The Statute of Marlborough 1267 [Distress]

1267 CHAPTER 1 52 Hen 3 cc 1 4 15

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 apđ Marleberḡ, p̃sent Dño Rege H. & R. Rege Alem̃, & Dño Edwardo fil ejusdē H. Reḡ Primogenit, & Dño Octobono tunc legato in Angl.

Anno gr̃e M° C°C Lx° septimo, regni autem Dñi H. Regis filii Regis Joh̃is quinquagesimo secundo, in Octab Sc̃i Martini, ꝓvidente ip̃o Dño Rege, ad regni sui Angl melioracõem & exhibicõem justicie ꝓut regalis officii exposcit utilitas meliorem, convocatis discrecõribȝ ejusdem regni tam ex majoribȝ q'm minoribȝ; ꝓvisum est & statutū ac concordit ordinatū, ut cū regnū Angl mltis tribulacõnibȝ & dissensionū incomodis nup dep̃ssum, reformacõne legum & Juriū, quibȝ pax & t'nsquillitas incolaꝝ conservet', indigeat, ad quod remediū salubre p ip̃m Regem & suos fideles oportuit adhiberi, ꝓvisiones, ordinacões & statuta subsc'pta, ab om̃ibȝ regni ip̃ius incolis tam majoribȝ q'm minoribȝ firmit ac inviolabilit tempibȝ ꝑpetuis obs'vent'.

Cum igit' tempore turbacõnis nup in Regno suborte & deinceps, multi Magnates & alii justiciam nō dignati fuerint recipe p Dñm Regem & Cur ejus, ꝓut debūnt & consuevūnt tempibȝ p̃decessoꝝ ip̃ius Dñi Regis & & tempe suo, set de vicinis suis et aliis p seip̃os graves ulciones fecint, & graves districcõnes, quousq; redempcões recepint, ad voluntatem suam: Et p̃tea quidam eoꝝ se justiciari nō

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pm'tant p ministros Dñi Regis, n^c sustineant qđ p eos libent' dist'ccões quas auctoritate ppria fecūnt ad volūtatem suam: pvisum est & concordit̃ concessum, qđ tam majores q^am minores justiciam [[a]faciant] & recipiant in Cur̃ Dñi Regis; et nullus de cet̃o ulcões aut dist'ccões faciat p ppriam voluntatem suam, absq; consiđacõne Cur̃ Dñi Regis, si forte dampnū vł injuria sibi fiat unde emendas ħere voluūit de vicino suo, sive majore sive minore.

Sup articulo autē sup^a đco pvisum est & concessum, ut si quis de cet̃o ulcõem h^oi capiat p voluntatem suam pp'am, sine consiđacõe Cur̃ Dñi Regis ([b]) & inde cōvincat', puniatur p redempcõem, & hoc scđm q^antitatem delicti; & similit̃ si sup vicinū suū faciat dist'ccões sine consiđacõne Cur̃ Dñi Regis, p quod dampnū ħeat, puniat' eođm

[a]ħeant *MS. Cott. Claud. D. II: Lib. Scacc. X. The Copy in MS. Cott. is marked* Ex'p rotul.
[b]ut pdcm est *MS. Cott.*

modo, & hoc scđm [[a]delicti sui qualitatem:] & nichilomin^9 fiant emende plene & sufficientes eis qui dampnū s^ptinuūint p h^oi dist'ccõem.

Nullus de cet̃o duce faciat dist'ccões quas fecit ext^a Com̄ in quo fuūint: Et si vicinus hoc fecit sup^a vicinū p voluntatem suam & sine judicõ, puniat' p redempcõem ut sup^a, veluti de re cont^a pacem: Verumptn si Dñs hoc sup^a tenētem suū face psumpsit, castigetur p g^avem miscđiam.

Dist'ccões insup sint rōnabiles & nō nimis graves; & si quis dist'ccões fecit inrōnabiles & indebitas, g^avit̃ amciet' ppt̃ excessum dist'ccõnū ip̄az.

[[b] Nulli de cetero liceat ex q^acumq; causa districcõnes facere ext^a feodum suū, neq; in regia aut cõi strata, nisi Dño Regi & ministris suis.]

[a]q'ntitatem delicti *MS. Cott: Lib. Scacc. X.*
[b]This Clause is inserted in the Text from the Close Roll.—*Lib Rub. Scac & Lib. X.* omit the Clause.—*Rot. Pat; MS. Cott; Rot Bodl:* several *MSS.* and the *Printed Copies* insert it, in this place.

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