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, ꝓsenť Dño Rege H. & R. Rege Alem̄, & Dño Edwardo fiľ ejusdē H. Reḡ Primogeniť, & Dño Octobono tunc legato in Angľ.

Anno gr̄e M° C°C Lx° septimo, regni autem Dñi H. Regis filii Regis Joh̄is quinquagesimo secundo, in Octab̄ Sc̄i Martini, ꝓvidente ip̄o Dño Rege, ad regni sui Angľ melioracōem & exhibicōem justicie ꝓut regalis officii exposcit utilitas meliorem, convocatis discrecōribꝫ ejusdem regni tam ex majoribꝫ qͣm minoribꝫ; ꝓvisum est & statutū ac concordiť ordinatū, ut cū regnū Angľ mľtis tribulacōnibꝫ & dissensionū incomodis nuꝑ deꝓssum, reformacōne legum & Juriū, quibꝫ pax & tͣnsquillitas incolaꝝ conservetʳ, indigeat, ad quod remediū salubre ꝑ ip̄m Regem & suos fideles oportuit adhiberi, ꝓvisiones, ordinacōes & statuta subscͥpta, ab om̄ibꝫ regni ip̄ius incolis tam majoribꝫ qͣm minoribꝫ firmiť ac inviolabiliť tempibꝫ ꝑpetuis obs̄ventʳ.

Cum igitʳ tempore turbacōnis nuꝑ in Regno suborte & deinceps, multi Magnates & alii justiciam nō dignati fuerint recipe ꝑ Dñm Regem & Cur̄ ejus, ꝓut debūunt & consuevunt tempibꝫ ꝓdecessoꝝ ip̄ius Dñi Regis & & tempe suo, set de vicinis suis et aliis ꝑ seip̄os graves ulciones fec̄int, & graves districcōnes, quousqꝫ redempcōnes recepint, ad voluntatem suam: Et ꝓtea quidam eoꝝ se justiciari nō

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pm'tant p ministros Dñi Regis, nc sustineant qđ p eos libent' dist'ccões quas auctoritate ppria fecūnt ad volūtatem suam: pvisum est & concordit' concessum, qđ tam majores q'm minores justiciam [[a]faciant] & recipiant in Cur̄ Dñi Regis; et nullus de cet'o ulcões aut dist'ccões faciat p ppriam voluntatem suam, absq; considacōne Cur̄ Dñi Regis, si forte dampnū vl injuria sibi fiat unde emendas ħere voluit de vicino suo, sive majore sive minore.

Sup articulo autē sup'đco pvisum est & concessum, ut si quis de cet'o ulcōem h'i capiat p voluntatem suam pp'am, sine considacōe Cur̄ Dñi Regis ([b]) & inde cōvincat', puniatur p redempcōem, & hoc sčđm q'ntitatem delicti; & similit' si sup vicinū suū faciat dist'ccões sine considacōne Cur̄ Dñi Regis, p quod dampnū ħeat, puniat' eođm modo, & hoc sčđm [[a]delicti sui qualitatem:] & nichilomin' fiant emende plene & sufficientes eis qui dampnū s'tinuint p h'i dist'ccōem.

Nullus de cet'o duce faciat dist'ccões quas fecit ext' Com̄ in quo fuint: Et si vicinus hoc fecit sup' vicinū p voluntatem suam & sine judicō, puniat' p redempcōem ut sup', veluti de re cont' pacem: Verumptn si Dñs hoc sup' tenētem suū face psumpsit, castigetur p g'vem miscđiam.

Dist'ccões insup sint rōnabiles & nō nimis graves; & si quis dist'ccões fecit inrōnabiles & indebitas, g'vit' amciet' ppt' excessum dist'ccōnū ipaz.

[[b]Nulli de cetero liceat ex q'cumq; causa districcōnes facere ext' feodum suū, neq; in regia aut cōi strata, nisi Dño 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 pdcm est *MS. Cott.*

[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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