

THE STATUTES:
REVISED EDITION.

VOL. I.
HENRY III. TO JAMES II.
A.D. 1235-6—1685.

By Authority.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1870.

Item le Roi comaunde q̄ les viscontes & Baillifs des franchises, & toutz autrs q̄ p̄nent enditementz a lor tourns, ou ailliours ou enditementz s̄rout faitz, preignent tieux enditementz p̄ roule endente dount Lune ptie demeorge v̄s les enditours, & lautre ptie de v̄s cely qi prendra Lenqueste, issint q̄ les enditementz ne soient beseleez come avant ces heures out este, & issint q̄ un de lenqueste peut monstrier lune ptie de l'indenture a la Justice q̄ant il vendra p̄ la deliv̄aunce faire.

Item, the King commandeth, that the sheriffs and bailiffs of franchises, and all other that do take indictments in their turns, or elsewhere, where indictments ought to be made, shall take such indictment by roll indented, whereof the one part shall remain with the indictors, and the other part with him that taketh the inquest; so that the indictments shall not be imbezilled as they have been in times past; and so that one of the inquest may shew the one part of the indenture to the justices, when they come to make deliverance.

XVII.
Indictments
shall be taken
by indenture.

2 EDWARD III. A.D. 1328.

Statutū editū apud Norh't', anno r. R. E. t'ciū post conquestū s̄c'do.

STATUTE made at NORTHAMPTON;

In the SECOND Year of the Reign of K. EDWARD the THIRD
after the Conquest.

Ex magno Rot. Stat. in Turr. Lond.
m. 28.

Nr̄e seignr le Roi Edward, le tierz aps le conquete, a son plement tenuz a Norht as trois semeins de Pasch, Lan de son regne secund, desiraunt q̄ la pees de sa t̄re, & les leis & estatuz avant ces heures ordenez & usez, soient gardez & maintenuz en touz poyntz, Al honr de dieu & de seinte eglise, & a cōe p̄fit du poeple, p̄ assent des Prelatz, Countes & Barons & autres ḡantz, & tote la cōe du roialme, au dit plement somons, ordena & establīt en meisme le plement les choses sonthescrites en la forme q̄ sensuit.

OUR lord King Edward, the third after the conquest, at his Parliament holden at Northampton, at the three weeks of Easter, in the second year of his reign, desiring that the peace of his land, and his laws and statutes, ordained and used before this time, may be kept and maintained in all points; to the honour of God and of Holy Church, and to the common profit of the people, by assent of the prelates, earls, barons, and other great men, and all the commonalty summoned to the same Parliament, hath ordained and established in the said Parliament these things underwritten, in form following.

II.
Pardons for
felony.

27 *Ed. I. c. 3.*

Justices of
assise and
gaol delivery.

Oyers and
terminers.

III.
Riding or
going armed
in affray of the
peace.

* * * * *

Item, whereas offenders have been greatly encouraged, because [the ¹] charters of pardon have been so easily granted in times past, of manslaughters, robberies, felonies, and other trespasses against the peace; it is ordained and enacted, that such charter shall not be granted, but only where the King may do it by his oath, that is to say, where a man slayeth another in his own defence, or by misfortune: [Rep., Stat. Law Rev. Act, 1863.] And also they have been encouraged, because that [the justices of gaol-delivery, and of oyer and terminer, have been procured by great men ²] against the form of the statute made in the xxvij year of the reign of King Edward, grandfather to our lord the King that now is, wherein is contained, that justices assigned to take assises, if they be laymen, shall make deliverance; and if the one be a clerk, and the other a layman, that the lay judge, with another of the country associate to him, shall deliver the gaols: Wherefore it is enacted, that such [justices ³] shall not be made against the form of the said statute; and that the assises, attainments, and certifications be taken before the justices commonly assigned, which should be good men and lawful, having knowledge of the law, and none other, after the form of another statute made in the time of the said [King Edward the First; ⁴] and that the oyers and terminers shall not be granted but before justices of the one bench or the other, or the justices errants, and that for great [hurt,] or horrible trespasses, and of the King's special grace, after the form of the statute thereof ordained in time of the said grandfather, and none otherwise.

Item, it is enacted, that no man great nor small, of what condition

¹ that

² commissions of gaol delivery and of oyer and terminer have been granted to persons procured

³ commissions

⁴ grandfather

* * * * *

Ensement p^r ceo q̄ meffesours ont este esbauditz de ce q̄ chartres de pdoun ont este si leg^{ment} g^{antees} avant ces heures, des homicides, robies, felonies & autres trespas countre la pees; acorde est & establi q̄ tiels chartres ne soient mes g^{antees} fors qen cas ou le Roi le poet faire p son s^{ment}, cest assavoir en cas ou home tue autre soi defendant, ou p infortune: [Rep., Stat. Law Rev. Act, 1863.] Et auxint ont este esbauditz de ceo q̄ Justiceries as delivances des gaoles, & a oier & yminer, ont estez g^{antees} as gentz pcurez countre forme de lestatut fait en temps le Roi Edward, ael n^{re} Seign^r le Roi qore est, en quele est^r contenuz q̄ les Justices as assises pndre assignez sils soient lais, facent les delivances; et si lun soit clerc, & lautre lais, q̄ le dit lais, associe a lui un autre du pais, facent la delivance des gaols; p qoi acorde est & establi, q̄ tiels Justiceries ne soient mes g^{antees} countre la forme du dit estatut, & q̄ les assises, atteintes, & c^tifications soient pises devant les Justices cōmunement assignez, q̄ soient bones gentz & loialx & conissantz de la lei, & nemie autres; solonc la forme dun autre statut fait en temps meisme le ael; et q̄ les oiers & yminers ne soient grantees forsq - - - devant les Justices de lun Baunk & de lautre, ou les Justices errantz; & ce p^r led & orrible trespas, & de lespeciale g^{ace} le Roi, solonc forme de statut de ce ordene en temps meisme le ael; & nemie autrement.

Ensement acorde est & establi, q̄ nui, g^{ant} ne petit de quele condicion

qil soit, sauve les ſjantz le Roi en la pſence le Roi, & les Ministres le Roi, enfesantz execucion des mandementz le Roi, ou de leur office, & ceux qi sont en leur compaignies, eidantz as ditz ministres, & auxint au cri de fait darmes de pees, & ce en lieux ou tielx faitz se ferront, soit si hardi de venir devant les Justices le Roi, ou autres Ministres le Roi enfesant leur office, a force & armes ; ne force mesner en affrai de la pees, ne de chivaucher ne daler arme, ne de nuit ne de jour, en faires, marcheas, nen pſence des Justices, ne dautres Ministres, ne nule part aillours, sur peine de pdre leur armures au Roi & de leur corps a la prisone a la volonte le Roi. Et q Justices le Roi en leur pſences, viscountes & autres Ministres le Roi en leur baillies, seignrs des fraunchises & leur baillifs en yceles, & Meire & Baillifs des Citees & Burghs deinz meismes les Citees & Burghs, Burghaldres, conestables, & gardeins de la pees deinz leur gardes, eient poair affaire execucion de cest acord. Et q les Justices assignez, a leur venu en pais, eient poair denquere coment tielx Ministres & seignrs ont use leur office en ce, & de punir ceux qils trovont, qi nount mie fait ce q a leur office appent.

Et pce q la pees ne poet mie estre bien garde sauntz bons ministres, come

soever he be, except the King's servants in his presence, and his ministers in executing of the King's precepts, or of their office, and such as be in their company assisting them, and also [upon a cry made for arms to keep the peace, and the same in such places where such acts happen,¹] be so hardy to come before the King's justices, or other of the King's ministers doing their office, with force and arms, nor bring no force in affray of the peace, nor to go nor ride armed by night nor by day, in fairs, markets, nor in the presence of the justices or other ministers, nor in no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison at the King's pleasure. And that the King's justices in their presence, sheriffs, and other ministers (*) in their bailiwicks, lords of franchises, and their bailiffs in the same, and mayors and bailiffs of cities and boroughs, within the same cities and boroughs, and borough-holders, constables, and wardens of the peace within their wards, shall have power to execute this act. And that the justices assigned, at their coming down into the country, shall have power to enquire how such officers and lords have exercised their offices in this case, and to punish them whom they find that have not done that which pertained to their office.

Item, because the peace cannot be well kept without good ministers, as

¹ upon a proclamation of deeds of arms in time of peace, and that in places where such deeds are to be done,

—See Lib. Rub. Scac. Westm. fo. 122 b.

a writ reciting a grant of K. Richard I. "qd Torneaſta ſint in Angl in v. placias : Inl Sarſ & Wilton : Inl Warrewich & Kenelingworth : Inl Stanford & Warneford : Inl Brakele & Mixebſ : Inl Blie & Tykehiff. Ita qd pax tre nre nō infringetſ, nō potestas Justiciaria minorabitſ Nec de forestis nris dāpnū inferetſ."

² of the King

IV.
The Statute of
Lincoln,
9 Edw. II.
concerning
sheriffs, &c.
confirmed.

sheriffs, bailiffs, and hundreders, which ought to do execution as well of the King's privities as of other things touching our lord the King and his people; it is ordained and established, that the Statute made in the time of King Edward, father to the King that now is, at Lincoln, containing that sheriffs, hundreders, and bailiffs shall be of such people as have lands in the same shires or bailiwicks, shall be observed in all points after the form thereof; and that sheriffs and bailiffs of fee shall cause their counties and bailiwicks to be kept by such as have lands therein.

V.
The Statute
Westminster
the Second,
13 Edw. I.
chapter 39,
concerning the
delivery of
writs to the
sheriff, con-
firmed.

Item, where it was ordained by the Statute of Westminster the Second, that they which will deliver their writs to the sheriff, shall deliver them in the full county, or in the rere county, and that the sheriff or under-sheriff shall thereupon make a bill; it is accorded and established, that at what time or place in the county a man doth deliver any writ to the sheriff or to the under-sheriff, that they shall receive the same writs, and make a bill, after the form contained in the same statute, without taking any thing therefore; and if they refuse to make a bill, others that be present shall set to their seals; and if the sheriff or under-sheriff do not return the said writs, they shall be punished after the form contained in the same statute; and also the justices of assises shall have power to enquire thereof at every man's complaint, and to award damages, as having respect to the delay, and to the loss and peril that might happen.

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VIII.
Commands
shall not be
in delay of
justice.

Item, it is accorded and established, that it shall not be commanded by the great seal nor the little seal to disturb or delay common right; and though such commandments do come,

Viscountes, Baillifs, & Hundreders qi deivent faire execucior, auxibien des pivetez le Roi come dautres choses tochantes le Roi & son poeple, acorde est & establi q̄ lestatut fait en temps le Roi Edward, piere le Roi qore est, a Nicole, contenant q̄ Viscontes, Hundreders & Baillifs soient des gentz eantz f̄res en meismes les Countez, ou baillies, soit garde en touz pointz solonc la forme dycel, & auxint q̄ les Viscountes & Baillifs de fee, facent garder meismes lour Countez & Baillies p gentz eantz f̄res en yceles.

Ensement la ou ordine est, p statut de Westmons^r le secund, q̄ ceux q̄ liv̄er volent lour briefs as viscountes, les liv̄ent en plein Counte, ou en rerecounte, & q̄ visconte ou southvisconte facent sur ce bille; acorde est & establi q̄ a quele heure ou a queu lieu deinz le Counte home livre a viscountes, ou a southviscontes, briefs, qils les resceivent & facent bille en la forme contenue en le dit estatut, & ce sanz rien p̄ndre; et sils refusent de faire bille, mettent autres lour sealx qi s̄ront p̄sentz; et si le Viscounte ou le Southviscounte ne retorne mie les briefs, soient puniz solonc la forme contenue en le dit estatut; & jadumeins eient les Justices as assises p̄ndre assignez poair denquer de ce a chescuny plainte & de agarder damages, eant regard au delai, & a les ptes & pils qi p̄ront avenir.

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Ensement acorde est & establi q̄ mande ne soit, p le ḡant seal ne p le petit seal, a destourber ou delayer cōe droit; & mesq, tielx mandementz

veignent q̄ p tant les Justices ne s'rses-
sent pas de faire droit en nul point.

* * * * *
Et come touz les Countez Dengleire furent auncienement assis a cteine ferme, & adonqs furent touz les Hundredz & les Wapentakes, en les meins des viscountes, aporcionez a cele ferme, et puis furont approwours mandez en diŷs Contez, les queux encrustrent les fermes dascuns Hundredz & Wapentakes, et puis les Rois en diŷs temps ont gantez as diŷs gentz pties des Hundredz & Wapentakes, p^r les auncienes fermes tantseulement, & jatardeis les viscountes sont chargez entierment del encrees q̄ amount a gante sūme, a gant damage du poeple & deshitance de viscountes & de lour heirs; acorde est & establi q̄ des Hundredz & Wapentakes baillez a ferme p le Roi qore est, soit il a ŷme de vie ou autrement, q̄ auncienement furent annex as fermes des Countez ou les viscountes sont chargez, soient rejointz as Countez, et q̄ de temps passe eient les viscountes ou lour heires allowance; & q̄ desore en avant teux Wapentakes, ne Hundredz ne soient donez ne seŷez des Countez.

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Ensement est acorde & establi q̄ maunde soit a touz les viscountes Dengleire, & p aillours ou mestier ŷra, a crier & publier, deinz fūunchises & dehors, q̄ touz les Seign^{rs} q̄ feires enount, soit il p^r cteine ferme ent rendant au Roi, ou autrement, les tieignent p^r le temps qils deŷont, & nemie outre; cest asavoir ceux qi les out p chres des Rois p^r les temps a eux gantez p les dites chres; et ceux qi les out sanz chre p^r temps queux ils les doivent tenir de droit. Et q̄ chescun Seign^r au comencement de sa

the justices shall not therefore leave to do right in any point.

* * * * *
Item, whereas all the counties in England were in old time assessed to a certain ferm, and then were all the hundreds and wapentakes in the sheriffs hands rated to this ferm; and after were approvers sent into divers counties, which did increase the fermes of some hundreds and wapentakes; and after, the Kings at divers times have granted to many men part of the same hundreds and wapentakes for the old fermes only; and now late the sheriffs be wholly charged of the increase, which amounteth to a great sum, to the great hurt of the people, and disherison of the sheriffs and their heirs: It is ordained, that the hundreds and wapentakes let to ferm by the King that now is, be it for term of life or otherwise, which were sometimes annexed to the fermes of the counties where the sheriffs be charged, shall be joined again to the counties; and that the sheriffs and their heirs have allowance for the time that is past; and that from henceforth such hundreds and wapentakes shall not be given nor severed from the counties.

* * * * *
Item, it is established, that it shall be commanded to all the sheriffs of England, and elsewhere where need shall require, to cry and publish within liberties and without, that all the lords which have fairs, be it for yielding certain ferm for the same to the King, or otherwise, shall hold the same for the time that they ought to hold it, and no longer; that is to say, such as have them by the King's charter granted them, for the time limited by the said charters; and also they that have them without charter, for the time that they ought to hold them of right. And that every lord at the beginning of his fair shall there

XII.
Hundreds and wapentakes shall be annexed to counties, and not let to ferm.

XV.
Keeping of fairs, for the time limited by charter, &c.

do cry and publish how long the fair shall endure; to the intent that merchants shall not be at the same fairs over the time so published, upon pain to be grievously punished towards the King; nor the said lords shall not hold them over the due time, upon pain to seize the fairs into the King's hands, there to remain till they have made a fine to the King for the offence, after it be duly found, that the lords held the same fairs longer than they ought, or that the merchants have sitten above the time so cried and published.

XVI.
See Stat.
12 Edw. II.
c. 3.

Inquests in the
country shall
be granted on
request of the
tenant.

Item, whereas in a Statute made at York, in the time of the father of our lord the King that now is, it is contained that inquests and juries, which be and shall be hereafter taken, requiring no great examination, shall be taken before one justice of the place where the plea is, adjoining to him one discreet man of the country, knight, or other, so that a certain day be given in the bench, and a certain day and place in the country, in the presence of the parties, if the demandant pray the same; and also the inquests and juries in plea of land, which require great examination, shall be taken in the country in the said form before two justices of the bench: It is accorded and enacted, that all such inquests which are, or in time to come shall be taken, in plea of land, shall be taken as well at the request of the tenant as the demandant; all other process according to the said statute in such case saved and kept.

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feire face crier & publier en ycele come longement sa feire se tendra, Issint q̄ les Marchantz ne secessent es dites feires outre le temps issint publiez, sur peine destre grevement puniz deᵛs le Roi; ne q̄ les ditz Seignrs outre les droitz temps les tieignent, sur peine aᵇndre les feires en la meyn le Roi, a demorer tanqils eient fait fin au Roi p^r le trespas, aᵇs ceo q̄ trove s̄ra duement qe les Seignrs les ount tenuz plus longement qils deᵛont, ou q̄ les marchauntz ount sis outre le temps issint publiez & criez.

Et come en un estatut fait a Eᵇwyk, en temps le piere n̄re Seignr le Roi q̄ore est, soit contenuz q̄ les enquestes & jurees qe sont & s̄ront aᵇndre, q̄ ne sont mie de g^{ant} examinement, soient p̄ses devant un Justice de la place ou la plee est, associe a lui un pdhōme du pais, Chivaler ou autre, issint q̄ c̄tein jour soit done en Bank, & c̄tein jour & lieu en pais en p̄sence de pties, si le demandant le p̄ie; & auxint les enquestes & jurees en plee de l̄re, qe demandent g^{ant} examinement, soient p̄ses en pais en la forme susdite devant deux Justices du Bank: acorde est & establi q̄ totes tiels enquestes, q̄ sont ou en temps avenir a p̄ndre s̄ront, en plee de l̄re, soient p̄ses auxibien a la piere le tenant come le demandant; tout lautre p̄ces acorde en dit estatut, en tien cas sauve & garde.

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