



# Commons Act 1285

<sup>F1X1</sup>1285 CHAPTER 46 13 Edw 1

## Editorial Information

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

## Textual Amendments

- F1** Act repealed (N.I.) by [Statute Law Revision Act 1950 \(c. 6\)](#)

## Modifications etc. (not altering text)

- C1** Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#).  
**C2** Act amended by [Law of Commons Amendment Act 1893 \(c. 57\)](#), [s. 2](#).

## **XLVI Stat. Merton20H. 3. c. 4. Lords may approve Common against their Neighbours, leaving them sufficient. Usurpation of Common during the Estate of particular Tenants.**

Whereas in a Statute made at Merton, it was granted that Lords of Wastes, Woods, and Pastures, might approve the said Wastes, Woods, and Pastures, notwithstanding the Contradiction of their Tenants, so that the Tenants had sufficient Pasture to their Tenements with free [<sup>X2</sup>Egress and Regress to] the same: And Forasmuch as no Mention was made between [<sup>X3</sup>Neighbours and Neighbours,] many Lords of Wastes, Woods, and Pastures, have been hindered heretofore by the Contradiction of Neighbours having sufficient Pasture: And because foreign Tenants have no more Right to Common in the Wastes, Woods, or Pastures of any Lord than the Lord's own Tenants; It is Ordained, That the Statute of Merton, provided between the Lord and his Tenants, from henceforth shall hold Place between Lords of Wastes, Woods, and Pastures, and their Neighbours; Saving sufficient Pasture to their Tenants and Neighbours, so that the Lords of such Wastes, Woods, and Pastures, may make Approvement of the Residue. And this shall be observed for such as claim Pasture as appurtenant to their Tenements. But if any do claim Common (<sup>X4</sup>) by special Feoffment or Grant for a certain Number of Beasts, or otherwise [<sup>X5</sup>which] he ought to have of common Right, [<sup>X6</sup>whereas Covenant barreth the Law,] he shall have such Recovery as

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he ought to have had by Form of the Grant made unto him: By occasion of a Windmill, Sheepcote Deyry, inlarging of a Court necessary, or Courtelage, from henceforth no Man shall be grieved by Assise of Novel Disseisin for Common of Pasture . . . <sup>F2</sup> And where one, having no Right to Common, usurpeth Common what Time an Heir is within Age, or a Woman is covert, or whilst the Pasture is in the Hands of Tenants in Dower, by the Courtesy, or otherwise for Term of Life or Years, or in Feetail, and have long Time used the Pasture, many hold opinion, that such Pastures ought to be said to belong to [<sup>X7</sup>the] Freehold, and that the Possessor ought to have Action by a Writ of Novel Disseisin, if he be deforced of such Pasture; but from henceforth this must be holden, that such as have entred within the Time that an Assise of Mortdauncestor [<sup>X8</sup>hath lien,] if they had no Common before, shall have no Recovery by a Writ of Novel Disseisin, if they be deforced.

Cum in Statuto edito apud  
mōton concessum fuit qd dñi  
boscos, vastos, pastus appuare  
se possent de boscis, vastis &  
pastu illis, non obstante con-  
tradictōe tenenciū suoz,  
dūmodo tenentes ipi herent suf-  
ficientē pasturam ad tēi sua cū  
libo ingressu & egū ad eandem,  
& p eo qd nulla fiebat mencio  
inf vicini & vicini, multi dñi  
boscos, vastos & pasturas,  
hucusq impediti extitunt p  
contradicōem viciniū sufficien-  
tem pasturam hencium; Et quia  
forinseci tenentes non hent  
majus jus cōcandi in bosco,  
vasto aut pastura, alicujus dñi  
qm pprii tenentes ipius dñi;  
Statutum est de cō, qd Statu-  
tum apud mōton pvisum inf dñm  
& tenentes suos locum heat  
de cō inf dños boscos vastos  
& pasturas & vicini; Ita qd  
dñi huiusmodi vastos boscos &  
pasturas, salva sufficiente pas-  
tura hominibz suis & viciniis,  
appuare se possint de residuo.  
Et hoc obsvēt de his qui clam  
pasturam tanqm pñentē ad  
tēi sua. Set si q's clam cōmu-  
nam p spale feoffamentū, vel  
concessionem ad certum  
nummū avōz vel alio modo  
qm de jure cūi here deberet,  
cum convencio legi deroget,  
heat suū recupare quale here  
deberet p formam concessionis

s fce: ocōe molendini vent cii,  
Bercaī, vaccaī, augmentacōis  
cur necessar aut Curtilag  
de cō non gravetur quis p  
asim nove disseie de cōmuna  
pasture. Et cum contingat aliq  
qd aliquis jus hens appuare se,  
fossatū aut sepem levavit, & ali-  
qui nociant vel alio tali tempe  
quo non credū fūm sui sciri,  
fossatum vel sepem prostrāvint,  
nec sciri pōit p veredim assie  
aut Jurate qui fossatum aut  
sepem prostrāvint, nec velint  
homines de villatis viciniis indi-  
ciare de hujusmodi fco culpab-  
iles, distringant ppinque villate  
circumadjacentes levare fos-  
satum aut sepem ad custum  
ppm & dampna restituere. Et  
cum aliquis jus non hens cōi-  
candi usurpent cōmunam,  
tempe quo heredes extint infra  
etatem, vel ux sub potestate  
viroz suoz existentes, vel pas-  
tura sit in manu tenenciū in  
dotem, p legem Angl. vel aliter  
ad fminū vite vel annoz, vel p  
feodum talliatū, & pastura illa  
dñi usi fūint, multi sunt in opi-  
nionē qd huiusmodi pasture  
debet dici pñre ad libum tēi,  
& qd huiusmodi possessori com-  
pete debet accio p breve nove  
disseie, si huiusmodi pastura  
deforciat; set de cō tenend est  
qd hentes huiusmodi ingrum a  
tempe quo currit bñe mortis  
antecessoris si antea cōmunam  
non fuerunt, non hent recu-  
pare p breve nove disseie si  
fuerint deforciati.

### Editorial Information

- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: Ingress and Egress into and from: *Stat. 3 & 4 Ed. VI c. 3*
- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: Neighbour and Neighbour: *Stat. 3 & 4 Ed. VI c. 3*
- X4** Variant reading of the text noted in *The Statutes of the Realm* as follows: of Pasture: *Stat. 3 & 4 Ed. VI c. 3*
- X5** Variant reading of the text noted in *The Statutes of the Realm* as follows: than: *Stat. 3 & 4 Ed. VI c. 3*
- X6** Variant reading of the text noted in *The Statutes of the Realm* as follows: where Covenant doth abrogate the Law: *Stat. 3 & 4 Ed. VI c. 3*
- X7** Variant reading of the text noted in *The Statutes of the Realm* as follows: his: *Stat. 3 & 4 Ed. VI c. 3*
- X8** Variant reading of the text noted in *The Statutes of the Realm* as follows: doth lye: *Stat. 3 & 4 Ed. VI c. 3*

### Textual Amendments

- F2** Words repealed by Act 7 & 8 Geo. 4 c. 27

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**Changes to legislation:**

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