



The Statute of Marlborough 1267 [Distress]

1267 CHAPTER 1 52 Hen 3 cc 1 4 15

E+W

The STATUTE of MARLBOROUGH.
xi

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. **E+W**

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. **E+W**

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. **E+W**

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 Dño Rege H. & R. Rege Alem. & Dño Edwardo filio ejusdē H. Regis Primogeniti, & Dño Octobono tunc legato in Angl.

Anno gr̄e M^o C^o C^o LX^o septimo, regni autem Dñi H. Regis filii Regis Johis quinquagesimo secundo, in Oclab Sci Martini, pvidente ip̄o Dño Rege, ad regni sui Angl melioracōem & exhibicōem justicie put regalis officii exposuit utilitas meliorem, convocatis discretioribz ejusdem regni tam ex majoribz q̄m minoribz; pvisum est & statutū ac concordatū ordinatū, ut cū regni Angl multis tribulacōnibz & dissensionū incomodis nup deppsum, reformacōne legum & Jurū, quibz pax & t̄nquillitas

incolaꝝ conserveꝝ, indigeat, ad quod remediū salubre p ip̄m Regem & suos fideles oportuit cūlteri, provisiones, ordinacōes & statuta subsc̄pta, ab omnibz regni ip̄ius incolis tam majoribz q̄m minoribz firmā ac inviolabilē tempibz ppetuis observat.

Cum igit̄ tempore turbacōnis nup in Regno suborte & deinceps, multi Magnates & alii justiciam nō dignati fuerint recipe p Dñm Regem & Cur̄ ejus, put debulit & consuevit tempibz p̄cessorū ip̄ius Dñi Regis & temp̄e suo, set de vicinis suis et aliis p seipos graves ulcōnes fecit, & graves districōnes, quousq̄ redempcōnes receipt, ad voluntatem suam. Et p̄ca quidam eorū se justiciari nō

pm̄tant p ministros Dñi Regis, it̄ sustinent qd̄ p eos libent̄ districōnes quas auctoritate ppria fecerunt ad voluntatem suam: pvisum est & concordatū concessum, qd̄ tam majores q̄m minores justiciam [faciant] & recipiant in Cur̄ Dñi Regis; et nullus de celo ulcōnes aut districōnes faciat p ppriam voluntatem suam, absq̄ consideracōne Cur̄ Dñi Regis, si forte dampni vi injuria sibi fiat unde emendas fere volūt de vicino suo, sive majore sive minore.

Sup articulo autē sup̄dco pvisum est & concessum, ut si quis de celo ulcēm h̄i capiat p voluntatem suam pp̄am, sine consideracōne Cur̄ Dñi Regis (?) & inde cōvinat̄, puniatur p redempcōem, & hoc sc̄dm q̄ntitatem delicti; & similif si sup vicinū suū faciat districōnes sine consideracōne Cur̄ Dñi Regis, p quod dampni hec, puniat̄ eodm

¹Non MS. Copy. Cited in *The Lib. Scacc. & The Copy in MS. Copy. is marked by a red line.
²ut p̄lōm est MS. Copy.*

modo, & hoc sc̄dm [delictū sui qualitatē] & nichilomin^o fiant emende plene & sufficientes eis qui dampnū s̄milit p h̄i districōem.

Nullus de celo dūc̄ faciat districōnes quas fecit ex^o Corū in quo fuit: Et si vicinus hoc fecit sup̄ vicinū p voluntatem suam & sine iudicō, puniat̄ p redempcōem ut sup̄, veluti de re conf̄ passim: Verūm̄p̄ si Dñs hoc sup̄ tenetem suū fac̄ p̄sump̄t, castigetur p ḡvem misericordiam.

Districōnes insep̄ sunt conabiles & nō nimis graves; & si quis districōnes fecit intractabiles & indelētes, ḡvif̄ amittet̄ pp̄ excessum districōni ip̄as.

[¹ Nulli de cetero liceat ex quacūq̄ causa districōnes facere ext̄ feodum suū, neq̄ in regia aut cōi strata, nisi Dño Regi & ministris suis.]

¹Statutum delicti MS. Copy. Lib. Scacc. & The Copy in MS. Copy. is marked by a red line. See *The Lib. Scacc. & The Copy in MS. Copy. is marked by a red line.* Several MSS. and the *Printed Copy* insert it in this place.

Changes to legislation:

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