the kings highnesse, as is aforesaid, or any of them, or any of their predecessors had, or held, or haue and hold of the gift, graunt, or confirmation of our said so-
ueraigne

ueraigne Lord, or of any of his highnesse progenitors, or of the which monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious & ecclesiastical houses & places, our said soueraigne Lord is founder, or patron, or which manors, meases, lands, tenements, or other hereditaments, were, or be of the auncient or old foundation, or possession of the said monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, shall be vtterly void and of none effect.

It is provided alway, and be it enacted by authoritie abouesaid, that if any Abbot, priour, abbesse, or prioresse, or other gouernor or gouernesse abouesaid, within one yeare next before the first day of this present parliament, or if any late Abbot, priour, abbesse, prioresse, or other late gouernor, or gouernesse abouesaid, within one yeare next before any such dissolution, suppression, reuocing, relinquishing, forfaiting, giuing vp, or committing to the kings highnes of the premisses, or of any parcel thereof, as is aforesaid, haue made any demise, lease, or graunt, to any person or persons, for terme of yeeres, of any manors, meases, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments aforesaid, which person or persons at the time of the said demise, lease, or graunt, had & held the same to ferme for terme of yeeres then not expyred:

℞. iij.

that

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that then the said person or persons to whom any such demise, lease, or grant hath been made, shall haue & hold the same for the term of xxj. yeres onely, from the time of the making of the said demise, lease, or grant, if so many yeres be by the same demise, lease, or grant, specified, limited, & expressed, or els for so many yeres as in such demise, lease, or grant been expressed, so that the old rent be therupon reserved, & so that the same lease or leases exceede not xxj. yeres: this act or any thing therein contened to the contrary notwithstanding. [See Plow. Com fol. 106. and after, Fulmeiton and Stewardec case.]

12 Provided also, and be it enacted by the authoritie abovesaid, that if any abbot, priore, or abbelle, priorelle, or other late gouernour or gouerneffe, within one yere next before any such dissolution, suppression, denouncing, relinquishing, forfaiting, gyuing vp, or comming vnto the kings highnes of the premises, or of any parcell thereof, as is aforesaid, haue made any demise, lease, or grant, to any person or persons, for terme of life, or liues, of any manors, meases, lands, tenements, parsonages appropriate, tythes, pensions, porcions, or other hereditaments aforesaid, which person or persons, or any of them, at the time of the said demise, lease, or grant, had & held the same for terme of life or liues, or for term of yeres then not expyred: that then the said person or persons, to whom any such lease or grant hath
been

astricall gouernoz or gouernesse abouesaid,
 within one yere next befoze the dissolution,
 suppression, renouncing, relinquishing, for-
 saiting, giuing by, or comning to the kings
 highnesse, of his late monasterie, abbathie,
 priozie, nunrie, colledge, hospitall, house of
 friers, or other religious or ecclesiasticall
 house or place, hath made any lease or grāt,
 vnder his couēt or cōmon seal, or otherwise
 for terme of life, or for terme of yeres, of the
 site, circuite, & precinct, of his said late mo-
 nasterie, abbathie, priozie, nunrie, colledge,
 hospitall, house of friers, or other religious
 or ecclesiasticall house or place, or of any
 part thereof, or of any manors, mesuages,
 granges, lands, tenements, parsonages ap-
 propriate, tithes, pencions, porcions, or o-
 ther hereditaments, which belonged or ap-
 pertained to his said late monasterie, abba-
 thie, priozie, nunrie, colledge, hospitall, house
 of friers, or other religious or ecclesiasticall
 house or place, which manors, mesuages,
 graunges, lands, tenements, parsonages
 appropriate, tythes, pencions, porcions, or
 other hereditaments, were not befoze the
 same lease commonly vsed to be set nor let
 to ferme, but kept & reserved in the manu-
 rance, tillage, or occupation of the said go-
 uernour or gouernesse, for the maintenance
 of hospitalitie and good house keeping: or
 within one yere, as is abouesaid, hath made
 any lease or graunt for terme of life, or for
 terme of yeres, or of any manors, mesua-
 ges,

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ges, lands, tenements, meadows, pastures, wood & parsonages appropriate, tithes, pensions, portions, churches, chappels, or other hereditaments, whatsoever they be, whereof, or in the which any estate or interest for terme of life, yeare or yeares, at the time of the making of any such graunt or lease, then had his being or continuance, and then was not determined, finished, or expired: or within the time of one yere, as is abovesaid, hath made any lease or graunt for terme of life, or for terme of yeares, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chappels or other hereditaments whatsoever they be, upon the which leases & graunts, the vsuall and old rents & seruices, accustomed to be yalden & referued by the space of xx. yeres, next before the first day of this present parliament, is & be not, therupon referued and yalden: Or if any such gouernor or gouernesse, hath made any bargaine or sale of his woods, within one yeare, as is afoze limited, which woods be yet growing and standing: that then all & euerie such lease, graunt, bargaine & sale of wood or woods, shall be vtterly void and of none effect.

8 And it is also, enacted by authoritie afozesaid, that all feoffements, fines, and recoveries, had, made, & knowledged, or suffered, by any gouernor or gouernesse, without the kings licence vnder the great seale, within

one yere next befoze the dissolution, renouncing, relinquishing, forfaiting, gyving by, or comming vnto the kings highnes of his said monasterie, abbathie, pziozie, nuntie, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, or any manors, meales, lands, tenements, or other hereditaments, whatsoeuer they be, which the said late abbot, pzior, abbelle, pzioresse, and other ecclesiasticall gouernors & gouernesse, or any of them, or any of their predecessors had or held, of the gift, graunt or confirmation of our said soueraign Lord, or any of his highnesse progenitors, or of the which monasteries, abbathies, pziozys, nunries, colledges, hospitalles, houses of friers, or other religious or ecclesiasticall houses or places, our said soueraigne Lord was founder or patron, or which manors, meales, lands, tenements, or other hereditaments were of the auncient or olde foundation or possessiō of the said late monasteries, abbathies, pziozies, nūries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places shall be vtterly boide and of none effect.

9 And it is further enacted by the authoritie abouesaid, that if any abbot, pzior, abbelle, pzioresse, or other ecclesiasticall gouernor or gouernesse of any monastery, abbathie, pziozie, nūry, colledge, hospital, house of friers, or other religious or ecclesiasticall house or place, which hereafter shall happen

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to be dissolved, suppressed, renounced, relinquished, forfeited, given by, or come to the kings highnes, within one yere next before the first day of this present Parliament, have made, or hereafter do make any lease or grant vnder his conent or cōmon seale, or otherwise for terme of yeres, or life, or liues, of the site, circuit, and precinct of his said monasterie, abbathie, priory, nunry, colledge, hospital, house of friers, or other religious or ecclesiasticall house or place, or of any part thereof, or any manors, mesuages, lands, tenements, parsonages appropriate, tythes, pensions, portions, or hereditaments belonging or apperteyning to his said monastery, abbathie, priory, nurrie, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place: which manors, mesuages, graunges, lands, tenements, parsonages appropriate, tythes, pensions, portions, and other hereditaments, whatsoeuer they be, were not before the same lease, commonly vsed to be set nor let to ferme, but kept and reserued in the manurance, tillage, or occupation of the said gouernour or gouernesse, for the maintenance of hospitalitie and good house keeping, or now be in the manurance, tillage or occupation of the said gouernour or gouernesse, for the maintenance of hospitalitie & good house keeping, or within one yere next before the first day of this present parliament, hath made, or hereafter shall make any

coueries, or other lawfull meane, betwene any such parties, had or made, as abovesaid: this Act or any thing therein contayned to the contrarie notwithstanding.

18 And where our said soueraigne Lord sith the fourth day of February, the said 27. yeare of the raigne of our said soueraigne Lord, hath obtained and purchased, aswell by exchanges, as by gifts, bargaines, fines, frowments, recoueries, deedes inrolled, & otherwise, of diuers and sundry persons, many and diuers honours, castels, manors, lands, tenements, meadowes, pastures, woods, rents, reuerfions, seruices, & other hereditaments, and hath not onely payed diuers and sundry great summes of money for the same, but also hath giuen & graunted for the same, vnto diuers and sundry persons, diuers and sundry manors, lands, tenements, and hereditaments, and other recompences, in, and for full satisfaction of all such honours, castels, manors, lands, tenements, rents, reuerfions, seruices, and other his hereditaments, by his highnesse obtayned or had, as is abovesaid.

19 Be it therefore enacted by the authoritie abovesaid, that our said Soueraigne Lord the King, his heires and successors, shall haue, hold, possede, and inioy, all such honours, castels, manors, lands, tenements, and other hereditaments, as his highnesse sith the said 4. day of February, the 27. yere abovesaid, hath obtained and had by way of exchange,

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exchange, bargain, purchase, or other whatsoever meane or meanes, according to the true meaning & intent of his highnes bargain, exchange, or purchase, misrecital, misnaming, or non recital, or not naming of the said honours, castels, manours, lands, tenements, and other hereditaments, comprised, or mencioned in the bargaines or writings, made betwecne the kings highnesse, and any other partie or parties, or of the townes or counties, where the said honours, castels, manours, lands, tenements, & hereditaments, lye and been, or any other matter or cause whatsoever it be in any wise notwithstanding.

20 Having to all and every person and persons, and to their heires, bodies politike and corporate, and to their successours, and to every of them (other then such person and persons, and their heires, and their wives, and the wives of every of them, bodies politike and corporate, and their successours, and every of them, of whom the kings highnes hath obtained, by exchange, gift, bargain, fine, feoffment recoverie, dæde enrolled, or otherwise, any such honours, castels, manours, lands, tenements, and other hereditaments, as is aforesaid,) all such right, title, vse, interest, possession, rents, charges, annuities, commodities, fees, and other profits, (rents services, and rents secks onely except,) which they or any of the have, might, or ought to have had, in, or

to the p̄misses so obtained & had, or in, or to any parcel thereof, if this act had neuer been had nor made: this p̄sent act or any thing therein cōtained to t̄ cōtrary notwithstanding.

11 And where it hath pleased the kings highnes of his most abundant grace and godnes, aswell vpon diuers & sundry considerations his Maiestie specially mouing, as also otherwise, to haue bargained, sold, changed, or gyuen & graunted by his graces seuerall letters patents, indentures, or other writings, aswell vnder his highnes great seale, as vnder the seale of his highnes Duchie of Lancaster, & the seale of the office of the Augmentacions of his crowne, vnto diuers & sundrie of his louing & obedient subiectes, diuers and sundry honours, castles, manours, monasteries, abbathies, priories, lands, tenements, rentes, reuerſions, seruices, parsonages appropriated, aduowsons, liberties, tythes, oblations, porcions, pensions, fraunchises, p̄uiledges, liberties, and other hereditaments, cominodities, and profites, in fee simple, fee taile, for terme of life, or for terme of yeares.

12 For auoyding of which said Letters Patents and of the contents of the same, diuers, sundry, & many ambiguities, doubts and questions, might hereafter arise, be moued, & stirred, aswell for misrecital, or non-recital, as for diuers other matters, things, or causes to be alleaged, objected, or intuented against the said letters Patents, as also
for

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foz lack of finding of offices oz inquisitions, wherby h^e title of his highnes therin ought to haue been found, befoze the making of the same letters patents, oz foz misrecital, oz nonrecital of leases, aswell of recozde, as not of recozde, oz foz lacke of the certaintie of the values, oz by reason of misnaming of the honours, castels, manours, monasteries, abbathies, priories, lands, tenements, and other hereditaments, comprised and mentioned within the same letters patents, oz of the townes and Counties, where the same honours, castels, manours, monasteries, abbathies, priories, lands, tenemets, rents, and other hereditaments, lye and beyn, as foz diuers and sundry other suggestions & surmises, which hereafter might happen to be moued, surmised, & procured, against the same letters patents, albeit the wordes in effect, contained in the said Letters Patents be according to the true intent & meaning of his most royall Maiestie.

23 We it therefore enacted by the authoritie of this present Parliament, that aswell all and euery the said letters Patents, Indentures, oz other writings, and euery of them, vnder the seale oz seales abouesaid, oz any of them made oz gaunted by the kings highnes, sithen the said fourth day of Februarie, the said xxvij. yeare of his most noble raign, as all and singular other his graces letters Patents, Indentures, oz other writings to be had, made, oz granted to any person

been so made, shall haue & hold the same for terme of their life or liues, so that the olde rent be thereupon reserued: this act, or any other thing therein contained to the contrary thereof notwithstanding.

13 Provided also, & be it enacted by the authority aforesaid, that all & singular leases & graunts made by copy to any person or persons, of any of the said mesuages, lands, tenements, parsonages appropriated, tithes, pensions, portions, or other hereditaments aforesaid, for terme of life or liues, which by the custome of the country had been vsed to be demised, letten, or granted by copy of court rol, shall be good & effectual in the law, so the old rent be reserued, by & vpon euery such lease & leases: this act or any thing therein contained to the contrary in any wise notwithstanding.

14 Provided alway, & be it further enacted by the authority aforesaid, that all leases heretofore made of any the premises, by authority of our soueraigne Lord the R. Court of Augmentations of the reuenues of his Crowne, and all such leases, feoffements, and woodsales, made by the said gouernours and gouernesses, or any of them, vnder their couent leases, or vnder the couent or common seale of any of them, within one yeare next before the dissolution, suppression, renouncing, relinquishing, forfaiting, giuing by or comning to the kings highnes, of the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friers, or other

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other religious and ecclesiasticall houses or places, which said leases, grants, feffemets, & woodsales, haue been examined, inrolled, decreed, or affirmed, in our said soueraigne Lord the kings Court of augmentations, & the decree of h̄ same put in wryting, sealed with the seal of the said court of augmentations, shall be good & effectuell, according to the same decree: any clause or act heretofore in this present act, to the contrary notwithstanding.

It is provided alway, and be it also further enacted by the authozitie abouesaid, that if any person or persons, haue iustly & truly, without fraud or couine, paied, or giuen any summe or summes of money to any the said late gouernors or gouernesses, for the bargaine & sale of any woods, being & growing in or vpon any manors, lands, tenements, or hereditaments, which appertained or belonged to the said late monasteries, abbaties, priories, nuntries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall places, or vnto any of them, which bargaine & sale, by authozitie of this act, is made void & of none effect, & by mean therof, the kings highnesse may haue & take h̄ commoditie & profit of such woods, so bargained and sold: that then the Chancelloz, & other officers of our said soueraigne Lord the R. Court of Augmentations, or thzee of them, whereof the Chancelloz for the time being shall be one, of our said soueraigne Lord the kings

kings treasure, remayning in the treasoze of the same Court, shal satisfie & recompence every such person & persons, such summe of money, or other recompence, as the same Chauncelloz and officers, or thzee of them, whereof the said Chauncelloz shal be one, shal think meete & conuement. And if any other person or persons, shal happen to take profit & commoditie, by reason of auoyding of such wood sales, by authoritie of this act, that then every person and persons, which may or shall take such profit, shall be ordered for satisfaction to be made to the parties, that shall happen to be greued by this act, by the said Chauncelloz and other the officers of the same Court.

16 Provided also, & be it further enacted by the authoritie abovesaid, that all & every person and persons, their heires & assignes, which sithen the said 4 day of February, by licence, pardon, confirmation, releas, assent, or consent of our said soueraigne Lord the king, vnder his great scale heretofore guen, had, or made, or hereafter to be had or made, haue obtained, or purchased, by indenture, fine, feoffment, recovery, or otherwise, of the said late abbots, priors, abbesses, prioresses, or other gouernors or gouernesses of any such monasteries, abbathies, priories, nuries, colleges, hospitals, houses of friers, or other religious & ecclesiasticall houses or places, any monast. priories, colledges, hospitals, manors, lands, tenements, medows, pastures,

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pastures, woods, churches, chappels, parsonages, tithes, pensions, porcions, or other hereditamēts, shal haue & inioy the same, according to such writings & assurances, as haue ben therof befoze the 1. day of this present parliamēt, or hereafter shalbe had or made.

17 **H**aving to al & every person & persons & bodies politike, their heires & successors, to the heires & successors of every of them (other then the said late abbots, abbes, priors, prioresses, & other governoz & governesses, & their successors, and the successors of every of them, and such as pretend to be founders, patrons, or donours of the said monasteries, abbathies, priories, nuntries, colledges, hospitals, and other religious or ecclesiasticall houses or places, or of any of them, or of any manors, messuages, lands, tenements, or other hereditaments, late belonging to the same, or to any of them, & their heires, successors, & the heires & successors of every such founder, patron, or donour) all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liveries, and lyvings, porcions, pensions, corodies, synodes, proxies, & other profits, which they or any of them haue, ought, or mought haue had, in or to any of the said monasteries, abbathies, priories, colledges, hospitals, manors, lands, tenements, rents, services, reuerfions, tithes, pensions, porcions, or other hereditaments, at any time befoze any such purchase, indentures, fines, feoffements, recoveries,

person or persons, within threé yere next after the making of this present act, of any honours, castels, manours, monasteries, abbaties, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, sites, circuites, precincts, lands, tenements, parsonages, tithes, pensions, porcions, aduowsons, nominations, and al other hereditaments, & possessions, of what kind, nature, or quality, soener they be, or by whatsoeuer name or names they, or any of them be named, known, or reputed, shal stand & be good effectually, & auailable in the law of this Realme, to all respects, purposes, constructions, and intents, against his Maiestie his heires and successours, without any other licence, dispensation, or tolleration, of the Kinges highnesse, his heires and successours or of any other person or persons whatsoeuer they be, for any thing or things contayned or hereafter to be contayned in any such letters patents, indentures, or other writings: any cause, consideration, or thing materiall, to the contrarie in any wise notwithstanding.

14 Hauing to all and singuler persons, bodies politique & corporate, their heires & successours, and the heires and successours of euery of them, (other then his highnesse his heires and successours, and the said gouernours & gouernesses, & their successours, honours, founders, & patrons afozenamed,

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and their heires & successors & all other persons claiming in their rights, or to their vse, or in the right, or to the vse of any of them) all such right, title, claime, interest, possession, reuerſion, remainder, offices, annuities, rent charges, and commons, which they or any of them, haue, ought, or mought haue had, in or to any of the said honours, castels, manors, monasteries, abbathies, priories, lãds, tenements, & other hereditaments in the said letters patents made, or hereafter to be made, comprized, at any time befoze the making of the said or such letters patents: This act or any thing therein contained to the contrary notwithstanding.

25 And where diuers and sundry abbots, priors, abbesſes, priozeſſes, and other ecclesiasticall gouernors & gouernelles, of the said late monasteries, abbathies, priories, nũries, colleges, hospitals, houses of friers, and other religious & ecclesiasticall houses & places, haue had, possessed, and enioyed diuers and sundry parsonages appropriated, tithes, pensions, & porcions, and also were acquitted and discharged, of and for the payment or paymẽts of tythes to be paid, out of or for their said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiasticall houses & places, manors, messuages, lands, tenements, & hereditaments,

26 We it therfoze enacted by the authority abouesaid, that aswell the king our Soueraine

raigne Lord, his heires & successours as all
 & euery such person & persons their heires &
 assignes, which haue, or hereafter shal haue
 any monasteries, abbathies, priories, nun-
 riess, colledges, hospitals, houses of friers,
 or other ecclesiastical houses or places, sites,
 circuits, pzeincts of the same, or of any of
 them, or any manors, mesuages, parsonages
 appropriate, tithes, pensions, porcions, or
 other hereditaments whatsoeuer they be,
 which belonged or appertained, or which
 now belong or appertain vnto the said mo-
 nasteries, abbathies, priories, nunries, col-
 ledges, hospitals, houses of friers, or other
 religious or ecclesiasticall houses or places,
 or vnto any of them, shall haue, hold, retaine,
 keepe, and inioy, aswell the said parsonages
 appropriate, tythes, pencions, & porcions,
 of the said monasteries, abbathies, priories,
 nunries, colledges, hospitals, houses of fri-
 ers, and other religious and ecclesiasticall
 houses & places, sites, circuits, pzeinctes,
 manors, meases, lands, tenements, & other
 hereditaments, whatsoeuer they be, & euery
 of them, according to their estate and titles,
 discharged and acquitted of payment of ty-
 thes, as freely, and in as large and ample
 maner, as the said late abbots, priors, ab-
 besses, prioresses, and other ecclesiasticall
 gouernours and gouernesses or any of them
 had, held, occupied, possessed, vsed, retained,
 or inioyed the same, or any parcell therof, at
 the dayes of their dissolution, suppression,

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renouncing, relinquishing, forsaithing, giuing
bp, or comming to the kings highnesse, of
such Monasteries, Abbathies, priories, nun-
ries, colledges, hospitals, houses of friers, or
other religious or ecclesiasticall houses or
places, or at the day of the dissolution, sup-
pression, renouncing, relinquishing, gyuing
bp, or comming to the Kings highnesse of
any of them: This act, or any thing therein
contained to the contrary notwithstanding.
[Anno 32. H. 8. cap. 7.]

27 Sauiug to the Kings highnesse his
heires and successors, all, and all maner o-
rents, seruices, and other duties, whatso-
euer they be, as if this Act had neuer been
had nor made.

28 And be it further enacted by authority
of this present Parliament, that such of the
said late monasteries, abbathies, priories,
nunries, colledges, hospitals, houses of fri-
ers, and other religious, and ecclesiasticall
houses and places, and all Churches and
Chappels, to them, or any of them belong-
ing, which befoze the dissolution, suppressi-
on, renouncing, relinquishing, forsaithing, gy-
uing bp, or comming vnto the kings high-
nesse, were exempted from the visitation or
visitations, and all other iurisdiction of the
Ordinarie or Ordinaries, within whose
Diocesse they were situate, or set, shall from
henceforth be within the iurisdiction & vi-
sitation of the Ordinarie or Ordinaries,
within whose Diocesse they or any of them
be

be situate and set, or within the iurisdiction and visitation of such person or persons, as by the kings highnesse shalbe limited or appointed: This Act, or any other exemption, libertie, or iurisdiction, to the contrarie notwithstanding &c. [A confirmation of the Duke of Northfolke his purchase of Sipton Monasterie, and of the Lord Cobhams purchase of Cobham Chaunterie.]

Willes.

An act how by the Kings graunt, lands, tenements, &c. may be by Will, Testament, or otherwise disposed, and concerning Wardes, and Primer seifins, 32. H. 8. cap. 1.

Willes 2.

Where the Kings most roiall Maie-
estie, in all the time of his most gra-
cious and noble Raigne, hath euer
been mercifull, louing, and bencvolent, and
most gracious soueraign Lord vnto all and
singuler his louing & obedient Subiects, &
by many times past, hath not onely shewed
& imparted to them generally, by his many
and often great & beneficiall pardons here-
tofoze by authorities of his Parliaments
graunted, but also by diuers other wayes
and meanes, many great & ample graunts
and benignities, in such wise as all his said
subiects, been most bounden, to the vttermost
of all their powers & graces by them recei-
ued

ued of God, to render & gyue vnto his Ma-
iestie their most humble reuerence and obe-
dient thankes & seruices, with their daily &
continuall prayer to almighty God, for the
continuall preservation of his most royall
estate, in most kingly honour & prosperitie:
yet alwaies his Maiestie being repleat and
indownd by God, with grace, goodnesse, & li-
beralitie, most tenderly considering that his
said obedient and louing subiects, cannot but
or exercise themselves, according to their
estates, degrees, faculties, & qualities, or to
beare themselves, in such wise as they ma-
conueniently keepe and maintaine their ho-
pitalities and families, nor the good educa-
tions and bringing vp of their lawfull gen-
erations, which in this Realme laud be to
God, is in all parts verie great and abun-
dant, but that in maner of necessitie, as by
daily experience is manifested and knowen
they shall not be able of their proper goods
cattels, and other moueable substance, to
discharge their debts, and after their de-
grees set forth and aduance their childe-
ren and posterities.

2 Wherefoze, our said soueraigne Lo-
most vertuously considering the mortalitie
that is to euery person, at Gods will at
pleasure, most common and vncertaine,
his most blessed disposition and liberali-
tie, being willing to relieue and helpe by
said Subiects in their said necessities and
debilitie, is contented and pleased, that it

ordained, and enacted by authoritie of this present Parliament, in maner & forme as hereafter followeth: that is to say, That all and euery person & persons, hauing, or which hereafter shall haue any manours, lands, tenements, or hereditaments, holden in Socage, or of the nature of socage tenure, & not hauing any manours, lands, tenements, or hereditaments, holden of the king our soueraigne Lord by knights seruice, or by socage tenure in chiefe, or of the nature of socage tenure in chiefe, nor of any other person or persons by knights seruice, from the xx. day of July, in the yeare of our Lord God, M. v. C. and xl. shall haue full & free libertie, power, and authoritie, to giue, dispose, will, and deuise, aswell by his last wil & Testament in woziting, or otherwise, by any act or actes lawfully executed in his life, all his said manours, lands, tenements, or hereditaments, or any of them, at his free will and pleasure: any law, statute, or other thing heretofore had, made, or bled, to the contrarie notwithstanding.

3 And that all and euery person and persons, hauing manours, lands, tenements, or hereditaments, holden of the king our soueraigne Lord, his heires or successors in socage, or of the nature of socage tenure in chiefe, and hauing any other manours, lands, tenements, or hereditaments, holden of any other person or persons, in Socage, or of the nature of socage tenure, and not hauing

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any manors, lands, tenements, or hereditaments, holden of the King our soueraigne Lord, by knights seruice, or of any other Lord or person by like seruice, from the xx. day of July in the said yeare of our Lord God, M. v. C. and forty, shall haue full and free libertie, power, and authozitie, to giue, will, dispoſe, and deuise, aſwell by his laſt will or Teſtament in writing, or otherwiſe, by any act or actes lawfully executed in his life, all his ſaid manors, lands, tenements, and hereditaments, or any of them, at his free will and pleaſure: any law, ſtatute, cuſtome, or other thing, heretofore had, made or vſed to the contrary notwithstanding.

4 Saving alway & reſeruing to the king our ſoueraigne Lord, his heires and ſucceſſors, all his right, title, and intereſt of primer ſeiſin, and relieſes, and alſo all other rights, and duties, for tenure in ſocage, or of the nature of Socage tenure in chief, as heretofore hath been vſed and accuſtomed: the ſame manors, lands, tenements, or hereditaments, to be taken, had, and ſued out of, and from the hands of his highneſſe, his heires and ſucceſſors, by the perſon or perſons, to whom any ſuch manors, lands, tenements, or hereditaments, ſhall be diſpoſed, willed, or deuiled, in ſuch and like maner and forme, as hath been vſed by any heire or heires, befoze the making of this eſtatute.

5 And saving and reserving also, fines for alienations, of such manours, lands, tenements, or hereditaments, holden of the king our soueraigne Lord, in socage or of the nature of socage tenure in chiefe, whereof there shall bee any alteration of freehold or inheritance made by will or otherwise as is aforesaid.

6 And it is further enacted by authoritie aforesaid, that all & singuler person and persons, having any manours, lands, tenements, or hereditaments, of estate of inheritance, holden of the Kings highnes in chiefe by knights service in chiefe from the sayd xx. day of July, shall have full power & authoritie by his last will by writing, or otherwise by any act or acts lawfully executed in his life, to giue, dispose, will or assigne, two partes of the saure manours, lands, tenements, or hereditaments, in thre partes to be devided, or els as much of the said manours, lands, tenements or hereditaments, as shall extende or amount to the yearely value of two partes of the same in thre partes to be devided in certaintie, & by special divisions, as it may be known in severaltie, to and for the advancement of his wife, preferment of his children, and payment of his debts, or otherwise at his will and pleasure: any law, statute, custom or other thing, to the contrary thereof notwithstanding.

7 Having & reserving to the king our soueraigne Lord, the custodie, wardship and primer

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primer seisin, or any of them, as the case shall require, of as much of the same manours lands, tenements, or hereditaments, as shall amount and extend to the full & cleere perye value of the third part thereof, without any diminution, dowber, fraud, couine, charge or abridgement of any of the same third part or of the full profits thereof.

8 Having also and reseruing to the king, our soueraigne Lord, all fines for alienations, of all such manours, lands, tenements, and hereditaments, holden of the king by knights service in chiefe, whereof there shall be any alteration of freehold or inheritance, made by will or otherwise, as is abovesaid.

9 And be it enacted by authority aforesaid, that all & singuler person & persons having manours, lands, tenements, or hereditaments, of estate of inheritance, holden of the king in chiefe by knights service, and having other manours, lands, tenements, or hereditaments holden of the king, or of any other person or persons by knights service, or otherwise, every such person & persons, from the said xx. day of July, shall have full power & authority, to give, dispose, will or assigne by his last will in writing, or otherwise, by any act or acts lawfully executed in his life, two partes of the same manours, lands, tenements, or hereditaments in threë partes to be devided, or els as much of the same manours, lands, tenements, & hereditaments as shall extend or amount to the perye value of ij. partes of the
same

same in iij. parts to be deuided in certainty, & by speciall diuisions, as it may be knowen in seueralty, to & for the aduancement of his wife, preferment of his children, & paymēt of his debts or otherwise, at his will & pleasure: any law, statute, custome, or other thing to the contrary thereof notwithstanding.

10 Hauing alway & reseruing to h^e king our soueraigne Lord the custodie, wardship, and primer seisin or any of them as the case shal require, of as much of the same manors, lands, tenements, or other hereditaments, as shall amount & extend to the full & cleare yerely value of the thirde part thereof, without any maner diminution, dowry, fraud, couine, charge, or subtraction of the same thirde part, or of the full profits thereof.

11 Hauing alway & reseruing to our said soueraigne Lord the king, all fines for alienations of al such manors, lands, tenements or hereditaments, holden of the king by knights seruice in chiefe, whereof there shal be any alteration of freehold or inheritance, made by will or otherwise, as is abouesaid.

12 Be it further enacted by the authoritie abouesaid, that if any person or persons hold manors, lands, tenements, or hereditaments, onely of any other Lord or person then of the king our said soueraigne Lord by knights seruice, and other lands and tenements in socage, or of the nature of socage tenure: that then euery such person shall or may giue, dispose, or assure by his last wil

or

Wils.

or otherwise, by any act or acts lawfully executed in his life, two partes of the said manors, lands, & tenements holden by knights service, or of as much thereof as shall amount to the full yearely value of two partes, in maner and fourme as is above declared. And also all the lands and tenements holden by socage, or of the nature of socage tenure, at his will and pleasure, as is above written.

13 Having & reseruing to the Lord of the lands & tenements holden by knights service, for his custody, & wardship, as much of the same lands and tenements as shall extend or amount to the full and clere yearely value of the third part of the same lands & tenements holden by knights service, without any diminution, dowter, fraud, couin, charge, or subtraction of any porcion of that third part, or of the cleare yearely value thereof, in maner & forme aforesaid.

14 And be it further enacted by the authoritie abovesaid, that if any person or persons hold any manors, lands, tenements, or hereditaments, onely of the king our soueraigne Lord by knights service, and not in chiefe, or hold any manours, lands, tenements or hereditaments, of our said soueraigne Lord by knights service, and not in chiefe, and also hold other manours, lands, tenements, and other hereditaments of any other person or persons by knights service, and also hold other manors, lands, tenements, or he-
redita-

reditaments, of any other person or persons in socage, or of the nature of socage tenure, that then all and every such person and persons, shall and may give, dispose, will, devise & assure, by his last will or otherwise, by any act or acts lawfully done & executed in his life, two parts of the same manors, lands, tenements & hereditaments, holden of our said soueraigne Lord the king by knights service, & two parts of the manors, lands, tenements & hereditaments, holden of any other person or persons by knights service, or as much of either of them as shall amount to the full verely value of two parts, in manner and forme as is aboue declared: & also all his lands and tenements so holden in socage, or of the nature of socage tenure at his free will and pleasure.

15 Having and reserving to the Kings highnes, the custodie & wardship of as much of the same manors, lands, tenements, or other hereditaments, as shall extend and amount to the full & clere verely value of the third part of the said manors, lands, tenements & hereditaments so holden of his highnes by knights service, without any diminution, dowter, fraud, couin, charge, & subtraction of any porcion of that third part, or of the full profits thereof.

16 And also saving and reserving to the Lords of whom any of the said manors, lands, tenements, or other hereditaments ben holden by knights service, for custody & wardship,

Swardship, as much of the same manors, lands, tenements, or hereditaments holden of them, or any of them by knights service, as shall extend & amount to the full & cleere yearely value of the third part of the same, without any diminution, charge, fraud, couin, or subtraction of any porcion of that third, or of the cleere yearely value of the third part thereof, in maner & forme aboue declared.

17 Provided alway, and it is further enacted by the authoritie aforesaid, that if that third part of the manors, lands, tenements, or hereditaments, of any of the kings subjects, which in any of the cases abouesaid, shall hereafter come to the kings highnesse, his heires or successors, by vertue of this act, as is abouesaid, be not, or do not amount to the cleere yearely value of the third part of all the said manours, lands, tenements, or other hereditaments, wherof the kings highnesse, is or shall be intituled to haue the custodie, or primer seisin, as is abouesaid: that then our said soueraigne Lord, & his heires shall & may at his or their free libertie & pleasure take into his or their hands and possession, as much of the other two parts of the said manors, lands, tenements, & other hereditaments, as with that of the same manors, lands, tenements, or hereditaments holden, remaining in the kings hands, shall make by the cleere yearely value of the full third part of the said manors, lands, and tenements so to be had to the Kings highnesse in title of

Sward:

wardship & primer seisin, or any of them, as the case shall require, & like benefit & advantage to be given to euery Lord & Lords, of whom any such manors, lands, tenements, or hereditaments, beén or shall be holden by knights seruice, as is abouesaid, concerning only his iij. part, of, or for title of wardship.

18 Provided alway, & be it further enacted by the authoritie aforesaid, that euery person & persons shal sue their liueries, for possessions, reuerfions, or remainders, and also pay reliefs & heriots, after such maner and forme as they should or ought to haue done, before the making of this Act, and as if this act had neuer been made. And the fines for alienatiõs shal be paid in the kings Chancerie, for & vpon writs of Entre in the Post to be obtained in the same court of Chancerie, after the said 20. day of July, for common recoveries to be had or suffered of any manors, lands, tenements, or hereditaments, holden of the King in chiefe: in like maner & forme, as is vsed vpon alienations of such manors, lands, tenements, or hereditamets, so holden in chiefe by fine or feoffement.

19 Provided also, & be it enacted by the authority aforesaid, that in such cases where fines for alienations shal be paid in the kings Chancery for writs of Entre in the Post, as is aforesaid: that then none other fine shal be paid in the same Court for any such writs: any vsage or custome to the contrary notwithstanding.

20 And be it further enacted by the authoritie aforesaid, that where two or more persons now hold, or hereafter shall hold any manors, lands, tenements, or hereditaments, of the king our soueraigne Lord by knights seruice, iointly to them, and to the heires of one of them, & he that hath the inheritance therof dieth, his heire being within age, that in euery such case, the king shall haue the ward and marriage of the bodie of such heire so being within age, the life of the freeholder or freeholders of the said manors, lands, tenements, or hereditaments so holden by knights seruice notwithstanding.

21 Hauing and reseruing to all and euery woman and women, all and euery such right, title, and interest of dower, as they or any of them, ought to haue, or be, or shall be iustly limited to haue, claime, or demand of any manors, lands, tenements, or hereditaments, by the Lawes of this Realme, to be taken or assigned to them, or any of them, out of the two parts of the said manors, lands, tenements, or hereditaments, seuered and deuided from the third part as is aforesaid, and not otherwise.

22 And sauing also to the King our soueraigne Lord, his heires and successors, the reuerfions of all such Tenant in ioint-tenure and dower, immediatly after the death of such tenants, if they shall happen to die during the minority of the kings ward.

An Act for the limitation of Prescription,
Anno 32. H. 8. cap. 2.

Limitation 3.

As much as the time of Limitation appointed for suing of writs of right, & other writs of possession and seisin of mens aunccestors or predecessors, or of their owne possession or seisin, by the lawes & statutes of this Realme heretofore made, limited, and appointed, viz. Merton cap. 8. Westm 1. cap. 39. Westm 2. cap. 2. & cap. 46. extend & be of so far and long time past, that it is aboue the remembrance of any living man, truly to trie and know the perfect certaintie of such things, as hath or shall come in triall, or do extend vnto the time & times limited by the said lawes & statutes, to the great dangers of mens consciences, that haue, or shall be impanelled in any Jury for the triall of the same. And also it is a great occasion of much trouble, vexation, & suits to the kings louing subiects, at the common Lawes of this Realme, so that no man although he and his aunccestors, & those whose estate he or they haue, haue ben in peaceable possession of a long seisin, of, & in lands, tenements, & other hereditaments, is, or can be in any suertie, quietnes, or rest, of, & in the same, without a good remedy & reformation be had, made, and prouided for the same.

Be it therefore enacted by the king our soueraigne Lord, & the Lords spiritual and

Limitation.

tempozall, and the commons in this present Parliament assembled, & by the authority of the same, that no maner of person or persons shall from henceforth sue, haue, or maintaine any writ of right, or make any prescription title or claime, to or for any manors, lands tenemēts, rents, annuities, commons, pensions, porcions, cozodies, or other hereditaments, of the possession of his or their auncetoz or predecessour, & declare and alleage any further seisin or possession of his or their auncetoz or predecessor, but only of the seisin or possession of his auncetoz or predecessor which hath bin, or now is, or shalbe seized of the said manors, lands, tenements rents, annuities, commons, pensions, porcions, cozodies, or other hereditaments, within 60. yeares next before the Teste of the same writ, or next before the said prescription, title, or claime, so hereafter to be sued commenced, brought, made, or had.

3 And be it further enacted by the authoritie abovesaid, that no maner of person nor persons shall hereafter sue, haue, or maintaine any Assise of Mortdauncester, Colnage, Auel, writ of Entrie vpon disseisin, done to any of his auncetozs or predecessors, or any other action possessary vpon the possession of any of his auncetozs or predecessors, for any manors, lands, tenements, or other hereditaments, of any further seisin or possession of his or their auncetoz or predecessor, but onlie of the seisin or possession of his

or their ancestor or predecessor which was, or hereafter shall be leased of the same manors, lands, tenements, or other hereditaments, within fiftie yeares next before the Teste of the originall of the same writ hereafter to be brought.

4 And be it further enacted by the authority aforesaid, that no person nor persons shall hereafter sue, haue, or maintein any action, for any manors, landes tenements, or other hereditaments, of or vpon his or their own seisin or possession therein, aboue xxx. yeares next before the Teste of the originall of the same writ hereafter to be brought.

5 And be it also enacted by the authority aforesaid, that no person or persons shall hereafter make any auowrye or cognisance for any rent, suit, or seruice, & alleage any seisin of any rēt, suit, or seruice in the same auowrye or cognisance, in the possession of his or their ancestors, or predecessor, or predecessors, or in his own possessiō, or in h̄ possessiō of any other whose estate he shal pretend or claime to haue, aboue l. yeres next before the making of the said auowrye or cognisance.

6 And ouer that, be it enacted by the authority aforesaid, that all f̄ormdons in reuerter, f̄ormdons in remainder, & Scire facias vpon fines of any manors, lands, tenemēt, or other hereditamēt, at any time hereafter to be sued, shall be sued & taken within fiftie yeres next after h̄ title & cause of actiō fallen, & at no time after the said 50. yeres passed.

Limitation.

7 And be it also enacted by authoritie aforesaid, that if any person or persons at any time hereafter doe sue any of the said actions or writs, for any manors, lands, tenements, or other hereditaments, or make any avowrie, cognisance, prescription, title or claime, of, or for any rent, suit, service, or other hereditaments, & cannot proue that he or they, or his or their auncestors, or predecessors, were in actuall possession or seison of and in the same manors, lands, tenements, rents, suits, services, annuities, commons, pencioncs, porcions, cozodics, or other hereditaments, at any time or times within the yeares befoze limited and appointed in this present act, & in maner & forme as is aforesaid, if the same be trauersted or denied by the partie plaintife, demānant, or avowāt, or by the party tenant or defendānt: & then & after such trial therein had, al & euerie such person & persons, & their heires, shall from thenceforth be vtterly barred for euer, of al & euer the said writs, actiōs, avowries, cognisance, prescription, title, and claime hereafter to sued, had, or made, of & for the same manors, lands, tenements, or hereditamētcs, or other the premises, or any part of the same, for which the same actiō, writ, avowry, cognisance, prescription, title or claime hereafter shall at any time had, sued, or made &c. Certain provisions for those & their heires who have actions &c. depending or were ther. win a covert baron, in prison, or out of the realm

¶ Provided furthermoze, that if any false verdict happen hereafter to be giuen or made in any of the said actions, suits, and wrytes, prescriptions, titles, or claines: that then the party grieued by reason of the same, shall and may haue his attainr vpon euery such verdict giuen or made, and the plaintyfe in the same attainr vpon iudgement for him giuen, shall haue his recouerie, execution & other aduantage in like maner & foyme, as heretofore hath bin vsed & accustomed: any thing before in this act contened to the contrary notwithstanding.

Executions.

An act for contentation of debts vpon executions. Anno 32. H. 8. cap. 5.

Executions 10.

Whereas before this time diuers and sundry persons haue sued executiōs, aswel vpon iudgemētts for them giuen of their debtes or damages, as vpon such statutes Marchants, statutes of the Staple, or recognisances, as haue bin to them before made, recognised, & knowledged & thereupon such lands, tenements, & other hereditaments, as were lyable to the same execution, haue bin by reasonable extent to them deliuered in execution for the satisfaction of their said debtes & damages, according to the lawes of this realin. Neuerthe-

Executions.

lesse. it hath been oftentimes seene, that such lands, tenements, & hereditaments so deliuered & had in execution, haue been recovered, or lawfully deuested, taken away or euicted from the possession of the said recoverers, obligees, or recognisees, their executors or assignes, before such time as they haue bin fully satisfied & payed of their debts & damages, without any maner fraud, disceipt, couin, collusion, or other default in the said recoverers, obligees, or recognisees, their executors, & assignes, by reason whereof the said recoverers, obligees, & recognisees haue been thereby set cleerely without remedy, by any maner suit of the law, to recover or come by any such part or parcel of their said debts & damages, as was belind, & not by them leuied or receiued, before such time as the said lands, tenements, & other hereditaments, by them had in execution, were recovered lawfully deuested, taken, or euicted, out of & from their possessions, as is aforesaid, their great hurt & losse, & much seeming to against equall iustice & good conscience,

For reformation whereof, be it enacted by authozity of this present parliament, that if hereafter any such lands, tenements, hereditaments, as be or shall be had & deliuered to any person or persons in execution is aforesaid, vpon any iust, & lawfull title, matter, condition, or cause, wherewithall the said lands, tenements, & hereditaments shall be liable, tied, & bound, at such time as they shall be deli

deliuered & taken into execution, shall happen to be recovered, lawfully deuested, taken, or euicted out of, & from the possession of any such person & persons as now haue & hold, or hereafter shall haue & hold the same in execution as is aforesaid, without any fraud, deceit, couin, collusion, or other default of the said tenant or tenants by execution, before such time as the said tenants by execution their executors or assignes, shall haue fully & wholly leuied or receiued the said whole debt & damages, for the which the said lands, tenements, & other hereditaments were deliuered & taken in execution, as is aforesaid: then euery such recouerer, obligee, & recognisee, shall & may haue & pursue a writ of Scire facias out of the same court, from whence the said former writ of execution did proceed, against such person or persons, as the said writ of execution was first pursued, their heirs, executors, or assignes, of such lands, tenements, or hereditaments, as were or bin then lyable or charged to the said execution, retournable into the same court, at a certaine day, being full xl. dayes after the date of the same writ.

3 At which day if the defēdant being lawfully warned make default, or appeare and do not shew and plead a sufficient matter or cause, other then the acceptance of the said lands, tenements, & hereditaments, by the said former writ of execution, to bar, auoid, or discharge the said suit for the residue of the said debt & damages, remaining vbleuied, or

Executions.

vnreceined by þe said former execution: then the Lord Chancellor, or other such Justice or Justices, befoze whom such writ of Scire facias shal be retoznable, shal make estrowes a new writ or writs out of the said former record of iudgement, statute marchant, statute staple, or recognisance, of like nature & effect, as the said former writ of execution was, for the leuying of the residue of al such debt & damage, as thē shall appere to be vnleued, vnstatisfied, or vnpaid of the whole summe or summes in the said former writ of execution contained: Any law, custome, or other thing to the contrary hereof, heretofore vled, in any wise notwithstanding.

Tythes.

An act for the true payment of Tythes and offrings. Anno 32.H.8.cap.7.

Tythes 8.

Where diuers & many persons inhabiting in sundrie counties & places this Realme, & other the kings dominions, not regarding their duties to Almighty God, & to the king our soueraign Lord, but in few yeres past moze contemtuously & commonly pzesuming to offend infringe the good and hoisome lawes of the Realme, & gracious commandments of our said soueraign Lord, thē in times past heretofore bin seene or knowen, haue not letted to

at, & withdraſſe the lawfull & accustomed
 tithes of cozns, hay, paſturages, & other ſort
 of tithes & oblations cōmonlie due to ſeignors,
 proprietaries & poſſeſſors of the parſo-
 nages, vicarages, & other eccleſiaſtical pla-
 ces, of & within the ſaid realme & dominions,
 being the moze encouraged thereto, for that
 diuers of the kings ſubiects being lay per-
 ſons, hauing perſonages, vicarages, & tithes
 to them & to their heires, or to them & to the
 heires of their bodies lawfully begoten or
 for term of life or yeres, cannot by the order
 & courſe of the eccleſiaſtical lawes of this
 realme, ſue in any eccleſiaſtical court for the
 wrongfull withholding & deteining of the
 ſaid tithes or other duties, nor cannot by the
 order of the common lawes of this realme,
 haue any due remedie againſt any perſon or
 perſons, their heirs or aſſignes, that wrong-
 fully deteineth or withholdeth the ſame: by
 occaſion whereof much controuerſie, ſuit,
 variance & diſcord is like to inſurge & enſue
 among the kings ſubiects, to the great de-
 triment, damage, & decay of many of them,
 if conuenient and ſpeedy remedie thereto be
 not had & provided.

I Wherefoze it is ordeined & enacted by
 our ſaid ſoueraigne Lord the king wth the aſ-
 ſent of the Lords ſpiritual & tempoꝛall, and
 the cōmons in this preſent parliament aſſe-
 mbled, & by authority of the ſame, that al & ſin-
 gular perſons of this his ſaid Realme, or o-
 ther his dominions, of what eſtate, degr^e,
 or

Tithes.

or condition soeuer he or they be, shall fully, truly, & effectually deuide, set out, yield, or pay al & singular tithes & offrings aforesaid, according to the lawfull customes & vsages of the Parishes & places where such tithes or duties shall grow, arise, come, or be due. And in case that it shall happen any person or persons of his or their vngodly and peruerse wil & mind, to deteine or withhold any of the said tithes or offrings, or part or parcel thereof, then the parson or partie being ecclesiasticall or lay persons, hauing cause to demaund or haue the said tithes or offrings, being thereby wzonged or grieued, shall and may conuent the person or persons so offending befoze the Ordinarie, his Comissary, or other competēt minister, or lawfull Judge of the place where such wzong shal be done according to the ecclesiasticall Lawes.

3 And in euery such case of matter or suit the same Ordinarie, Comissarie, or other competent minister, or lawfull Judge, hauing the parties, or their lawfull procurators befoze him or them, shall & may by vertue of this Act procéde to the examination hearing, and determination of euery such cause or matter ordinarily or summarily, according to the course and processe of the ecclesiasticall Lawes, and thereupon make giue sentence accordingly.

4 And in case that any of the parties, or any cause or matter concerning that suit, appeal from the sentence, order, & diffinitiu

indg

iudgement of the said Ordinarie, or other competent Judge, as is aforesaid; then the same Judge by vertue of this act forthwith vpon such appellation made, shall adiudge to the other partie the reasonable costes of his suit, therein befoze expended, & shal compell the same partie appellant to satisfie and pay the same costes so adiudged by compulsorie processe, & censures of the said lawes ecclesiasticall, taking suertie of the other partie to whom such costes shal be adiudged and paid, to restore the same costes to the partie appellant, if after the principall cause of that suit of Appeal shall be adiudged against the same partie, to whom the said costes shall be pæiden. And so euery Ordinarie, or other competent Judge ecclesiasticall, by vertue of this Act shal adiudge costes to the other partie vpon euery appeal to be made in any suit or cause of subtraction or detention of any tithes or offrings, or in any other suit to be made for or concerning the duty of such tythes or offrings.

§ And further be it enacted by the authoritie aforesaid, that if any person or persons after such sentence diffinitive giuen against them, obstinately and willingly refuse for to pay their tythes and duties, or such summes of money so adiudged wherein they be condemned for the same, that then two Iustices of the peace of the same Shire, whereof one to be of the Quorum, shall haue authoritie by this Act, vpon inforzation, certificate,

Tithes.

cate, or complaint to them made in writing by the said ecclesiasticall Judge that gave the same sentence, to cause the same party so refusing, to be attached, and committed to the next gaole, & there to remaine without baile or mainprise, till he or they shall have found sufficient suerties to be bound by recognisance, or otherwise, before the same Justices to the vse of our soueraigne Lord the King, to perfozme the laid diffinitive sentence and iudgement.

6 **P**rouided alwaies, and be it enacted by the authoritie aforesaid, that no person or persons, shalbe sued, or otherwise compelled to pæld, giue, or pay any maner of tythes, for any manors, lands, tenements, or hereditaments, which by lawes or statutes of this Realme are discharged, or not chargeable with the paiement of any such Tythes. [Vide Anno 31. H. 8. cap. 13. Monasteries 11. in fine.]

7 **P**rouided also, and be it enacted by authority aforesaid, that this act nor any thing therein contained, shall in any wise binde the inhabitants of the Citie of London and suburbs of the same, for to pay their tythes and offerings within the same Citie & suburbs, otherwise then they ought or should haue done before the making of this act: any thing in this act contained to the contrarie notwithstanding.

8 **A**nd be it further enacted by authoritie aforesaid, that in all cases where any person

or persons, which now have, or which hereafter
 shall have any estate of inheritance, freehold,
 terme, right, or interest, of, in, or to any
 parsonage, vicarage, portion, pension, tithes,
 oblations, or other ecclesiastical or spiritual
 profit, which now be, or which hereafter shall
 be made temporall, or admitted to be, abide,
 and go to, & in temporall hands & lay vles
 and profits by the law or statutes of this
 realme, shall hereafter fortune to be disseised,
 deforced, wronged, or otherwise kept or put
 from their lawfull inheritance, estate, seisin,
 possession, occupations, terme, right, or in-
 terest, of, or to the same, or of, in, or to any
 parcell thereof, by any other person or per-
 sons, claiming, or pretending to have inte-
 rest, or title, in, or to the same, that then in
 all and euery such case or cases the person or
 persons so disseised, deforced, or wrongfully
 kept or put from his or their right or pos-
 session, as is afoze rehearsed, their heires,
 wiues, and such other, to whom such iniurie
 or wrong shall be done or committed, shall
 and may haue their remedie in the kings
 temporall courts, or other temporal courts,
 as the case shall require, for the recovery, get-
 ting, or obtaining of such inheritance, estate,
 freehold, seisin, possession, terme, right, or in-
 terest, by writs originall, of Precipe quod
 reddat, Assise of Nouel disseisin, Mortdaunc,
 Quod ei deforciat, writs of dower, or other
 writs originall, as the cause shall require, to
 be deuised and graunted in the kings court
 of

of Chauncery, of euery such parsonage, vicarage, porcion, pension, or other profit called ecclesiasticall or spirituall, so to be demanded, according to the nature and cause of the suit therof, in like maner and forme as they should, ought, or might haue had, of or for lands, tenements, or other hereditaments, in such manner to be demaunded. And that writs of Couenant, and other writs for fines to be leuied, and all other assurances to be had, made, or conueied of any such personage, vicarage, porcion, pension, or other profit called ecclesiasticall or spirituall as is aforesaid, shall be hereafter deuised & graunted in the said Chauncerie, according as hath bin vbled for fines, to be leuied, and assurance to be had, made, or conueied of lands, tenements, or other hereditaments.

9 And that al iudgements to be given vpon any of the said writs original so to be deuised or graunted of or for any the premises or any of them: and all fines to be leuied and knowledged in any of the kings said courts thereof, shall be of like force and effect in the law, to all intents and purposes, as iudgements given and fines leuied of lands, tenements and hereditaments in the same courts vpon writs original therfore duely pursued & prosecuted, albeit no such forme of writs originall out of the said court of Chauncery haue heretofore proceeded or bin awarded.

10 Provided alwaies, that this last ac

shall not extend nor be expounded, to giue any remedie cause of action or suit in the courts temporall, against any person or persons, which shall refuse or deny to set out his or their tithes, or which shall detaine, withhold, or refuse, to pay his tithes, and offerings, or any parcell thereof, but that in all such cases the person or partie being ecclesiasticall or lay person, hauing cause to demand or to haue the said tithes, or offerings & thereby wronged or greued, shall take & haue their remedie for their said tithes and offerings, in euerie such case in the spiritual courts, according to the ordinance in the first part of this act mentioned & not otherwise. Any thing herein expressed to the contrarie thereof notwithstanding.

An act against maintenauce, embracerie, &c. and against vnlawfull buying of titles, An. 32. H. 8. cap. 9.

Maintenance 7.

The King our soueraigne Lord calling to his most blessed remembrance, that there is nothing within this Realme conserueth his louing subjects in more quietnes, rest, peace and good concord, then the due and iust ministracion of his lawes, and the true & indifferent trials, of such titles and issues as been to be tried, according to the Lawes of this Realme, which

Maintenance.

Which his most royall Maiestie perceiueth to be greatly hindered and letted by maintenance, embzacerie, champertie, subornation of witnesses, sinister labour, buying of titles, and pretended rights, of persons not being in possession, whereupon great perturie hath insued, and much iniquitnesse, oppression, vexation, trouble, wronges, and disinheritance hath followed amongst his most louing subiects, to the great displeasure of almightie God, the discontentation of his maiestie, and to the great hinderance and let of Justice within this his Realme: For the auoiding of all which misdemeanors, & buying of titles & pretended rights, and to the intent that Justice may be more fully and indifferently ministred, and the truth in causes of contention plainly tried, betweene his subiects of this Realme.

2 We it enacted by our said soueraigne Lord, with the assent of h^e Lords spiritual & temporall, & the cōmons in this present parliament assembled, & by authoritie of h^e same, that from henceforth all statutes heretofore made concerning maintenance, champertie, & embzacerie, or any of them, now standing and being in their full strength & force, shall be put in due execution, according to the tenors and effects of the same statutes.

3 And ouer that be it further enacted, by the authoritie aforesaid, that no person nor persons, of what estate, degree, or condition soeuer he or they be, shall from henceforth

bargaine, buy, or sell, or by any wayes or meanes obtaine, get, or haue any pretended rights, or titles, or take, promise, grāt, or couenāt to haue any right or title, of any person or persons, in or to any manors, lands, tenements, or hereditaments, but if such person or persons, which shall so bargain, sel, giue, grant, couenāt, or promise the same, their auncestours or they by whom he or they claime the same haue been in possession of the same, or of the reuerſion or remainder thereof, or taken the rents or profits thereof, by the space of one whole yere next before the said bargaine, couenant, graunt, or promise made, vpon pain that he that shal make any such bargaine, sale, promise, couenant, or graunt, to forfeit the whole value of the lands, tenements or hereditaments so bargained, sold, promised, couenanted, or graunted, contrarie to the forme of this act. And the buyer or taker thereof, knowing the same, to forfeit also the value of the said lands, tenements, or hereditaments so by him bought, or taken, as is abouesaid, The one halfe of the said forfeitures to be to the king our soueraign Lord, and the other halfe to the partie that will sue for the same, in any of the kings courts of record, by action of debt, bill, plaint, or information. In which action, bill, plaint or information, no essoine, protection, wager of law, nor inuention shall be allowed.

4 And furthermoze, that no maner of person

Maintenance.

son or persons of what estate, degree, or condition soever he or they be, do hereafter unlawfully maintaine, or cause or procure any unlawfull maintenance, in any action, demand, suit, or complaint, in any of the kings courts of the Chauncerie, the Starre Chamber, white hall, or els where, within any of the kings dominions of England or Wales, or the marches of the same where any person or persons have, or hereafter shall have authority by vertue of the kings commission, patent, or writ, to hold plea of lands, or to examine, heare or determine, any title of lands, or any matter or witnesses concerning the title, right, or interest of any lands, tenements, or hereditaments.

5 And also that no person or persons, of what estate, degree, or condition soever he or they be, do hereafter unlawfully retaine for maintenance of any suit or plea, any person or persons or embrace any freeholders or jurors, or suborne any witness by letters, rewards, promises, or by any other sinister, lawfull or means, for to maintain any matter or cause to the disturbance or hinderance of iustice or to the procuremēt or occasion of any manner of perjury by false verdict, or other wise, in any maner of courts aforesaid, upon pain of forfeiture for euery such offence x. li. the one moitie thereof vnto the R. our soueraigne Lord, & the other moitie to him the which will sue for the same by action of debt, bill, complaint, or information, in any the R. courts

in which action, no essoin, protection, wager of law nor intinction shalbe allowed.

6 Provided alway, & be it enacted by the authoritie aforesaid, that it shall be lawfull to any person or persons, being in lawfull possession by taking of the yearely ferme, rents or profits of or for any manors, lands, tenements, or hereditaments, to buy, obtain, get or haue, by any reasonable way or means the pretended right, or title of any other person or persons hereafter to be made to of or in such manors, lands, tenements, or hereditaments, whereof he or they shall so be in lawfull possession: any thing in this act contained to the contrary notwithstanding.

7 And for the due execution of this present act, be it further enacted by authoritie abovesaid, that the Justices of assise of euery circuite within this realme & els where within the kings dominions, shall in euery countie within their circuits, two times in the yeare, that is to say, in the time of their sittings for the taking of assises or deliuey of their gaoles, cause open proclamation to be made, as well of this present act, and of euery thing therein contained, as also of all other statntes heretofore made, against vnlawfull maintenance, champertie, embazacie, or vnlawful retainors, to the intent that no maner of person or persons, hearing the same should be ignorant or miscognisant of the dangers and penaltie therein contained and specified.

Leases.

8 Provided alway, & be it enacted by the authozitie aforesaid, that this Act shall not extend to charge any person or persons with any of the penalties mencioned in the said Act, for any offence by him or them committed contrarie to the said act, except the same person or persons so offending be sued thereof by action of debt, bill, plaint, or information, in any of the kings courts, within one yeare next after the same offence by him or them committed, as is aforesaid.

An act that Lessees shall inioy their termes against Tenants in taile, or in the right of their wiues, or Churches, &c. An.

32. H. 8. cap. 28.

Leases 1.

BE it ordeined, established, & enacted by the king our soueraigne Lord, the lordes spirituall & tempozall, and the commons in this pzent parliament assembled, & by the authozitie of the same, That all Leases hereafter to be made of any manors, lands tenemets, or other hereditamets, by writing indented, vnder seale, for terme of yeares, or for terme of life, by any person or persons being of full age of 21. yeares, hauing any estate of inheritance, either in fee simple, or fee taile, in their owne right, or in the right of their Churches, or wiues, or iointly with their wiues, of any estate of inheritance made befoze the couerture, or after, shal

good and effectually in the Law, against the lessors, their wives, heires & successors, and every of them, according to such estate as is comprised & specified in every such Indenture of lease, in like manner & forme as the same should have been, if the lessors thereof, & every of them, at the time of the making of such Leases had been lawfully seized of the same lands, tenements, and hereditaments comprised in such Indenture, of a good, perfect, and pure estate of fee simple thereof to their owne onely uses

2 Provided alway, that this Act, nor any thing therein contained, shall not extend to any Leases to be made, of any manors, lands, tenements, or hereditaments, being in the hands of any fermor, or fermors, by vertue of any old lease, unless the same old lease be expired, surrendered, or ended, within one yeere next after the making of the said new lease, nor shall extend to any graunt to be made of any reversion of any manors, lands, tenements, or hereditaments, nor to any lease of any manors, lands, tenements, or hereditaments, which have not most commonly been letten to ferme, or occupied by the fermors thereof, by the space of 20. yeares next before such lease thereof made, nor to any lease to be made, without impeachment of waste, nor to any lease to be made above the number of 21. yeares, or three lives at the most, from the day of making thereof.

3 And that upon every such Lease there be

Leases.

be reserved yearely during the same lease due and payable, to the lessours their heires and successours, to whom the same lands should haue comen after the deathes of the lessours, if no such lease had been thereof made, and to whom the reuerſion thereof shall appertaine, according to their estates and interestes, so much yearely ferme or rent, or moze, as hath been most accustomedly yielded or paid for the manors, lands, tenements, & hereditaments, so to be letten, within xx. yeares next before such lease thereof made. And that euery such person and persons, to whom the reuerſion of such manors, lands, tenements, or hereditaments so to be letten, shall appertaine, as is aforesaid, after the deathes of such lessors, or their heires, shall and may haue such like remedies and aduantage, to all intents and purposes against the lessors thereof, their executors and assignes, as the same lessour should or might haue had against the same lessors. So that if the lessor were seised of any speciall estate taile of the same hereditaments at the time of such lease, that the issue or heire of that speciall estate, shall haue the reuerſion, rents, and seruices, reserved by such lease, after the death of the said lessour as the lessour himselfe might or ought haue had, if he had liued.

4 Provided alway, that the wife be made partie to euery such lease, which hereafter shall be made [by] her husband, of any manor

lands, tenements, or hereditaments, being the inheritance of the wife. And that every such lease be made by Indenture in the name of the husband & his wife, and the seal to the same.

5 And that the ferme and rent be reserved to the husband and to the wife, and to the heires of the wife, according to her estate of inheritance in the same.

6 And that the husband shall not in any wise alien, discharge, graunt, or give away the same rent reserved, nor any part thereof longer then during the coverture, without it be by fine leued by the said husband and wife: But that the same rent shall remaine, descend, reuert, or come after the death of such husband, vnto such person or persons, & their heires, in such maner & sort, as the lands so leased should haue done, if no such lease had thereof been made.

7 Provided also that this act extend not to give any libertie or power to any person or persons to take any more fermes, leases, or takings of any manors, lands, tenements, or other hereditaments, then he or they should or might lawfully haue done before the making of this act. [See the statute made 25. H. 8. cap. 13. Sheepe 2.] Nor extend to give any libertie or power to any parson or vicar, of any church or vicarage, for to make any lease or graunt of any their messuages, lands, tenements, tythes, profits, or hereditaments, belonging to their churches or

Parsons, & Vicars ne sont deins cest statute.

Leases.

bicarages, otherwise or in any other maner then they should or might haue done before the making of this act : any thing contained in this act to the contrary notwithstanding.

9 And furthermoze be it enacted by au-
thozitie afozesaid, that all leases at any time within the space of thzee yeares next before the xij, day of Aprill, and in the xxxj. yeare of our soueraign Lord the kings raigne, made by writing indeted vnder scale, by any person or persons of ful age, of whole memozy, not vnlawfully coercted, noz being couert baron, for terme of yeres, of any manours, lands, tenements, or other hereditaments, wherof the lessour or lessours were seised of any estate of inheritance, of and in the same to their owne onely vse at the time of making any such lease therof, and wherof the lessees, their executozs and assignes, be now in possession by vertue of the same lease, and no cause of reñtrie or forfature therof had or made, shall be good and effectuall in the law, against the lessours, their heires and successours, and the heires & successours of euery of them, according to the couenants, articles, and agræments, specified in euery such indenture of lease.

10 So alwaies there be reserved & yerel payable, during the same lease, to the said lessozs, their heirs or successours, or to such other as should or ought to haue had the same manours, lāds, tenements, or hereditaments so leased, after the decease of such le-
sour

ours, in case no such lease had thereof been made, as much yearely rent for the same, as was at any time therfore yelden or paid within xx. yeares next before the making of any such lease, or els such leases to be of no other force, ne effect, then they were before the making of this present act.

11 And mozeouer for certaine considerations, be it enacted by authoritie aforesaid, that no fine, feoffement, or other act or acts hereafter to be made, suffered, or done, by the husband onely, of any manours, lands, tenements, or hereditaments, being the inheritance or freehold of his wife, during the coverture betwene them, shall in any wise be, or make any discontinuance therof, or be prejudiciall or hurtfull to the said wife, or to her heires, or to such as shall haue right, title, or interest to the same, by the death of such wife or wiues. But that the same wife or her heires, and such other to whom such right shall appertaine, after her decease, shall & may then lawfully enter into all such manours, lands, tenements, & hereditaments, according to their rights & titles therein: any such fine, feoffement, or other act to the contrary notwithstanding: fines leuied by the husband & wife (whereunto the said wife is party & priuie) onely except.

12 Provided further moze, that this clause or act, extend not to giue any libertie to any such wife, or to her heires for to auoyd any lease hereafter to be made of any the inheritance

Leases.

rance of the wife, by her husband and her
for terme of xxj yeares, or vnder, or any her
inheritance for terme of thre liues at the
bittermost, whereupon as much yearely rent
or moze, is, or shal be reserued, & yearly pay-
able during the same lease, as was at any
time therfore yeiden or payed within xx
yeares next befoze the making of any such
lease, according to the tenour of this present
Act: any thing therein contayned to the
contrarie notwithstanding.

13 **Provided** also, that this **Act** extend
not to make good any lease or leases, hereto-
foze made, by any ecclesiasticall person or
persons by their couent or common seale,
which be made void, or taken away, by au-
thority of any act of parliament heretofore
made: Nor extend to make good any lease or
leases, heretofore made by any ecclesiastical
person or persons, now being attainted of
treason, vnder the couent seale, or otherwise,
or by any other person or persons now be-
ing attainted of treason by act of parliament
or otherwise. But that al and singuler such
lease and leases, and euery of them, now
made, or hereafter to be made, shalbe of such
like effect & strength in the law, and none o-
ther, as they & euery of them were befoze the
making of this act: any thing befoze men-
oned in this act to the contrary thereof no-
withstanding,

An Act concerning Mifpleading, Jeofailes,
and Attornies, Anno 32. H. 8. cap. 30.

Repleader 1.

From henceforth if any issue be tried by
the oath of xij. or moe indifferent men,
for the party plaintife or demandant, or
for the party of the tenant or defendant, in
any maner of action or suit at the common
Law of this realme, in any the K. courts of
record: that then the Justice & Justices by
whom iudgement therof ought to be gyuen,
shall proceed & giue iudgement in the same:
any mifpleading, lack of colour, insufficient
pleading, or jeofaile, any mifcontinuance, or
discontinuance, or mifconueying of proces,
mifoyning of the issue, lack of warrant of
attourney of the partie against whom the
same issue shall happen to be tried, or any
other default or negligence of any of the
parties, their counsaillors or attornies, had
or made to the contrarie notwithstanding.

2 And the said iudgements therof so to be
had & giuen, shall stand in ful strength & force
to al intents & purposes, according to the said
verdicts, without any reuersall, or vndoing
of the same by writ of Error, or false iudge-
ment, in like forme as though no such default
or negligēce had neuer bin had or comitted.

3 Provided alway, & be it enacted by the
authority aforesaid, in auoyding of errors, &
other great inconueniences that daily do
fortune to rise & grow in the kings courts
of Record at Westminster, through the
negli-

Repleader.

negligence of Attournies, because they deli-
uer not their Warrants of attourney in such
actions & suits, wherein they be named at-
torney, according to the lawes of this realme
that al & euery such person & persons, which
shal fortune hereafter to be Attourney, to o-
foz any other person oz persons, being de-
mandant oz plaintife, tenant oz defendant, in
any action oz suit, at any time hereafter com-
menced oz taken in any of the R. said courts
& plead to any issue in the same action oz sui-

4 That then the same Attournies, & euery
of them, from time to time, shall deliuer, o-
cause to be deliuered, his oz their sufficient
lawful warrant of attourney, to be entred o-
record for euery of the said actions oz suits
wherein they be named Attournies, to the
officer, oz his deputy, oz deined for the receipt
& entering therof, in the same Terme, when
the said issue is entred of record in the said
Court, oz afoze, vpon paine of forfeiture due
to our said soueraigne Lord x. pounds ster-
ling for euery default, for non deliuering o-
the said warrant of attourney.

5 And also further to suffer such imprison-
ment, as by the discretion of the Iustices o-
of the Court for the time being, where an
such default shall fortune to be had oz made
shall be thought conuenient. This present
act with the prouiso, to indure til the last da-
of the next parliamēt. [This was continu-
ed An 33. H. 8. ca. 17. & An 37. H. 8. ca. 23.
An 2. E. 6. ca. 32, it was made perpetual.]

An Act concerning Iointenants for terme of life, or yeares, An 32.H.8.cap.32.

Particion 3.

FOzasmuch as in the Parliament begun at westm̄ the xxvij. day of Aprill, & there continued till the xxvij. day of June, the 31. yeare of the kings most noble and victorious raigne that now is. It was amongst other things there enacted and established, that all Iointenants, and Tenants in common, that then were, or hereafter should be of any estate or estates of inheritance in their owne rights, or in the right of their wiues, of any manors, lands, tenements, or hereditaments, within this Realme of England, Wales, or Marches of the same, shall and may be coerced and compelled by vertue of the said Act, to make particion betwene them of all such manors, lands, tenements, and hereditaments, as they then held, or hereafter should hold, as Iointenants, or Tenants in common, as more plainly at large appeareth by the said statute.

2 And fozasmuch as the said statute doth not extend to Iointenants, and Tenants in common, for terme of life, or yeares, neither to Iointenants, and Tenants in common, where one, or some of them haue but a particuler estate for terme of life, or yeares, and the other haue estate or estates of inheritance, of and in any manors, lands, tene

Particion.

tenements, and hereditaments.

3 Be it therefore enacted by the king our soueraigne Lord, & by thassent of the Lords spirituall & tempozall, and the commons in this present parliament assembled, and by the authoritie of the same, That all Jointenants, & Tenants in common, and cuery of them, which now hold, or hereafter shal hold iointly, or in common, for terme of life, yeare or yeares, or Jointenants, or Tenants in common, where one, or some of them haue or shal haue estate or estates, for terme of life, or yeres, with the other, that haue, or shal haue estate or estates of inheritance, or freehold, in any manors, lands, tenements, or hereditamētis, shal & may be compelled from henceforth by writ of Particion to be pursued out of the kings Court of Chauncery vpon his or their case or cases, to make leuerance and particion of all such manors, lands, tenements, and hereditaments, which they hold iointly, or in common, for terme of life or liues, yeare or yeares, where one or some of them hold iointly, or in common, for terme of life, or yeares, with other, or that haue an estate or estates of inheritance or freehold.

4 Provided alsway, and be it enacted, that no such particion nor leuerance hereafter to be made, by force of this Act, be, or shall be prejudiciall or hurtfull to any person or persons, their heires or successors, or other then such which be parties vnto the said particion, their executozs or assignes.

That

That the dying seised of a wrongfull dissei-
four, is no discent in the Law, An
32. H. 8. cap. 33.

Entrie lawfull 2.

Where diuers persons, of their insa-
ciable mindes, haue heretofore by
strength, and without title, entered
into manors, lands, tenements, and other
hereditaments, and wrongfully disseised the
rightfull owners and possessors thereof, and
so being seised by disseisin, haue thereof died
seised, by reason of which dying seised, the
disseisee, or such other persons as befoze such
discent, might haue lawfully entred into the
said manors, lands, and tenements, were
and be thereby cleerely excluded of their en-
trie into the said manors, lands, and tene-
ments, and put to their action for their re-
medie and recouerie therein, to their great
costes and charges,

For reformation wherof, be it enacted
by the authoritie of this present Parlia-
ment, that the dying seised hereafter of any
such disseisor, of, or in any manors, lands,
tenements, or other hereditaments, hauing
no right or title therein, shall not be taken
or deemed from henceforth any such discent
in the Law, for to tolle or take away the
entrie of any such person or persons, or their
heires, which at the time of the same discent
had good and lawfull title of entrie, into the
said manors, lands, tenements, or heredi-
taments,

Conditions.

5. ans puis dis-
seisin per estat.
done pur le dis-
seisee ou son
heire d'entrer,
ou claime.

taments, except that such disseisour, hath had the peaceable possession of such manors, lands, tenements, or hereditaments, whereof he shall so dye seised, by the space of five yerres next after the disseisin therein by him committed, without entrie or continual claime, by or of such person or persons as haue lawfull title thereunto.

An act concerning grauntees of reuerfion
to take aduantage of the condicions to
be performed by the lessee,
Anno 32. H. 8. cap. 34.

Condition 1.

Where befoze this time, diuers aswell
tempozall as ecclesiasticall & religi-
ous persons, haue made sundry lea-
ses, demises, & graunts to diuers other per-
sons of sundry manors, lordships, fermes,
meales, lands, teneiments, meadowes, pa-
stures or other hereditaments, for terme of
life, or liues, or for terme of yerres, by wri-
ting vnder their seale or seales, concerning
alias conteyning, certeine condicions, coue-
nants, & agreements, to be performed aswell
on the part & behalfe of the said lessees and
grauntees, their executozs and assignes, as
on the behalfe of the said lessors, & graun-
tozs, their heires & successozs.

2 And for asmuch as by the common law
of this Realme, no straunger, to any coue-
nant,

nant, action, or condition, shall take any advantage, or benefite of the same, by any meanes or waies in the law, but onely such as be parties or parties therunto, by the reason whereof, aswell all grauntees of reuerfions, as also all grauntees & patentees of the king our soueraigne Lord, of sundry manors, lordships, graunges, fermes, meales, lands, tenements, meadowes, pastures, or other hereditaments, late belonging to Monasteries, and other religious & ecclesiastical houses, dissolved, suppressed, renounced, relinquished, forsaited, gyven by, or by other means come to the hands & possession of the kings Maiestie, since the fourth day of Februarie, the xxvij. yeare of his most noble raigne, be excluded to haue any entrie or action against the said lessees and grauntees, their executores or assignes, which the lessours befoze the time, mought by the law haue had against the same lessees, for the breach of any condition, couenant, or agreement, comprised in the indentures of their said leases, demises, and graunts.

3 We it further enacted by the king our soueraigne Lord, the Lords spirituall and tempozall, and the commons in this present parliament assembled, & by authority of the same, that aswel all and euery person & persons, and bodyes politique their heires, successors, and assignes, which haue, or shall haue, any gift or graunt of our said soueraigne Lord, by his letters patents, of any

Condicions.

lordships, manors, lands, tenements, rents, parsonages, tythes, portions, or any other hereditaments, or of any reuerſion or reuerſions of the ſame, which did belong and appertaine to any of the ſaid Monaſteries, and other religious & eccleſiaſticall houſes, diſſolued, ſuppreſſed, relinquished, forfeited, or by any other meanes come to the kings hands, ſince the ſaid iij. day of February, in the xxvij. yere of his moſt noble raigne, or which at any time heretofore did belong or appertaine to any other perſon or perſons, and after came to the hands of our ſaid ſoueraigne Lord, as alſo all other perſons being grauntees or aſſignees, to or by our ſaid ſoueraigne Lord the king, or to or by any other perſon or perſons then the kings highnes, & the heires, executoꝝ, ſucceſſoꝝ and aſſignes of euery of them, ſhall and may haue and enioy like aduantage againſt the leſſes, their executoꝝ, adminiſtratoꝝ, and aſſignes, by entrie foꝝ non payment of the rent, or foꝝ doing of waſt, or other forfeiture

4 And alſo ſhall and may haue & enioy all and euery ſuch like, & the ſame aduantage, benefite, and remedies, by action onely foꝝ not perſourning other condicions, covenants, or agreements, contained, & expreſſed in the indentures of their ſaid leaſes, demises, or graunts, againſt all & euery the ſaid leſſes and fermoꝝ, & grauntees, their executoꝝ, adminiſtratoꝝ, and aſſignes, as the ſaid leſſoꝝ or grauntoꝝ themſelues or their

their heires or successors, ought, should, or might haue had and enioyed, at any time or times, in like maner and forme, as if the reuerſion of such lands, tenements, or hereditaments, had not come to the hands of our said ſoueraigne Lord, or as our said ſoueraigne Lord, his heires & successors, should or might haue had & enioyed, in certaine caſes, by vertue of the act made at the first ſeſſion of this preſent parliament, if no such graunt by letters patents had bin made by his highneſſe. [See Anno 31. H. 8. cap. 13.]

5 Whereouer be it enacted by authoritie aforesaid, that all fermors, lesſees, & grauntors of lordships, manors, lands, tenements, rents, parsonages, tythes, porcions, or any other hereditaments, for terme of yeres, life, or lines, their executors, administrators, & assignes, shall & may haue like action, advantage, & remedy, against all & euery person & persons, & bodies politik, their heires, successors, and assignes, which haue or shall haue any gift or graunt of the king our ſoueraigne Lord, or of any other person or persons, of the reuerſion of the same manors, lands, tenements, and other hereditaments so letten, or any parcell thereof, for any condicion, couenant, or agreement, contained, or expreſſed in the indentures of their lease and leases, as the same lesſees or any of them, might, or should haue had against the said lesſors and grauntors, their heires or successors: al benefites and aduantages of

Fines.

recoueries in value, by reason of any warrantie in deed, or law, by voucher, or otherwise onely excepted.

6 Provided alwaies that this act nor any thing or things therein conteyned, shall extend to hinder or charge any person or persons, for the breach of any covenant or condition, comprised in any such writing as is aforesaid, but for such covenants & conditions as shall be broken, or not performed, after the first day of September next coming, and not before: any thing before in this act conteyned to the contrary thereof notwithstanding.

An act for the exposition of the Statute of Fines, Anno 32.H.8.cap.36.

Fines 9.

Forasmuch as in the fowerth yere of the raigne of the late king of famous memozy king Henry the vij. father of our most dread soueraigne Lord the king that now is, [videlicet. 4.H.7. cap. 24.] it was among many good & sundry statutes and ordinaunces then made for the common wealth, enacted, ordeined, and established, the forme and maner how fines should be leued with proclamations, in the kings court, before his Justices of his common place, and that such fines with proclamations; so had & made, to the intent to void all strifes & debates, should be a small end, and
cons

conclude aswell priuies as strangers to the same, certain persons excepted & sauēd, as in the same estatute moze plainly appeareth.

2 Sithen which time by diuersitie of interpretation & expounding of the same estatute, it hath been and yet is by some maner of persons doubted and called in question, whether fines with proclamations, leued or to be leued befoze the said Iustices, by any person or persons, hauing, or clayming to haue, in any manors, lands, tenements, or hereditamēt's, comprised in the same fine, in possession, reuerſion, remainder, or in vse, any maner of estate taile, should immediatly after the said fine leued, ingrossed, & proclamation made, binde the right heire & heires of such tenant in taile, & euery other person and persons, leised, or clayming to their vse or vles, [See P. 19. H. 8. case 5.] by occasion wherof diuers debates, controuersies, suits & troubles haue bin begun, moued, and had within this realme, & mo be like to ensue if remedie for the same be not prouided. For the establishment & refozation wherof, and for the sure & sincere interpretation of the said estatute, in auoiding all dangers, cōtentiō's, controuersies, ambiguities, & doubts that hereafter may ensurge, grow, and happen:

3 Our soueraign Lord the king, with the assent of the Lords spirituall & tempozall, and the commons in this present parliamēt assembled, & by authoritie of the same, hath enacted and ordeined, that all and singular

Fines.

Fines to be leuied, befoze the said Just. with proclamations, according to þ said estatute, by any person oz persons, of full age of xxi. yeares, of any manors, lands, tenements, oz hereditaments, befoze the time of the same fine leuied, in any wise entailed to the person oz persons so leuying the same fine, oz to any the ancestoz oz auncestozs of þ same person oz persons, in possession, reuerſion, remainder, oz in vse, shall be immediatly after the same fine leuied, engrossed, & proclamations made, adiudged, accepted, demed, and taken, to all intents and purposes, a sufficient barre & discharge for euer, against the said person & persons, and their heires, clayming the same lands, tenements, and hereditaments, oz any parcell thereof, ouerly by force of any such taile, and against all other persons, clayming the same, oz any parcell thereof, only to their vse, oz to the vse of any maner of heire of the bodies of them: any ambiguity, doubt, oz contrariosity of opinion, risen oz growen vpon the said estatute, to the contrarie notwithstanding.

3 Provided alſway, that this act, noz any thing therein contained, shall extend to barre oz exclude, the lawfull entre, title, oz interest of any heire oz heires, person oz persons, heretofoze giuen, oz hereafter to be giuen, growen oz accrued to them, oz any of them, in oz to any manors, lads, tenements, oz hereditaments, by reason of any fine oz fines heretofoze leuied, oz hereafter to be leuied by
any

any woman, after the death of her husband, contrarie to þe forme, intent, and effect of the estatute made in the xj. yeare of the said late King 19. 7. ca. 20. of any manors, lands, tenements, & hereditaments, of the inheritance or purchase of the said husband, or of any his ancestors, giuen or assigned to any such woman in dower, for terme of life, or in taile, in vse or in possession, but that the same act, made in the said xj. yeare of the said late King 19. 7. shall stand, remain, & be in full strength & vertue, in euery article, sentence, & clause therein contained, in like maner & forme, as though this present act had neuer been had ne made.

¶ Provided also, that this act ne any thing therein contained, doe extende to any fine or fines, at any time heretofore leuied, or hereafter to be leuied, of any lordships, manors, lands, tenements, or other hereditaments, whatsoever they be, the possessioners and owners whereof, by reason of any expresse words contained in any speciall act or acts of parliament, made, or ordeyned, sithen the said iij. yeare of the raigne of the said late King Henry the vij. stande, be bounden, or restrained fro making any alienations, discontinuances, or other alterations, of any of the same lordships, manors, lands, tenements, or hereditaments, contained in the said fine or fines, but that all & euery such fine & fines, at any time heretofore leuied or hereafter to be leuied, by any such person,

Fines.

or persons, or their heires, of any such lordships, manors, lands, tenements, or other hereditaments, shall be of such like force and strength in the law, and of none other effect, then the same fine leuied, or to be leuied, should haue been, if this present act had neuer been had nor made: any thing herein contained to the contrarie thereof in any wise notwithstanding.

6 Provided also that this Act, nor any thing therein conteyned, shall extend to any fine, or fines, heretofore leuied of any manors, lands, tenements, or hereditaments, now in suit, demaunde, or variance, in any of the kings Courts, or whereof any charters, evidences, or muniments concerning the same, be now in demaund in the kings high court of Chancery, nor to any fine or fines heretofore leuied, of any manors, lands, tenements, or hereditaments, which before the first day of this present parliament haue been recouered, gotten, or obtained, by reason of any iudgement, entrie, decree, arbitrement, or other lawfull meanes, contrarie to the purport, intent, or effect of any such fine or fines thereof heretofore leuied, nor to any fine or fines heretofore leuied, or hereafter to be leuied by any person or persons, of any manors, lands, tenements, or hereditaments, before the time of the leuying of the same fine, giuen, graunted, or assigned to the said person or persons, to leuying the same fine, or to any of his or their ancestors in the
taile,

taile, by vertue of any letters patents of our said soueraigne Lord, or any of his progenitors, or by vertue of any act or actes of parliament, the reuerſion & hereof at the time of the ſame fine or fines ſo leuied, being in our ſaid ſoueraigne Lord, his heires or ſucceſſors: But that euery ſuch fine and fines ſhall be of like force, ſtrength, and effect, as they were or ſhould haue been, if this Act had neuer been had nor made.

An act for recouerie of arrerages of Rents
by Executors of Tenant in fee ſimple.

An 32. H. 8. cap. 37.

Rents 2.

FOasmuch, as by the order of the common Law, the executors or administrators of Tenants in fee ſimple, tenants in fee taile, and tenants for terme of lines, of rents ſeruices, rent charges, rent ſeckes, & fee fermes, haue no remedie to recouer ſuch arrerages of the ſaid rents, or fee fermes, as were due vnto their teſtators in their liues, nor yet the heires of ſuch teſtator, nor any perſon hauing the reuerſion of his eſtate, after his deceaſe may diſtraine, or haue any lawfull action to leuie any ſuch arrerages of rents, or of fee fermes, due vnto him in his life, as is afozeſaid: by reaſon wherof the tenants of the demeane of ſuch lands, tenements, or hereditaments, out of the which ſuch rents were due & payable, who of right ought

Rents.

ought to pay their rents & fermes, at such day and termes as they were due, do many times keepe, hold, & retaine, such arrearages in their owne hands, so that the executozs, & administratozs of the persons to whom such rents oz fee fermes were due cannot haue or come by the said arrearages of the same towards [the] payment of the debts, & performance of the Will of the said testatozs. [19. H. 6. cap. 82. fol. 41. Dette 37. and Executors 98. An 4. C. 3. Itin Notting.]

2 For remedie whereof be it enacted by authoritic of this pze sent parliament, that the executozs and administratozs of euery such person oz persons, vnto whom any such rent, oz fee ferme, is, oz shal be due, & not paid at the time of his death, shal and may haue an action of debt, for all such arrearage against the tenant oz tenants, that ought to haue paid the said rent, oz fee fermes, being behind, in the life of their testator, or against the executozs & administratozs of the said tenants.

3 And also furthermore, it shal be lawfull to euery such executor & administrator, of any such person oz persons, vnto whom such rent oz fee ferme is, oz shal be due, & not paid at the time of his death as is aforesaid, to distraine for the arrearages of all such rent and fee fermes, vpon the lands, tenements and other hereditaments, which were charged with the payment of such rents, oz fermes, and chargeable to the distresse of the

sa

said testator, so long as the said lands, tenements, & hereditaments, continue, remaine, & be in the seisin & possession of the said tenant in demeane, who ought immediately to haue paid the said rent, or fee ferme, so being bound to the said testator in his life, or in the seisin or possession of any other person or persons claiming the said lands, tenements, & hereditaments, onely by and from the same tenant, by purchase, gift, or descent, in like manner and forme as their said testator ought or ought to haue done in his life time; and the said executors & administrators, shall for the same distresse, lawfully make auowzie vpon the matter aforesaid.

4 Provided alway, that this Act, nor any thing therein conteyned, shall not extend to any such manour, lordship, or dominion in Wales, or in the Marches of the same, whereof the inhabitants haue vsed time out of the mind of man, to pay vnto euery Lord or owner of such lordship, manour, or dominion, at his or their first entrie into the same any summe or summes of money, for the redemption and discharge of all duties, forfeitures, and penalties, wherewith the said inhabitants were chargeable, to any of their said Lords auncestors or predecessors before his said entrie.

And further be it enacted by the authority aforesaid, that if any man, which now is, or hereafter shall haue in the right of himselfe or his wife, any estate in fee simple, fee taile, or

for

Rents.

foz terme of life , of , oz in any rents , oz fee
 fermes , & the same rents , oz fee fermes now
 be , oz hereafter shalbe due behind & vnpaid
 in the said wifes life , then the said husband
 after the death of his said wife , his execu
 tozs oz administrators , shall haue an actio
 of debt foz the said arrearages against the te
 nant of the demeane that ought to haue paid
 the same , his executozs oz administrators .
 And also the said husband , after the death
 of his said wife may distraine foz the sa
 arrearages , in like maner and forme , as he
 might haue done , if his said wife had be
 then lyuing , and make auoswye vpon h
 matter as is aforesaid .

6 And likewise it is further enacted
 the authoritie aforesaid , that if any perso
 oz persons which now hath , oz hereafter
 shall haue any rents , oz fee fermes , foz term
 of life , oz liues , of any other person oz pe
 sons , and the said rent , oz fee ferme , now be
 oz hereafter shall be due , and behind and vn
 paid in the life of such person oz persons
 foz whose life , oz liues , the estate of the sa
 rent , oz fee ferme , did depend oz continue ,
 after the said person oz persons doth die .
 Then he vnto whom the said rent oz fee
 ferme was due in forme aforesaid , his ex
 cutozs and administrators , shall and ma
 haue an action of Debt against the tenant
 demesne that ought to haue paid the same
 when it first was due , his executozs & ad
 ministratozs , and also distraine foz the same
 arrears

ges, vpon such lands, and tenements,
 the which the said rents' or fee fermes
 being & payable, in such like maner
 time, as he ought or might haue done
 person or persons, by whose death
 the said estate in the said rents and fee
 was determined & expired, had been
 alive, and not dead. And the auowzie
 the taking of the same distresse to be
 in maner and forme aforesaid.

act for the explanation of the Statute
 of Wils, Añ 34. H. 8. cap. 5.

Wils 3.

Where in the last Parliament begun
 & holden at Westminster the xxviij.
 day of Aprill, in the 31. yeare of the
 Kings most gracious raigne [cap. primo
 Wils 2.] and there by diuers prorogations
 holden and continued vnto the xxiiij. day of
 July, in the 32. yeare of his said raigne, It
 was by the Kings most gracious and libe-
 rall disposition, shewed toward his most
 humble & obedient Subjects, ordeined and
 enacted, how, and in what manner, lands,
 tenements, & hereditaments might by will
 or Testament, in writing, or otherwise, by
 any act or actes lawfully executed in the life
 of every person, giuen, disposed, willed, or
 devised, for the aduancement of the wife,
 preferment of childzen, payment of debts,
 of

of euery such person, or otherwise, at his
 or pleasure, as in the same act more pl
 ly is declared. Sithen the making of
 estatute, diuers doubts, questions, & a
 gunties haue risen, been moued & growe
 diuersitie of opinions taking, in & vpon
 exposition of the letter of the same statu

2 For a plaine declaration & explan
 whereof, and to the intent and purpose,
 the kings obedient & louing subiects,
 and may take the commoditie & aduanti
 of the kings said gracious and liberall
 position, the Lords spirituall & tempo
 and the commons in this present Par
 lament assembled, most humbly beseechen
 Kings maiestie, that the meaning of the
 ter of the same estatute, concerning
 matters hereafter rehearsed, may be by
 authozitie of this present parliament e
 sted, taken, expounded, iudged, declared,
 explained, in maner and forme following.

3 First, where it is contained in the sa
 former statute, with diuers articles a
 branches of the same, that all and singl
 person and persons, hauing any manor
 lands, tenements, or hereditaments, of
 estate of inheritance, should haue full & f
 libertie, power, and authozitie, to giue, w
 dispose, or assigne, aswell by last will a
 testament, in writing, or otherwise, by a
 act or actes lawfully executed in his li
 his manours, lands, tenements, or her
 ditaments, or any of them, in such man
 an

and forme, as in the same former Act more at large it doth appeare, which words of estate of inheritance, by the authoritie of this present Parliament, is and shall be declared, expounded, taken, & iudged of estates in fee simple only.

4 And also that all and singular person & persons, having a sole estate or interest in fee simple, or seised in fee simple, in coparcenary, or in common in fee simple, of, and in any manors, lands, tenements, rents, or other hereditaments, in possession, reversion, or remainder, or of rents or services incident to any reversion or remainder, and having no manours, lands, tenements, or hereditaments, holden of the king, his heires or successors, or of any other person or persons, by knights service, shall have full and free libertie, power, and authoritie to give, dispose, sell, or devise, to any person or persons (except bodies politike and corporat) by his last will and testament in writing, or otherwise, by any act or actes, lawfully executed in his life, by himselfe solely, or by himselfe, & other jointly, severally, or particularly, or by all those waies or any of them, asmuch as in him of right is or shall be, all his said manors, lands, tenements, rents, and hereditaments, or any of them, or any rents, commons, or other profits, or commodities, out of, or to be perceived of the same, or out of any parcell thereof, at his owne free will and pleasure: any clause in
the

the said former act notwithstanding.

¶ And further be it declared and enacted by the authoritie aforesaid, that all and singular person & persons, having a sole estate or interest in fee simple, or seised in fee simple in copercenary, or in commō in fee simple, or in any manors, lands, tenements, rents, or other hereditaments, in possession, reversion, or remainder, or of and in any rents or services incident to any reversion or remainder, holden of the king by knights service in chiefe, or of the nature of knights service in chiefe, hath and by the authority of this present parliament shal have full and free libertie, power and authoritie, to giue, dispose, sell, or assigne to any person or persons (except bodies politique or corporate) by his last will & testamēt in writing, or otherwise by any act or acts, lawfullie executed in his life, by himselfe solie, or by himselfe & other iointly, severally, or particularlie, or by all those waies or any of thē, asmuch as in him of right is or shall be, two parts as well of all the said manors, lands, tenements, rents and hereditaments, as of all and singular his other rents, and hereditaments, or of any of them, or any rents, commons, or other profits or commodities, out of, or to be perceived of the same two parts, or out of any parcell thereof, in threē parts to be devided, or as much thereof, as shall amount to the full & cleere verely value of two parts thereof, in threē parts to be devided of what per-

make any will, gift, disposition, or devise, by his last will in writing, or by any act or acts lawfully executed in his life, immediately after the death of the same devisour or owner thereof.

15 And that the will, gift, and devise of everie such devisour or owner, of and for the two parts of the said manours, lands, tenements, and hereditaments residue, shall by the authoritie aforesaid, be and stand good and effectual in the law, albeit the same will, gift, or devise be had and made of all his fee simple lands, tenements, & hereditaments, or of the more part thereof.

16 And in case the same manours, lands, tenements, and hereditaments, which after the death of any such owner or devisour, which shall make any such gift, disposition or devise, by his last will in writing, or otherwise by any act or acts lawfullie executed in his life, to his wife, children, or otherwise as is aforesaid, which shall immediately after his death, descend, revert, remaine, or come to his heire or heires, as well of estate of inheritance in fee taile, as of estate in fee simple, or fee taile onely, be not or shall not amount or extend to the full cleare yearly value of the full third part, with the full profits thereof, of all the said manours, lands, tenements, or other hereditaments of the said devisour or owner, according to the true intent and meaning of the said former act, and of this present act: that then the King shall

and may haue & take into his hands & possession, to make by his full third part, with the full profits thereof, according to his interest therein, as much of the other manors, lands, tenements, or hereditaments, willed, giuen, disposed, or assigned by any such person, to his wife, children, or otherwise, as is aforesaid, as with such of the same manors, lands, tenements, and hereditaments, descended, or by any meanes come vnto the heire, as heire of any such deuifoz or owner, shall make by the cleere yearly value of the said full third part, with the full profits thereof, of all the said manors, lands, tenements, and hereditaments, of euery such owner or deuifoz, so to be had to the king, in title of wardship, or primer seisin, as the case shall require. And the diuision thereof to be had and made, and with the restitution of the profits of the two parts of the said manors, lands, tenements, and hereditaments, in such maner and forme as is aboue rehearsed.

17 And like benefit and aduantage to be giuen, had, & taken, by the said authoritie, to euery Lord and Lords of whom any such manors, lands, tenements, or hereditaments, bin or shal be holden by knights service, in maner & forme as is aforesaid, concerning only his or their third parts thereof, according to their said interest therein.

18 And be it further enacted, by the authoritie aforesaid, that if it happen the same
third

third part, or any parcel thereof, left, willed, or assigned, to the king, or other lord, at any time during their interest therein, to be lawfully evicted, or determined, that then the king, & the other Lord, shall have as much of the two parts residue, as shall accomplish and make up a full third part, in clere perty value, after the rate and portion of such manors, lands, tenements, and hereditaments, as shall then happen to remaine of the same third part, not evicted nor determined, & of the other two parts of such manors, lands, tenements, and hereditaments, as the King or other Lord should or ought to have had, by vertue of the said former act, & this present act: and the same to be divided, in maner & forme aboue rehearsed; any clause in þe said former act notwithstanding.

19 And be it &c. That the saving and reserving for fines for alienation, by any such last will & Testament, of such manors, lands, tenements, or hereditaments, holden of the king by knights service in chiefe, or by the nature of knights service in chiefe, or by socage in chiefe, or of the nature of socage tenure in chiefe, or for fines for alienation, of such manors, lands, tenements, or hereditaments, whereof there shall be any alteration of freehold, or of inheritance, made by any such last will, comprised in divers and sundry articles, mentioned in the said former Act, be and shall be intended, expounded, taken, deemed, and iudged, by the

Wils.

authoritie aforesaid, that all such person or persons, to whom the said manors, lands, tenements, or hereditaments, or any of them, be or shall be giuen, disposed, willed, or deuised, by any such last wil, shall be exonerated, acquitted and discharged for euer, against the king his heires, and successours, for all such fines for alienations, by any such last Will or testament, without licence, by suing forth of the kings pardon for alienation out of the kings court of Chancery, paying to the king his heires or successours, for the fine of euerie such alienation, the third part of the yearely value of the same manours, lands, tenements, or other hereditaments, to him or them willed or deuised, and this act from time to time shall be a sufficient warrant, to the Lord Chauncellour of England, or keeper of the great seale for the time being, for the granting out of the said pardon or pardons, vnder the kings great seale, as heretofore hath bin vsed for pardons for alienations, without any further suit to be made to the king for the same.

20 And it is further declared & enacted, by the authoritie aforesaid, that willes or testaments, made of any manours, lands, tenements, or other hereditaments, by any woman couert, or person within the age of xxj. yeares, ideot, or by any person de non sane memorie, shall not be taken to be good or effectually in the law.

21 And be it further enacted by the au-
tho-

son or persons so ever they be holden, at his free will and pleasure. And that by the authoritie aforesaid, the said will so declared shall be good & effectuell for two parts of the said manors, lands, tenements, & hereditaments, although the will so declared be made of the whole, or of more then of two parts of the same. The same division to be made and set forth, by the devisor or owner of the same manors, lands, tenements, and hereditaments, by his last will in writing or otherwise in writing.

6 And in default thereof, by a commission to be graunted out of the kings court of the wards & liveries, vpon the inquirie of the true value thereof, by the othes of xij. men, and retourne or certificat thereof had in the same court, of the said manors, lands, tenements, and hereditaments, division to be made by the Master of the wards & liveries, if the Master of the wards & liveries for the time being, & the parties thereunto cannot otherwise agree vpon the same division. And that the issues and profits of the two parts of the same manors, lands, tenements, and hereditaments vpon euery such division, to be restozed to them that shall haue right, or title to the same, from the death of the owner or devisor thereof.

7 And further be it enacted and declared by the authoritie aforesaid, that all and singular person and persons, hauing a sole estate or interest in fee simple, or seised in fee

Wils.

Simple, in copercenarie, or in common, in fee
 simple, of and in any manors, lands, tene-
 ments, rents, or other hereditaments, in
 possession, reuerſion, or remainder, or of and
 in any rents or ſeruices, incident to any re-
 uerſion or remainder, holden of the king, his
 heires or ſucceſſors by knights ſeruiſe, and
 not in chiefe, or holden of any other perſon
 or perſons by knights ſeruiſe, ſhall haue full
 & free liberty, power, & authoritie, to giue, diſ-
 poſe, ſell or deuise, to any perſon or perſons,
 except bodieſ politike & corporate, by his
 laſt will & teſtament in writing, or otherwiſe,
 by any act or actſ lawfully executed in his
 life, by himſelfe ſolde, or by himſelfe, & other,
 iointly, ſeuerally, or particularly, or by all
 thoſe wayes, or any of them, as much as in
 him of right is or ſhall be, two parts of all
 the ſaid manors, lands, teneiments, & heredi-
 taments, or any of them ſo holden by knights
 ſeruiſe, or any rents, common, or other pro-
 fits or commodities, out of, or to be perceiued
 of the ſame two parts, or out of any parcell
 thereof, in 3. parts to be deuided, or as much
 thereof, as ſhal amount to the full & clere yere-
 ly value of 2. parts thereof, in 3. parts to be
 deuided, at his free will & pleaſure.

8 And that the ſaid will ſo declared, by au-
 thoritie afozeſaid, ſhall be good & effectuall,
 for 2. parts of the ſaid manors, lands, tene-
 ments, or hereditaments, although the will
 ſo declared be or ſhall be made of the whole
 lands, & tenements, ſo holden by knights ſer-
 uice,

uice, or of more thē of 2. parts of the same.

9 And also for the whole of all other such manors, lands, tenements, & hereditamēts, or any of them, not holden of the King by knights seruice in chiefe, or otherwise by knights seruice, nor of any other person by knights seruice, & of any rents, commons, or other profits or commodities, out of, or to be perceiued of the same, or out of any parcell thereof at his free will & pleasure.

10 The same diuision to be made and set forth, by the owner of the said manors, lands, tenements, & hereditaments, by his last will & testament in writing, or otherwise in writing. And in default thereof, for as much of the same manors, lands, tenements, & hereditaments, as shal concerne the kings interest, by commission, to be directed out of the kings court of the wardes and liueries, in maner and forme as is aforesaid, if the master of the wardes and liueries for the time being, & the parties thereunto cannot otherwise agree vpon the same diuision.

11 And that restitution of the issues and profits of the two parts thereof, shalbe had & made, in maner & forme abouesaid.

12 And for such of the same manours, lands, tenements, and hereditaments, as shal concerne the interest of any other Lord or Lords, by commission to be graunted out of the kings court of Chancery, to enquire thereof, by the othes of twelue men, if the same Lord or Lords, and the parties there-

unto cannot otherwise agree vpon the same diuision.

13 And be it further enacted & declared by authoritie aforesaid, that the sauings, referuings, and pꝛouisions, concerning sauing of the custody, wardship, reliefe, & pꝛimer seisin to the king, of such manors, lands, tenements, & hereditaments, or as much thereof as shall appertaine vnto him, by vertue of the said former Act, & by the declaration and exposition thereof, declared by this present Act, during the kings interest therein:

14 And also for the custodie and wardship to other Lords, of as much of such manors, lands, tenements, & hereditaments, holden of them, as shall amount and extend to the cleere yearely value of the third part thereof ouer and aboue all charges, without any diminution or abridgement of the third part, or of the full profits thereof, comprised and mentioned in diuers articles in the said former Act contained, by the authoritie aforesaid, be, & shall be intended, expounded, & taken, as hereafter insueth: that is to say, that the king shall haue and take for his full third part, of all such manors, lands, tenements, and hereditaments, wherunto he is, or shall be intituled by the said former act, & by this present act, such manors, lands, & tenements, as shall by any meanes descend, or come by descent, as well of estate of inheritance in fee taile, as in fee simple, or in fee taile onely to the heire of any such person, that shall
make

fully begotten, minding at the time of such gifts, not onely to prefer and aduance presently the donees, but also their heires in blood of their bodies, according to the limitation of the said giftes: to the intent the recompence for the seruice of such donees, should not onely be a benefite for their owne persons, but a continual profit & commodity to & for their heires coming of their bodies, whereby such heires should haue in speciall memorie and daily remembrance, the profit that they haue & take by the seruice of their ancestors done to the kings of this realme, and thereby be the better encouraged to doe like seruice to their soueraigne Lord, as to their duties of allegeance appertayneth. And forasmuch as sundrie such donees in taile, and their heires haue suffered, & daily suffer by their consents, vnttrue & feyned recoveries to be had against them, with common boucher, or otherwise, of manors, meases, lands, tenements, or hereditaments so giuen, graunted, or prouided in taile by the kings Maiestie, or his noble progenitors, as is aforesaid, to the intent by fraud, couin, & vndue meanes, not onely to bind & defeat their heires inheritable by the limitation of such gifts, but also the king of his prerogative, wardship, primer seisin, and other his rights: whereby questions & diuersities of opinion haue risen, and yet be, whether such tenants in taile, by their owne consent, of lands, tenements, or hereditaments, wherof
the

Recoueries.

the reuerſion or remainder is in the king, at the time of ſuch recovery or recoveries had, ſhould after the death of the tenant in taile, bind the heires in taile or not.

2 For the plain declaration whereof, and to auoide & extinct from henceforth diuerſities of opinions in ſuch caſes. Be it ordeyned & enacted by authoritie of this preſent parliament, that no ſuch feyned recoverie hereafter to be had, by aſſent of parties, againſt any ſuch tenant or tenants in taile, of any lands, tenements or hereditaments, whereof the reuerſion or remainder at the time of ſuch recoverie had, ſhall be in the K. ſhall bind or conclude the heires in the taile, whether any condition [alias common] voucher be had in any ſuch feyned recoverie or not, but that after the death of euery ſuch tenant in taile againſt whom any ſuch recovery ſhall be had, the heires in taile may enter, haue & enjoy the lands, tenements, & hereditaments ſo recovered, according to the forme of the gift of intaile: the ſaid recovery or any other thing or things hereafter to be had, done, or ſuffered, by or againſt any ſuch tenant in taile to the contrary notwithstanding.

3 And be it alſo further enacted by the authority aforesaid, that the heires of euery ſuch tenant in taile, againſt whom any ſuch feyned recoverie ſhall be had, ſhall take none aduantage for any recompence in value againſt the vouchee or his heires.

4 Provided alway that this act or any thing

ing therein contained, be not in any wise
 iudiciall or hurtful to the lessee or lessees
 any such tenant in taile, made or to be made
 by writing indented, of any manors, lands,
 tenements or hereditaments, for terme of
 vij. yeeres, thre liues, or vnder, whereupon
 the accustomed rent & rents or more, is or
 shall be reserved yearely during the same
 terme and termes: but the same lessee & les-
 sees, shall and may haue & enjoy his or their
 terme & termes therein against the heire &
 heires of euerie such tenant in taile, accor-
 ding to the tenor, purport, and effect of the
 statute made in the xxxij. yeare of the raigne
 of our soueraign Lord king Henry the vij.
 any thing in this act contained to the con-
 trarie thereof notwithstanding. [See Anno
 32. H. 8. ca. 28. Leases. 2.]

An act that fines in townes corporate, shall
 be made as the same in time heretofore
 haue bin, An. 34. H. 8. cap. 22.

Inrolments 2.

Where in the Parliament holden in
 the xxvij. yeare of our most dread
 soueraigne Lord king Henry the
 eight [See the statute ment 32. H. 8. ca. 28.
 but all the printes be 27. H. 8. Ideo quere.]
 It was enacted by authority of the said
 parliament amongst other, that no fine, feof-
 fement or other act or acts hereafter to be
 made,

Inrolments.

made, suffered, or done by the husband onely of manors, lands, tenements, or hereditaments, being the inheritance, or the freehold of his wife, during the coverture between them: shall in any wise be or make any discontinuance thereof, or be prejudiciall or hurtfull to the said wife, or to her heires, or to such as shall haue right, title, or interest by the same, by the death of such wife, or wiues: but the same wife & her heires, and such other to whom such right shall appertain, after her decease, shall and may the lawfully enter into all such manors, lands, tenements, and hereditaments, according to their rights & titles therein, any such fine, feoffment, or other act to the contrary notwithstanding. Sithence & making of which act, diuers doubts, questions, & ambiguities haue risen, that is to say, whether the recoveries and deeds inrolled, which be in nature of fines, and whereupon women covert haue bin vsed to be examined, taken, had, or knowledged, aswel within the citie of London, as in many other cities, boroughs, and townes within the Realme of England, should bind all such women covert, that should happē to be examined vpon the same recoveries & deedes inrolled. In auoiding therefore all such ambiguities & doubts:

Be it enacted by the king our soueraigne Lord, the Lords spirituall & tempozall, and the commons in this present parliament assembled, & by authozitie of the same, that all recoveries

thoꝛtie afoꝛesaid, that if any person oꝛ persons hauing estate of inheritance, of oꝛ in manors, lands tenements, oꝛ hereditamēts holden of the King by knights seruice in chiefe, oꝛ otherwise of the king by knights seruice, oꝛ of any other person oꝛ persons by knights seruice, hath giuen at any time sithen the xx. day of the said moneth of Julie, [21. H. 8. An. dñi 1540.] oꝛ hereafter shall giue, will, deuise, oꝛ assigne, by will, oꝛ other act executed in his life, his manors, lands, tenements, oꝛ hereditaments, oꝛ any of the by fraude oꝛ couine, to any other person oꝛ persons, foꝛ terme of yeares, life, oꝛ liues, with one remainder ouer in fee, oꝛ with diuers remainders ouer foꝛ terme of yeares, life, oꝛ in taile, with a remainder ouer in fee simple to any person oꝛ persons, oꝛ to his oꝛ their right heires, oꝛ at any time sithen the said xx. day of Julie, hath conueied oꝛ made, oꝛ hereafter shall conuey oꝛ make by fraude oꝛ couine contrary to the true intent of this act, any estates, condicions, mesnalties, tenures, oꝛ conuiances, to the intent to degraude oꝛ disceauē the king of his prerogatiue, primer seison, liuerie, reliefe, wardship, mariages, oꝛ rights: oꝛ any other Lord of their wardshippes, reliefes, heriots, oꝛ other profits which should oꝛ ought to accrue, now, oꝛ come vnto them oꝛ any of them, by after the death of his oꝛ their tenant, by force & according to the foꝛmer estatute, and this present act & declaration:

22 And the same estates & other conueiances, being found by office to be so made or contriued by couin, fraude, or disceipt, as is abouesaid, contrarie to the true intent and meaning of the said former act, and of this act: That then the king shall haue as well the wardship of the bodie and custodie of the lands, tenements, and hereditaments, as liuerie, primer seisin, reliefe, and other profits, which should or ought to appertaine to the king, according to the true intent and meaning of the said former act, & of this present act, as though no such estates or conueiances by couin, had neuer bin had or made, vntill the said office be lawfully vndone by trauesse or otherwise.

23 And that the other Lord & Lords, of whom any such manors, lands, tenements or hereditaments, shalbe holden by Knight service, as is aforesaid, shall haue their remedie in such cases, for his or their wardships of bodie & lands, by writ of right or warde, & shall distraine, & make auowrie or cognisance, by themselves or their bailifes, for their relases, heriots, and other profits, which should haue bene to them due, by or after the death of their tenant, as if no such estate or conueiance had bin had or made.

24 Having & reseruing alwaies by the authority aforesaid, the right & title of the donors, feoffors, lessors, & deuisors thereof, against the said deuisor & his heires, after the interest and title of the king or other Lord therein

therein ended & determined.

25 **Pr**ouided alwaies that this act, explanation, & declaration, or any of them, or any thing in this said act, explanation, or declaration contained, shall not extende to the will or deuise of Sir John Baynssford, late of Crowherst in the Countie of Surrey Knight deceased: nor to the will or deuise of Sir Peter Filpot Knight deceased: nor to the will or deuise of Richard Creswell late of Wattingley in the countie of South. gentleman deceased, nor to the will or deuise of Thomas Anton late of the countie of Berk. gent. deceased, sonne of sir Thomas Anton knight also disceased: or shalbe in any wise prejudiciall or hurtfull to any person or persons, for or concerning any manors, lands, tenements, or hereditaments, contined or especified in the said wills or deuises, or in any of them, but that the said last wills and deuises, and euerie of them, shall stand abide, remaine, and be, in the same case, force and effect in the law, to all intents, purposes, and constructions, as the said last wills and deuises, and euerie of them, were befoze the making of this act, declaration and explanation, & of none other effect or force: this act declaration, and explanation, or any of them, or any thing therein contained to the contrarie thereof in any wise notwithstanding.

26 **Pr**ouided alway and be it enacted by the authoritie aforesaid, that all and euerie person

person and persons from whom the king or other Lord or Lords, shall take any manors, lands, tenements, or hereditaments for his or their full third part, or to make by his or their third part, shall and may by authority of this present act, in any of the cases aforesaid, upon his or their bill exhibited in the kings court of Chancerie, against all and euery such person & persons, which shall be intitled by or vnder any such will, gift, disposition, or deuise, to the other two parts haue such contribution or recompence for the same, as by the Chauncelloz of England, or by the Keeper of the great Seale of England, for the time being, shall be thought good and conuenient. [See the Statute 34 H. 8. cap. 20. of Recoueries]

An act to embarre feyned Recoueries of lands wherein the Kings Maiestie is in reuerſion, Añ 34. H. 8. cap. 20.

Recoueries 4.

Where diuers of the kings most noble progenitozs, and specially the king our soueraigne Lord most liberally aboute all other, hath giuen and graunted, or otherwise provided to his and their louing and good seruants and subiects, aswell nobles as other, manors, meases, lands, tenements, rents, seruices, and hereditaments to them, and to their heires males of their bodies, or to the heires of their bodies lawfully

recoueries, deeds enrolled, & releases heres
 tofore knowledged & taken, or at any time
 hereafter to be taken & knowledged before
 the Maiors, aldermen, recorders, chamber-
 laines, or other head officer or officers, as-
 well of the citie of London, as of any other
 citie bozough or towne corporat within the
 realme of England, hauing power and au-
 thozitie to take and receiue the same, accor-
 ding to the laudable vsages & customes of
 the said citie, bozoughs & townes, & euery
 of them, shall be, stand, and remaine of like
 force, strength, & effect, to all intents & pur-
 poses, as they or any of them were before
 the making of the said act in the said xxxij.
 yere of our said soueraigne Lord: any thing
 in the same contened to the contrary in any
 wise notwithstanding.

An act against vsurie, Anno 37.

H. 8. cap. 9.

Vsurie 2.

Where before this time, diuers and
 sundry acts, statutes, and lawes
 haue bin ordeined, had & made with-
 in this realme, for the auoiding & punishmet
 of Vsurie, being a thing vnlawfull, and of
 other corrupt bargaines, shifts, & cheuāces,
 which acts, statutes, and lawes, bin so ob-
 scure & darke in intents, wordes, & termes,
 and vpon the same so many doubttes, ambi-
 D D. j. guities,

Vsurie.

guities, and questions haue risen & growen, and the same actes, statutes, & lawes been of so little force or effect, that by reason thereof little or no punishment hath insued to the offendours of the same, but rather hath encouraged them to vse the same.

2 For reformation whereof, be it enacted by the king our soueraign Lord, by thassent of the Lords spirituall & temporall, and the commons in this present parliament assembled, & by the authozitie of the same, that all & euery the said actes, statutes, and lawes heretofore made, of, for, or concerning Vsurie, shiftes, cozzrupt bargaines, and cheuissances, and euery of them, & all peines, forfaitures & penalties concerning the same, and euery part thereof, shal from henceforth be vtterly void and of none effect, to all intents, constructions, and purposes.

5 And be it further enacted by the authozitie aforesaid, that no person nor persons, of what estate, degree, or condition soeuer he or they be, from & after the last day of January next comming, shall by him selfe, factor, attozney, seruant or deputie, sell his marchandises or wares to any persō or persons, & within 3. months next after, by him selfe, factor, attozney, deputie, or by any other person or persons to his vse & behoefe, buy the same marchādises or wares, or any part or parcell thereof, vpon a lesser price, knowing them to be the same wares or marchandizes, that he befoze did so bargain and sel,
vpon

upon the paines & forfeitures hereafter limited in this estatute.

4 And be it also enacted by the same authoritie, that no person nor persons of what estate, degree, qualitie, or condicion soever he or they be, at any time after the said last day of Januarie next comming, by way or meane of any corrupt bargaine, loane, exchange, cheuisance, shift, interest, of any wares, marchandizes, or other thing or things whatsoever, or by any other corrupt or deceitfull way or mean, or by any couin, engin, or disceiptfull way or conuepaunce, shall haue, receiue, accept or take in lucre or gaines, for the forbearing or giuing day of payment of one whole yeare, of and for his or their money or other thing, that shall be due for the same wares, marchandizes or other thing or things, aboue the summe of x. li. in the hundred & so after that rate & not aboue, of & for a more & lesse summe, or for a longer or shorter time, & no more or greater gaine or summe thereupon to be had, vpon the paines & forfeitures hereafter in this act mentioned & contained.

5 And be it further enacted by authoritie aforesaid, that if any person or persons, at any time after the said last day of January, do bargaine & sell, or lay to mortgage by any way or mean, any manors, lands, tenemets, or hereditaments, to any person or persons vpon condition of payment or nonpayment of any summe or summes of money, to be had,

Vsurie.

paied, or made, at any day certain, or before any such day, by him that shall so bargain, sell or lay to morgage, the same manours, lands, tenements, or hereditaments, that the same person or persons, to whom any such manours, lands, tenements, or hereditaments, shall be so bargained, sold, or layed to morgage, shall not by reason thereof, haue ne take in lucre or gaines of the issues, reuenues and profits of the same manours, lands, tenements or hereditaments, about the sum of x.li. in the hundred for one whole yeare, & so after the rate abouesaid, for a moze or a lesser summe or for a longer or shorter time, & no moze nor otherwise, vpon the paines, forfeitures & penalties hereafter in this present estatute limited & expressed.

6 And be it further enacted by the authoritie afozesaid, that if any person or persons of what estate degree, qualitie, or condicion soeuer he or they be, at any time after the said last day of Januarie next coming, shall do any act or acts, thing or things contrarie to the tenour, forme, and effect of this estatute, or any clause, article, or sentence contained in the same: that then all & euery offender & offenders therein, or in any part thereof, shall forfeit & lose for every such offence, the treble value of the wares, marchādzes, & other thing or things, so bargained, sold, exchanged, or shifted, & the treble value of the issues & profits of the said manours, lands, tenemētis and hereditamētis, so had,
taken,

taken, or receiued, by reason of any such bargaine, sale, or mortgage, & also shall haue and suffer imprisonment of his bodie, and make fine and raunsome at the kings will & pleasure. The moitie of which forfeiture of the said treble value shall be to the king, & the other moitie to him or them that will sue for the same in any of the kings courts by action of debt, bill, plaint, or information, in which action, bill, plaint, or information, no wager of law, essoine, or protection shall be admitted or allowed.

7 Provided alway, & be it enacted by the authoritie aforesaid, that this act nor any thing therein conteyned, shall not in any wise extend to any lawfull obligation, indoyced with a condiction, nor to any statute or recognisance made and to be made, for the payment of a lesser summe, so that the same obligation, statute, or recognisance, be made for a true, iust, and perfit debt, or for the perfourmance of any other true covenants, made, or to be made, vpon a iust and true intent had betwene the parties, other then in cases of vsurie, interest, corrupt bargaines, shift, or cheuilsance: Ne yet shall extend to any recouerie, fine, feoffemēt, release, confirmation, or graunt, made or to be made vpon condition with a true intent: other then to such recoueries, fines, feoffements, releases, confirmations, and graunts, as shall be made vpon condition, extending to vsurie, interest, corrupt bargaines, shifts,

Tenures.

oz chenuisance : any thing this estatute conteined, oz any law, statute, oz ordinance here tofoze had vled, oz made, to the contrarie notwithstanding.

8 [This Act was repealed by a statute made Anno 5. E. 6. ca. 20. and thereby was prohibited & punished the lending, gyuing, letting out, deliuering, oz forbearing any summe &c. for any maner vsurie, increase, lucre, gaine, oz interest, to be had, receiued, oz hoped for &c. which statute is also repealed, and this reuiued Anno 13. Eliz. cap. 8. which followeth hereafter.

An act for Tenures holden in Capite,
An 1. Ed. 6. cap. 4.

Tenures 5.

Where befoze this time, ambiguities, questions, and doubts haue ben moued and stirred in diuers and sundry the kings courts of record, whether such honours, castels, manors, lands, tenements, and other hereditaments are holden of the king in Capite, which any his loyng subjects do hold by knights seruiue, soage, oz other seruices of the king, as of his Duchies, Earledomes, Baronies, honours, castels, manors, lands, tenements, fees, and seigniories, which haue come to the hands and possession of diuers of his highnesse most noble pegenitors, by attainder of
treason,

treason, misprision of treason, attainders of Præmunire and prouision, had and done by act of parliament, by verdict, confession, conviction, or vtlagarie, and offices, or no offices thereupon found, or by the dissolution, surrender, or giuing vp to the king or to any his noble progenitors, of any religious or ecclesiasticall houses or places, or of any manors, lands, tenements and other hereditaments, to any of the same religious or ecclesiasticall houses or places, in any wise apperteyning or belonging or no. By meanes of which doubt so moued, his said humble & obedient subiects & tenants haue been heretofore much vnquieted, molested, & grieued: Wherefore the king our soueraigne Lord, mynding & entirely desiring the quietnes of his said subiects, and that the certaintie of his lawes in that behalfe myght be knownen and declared to his said louing subiects:

4 For a plaine declaration and resolution to be had, of, for, and concerning the premises, at the humble petition and suit of the Lords and commons in this present parliament assembled, doth ordeine, declare, and enact, by the assent of the Lords spiritual and temporall, and of the Commons in this present parliament assembled, and by the authoritie of the same, that all such honours, castels, manours, lands, tenements, and other hereditaments, and eue-ry of them, which now be, or at any time

Tenures.

hereafter shall be holden of the king, or of any of his heires or successours, by any of his said subiects by knights seruitce, socage, or otherwise, as of any of his or their Dukedomes, Earledomes, Baronies, Castels, manors, lands, tenements, fees, or seignories, which be come to the king, or his most noble progenitors, or hereafter shall come to the king, his heires or successours, by means of any such attaynder, conuiction, vtlagarie, or of any such dissolution, surrender, or giving by of any religious or ecclesiasticall houses or places, or of any manors, lands, tenements, or hereditaments, to any of the said religious or ecclesiasticall houses or places, in any wise belonging or appertayning, shall not from henceforth be adiudged, deemed, taken, or construed, to any intent, construction, or purpose, to be holden in Capite, or as tenure in Capite: any ambiguitie, question, or doubt heretofore moued to the contrary notwithstanding. [See a like matter Magna charta cap. 31.]

3 Provided alwayes, and be it enacted by the authoritie aforesaid, that this act or any thing therein contayned, shall not in any wise be prejudiciall ne hurtfull to the king, his heires or successours, to, for, or concerning any wardship, livery, primer seisin, fine for alienation, or to or for any other profit or advantage, which now is come, or hereafter shall or may come, fall, or grow to the king, his heires or successours, by or from any person
or per-

of persons, which now doth, or hereafter shall hold any honours, seignories, castles, manors, lands, tenements, or other hereditaments, of the king in chiefe, as of his person, or of any other his ancient possessions, & being not come to the king by any such attainder, confession, conviction, vtilagarie, dissolution, giuing vp, or surrender, as be abovesaid.

4 Provided alwaies, and be it enacted by the authozity aforesaid, that this present act, or any thing therein contained, or specified, shall not in any wise, or by any means giue any advantage, libertie, or profit, to any tenant, or owner, in fee simple, of any honours, manors, lands, tenements, or other hereditaments, which haue hertofore sued any speciall or generall Wuerie, and Ouster la maine, out of the hands of the king, or of any his noble progenitors, of any honours, manors, lands, tenements, or other hereditaments, by what tenure or service they were, or be holden: or that haue, or shall confesse, by any matter of record, any tenure in chiefe, of the king, but that they, their heires & assignes, shall haue and hold the same manors, lands, tenements, and other hereditaments, in like maner & forme, as they did before the making of this present Act, and as though this present Act had neuer bin had ne made: any thing aboue declared & enacted to the contrarie notwithstanding.

Discontinuance of proces.

An act for the continuance of actions after the death of any king. Añ 1. Ed. 6. ca. 7.

Discontinuance of proces 2.

From henceforth by the death, or demise of the kings maiestie that now is, (whose life almighty God long preserve, keepe, and maintaine in his most royall estate) nor by the death or demise of any that hereafter shall be king of this Realme, any action, suit, bill, or plaint, now or that hereafter shall depend betwene partie and partie, in any of the courts aforesaid, [s. the kings Courts, & other courts of records,] shall not in any wise be discontinued, or put without day.

2 But that processe, pleas, denurres, and continuances in euery action, actions, suits, bills, or plaints, which now, or that hereafter shall depend, shall stand good & effectual, & be prosecuted & sued forth in such maner & forme, & in the same estate, condition, and order, as if the same king had iued, or continued in full life: the death or demise hereafter of any king of this Realme notwithstanding.

3 And that all and all maner of iudiciall proces that hereafter shall be had, or pursued in the time of the raigne of any other king, then raigned at the time of the pursuit of the original, or other former processe, shall be made in the name of the king,
that

that for the time shall raigne, and be king of this Realme, and that variance touching the same proces betweene the names of the kings, shall not be in any wise materiall, as concerning any default to be alleadged, or objected therfore.

4 And also be it further established and enacted by the authozitie aforesaid, that all and euery Assise of nouel disseisin, Assise of Mortdauncester, Iuris vtrum, and Attaint, which at any time hereafter shall be arraigned, commenced, or sued befoze any of the kings Iustices of Assise, shall not from henceforth be discontinued or put without day, by reason of death, new commission, association, or not comming of the same Iustices of assise, or any of them, but shall stand good & effectuall in the law, to all intents, constructions, and purposes: the death, new commission, association, or not comming of the same Iustices, or any of them, in any wise notwithstanding.

5 And ouer that, be it ordeined and enacted by the authozity aforesaid, that albeit any demaundant or plaintife in any maner of action, bill, or suite, shall fortune to be made, or created, Duke, Archbishop, Marques, Earle, Viscount, Baron, Bishop, Knight, Justice of the one bench, or of the other, or Sergeant at law, depending the same action, bill, or suit, yet that notwithstanding, that no writ, action, or suit shall for such cause in any wise be abatable

or

Discontinuance of proces.

oz abated, but shall remaine in like force, goodnesse, and strength, as the same was before: any law oz vsage to the contrarie in any wise notwithstanding.

6 And also be it ordeined and enacted by the authoritie aforesaid, that albeit any person oz persons being Justice of Assise, Justice of Gaole deliuerie, oz Justice of peace within any of the kings Dominions, oz being in any other the kings Commissions whatsoeuer, shal fortune to be made, oz created Duke, Archbishop, Marques, Earle, Viscont, Baron, Bishop, Knight, Justice of thone bench, oz of the other, oz Sergeant at Law, oz Shirife, yet that notwithstanding, he and they shall remaine Justice and Commissioner, and haue full power & authoritie to execute the same, in like maner and forme as he oz they might, oz ought to haue done before the same.

7 And be it ordeined and enacted by the authoritie aforesaid, that in all cases, where any person oz persons heretofore haue been, oz hereafter shal be found guiltie, of any manner of treason, murder, manslaughter, rape, oz other felonie whatsoeuer, for the which iudgement of death should oz may insue, and shal be repzied to prison without iudgement at the time gyuen against him, her, oz them so found guiltie, that those persons that at any time hereafter shall by the kings Letters patents be assigned Justices to deliuer the gaole, where any such person oz persons

sons found guiltie shall remaine, shall haue full power and authoritie to gyue iudgement of death against such person so found guiltie & repried, as the same Iustices (before whom such person or persons was, or were found guiltie) might haue done, if their commission of Gaole deliuerie had remayned and continued in full force and strength. And ouer that, that no maner of processe, or suit made, sued, or had before any Iustices of Assise, Gaole deliuerie, Dier and terminer, Iustice of peace, or other of the Kings Commissioners, shall, ne in any wise be discontinued by the making and publishing of any new Commission or association, or by altering of the names of the Iustices of Assise, Gaole deliuerie, Dier and terminer, Iustices of peace, or other the kings Commissioners, but that the new Iustices of assise, Gaole deliuerie, and of the Peace, and other Commissioners may proceed in euery behalfe, as if the olde Commissions, and Iustices, and Commissioners had still remained and continued not altered.

Monasteries.

An Act whereby certaine Chaunteries, Colledges, Free chappels, and the possessions of the same, be giuen to the kings Maiestie, Anno 1. Ed. 6. cap. 14. Wherein is recited an Act made 37 H. 8. cap. 4. made for seising into his Maiesties hands, all Colledges, Free chappels, Chauntries &c.

Monasteries 13.

The Kings most louing Subiects, the Lords spirituall and temporall, & the Commons in this present parliament assembled, considering that a great part of superstition & errours in Christian Religion, hath been brought into the mindes and estimation of men, by reason of the ignorance of their verie true & perfit saluation, through the death of Jesus Christ, and by deuising and phantasying vaine opinions of Purgatorie, and Masses satisfactorie, to be done for them, which be departed. The which doctrine & vaine opinion, by nothing moze is maintayned and vpholden then by the abuse of Trentals, Chauntries, & other prouisions made for the continuance of the said blindnesse and ignorance.

2. And further considering and vnderstanding that the alteration, change, & amending of the same, and conuecting to good and godlie vles, as in erecting Grammer Schooles, to the education of youth in vertue

tue and godlinesse, the further augmenting of the Uniuersities, and better prouision for the poore and needie, cannot in this present Parliament be prouided, and conueniently done, nor cannot, ne ought to any other manner person be committed, then to the Kings highnesse, whose Maiestie, with, and by the aduise of his highnesse most prudent Counsaile, can, and will most wisely, and beneficially, both for the honour of God, and the weale of his Maiesties Realme, order, alter, conuert, and dispose the same. And calling further to their remembrance, that in the Parliament holden at Westminster the xxxvij. yeare of the raigne of our late so- ueraigne Lord king Henry the eight, father to our most dread & naturall Soueraigne Lord the king that now is, [cap. 4.]

It was ordeyned, enacted, and establi- shed amongst other things, that all and sin- gular Colledges, free chappels, Chaun- tries, Hospitals, Fraternities, Brother- heads, Guildes, & other promotions, men- tioned in the said former Act, had or made to haue continuance in perpetuities for euer, and then being, or that had, or ought to be contributorie or chargeable to the payment of the first Fruites and Tenthes, accor- ding to the Lawes and Statutes in that behalfe had, and made, by what name, sur- name, degree, or corporation, they or any of them were founded, ordeyned, established, created, named, called, or known, and all
and

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and singular the manſions, houſes, manors, orchards, gardens, lands, tenements, paſtures, woods, waters, rents, reuerſions, ſeruices, commons, tythes, pencions, porcions, churches, chappels, aduowſons, nominations, patronages, annuities, rights, intereſtes, entries, conditions, leetes, courts, liberties, priuiledges, franchises, and other hereditaments whatſoever then appertaining, or belonging, or that did appertaine, or belong, or were assigned, or appointed to any ſuch colledge, free chappell, chauntrie, hoſpittall, fraternitie, brotherhead, guild, ſtipendarie Prieſt, or other the ſaid promotions, or to any of them, or accepted, knowne, or taken as part, parcel, or member of them, or of any of them: and to the ſaid colledges, chauntries, free chappels, hoſpittals, fraternities, brotherhed, guild, ſtipendary prieſts, or other promotions, or to any of them vniited, or annexed, which betwene the fourth day of February, in the xxvij. yere of the ſaid late kings raigne, and the xx. day of December, in the xxxij. yeaere of his graces raigne, by reaſon of any entrie, expulſion, bargaine, ſale, or feoffement, fine, recouerie, leaſe, or other conuicance therof made, were diſſolued, determined, or relinquished by any of the wayes, meanes, or conuicances, mentioned in the ſaid Act, or otherwiſe, other then ſuch of them, as then were in the poſſeſſion of the ſaid late king, or that were granted or aſſured by his licence, agrément, consent,

sent or letters patents to any person or persons, or then had been lawfully obtained, or recovered by any person, by any former right, or title, without fraude or couyn, or by the kings licence: shall from henceforth by authoritie of the same former act, be adiudged and deemed, and also be in the verie actual and reall possession & seisyn of the said late king, and of his heires and successors for ever, in as large and ample maner, as the said priestes, wardens, masters, ministers, gouernors, rulers, or other incumbents, or any of them, or the patrons, donors, or founders of any of them, at any time sithence the said iij. day of Februarie, in the xxvij. yere aforesaid, had, occupied, or enioyed, or then had, occupied, or enioyed the same, and as though all and singuler the said colledges, chauntries, hospitals, free chappels, fraternities, brotherheds, guilds, and other the said promotions, and the said manors, lands, tenements, hereditaments, and other the premises, whatsoeuer they be, and euery of them, had been in the said former act, specially, particularly, and certainly rehearsed, named, and expressed, by expresse wordes, names, surnames, corporations, titles, and faculties, and in their naturall kinds, & qualities: the said entries, expulsions, bargaines, sales, fines, feoffements, recoveries, or other assurance, & conueiance whatsoeuer they were, had, or made, (except befoze in the former act excepted) to the

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contrarie notwithstanding.

4 And, where also it was enacted and graunted by the said late King, by the said former act, that the same late King during his naturall life, might make and direct his commission & commissions vnder his great seale, to enter into all and singuler such and as many chauntries, free chappels, hospitalls, colledges, and other the promotions, mencioned in the said former act, and into all and singuler such manours, mansions, houses, meases, lands, tenements, pastures, woods, waters, rents, reuerfions, seruices, possessions, and other hereditaments whatsoeuer, or into any part or parcell thereof, in the name, seisin, and possession of all the hereditaments, annexed, vnitied, belonging or appertayning to any Chauntrie, hospitall, free chappell, colledge, fraternitie, brotherhed, guilde, or other the said promotions, or whereof any priestes, prouostes, gouernours, rulers, or other incumbents, of them, or any of them, by what name, surname, degree, title, or sozpozation, they, and euery of them, or any of them were founded, created, or depned, established, named, called, or knowen, then had, or enioyed, or that hereafter should haue, or enioy, to the said chauntries, hospitalls, free chappels, colledges, fraternities, brotherheds, guildes, or other the said promotions, that then were chargeable to the payment of the first fruits and tenthes,

and

and all colledges that were chargeable, or not chargeable to the said payment of the first fruits & tenths, as is aforesaid, or to any of them, as should be named, expressed, & appointed in the said commission, or commissions, & to seise & take the same chauntries, hospitals, colledges, free chappels, fraternities, brotherheds, guildes, & other the said promotions, manours, lands, tenements, & other the premisses, mencioned in the said commission, or commissions, and in euery of them, and euery part, parcell, and member of the same, into the kings possession and hands, to haue and to hold the same to the said late king, and to his heires and successours for euer, as by the said former act amongst other thinges moze at large appeareth.

It is now ordeyned and enacted by the king our soueraigne Lord, with the assent of the Lords and Commons in this present Parliament assembled, and by the authoritie of the same, that all manner of Colledges, free Chappels, and Chauntries, hauing being, or in Esse, within five yeares next befoze the first day of this present parliament, which were not in actual and reall possession of the said late king, nor in the actual and reall possession of the king our Soueraigne Lord that now is, nor excepted in the said former act, in fourme abouesaid, other then such as by the kings commissions, in fourme here-

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after mencioned, shal be altered, transposed, or chaunged, and all manours, lands, tenements, rents, tythes, pensions, porcions, and other hereditaments, and things aboue mencioned, belonging to them, or any of them, and also all manours, lands, tenements, rents, and other hereditaments, and things aboue mencioned, by any maner of assurance, conueyance, will, deuise, or otherwise, had, made, suffred, knowledged, or declared, gyuen, assigned, limited, or appointed to the finding of any priest, to haue continuance for euer, & wherewith, or wherby any priest was sustayned, maintayned, or found within five yeres next befoze the first day of this present parliament, which were not in the actuall & real possession of the said late king, nor in the actuall and reall possession of our soueraigne Lord the king that now is, and also all annuall rents, profits, & emoluments, at any time within 5. yeres next befoze the beginning of this present parliament, employed, paid, or bestowed, toward, or for the maintenance, supportation, or finding of any stipendary priest, intending by any act or writing to haue continuance for euer, shall by the authority of this present parliament, immediately after the feast of Easter next comining, be adiudged & deemed, & also be in the very actuall & reall possession and seisin of the king our soueraigne Lord & his heirs & successors for euer, without any office or other inquisition thereof to be

be had or found, and in as large & ample manner and forme as the priests, wardens, masters, ministers, gouernours, rulers, or other incumbents of them, or any of them, at any time within five yerres next befoze the beginning of this present parliament, had, occupied, or inoyed, or now hath, occupieth or enjoyeth the same, and as though all and singuler the said Colledges, free Chappels chaunteries, stipends, salaries of priestes, & the said manors, lands, tenements, hereditaments, & other the pzemisses whatsoeuer they be, and euery of them, were in this present act specially particularly, and certainly rehearsed, named and expressed by expresse words, names, surnames, corporations, titles and faculties, & in their natures, kinds and qualities.

6 And ouer that be it ordained & enacted, by the authozitie of this present parliament that where any manors, lands, tenements, tithes, pensions, portions, rents, profits, or other hereditaments, by any maner of assurance, conueiance, will, deuise, or other wise at any time heretofore had, made, suffered, knowledged or declared, were giuen, assigned or appointed, to, or for the maintenance sustentation, or finding of one priest, or of diuers priests for terme of certain yerres yet continuing, & that any priest hath bin maintained, sustained or found with the same or with the reuenues or profits thereof, within five yeares last past, that the king, from

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the said feast of Easter next comming shall haue & enioy in euery behalfe, for and during all such time to come, euery such and like things, tenements, hereditaments, profits, & emoluments, as the priest or priests ought, or should haue had for or toward, his, or their maintenaunce, sustenance, or finding, and for no longer, or further time, nor for any other profit, aduantage or commoditie, thereof to be taken.

7 Provided alway, & it is ordeyned & enacted by the authoritie of this present Parliament, that when & as soone as the time assigned for the maintenance, sustentation, or finding of the priest or priests, shall be expired and runne, that then it shall be lawfull to euerie person or persons, to whom any manors, lands, tenements, tithes, portions, & censions, rents, and other hereditaments, or any of them should haue belonged, or appertained, if the said former act, & this act had neuer bin had or made, to enter into, take, perceiue, haue and enioy the same without any manner of livery, ouster le main, petition, or other suit to be made to the king, in like manner, forme and condition to all intents, constructions and purposes, as though the said former act, and this act had neuer been had, or made, and as though the king had neuer had any seison, or possession thereof: any thing in the said former act, or in this act, to the contrary in any wise notwithstanding.

8 And be it ordeined and enacted by the authoritie of this present Parliament that the king our soueraigne Lord, his heires, and successours, from the said feast of Easter next comming, shal haue, hold, perceiue, and enioy for euer, all lands, tenements, rents, and other hereditaments, which by any maner of assurance, conueiance, willes, will, deuise or otherwise at any time heretofore had, made suffred, knowledged, or declared, were giuen, assigned, or appointed, to go or be employed wholly to the finding or maintenance of any anniuersarie, or obite, or other like thing, intent, or purpose, or of any light or lampe, in any Church or chappell, to haue continuance for euer, which hath ben kept or maintained within five yeares next befoze the said first day of this present parliament.

9 And also that where but part of the issues or reuenues of any manors, lands, tenements, rents, or other hereditaments hath by any of the waies and meanes abouesaid, ben giuen, assigned, or appointed to be bestowed or employed to the finding or maintenance of any anniuersary or obite, or other like thing, intent, or purpose, or of any light or lampe in any Church or Chappell, and to haue continuance for euer, that then our Soueraigne Lord the king shall from the said feast of Easter next comming, for euer, haue, perceiue, & enioy such summes of money, that in any one yere within 5. yeres next

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before the first day of this present parliament hath bin expended & bestowed about the finding or maintenance of any such annuierlary, or obit, or other like thing, intent, or purpose of any light or lamp, to him, his heirs, & successours for euer, as a rent charge to be paid yearly at the feasts of S. Michael the Archangel, & the annunciation of our Ladie S. Mary the virgin, by even portions in the kings court of Augmentations, & reuenues of his crowne, or in any other court or courts, as the king hereafter shall appoint.

10 And that it shall be lawfull to our said soueraigne Lord the king, his heires and successours, for non payment of any such summe or summes of money, to distraine in the said manors, lands, & tenements of the issues & reuenues, whereof the said annuierlary, or obite or other like thing, or any such light or lampe was found, sustained, or maintained.

11 And that for lack of sufficient distresse in or vpon any of the premises, whereof any of the said yearly rents or summes of money should be paid by the space of one moneth next after that any of the said rents should be paid, & be not paid within the said moneth: that then it shall be lawfull to & for our soueraigne Lord the king, his heires and successours, by vertue of this present act, to enter into, and to haue and possesse as much of the landes, tenements, and heredita-

taments, whereof the said rent or rentes should be leuyed or paied, as the rent or rēts that should bee leuyed or paied out of the same, doth or shal amount or come to in yere-ly value, & the same lands, tenements, & hereditaments, to hold & keepe, & to haue [to] our said soueraigne Lord the king, his heires, & assignes for euer, or for such estate as our soueraigne Lord the king, his heires or successours, had, or ought to haue had, of, or in the saide rent or rentes.

12 And it is also ordeined & enacted by the authoritie of this present parliament, that our soneraigne Lord the king, shall from the said feast of Easter next comming, haue, perceiue, and enjoy all and singuler such summes of money, profites commodities, & emoluments, which by vertue of any maner of assurance, conueyance, composition, will, deuise, or otherwise, heretofore haue been giuen, assigned, limited, or appointed to haue continuance for euer, which in any one yeare, within fīue yeares next before the beginning of this present parliament, haue been paied, bestowed, or employed, by any maner of corpozations, guildes, fraternities, companies, or felowships of misteries, or crafts, or any of them being in England, Wales, and other the kings dominions, or by the Masters, wardens, gouernours, or other officers or ministers, or by the master, warden, gouernour, or other officer, or minister of them, or any of them, to ward or
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about the finding, maintenance, or sustentation of any priest or priestes, of any annuallie or obite, lampe, light, or lightes, or other like thing. as is aforesaid, to our said soueraigne Lord the king, his heires and successours for ever, to be payed yearly as a rent charge, at the feastes of Saint Michaell the Archangell, and the Annunciation of our Ladie, by euen porcions, in the kings Court of Augmentations, and reuenues of his crowne, or in any other court, or courts, as the king hereafter shall appoint.

13 And that it shall be lawfull to our said soueraigne Lord the king, his heirs & successours, for non payment of any such summes or summe of money, profit, commodity, or emolument, or for non payment of any of them, to distreyn in all the manors, lands, tenements of euery such craftes, corporations, guildes, fraternities, companies, or fellowships of misteries or craftes, or any of them, by whom or by the masters, wardens, gouernors or other officers, or ministers, or master, warden, gouernour or minister of the which any such summes or summe of money, profit, commodity or emolument, haue or hath been payed, bestowed or employed. And that all and euery of the said summes of money, profits, commodities, & emoluments, shal from the feast of Easter next comming, without any maner of inquisition or office to be had or found, be iudged and deemed to be

be in the actuall & reall possession of our said soueraigne Lord the king, in like manner and fourme to all intents, constructions, and purposes, as if the same had been particularly and specially mencioned in this present act.

14 And furthermoze be it ordeined & enacted by anthozitie afozelsaid, that the king our soueraigne Lord, shall from the said feast of Easter next comming haue and enjoy to him his heires and successours for ever, all fraternities, brotherheds & guildes, being within the Realme of England & Wales, & other the kings dominions, & all manors, lands, tenements, & other hereditaments belonging to them oz any of them (other then such corporations, guilds, fraternities, companies & fellowshipes oz misteries, oz craftes, & the manours, lands, tenements, and other hereditaments, pertaining to the said corporations, guildes, fraternities, companies, & fellowshipes of misteries oz craftes, aboue mencioned,) and shall by vertue of this act be iudged and deemed in actuall & reall possession of our said Soueraigne Lord the king, his heires and successours, from the said feast of Easter next comming for ever, without any inquisition oz office thereof to be had oz found &c. Diuers things touching commissions, for the suruey and disposition of the premisses.

15 And also be it ordeined and enacted by the anthozitie of this present Parliament, that

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that our soueraigne lord the king shall haue and enioy, all such goods, cattels, iewels, plate, ornaments, and other moueables, as were or be the common goods of euery such colledge, chauntry, free chappell, or stipendary priest, belonging or annexed to the furniture or seruices of their seuerall foundations, or abused of any of the said corporations in the abuses aforesaid, the property whereof was not altered nor chaunged before the eight day of December, in the yeare of our Lord God 1547.

16 And it is also ordeyned and enacted by the authority of this present parliamēt, that all such debts & summes of money, as ought or should without fraud or coun hereafter be payed of the mony or goods of any of the said colledges, due or payable by reason of any contract, specialtie, or promise, had or made before the same eight day, shall truly and fully be payed by the Treasourer of the kings Court of the augmentations and reuenues of his crowne, or by the treasurer or receiuer of any other Court, to which any of the premisses shall be appointed, of the kings treasure, being in his or their hands, with as conuenient speed as the same may be payed.

17 Provided alwaies, and be it ordeined and enacted by the authority aforesaid, that this act or any article, clause, or matter contained in the same, shall not in any wise extend to any colledge, hostell, or hall, being within

within either of the Uniuersities of Cambridge and Oxford, nor to any Chauntry founded in any of the colledges, hostels or halles, being in the same vniuersities, nor to the free Chappell of Saint George the Martir, scituat in the Castell of Windsor, nor to the Colledge called saint Mary Colledge of Winchester, besides Winchester, of the foundation of Bishop Wickham, nor to the Colledge of Eaton, nor to the parish church, commonly called the Chappell in the sea in Newton, within the Isle of Ely, in the Countie of Cambridge, nor to any manors, lands, tenements, and hereditaments, to them or to any of them pertaining or belonging, nor to any Chappell made or ordeined for the ease of the people, dwelling distant from the Parish Church or such like Chapell, whereunto no more lands, or tenements, then the churchyard, or a little house or close, doth belong or pertain, nor to any Cathedrall Church or colledge where a Bishops see is within this Realme of Englād, or in Wales, nor to the manors, lands, tenements, or other hereditaments, of any of them (other then to such chauntries, obites, lightes, & lampes, or any of them, as at any time within five yeres next before the beginning of this present parliament, haue bin had, vsed, or maintained within the said Cathedrall churches, or within any of them, or the issues, reuenues, or profits of any of the said Cathedrall churches,

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churches, to which chauntries, obites, lights, & lampes, it is enacted by the authoritie aforesaid, that this Act shall extend.)

18 And it is ordeyned and enacted by the authoritie aforesaid, that our Soueraigne Lord the king, at any time during his life (which God long preserve) may at his will & pleasure, alter & charge the name or names of all & singular chantries, & the foundations of the same, being in any of the colledges, hostels, or halls, of any of the said Universities, according as to his Godly wisdom shall be thought meet & conuenient.

19 Having to all & every person and persons, bodies politike and corporate, their heires & successors, & the heires & successors of every of them, (other then the Masters, wardenes, Ministers, gouernors, rulers, priests, incumbents, fellows, and brethren of the said colledges, chauntries free chappels, or other the premises, giuen, limited or appointed to the King by this act, & the successors of them, and every of them: and other then such as be, or pretend to be founders, patrons, or donors of the premises or any of them, or of any part or parcell thereof, and the heires successors and assignes of every, or any of them: and other then such as be, or were seoffers, recouerees, confessors, grauntees, or deuisees, of any of the premises, to, or for any of the vse, purposes, or intents aboue mencioned, or to the vse of any of the said colledges, free chappels
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chantries, or other the premises, given, limited, or appointed by this act to the king, or to the intent to employ the rents or profits thereof, to the use of Masters, rulers, incumbents, or ministers of them, or any of them: and other then such person & persons, and bodies politike & corporat, their heires, successors and assignes, as claime or pretend to haue estate, right, title, interest, use, possession, or condition, of, in, or to the premises, or any part or parcel thereof, by reason of any feoffment, fine, bargaine, & sale; or by any other wayes, meanes, or conveyance, to them made, of any estate of inheritance, without the said late kings licence, assent, consent, or agreement, and without the licence, assent, or agreement of the kings Maestie that now is, by any of the said Deanes, Masters, Wardeins, Ministers, gouernors, rulers, priestes, or incumbents, or by the foundors, donors, or patrons of them, or of any of them) all such right, title, claime, possession, interest, rents, annuities, commodities, commons, offices, fees, leases, lueries, lytings, pencions, porcions, debts, dueties, and other profites, which they, or any of them lawfully haue, or of right ought to haue, or might haue had, in, of, or to any of the premises, or in, of, or to any part or parcel thereof, in such like manner, form, & condition, to all intents, respects, constructions, and purposes, as if this Act had neuer been had nor made, & as though
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the said chauntries, colledges, & other the said promotions had still continued and remained in their full being.

20 And sauing to all and euery patron, donor, foundor, or gouernor, of any such colledge, chauntrie, free chappell, stipendarie Priestes, and other the premisses, giuen, limited, or appointed to the king by this act, and the donour, feoffor, and giuer of the aforesaid lands, tenements, or hereditaments, to them, or any of them, or to any vles or purposes before mencioned, all such rents seruices, rents secke, rents charge, fees, annuities, profits, & offices: and also Leases for terme of life, liues, and yeares, whereupon the accustomed rent or more is reserved, as they or any of them lawfully had, perceiued, & inioyed, in, out, or of any the said promotions, or out of any of the said lands, tenements, or hereditaments, before the first day of this present parliament.

21 And ouer that it is ordeined &c. that those then lying which had receiued any money for any of the premisses, should repay it, and of one clause, that the premisses shall be in the suruey and order of the Court of Augmentation.

22 And it is further enacted by the authoritie aforesaid, that if any of the said Masters, Wardens, Ministers, rulers, gouernors, priestes, incumbents, or owners of any such colledge, chauntrie, free chappell, or of any the premisses, giuen, limited, or appointed

pointed to the king by this act or any of them, sithens the xxij. day of Nouember, in the xxvij. yeare of the Raigne of the said late King, haue made any lease vnder his or their common seale or other wise, for terme of yerres, life, or liues, of their said colledges, chauntries, free chappels, or of other the same premisses, or of any part thereof, or of any manors, lands, tenements, possessions or hereditaments, whatsoeuer they be, to them, or to any of them vnited or annexed, belonging or appertaining, vpon the which leases, the vsuall and olde rents and sermes accustomed to be payden and reserued, or moze, by the space of xx. yeares, next befoze the said thze and ttwenty day of Nouember, not reserued & payden, shall be vtterly void & of none effect.

13 And that all other leases and graunts heretofore made of any the premisses, giuen, limited, or appointed to the King by this act, shall be as good, available, and effectually in the law, to all intents, constructions and purposes, as if this act had neuer bin had or made: any thing in this act, or any other act heretofore had or made to the contrary therof in any wise notwithstanding.

14 Provided alwaies, & be it further ordeined and enacted by the authoritie aforesaid, that this act or any thing therein contained, shall not extende to any manors, lands, tenements, possessions, or hereditaments, which the said Masters, Wardens,

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ministers, chauntries priests, incumbents, or other the said gouernors, officers, ministers or rulers of the premises, or of any of them, hath, or is, or hereafter shall haue or be possessed or seised of, in fee simple, fee taile, generall or speciall, for terme of life, terme of yerres, or otherwise, to his or their owne proper bles, by inheritance or purchase: and not being at any time vnited or annexed to his or their said colledges, free chappels, chauntries, or other the premises, geuen limited, or appointed to the King by this act, nor shall extend to any manors, lands, tenements, possessions, rentes, annuities, and yeerely pencion or porcions, or to any yeerely summe or summes of money, being not vnited, or parcell of any of the said colledges, and other the premises aforesayd, or of any of them heretofore giuen or graunted by the said late king, or giuen or graunted, or hereafter to be giuen or graunted by the king our soueraigne Lord, to any of the said Deanes, Masters, Wardens, Ministers, Chauntry priests incumbents, gouernors, or rulers of the premises, or of any of them for terme of life onely, vnder his great Seale of England, or vnder the seale of the Court of the Augmentations and reuenues of the kings crowne, or any other of the Kings seale of any of his courts: any thing contained in this act to the contrary in any wise notwithstanding.

25. Provided alway, and be it enacted by
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authoritie aforesaid, that aswell all & euery patron, donour, foundour, and giuer of any of the said promotions or premisses, or giuer, donoꝝ, or feoffoꝝ of any their lands, tenements, possessions, or other hereditaments, as all and euery person or persons, bodieꝝ politike or corporate, which befoꝝe the making of this act, lawfully without fraude or couin, had or enioied any maner of rent, or oꝝther yerely profits to be taken, perceiued or had, of any chauntries, colledges, free chappels, or other the premisses giuen, limited or appointed to the King by this act, or out of any manours, lands, tenements, or other possessions of them, or any of them, shal haue and enioy the same, in like manner and fourme, as they should and ought to haue done, if the sayd colledges, chauntries, free chappels, and other the premisses, giuen, limited, or appointed to the king by this act, had stul remained and continued in Esse, and full being: any thing in this act mencioned to the contrary in any wise notwithstanding.

26 Provided also, & be it enacted &c. a discharge of those first fruits, which after the first day of this Parliament should grow due foꝝe the premisses;

27 Provided alwaies, and be it enacted by the authoritie aforesaid, that all such rents, seruices, issues, profits and other summes of money payable out of, or foꝝe any of the premisses, or any of them, in the kings court of

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his Exchequer, shall continue, & be continually and perely leuied, charged, or paid in the same court, in such maner & forme, as heretofore hath been vsed: any law, custome, vntic of possession in the kings highnes, or other thing to the contrary notwithstanding: and as though the said promotions, manors, lands, tenements, and other the premisses had not come to the kings hands or possession.

28 And be it further enacted by the authoritie aforesaid, that all & euery letters patents made by the said late king Henry the eight, or by the Kings Maiestie that now is, or hereafter to be made by his highnes to any person or persons, or to any Archbishop or Bishop, of any of the said colledges, chauntries, free chappels, or other the premisses, or any part or parcel of them, or of any lands, tenements, or hereditaments, belonging or apperteyning, or that did belong or appertaine to them, or to any of them.

29 And all fines, gifts, grants, feoffemets, recoueries, & all other assurances and conuiances thereof had or made, by the assent, consent, or licence vnder the great seale of England, of the said late king H. 8. or of the kings Maiestie that now is, to any person or persons, bodies politike or corporate, by any chauntrie priest, master, wardain, minister, ruler, gouernor, or other hauing any of the said promotions, of any of the said colledges, chauntries, free chappels, or other the

the premises, or of any of the, or of any part parcel, or member of the same, shall stand and be in their forces and effects, & shall be good and effectual in the law, for such estates and interestes, giuen, graunted, limited or appointed in any of the gifts, graunts, assurances or conueiances thereof had or made, according to their purports, forme and manner, and according to the true intent & meaning of the same assurances, and shall be by authoritie of this act good, perfit and available as well against the King, his heires and successours, as against the said chauntry priestes, wardens, masters, rulers, gouernours, and other hauing any of the said promotions and their successours, and the successours of euery of them: also against the foundours, donours and patrons of the same, and the ordinary of them and euery of them, and the heires and successours of euery of them: any law, statute, ordinance, or other thing to the contrary thereof notwithstanding.

30 And where diuers & sundry Bishops, deanes, archdeacons, treasurers, prebendaries, chauntry priestes, masters, prouostes, rulers, gouernours of any Deanries, archdeanries, treasurerhips, prebendes, free chappels, chauntries, or colledges, within this Realme of England, and other the Kings Maiesties dominions, or any of the Patrons, foundours, or donours, of any of the Bishopricks, Treasurerhips, Dean-

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ries, chauntries, free chappels, or other the said spirituall promotions, of their voluntarie wils or mindes, for diuers good and reasonable causes and considerations, by deede or deedes inrolled, or by other writings or conueyances heretofore giuen and graunted to the late King of famous memoire Henrie the eight, late King of England, and to his heires, or to our Soueraige Lord the King that now is, and to his heires, diuers of the dearies, archdeanries, Treasozershippes, Prebendes, chappels, chauntries, and colledges, or any other Ecclesiasticall or spirituall promotions, last befoze remembzed, and all or some part of the manours, lands, tenements, tythes, pencions, annuities, rents, reuerfions, and other reuenues, hereditaments, possessions, emoluments, and profits to the same Bishopricks, Deanries, colledges, and other like promotions, benefices, offices, and dignities, or to any of them belonging, appertayning, vnitid or annexed, or which the sayd Bischoppes, deanes, archdeacons, Treasozers, chauntry priestes, Masters, Prouostes, Rulers, gouernours, and other ecclesiasticall or spirituall officers or ministers, or any of the said patrons, donours, or foundours, or any of them, had or enioyed, in the right, or by reason of any of the same promotions, offices or dignities.

13 Be it enacted by the authoritie aforesaid,

said, that all and euery giftes and graunts
 heretofore made to the said late King, and
 to his heires, or to our soueraigne Lord the
 king that now is, and to his heires, by any
 Archbishop, Bishop, Deane, Archdeacon,
 Treasorer, Prebendarie, master, Prouost,
 Gouernour, or other the said Ecclesiasticall
 or spirituall person or persons, or by any
 patron, donour, or foundour of any of the
 said Deanries, Chauntries, or other of the
 said spirituall or ecclesiasticall promotions,
 or of all or, any of the Manours, lands, te-
 nements, tythes, rents, reuerfions, pen-
 cions, portions, annuities, or other heredi-
 taments, reuenues, emolumentes, profits,
 or commodities to any of the sayd benefices,
 offices, prebendes, promotions, or digni-
 ties belonging, appertayning, vnyted or
 annexed, or which any of the same Archbi-
 shoppes, Bishops, Deanes, Archdeacons,
 treasurers, masters, prouostes, prebenda-
 ries, rulers, gouernours, officers, or mini-
 sters, patrons, foundours, or donors, had
 or inioyed, or haue, or inioy, or ought to
 haue or inioy, in the right, or by reason
 or meanes of any of the same promotions,
 offices, or dignities, shall be good and effec-
 tuall in the Law to all intents & purposes.
 Hauing to all & euery person and persons,
 and bodies politike & corporat, their heires,
 successours, and assignes, & to the heires, suc-
 cessours, and assignes of euery of them (other
 then the archbishops, bishops, deanes, arch-

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Deacons, treasurers, prebendaries, rulers, gouernours, wardens, prouostes, giuors and grauntores of any of the premises, and their heires, successores and assignes, & other then such ecclesiasticall or spirituall persons, bodies politike or corporate, as are or pretend to be foundours, donoors, patrons, or Dy- naries of the premises, or any of them) all such rights, titles, interestes, claimes, entries, rents, reuerfions, remainders, fees, offices, annuities, lands, tenements, hereditaments, profits, commodities, & emolu- ments, as they or any of them haue, or should, or ought to haue had, of, in or to the premis- ses, next aboue mencioned, or any part there- of, as if this act had neuer bin had or made; any thing in this act to the contrary in any wise notwithstanding.

32 Provided alwaies, that this act or any thing therein contained, shal not in any wise extend to make good or effectuall, any gift, graunt, bargaine, sale or alienation made by any parson or vicar of their parsonages or vicarages, or of any part or parcell thereof, or of any thing to them or any of them be- longing or apperteining.

33 Provided also, that this act or any thing therein contained, shall not in any wise ex- tend to hinder or prejudice George Wzoke knight, lord Cobham, his heires or assignes for, or concerning the late colledge of Cob- ham, in the countie of Kent, or the manors, lands tenements or possessions thereof, any thing

thing aboue mentioned to the contrarie in any wise notwithstanding.

34 Provided also, and be it enacted by the authoritie aforesaid, that this present act or any thing therein contained shall not in any wise extend, or be preiudiciall or hurtfull to the generall corporation of any Citie, Borough or towne within this Realme, or any other the kinges dominions, ne shall extend to any the lands or hereditaments of them or any of them, any thing herein contained to the contrary in any wise notwithstanding.

35 Provided also, and be it enacted by the authority aforesaid, that all such of the said colledges, free chappels, chauntries, and other the premisses, being appointed and giuen to the kings highnesse, by the authority of this act, as be within the Duchy of Lancaster, and all manors, lands, tenements, and hereditaments, pertayning or belonging to the same colledges, free chappels, and chauntries, shall after the said feast of Easter next comming, be within the suruey and order of the Court of the Duchy of Lancaster, in such maner & forme, as other the premisses be assigned or appointed by authoritie of this Act, to bee in the suruey and order of the Court of Augmentations & reuenues of the kings Crowne, or other Court by the king to be assigned: And that all Commissions, that hereafter shall be awarded by vertue & force of this Act, con-
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cerning such colledges, free chapels, chauntries, and other the premises, as bee within the sayd Duchie of Lancaster, shall be awarded vnder the great seale of England, and shall be certified into the same Court of the Duchie of Lancaster: any thing a bouesaid to the contrary in any wise notwithstanding.

36 Provided alwaies, and be it enacted by the authoritie aforesaid, that this act, ne any thing therein contained, shall extend to the Colledge or chauntrie of Attilborough in the county of Norfolke, which the sayd late King Henry the eight, gaue to Robert, Earle of Sussex, and to his heires, but that Henry now Earle of Sussex, sonne & heire to the said late Earle, his heires and assignes, shal and may by the authoritie of this act, haue and enioy the said Colledge, and chauntrie, and all manors, lands, tenemets, aduowsons, tithes, pensions, portions, and other hereditamets, thereunto belonging or appertaining: anything in this act to the contrary in any wise notwithstanding.

37 Provided alwaies, and by the authoritie aforesaid, be it enacted, that the kings Maiestie, at any time when it shall seeme to him good, may giue authoritie to certaine his graces commissioners, to alter the nature and condition of all manner of Debites, aswell within the vniuersities of Cambridge & Oxford, as in any other place within this his graces Realme of England, and
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wales, being not suppressed ne adnichilate by vertue of this present act, and the same Obites so altered, to dispose to a better vse, as to the reliefe of some poore men being students, or other wise.

28 Prouided also, and be it enacted by authoritie aforesaid, that it shall not be lawfull to any person or persons, bodies politike or corporate, by reason of any remainder, vse, or condition, to enter into, claime, or challenge any lāds, tenements or hereditamētts, for the non doing, not naming, or non finding of any such priest or priestes, or poore folkes, as is aforesaid, Obite, anniuersarie, light or lampe, from henceforth to be founded or done: any thing herein contained to the contrarie in any wise notwithstanding.

39 Prouided alwaies that this act, nor any thing therein contained, shall not in any wise extende to any lands, tenements, possessions or hereditaments, whatsoeuer, that anie Master, Deane, Prebendarte, Wardein, or chauntrie, or any stipendarie priest of any colledge, chauntrie, prebende, fraternity, guild, or any other corporations haue, or helde of any person or persons, by copie of court rolle, or at will, according to the custom of any manour or manours, nor gree or graunt any copyhold lands to the kings highnesse.

40 And also prouided that the kings highnesse, his heires or successors, shall not in any wise haue, hold, enioy or take by vertue
of

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of this act, or any article therein containe, any manner of copyhold lands, tenements, possessions or hereditaments whatsoever they bee, but that all and every of the said persons and incumbents shall have, hold, and enjoy the same during their lives, towards their pension and yearly living, paying the rents, and doing their customs, and services thereof due and accustomed, any thing in this act to the contrary notwithstanding.

41 Provided, that this act shall not extend to any lands, tenements, or hereditaments, assigned, appointed, or intended for the finding or maintenance of any Chaurtrie priest, or stipendarie priest, which by any former right, and good title without fraude or couin, were lawfully recovered from the possession of any such chaurtrie priest, or stipendarie priest, before the first day of October, the said xxxvij. yere of the raigne of the said late king Henrie the eight, which lands, tenements, and hereditaments, were not charged, nor chargeable to the payment of the perpetuall tenth; any thing in this act to the contrary hereof notwithstanding.

42 Provided alwaies, and be it enacted by the authoritie aforesaid, that all and singular graunts, licences, confirmations, and letters patents, which our late soueraigne Lord king Henry the eight, or our soueraigne Lord the king that now is, have made

made vnder the great seale of England, to any person or persons, bodie's politike, or corporat, of any colledge, chappel, or chauntry now being in esse, or standing, or now not being in esse, or not standing, or of any lordships, manours, lands, tenements, and hereditaments, annexed, vnited, belonging, or appertayning to any colledge, chappell, or chauntry now being in esse, or standing, or now not being in esse, or not standing, or of any other thing or things, mencioned, expresse'd, or contained in any such graunt, licence, confirmation, or letters patentes, shal from henceforth be deemed, taken, expounded, and adiudged good and effectuell in the law, according to the wordes, sentences, meanings, intents, fourme and effects of the same grauntes, licences, confirmations, and letters patentes, to all intents, constructions, and purposes, as if this act, and the said act made in the said xxxvij. yere of the said late king Henry the eight, had neuer bin had nor made.

43 And that this act or the said act made in the said xxxvij. yere of the raigne of our said late soueraigne Lord king Henrie the eight, or any clause, article, sentence, or other thing therein contained, shal not extend to any Colledges, Chappels, chauntries, or other thing or thinges mencioned in this act, now being in esse, or standing, or now not being in esse, or not standing, or to any manours, lands, tenements, possessions, re-
uenues,

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renties, or hereditaments, annexed, united, belonging or appertayning to any colledge, chappell, chauntrie, or other thing mentioned in this act, now being in Esse, or standing, or now not being in Esse, or not standing, or to any other thing or things, mentioned or expressed in this Act, which any person or persons, bodies politike, or corporate, haue, had, or obtayned by the assent, licence, confirmation, graunt, or letters patents of the said late king, or of the kings Maiestie that now is: Nor shall extend to any manours, lands, tenements, reuenues, possessions, hereditaments, or other thing or things, mencioned, expressed, or contayned in any such licence, confirmation, graunt, or letters patents, but that euery such person & persons, bodies poutike and corporate, their heires, and successors, and assignes, and the heires, successors, and assignes of euery of them, shall haue, hold, and inioy, all and euery the same colledges, chappels, chauntries, manors, lands, tenements, reuenues, possessions, and hereditaments, and all and euery other thing and things Whatsoever, so by them had or obtayned, by the assent, licence, confirmation, graunt, or letters patents of the said late king, or of the kings Maiestie that now is, according to the wordes, sentences, forme, effect, meaning, and intent of the same licences, confirmations, graunts, and letters patents: This Act, or the said Act made

In the said 27. yeare of the raigne of the said late king Henry the eight, or any clause, article, sentence, matter, or thing, mencioned, expressed, or contayned in any of the same Actes, to the contrarie thereof in any wise notwithstanding.

An act touching the finding of Offices before the Eschetour, Anno 2. Edwardi 6. cap. 8.

Eschetours 15.

WHere many and diuers persons, holding, or that haue holden lands, tenements, or hereditaments, some for terme of yeares, and some by copie of court Roll, haue been expulsed and put out of their tenures & holdes, by reason of Inquisitions, or offices, founden before Eschetours, Commissioners, and other, conteyning tenures of the king in Capite, intitling the king to the wardship or custodie of such lands or tenements, and sometime intitling the king to the same, vpon attainders of treason, felonie, or otherwise, by reason that such leases for term of yeares, or interest, by copie of court Roll, of such persons haue not been found in such inquisitions or offices: after which expulsion or putting out, the said persons haue been without remedie, for the obtayning of the said fermes and holdes, during the kings posses-

Offices.

possession therein, and can haue no Trauerse, Monstrance de droit, ne other remedy for the same, because their said interest, is but a chattell in the law, or customary hold, and no estate of freehold.

2 And also, where any person or persons hath any rent, common, office, fee, or other profit appzender, of any estate of freehold, or for yeares, or otherwise, out of such lands or tenements, specified in such offices or inquisitions, the said rent, common, office, fee, or profit appzender, not found in the same office or offices, such persons are in like manner without remedie, to obtaine or haue the said rent, common, fee, or profit appzender, by any Trauerse, or other speedy meane, without great and excelle charges, during the kings interest therein, by force of such inquisition or office.

3 For remedie whereof, be it enacted by authoritie of this present Parliament, that where any such office or inquisition, is or shall be founden, omitting such titles, interests, or matters, as aforesaid, that in all such cases, every lessee, tenant for terme of yeares, or copyholder, and every such person and persons, that haue, or shall haue any interest to any rent, common, or profit appzender, for terme of yeares, life, or otherwise, out of any the lands, tenements, or hereditaments, contayned in such office or inquisition, where the king, his heires or successors, is, or shall be intituled, as is aforesaid

aforsaid, to any such lands, tenements, or hereditaments, shall haue, hold, enioy, and perceine, all and euery their leases, & interests, for terme of yeares, or by copie of court roll, rents, commons, offices, fees, and profit appzender, in such maner, forme, state & condition, as they & euery of them, should or might haue done, in case there had been no such office, or inquisition found, and as they should or lawfully might, or ought to haue done, in case such lease, interest by copy of court roll, rent, common, office, fee, or profite appzender, had been founden in such office, or inquisition: any law, custome, or usage, to the contrary heretofore vbled in such cases, in any wise notwithstanding.

4 And also, where it is or shall be founden by the king, his heires or successours, that the heire or heires of his tenant, or tenants, is, or shall be wythin age, where in deed such heire or heires is, or shalbe at the same time of full age, or of a moze or greater age, then is, or shall be contained within such office:

5 Be it further enacted by the authozitie aforsaid, that in euery such case, such heire and heires, shall & may at his or their verie full age, or after, persecute, [alias prosecute] wythout writ of *Ætate probanda*, and sue his or their *Liuerie*, or *Ouster le maine*, as his or their cases shall lye, and haue the profites of his or their lands, tenements, or hereditaments, from the time of his, or their verie

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full age : any such vnttrue office or inquisition, or any law or custome to the contrarie in any wise notwithstanding.

6 Also where one person or moe, is or shall be founden heire to the kings tenaunt by office or inquisition, wher any other person is, or shall be heire, or if one person or moe, be or shall be founden heire by office, or inquisition, in one countie, and an other person or persons is or shall be founden heire to the same person in an other countie, or if any person be, or shall be vntruely founden Lunatike, Ideot, or dead:

7 Be it enacted by the authoritie aforesaid, that every person or persons, grieued, or to be grieued by any such office or inquisition, shall and may haue his or their traucers to the same, immediatly, or after, at his or their pleasure, and proceede to triall therein, and haue like remedie and aduantage, as in other cases of traucers vpon vnttrue inquisitions or offices founden : any law, vsage, or custome to the contrarie in any wise notwithstanding.

8 Also, where it is or shall be hereafter vntruely founden by office or inquisitions that any person or persons attainted, or that shall be attainted of treason, felony, or preiunire, is or shall be seised of any lands, tenements, or hereditaments, at any tyme of such treason, felony, or offence, committed or done, or any tyme after, whereunto any other person or persons hath, or shall haue any iust title

or interest of any estate of freehold: that then in every such case, every person & persons grieved thereby, shall have his or their tra-uerse, or Monstrance de droit to the same, without being driven to any Petition of right: And like remedy & restitution, upon his or their title, found or iudged for him or them therein, as hath bin accustomed & vsed in other cases of traaverse, although the K. Maiesty, his heires, or successors, be or shal be, in such case intituled to any such lands, tenements, or hereditaments, by double mat-ter of record: any law, custom, or vsage to the contrary in any wise notwithstanding.

9 And further be it enacted by the autho-riety aforesaid, that where any inquisition or office, is or shall be founden, by these words or like, Quod de quo, vel de quibus tene-menta predicta tenent, iurat predict' igno-rant, or else founden holden of the king, Per que seruitia ignorant, or such like, that in such case, such tenure so vncertainly founden, De quo vel de quibus tenementa predicta te-nentur ignorant, shall not be taken for any immediate tenure of the king, nor such te-nure so founden of the the king, Per que ser-uita ignorant, shall not be taken any tenure in capite, but in such cases a Melius inqui-rendum to be awarded, as hath bin accusto-med in old time: any vsage of latter time to the contrary notwithstanding.

10 And be it further enacted by authority aforesaid, that where it is or shal be founden

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by any office, or inquisition, that any lands, tenements, or hereditaments, are, or shall be descended, remained, or comen to any heire within age, and in the kings ward, or that ought to be in the kings ward, and that such lands, tenements, or hereditaments, are holden of the king immediatly, where in deed the same are, or shall be holden of some other common person, & not of the king immediatly: that in such case, such heire or hetres, shall & may haue their traaverse to the same within age, & like remedy & restitution vpon his or their title founden or iudged for him, or them therein, as hath been accustomed and vsed in other cases of traaverses: any law, vsage, or custome, to the contrary in any wise notwithstanding.

II Also where the Kings Majesty by his prerogative, ought to haue as well such lands, and tenements, as be holden of other persons, as holden of himselfe immediatly, whereof his tenant holding of himselfe in chiefe, dyeth seised, his heire being within age, vntil such time as liuery be sued by such heire, and that the mean lords, of whom the said other lands and tenements, of such heire, be holden, vsed to spare the rents due to them for the same lands or tenements, holden of them, during the kings possession. And when such heire hath sued his or their liuerie they vse by distresse, or otherwise to compell the said heire to pay to them the arrearages of such rents, for such time as the
said

said lands, or tenements, were in the kings possession by such minority, where they should haue sued by petition to the kings maiestie, to haue obtained the same out of the kings hands, if they would haue the same, which is to the great detriment, losse, and hindrance of such heire and heires. For redresse whereof be it enacted by the authority of this present parliament, that from henceforth, such meane lords, during such minority, shall haue, receiue, and take the said rents by the hands of such the kings officers, as shall be appointed to haue, receiue, & take the issues, reuenues, and profits of the same lands, and tenements, so holden of such meane Lords, during the minority and nonage of such heire and heires, & vntill such heire and heires sue his or their liuerie, and that such heire and heires, vntill such time as he or they shall haue sued their liuerie, or might conueniently haue sued their liuerie, shalbe thereof clearly discharged. And that such officer or officers, shall vpon request made, pay the same to such meane Lords (they giuing to such officer and officers, a sufficient acquittance, or acquittances, for the receipt of the same. And that such payment thereof made with acquittance, or acquittances thereof shewed, shalbe to such officers a sufficient discharge, against the kings maiestie, and his heires vpon his or their account in that behalfe: any law, vsage or custome heretofore had, or vsed to the con-

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trary hereof in any wise notwithstanding.

12 Provided alwaies, and it is enacted by the authozitie aforesaid, that this act, or any thing therein contained, shall not in any wise extend to any inquisition or office taken or founden, at any time befoze the xx. day of March next comming, nor to hinder prejudice, or take away, the title, interest, or possession of our soueraigne Lord the king, or of any other person or persons growen, or comen by vertue, meane or occasion of any inquisition or office taken, or found befoze the same day, but that as well our said Soueraigne Lord the king, as all other person or persons, hauing any title, interest, or possession, by vertue, meane, or occasion of any inquisition or office found befoze the same day, shall, and may haue, hold, and enioy the same in like maner and forme as though this act had neuer been had or made, any thing in the same act to the contrary in any wise notwithstanding.

13 Provided also, and it is enacted by the authozitie aforesaid, that in all such cases as any person or persons shall be enabled by this act to haue any trauesse, and shall pursue his or their trauesse, that then he or they that shall pursue such trauesse, shall sue one writ, or severall writs of Scire facias (as the case shall require) against all and singular such person or persons as shall haue interest by the king, or by his patent or patents, in like maner and forme as is requisite,

site, vpon trauerſes, or petition heretofore purſued. And that in euery ſuch Scire facias the patentees, or other defendauents ſhall haue like plées, & aduantages, as they had in any Scire facias, befoze this time aſwarded againſt any patentee in any caſe of petition. And alſo, that vppon euerie trauerſe that ſhall be purſued by vertue or meane of this act, in ſuch caſe as the partie or parties that ſhall purſue any ſuch trauerſe, ſhould by the order of the Common Lawes of this Realme, haue been put to ſue by petition to the king, there ſhall be two wrytes of ſearch graunted in maner & forme, as like wrytes haue been granted vpon petitions made to the king.

14 Provided alſo, and it is enacted by the authority abouelaid, that if after any iudgement ſhall be giuen vpon any trauerſe, that ſhalbe tendred, or ſued by vertue or meane of this act, it ſhall appeare by any matter of recorde, that the king hath any other former title, right, or intereſt to the manours, lands, tenements, or other hereditaments mentioned in the ſame trauerſe, that then the ſame title, right, & intereſt, ſhall be ſaued to the king, the ſaid trauerſe and iudgement thereupon giuen, in any wiſe notwithſtanding.

G. g. iij. An

Tithes.

An Act for the payment of Tithes,
Añ 2. Ed. 6. cap. 13.

Tithes 10.

WHere, in the Parliament holden at Westminster the iij. day of February, in the xxvij. yere of the raigne of the late king of most famous memorie king Henry the 8. [cap. 20. Tithes 5.] there was an Act made concerning payment of Tithes p̄diall and personall. And also in an other parliament holden at Westminster the xxij. day of July, in the xxxij. yeare of the raigne of the said late king Henry the eight [cap. 7. Tithes 8.] An other Act was made concerning true payment of Tithes & Offerings, in which seuerall acts many and diuers things be omitted and left out, which were conuenient and very necessary to be added to the same: In consideration whereof, & to the intent the said Tithes may be hereafter truely paid, according to the mind of the makers of the said Act:

Be it ordeined and enacted by the king our soueraigne Lord, with the assent of the Lords spirituall & temporall, and the commons in this present parliament assembled, and by the authoritie of the same, that not onely the said Actes made in the said xxvij. and xxxij. yeres of the raigne of the said late king Henry the eight, concerning true payment of Tithes, and euery article & branch there=

therein contained, shall abide and stand in their full strength and vertue:

3 But also be it further enacted by the authority of this present parliament, that every of the kings subjects shall from henceforth truly & iustly without fraud or guile, divide, set out, yield, & pay all maner of their predial tithes, in their proper kind, as they run and happen, in such maner & forme, as hath been of right yielded & paid, within forty yeares next befoze the making of this act, or of right or custome ought to have been paid.

4 And that no person shall from henceforth take or carie away any such or like Tithes, which have been yielded or paid within the said forty yeares, or of right ought to have been paid in the place or places tithable of the same, befoze he have iustly divided or set forth for the Tithe thereof, the tenth part of the same, or otherwise agreed for the same tithes with the Parson, Vicar, or other owner, proprietorie, or fermor of the same Tithes, vnder the paine of forfaiture of treble value of the tithes so taken or caried away.

5 And be it also enacted by the authoritie aforesaid, that at all times whensoever, and as often as the said prediall tithes shall be due, at the tithing time of the same, it to be lawfull to every partie to whom any of the said tithes ought to be paid, or his deputie or servant, to view and see their said tithes to be iustly and truly set forth and severed from the ix. parts, and the same quietly to
take

Tithes.

take and carie away.

6 And if any person carie away his corne, or hay, or his other prediall tithes, befoze the tithe thereof bz set forth, or willingly withdraiw his tithes of the same, or of such other things, whereof prediall tithes ought to be paied, or do stop or let the Parson, Vicar, proprietozie, owner, or other their deputies, or sermozs, to vieiw, take, or carrie away their tithes, as is abouesaid, by reason whereof the said tithe or tenth is lost, impaired, or hurt: that then vpon due pzoofe thereof made befoze the spirituall Judge, or any other Judge, to whom heretofoze he might haue made complaint, the partie so carying away, withdraiwing, letting, or stopping, shall pay the double value of the tenth or tithe, so taken, lost, withdraiwen, or caried away, ouer and besides the costes, charges, & expences of the suit in the same, the same to be recouered befoze the ecclesiasticall Judge, according to the kings ecclesiasticall Lawes.

7 And be it further enacted by the authoritie afozesaid, that all and euerie person which hath, or shal haue any beasts, or other cattel tithable, going, fæding, or depasturing in any wast or common ground, whereof the parish is not certainly knowen, shal pay their tithes for the increase of the said cattel so going in the said wast, or common, to the Parson, Vicar, proprietozie, porcionarie, owner, or other their sermozs, or deputies of
the

the Parish, Hamlet, Towne, or other place, where the owner of the said cattell inhabiteth or dwelleth.

8 Provided alwaies, & be it enacted by the authoritie aforesaid, that no person shall be sued, or otherwise compelled to yeeld, giue, or pay any maner of tithes, for any manors, lands, tenements, or hereditaments, which by the lawes & Statutes of this Realme, or by any priuiledge, or prescription, are not chargeable with the payment of any such tithes, or that be discharged by any composition reall. [See before 31.H.8.cap.13.]

9 Provided alwaies, and be it enacted by the authority aforesaid, that all such barren, heath, or wast ground (other then such as be discharged for the payment of tithes by act of parliament) which before this time haue lien barren, & paid no tithes, by reason of the same barrennes, & now be, or hereafter shall be improued & conuerted into arable ground or meadow, shall from henceforth, after the end & terme of vij. yeares, next after such improuement, fully ended & determined, pay tithe for the Corne & Hay growing vpon the same: any thing in this act to the contrary in any wise notwithstanding.

10 Provided alwaies, and be it enacted by the authoritie aforesaid, that if any such barren, wast, or heath ground, hath before this time been charged with the payment of any Tithes, and that the same be hereafter improued & conuerted into arable ground,

Tithes.

oz meadow: that then the owner oz owners thereof, shall during vij. yeares next following, from & after the same improuement pay such kind of tithe as was paid for the same befoze the said improuement: any thing in this act to the contrarie in any wise notwithstanding.

11 And bee it also further enacted by authoritie afozesaid, that euerie person exercising merchandises, bargaining and selling clothing, handicraft, oz other art oz facultie, being such kind of persons, & in such places as heretofore within these xl. yeeres haue accustomedly vsed to pay such personable tythes, oz of right ought to pay, other then such as been common day laborers, shall yearely at, oz befoze the feast of Easter, pay for his parsonall tithes, the tenth part of his cleere gaires, his charges & expenses, according to his estate, condition, oz degree, to be therein abated, allowed, and deducted.

12 Provided alwaies, & be it enacted, that in all such places where handy craftes men haue vsed to pay their tithes within these xl. yeeres, the same custome of payment of tythes to be obserued and to continue: any thing in this act to the contrarie notwithstanding.

13 And be it also enacted by the authoritie afozesaid, that if any person refuse to pay his parsonall tithes in forme afozesaid: that the it shalbe lawfull to the Ordinarie of the same diocesse, where the patty (that so ought to pay

pay the said tithes) is dwelling, to call the same partie before him, & by his discretion to examin him by all lawfull and reasonable meanes, other then by the parties owne corporate othe, concerning the true payment of the said parsonall tithes.

14 Provided alwaies, and be it enacted by the authoritie aforesaid, that all & every person and persons, which by the lawes or customes of this realme ought to make or pay their offerings, shal yerely from henceforth, well & truely content & pay, his or their offerings to the Parson, vicar, proprietorie, or their deputies or fermers, of the parish or parishes where it shall fortune or happen him or them to dwell or abide: & that at such iij. offering daies, as at any time heretofore within the space of iij. yeres last past, hath bin vsed & accustomed for the payment of the same, & in default thereof, to pay for their said offerings at Easter then next following.

15 Provided also, and be it enacted by the authoritie aforesaid, that this act or any thing therein contained, shal not extend to any parish, which stands vpon, & towards the sea coasts, the commodities and occupying whereof consisteth chiefly in fishing, & haue by reason thereof, vsed to satisfie their tithes by fish, but that all & every such parish & parishes shal hereafter pay their tithes, according to the laudable customes, as they haue heretofore of ancient time within these xl. yeares, vsed & accustomed, and shal pay their offerings

Tithes.

offerings, as is aforesaid.

16 Provided alwaies, and be it enacted by the authoritie aforesaid, that this act, or any thing therein contained, shall not extend in any wise to the Inhabitants of the Citie of London, and Canterbury, & the suburbs of the same, ne to any other town or place, that hath used to pay their Tithes by their houses, otherwise then they ought, or should haue done before the making of this act: any thing contained in this Act, to the contrarie in any wise notwithstanding. [See 27. H. 8. ca. 21. & 37. H. 8. ca. 12. and the decree thereupon in the Collection of Statutes, Tithes 6. & 9.]

17 And be it further enacted by the authoritie aforesaid, that if any person do subtract, or withdraw any maner of tithes, obventions, profites, commodities, or other duties before mentioned, or any part of them, contrarie to the true meaning of this act, or of any other act heretofore made: that then the partie so subtracting, or withdrawing the same, may or shall be conuented and sued in the kings ecclesiasticall court, by the partie from whom the same shall be subtracted or withdrawn, to thintent the kings iudge ecclesiasticall shall and may then and there heare & determin the same, according to the kings ecclesiasticall Lawes.

18 And that it shall not be lawfull vnto the Parson, vicar, proprietorie, owner, or other their fermors, or deputies, contrarie to this
act,

act, to consent, or sue such withholders of tithes, obventions, or other duties aforesaid, before any other Judge then ecclesiasticall.

19 And if any Archbishop, bishops, chancelor, or other Judge ecclesiasticall, give any sentence in the foresaid causes of tithes, obventions, profits, emoluments, and other duties aforesaid, or in any of them, & (no appeal ne prohibition hanging) the party condemned do not obey the said sentence: that then it shall be lawfull to every such Judge ecclesiasticall, to excommunicate the said party, so as aforesaid condemned, & disobeying: in the which sentence of excommunication, if the said party excommunicate wilfully stand, and endure still excommunicate by the space of fortye dayes next after, upon denunciation and publication thereof, in the Parish Church, or the place or Parish where the party so excommunicate is dwelling or most abiding, the said Judge ecclesiasticall, may then at his pleasure signifie unto the king into his court of Chauncery, of the state & condition of the said partie so excommunicate, and thereupon to require processe De excommunicato capiendo, to be awarded against every such person as hath been so excommunicate.

20 Be it further enacted by the authoritie aforesaid, that if any party at any time hereafter, for any matter or cause before rehearsed, limited, or appointed by this act, to be sued or determined in the kings ecclesiasticall Court,

Tithes.

Court, or befoze the ecclesiastical Judge, do sue foꝛ any prohibition in any of the kings courts, where prohibitions befoze this time haue been vsed to be graunted: that then in euery such case, the same partie befoze any prohibition shalbe graunted to him or them, shall bzing & deliuer to the hands of some of the Iustices or Judges of the same Court where such partie demaunded prohibition, the very true copie of the Libell depending in the ecclesiasticall Court, concerning the matter wherefoze the party demandeth prohibition, subscribed or marked with the hand of the same partie: & vnder the copy of the said libell, shall be wzitten the suggestion, wherefoze the partie so demandeth the said prohibition: and in case the said suggestion, by two honest & sufficient witneses at the least, be not pꝛoued true in the court where the said prohibition shal be so graunted, within vij. Monethes next following after the said prohibition shalbe so graunted & awarded: that then the partie that is letted or hindered of his or their suit in the ecclesiastical Court by such prohibition, shal vpon his or their request & suit, without delay haue a Consultation graunted in the same case in the court, where the said Prohibition was graunted, & shal also recouer double costes & damages against the partie that so pursued the said Prohibition, the said costes & damages to be assigned or assessed by the Court where the said Consultation shall be

so granted, for which costes & damages the partie to whom they shall be awarded, may haue an action of debt, by bill, plaint, or information in any of the kings Courts of record, wherein the defendant shall not wage his or their law, nor haue any essoine, or protection allowed or admitted.

21 Provided alwaies, and be it enacted by the authoritie aforesaid, that this act or any thing therein conteyned, shall not extend to giue any Minister or Judge ecclesiasticall any iurisdiction to hold plee of any matter, cause, or thing being contrary or repugnant to, or against the effect, intent, or meaning of the statute of Westminster ij. the v. cap. the statutes of Articuli Cleri, Circumspectè agatis, Silua cedua, the Treatise de Regia prohibitione, ne against the statute of Anⁿ primo Edw. 3. the x. chapter, or any of them, ne yet hold plea in any matter whereof the kings Court of right ought to haue iurisdiction: any thing herein conteined to the contrary in any wise notwithstanding.

22 Provided neuertheless, where heretofore such a custome hath bin in many parts of wales, that of such cattell & other goods as hath been giuen with the mariage of any person, their tithes haue been exacted & leuied by the parsons & curates in those parts, which custome being dissonant from any part of this Realme, as it seemed when the said Countrey of wales, was through ciuil discention vnculted, for want of other sufficient

Limitation.

cient profits, that might otherwise grow to the Curates & Ministers there, to have been for that time tollerable, so now the countrey being well manured & husbanded, and that tithes is duely paid there of corne, hay, wolle and cheese, and of other increase of all maner of cattell, as it is commonly in all other partes of this Realme, the same custome seemes to be grieuous and vnrasonable, specially where the benefices are els sufficient for the finding of the said Ministers and Curates: That it be therefore enacted by the authoritie aforesaid, that from and after the first day of May next comming, no such tithes of marriage goods be exacted or required of any person within the said dominion of Wales, or Marches of the same: any thing in this act conteyned, or any other act, custome, prescription, had, or made to the contrary hereof, notwithstanding.

An act for the limitation of prescription in certaine cases made in the second Session of the first parliament 1. M. ca. 5.

Limitation 3.

The said former act made in the said xxxijth yeare of the raigne of the said late king Henry, [which is before 32. H. 8. cap. 2. Limitation 3.] or any article, clause, sentence, or matter therein conteined, shall not extend

extend to any writ of right of Aduowson, Quare impedit, or assise of Darrein presentment, or Iure patronatus, nor to any writ of right of ward, writ of Rauishment of ward, for the wardship of the body, or for the wardship of any castels, honours, manors, lands, tenements, or hereditaments holden by knights seruice, nor to the seiser of the wardship of the bodie of any ward or wardes, or to the seiser or wardship of any castels, honours, manors, lands, tenements, or hereditaments holden by knights seruice, but that all & euery person & persons, bodies politike and corporate, their heires and successours, the heires and successours of euery of them shall and may haue, maintaine, and pursue, all and singular the said writs of right of Aduowson, Quare impedit, assise of Darrein presentment, Iure patronatus, writs of right of ward, Rauishment of ward, and also seise the wardship both of the bodie, and of the castels, honours, manors, lands, tenements & hereditaments holden by knights seruice, in like maner & forme, to al intents, constructions & purposes, as they or any of them should or might haue done, made, or pursued befoze the making of the said act, made in the said xxxij. yeare ca. 2. as though the same act had neuer bin had or made: any thing in the said former act to the contrarie notwithstanding.

Fraudulent deedes.

An act against Fraudulent deedes, giftes,
graunts, alienations, &c. Anno
13. Eliz. cap. 5.

Fraudulent deedes 1.

FOR the auoyding and abolishing of feyned, couenous, and fraudulent feoffements, giftes, graunts, alienations, conueyances, bonds, suites, iudgements, and executions, as well of lands and tenements, as of goods and cattels, moze cominonly vsed & practised in these daies, then hath been seene and heard of heretofore: which feoffements, giftes, graunts, alienations, conueyances, bonds, suites, iudgements, and executions, haue been and are deuised and contriued of malice, fraud, couin, collusion, or guile, to the end, purpose, and intent, to delay, hinder, or defraud creditours, and others of their iust and lawfull actions, suites, debts, accompts, Damimages, penalties, forfeiture, heriots, mortuaries, and reliefes, not onely to the let or hinderance of the due course and execution of law and iustice, but also to the overthrow of all true and plaine dealing, bargaining and cheuisance, betweene man and man, without the which no common wealth or ciuill societie can be maintained or continued.

2 Be it therefore declared, ordeined and enacted by authority of this present parliament, that all and every feoffement, gyft, graunt,

graunt, alienation, bargaine, & conueyance of lands, tenements, hereditaments, goods, and cattels, or of any of them, or of any lease, rent, common, or other profit or charge out of the same lands, tenements, hereditaments, goods, & cattels, or any of them, by writing or otherwise.

3 And all and euery bond, suit, iudgement, and execution, at any time had or made since the beginning of the Quænes Maiesties raigne that now is, or at any time hereafter to be had or made, to, or for any intent or purpose, before declared and expressed, shall be from henceforth deemed and taken (onely as against that person or persons, his or their heires, successors, executors, administrators, and assignes, & euery of them, whose actions, suits, debtes, accounts, dammages, penalties, forfeitures, heriots, mortuaries, and reliefes, by such guylfull, couenous, or fraudulent deuises and practises, as is aforesaid, are, shall, or mought be in any wise disturbed, hindered, delayed, or defauded) to be cleerely and vtterly void, frustrate and of none effect: any pretence, colour, fayned consideration, expressing of vse, or any other matter or thing to the contrarie notwithstanding.

4 And be it farther enacted by thauthozitie aforesaid, that all and euery the parties to such fayned, couenous, or fraudulent feoffement, gift, graunt, alienation, bargaine, conueyance, bondes, suites, iudgements,

Fraudulent deedes.

ments, executions, and other things before expressed, or being priuie & knowing of the same, or any of them, which at any time after the tenth day of June next comming, shall wittingly, and willingly put in vze, auow, maintain, iustifie, or defend the same, or any of them, as true, simple, and done, had, or made, bona fide, and vpon good consideration, or shall alien, or assigne any the lands, tenements, goods, leases, or other things before mentioned, to him or them conueyed, as is aforesaid, or any part thereof, shall incurre the penaltie & forfeiture of one yerres value of the said lands, tenements, and hereditaments, leases, rents, commons, or other profits, of, or out of the same, and the whole value of the said goods and catels, and also so much money, as are, or shall be conteyned in any such couenus and fayned bond: The one moitie whereof to be to the Queenes Maiestie, her heires & successors, and thother moitie to the partie or parties grieued by such fayned and fraudulent feoffment, gift, graunt, alienation, bargain, conueyance, bondes, suites, iudgements, executions, leases, rents, commons, profits, charges, and other things aforesaid, to be recovered in any of the Queenes Courts of Record, by action of debt, bill, plaint, or information, wherein none esloine, protection, or wager of law shall be admitted for the defendant or defendants, and also being thereof lawfully convicted, shall

shall suffer imprisonment for one halfe yeare without baile or mainprise.

5 Provided alwayes, and be it further enacted by the authoritie aforesaid, that whereas sundrie common Recoveries of lands, tenements, and hereditaments have heretofore been had, and hereafter may be had against tenant in taile, or other tenant of the freehold, the reuerſion, or remainder, or the right of reuerſion, or remainder then being in any other person or persons, that euery such common recouerie heretofore had, and hereafter to be had of any lands, tenements, or hereditaments, shall as touching such person and persons, which then had any remainder or reuerſion, or right of remainder or reuerſion, and against the heires of euery of them, stand, remaine, and be of such like force and effect, and of none other, as the same should haue been, if this Act had neuer been had ne made.

6 Provided alwayes, and be it further enacted by thauthoritie aforesaid, that this Act, or any thing therein contained, shall not extend to make void any estate or eouciance, by reason whereof any person or persons shall vse any voucher in any writ of Formedon now depending, or hereafter to be depending, but that all & euery such vouchers in any writ of Formedon, shall stand and be in like force & effect, as if this act had neuer

Fraudulent deedes.

been had ne made: any thing befoze in this act conteyned , to the contrary notwithstanding.

6 Provided also, and be it enacted by the authoritie aforesaid, that this act, or any thing therein contained, shall not extende to any estate or interest in lands, tenements, hereditaments, leases, rents, commons, profits, goods or cattels, had, made, conveyed, or assured, or hereafter to be had, made, conveyed, or assured, which estate or interest, is or shall be upon good consideration, & bona fide lawfully conveyed or assured to any person or persons, or bodies politike or corporate, not having at the time of such conveyance or assurance to them made, any manner of notice or knowledge of such couyn, fraude, or collusion, as is aforesaid: any thing befoze mencioned to the contrarie hereof notwithstanding. This act to endure vnto the end of the first Session of the next parliament, and 14. Eliz. cap. 4. continued vnto the end of the next parliament, and 27. Eliz. ca. 11. continued vnto the end of the next parlirment, and 29. Eliz. cap. 5. made perpetuall.

An act

An Act that the exemplification or constat of Letters Patents, shall be as good and auailable, as the letters Patents themselves. Añ 13. Eliz. cap. 6.

Graunts 3.

FOR the auoyding of all such doubts, questions, & ambiguities, as hertofore haue risen and been moued, & of such as hereafter might rise & be moued, in and vpon the statute made in the parliament begun and holden at West. the iij. day of Nouember, in the third yeare of the raigne of our late soueraigne Lord king Edward the sixt, intituled act concerning graunts and gifts, made by patentees, out of letters patents, [which is 3. Ed. 6. cap. 4. Graunts 2.] and for a due and full supply of all such wants as may be thought to be therein,

2 Be it enacted & declared by the authoritie of this present parliament, that all and euery patentee any patentees, their heires, successours, executors, & assignes, and all & euery other person and persons, hauing by, or from them, or any of them, or vnder their title, any estate or interest, of, in, or to any lands, teneiments, or hereditaments, or any other thing whatsoeuer, to such patentee or patentees heretofore granted by any letters patents, either of the most famous princes king Henry the eight, king Edward the sixt, Queen Mary, king Philip & Queene Mary, or by any of them, or by the Queens most

Graunts.

most excellent Maiestie that now is, at any time sithence the iij. day of February, in the xxvj. yere of the raigne of the said late King Henry the eight, or els by the Quænes Maiestie that now is, her heires or successors, at any time hereafter to be graunted, shall and may at all times hereafter, in any of the Quænes highnes Courts, her heires or successors, and els where, by the authoritie of this present act, make and conuey, and be allowed and suffered to make & conuey, to and for him, them, & every of them selues, such claime, or title, by way of declaration, plaint, auowzie, barre, replication, or other pleading whatsoeuer, aswell against the Quænes highnes, her heires & successors, and every of them, as against all and every other person and persons whatsoeuer, for or concerning the lands, tenements, hereditaments, or other things whatsoeuer, specified or contained in any such letters Patents, or of, for, or concerning any part or parcel thereof, by shewing forth an exemplification or constat, vnder the great seale of England, of the inuolment of the same letters patents, or of so much thereof, as shall & may serue, to or for such title, claime, or matter, the same letters patents then being & remayning in force, not lawfully surrendzed, nor cancelled, for or concerning so much, & such part and parcell of such lands, tenements, hereditaments, or other thing, wherunto such title or claime shall be made, as if the same letters

Patents selfe were pleaded & shewed forth:
any law, vsage, or other thing, whatsoeuer
to the contrary notwithstanding.

An act against Vsurie, Añ 13. Eliz. cap. 8.

Vsurie 3.

Whereas in the Parliament holden
the xxxvij. yeare of the raigne of our
late soueraigne Lord king Henrie
the eight of famous memozy [cap. 6. Vsurie
6.] there was then made and established one
good act for the reformation of Vsurie, by
which act the vice of vsury was wel repres-
sed, and especially the corrupt cheuisance &
bargaining by way of sale of wares, & shifts
of interest. And wher since that time by one
other act made in the 5. and 6. yeares of the
raign of our late soueraigne Lord king Ed-
ward the 6. [ca. 20.] the said former act was
repealed, and new prouisoos for repressing
of vsury deuised & enacted: which said latter
act hath not done so much good, as was
hoped it should, but rather the said vice of
Vsurie, & specially by way of sale of wares,
and shifts of interest, hath much more ex-
ceedingly abounded, to the vtter vndoing of
many Gentlemen, Merchants, occupiers,
& other, & to the importable hurt of the com-
mon wealth, aswel for that in the said latter
Act there is no prouision against such cor-
rupt shifts, and sales of wares, as also for
that there is no differēce of pain, forfeiture,

Vsurie.

oz punishment, vpon the greater oz lesser exactions & oppressions, by reason of lones vpon Usurie: Be it therefore enacted, that the said later statute made in the 5. and 6. yeares of the raigne of king Edward the 6. [cap. 20.] and euery bzaunch and article of the same, from & after the xxv. day of June next conning, shall be vtterly abrogated, repealed, and made void. And that the said Act made in the said xxxvij. yeare of king Henry the 8. [cap. 6.] from & after the said xxv. day of June next conning shall be reuiued, & stand in full force, strength & effect.

2 And be it further enacted, that all bonds, contracts, & assurances, collateral, oz other, to be made for payment of any principall, oz money to be lent, oz couenant to be performed, vpon, oz for any Usurie, in lending oz doing of any thing against the said act now reuiued, vpon, oz by which lone, oz doing, there shall be reserued oz taken aboue the rate of x. pounds for the hundred for one yeare, shall be vtterly void.

3 And be it further enacted, that all Brokers, solicitors, and driuers of bargaines, for contractes, oz other doings against the said Statute now reuiued, whereupon shall be reserued oz taken moze then after the rate of x. li. for the loan of a C. li. for a yeare, shall be to all intents and purposes, iudged, punished, & vbled, as counsellours, attournies, oz aduocates, in any case of Premunire.

4 And forasmuch as all Usurie being forbidden

bidden by the Law of God, is sinne & detestable: Be it enacted, that all Usury, loan, and forbearing of Money, or giving dayes for forbearing of money by way of loan, chertisance, shiftes, sale of wares, contract, or other doings whatsoever for gaine, mencioned in the said statute which is now reuiued, whereupon is not reserued, or taken, or couenanted to be reserued, paied, or giuen to the lender, contracter, shifter, forbearer, or deliuerer, aboue the summe of x. poundes, for the loan or forbearing of a C. pound for one yeare, or after the rate, for a more or lesser summe, or time, shall be from the xxv. day of June next comming, punished in forme following, that is to say: That euery such offendour against this bzaunch of this present statute, shall forfeit so much as shall be reserued by way of vsury, aboue the principall, for any money so to be lent or forborne. All such forfeitures to be recouered and imployed, as is limited for forfeitures by the said former Statute now reuiued.

5 And be it further enacted, that Iustices of Dier & terminer, and Iustices of assise in their circuites, Iustices of peace in their Sessions, Maiors, Shirifes, & Waylifes of Cities, shall also haue full power & authoritie to inquire, heare, and determine, of all and singular offences committed against the said statute now reuiued.

6 And be it further enacted, that the said Statute now reuiued, shall be most largely
and

Usurie.

and strongly construed for the repressing of vsury, & against all persons that shal offend against the true meaning of the said statute by any way or deuise, directly or indirectly.

7 Prouided alway, that this statute doth not extend, nor shall be expounded to extend vnto any allowances or payments for the finding of Orphanes, according to the ancient rates or customes of the Citie of London, or any other Citie where like order is for the custodie of Orphanes & their goods, as in the said Citie of London.

8 Prouided alwayes, and be it further enacted by the authoritie aforesaid, that if any person or persons, shall from & after the said xxv. day of June, offend contrary to the said statute reuited by this present act made in the 37. yeare of the raigne of the said late king Henry the 8. [cap. 6.] that then all and euery such offender and offenders, shall and may also be punished & corrected, according to the Ecclesiasticall Lawes heretofore made against Usurie. And that all & euery person & persons offending in vsurie, shifts, or cheuillance against this present act, & not taking or receiuing, but onely after the rate of x. pounds in the hundred, or vnder, for a yeare, shall be onely punished by the paines & forfaitures prouided & appointed by this Act against such as shall not take or receiue ouer and aboue the rate of x. pounds in the hundred for a yeare, and not otherwise.

9 This Act to continue and endure, for
and

and during the space of five yeares, next after the end of this present Parliament, and from thence vnto the end of the first Session of the Parliament then next ensuing.

10 And be it further enacted by the authority aforesaid, that if this present act shall not be continued in the first Session of the Parliament next ensuing the said terme of five yeares: And then in the same Session no other statute or provision made against Usurie, or corrupt cheuisance, That then all & euery the lawes & statutes repealed by this act, shall remaine & be of such like force & effect, as if this present act had neuer been had ne made [See 5. Ed. 6. cap. 20.] This statute of 13. Eliz. is continued by 27. Eliz. ca. 11. to the end of the next Parliament.

An act against fraudes, defeating remedies for dilapidations of Ecclesiasticall livings, and for Leases to be graunted by collegiate Churches, An 13. Eliz. cap. 10.

Leases 2.

FOR that long and vnrasonable Leases made by Colledges, Deane & Chapters, Parsons, Vicars, & other hauing spirituall promotions, be the chiefest causes of dilapidations, & the decay of all spirituall livings & hospitality, & vtter impouerishing of all successours, Incumbents in the same. Be it enacted by the authoritie aforesaid, that

Leases.

that from henceforth all Leases, giftes, graunts, feoffements, conueyances, or estates to be made, had, done, or suffered, by any Master & Fellowes of any Colledge, Deane & Chapter of any Cathedrall or collegiat church, master or gardian of any hospitall, parson, vicar, or any other hauing any spiritual or ecclesiastical lving, or any houses, lands, tithes, tenements, or other hereditaments, being any parcell of the possessions of any such colledge, cathedrall church, chapter, hospitall, parsonage, vicarage, or other spiritual promotion, or any waies appertaining or belonging to the same, or to any of them, to any person or persons, bodies politike or corporat (other then for þe terme of xxj. yeres, or thre liues, from the time as any such lease or grant shalbe made or granted, wherupon the accustomed yearely rent or moze shalbe reserued & payable yerely during the said terme) shall be vtterly void & of none effect to all intents, constructions, and purposes: any law custome, or vsage, to the contrarie any wayes notwithstanding.

2. Provided neuerthelesse, and be it enacted by authozity aforesaid, that this act, nor any thing therein contayned, shall be taken or construed, to make good any lease, or other graunt to be made by any such colledge, or collegiat Church, within either of both the Uniuersities of Oxfozd and Cambridge, or elsewhere, within the Realme of England, for moze yeares then are limited by the priuate

late statutes of the same Colledge.

3 Provided alwaies, that this act shal not extend to any lease hereafter to be made by or surrender of any lease heretofore made, or by reason of any covenant or condition, contained in any lease heretofore made, & now continuing, so that the lease to be made do not containe moze yeres then the residue of the yeres of the former lease now continuing shalbe, at the time of such lease hereafter to be made, nor any lesse rent then is reserved in the said former lease. [See a statute made 1. El. which is bnpzinted, concerning exchanges to be had between the Queenes maiesty, & Bishops, what leases & assurances Bishops may make, Leases 4. See also one other statute made the said 13. yere, cap. 20. Leases 5. And certaine bzaunches of the statute made 14. Eliz. cap. 11. touching leases, & charges by such incūbents, & the other matters of this statut: which are omitted, because they are not yet perpetuall.

An act for the auoiding of Recoueries suffered by collusion by tenants for terme of life, and such others, An 14. Eliz. cap. 8.

Recoueries 3.

WHere diuers persons being seised, or that had bin seised of lands, tenements & hereditaments, as tenants by the curtesie of England, tenants in tails after possibilitie of issue extinct, or

Alj.

other:

Recoueries.

otherwise, onely for terme of life, or liues, or of estates determinable vpon life, or liues, haue heretofore permitted & suffered, other persons, by agreement or couyn betweene them had, to recover the same lands, & tenements, & other hereditaments, against the same particuler tenants, in the Q. Maiesties court, or haue permitted & suffered themselves to be vouched by other persons, by agreement or couyn betweene them had in recoveries suffered of the same lands, tenements, & other hereditaments, in the Q. Maiesties court, to the great prejudice of those to whom the reuerſion or remainder thereof hath appertayned, or ought to appertaine.

For remedy whereof, be it enacted by the Queenes most excellent Maiestie, with the assent of the Lords spirituall and temporall, & the commons in this present parliament assembled, & by authoritie of the same, that all such recoveries, hereafter to be had or prosecuted, by agreement of the parties, or by couyn, as is aforesaid, against any such particuler tenaunt, of any lands, tenements, or hereditaments, whereof the same particuler tenant is, or hereafter shall be seized of any such particuler estate, as is aforesaid, or against any other with voucher ouer of any such particuler tenaunt, or of any having, or that had right or title to any such particuler estate or tenauncie, as is aforesaid, shall from henceforth, as against such person or persons to whom any reuerſion or

remainder thereof, by force of any conveyance or devise, before that time had or made, shall, ought, or lawfully may appertaine, and against their heires and successors, be clearly & utterly void & of none effect: any law or blage heretofore had to the contrary thereof in any wise notwithstanding.

3 Provided alway, that this Act, nor any thing therein contained, shall not extend, or be prejudicial to any person or persons, that shall hereafter by good title, recover any lands, tenements, or hereditaments, without fraud or connyn, by reason of any former right, or title, but that all & every such recoverie & recoveries, so to be had or prosecuted upon former rights, or titles, shall stand & be in like force, strength, & effect, as they were before the making of this act: any thing herein contained to the contrary in any wise notwithstanding.

4 Provided also, that all & every such recoverie & recoveries, to be had or prosecuted of any lands, tenements, or hereditaments, as aforesaid, by the assent & agreement of any person or persons, to whom any reversion or remainder thereof then shall or ought to appertain (so that the same assent & agreement do appeare of record in any Court of our soueraigne Lady the Quenes Maies- tie, her heires or successors) shall stand & be in like force, strength, & of like effect, against such person & persons that shall so assent & agree, their heires & successors, as they were before the making of this Act: any thing

Iurours.

herein contained to the contrary, in any wise notwithstanding.

§ We it further enacted by the authoritie aforesaid, that one Act made in the 32. yeare of our late soueraigne Lord king Henry the eight, intituled, An act for the auoyding of Recoueries by collusions by tenants for terme of life, [Añ 32. H. 8. cap. 31.] shall be from the first day of July next insuing repealed, and shall no longer stand in force.

An act declaring that the Tenant and Defendant may haue a *Tales de circumstantibus*, aswell as the demaundant or plaintife,
Añ 14. Eliz. cap. 9.

Iurours 20.

FOR the auoyding of great & chargeable delays oftentimes hapning vnto Tenants and defendants, We it enacted, that in all cases where as the party plaintife or demaundant by any statute heretofore made, may haue vpon his or their request made vnto ̄ Justices of Nisi prius, within this Realme of England, or to the Justices of Oier, or of Assises, of the xij. Shires of Wales, & the County Palantines of Lancaster, & Durham, a *Tales de circumstantibus*, that in all and enery such case & cases, the party & parties, tenants, actors, auowants, and defendants (if the plaintifes or demaundants shall vpon the calling of the principall panell or Jury, forbear or refuse

to pray the same) shall & may vpon his or their request or desire, haue vpon the same record, & by the same Iustices, the Tales or Taleses vnto them granted, in like maner, forme, & degree, to all respects & purposes, as the plaintife or demandant in any suit or action may haue the same by any statute or ordinance heretofore made or set forth, & the rather for the speedy triall of the issue and issues ioyned, or hereafter to be ioyned in any plæ, suit, or action: any law, custome, vsage heretofore vsed to the contrarie thereof in any wise notwithstanding.

2 Provided also, & be it further enacted by the authoritie aforesaid, that al populer actions, informations, billes, or suits, commenced or had, or hereafter to be commenced or had in any the Queenes Maiesties courts of record, vpon any penal lawes or statutes wherein any person doth, or shal sue, or prosecute, or informe, as well for the Queenes Maiesty, her heires, and successours, as for himselfe, whereupon issue is or shall be ioyned to be tried by the countrey, that therein the partie defendaunt or defendants shal be admitted to pray and haue a tales de circumstantibus, as in other cases aforesaid. See touching Iurours de circumstantibus 35. H. 8. cap. 6. Iurours 17. made perpetuall 2. Edw. 6. cap. 32. § 4. & 5. H. and M. cap. 7. Iurours 18. & 5. Eliz. cap. 25. Iurours 19.

Fraudulent conueiances.

An act against couenous and fraudulent conueyances, Añ 27. Eliz. cap. 4.

Fraudulent deedes 3.

FOr remedy of which inconueniencies, and for the auoyding of fraudulent, fayned, & couenous conueyances, gyfts, graunts, charges, vles, and estates, & for the maintenance of byright and iust dealing in the purchasing of lands, tenements, & hereditaments: Be it ordeined & enacted by the authozitie of this present parliament, that all & euery conueiance, graunt, charge, lease, estate, incumbrance, and limitation of vse or vles, of, in, or out of any lands, tenements, or other hereditaments whatsoeuer, had or made any time heretofore sithence the beginning of the Quēnes Maiesties raigne that now is, or at any time hereafter to be had or made, for the intent, & of purpose to defraud and deceiue such person or persons, bodie polittike or corporat, as haue purchased, or shall afterwards purchase in fee simple, fee taile, for life, liues, or yeares, the same lands, tenements, & hereditaments, or any part or parcell thereof, so formerly conueied, graunted, leased, charged, incumbered, or limited in vse, or to defraud & deceiue such as haue, or shall purchase any rent, profite, or commodity, in, or out of the same, or any part thereof, shall be deemed & taken onely as against that person & persons, bodie polittike
and

and cozpozat, his, & their heires, successors, executozs, administrators, & assignes, & against all & euery other person or persons lawfully hauing or claiming, by, from, or vnder them, or any of the, which haue purchased, or shall hereafter so purchase for money, or other good consideration the same lands, tenements, or hereditaments, or any part or parcel thereof, or any rent, profit, or comoditie, in, or out of the same, to be vtterly void, frustrate, & of none effect: any pretēce, color, fained, cōsideration, or expzessing of any vse or vses to the contrarie notwithstanding.

2 And be it further enacted by the authoritie afozelsaid, that all and euery the parties to such fained, couenous, and fraudulent gistes, graunts, leases, charges, or conueyances befoze expzessed, or being priue and knowing of the same, or any of them which after the xx day of April next comming, shall wittingly and willing put in vze, auow, maintaine, iustifie, or defend the same, or any of them, as true, simple, and done, had, or made bona fide, or vpon good consideration, to the disturbance or hinderance of the said purchaser, or purchasers, leasēes, or grauntees, or, of, or to the disturbance or hinderance of their heires, successors, executozs, administrators, or assignes, or such as haue, or shall lawfully claime any thing, by, from, or vnder them, or any of them, shall incurre the penaltie & forfeiture of one yeres value of the said lands, tenements, & here-

Fraudulent deedes.

ditaments so purchased or charged: The one moitie whereof to be to the Quænes Maiestie, her heires and successors, and the other moitie to the partie or parties grieved by such sayned and fraudulent gift, graunt, lease, conueyance, incumbrance, or limitation of vse, to be recovered in any of the Quænes Courts of record, by action of debt, bill, plaint, or information, wherein no esloine, protection, or wager of law, shall be admitted for the defendand or defendants; and also being thereof lawfully conuicted, shall suffer imprisonment for one halfe yeare without baile or mainprise,

3 Provided also, and be it enacted by the authoritie aforesaid, that this Act, or any thing therein contained, shall not extende or be construed to impeach, defeat, make void, or frustrate any conueyance, assignement of lease, assurance, graunt, charge, lease, estate, interest, or limitation of vse, or vses, of, in, to, or out of any lands, tenements, or hereditaments heretofore at any time had or made, or hereafter to be had or made, vpon or for good consideration, and bona fide, to any person or persons, bodies politike or corporate: any thing befoze mencioned to the contrarie hereof notwithstanding.

4 And be it further enacted by the authoritie aforesaid, that if any person or persons, haue heretofore sithence the beginning of the Quænes Maiesties raigne that now is, made, or hereafter shall make, any con-
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ueyance, gift, graunt, demise, charge, limitation of vse, or vse, or assurance, of, in, or out of any lands, tenements, or hereditaments, with any clause, pꝛouision, article, or condition of reuocation, determination, or alteration, at his or their will or pleasure, of such conueyance, assurance, graunts, limitations of vse, or estates, of, in, or out of the said lands, tenements, or hereditaments, or of, in, or out of any part or parcell of them, contayned or mencioned in any writing, deede, or indenture of such assurance, conueyance, graunt, or gift, and after such conueyance, graunt, gift, demise, charge, limitation of vse, or assurance so made, or had, shall or do bargaine, sell, demise, graunt, conuey, or charge the same lands, tenements, or hereditaments, or any part or parcel therof, to any person or persons, bodies politique or corporate, for money or other good consideration, paid, or giuen, the said first conueyance, assurance, gift, graunt, demise, charge, or limitation, not by him or them reuoked, made void, or altered, according to the power and authoritie reserued or expressed vnto him, or them, in, and by the said secret conueyance, assurance, gift, or graunt: That then the said former conueyance, assurance, gift, demise, and graunt, as touching the said lands, tenements, and hereditaments so after bargained, sold, conueyed, demised, or charged against the said bargainers, vendees, lessees, grauntees, and
euery

Fraudulent conueiances.

euery of them, their heires, successours, ex-
cutozs, administrators, and assignes, and
against all and euery person and persons,
which haue, shall, or may lawfully claime
any thing, by, from, or vnder them, or any of
them, shall be deemed, taken, and adiudged
to be void, frustrate, and of none effect, by
vertue and sozce of this present Act.

5 Prouided neuerthelesse, that no lawfull
mortgage, made or to be made bona fide, and
without fraud or couin, vpon good conside-
ration, shall be impeached or impayred by
fozce of this Act, but shall stand in the like
fozce & effect, as the same should haue done,
if this act had neuer been had nor made: any
thing in this act to the contrary, in any wise
notwithstanding.

6 And be it further enacted by the autho-
ritie aforesaid, that all the whole tenour and
contents of all Statutes Marchants, and
Statutes of the Staple, herealter to be know-
ledged, shall within vij Monethes next af-
ter such knowledging, be entred in the of-
fice of the Clarke of Recognisances, taken
according to the Statute made in the xxij.
peare of the raigne of the late king Henry
the viij. by the shewing forth of the said Sta-
tute Marchant, or Statute Staple so know-
ledged vnto the said Clarke, which said
Clarke of the Recognisances shall enter, or
cause to be entred, the same statutes into a
booke for that purpose to be prouided, and
safely kept by him, taking viij, pence, and

no moze for euery such entrie.

7 And be it further enacted, that if the party to whom any such statute Merchant, or of the Staple shall be knowledged, his executors or administrators, do, or shall not within iiii. Monethes next after the knowledging of any such statute, bring & deliuer, or cause to be brought and deliuered vnto the said Clarke, or his deputie or deputies, for the time being, all and euery such statute and statutes, as shall be so knowledged to him, or to his vse, whereby, and to the intent that the said Clarke, his deputie or deputies, may take and enter a true Copie thereof, that then euery such statute Merchant, and of the Staple, not so entred, shall be void, frustrate, and of none effect against all and euery such person and persons, and bodies politique and corporate, their heires, successors, executors, administrators, and assignes, onely, as shall after the knowledging of the said statutes, or any of them, purchase for money, or other good consideration, the lands, tenemets, or hereditaments, which were liable to the same statute Merchant, or of the Staple, or any part or parcell thereof, or any rent, lease, or profite, of, or out of the same.

8 This Act to continue for the space of ten yeares, and from thenceforth vnto the end of the Parliament then next following.

9 Provided alswaies, that this act nor any thing therein conteyned, shall not extend,
be

Treason.

bee construed to make good any purchase, graunt, lease, charge, or profite, of, in or out of, any lands, tenements or hereditaments heretofore made void, defeated, or vndone, by reason of any former conueiance, graunt, or assurance, so as the partie or parties, or their heires or assignes, which haue so defeated or made void the same, were in actual possession the first day of this present Parliament, or in the said lands tenements, or hereditaments, whereof, or out of which any such purchase, grat, lease, charge, or profite was made.

10 Provided that this act, nor any thing therein contained, shall extend in any sort to restraine or impaire the iurisdiction, power, or authozity of the Court of Star chamber.

An Act concerning Errors in Records of Attaindors of high Treason, An
29. Eliz. cap. 2.

Treason 6.

As much as through corruption or negligent keeping, the records of attaindors of Treason happen many times to be impaired, blemished or otherwise to be defective, Be it ordeined & enacted by the authozity of this present parliament, that no record of attaindor that now is, of any person or persons, of, or for any high Treason, where the party so attainted is or hath bin executed for the same treason shall by the
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heire or heires of any such person, or by any other whatsoeuer claiming in, from by, or vnder, any such heire or heires, be in any wise hereafter reuersed, vndone, auoided, or impeached, by any plea, or for any error whatsoeuer.

2. Provided alwaies neuerthelesse, that this act nor any thing therein contained, shall in any wise extend to any record of attaindore, of, or for any treason vpon which any writ of Error is now depending, or which record is already reuersed, repealed, or vndone, by, or for any error, matter, plea, or cause whatsoeuer: but that the same shall be and remaine as vnto and against that party, at whose suit the same writ of error is depending, or at whose pursuit the same record hath bin reuersed, repealed, or vndone and his & her heires & assignes onely, as if this act had neuer bin had or made, any thing in this act to the contrary thereof notwithstanding.

An act against abuses in election of Schollers, and presentations to Benefices,

An 31. Eliz. cap. 6.

Election 3.

Where as by the intent of the founders of Colledges, Churches collegiat, churches cathedrall, schowles, hospitals, halls, & other like societies within this Realme, and by the statutes and good orders

Election.

orders of the same, the elections, presentations, & nominations of fellowes, schollers, officers, & other persons to haue room or place in the same, are to be had & made of the fittest and most meete persons, being capable of the same elections, presentations, and nominations freely, without any rewarde, gift, or thing giuen or taken for the same: And for the true performance wherof some electors, presentors, & nominators in the same, haue or should take a corporall othe to make their elections, presentations, & nominations accordingly: yet notwithstanding it is seene & found by experience, that the said elections, presentations and nominations, be many times wrought & brought to passe with money, gifts & rewards, wherby the fittest persons to bee elected, presented, or nominated, wanting money or friends, are selborne or not at all preferred, contrarie to the good meaning of the said foundors, and the sayd good statutes and ordinances of the said colledges, churches, scholes, halls, hospitals and societies, and to the great preiudice of learning, and the common wealth & state of this realme.

2 For remedie wherof, be it enacted by the Quæns most excellent maiestie, the Lords Spirituall and Temporall, and the commons in this present parliament assembled, and by the authoritie of the same, that if any person or persons, bodiës politike or corporate, which haue election, presentation,

or nomination, or voice, or assēt in the choise,
 election, presentation, or nomination of any
 fellow, scholler, or any other person, to haue
 roome or place in any the said churches, col-
 ledges, scholes, hospitals, hals, or socie-
 ties, shall at any time after fortie daies next
 after the end of this present session of Par-
 liament, haue, receiue, or take any money,
 fee, reward, or any other profit directly or
 indirectly, or shall take any promise, agree-
 ment, couenant, bond, or other assurance to
 receiue or haue any mony, fee, reward, or a-
 ny other profit directly, or indirectly, either
 to him or themselves, or to any other of their
 or any of their friends, for his or their voice
 or voices, assent or assents, or consents, in e-
 lecting, choosing, presenting, or nominating
 any officer, fellow, scholler, or other person to
 haue any roome or place, in any the said chur-
 ches, colledges, hals, scholes, hospitals or so-
 cieties: that then & from thenceforth, the place,
 roome, or office, which such person so offen-
 ding, shall the haue in any the said churches,
 colledges, scholes, hals, hospitals, or socie-
 ties shall be voide. And that then aswell the
 M. maiestie, her heires, and successors, and
 euery other person & persons, or their heires
 & successors, to whom the presentation, do-
 nation, gift, election, or dispensation, shall of
 right belong or appertain of any such of the
 said roomes or places, of the said person of-
 fending as aforesaid, shall or may at their
 pleasure elect, present, nominate, place or ap-
 point

Election.

point any other person or persons, in the roome, office, or place of such person or persons so offending, as if the said person or persons, so offending then were naturally dead.

3 And be it further enacted by the authoritie aforesaid, that if any fellow, officer, or scholler of any the said Churches, colledges, scholes, hals, hospitals, or societies, or other persons having roome or place in any of the same, shall at any time hereafter directly, or indirectly, take or receiue, or by any way, deuise, or meanes, contract, or agree to haue, or receiue any money, reward, or profit whatsoeuer, for the leauing or resigning by of the same his roome or place for any other to be placed in the same: that then euery person so taking, or contracting, or agreeing to take or haue any thing for the same, shall forfait & lose double the summe of money, or value of the thing so receiued & taken, or agreed to be receiued or taken. And euery person by whom, or for whom any money, gift, or reward as aforesaid, shall be giuen or agreed to be paid, shall be incapable of that place or roome for that time or turne, and shall not be, nor had, nor taken to be a lawfull fellow, scholler, or officer, of any the Churches, colledges, hals, hospitals, scholes, or societies, or to haue such roome or place there: but that they to whom it shall appertaine at any time thereafter, shall and may elect, choose, present, and nominate any
other

Other person fit to be elected, presented or nominated into the sayd roome or fellowship as if the said person, by or from whom any such money, gift, or reward, shall be given or agreed to be payed were dead, or had resigned and left the same. And for more sincere election, choise, presentation and nomination of fellowes, schollers, officers and other persons, to haue roome or place hereafter in any of the said churches colleges, halls, schowles, hospitals, and other like societies,

4 Be it further enacted by the authoritie aforesaid, that at the time of euery such election presentation or nomination hereafter to be had, aswell this present act, as the orders and statuts of the same places concerning such election, presentation, or nomination to be had, shall then & there be publike-ly read, vpon paine that euery person, in whom default thereof shall be, shall forfeit and lose the summe of fortie pounds: All which forfeitures shall and may be had and recovered, in any her maiesties courts of recorde, by any person or persons bodies politike and corporate, that will sue for the same by bill, plaint, or action of debt in which no essione, protection, or waiger of law shall be allowed, the one moitie whereof shall be to him or them that will sue for the same, the other moity to the vse of the said Church, colledge, hall, hospitall, schowle, or societie, where such offence shall be committed. And

Election.

for the auoyding of Symonie, and corrup-
tion in presentations, collations, and dona-
tions, of, & to benefices, dignities, prebends,
and other lyuings and promotions ecclesi-
asticall, and in admissions, institutions, and
inductions to the same,

5 We it further enacted by the authozitie
aforesaid, that if any person or persons, bo-
dies politike or corporat, shall, or doe at any
time after the end of fortye dayes, next after
the end of this Session of Parliament, for
any summe of money, reward, gift, profit, or
benefit, directly or indirectly, or for, or by
reason of any promise, agreement, graunt,
bond, couenant, or other assurance, of, or for
any summe of money, reward, gift, profit, or
benefit whatsoeuer, directly or indirectly,
present, or collate any person to any bene-
fice with cure of soules, dignitie, prebend, or
liuing ecclesiasticall, or giue, or bestow the
same, for, or in respect of any such corrupt
cause, or consideration, that then every such
presentation, collation, gift, and bestowing,
and every admission, institution, inuesture,
and induction thereupon, shall be vtterly
void, frustrate, & of none effect in law. And
that it shall and may be lawfull, to, and for
the Quēnes Maiestie, her heires & succes-
sors, to present, collate vnto, or giue, or be-
stow euery such benefice, dignitie, prebend,
and liuing ecclesiasticall for that one time or
turne onely, and that all & every person and
persons, bodies politike and corporat, that
from

from thenceforth shall giue or take any such summe of money, reward, gift, or benefit, directly or indirectly, or that shall take or make any such promise, graunt, bond, couenant, or other assurance, shall forfeit & lose the double value of one yeares profit of euery such benefice, dignitie, prebend, and liuing ecclesiasticall, and the person so corruptly taking, procuring, seeking, or accepting any such benefice, dignitie, prebend, or liuing, shall thereupon, and from thenceforth be adiudged a disabled person in law to haue or intoy the same benefice, dignitie, prebend, or liuing ecclesiasticall.

6 And be it further enacted, that if any person shall at any time after xl. dayes next after the end of this Session of parliament, for any summe of money, reward, gift, profit, or commoditie whatloeuere, directly or indirectly, (other then for the vsuall and lawfull fees) or for, or by reason of any promise, agreement, graunt, couenant, bond, or other assurance, of, or for any summe of money, reward, gift, profit, or benefit whatloeuere, directly or indirectly, admit, institute, install, induct, inuest, or place any person, in, or to any benefice with cure of soules, dignity, prebend, or other liuing ecclesiasticall, That then euery such person so offending, shall forfeit & lose the double value of one yeares profit, of euery such benefice, dignity, prebend, & liuing ecclesiasticall. And that thereupon immediately from & after the inuesting, installation,

same, by action of debt, bil, or information, in any of her Ma. courts of record, in which no essoine, protection, or wager of law, or privilege shall be admitted or allowed.

9 Provided alwaies, that this act or any thing herein contained, shall not in any wise extend to take away, or restrain any punishment, paine or penalty, limited, prescribed, or inflicted by the lawes ecclesiastical, for any the offences before in this act mentioned, but that the same shall remaine in force, & may be put in due execution, as it might be before the making of this act, this act, or any thing therein contained to the contrary thereof, in any wise notwithstanding.

10 Provided further & be it &c. that if any person or persons whatsoeuer shall or doe at any time after the end of this session of parliament, receiue or take any money, fee, reward or any other profit, directly or indirectly, or shall take any promise, agreement, couenāt, bond, or other assurance, to receiue or haue any money, fee, reward, or any other profit, directly or indirectly, either to him or themselves, or to any other of their or any of their friends, (all ordinarie and lawfull fees onely excepted) for to procure the ordaining or making of any minister or ministers, or giuing of any orders, or licence or licences to preach, that then euery person and persons so offending, shall for euery such offence, forfeit and lose the summe of xl. li. of lawfull money of England, & the party so corruptly

Election.

ordained or made minister, or taking orders, shall forfeit and lose the summe of x. pounds.

11 And if at any time within seven yeares next after such corrupt entring into the ministrie, or receiuing of orders, he shall accept or take any benefice, liuing, or promotion ecclesiasticall, that then immediatly from and after the induction, inuecting, or installation thereof, or thereinto had, the same benefice, liuing, and promotion ecclesiasticall, shall be estwones mærely void, and that the Patron or Parson to whom the aduowson, gift, presentation, or collation, shall by law appertaine, shall and may by vertue of this Act, present or collate vnto, giue, and dispose of the same benefice, liuing, or promotion ecclesiasticall, in such sort to all intents and purposes, as if the partie so inducted, inuected, or installed had been, or were naturally dead: any law, ordinance, qualification, or dispensation to the contrarie notwithstanding. The one moitie of all which forfeitures, shall be to our Soueraigne Lady the Quæne, her heires and successors, and the other moitie to him or them that will sue for the same, by action of debt, bill, plaint, or information, in any of her Maiesties Courts of record, in which no essoine, protection, priuledge, or wæger of law shalbe admittid or allowed.

An act for explanation of the statute made in the 34. yeare of king H. 8. aswel touching Graunts made to his Maiestie, as for confirmation of Letters patents made by his highnesse to others, An 35. Eliz. cap. 3.

Patents 18.

FOrasmuch as diuers ambiguities, doubts, & questions haue risen & been moued, aswel touching diuers surrenders, graunts, and conueyances made and graunted by sundry late Abbots, priors, and other Religious & ecclesiasticall persons, to the late king of famous memorie king H. 8. after the 4. day of Feb. in the 27 yeare of his raigne, of diuers their honors, manors, lands, tenements, & hereditaments, as also touching & concerning the validitie of the erections of such Deanes & Chapters, and such colledges as were erected, ordeined, made, or founded by the said late king H. the 8. after the said 4. day of Feb. in the said 27. yere of his raigne: & for asmuch as the same doubts & questiōs seeme not to be sufficiently remedied or prouided for, by y^e stat. made in the 34. yeare of the raigne of the said late K. H. the 8. intituled, An act for cōfirmation of Letters patent, notwithstanding misnaming of any thing contained in the same:

2 We it therefore declared, explained, and enacted by thauthoritie of this present parliament, that all and euery honors, manors,

K. K. iiii. lands,

Patents.

lands, tenements, & hereditaments, which at any time heretofore were the possessions of any Abbey, monasterie, priorie, nunnrie, or other religious or ecclesiastical house or houses, & which after the said 4. day of februarye, in the said 27. yeare of the said late king H. 8. came to the hands or possession of the said late king H. 8. or which were put in charge, to, or for his highnesse in his Court of Eschequer, or any other Courts of the said late king concerning his Maiesties reuenues, or by any auditor, or other officer of the said late king, or which after the said 4. day of februarye, in the 27. yeare aforesaid, were graunted or conueied, or mentioned to be graunted or conueyed, in, or by any letters Patents whatsoever, made by the said late king H. 8. to any person or persons, body politike or corporat, were & shal be reputed, taken, and adiudged to haue been lawfully and perfectly in the actuall and reall possession of the said late king, & his heires & successors, at such time as the same did so come to his Maiesties hands & possession, or were so put in charge, or graunted, or conueyed by the said late king H. 8. as aforesaid, notwithstanding any defect, want, or insufficiency, of, or in any surrender, graunt, or conueyance of the same honours, manors, lands, tenements, or hereditaments, or any part thereof, to the said late king H. 8. or any other matter or cause whatsoever, by which his Highnesse was or might haue been intituled

tuled to the same.

3 And be it further declared and enacted by the authozitie afozesaid, that all & singular Letters patents made by the said king H. 8. at any time after the said 4. day of February, in the said 27. yere of his raigne, for the erection, foundation, incorporation, or indowment of any Deane & chapter, or colledge, were, and shall be reputed, taken, and adiudged to haue been good, perfect & effectuall in the law for all things therein conteyned, according to the true intent & meaning of the same: any thing, matter, or cause to the contrarie thereof in any wise notwithstanding. Hauing alwaies vnto all person and persons, bodies politike & corporate, their heires & successors, and euery of them, other then the late Abbots, priors, prioresses, and other gouernors of such abbies, monasteries, priories, nunries, & other religious and ecclesiasticall houses, & their successors, and such as pretended to be founders, patrons, or donors of the same, or any of them: or of any manors, lands, tenements, or hereditaments belonging to the same, or to any of them, and their, and euery of their heires & successors, al such right, title, interest, claime & demaund, as they or any of them, or their, or any of their auncestors or predecessors might, or ought to haue had, of, in, to, or out of any such honors, manors, lands, tenements, or hereditaments, before the said 4. day of Feb, in the 27. yere of the raigne of
the

Administrations.

the said king Henry the viij. or before the making of such letters patents by the said king H. 8. as if the said letters patēt's made by the said king H. 8. & the said statute made in the said 34. yere of his raigne, & this present act had neuer been made: this act or any thing therein conteined to the contrarie notwithstanding.

An Act against fraudulent administration of intestates goods, 43. Eliz. ca. 8.

Administrations 1.

FOrasmuch as it is often put in vze, to the defrauding of creditoꝝ, that such persons as are to haue thadministration of the goods of others dying intestate, committed vnto them, if they require it, will not accept the same, but suffer or procure the administration in be graunted to some straunger of meane estate, & not of kin to the intestate, from whom themselves or others by their meanes do take deed's of gift's and authorities by letter of Attorney, wherby they obtaine the state of the intestate into their hands, and yet stand not subiect to pay any debts owning by the same intestate, & so the creditoꝝ foꝛ lacke of knowledge of the place of habitation of the administratour cannot arrest him, noꝛ sue him, and if they foꝛtune to find him out, yet foꝛ lacke of ability in him to satisfie of his owne goods the value

value of that he hath conveyed away of the intestates goods, or released of his debts by way of waiving, the creditours cannot haue or recouer their iust and due debts.

2 Be it enacted by the auzhoritie of this present Parliament, that every person and persons that hereafter shall obtaine, receiue or haue, any goods or debts of any person dying intestate, a release, or other discharge of any debt or duetie that belonged to the intestate vpon any fraude, as is aforesayd, or without such valuabie consideration as shall amount to the value of the same goods and debts, or nere thereabouts, except it be in, or towarde satisfaction of some iust and principall debt of the value of the same goods or debts to him owing by the intestate at the time of his decease, shall be charged and chargeable as executor of his owne wrong, & so far onely as all such goods and debts comming to his hands, or whereof he is released or discharged by such administrator will satisfie, deducting neuerthelesse to & for himselfe allowance of al iust, due, & principal debt vpon good consideration without fraude owing to him, by the intestate at the time of his decease, & of all other payments made by him, which lawfull executors or administrators may and ought to haue and pay by the Lawes and Statutes of this Realme.

Execution.

An act for new Execution, where the partie shall be deliuered out of execution by priuiledge of Parliament, Act
1. Iac. cap. 13.

Execution 12.

FOR asmuch as heretofore doubt hath been made, if any person being arrested in Execution, & by priuiledge of either of the houses of Parliament set at libertie, whether the party at whose suit such execution was pursued, be for ever after barred & disabled to sue forth a new writ of Execution in that case. For the auoyding of all further doubt & trouble, which in like cases may hereafter ensue,

2 We it enacted by the kings most excellent Maiestie, by the Lords spiritual & temporall, and by the Commons in this present Parliament assembled, That from henceforth the partie, at, or by whose suit such writ of execution was pursued, his executors or administrators, after such time as the priuiledge of that Session of parliament, in which such priuiledge shall be so granted, shall cease, may sue forth and execute a new writ, or writs of Execution, in such maner & forme, as by the Law of this Realme he or they might haue done, if no such former execution had been taken forth or serued.

3 And that from henceforth no Shyriue, Bailife, or other Officer, from whose arrest or custodie any such person so arrested in
execuⁿ

execution shall be deliuered by any such priuiledge, shall be charged or chargeable, with or by any action whatsoever for deliuering out of execution any such priuiledged person, so as is aforesaid by such priuiledge of Parliament set at libertie: any law, custome, or priuiledge heretofore to the contrary notwithstanding.

4 Provided alwaies, that this Act, or any thing therein contained, shall not extend to the diminishing of any punishment to be hereafter by censure in Parliament inflicted vpon any person, which hereafter shall make or procure to be made any such Arrest, as is aforesaid.

An act for auoyding vnnecessarie delayes of Executions, An 3. Iac. cap. 8.

Executions 13.

As much as his highnesse subiects are now more commonly withholden from their iust debts, and often in danger to lose the same by meanes of writs of Error, which are more commonly vsed than heretofore they haue been,

2 Be it therefore enacted, by the authoritie of this present Parliament, That from and after the end of this present Session of parliament, no execution shall be staid or delaied, vpon, or by any writ of Error, or Superfedeas thereupon to be sued for the reuersing of any Iudgement giuen, or to be giuen in any
action

Execution.

action or bill of debt, vpon any single bond for debt, or vpon any obligation with condition for the payment of money onely, or vpon any action or bill of debt for rent, or vpon any contract sued in any of his Highnesse courts of record at Westminster, or in the Countie Palantine of Chester, Lancaster, or Durham, or in his highnesse courts of great Sessions in any the 12. Shires of Wales: vniuerselle such person or persons in whose name or names such writ of Error shall be brought, with two sufficient suerties, such as the Court wherein such Iudgement is, or shall be giuen, shall allow of, shall first befoze such staie made, or Supersedeas to be awarded, be bound vnto the partie for whom any such Iudgement is, or shall be giuen, by Recognisance to be acknowledged in such court, in double the summe adiudged, to be recouered by the said former iudgement, to prosecute the said writ of Error with effect. And also to satisfie and pay (if the said Iudgement be affirmed) all and singular the debts, damages, and costes adiudged, or to be adiudged vpon the former iudgement, And all costes and damages to be also awarded for the same delaying of execution. This Act to haue continuance to the end of the first Session of the next Parliament.

An act

An act giuing costes to the Defendant
vpon a Nonsuit of the Plaintife,
or a verdict against him,
An 4. Iac, cap. 3.

Damages and Costes 9.

WHEREAS in the 23. yeare of King
Henry the eight of famous me-
mozie, a good and profitable Law
was made, whereby it was enacted,
That in cases where the Plaintife in any
action, bill, or plaint of debt, trespass vpon
the case, detinue, accompt, and in some
other actions therein especially mentioned,
should become Nonsuit, or a verdict should
be had against the said plaintife, That
then in such cases the Defendant should
haue Iudgement to recouer his costes a-
gainst euery such plaintife, as by the said
Law appeareth: which Law hath been
found to be verie good and beneficiall for the
common wealth, and thereby many haue
been discouraged from bringing friuolous
and vniust suites, because such parties are
to make recompence to the parties vniustly
bexed for the said vniust vexations. And
for as much as actions of Trespas, and
actions of Eiectione firme, and many other
actions reall and personall are within the
mischiefe, as the said other actions were
at

Costes.

at the Common Law, & yet were omitted out of the provision of the said law.

2 For remedie whereof be it enacted by the king ac. That if any person or persons, at any time after the end of this present session of parliament, shall commence or sue in any Court of record, or in any other Court, any action, bill, or plaint of trespass, or Eiection firme, or any other action what soeuer, wherein the plaintife or demandant might haue costes, if in case the said Judgement should be giuen for him, And the plaintife or plaintifes, demandant or demandants in any such action, bill, or plaint, after appearance of the defendant or defendants be nonsuted, or that any verdict happen to passe by any lawfull triall against the plaintife or plaintifes, demandant or demandants, in any such action, bill, or plaint, That then the defendant or defendants in every such action, bill, or plaint, shall haue Judgement to recouer his costs against every such plaintife and plaintifes, demandant and demandants, to be assessed, taxed, & leuied, in maner and forme, as costs in the said actions are to be assessed, taxed, and leuied, in, and by the said Law of the 23. of king Henry the 8.

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