

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

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

2 Inst. 156 —
158.

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

Cotton MS. Claudius, D. 2.

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

CAP. I.

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

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

† Q. Patent.

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

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

14 Ed. 3. stat.

1 & 3. c. 1.

18 Ed. 3. stat. 3.

c. 4.

1 R. 2. c. 3.

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

cost le seignur de la einz, ne a son cost demesne. Et fil viegne, & entre per le gree, ou saunz le gree le Seignur, ou le Bailliff, nule serure, us, ne fenestre, ne nulle manere de fermure, ne face overir, ne depeffer, ne per sey ne per autre, ne nulle manere de vitaille nautre chose ne priegne per colour de achat, nautrement. Et que nulle ne face batre bledz, ne prendre bledz, ne nulle manere de vitaille, ne les autres biens de nulle Prelat, homme de religion, person, ne dautre, ne de Clerc ne de lay, per colour dachat, nautrement, encountre la bone volunte & la congie de celui a qi la chose serra, ou le gardein, dedeinz ville Marchande ne dehors. Et qe nul ne preigne chivals, ne boefs, chars, charettes, neefs ne bateux, affair cariage saunz la bone volunte de celui, a qi les choses ferront; et fil per la bone volunte de celui le face, lors maintenant face son gree selonc le covenant fait entre eux. Et ceux qi vendront encountre les establissementz avaunt ditz, si [6] de ceo soient atteintz, soient ajugez a la prisone le Roi, & deilloques reinte selonc la quantite & la manere del trespas, selonc ceo qe Roi en sa Court verra que bien soit. Et fait assavoir, qe si ceux a qe le trespas est fait, vodront suire le damage qil averont, lors serra agarde & retourne al double. Et ceux qe le trespas averont fait, soient ensemblement puniz a la manere avaunt dite; Et si nul ne voille suire, le Roi eit la suit come de chose faite encountre son defens, & encountre sa pees: & le Roi fra enquere de an en an, sicome il quidra qe bien soit, quels

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

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

The Punishment of the Offenders.

afore-

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

A Prelate shall receive no Lodgers.

A Sheriff's Entertainment.

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

CAP. II.

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

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

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

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

2 Inst. 163.—
165.
Hob. 288.—

294.
2 Hawk. Pl. Cr.
337.—366.

other Remedy therein.

CAP. III.

No Penalty for an Escape before it be adjudged.

2 Inst. 165. 166.

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

Purveu est ensement, que nul rien desoremes ne soit demaunde, ne pris, ne leve per-
Vis-

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

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

CAP. IV.

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

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

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

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

17 Ed. 2. stat. 1. c. 11.
12 Ann. stat. 2. c. 18.

swer, if he have whereof; and if he have not whereof, the Lord shall deliver his Bailiff's Body to the King.

CAP. V.

There shall be no Disturbance of Free Elections.

Elections shall be free.

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

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

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

CAP. VI.

Amerciaments shall be reasonable, and according to the Offence.

2 Inst. 169, 170.

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

9 H. 3. stat. 1. c. 14.

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

CAP. VII.

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

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

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

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

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

CAP. VIII.

Nothing shall be taken for Beaupleader.

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

AND that nothing be taken for Fair Pleading, as hath

ET qe nul rien ne soit pris pur Beaupleder, sicome autre-

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

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

CAP. IX.

All Men shall be ready to pursue Felons.

ET purce que la pees de la
terre ad este feblement
garde avant ces heurs, pur de-
faute de bone suite faire sur les
felons, selonc due manere, et
nomement per encheson dès
franchises ou les felons sont
recettez ; purveu est, que touz
communalment soient prestez
et appareillez al maundement
et al somons des viscountes, et
al crye del pais, de suire et da-
rester les felons, quant miester
ferra, auxibien dedeins fraun-
chises, come dehors ; et ceux
que ceo ne ferront, et de ceo
soient atteintz, le Roi prendra
a eux grevement : et si la de-
faut soit trove sur le seignur de
la franchise, le Roi se prendra
a mesme la franchise ; et si
la defect soit en le Bailiff, eit
la prisone dun an, et puis soit
grevement reint ; et sil nad de
quei, eit la prisone de deux
ans. Et si Viscontes, Corone-
ners, ou autres Bailifs dedeinz
franchise ou dehors per low-
er, ou per prier, ou per nul
manere de affinite, concelent,
ou consentent, ou procurent
de conceler les felonies faites
en lour baillies, ou qils se feig-
nent dattacher ou daraster les
mesfefantz per la ou ils pour-
ront, ou autrement se feignent
de faire lour office en nul ma-
nere en favoure de mesfefantz,
et de ceo soient atteintz ; qils
eient la prisone dun an, et puis
soient grevement reintz ; et sils
nount de quoi estre reintz, eient
la prisone de iii ans.

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

2 Inst. 171.—

173.

4 Ed. 1. stat. 2.

Officium Co-
ronatoris.

13 Ed. 1. stat.

2. c. 1, 2. & 6.

28 Ed. 3. c. 11.

7 R. 2. c. 6.

27 El. c. 13.

39 El. c. 25.

G

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

CAP. X.

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

28 Ed. 3. c. 6.
2 Inst. 174.—
176.

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

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

CAP. XI.

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

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

8 Inst. 177.
9 H. 3. stat. 1.
cap. 26.
6 Ed. 1. stat. 1.
c. 9.
13 Ed. 1. stat. 1.
c. 29.

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

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

CAP.

CAP. XII.

The Punishment of Felons refusing lawful Trial.

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

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

CAP. XIII.

The Punishment of him that doth ravish a Woman.

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

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

CAP. XIV.

Appeal against the Principal and Accessary.

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

AND forasmuch as it hath been used in some Counties to outlaw Persons being appealed of Commandment, Force, Aid, or Receipt within the same Time that he which is appealed for the Deed, is outlawed; It is provided and commanded by the King, That none

none be outlawed upon Appeal of Commandment, Force, Aid, or Receipt, until he that is appealed of the Deed be attainted, so that one like law be used therein through the Realm :

- (2) Nevertheless he that will so appeal, shall not, by reason of this, intermit or leave off to commence his Appeal at the next County against them, no more than against their Principals, which be appealed of the Deed; but their Exigent shall remain, until such as be appealed of the Deed be attainted by Outlawry, or otherwise.

le Roi, qe nul soit utlage per apel de comaundement, force, eyde, et receitement, jelsqz atant qe lapele del faite soit atteint, issint que mesme ley soit de ceo per toute la terre: mes celui qi appelle, ne lessé pas pur ceo dattachier son appelle al proschein Countee vers ceux, auxibien come vers les apelez del fait; mes lexigende de eux demoerge, tant come les appellez del fait soient atteintz per utlagarie, ou autrement.

C A P. XV.

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

What sort of Offenders are not mainpernable.

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

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

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

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

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

G 3

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

What sort of Offenders are mainpernable.

The Penalty for unlawful Mainprise.

The Penalty for detaining a Prisoner that is mainpernable.
27 Ed. 1. stat. 1.
cap. 3.
4 Ed. 3. cap. 2.
3 H. 7. c. 3.
1 & 2 Ph. & M.
c. 13.

the

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

CAP. XVI.

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

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

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

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

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

CAP. XVII.

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

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

2 Inst. 192.—
195.
H. 3. c. 3.

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

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

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

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

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

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

Marches of
Wales.

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

C A P. XVIII.

Who shall assess the common Fines of the County.

By whom the
common Fine
shall be assess-
ed.

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

2 Inst. 196,
197.
8 Co. 37. a 39.
b.

PUR ceo qe la commune
fine et americiement de toute
le Countee en Eire des Justices
per faux jugementz, ou per au-
tre trespas, est assis per Viscountes
et Baretours des countees
malement, issint qe la somme
est meintfoitz encru, et les par-
celles autrement assis qestre ne
deussent, al damage del poeple,
& plusours foitz sont paieez a
Viscountes, Baretours, qe po-
int ne les acquitent; purveu
est, et voet le Roi, qe de for-
mes en Eire des Justices de-
vant eux a lour departir, soit
celle somme assise per serement
des chivalers et des prodes
hommes, sur touz ceux qestre
deveront; et Justices facent
mettre les parces en lour
estretes, qils liveront al Esche-
quer, et non pas la somme
totale.

C A P. XIX.

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

2 Inst. 197.
198.

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

EN droit des Viscountes ou
autres, qi respoignent per
lour meyns al Eschequer, et qe
ount resceu de les dettes le Roi
HENRY, pier le Roi qore est, ou
les dettes le Roi mesmes avant
ces heurs, et qi nount mye
les dettes aquitez al Eschequer;
purveu est, qe le Roi envoiera
bones gentz per touz les
Countees, a oier touz ceux qe
de

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

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

through every Shire, to hear all such as will complain thereof, and to determine the Matters there, (3) that all such as can prove that they have paid, shall be thereof acquitted for ever (whether the Sheriffs or other be living or dead) in a certain Form that shall be delivered them; (4) and such as have not so done (if they be living) shall be grievously punished; (5) and if they be dead, their Heirs shall answer, and be charged with the Debt.

(6) And the King hath commanded, that Sheriffs and other aforesaid, shall from henceforth lawfully acquit the Debtors at the next Accompt after they have received such Debts; and then the Debt shall be allowed in the Exchequer, so that it shall no more come in the Summons; (7) and if the Sheriff otherwise do, and thereof be attainted, he shall pay to the Plaintiff thrice as much as he hath received, and shall make Fine at the King's Pleasure. (8) And let every Sheriff take heed, that he have such a Receiver, for whom he will answer; for the King will be recompensed of all, of the Sheriffs and their Heirs. (9) And if any other, that is answerable to the Exchequer by his own Hands so do, he shall render thrice so much to the Plaintiff, and make Fine in like Manner. (10) And that the Sheriffs shall make Tallies to all such as have paid their Debt to the

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

51 H. 3. stat. 4.

Process for levying of the King's Debt shall be shewed to the Debtor.

42 Ed. 3. c. 9.

C A P. 7 H. 4. c. 3.

CAP. XX.

Offences committed in Parks and Ponds. Robbing of tame Beasts in a Park.

2 Inst. 198.—
201.

The Punish-
ment for Of-
fence commit-
ted in Parks
and Ponds.

9 H. 3. stat. 2.
c. 10, 11.
1 Ed. 3. stat. 1.
c. 8.
1 H. 7. c. 7.

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

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

CAP.

CAP. XXI.

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

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

IN Right of Lands of Heirs being within Age, which 2 Inst. 201. Waste shall not be done in Wards or Bishops Lands. 9H. 3. stat. 1. c. 4, 5, 6. 6 Ed. 1. stat. 1. c. 5. 13 Ed. 1. stat. 1. c. 14. 28 Ed. 1. stat. 3. c. 18. 36 Ed. 3. c. 13. be in Ward of their Lords; it is provided, That the Guardians shall keep and sustain the Land, without making destruction of any Thing; (2) and that of such Manner of Wards shall be done in all Points, as is contained in the great Charter of Liberties made in the Time of King HENRY, Father to the King that now is, and and that it be so used from henceforth. (3) And in the same Manner shall Archbishopsricks, Bishopricks, Abbacies, Churches, and all spi-

ritual Dignities be kept in Time of Vacation.

CAP. XXII.

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

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

OF Heirs married within 2 Inst. 202.— 204.— Wright's Ten. 93.—97.— Stat. 20. Hen, 3. c. 6. Age, without the Consent of their Guardians, afore that they be past the Age of Fourteen Years, it shall be done according as it is contained in the Statute of *Merton*. (2) And of them that shall be married without the Consent of their Guardians, after they be past the Age of Fourteen Years, the Guardian shall have the double Value of their Marriage, after the Tenour of the same Act. (3) Moreover, such as have withdrawn their Marriage, shall pay the full Value thereof unto their Guardian for the Trespas, and nevertheless the King shall have like Amends, according to the same Act, of him that hath so withdrawn.

(4) And of Heirs Females, 2 Inst. 202.— 204.— Wright's Ten. 93.—97.— Stat. 20. Hen, 3. c. 6. When an Heir Female shall be out of Ward.

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

The Penalty of a Ward refusing a Marriage tendered.

13 Ed. 1. stat. 1.

c. 35.

Repealed by

12 Car. 2. c. 24.

disparaged) then their Lords may hold their Land and Inheritance until they have accomplished the Age of an Heir Male, that is to wit, of One and twenty Years, and further until they have taken the Value of the Marriage.

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

C A P. XXIII.

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

A Stranger shall not be distrained for Debt.

2 Inst. 204. 205

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

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

C A P. XXIV.

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

No Officer of the King's shall disseise any.

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

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

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

mandment, or Authority certain pertaining to his Office, disseise any Man of his Freehold, nor of any Thing belonging to his Freehold; (2) ^a Inst. 206, 207. and if any do, it shall be at the Election of the Disseisee, whether that the King by Office shall cause it to be amended at his Complaint, or that he will sue at the Common Law by a Writ of *Novel disseisin*; (3) and he that is attainted thereof shall pay double Damages to the Plaintiff, and shall be grievously amerced unto the King. ¹ R. 2. c. 9.

C A P. XXV.

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

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

NO Officer of the King by themselves, nor by other, shall maintain Pleas, Suits, or Matters hanging in the King's Courts, for Lands, Tenements, or other Things, for to have Part or Profit thereof by Covenant made between them; and he that doth, shall be punished at the King's Pleasure. ^{None shall commit Champerty.}
² Inst. 207—
^{209.}
¹³ Ed. 1. stat. 1. c. 49.
²⁸ Ed. 1. c. 11.
³³ Ed. 1. stat. 3.

C A P. XXVI.

None of the King's Officers shall commit Extortion.

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

AND that no Sheriff, nor other the King's Officer, take any Reward to do his Office, but shall be paid of that which they take of the King; and he that so doth, shall yield twice as much, and shall be punished at the King's Pleasure. ² Inst. 209, 210. ^{No Officer shall commit Extortion.}
³ Ed. 1. c. 10.
¹³ Ed. 1. stat. 1. c. 44.
²³ H. 6. c. 9.
²⁸ H. 6. c. 5.

C A P. XXVII.

Clerks or Officers shall not commit Extortion.

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

AND that no Clerk of any Justicer, Escheator, or Enquiror, shall take any Thing for delivering Chapters, but only Clerks of Justices in their Circuits, and that ii s. and no more, ² Inst. 210, 211. ^{Clerks shall not commit Extortion.}

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

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

C A P. XXVIII.

Clerks shall not commit Maintenance.

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

2 Inst. 212, 213.

28 Ed. 1. c. 11.

1 Ed. 3. stat. 2.

c. 14.

4 Ed. 3. c. 11.

20 Ed. 4. c. 4.

1 R. 2. c. 4.

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

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

C A P. XXIX.

The Penalty of a Serjeant or Pleader committing Deceit.

2 Inst. 213—218.

Palm. 287, 288.

Salk. 517.

The Penalty of a Pleader committing Deceit in Court.

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

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

peine, soit a la volonte le Roi.

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

C A P. XXX.

Extortion by Justices Officers.

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

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

they have received in such manner.

C A P. XXXI.

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

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

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

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

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

1 Ld. Raym. 148, 149.

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

Magna Chart.
c.30.

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

CAP. XXXII.

*The Penalty of Purveyors not paying for what they take.
The King's Carriages.*

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

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

The Penalty
of Purveyors
not paying
for what they
take.

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

DE ceux qui pernent vita-
ille, ou null riens al oepe
le Roi a creaunce, ou a garni-
son del Chastel, ou aillours, et
quant ils avont resceu le paie-
ment al Eschequer, ou en gar-
derobe, ou aillours, detiegnent
le paiement de creaunceours,
a graunt damage de eux, et en
esclaudre de Roi; purveu est,
de ceux qount terres et tene-
mentz, qe maintenant soit leve
ceo de lour terres, et de lour
chateux, et paie as creaunce-
ours, ove les damages qils ave-
ront eu, et soient reint pur le
trespas; et sil neient terre, ne
tenement soient en la prisone
a la volente le Roi. De ceux
qui partie de dette le Roi, ou
autres lowers pernent de cre-
aunceours le Roi, pur faire le
paie de mesmes celes dettes;
purveu est, qil rendent le dou-
ble; et soient puniz grevement
a la volente le Roi. Et de
ceux qi pernent chivaux, ou
charettes, affaire le cariage le
Roi, puis qe micster ne ser-
roit,

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

King's Pleasure. (3) And of
 such as take Horse or Carts for
 the King's Carriage more than
 need, and take Rewards to let
 such Horse or Carts go; it is
 provided, That if any of the
 Court so do, he shall be grie-
 vously punished by the Mar-
 shals; (4) and if it be done
 out of the Court, or by one
 that is not of the Court, and
 be thereof attainted, he shall

Taking of
 Horses and
 Carts for the
 King.
 21 R. 2. c. 5.
 28. H. 6. c. 2.

2 Inst. 223, 224.

pay treble Damages, and shall
 forty Days.

remain in the King's Prison

CAP. XXXIII.

No Maintainers of Quarrels shall be suffered.

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

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

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

CAP. XXXIV.

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

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

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

2 Inst. 225.—
 229.

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

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

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

CAP. XXXV.

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

2 Inst. 229.—
231.

Arresting a
stranger with-
in a liberty.

Lutw. 1026.

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

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

CAP. XXXVI.

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

Cap. xxxv.
Aide.

2 Inst. 231—
235.

Wright's Ten.
105—115.

25 Ed. 3. stat. 5.
c. 11.

Repealed by
12 Car. 2. c. 24.

FORASMUCH as before this time, reasonable ayde to make ones sonne Knight, or to marrie his daughter, was never put in certaine, nor how much should be taken, nor at what time, whereby some leauied unreasonable aide, and more often than seemed necessary, whereby the people were sore grieued: It is provided that from henceforth of an whole Knights fee there be taken but xx s. and of xx. pound land holden in socage xx s. and of more, more; and of lesse lesse; after the rate. And that none shall levie such ayde to make his sonne Knight, untill his sonne be fiftene yeeres of age, nor to marrie his daughter, until

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

CAP. XXXVII.

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

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

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

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

Arms, although there be no Robbery.

CAP. XXXVIII.

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

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

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

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

¹Ed. 3. stat. 2. c. 6.

⁵Ed. 3. c. 6. & 7.

²⁸Ed. 3. c. 8.

³⁴Ed. 3. c. 7.

CAP. XXXIX.

Several Limitations of Prescription in several Writs.

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

Limitation of
Prescription in
certain Cases.

20 H. 3. c. 8.
32 H. 8. c. 2.
21 Jac. 1. c. 16.

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

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

CAP. XL.

Voucher to Warranty, and Counter-pleading of Voucher.

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

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

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

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

al

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

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

H 3

received,

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

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

received, if the Tenant will abide thereupon; (5) If not, the Tenant shall be further compelled unto another Answer, if he be not present that will warrant him freely, and incontinent enter in Answer, saving unto the Demandant his Exceptions against him, as he had afore against the first Tenant. (6) And the said Exception shall have Place, in a Writ of *Mortdaunsester*, and in the other Writs before named, as well as in Writs that concern Right. (7) And if perchance the Tenant have a Deed, that compriseth Warranty of another Man, which is bound in none of these Cases before

mentioned to the Warranty of an elder Degree; his Recovery, by a Writ of Warranty of Charters out of the King's Chancery, shall be saved to him at what Time soever he will purchase it; howbeit the Plea shall not be delayed therefore.

CAP. XLI.

The Champion's Oath in a Writ of Right.

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

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

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

CAP. XLII.

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

In what Cases after Appearance the Tenant shall not be effoined.

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

Purceo qen briefs daffises, et datteintz, et jurez de utrum, les [jurours] sont souvent travailles per effoines des te-

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

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

2 Inst. 248 —
 250.
 13 Ed. 1. stat. 1.
 c. 28.

C A P. XLIII.

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

Purceo ce les demaundantz
 sont sovent delaiez de leur
 droit, purceo qil ad plusours
 parceners tenantz, dont nul ne
 poet respoudre saunz autre,
 ou qil y ad plusours parceners
 tenantz jointement fessez, ou
 nul ne foet non seferral, et ceux
 tenantz sovent forchent per es-
 foigne, issi qe chescun eit une
 essoine; purveu est qe desore-
 mes, que yceux tenantz neient
 essoine forsque a une journe, et
 nient plus qe un soul tenant
 naverit; issint qe mes ne puis-
 sent furchier, taunt soulement
 avoer un essoine.

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

There shall be
 no Voucher,
 [Fourcher,]
 by Essoin.
 2 Inst. 250, 251.
 Hob. 8. 46.
 6 Ed. 1. stat. 1.
 c. 10.

C A P. XLIV.

In what Case Essoin ultra mare shall not be allowed.

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

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

In what Case
 an Essoin ultra
 mare will not
 lye.
 2 Inst. 251 —
 253.

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

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

C A P. XLV.

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

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

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

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

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

C A P. XLVI.

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

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

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

To what Places the Justices shall deliver the Estreats.

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

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

2 Inst. 255, 256.

C A P. XLVII.

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

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

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

2 Inst. 256 —
258.

A Writ of En-
try sur disseisin
against the
Disseisor's
Heir.

Nonage of the
Heir of the
Disseisor or
Disseisee shall
not prejudice
in Assise.

† May in any
wise come.
13 Ed. 1. stat. 1.
c. 15.

Attaint for the
Heir of the
Disseisee.

in Pleading come to an Inquest, and it passeth against the Heir within Age, and namely, against the Heir of the Disseisee, that in such Case he shall have an Attaint of the King's special Grace, without giving any Thing.

C A P. XLVIII.

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

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

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

Suit by Pro-
chein Amy.

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

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

C A P. XLIX.

The Tenant's Plea in a Writ of Dower.

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

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

EN brief de Dowerie, dount dame rien nad, mes ne soit le brief abatu per exceptioun del tenant, purceo qele avera resceu
sa



fa dowerie dautre homme
avant son brief purchace, fil ne
puisse monstrier qele eit resceu
partie de dowerie de lui mes-
mes, et en mesme la ville avant
son brief purchace.

hath received her Dower of an-
other Man before her Writ
purchased, unless he can shew
that she hath received Part of
her Dower of himself, and in
the same Town, before the
Writ purchased.

CAP. L.

A Saving to the King of the Rights of his Crown.

ET purceo que le Roi fait
cestes choses al honeure de
Dieu et de seinte eglise, et pur la
comune pru et pur allegiance
de ceux qi grevez sount, il ne
voet mie qautre foitz puissent
tourner a prejudice de lui ne de
sa corone ; mes qe les droitz, qa
lui appertinent, lui soient sau-
vez en touz pointes.

AND forasmuch as the King ^{2 Inst. 263.}
hath ordained these Things
unto the Honour of God and Holy
Church, and for the Common-
wealth, and for the Remedy of
such as be grievred, he would not
that at any other Time it should
turn in Prejudice of himself, or
of his Crown ; but that such
Right, as appertains to him,
should be saved in all Points.

CAP. LI.

Affises and Darrein Presentments at what Time taken.

ET purceo que graunt cha-
rite seroit de faire droit a
touz en tout temps miester ser-
roit, qe per assentement des pre-
latz, affises de nouvelle disseisine,
de mortdauncestre, et de dar-
rein presentement fufent prises
en le advent, et en septuagesime,
et en quaresme, auxibien come
lem fait les enquestes, et ceo
prie le Roi as evesqes.

AND forasmuch as it is great ^{2 Inst. 264 — 266.}
Charity to do right unto all
Men at all Times (when Need shall
be) by the Assent of all the Pre-
lates it was provided, That Af-
fises of Novel disseisin, Mortdaun-
cestor, and Darrain presentment,
should be taken in Advent, Septu-
agesima, and Lent, even as well
as Enquests may be taken, and
that at the special Request of the
King, made unto the Bishops.

Affises and
Darrain
Presentments
at what Time
taken.

A Statute intituled *Extenta Manerii*, made 4 EDW.
I. Stat. 1. and *Anno Dom.* 1276.

*Expressing a Survey of the Buildings, Lands, Commons, Parks,
Woods, Tenants, &c.*

IMprimis Inquirendum est de
castris, & aliis edificiis fos-
fatis circumdatis, & quantum
muri, & edificia lignea, & lapi-
dea, plumbo vel alio modo
cooperta valeant, & pro quan-
to

FIRST, It is to be inquired ^{The Buildings.}
of the Castles, and also of
other Buildings compassed a-
bout with Ditches, what the
Walls, Buildings, Timber,
Stone, Lead, and other Man-
ner