



Commons Act 1285 (repealed)

1285 CHAPTER 46 13 Edw 1

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 [^{X1}Egress and Regress to] the same: And Forasmuch as no Mention was made between [^{X2}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 (^{X3}) by special Feoffment or Grant for a certain Number of Beasts, or otherwise [^{X4}which] he ought to have of common Right, [^{X5}whereas Covenant barreth the Law,] he shall have such Recovery as he ought to have had by Form of the Grant made unto him: By occasion of a Windmill, Sheepcote Deyry, enlarging of a Court necessary, or Courtelage, from henceforth no Man shall be grieved by Assise of Novel Disseisin for Common of Pasture . . . ^{F1} 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 [^{X6}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 [^{X7}hath lien,] if they had no Common before, shall have no Recovery by a Writ of Novel Disseisin, if they be deforced.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Commons Act 1285 (repealed), Section XLVI. (See end of Document for details)

Cum in Statuto edito apud
mōton concessum fuit qd Dñi
boscoꝝ vastoꝝ pastuꝝ appruare
se possent de boscis, vastis &
pastuꝝ illis, non obstante con-
tradictōe tenenciū suoꝝ,
dūmodo tenentes ipi herent suf-
ficiēte pasturam ad teū sua cū
libo ingressu & equo ad eandem,
& p eo qd nulla fiebat mencio
inf viciniū & viciniū, multi dñi
boscoꝝ, vastoꝝ & pasturaz,
hucusq̄ impediti extint p
cont̄dictōem viciniꝝ sufficien-
tem pasturam herentium. Et quia
forinseci tenentes non hent
majus jus cōicandi in bosco,
vasto aut pastura, alicujus dñi
qm̄ ppri tenentes ipsius dñi;
Statutum est de ceo, qd Statu-
tum apud mōton pvisum inf dñm
& tenentes suos locum heat
de ceo inf dños boscoꝝ vastoꝝ
& pasturaz & viciniꝝ; Ita qd
dñi huj'modi vastoꝝ boscoꝝ &
pasturaz, salva sufficiēte pas-
tura hominibꝝ suis & viciniis,
appruare se possint de residuo.
Et hoc ob̄vet̄ de his qui clam
pasturam tanqm̄ plēntē ad
teū sua. Set si qs clam cōmu-
nam p spale feoffamentū, vel
concessionem ad certum
nūm̄ avioꝝ vel alio modo
qm̄ de jure cōi here deberet,
cum conventio legi deroget,
heat suū recupare quale here
deberet p formam concessionis

s fce: ocōe molendini vent cii,
Bercaꝝ, vaccaꝝ, augmentaciōis
cuꝝ necessaꝝ aut Curtillag
de ceo non gravetur quis p
asēm nove disēie de cōmuna
pasture. Et cum contingat aliqui
qd aliquis jus hens appruare se,
fossatū aut sepem levavit, & ali-
qui moꝝtanti vel alio tali tempe
quo non credit̄ factum sui sciri,
fossatum vel sepem prostrāvint,
nec sciri pōit p veredēm assie
aut Jurate qui fossatum aut
sepem prostrāvint, nec velint
homines de villatis viciniis indi-
cāre de hujusmodi fco culpab-
iles, distringant̄ p̄pinque villate
circumadjacentes levare fos-
satum aut sepem ad custum
ppum & dampna restituere. Et
cum aliquis jus non hens cōi-
candi usurpent cōmunam,
tempe quo heredes extint infra
etatem, vel ux̄ sub potestate
vitoꝝ suoꝝ existentes, vel pas-
tura sit in manu tenenciū in
dotem, p legem Angl, vel aliter
ad f̄mini vite vel annoꝝ, vel p
feodum talliatū, & pastura illa
diu usi f̄int, multi sunt in opi-
nionē qd huj'modi pasture
debet dici p̄t̄re ad libum teū,
& qd huj'modi possessori com-
pete debet accio p breve nove
disēie, si huj'modi pastura
deforciet; set de ceo tenend est
qd hentes huj'modi ingrum a
tempe quo currit bie mortis
antecessoris si antea cōmunam
non fuerunt, non hent recu-
pare p breve nove disēie si
fuerint deforciatū.

Editorial Information

- X1 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*
- X2 Variant reading of the text noted in *The Statutes of the Realm* as follows: Neighbour and Neighbour: *Stat. 3 & 4 Ed. VI c. 3*
- X3 Variant reading of the text noted in *The Statutes of the Realm* as follows: of Pasture: *Stat. 3 & 4 Ed. VI c. 3*
- X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: than: *Stat. 3 & 4 Ed. VI c. 3*
- X5 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*
- X6 Variant reading of the text noted in *The Statutes of the Realm* as follows: his: *Stat. 3 & 4 Ed. VI c. 3*
- X7 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

- F1 Words repealed by Act 7 & 8 Geo. 4 c. 27

Textual Amendments applied to the whole legislation

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

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