



The Statute of Marlborough 1267 [Distress]

1267 CHAPTER 1 52 Hen 3 cc 1 4 15

The STATUTE of MARLBOROUGH.
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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.

Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch 2](#)

Provisions made at Marlborough in the Presence of our Lord King Henry, and Richard King of the Romans, and the Lord Edward eldest Son of the said King Henry, and the Lord Ottobon, at that Time Legate in England.

In the Year of Grace, One thousand two hundred sixty-seven, the two-and-fiftieth Year of the Reign of King Henry, Son of King John, in the Utas of Saint Martin, the said King our Lord providing for the better Estate of his Realm of England, and for the more speedy Ministration of Justice, as belongeth to the Office of a King, the more discreet Men of the Realm being called together, as well of the higher as of the lower Estate: [^{X2}It was Provided, agreed, and ordained, that whereas the Realm of England of late had been disquieted with manifold Troubles and Dissensions; for Reformation whereof Statutes and Laws be right necessary, whereby the Peace and Tranquillity of the People must be observed; wherein the King, intending to devise convenient Remedy, hath made these Acts, Ordinances, and Statutes underwritten, which he willeth to be observed for ever firmly and inviolably of all his Subjects, as well high as low.]

Changes to legislation: There are currently no known outstanding effects for the
The Statute of Marlborough 1267 [Distress]. (See end of Document for details)

Editorial Information

- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: *It was Provided and established and with full consent ordained, That (whereas the Realm of England having been of late depressed by manifold Troubles and the evils of Dissensions, standeth in need of a Reformation of the Laws and Usages, whereby the Peace and Tranquillity of the People may be preserved, whereto it behoved the King and his liege Men to apply an wholesome Remedy,) the Provisions, Ordinances, and Statutes underwritten, should be firmly and inviolably observed by all the People of the same Realm, as well high as low, for ever.*

I Of wrongful Distresses, or Defiances of the King's Courts. Punishment for unlawful Distresses.

Whereas at the time of a Commotion late stirred up within this Realm, and also sithence, many great Men, and divers other, [^{X3}refusing to be justified] by the King and his Court, like as they ought and were wont in Time of the King's noble Progenitors, and also in his Time; but took great Revenges and Distresses of their Neighbours, and of other, until they had Amends and Fines at their own Pleasure; and further, some of them [^{X4}would not be justified] by the King's Officers, nor [^{X5}would] suffer them to make Delivery of such Distresses as they had taken of their own Authority (^{X6}); It is Provided, agreed, and granted, that all Persons, as well of high as of low Estate, shall (^{X7}) receive Justice in the King's Court; and none from henceforth shall take any such Revenge or Distress of his own Authority, without Award of [^{X8}our] Court, though he have Damage or Injury, whereby he would have amends of his Neighbour either higher or lower.

And upon the foresaid Article It is Provided and granted, that if any from henceforth take such Revenges of his own Authority, without Award of the King's Court as before is said, and be convict thereof, he shall be punished by Fine, and that according to the Trespass; and likewise if one Neighbour take a Distress of another without Award of the King's Court, whereby he hath Damage, he shall be punished in the same wise, and that after the Quantity of the Trespass; and nevertheless sufficient and full Amends shall be made to them that have sustained Loss by such Distresses.

Editorial Information

- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: have disdained to be justised
X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: will not be justised
X5 Variant reading of the text noted in *The Statutes of the Realm* as follows: will
X6 Variant reading of the text noted in *The Statutes of the Realm* as follows: *at their own Pleasure*
X7 Variant reading of the text noted in *The Statutes of the Realm* as follows: *do, and*
X8 Variant reading of the text noted in *The Statutes of the Realm* as follows: *the King's*

IV Distresses shall not be driven out of the County. Distresses shall be reasonable.

None from henceforth shall cause any Distress that he hath taken, to be driven out of the County where it was [taken]; and if one Neighbour do so to another of his own Authority, and without Judgment, he shall make Fine, as above is said, as for a Thing done against the Peace; nevertheless, if the Lord Presume so to do against his Tenant, he shall be grievously punished by Amerciament.

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Moreover, Distresses shall be reasonable, and not too great; and he that taketh [^{X9}great] and unreasonable Distresses, shall be grievously amerced for the Excess of such Distresses.

Editorial Information

X9 Variant reading of the text noted in *The Statutes of the Realm* as follows: *undue*

XV In what Places Distresses shall not be taken.

It shall be lawful for no Man from henceforth, for any manner of cause, to take Distresses out of his Fee, nor in the King's Highway, nor in the common Street, but only to the King or his Officers, [having special authority to do the same.]

Statutum de Marleberge.

Ex Lib. Rub. Scacc. Westm. fo. 243.

Provisiones facte apud Marlebergh, p̄sent D̄no Rege H. & R. Rege Alem̄. & D̄no Edwardo filio ejusd̄ H. Reḡ Primogeniti, & D̄no Octobono tunc legato in Angl̄.

Anno gr̄e M^o C^o LX^o septimo, regi aut̄em D̄ni H. Regis filii Regis Joh̄is quinquagesimo secundo, in Oclab̄ S̄ci Martini, p̄vidente ip̄o D̄no Rege, ad regi sui Angl̄ meliorac̄dem & exhibic̄dem justicie put̄ regalis officii exposuit utilitas meliorem, convocatis discret̄oribz ejusdem regi tam ex majoribz q̄m minoribz; p̄visum est & statutū ac concordatū ordinatū, ut cū regni Angl̄ multis tribulac̄ionibz & dissensionū incommodis nup̄ dep̄ssum, reformac̄one legum & Jurū, quibz pax & t̄n̄squil̄itas

incolaꝝ conserveꝛ, indigeat, ad quod remediū salubre p̄ ip̄m Regem & suos fideles oportuit cōsiderari, provisiones, ordinac̄es & statuta subsc̄pta, ab om̄ibz regi ip̄ius incolis tam majoribz q̄m minoribz firm̄ ac inviolabil̄i temp̄ibz p̄petuis observent̄.

Cum igit̄ tempore turbac̄ionis nup̄ in Regno suborte & deinceps, multi Magnates & alii justiciam nō dignati fuerint recipe p̄ D̄m̄ Regem & Cur̄ ejus, put̄ debilit̄ & consuev̄nt temp̄ibz p̄cessorū ip̄ius D̄ni Regis & temp̄e suo, set̄ de vicinis suis et aliis p̄ seip̄os graves ulc̄iones fec̄nt, & graves distric̄iones, quousq̄ redemp̄c̄iones receipt̄, ad voluntatem suam. Et p̄tea quidam eorū se justiciari nō

pm̄tant p̄ ministros D̄ni Regis, it̄ sustinent̄ eorū p̄ eos lib̄er̄ distric̄iones quas auctoritate p̄pria fec̄nt ad voluntatem suam: p̄visum est & concordatū concessum, qd̄ tam majores q̄m minores justiciam [faciant] & recipiant in Cur̄ D̄ni Regis; et nullus de celo ulc̄iones aut distric̄iones faciat p̄ p̄p̄riam voluntatem suam, absq̄ considerac̄ione Cur̄ D̄ni Regis, si forte dampni v̄l injuria sibi fiat unde emendas fere volūt de vicino suo, sive majore sive minore.

Sup̄ articulo aut̄ē sup̄ d̄co p̄visum est & concessum, ut si quis de celo ulc̄em h̄i capiat p̄ voluntatem suam p̄p̄riam, sine considerac̄ione Cur̄ D̄ni Regis (?) & inde cōvincat̄, puniatur p̄ redemp̄c̄ionem, & hoc sc̄dm̄ q̄ntitatem delicti; & similif̄ si sup̄ vicinū suū faciat distric̄iones sine considerac̄ione Cur̄ D̄ni Regis, p̄ quod dampni h̄eat, puniat̄ eod̄m

modo, & hoc sc̄dm̄ [delicti sui qualitatē] & nichilomin^o fiant emende plene & sufficientes eis qui dampni s̄imilit̄ p̄ h̄i distric̄ionem.

Nullus de celo d̄ic̄e faciat distric̄iones quas fec̄it ex^o Cor̄m̄ quo fuit̄: Et si vicinus hoc fec̄it sup̄ vicinū p̄ voluntatem suam & sine iudic̄io, puniat̄ p̄ redemp̄c̄ionem ut sup̄, veluti de re conf̄ passim: Ver̄im̄p̄t̄ si D̄ns h̄oc sup̄ tenet̄em suā fac̄e p̄sump̄t̄, castigetur p̄ ḡvem̄ missam.

Distric̄iones inop̄ sunt conabiles & nō nimis graves; & si quis distric̄iones fec̄it intractabiles & insolubiles, ḡoif̄ amittet̄ p̄p̄ excessum distric̄ionū ip̄arū.

[* Nulli de cetero liceat ex quacūq̄ causa distric̄iones facere ext̄ feodum suū, neq̄ in regia aut cōi strata, nisi D̄no Regi & ministris suis.]

¹Statutum delicti MS. Cor. Lib. Scacc. X.
²This Clause is inserted in the Text from the Close Roll—Lib. Rub. Scacc. & Lib. X on the Close Roll.
³For Part. MS. Cor. Rub. Scacc. several MSS. and the Printed Copy insert it in this place.

¹From MS. Cor. Close R. Lib. Scacc. & The Copy in MS. Cor. in several MSS.
²ut pl̄m̄ est MS. Cor.

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