

terris dimissis ante statutum quam post statutum dum tamen tenens detinuerit ultra duos annos post statutum editum id quod solvere debuit dimissori per annum juxta scriptum convencionis illius.

De pena vasti in omnibus preterquam in dotibus & custodiis intelligatur de vastis factis post statutum. Et in pena reddendi triplum in casibus vasti de custodiis & dotibus intelligatur de vastis factis post statutum.

De illis qui alienant dotem suam intelligatur post statutum. Dat' apud Glouc' die dominica proxima post festum sancti Petri ad vincula Anno regni Regis Edwardi sexto.

be understood after the publishing of the Statute. (11) Given at Gloucester the Sunday next after the Feast of Saint Peter ad vincula, the sixth Year of the Reign of King Edward the First.

run as well unto Lands that were leased before the making of the Statute, as after, in case that the Tenant have withholden above the Space of two Years, after the Statute published, so much as he should have paid to his Lessor yearly according to the Form of the Covenant. (8) And as to the Punishment of Waste in all Cases (except it be of Dowers and Wards) it shall be understood of Wastes done sithence the Statute published. (9) And of the Forfeiture of Treble in Cases of Wastes of Dowers and Wardships, it shall be understood of Wastes committed after the Statute published. (10) And as concerning them which do aliene their Dowers, it is to

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A Statute of *Quo Warranto*, made at Gloucester, Anno 6 EDW. I. †

Claiming and using of Liberties, and Causes to seise them into the King's Hands. Complaint of Officers.

THE Year of our Lord M.CC.LXX.VIII. the Sixth ^{2 Inst. 279.} Year of the Reign of King EDWARD, at Gloucester, in the Month of *August*, the King himself providing for the Wealth of his Realm, and the more full Ministration of Justice, as to the Office of a King belongeth (the more discreet Men of the Realm, as well of high as of low Degree, being called thither) (2) it is provided and ordained, That whereas the Realm of *England* in divers Cases, as well upon Liberties as otherwise, wherein the Law failed, to avoid the grievous Damages and innumerable Disherisons that the Default of the Law did bring in, had Need of divers Helps of new Laws, and certain new Provisions, these Provisions, Statutes, and Ordinances underwritten shall from henceforth be straitly and inviolably observed of all the Inhabitants of his Realm. (3) And whereas Prelates, Earls, Barons, and other of our Realm, that claim to have divers Liberties,

† This is a Translation of the first Part of the Statute of Gloucester, as entered on the Roll, and being supposed by many to have been enacted 30 Ed. 1. has been usually inserted in that Year and omitted in the 6 Ed. 1. by Mistake. 2 Inst. 279; 280.

which to examine and judge, the King hath prefixed a Day to such Prelates, Earls, Barons, and other; it is provided and likewise agreed, That the said Prelates, Earls, Barons, and other shall use such Manner of Liberties, after the Form of the Writ here following:

A Writ to the Sheriff to permit all Men to enjoy those Liberties which they had before.

[II. Rex vic' salutem. Cum nuper in parlamento nostro apud Westmonasterium, per nos & concilium nostrum provisum sit & proclamatum, quod prelati, comites, barones, & alii de regno nostro, qui diversas libertates per chartas progenitorum nostrorum regum Anglie habere clamant, ad quas examinandas & iudicandas diem præfixerimus in eodem parlamento, libertatibus illis taliter uterentur, quod nihil sibi per usurpationem seu occupationem accrescerent, nec aliquid super nos occuparent. Tibi precipimus, quod omnes illos de comitatu tuo libertatibus suis, quibus hucusque rationabiliter usi sunt, uti & gaudere permittas in forma prædicta, usque ad proximum adventum nostrum per comitatum prædictum, vel usque ad proximum adventum justiciariorum itinerantium ad omnia placita in comitatu, vel donec aliud inde præceperimus: salvo semper jure nostro cum inde loqui voluerimus. Teste, &c.]

III. In like Manner and in the same Form Writs shall be directed to Sheriffs and other Bailiffs for every Demandant, and the Form shall be changed after the Diversity of the Liberty which any Man claimeth to have, in this wise:

A Proclamation, that they which claim Liberties, shall shew to the Justices how they hold them.

[IV. Rex vic' salutem. Præcipimus tibi, quod per totam ballivam tuam videlicet, tam in civitatibus, quam in burgis, & aliis villis mercatoriis, & alibi, publice proclamari facias, quod omnes illi qui aliquas libertates per chartas progenitorum nostrorum regum Angliæ vel alio modo, habere clamant, sint coram justiciariis nostris ad primam assisam, cum in partes illas venerint, ad ostendendum quomodo hujusmodi libertates habere clamant, & quo warranto, & tu ipse sis ibidem personaliter una cum ballivis & ministris ad certificandum ipsos justiciarios super his & aliis negotiis illud tangentibus.]

V. This Clause of Liberties, that beginneth in this wise, *Præcipimus tibi, quod publice proclamari facias, &c.* is put in the Writ of common Summons of the Justices in Eyre, and shall have a Premonition by the Space of forty Days, as the common Summons hath; (2) so that if any Party that claimeth to have a Liberty, be before the King, he shall not be in Default before any Justices in their Circuits; for the King of his special Grace hath granted, that he will save that Party harmless as concerning that Ordinance. (3) And if the same Party be impleaded upon such manner of Liberties before one or two of the foresaid Justices, the same Justices, before whom the Party is impleaded, shall save him harmless before the other Justices; and so shall the King also before him, when it shall appear by the Justices, that so it was in Plea before them as is aforesaid. (4) And if the foresaid Party be afore the King, so that he cannot be the same Day afore the said Justices in their Circuits, the King shall save that Party harmless before the foresaid Justices in their Circuits

Circuits for the Day, whereas he was before the King. (5) And if he do not come in at the same Day, then those Liberties shall be taken into the King's Hands in Name of Distress, by the Sheriff of the Place, so that they shall not use them until they come to answer before the Justices; (6) and when they do come in by Distress, their Liberties shall be replevied (if they demand them) in the which Replevins they shall answer immediately after the Form of the Writ aforesaid; (7) and if percase they will challenge, and say that they are not bounden to answer thereunto without an original Writ, then if it may appear by any mean, that they have usurped or occupied any Liberties upon the King, or his Predecessors, of their own Head or Presumption, they shall be commanded to answer incontinent without Writ, and moreover they shall have such Judgement as the Court of our Lord the King will award; (8) and if they will say further, that their Ancestors died seised thereof, they shall be heard, and the Truth shall be inquired incontinent, and according to that Judgment shall be given; (9) and if it appear that their Ancestors died seised thereof, then the King shall award an Original out of the Chancery in this Form: [Rex vic' salutem. Sum' per bonos summon' talem, quod sit coram nobis apud talem locum in proximo adventu nostro in com' prædict' vel coram justiciariis nostris ad proximam assisam, cum in partes illas venerint, ostensurus quo warranto tenet visum francipleg' in manerio suo de N. *vel sic*, quo warranto tenet hundredum de S. in com' prædict'; *vel*, quo warranto clamat habere thelonium pro se & hæredibus suis per totum regnum nostrum; & habeas ibi hoc breve. Teste, &c.] (10) And if they come in at the same Day, they shall answer, and Replication and Rejoinder shall be made; (11) and if they do not come, nor be essoined before the King, and the King do tarry longer in the same Shire, the Sheriff shall be commanded to cause them to appear the fourth Day; (12) at which Day if they come not, and the King be in the same Shire, such Order shall be taken as in the Circuit of Justices; (13) and if the King depart from the same Shire, they shall be adjourned unto short Days, and shall have reasonable Delays according to the Discretion of the Justices, as it is used in personal Actions. (14) Also the Justices in Eyre in their Circuits shall do according to the foresaid Ordinance, and according as such Manner of Pleas ought to be ordered in the Circuit. (15) Concerning Complaints made and to be made of the King's Bailiffs, and of other, it shall be done according to the Ordinance made before thereupon, and according to the Inquests taken thereupon heretofore; (16) and the Clause subscribed shall be put in a Writ of common Summons in the Circuit of the Justices assigned to common Pleas directed to the Sheriff, &c. and that shall be such: [Rex vic' salutem. Præcipimus tibi, quod publice proclamari facias, quod omnes conquerentes, seu conqueri volentes, tam de ministris & aliis ballivis nostris quibuscunque, quam de ministris & ballivis aliorum quorumcunque, & aliis, veniant coram justiciariis

Liberties seised into the King's Hands in the Name of Distress.

A Quo Warranto for a Leet or other Liberty.

A Proclamation, that all,

who will complain of the King's Officers, shall shew their Grievances to the Justices.

ciariis nostris ad primam assisam, ad quascunque querimonias suas ibidem ostendendas, & competentes emendas inde recipiendas secundum legem & consuetudinem regni nostri, & juxta ordinationem per nos inde factam, & juxta tenorem statutorum nostrorum, & juxta articulos iisdem justiciariis nostris inde traditos, prout prædicti justiciarii tibi scire faciant ex parte nostra. Teste meipso, &c. decimo die Decembris, anno regni nostri, &c.]

A Statute 30 die Octobris, Anno 7 EDWARDI I.
Stat. I. and Anno Dom. 1279.

To all Parliaments and Treaties every Man shall come without Force and Arms.

THE King to the Justices of his Bench sendeth Greeting. Whereas of late before certain Persons deputed to treat upon sundry Debates had between us and certain great Men of our Realm, amongst other Things it was accorded, That in our next Parliament after, Provision shall be made by us, and the common Assent of the Prelates, Earls, and Barons, that in all Parliaments, Treaties, and other Assemblies, which should be made in the Realm of England for ever, that every Man shall come without all Force and Armour, well and peaceably, to the Honour of us, and the Peace of us and our Realm. (2) And now in our next Parliament at Westminster, after the said Treaties, the Prelates, Earls, Barons, and the Commonalty of our Realm, there assembled to take Advice of this Business, have said, that to us it belongeth, and our Part is, through our Royal Signiory, straitly to defend Force of Armour, and all other Force against our Peace, at all Times when it shall please us, and to punish them which shall do contrary, according to our Laws and Usages of our Realm; (3) and hereunto they are bound to aid us as their Sovereign Lord at all Seasons, when Need shall be.

Every man Shall come to the Parliament peaceably.

(4)

EDWARD par la grace de Dieu Roi Dengleterre Seignur Dirland & Duc Daquit' A ses Justices du Baunk saluz.

Come nadgairs devant certains persons deputez a treter sur ascuns debates euz entre nous & ascuns des grauntz de nostre roialme entre autres choses fuisst accorde qen nostre proschein parlement apres purveiaunces fait per nous & le comune Assentement des Prelates Countes Barouns qen toutes Parlementz tretementz & autres assemblez qe se feront en le roialme Dengleterre a touz jours qe homme viegne faunz tote force & faunz armes bien & paisiblement al Honour de nous & de la pees de nous & de nostre roialme & ja en nostre proschein Parlement a Westmonstre apres le dit tretis les Prelates Countes & Barouns & le comunalte de nostre roialme illoeqes assemblees en avisement sur ceste buoigne nous eient dit qe a nous appent & devons per nostre roiale Signurie defendre fortement des armes & toute autre force countre nostre pees a toutes les foitz qe nous plerra & punir ceux qi countre viendrent selonc les leies