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, p̄sent̄ Dño Rege H. & R. Rege Alem̄, & Dño Edwardo fil ejusdē H. Reḡ Primogenit̄, & Dño Octobono tunc legato in Angl.

Anno gr̄e M° C°C Lx° septimo, regni autem Dñi H. Regis filii Regis Johis quinquagesimo secundo, in Octab Sc̄i Martini, ꝑvidente ip̄o Dño Rege, ad regni sui Angl melioracōem & exhibicōem justicie ꝑut regalis officii exposcit utilitas meliorem, convocatis discrecōribȝ ejusdem regni tam ex majoribȝ qᵃm minoribȝ; ꝑvisum est & statutū ac concordit̄ ordinatū, ut cū regnū Angl mltis tribulacōnibȝ & dissensionū incomodis nuꝑ dep̄ssum, reformacōne legum & Juriū, quibȝ pax & tᵃnsquillitas incolaꝝ conservetʳ, indigeat, ad quod remediū salubre ꝑ ip̄m Regem & suos fideles oportuit adhiberi, ꝑvisiones, ordinacōes & statuta subscⁱpta, ab om̄ibȝ regni ip̄ius incolis tam majoribȝ qᵃm minoribȝ firmit̄ ac inviolabilit̄ tempibȝ ꝑpetuis obs̄ventʳ.

Cum igitʳ tempore turbacōnis nuꝑ in Regno suborte & deinceps, multi Magnates & alii justiciam nō dignati fuerint recipe ꝑ Dñm Regem & Cur̄ ejus, ꝑut debūunt & consuevūnt tempibȝ p̄decessoꝝ ip̄ius Dñi Regis & tempe suo, set de vicinis suis et aliis ꝑ seip̄os graves ulciones fec̄int, & graves districcōnes, quousq redempcōnes receꝑint, ad voluntatem suam: Et p̄tea quidam eoꝝ se justiciari nō

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ꝑm'tant ꝑ ministros Dn̄i Regis, n^c sustineant qđ ꝑ eos libent' dist'cc̄ōnes quas auc̄toritate ꝑpria fec̄unt ad volūtatem suam: ꝑvisum est & concordit̄ concessum, qđ tam majores q^am minores justiciam [^a faciant] & recipiant in Cur̄ Dn̄i Regis; et nullus de cet̄o ulc̄ōnes aut dist'cc̄ōnes faciat ꝑ ꝑpriam voluntatem suam, absq; consiđac̄ōne Cur̄ Dn̄i Regis, si forte dampnū vł injuria sibi fiat unde emendas ħere voluit de vicino suo, sive majore sive minore.

Sup articulo autē sup^a đc̄o ꝑvisum est & concessum, ut si quis de cet̄o ulc̄ōem h^oi capiat ꝑ voluntatem suam ꝑp'am, sine consiđac̄ōe Cur̄ Dn̄i Regis (^b) & inde cōvincat', puniatur ꝑ redempc̄ōem, & hoc sc̄đm q^antitatem delic̄ti; & similit̄ si sup vicinū suū faciat dist'cc̄ōnes sine consiđac̄ōne Cur̄ Dn̄i Regis, ꝑ quod dampnū ħeat, puniat' eođm modo, & hoc sc̄đm [^a delic̄ti sui qualitatem:] & nichilomin⁹ fiant emende plene & sufficientes eis qui dampnū s^ostinuint ꝑ h^oi dist'cc̄ōem.

Nullus de cet̄o duc̄e faciat dist'cc̄ōes quas fec̄it ext^a Com̄ in quo fuint: Et si vicinus hoc fec̄it sup^a vicinū ꝑ voluntatem suam & sine judic̄ō, puniat' ꝑ redempc̄ōem ut sup^a, veluti de re cont^a pacem: Verumptn̄ si Dn̄s hoc sup^a tenētem suū fac̄e ꝑsumpsit, castigetur ꝑ g^avem misc̄điam.

Dist'cc̄ōes insup sint rōnabiles & nō nimis graves; & si quis dist'cc̄ōes fec̄it inrōnabiles & indebitas, g^avit̄ amciet' ꝑpt̄ excessum dist'cc̄ōnū ip̄aʒ.

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

^a ħeant *MS. Cott. Claud. D. II: Lib. Scacc. X. The Copy in MS. Cott. is marked* Ex'p rotul.

^b ut ꝑdc̄m est *MS. Cott.*

^a q'ntitatem delic̄ti *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.

Changes to legislation:
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