NOMOΛΕΞΙΚΟΝ:
A Law-Dictionary.
Interpreting such difficult and obscure
WORDS and TERMS,
As are found either in
Our Common or Statute, Ancient or Modern
LAWES.
WITH
REFERENCES to the several Statutes, Records,
Registers, Law-Books, Charters, Ancient Deeds, and
Manuscripts, wherein the Words are used:
And Etymologies, where they properly occur.

Coke on Littl. fol. 68. b.
Ad recte docendum oportet primum inquirere Nomina; quia rerum
cognitio à nominibus rerum dependet.

By THOMAS BLOUNT
of the Inner Temple, Esq;

In the SAVOY.

1st Ed. 1670
To the Right Honorable

Sir Orlando Bridgeman Knight and Baronet, Lord Keeper of the Great Seal of England; Sir John Kelynge Knight, Lord Chief Justice of His Majesties Court of Kings Bench, and Sir John Vaughan Knight, Lord Chief Justice of His Majesties Court of Common Pleas.

MY LORDS,

As it is certainly my bounden duty to offer, and submit these my timorous and bashful endeavors to your great Judgments; so it is my Interest to implore the benignity of your auspicious Patronage of them. For the publishing these Papers, I had only two Motives: The first and principal to erect a small Monument of that vast respect and deference, which I have for your Lordships, who are not only the Oracles of our Law, and Grand Exemplars of Justice; but the glory and ornament of that Honorable Society, whereof (however unworthy) I boast myself a Member, and which at present justly claims the preeminence above the rest, by producing more Persons, dignified with the Judiciary Scarlet Robe, than the other Three, and filling up, by due merit, the most eminent Seats of Judicature in the Nation. The other, to gratifie an ambitious inclination of my own, of leaving behind me somewhat (how inconsiderable soever) that
that may, in some measure, excuse me to posterity, from having been a truant and useless Member of that Learned and Active Body. If your Honors shall allow me, to have fulfilled my duty in the one, and obtained my design in the other, I have the desired effect of my Labors: Nor hath my greatest ambition any thing higher to aim at, then that I may, with your Lordships permission, subscribe my self.

My Lords,

Inner Temple,
20 June,
1670.

Your most humble
and obedient Servant

THO. BLOUNT.
Preface.

Oone will perhaps wonder why I took so much pains to write this Book; and object, that we have two good Ones of this kind extant; Cowel's Interpreter, and Terms of the Law, may hapsly thrust in LeightsPhylological Commentary, as a third: I answer, though it is not my design to raise the reputation of this Work, by disvaluing Those, yet it may be allowable modestly to declare their Defects, that my undertaking this may not appear unnecessary.

Doctor Cowel was certainly a Learned Man, and his Enterprise very commendable, but his Profession the Civil Law; and, that he did not singly intend his Interpreter for us, appears by his often expressing what each word signifies in the Common Law, to distinguish it from the Civil; in which learning he bestows a considerable part of his Book. He ingenuously says, His design is the advancement of knowledge, and to incite others to finish his model, and supply his defects, which in truth are not a few; for, he directly mistakes the meaning of some Words, and derivation of others, as Driel, Mindbruch, Brodelpeny, Furlong, Abishering, Third-Wirth-halvaunnan, &c. He confounds Reality with Royalty, and Committe with Committh, which are distinct words. In the word Honors in England, and sets down 25, wherein, either his Reading was short, or his observations defective; for, I have collected above twice that number out of approved Authors and Records, in being when he wrote. He is sometimes too prolix in the derivation of a Word, setting down several Authors Opinions, without categorically determining which is the true; as in Exchequer, Wuther-nam, herald, Earle, Justices of Trailbathon, pawnage, Pursuite, &c. And lastly, gives us divers bare Words without explication, as Cone & Key, Calendnig, Coggs, Duch, Lance-gay, Palungman, Bread of treet, &c. which I have supply'd; Not but that I have left some quere's too, but those in Words of greater difficulty.

The Author of the Law-Terms was without doubt not less learned, but, wrote so long since, that his very Language and manner
PREFACE.

ner of expression was almost antiquated, till help'd by the late correc-
tion of it; He has added to divers Words several Cases in Law, re-
lying thereto in general, not tending much to their explication;
which I have declin'd, left the bulk should swell too big, and the
principal Design be way'd: He omits the Etymons for the most
part, and is much more copious in the first part of the Alphabet,
then in the later, which argues, the Author had not time, or per-
severance to finith it. They are both much wanting in the number of
Words, especially the later; For Cowel gleaned many after the Au-
thor of the Law Terms had inn'd his Harvest: yet, both have much
useless and repealed Law in them; as in reference to Tenures by
Knights-service and their Appendices, Wardship, Villenage, Purvey-
ance, Star-chamber, Knighthood, &c. For, thus fayes the learned
Author of the Preface to Rolles Abridgment — As time, and ex-
perience, and use, and some Acts of Parliament have abridged some,
and antiquated other Titles, so they have substituted and enlarged
others. Cowel also, especially in the Folio Edition, (besides the
mifalphabeting) is extrematy misprinted; yet the Terms of the
Law will still deservedly retain an usefulness pro tante, and par-
ticularly for the Law-French, to instruct the young Student therein.

Leigh affords not the least Objection against my Undertaking;
for, he is a Commentator, not an Expositor; his Title speaks it, though
sometimes he acts a little in both capacities.

Having found these, among other, as I judg'd, important defects
in those Authors, consider'd the usefulness of Books of this Na-
ture, and reflected on these Expressions of the

* Coke on Litt. fo. 325. * Oracle of our Law ——— Here, as in ma-
ny other places it appears, how necessary it is to
know the signification of Words. And again, That the explanation of
ancient Words, and the true sense of them is requisite to be understood,
per verba notiara: I was encourag'd to bestowed my endeavour
herin. And, it will abate the wonder, that I, who inter doctos
me non effero, should yet not onely assume the liberty in many pla-
ces to correct those learned Authors, but also make an additional
collection of above a thousand Words; if it be consider'd, That
they wanted those Helps I have had, viz. That incomparable
Glossarium Archaeologicum of Sir Henry Spelman; The elaborate
Institutes of Sir Edward Coke; That excellent Dictionarium Saxo-
nico-Latino-Anglicum of Mr. Somner; The Learned Works of Mr.
William Dugdale, Mr. Fabian Philips, and others, publish'd since
those
those Authors wrote. My Genius has also led me (though sometimes diverted) to this kind of search these thirty years, as my Glossographia will in some measure witness; For, whilst my Contemporaries studied the Law itself, and gain’d Riches; I was hunting after the difficult and uncouth Terms of it, and got nothing, but my own satisfaction.

Nor can I otherwise judge, but a Nomo-lexicon may be as necessary and useful in our Law-Common-wealth, (even from the Coff to the puny-Clerk) as a Lexicon Juridicum among the Civilians; or Lexicon-Medicum with the Physitians; since I am by this time persuaded, that no Law or Science has more abstruse Terms then ours.

Now, that I may in some measure prevent the Readers suspicion, that my abilities are not commensurate with so great an Undertaking; Pleit tell him freely, I have in this Meadow, made little hay with my own fork; but, in the more common words have made use of Cowel, Lambert, Crompton, West, Terms of the Law, Skene, &c. yet seldom without Corrections, Contractions or Additions; In the Supplementals, Brasen, Britton, Fleta, Spelman, Camden, Coke, our several Reporters, and divers other Authors have been my Guides: And, in such Words, wherein Printed Books afforded me no light, I have consulted Records, Charters, ancient Manuscripts, and some of the best Antiquaries of these times, from whom I received both encouragement and assistance.

To many Words I have added their Etymologies, where I found them apposite, encouraged thereto by the opinion of a Learned Judge—Etymologies, if they be rightly used, and drawn from the final cause, or from the Effect, do not only yield an Argument of good consequence, but also afford much Illustration and delight.

I have briefly inserted all the old Writs out of the Registors, though many of them are worn out of use; and have not omitted even the Mechanick Words, mentioned in our Statutes; since there may be use of such Knowledge in Pleadings: And Lawyers (as Cowel well observes) professing true Philosophy, should not be ignorant of such, nor even of Trees, from the Cedar of Lebanon to the Hyssop that springs out of the Wall.

Though, to gratify the young Student, I have inserted some Words, which will seem very common to the more Learned, yet I have rejected divers I found in Cowel, as too mean, and indeed not
at all deserving an explication; such are Groome, Sluce, Copie, Revels, Toile, VWedding, sewing, &c. And the names of our common Drugs and Spices, mentioned in the Statute of 1 Jac. Besides the general design of this Dictionary in explaining the difficult Law-terms both ancient and modern, I conceive the Student may make a further use of it, as a Repertory, or Common-place; Since many Statutes, Law-books, Charters and Records are cited, or referred to in most words: For, I have heard, the learned Lord Keeper Littleton made use of Cowels Interpreter for the like service.

If I have sometimes committed a fausser, or hunted Counter in any explication or Etymology, in so large a field of words, and for'd with such variety of Games, it will be no wonder, and, I hope, will draw no ceniture upon me from the Ingenious: Quis

spel, in Pref. Glossar. enim mortalimum in argumento tam vario & immense; tam nodoso, rigido & caliginoso, alias non erret, alias non cæntiat? Besides, the learned Spelman sometimes concludes a Word with a fautor me ignorare, and even Sir Edward Coke has err'd (pardon the boldness of that word) at least in Etymons, as in Atia, Hotchpot, Panel, Heriot, Domicellus, &c. Therefore, if I leave some words with a Quare, or a Fortasse, to be resolved, or corrected by the more learned; it is but what Cowel frequently, and Spelman has sometimes done.

Facile est recolere, laboriosum condere.
Advertisements.

To the end the Reader may readily know the Series of our Kings from the Conquest, and, for the most part, in what Kings Reign a Charter without Date is made, by His Title; and again, in what Year of our Lord every King Reigned, and how long, I have prefix’d a Necessary Table to that purpose.

Such also of the Saxon Characters, as are different from the Common; since, through the want of some knowledge in that Language, Authors have committed many Errors; The word Ger-

flama being by some miswritten Greflume, by others Grossome, and by some Greffame. Guthviche occurs in some, Geth-

breche, Grithbrich, Greatbreach, Grichbreach, and Greach-

breach; So for repe & rite (Were & Wite) we meet with Pere & Pite, and the like of divers other words.

Before the Conquest Charters were usually dated; sometimes by Olympiads, sometimes by Calends, Nones & Ides; but most frequently by the year of our Lord. After the Conquest, Dates were commonly omitted, especially in the Deeds of Subjects, till King Edward the Second, and Edward the Thirds dayes, and thenceforth the year of the Kings Reign, or that of our Lord was constantly inserted: So that Deeds, made since the Conquest, and found without date, may be presumed to be in time before those Kings Reigns.

Witnesses names were added in the body of the Deed, and with the same Hand the Deed was written, till and in King Henry the Eighth time; but now changed into Endorsements, where the Witnesses subscribe their own Names.

Additions to persons Names in publick Writings and Pleadings were very rarely used till the Statute of 1 Hen. 5.
ADVERTISEMENTS.

In my Progress, where any ancient Charters or Records were judged to be extraordinary, either for matter or form, I have transcribed them at large, but the generality are abridged to avoid prolixity. One only Seal of King Edward the Fourth, as he was Earl of March, I was induced, as well for the rarity, as preservation of it, to exhibit in Sculpture, though without the limits of my Province.

I need not apologize the Latin, where it occurs, since both in ancient, as well as the modern times, our Law-pleadings, Charters and Records were always expressed forensically lateinate, which is acknowledged not to be of the purer sort; And a Dipthongs of old seldom used, though I have mostly supply'd them.

To some Words I have added the variae lectiones I met with, as Churchetet, Flemenspunthe, Lairwine, Sca

dage, &c. To others the Etymons, which sometimes proved the more difficult, in that divers of our Law-Terms, of birth since the Conquest, are voces hybridae, mungrel words; one part Saxon, the other French or Latin, not without a mixture sometimes of British and other Languages.

The Records and Charters I cite were for the most part copied from the Originals; some from printed Books of unquestionable Authority; others, from the Collections and Manuscripts of faithful and industrious lovers of Antiquity.

The Saxon Characters which differ from the Vulgar.

\[
\begin{array}{cccccccccccc}
\text{L} & \text{S} & \text{X} & \text{M} & \text{O} & \text{R} & \text{E} & \text{T} & \text{P} & \text{B} & \text{H} & \text{M} & \text{R} & \text{S} & \text{T} & \text{W} & \text{H} \\
\text{d} & \text{s} & \text{g} & \text{h} & \text{M} & \text{x} & \text{r} & \text{f} & \text{t} & \text{w} & \text{h} \\
\end{array}
\]
### A Titular and Chronological TABLE of our KINGS and QUEENS from the Conquest, to the present, 1670.

<table>
<thead>
<tr>
<th>Kings' Names and Titles</th>
<th>Began their Reign</th>
<th>Reigned Ye, Mo, Da.</th>
<th>Since they Reigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Henrys Rex Anglorum, &amp; Henryus gratia Dux Normannorum</td>
<td>1100 Aug. 1</td>
<td>35 4 1</td>
<td>535 Dec. 1</td>
</tr>
<tr>
<td>4. Stephenus Rex Anglorum, &amp; Stephenus Rex Anglorum</td>
<td>1195 Dec. 1</td>
<td>18 11 13</td>
<td>516 Oct. 25</td>
</tr>
<tr>
<td>6. Riccardus Rex Angliae, Dux Normannorum, &amp; Comtes Andegavie</td>
<td>1189 July 6</td>
<td>9 9 1</td>
<td>471 April 6</td>
</tr>
<tr>
<td>7. Henricus, Dei gratia, Rex Angliae, Dominus Hiberniae, Dux Normannorum, &amp; Comtes Andegavie</td>
<td>1199 April 6</td>
<td>17 7 0</td>
<td>454 Oct. 19</td>
</tr>
<tr>
<td>8. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae, &amp; Dux Aquitanie</td>
<td>1216 Nov. 16</td>
<td>34 8 6</td>
<td>369 July 7</td>
</tr>
<tr>
<td>9. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae, &amp; Dux Aquitanie</td>
<td>1272 Nov. 16</td>
<td>34 8 6</td>
<td>369 July 7</td>
</tr>
<tr>
<td>10. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae, &amp; Dux Aquitanie</td>
<td>1307 July 7</td>
<td>19 7 5</td>
<td>346 Jan. 25</td>
</tr>
<tr>
<td>11. Edwardus Dei gratia, Rex Angliae, Dominus Hiberniae, &amp; Dux Aquitanie</td>
<td>1326 Dec. 13</td>
<td>51 5 7</td>
<td>333 June 24</td>
</tr>
<tr>
<td>12. Edwardus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1377 June 21</td>
<td>22 3 14</td>
<td>271 Sept. 29</td>
</tr>
<tr>
<td>13. Henricus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1399 Sept. 29</td>
<td>13 6 3</td>
<td>257 Mar. 20</td>
</tr>
<tr>
<td>14. Henricus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1412 Mar. 20</td>
<td>9 5 24</td>
<td>248 Aug. 31</td>
</tr>
<tr>
<td>15. Henricus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1422 Aug. 31</td>
<td>33 6 5</td>
<td>210 March 4</td>
</tr>
<tr>
<td>16. Edwardus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1460 March 4</td>
<td>23 1 8</td>
<td>187 April 9</td>
</tr>
<tr>
<td>17. Edwardus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1483 April 9</td>
<td>0 2 13</td>
<td>187 June 13</td>
</tr>
<tr>
<td>18. Riccardus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1483 June 22</td>
<td>2 2 5</td>
<td>183 Aug. 22</td>
</tr>
<tr>
<td>19. Edwardus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1485 Aug. 22</td>
<td>23 10 2</td>
<td>162 Apr. 23</td>
</tr>
<tr>
<td>20. Riccardus Dei gratia, Rex Angliae &amp; Francie</td>
<td>1509 Apr. 25</td>
<td>37 10 2</td>
<td>144 July 28</td>
</tr>
</tbody>
</table>

*Notes: Added Comtes Pontivy & Montfroi. Pat. 14 Ed. 2. Pars. 3, m. 14. Stiled also Edw.of Carnarvan.*

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<thead>
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<th>Since they Reigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Edwardus Sexus, Dei gratia, Angliae Francia &amp; Hiberniae Rex, Fidei Defensor, Et in terrâ Ecclesia Anglicana &amp; Hibernia Supremum Caput.</td>
<td>1546 Jan. 28</td>
<td>5 19</td>
<td>117 July 26</td>
</tr>
<tr>
<td>Queen Mary summum de suo iussu Proclaimavit by the same Title, but soon after annulled Supremum Caput. After she Married King Philip, She used Her own and his titles, &amp;c.</td>
<td>1553 July 26</td>
<td>4 22</td>
<td>112 Nov. 17</td>
</tr>
<tr>
<td>Elizabetha Dei gratia Angliae, Franciae &amp; Hiberniae Regina, Fidei Defensor.</td>
<td>1558 Nov. 17</td>
<td>4 16</td>
<td>68 March 24</td>
</tr>
<tr>
<td>Jacobus Dei gratia, Angliae, Scotiae, Franciae &amp; Hiberniae Rex, Fidei Defensor.</td>
<td>1602 Mar. 24</td>
<td>2 2</td>
<td>45 March 27</td>
</tr>
<tr>
<td>Carolus Dei gratia, Angliae, Scotiae, Franciae &amp; Hiberniae Rex, Fidei Defensor.</td>
<td>1625 Mar. 27</td>
<td>10 2</td>
<td>22 Jan. 30</td>
</tr>
<tr>
<td>Carolus Secundus, Dei gratia, Angliae, Scotiae, Franciae &amp; Hiberniae Rex, Fidei Defensor.</td>
<td>1648 Jan. 30</td>
<td></td>
<td>Vivat.</td>
</tr>
</tbody>
</table>

OGDOSTEICHON TECHNICON

Regum Reginarumque Angliae.

A Law-Dictionary.

Interpreting such difficult Words and obscure Terms, as are found, either in our Common or Statute, Ancient or Modern.

L A W S.

A

Abate (abattre; abatere) was real
cess of Cattle or Beasts, by
Herald on great numbers; and
were distinguished from Fares.
Nam qui abat, amat festinare,
ut furcator, qua grnavs
ut abator, M. S.

A To fall, break down or destroy utterly signifies properly, to diminish or take away; and in our Law-writers, it has a like signification: For to abate a Case or Point (old Nat. Br. fol. 41.) in Wofs. 1. cap. 17. is interpreted to beat it down. And to abate a Writ, is to defeat or overthrow it by some error or exception.

B Britton. cap. 48. As he that puts out the Poitse of is said to Differ; so he that steps in between the former Poitse and his Heir, is said to abate. And in the Star. De conjunctura
Feoffatis, 34 Edw. 1. The Writ shall be abated, that is, shall be disabled or overthrown. So in
Stamf. Pleas of the Crown, fol. 148. The Appeal abates by Covin, i. The Accusation is de
teated by Decret. Anno 11 Hen. 4. cap. 2.—The
Justices shall cause to be abated and quashed the said Writ. See Intrusion.

Abatement (Fr.) is sometimes used for the Act of the Abatez as the Abatement of the Heir into the Lands, before he has agreed with the Lord. Old Nat. Br. fol. 91. Sometimes for the affection or paffing the thing abated; as
Abatement of the Writ. Ritikin, fol. 244. And in this signification it is as much as Exceptio di
tatoria, with the Civilians (Boit, cap. 51.) or rather an effect of it: For the Exception al
leged and made good, works the Abatement. And this Exception may be taken, either to the
infficiency of the Matter, or uncertainty of the Allegation, by misnaming the Plaintiff, De
fendant, or place; to the variance between the Writ, and the Specialty or Record; to the in
certainty of the Writ, Count, or Declaration, or to the death of either of the parties, before
judgment had; and for divers other causes: Upon which defaults, the Defendant may pray,
That the Writ or Plaintiff may abate; that is, the Plaintiffs suit against him, may cease for
that time. To prevent the
Abatement of
Writs of Error, see the Statutes 16 Car. 2. cap. 4.
Sir Edward Coke says, Abatement is a word of Art, and signifies an Entry by interpo
sition. On Litt. fol. 277. where he showed the dif
tinction between Abatement, Differens, Inter
sion, Defacement, Usurpation, and Purpos
cella.

Abbey (abbatia) is the same to an Abbot,
as Bishop to a Bishop: We may call it his
Paternity. Talius Abbatis (qua Paternitas Latii
no nomine dictur) funditus removetur. Concil.
Meldend. Anno Dom. 849. cap. 10. The word
is used Anno 54 C 55 Hen. 8. cap. 17, 18.
Siant—quod ego Isabella Comitia Penhry, pro
salutu animae mee—Deci Deo & Abbatis de
Nutreig, toan Ticham justa prabitam Abba
tiam, &c. fine dat.

Abbot or Abbot (Abbaco) A Spiritual
Lord, that has the rule and preheminence over
a Religious House. He is by Sphian a
Archbishop, by others Canobiarcha vel
Archimandritus. Of these some in England
were mitred; some not: The mitred were ex
empt
<table>
<thead>
<tr>
<th>Founders Name</th>
<th>Abbots and Priors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethelbertus Rex, Anno 612.</td>
<td>1 Abbots of S. Augustine in Canterbury.</td>
</tr>
<tr>
<td>Ethelberhtus Rex, Anno 622.</td>
<td>2 Abbots of Ramsey.</td>
</tr>
<tr>
<td>Eadbald Rex, 644.</td>
<td>3 Abbots of Peterborough.</td>
</tr>
<tr>
<td>Eadbald Rex Mercia, 726.</td>
<td>4 Abbots of Croyland.</td>
</tr>
<tr>
<td>Egwine Episc. Wigorn, 700.</td>
<td>5 Abbots of Evesham.</td>
</tr>
<tr>
<td>Canutus Rex, Anno 1026.</td>
<td>6 Abbots of St. Benet de Holme.</td>
</tr>
<tr>
<td>Wulf. Albermarle sub Hen. 2.</td>
<td>7 Abbots of Torksey.</td>
</tr>
<tr>
<td>Eudo Dapifer, Hen. 1.</td>
<td>8 Abbots of Colebecher.</td>
</tr>
<tr>
<td>Rob. Boffor, Comes Leic.</td>
<td>9 Abbots of Leicester.</td>
</tr>
<tr>
<td>Kinulfhus Rex Mercie, 789.</td>
<td>10 Abbots of Winccomb.</td>
</tr>
<tr>
<td>Sebert Rex Occid. Sax. 604.</td>
<td>11 Abbots of Westminister.</td>
</tr>
<tr>
<td>Henricus Primi, 1133.</td>
<td>12 Abbots of Glastonbury.</td>
</tr>
<tr>
<td>Offa Rex Mercia, 795.</td>
<td>13 Abbots of S. Alban.</td>
</tr>
<tr>
<td>Alunus Comes Britannica, 888.</td>
<td>14 Abbots of S. Mary York.</td>
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<tr>
<td>Roger Comes Montagu.</td>
<td>15 Abbots of Sherborne.</td>
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<tr>
<td>Guichel, Consequor, 1078.</td>
<td>16 Abbots of Selby.</td>
</tr>
<tr>
<td>Osric Rex Northumb.</td>
<td>17 Abbots of S. Peter Glastere.</td>
</tr>
<tr>
<td>Heroldus Rex, 1056.</td>
<td>19 Abbots of Waltheam.</td>
</tr>
<tr>
<td>Adalwuldo &amp; Edgawar Rex, 577.</td>
<td>20 Abbots of Thorney.</td>
</tr>
<tr>
<td>Canus Rex, 1020.</td>
<td>21 Abbots of S. Edmunds.</td>
</tr>
</tbody>
</table>

To which were afterwards added,

1 Abbots of S. Anselmus. |
2 Abbots of Bardsey. |
3 Prior de Semplin. |

To these also Henry the Eighth added the Abbots of Tattershall. And in the Title to Magna Charta, the names of some other Abbots are inserted, among the great Men of the Realm. An Abbots with the Monks of his House, who were called the Common, made a Corporation, and he was not chargeable with the Aft of his Prelate, nor if it were not by their Common Seal, or for such things as came to the use of the House.

Abbay (Anno 51 H. 8. cap. 13.) See Aby. Abbatia, an Abeter. See Abet. Abboxomum (abboxomum) the buying up whole Wares, before they are brought to Market, or out of the Fair or Market, and telling the fame by retail. M. S. de Plauto. ovum Exe. Ed. 3. pasc Arthur. Iavor Arm. Abbuttals (from the Fr. abutter of abutter, i. terminare) are the Buttings or Boundings of any Land, East, West, North, or South; declaring on what other Lands, Highways, or other Places it does Abut. As in Cotter's Reports, a part, fol. 134. The Plaintiff hath failed in his Abutments, that is, in setting forth how his Land is abutted and bounded. Lector autem nonquantum aut trituratur sed terram proximam adjectae. Thof (sayes Cambden) that have Written of Limites, say, That certain His- tones or Fides of Earth, which they termed Botentane, were fet in Limits. Hence peradventure our Buttings and Boundings.

Abundance or Abundance (from the Fr. bayer, i. To gape after, or expect; all those are said, Bayer est l'argent, qui par augeo minimo incumbunt pecuniae) in Litigation, cap. Difcontinuance, Sel. 56. is thus used. The right of

22 Abbots of Beauclerc. |
23 Abbots of Kingdon. |
24 Abbots of Hyde. |
25 Abbots of Radling. |
26 Abbots of Glaspenbury. |
27 Abbots of Osney. |
28 Prior of Spalding. |
29 Prior of Johns of Jerusalem. |
30 Prior of Lewes. |

To which were afterwards added,

31 Abbots of S. Winche. |
32 Abbots of Bardsey. |
33 Prior de Semplin. |
Act from the a. adj. ad velique, and betan, i.e. emendare, excutere signifies to encourage, incite or set on. The Substantive Abettor signifies an encouraged or instigating. Instamf. Pl. Cor. fol. 105. And Abetter or Abettor for an instigator or fetter on. Old Nat. Br. fol. 21. But both Verb and Noun are always used in the evil part: As Abettors of Murder are those that command, counsel, or maintain others to murder: And in some Cases: such Abettors shall be taken as Principals, in other, but as Acomplices, and their presence or absence at the Deed doing, makes a difference in the Case.

Abhersing, (according to Ralfe’s Explanation) is to be quit of Anmecements before whomsoever, for Transcendence proved. The word originally signifies a Forteiture, or an Amencement, and is much transformed in the writing, since more probably it should be Abhersing, Abhersing, or Abhersing, according to the Learned Spenser. It seems by some Authors, to signify a Freedom or Liberty: Because he that has his word in an Attorney or Grant, has not only the Forteitures and Anmecements of all others for transfeggations within his Fee; but also is himself free from all such control, by any within that compass.

Abjuration (abjurare) a forsaking or renouncing by Oath: a sworn abjuration, or an Oath taken to forfay the Realm for ever.

For, as Stamford (Pl. Cor. Rh. cap. 60. 61) saith, The devotion towards the Church (first in Edward the Confessors times, and afterward till 22 Hen. 8. ) was so zealous, That, if a man, having committed Felony, could recover a Church or Churchyard, before he were apprehended; he might not be thence drawn to the usual trial of Law; but confessing his fault to the Justices, at their coming, or to the Coroner, and before them or him, give his oath finally to forfay the Realm: The form and effect of which you may read in De Office Coronatorum, and in Horns Mirror of Justices, hab. 1. cap. Del Office de Coroner. Quand aut-
Accompt (computus) is taken for a Writ or Action, which lies against a Bailliff or Receiver, who ought to render an account to his Lord or Master, and refund. And by the Statute of Wms. 4, c. 1, if the Accomptant be found in arrear, the Auditor that is apprised of him, have power to award him to prifon, there to remain, till he makes agreement with the party. But if the Auditor will not allow reasonable expense and costs, or if they charge him with more Receipts than they ought, his next friend may sue for a Writ of Ex parte tali out of the Chancery, directed to the Sheriff, to take four Mainpennors, to bring his body before the Baron of the Exchequer, and to warn the Lord to appear there at a certain day. See Fitch's Nat. Bk., fol. 116.

Accord (Fr.) Agreement, Concordance, Content. Particularly it is an Agreement between two or more, where any person is injured by a Trespass, Offence, or Contract, to satisfy and content him with some recompence, which, if executed, and performed, shall be a good Bar in Law, if the other party (the Accord performed) bring any Action for the same.

Accroche (Fr. accrocher) To hook, clasp, or grapple unto. It is used (Annae 25 Edu. 3, Stat. 3, c. 5) as Encroachment. In France, even at this day, Accroche en Power signifies to stay a Suit, or to delay the proceeding of it for a time. See Encroachment.

Accubation (Fr. Accheter, &c.) A Bargain or Purchase is used for a Contract or Bargain. See Accubation. Pure Jord or Purveyors were by Parliament, 36 Ed. 3, ordained to be then after called Accubators.

Acquiescencia de Spiritus et Hominibus, i. Eam Primo non debet praeceper sit ad Comitatum Norvici vel in Huncrium pro Maneria de Ruabum cum partem. Ex Regat. Priorat. de Cokesford.

Acquiescendas plegias, Is a Writ lying for a Surity against the Creditor that reffects to acquit him, after the Debt is paid. Reg. of Writs, fol. 188. Where it appears, that this is a Surity.

Acquittal (from the Fr. acquitter, to free, acquit, or discharge) most commonly signifies a Deliverance, discharge, and setting free from the fulflication or guilt of an offence; and is twofold, Acquittal in Law, and Acquittal in Fact.

Acquittal in Law, Is when, two are appointed or entitled of Felony, one as Principal, the other as Accessary; the Principal being discharged, the Accessary is by inference at law freed. And in this case, as the Accessary is acquitted by Law, it is the Principal in Fact. See Acquittal in Fact. Stane, Pl. Cou. fol. 168. Acquittal is also where there is a Lord, Meff, and Tenant; and the Tenant hold lands of the Meff, and the Meff holds over of the Lord Paramount: Now the Meff ought to acquit the Tenant of all services claimed by any other for the same Lands; for the Tenant must do his service to the Meff only, and not to divers Lords for one parcel of
of Land. See Coke on Littleton, fol. 100.

Acquittance (acquittandia) is a Release or Discharge of a Debt formerly due. But the Verb (acquit) the Participle acquitted, and the Noun acquittal, signify also a discharge or clearing from an offence objected; as acquitted by Proclamation. Smith de Rep. Engl. p. 76. Stanf. Pl. Car. fol. 163. Broome tr. Acquittal.

Acre (from the Germ. Acker, i.e. ager) is a parcel of Land, containing in length forty Perches, and four in breadth, or to that quantity, by the length more or less. And, if a Man erect any new Cottage, he must lay four Acres of Land to it, after this measure. Amred 31 Eliz. cap. 7. With this measure agrees Grompt in his Jur. of Courts, fol. 722. Though he says, according to the Custom of divers Countries, the Perach differs, being in some places, and most ordinarily but sixteen foot and a half; but in Staffordshire twenty four foot, as was adjudged in the Case between Sir Edward Afson, and Sir John B. in the Exchequer. In the Statute concerning Fowling Flax, (24 Hen. 8. cap. 4.) eighticorge Perches make an Acre, which is forty multiplied by four. See also the Ordinance of Measuring Land, 31 Edw. 3. Stat. 1. which agrees with this account.

Aciton (also) is thus defined by Bradion, lib. 3. cap. 1 & 2. Aitio nihil aliud est quam praebentum in judicio quod aliqui debent, and is divided into personal, real, and mixt. See Cokes Int. fol. 410.

Aciton personal, is that which one Man hath against another, by reason of any Contract for Money or Goods, or for offence done by him, or some other person, for whose fault he is by Law answerable.

Aciton real, is that whereby the Demidant has a title to any Lands or Tenements, Reums, or Commons, in Fee-simple, Fee-tail, or for life. And every Aciton real, is either Pettifory, that is, of his own Pettifor or Sein; or accipient, of the Sein or Pettifoy of his Accessor. Coke, lib. 6. fol. 3.

Real Actions, as Writs of Right, Writs of Entry, &c. And their several Appendixes, as Grand Case, Petit Case, Receipt, View, Alm. Prayer, Voucher, Counter-pies of Vouchers, Counter-pies of Warranties, Recovery in value, were several great Tillers in our Year-Books, but now much out of use. Preface to Rolls Abridgment.

Aciton mixt, is that which lies indifferentaly against the thing detained, or against the person of the Detainer; and is so called, because it hath a mixt respect, both to the thing and the person: Or (as others define it) is Sute given by the Law to recover the thing demanded, and damages for wrong done: As in Affiz of Nole Diffidion, which Writ (if the Diffidtor make a Foemint to another) the Diffidtor shall have against the Diffidtor; and the Feoffee, or other Tenant to recover to only the Land, but damages also. And so is an Action of Writ and Squaire impedit.

Actions are also divided into Civil, Penal, and Mixt. Coke, Vol. 6. fol. 611. a. Action Civil is that which tends only to the recovery of that which by reason of any Contract, or other like cause, is due to us: As if a Man by Action seek to recover a Sum of Money formerly lent, etc.

Action Penal aims at some penalty, or punishment in the party, or for some pecuniary: As in the Action Legit Aquatic in the Civil Law; and with us, the next friends of a Man feloniously slain or wounded, shall pursue the Law against the offender, and bring him to condign punishment. Bradion, lib. 3. cap. 4.

Action Mixt, is that which regains both the thing, whereof we are depriv'd, and a penalty for the unjuift detaining it: As in an Action for Tythe upon the Statute & c. Edw. 6. cap. 13. Item est alia Aitio Mixta, qua dicitur Action Hircifcinda, & locum habentem ei qui communem habent hereditatem, &c. See Coke on Latt. fol. 162. &c.

Action is also (according to the Form of the Writ) divided into such as are conceived to recover, either the simple value of the thing challenged, or the double, treble, or quadruple. As a Dextes tamen lies against Eobacres, Fizz. Nat. Br. fol. 71. And against Jurors that take Money for their Verdict or of either or both parties: And to be short, any other Action upon a Statute, that punishes any offence by Restitution Fine, proportionable to the Transgression.

Action is Pre-judicial (otherwise termed Preparatory) or else Principal. Prejudicial is that which grows from some question, or doubt in the Principal: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, he is a Bastard. Bradion, lib. 3. cap. 4. Numb. 6. This point of Bastardy must be tried, before the cause can further proceed; and therefore is termed Prejudicialis, quia prior judicandia.

Action is either Accesoril or Personall. Stanf. Pl. Cor. 59. Accesoril seems to be that, which we have by some right descending from our Accesor; and Personall, which has beginning in, and from our selves. There is also Action Ancesoril Pruinale, and Action Ancesoril Pettifor; which see in Cokes Int. fol. 491.

Action upon the Case (Adio super casum) is a general Action given for redress of wrongs done to any Man without force, and by Law nor especially provided for, and is now most in use. For, where you have any occasion of Sure, that neither has a firm name, nor certain Form already prefixed; there the Clerks of the Chancery, in ancient time, conceived a fit Form of Action for the thing in question, which the Civilians call Actionem in Factum, and we say, Action upon the Case.

Action upon the Statute (Adio super Statutum) is an Action brought against a Man, upon an offence against a Statute, whereby an Action is given,
given, and lay not before. As, where one com-
mits Perjury, to the prejudice of another, he,
who is emasculated, shall have a Writ upon the
Statute, and his Cause. And, the difference
between an Action upon the Statute, and Actio
Popularem, is, Where the Statute gives the
Suit of Action to the party injured, or other-
wise to one person certain, that is called Actio
upon the Statute. But where Authority is gi-
given by the Statute to every one that will do
so, that is termed Actio Popular.

Action is Perpetual or Temporal (Perpetu-

al Temporal) and that is called Perpetual,
whose force is by no time determined. Of
which sort were all Civil Actions among the
Ancient Romans, viz. Such as grew from Laws,
Decrees of the Senate, or Constitutions of the
Emperors; whereas Actions granted by the
Presbyter, died within the year. So we have
in England, Perpetual and Temporary Actions,
and I think all may be called Perpetual, that
are not expressly limited. As divers Statutes
give Actions, so they be pursued within the
time by them prescribed; namely, the Statute
of 1 Edw. 6. cap. 1 gives Action for three years
after the offenses committed, and no longer.
And the Statute of 7 Hen. 8. cap. 3. doth the
like for four years, and that of 31 Eliz. cap. 5.
for one year, and no more. But, as by the
Civil Law, no Actions were at the last so per-
petual, but by that time they might be pre-
scribed against: So in our Law, though Actii-
ons may be called Perpetual, in comparison of
those that are expressly limited by Statute, yet
is there a means to prescribe against Real Acti-
ions after five years, by a Fine levied, or a
Recovery suffered; as you may see in the
words, Fine, Recovery, and Limitation of 

Action, is a term used, when one
pleads some matter, by which he, by
strength of the Plaintiff had no cause to have the
Writ he brought; yet it may be, he might have another
Writ or Action for the same matter. Such a
Plea is called, A Plea to the Action of the
Writ. Whereas, if by the Plea it should appear,
That the Plaintiff has no cause to have an Actio-

n for the thing demanded; then it is called
A Plea to the Action. Cowel.

Acts of Parliament are Positive Laws,
which consist of two parts (viz.) Of the words
of the Act, and the fence of it, and they both,
jointed together, make the Law.

Action Burnell, a Statute so called, made
13 Edw. 1. & An. 1285. Ordaining the Statu-
te Merchant for Recovery of Debts; and
was at time, because made at Alton-Burnell,
a Castle, anciently of the Burnell, afterward of
the Lovells in Shropshire.

Atuarius (Atuarius) is the Scribe that Re-
gisters the Acts and Constitutions of the
Conventic.

Addition (Addition) signifies a Title given
to a Man over and above his Christian and
Surname, shewing his Estate, Degree, Mystery,
Trade, Place of dwelling, &c. Addition of

Estate, are these, Roman, Gentleman, Esquire,
and such like. Additions of Degree are those
we call names of Dignity, as Knight, Lord,
Earl, Marques, and Duke. Additions of My-
stery, are, Servitor, Painter, Mason, &c.
Addition of Town, as Dale, Thorp, and such
like. And, where a Man hath household in two
places, he shall be said to dwell in both of
them; so that his Addition in either may
suffice.

By the Statute of 1 Hen. 5. cap. 5. It was or-
dained, That in Suits or Actions where Processes
of Ourlay lies, such Additions should be to
the name of the Defendant, to shew his Estate,
Mystery, and place where he dwells, and that the
Writs, or having such Additions, shall abate,
if the Defendant take exception there-
to; but not, by the Office of the Court. And
this was ordained, to the intent, that one Man
might not be vexed, or troubled by the Ourlay
of another; but by reason of the certain Addi-
tion, every person may bear his own burden.
See Part. Instit. fol. 598. & 608. And the
Statute 27 Eliz. cap. 7.

Addubus. See Redoubts.

Adeling or Elthing, from the Sax. Ade-
lan, i. nobilitu Was a Title of Honor among
the Angels, properly appertaining to the
Successor of the Crown. For King Edward being
himself without issue, and intending to make
Fadan (to whom he was great Uncle by the
Mothers side) his heir to this Kingdom, called
Will. Corn. recept. cap. ant. penus. See more
of this word in Specimens Glossarium.

Adjudgement (from the Fr. adjenomement)
Is when any Court is dissolved for the present,
or put off, and adjourned to keep again another
day or place. Adjolement in Eyrn (Anno 28
Edw. 3. Statute of Purveyors, cap. 18.) Is an appointment of a day, when the
Justices in Eyrn mean to sit again. And in
2 Edw. 3. cap. 11. Adjolement has the like sig-
nification. See Praescription.

Ajudicatign (adjudicatio) A giving by
Judgment, a Sentence, or Decree. An. 16
17 Car. 2. cap. 10.

Ad inquirendum, is a Writ Judicial, com-
manding enquiry to be made of any thing touch-
ing a Cause depending in the Kings Court
for the better execution of Justice, as of
Casuaris, and such like. Whereof see great di-
versity in the Table of the Register Judicial,

Ad fra Regia, Is a Writ that lies for the
Kings Clerk, against him that ought to eject
him to the prejudice of the Kings Title in right
of his Crown. Of which see Register of Writs,
fol. 61. a.

Admeasurement (admeasurement) Is a Writ
which lies, for bringing those to Reson, or a
Mediocrity, that usurp more than their share.
And this in two Cases, the one termed Ad-
measurement of Domes (Admeasurement Domu) where the Widow of the deceased, holds from
the
the Heir, or his Guardian, more, in the name of her Dower, then of right belongs to her. Regist. of Writs, fol. 171. 6. Fitz. Nat. Br. fol. 145. In which case, the Heir shall be restored to the overplus. The other, Admissament of Pasure, (Admesament pasure) which lies between those, who have Common of Pasure, appendant to their Freethold, or Common by Vicinage, in case any of them Surcharge the Common with more Castle than they ought. Regist. 146. b. Fitz. Nat. Br. fol. 145.

Adminicule (adminiculum) Aid, help, support. Anno 1 Edw. 4, cap. 1.

Administrato (Lat.) is he that has the Goods of a Man dying intestate, committed to his charge by the Ordinary, and is accountable for the same, whenever it shall please the Ordinary to call him thereto. An Action lies against him, and for him, as for an Executor; and he shall be charged to the value of the Goods of the Intestate, and no further; if it be not by his own false Plea, or by waiting the Goods of the dead. If the Administrator die, his Executors are not Administrators; but it behooves the Court to grant a new Administration. If a stranger, who is neither Administrator nor Executor, takes the Goods of the dead, and administers of his own wrong, he shall be charged and sued as an Executor, and not as Administrator. See the Statutes of Wemfr. 2, cap. 19. And 31 Edw. 3, cap. 11.

Administratrix (Lat.) She that hath such Goods committed to her charge.

Admiral (Admiratus, Admirensia, Admirals, Captaines or Cufa Marii) signifies an High Officer, or Magistrate, that hath the Government of the Kings Navy. See the Statutes 13 & 15 Rich. 2, cap. 5. & 3 & 6 H. 4. cap. 11. 28 Hen. 8. cap. 15. And 27 Eliz. cap. 11. This Officer is in all Kingdoms of Europe that border on the Sea. He hath cognizance of the death, or main of a man, committed in any great Ship, riding in great Rivers, beneath the Bridges thereof, next the Sea; also to arrest Ships in great Streams, for the service of the King or Commonwealth, and hath jurisdiction in such Streams, during the same voyages. And it appears, that anciently the Admirals of England, had jurisdiction of all causes of Merchants and Mariners, haping not only upon the main Sea, but in all foreign parts within the Kings Dominions, and without them, and were to judge them in a Summary way, according to the Laws of Olon, and other Sea-Laws. See Pryme's Animadversions on 4 Inf. 255, 75. & 255.

Advertisment (admiss) Is when the Bishop, upon examination admits a Clerk to be able, and says Admissit e habilitam. Cap. 3 Leith. fol. 246. a.

Admittendo Clerica, Is a Writ granted to him, who hath recovered his right of Presentation against the Bishop in the Common Bench. The form wherof read in Fitz. Nat. Br. fol. 33. And Register of Writs, fol. 33. a

Admittendo in Socium, Is a Writ for the association of certain persons to Justices of Aisleze formerly appointed. Register of Writs, fol. 246. a.

Admichiles, (Anno 28 Hen. 8. cap. 7.) Annull'd or made void.

Ad quod damnum, Is a Writ that lies to the Sheriff to ensure what hurt it may be for the King, to grant a Fair or Market in any Town, or place; or for the King, or any other person to grant any Lands in Fee-simple to any House of Religion, or other Body Politick. For in such case the Land so given, is said to fall into a dead hand; that is, such an estate and condition, that the chief Lords lose all hope of Heriots, Service of Court and Exchequers, upon any traiorres or felonious offence committed by the Tenant. For a Body Politick does not, nor can perform personal service to the King, or their Meijn Lords, as single persons may do. And therefore it is reasonable, that before any such grant be made, it should be known what prejudice it is like to work to the Grantor. Of this read more in Fitz. Nat. Br. fol. 261. And see Martain.

Ad terminum qui pertetit, Is a Writ of Entry, that lies where a Man, having Leased Lands or Tenements for term of life or years; and after the term expired, is held from them by the Tenant or other Stranger that enjoys the same, and defoeceth the Leifor. Which Writ lies for the Leifor, and his heir also. Fitz. Nat. Br. fol. 301.

Advent (adventum) Is the time from the Sunday that falls either upon S. Andrews day, or next to it, till the Feast of Christes Nativity, (Sir Edward Coke (< Par. Inq. fol. 265.) says Advent ends eight days after the Epiphany; but it is a mistake) wherein our Ancients reposed much reverence and devotion, in reference to the approaching solemn Feat. For, In Adventu Domini nulla Officium aqua potest. Placita de temp. Regis Edw. 1266. Whereupon there was a Statute ordained, Wemfr. 1. cap. 48. That notwithstanding the said usual solemnity and time of rest, it should be lawful (in respect of Justice and Charity, which ought at all times to be regarded) to take Alices of Novel Distin, Mort d'Ancel, and Darrein presentement, in the time of Advent, Septuagesima, and Lent. This is also one of the times, from the beginning wherefo, to the end of the Calues of the Epiphany, the solemnizing of marriage is forbidden, without special Licence; according to these old Veris.

Conjunctum Adventus prohibet, Hilare relaxi. Septuagesima reiat, sed Pascha Oltava reducet.

Rogatio vestit, concedit Trina potestas. See Rationem Vest and Septuagesima.

Adultery (Anno 1 Hen. 7. cap. 4. Advoutry. Adulterium, quasi ad altrius thorum) Properly spoken of married persons; but it only one of the two, by whom this sin is committed, be
be married, it makes Adultery; which was
severely punished by the ancient laws of this
Land, (not to mention the Julian Laws, among
the old Romans, which made it death.)
Eodemus Adulterium offeri juris in hand
iit. In iii, L. 1, cap. 4. Campana Rex homi-
nen Adulterium in casum velare legatur juris, tem-
nam natis & cures precario, L. 2, cap. 2. &
50. Et usus, nus futur Adulterium habet
Rez vel Domina suam superem, Episcopus infir-
men, L. 2, cap. 12. Dommayn iit. Chene,
Rez, dower, - De Adulterio per teram Chene,
habet Rex, & Domina suam, Archiepiscopus manet
excepta terra S. Trinitarian, S. Augustin, &
S. Martins, de quibus Rex nibil habet. Et it.
Chtre Civitas, - Vide, si non legimandum
commentarii se, et emended, nullius vero x. 1.
The penalty of this sin was called Laitwright,
See in this Pari, Cesas infit. the notable
Cafe of Nagerco, the Wife of John de Canon,
who, with the consent of her Husband, lived
in Adulteracy with Six William潘nel, yet lost her
Dower. See Dower. - Rez, &c, E. 12: Pre-
cipium tibi quod dirigitur iniqui facias per
laimes homines de Rez. Caneleur, R. Robertus
Pencera, habens subjacetum Will, Wale qui
cum uxis, Aet usur, Adulterium committeret, prodictum
et ingens Donum suum & idem Will. post
prohibitionem illam, Donum suis, & idem Wale post
prohibitionem illam, Domes nisi qua\ninfra, Adulterium probatum committit, unde
causatus Robertus mentula cum privatis, &
su inguinitus decretit, quod ita sit, tuque idem
Robertus & fui qui cum eorant ad hoc faciend. ter.
& carulla, tua occasione illa in manum nostrar
suffit, in pace esse facias, donec alius inde tibi
practicum, & veritatem illius inguinitus G. fili.
Petri, fustis, & Barouins filius de Sarec. Jure
facto, Teshe G. fili. Petri Com. Elyx apud Wode-
slow, 3 Nov. - Claus. 14. Joh. m. 1.
Ad semitrum, is a Feminine
Wife, mentioned in the Statute of Estury,
Anno 11 Edw. 6. See Visene inpectubus.
Adcccione decinum, is a Wife
that lies for the claim of the Fourth Part or upward,
of the Tythes that belong to any Church. Re-
gister of Wives, fol. 29, b.
Adoudry. See Adultery.
Adinqt abat abbat (advocatus) To justify
or maintain an Act formerly done. For ex-
ample, one takes a Disrest for Rent, or other
thing, and he is that is disinterested, iues a Reple-
tin. Now the Disfranet, justifying or main-
taining the Act, is said to Avo. Hence comes
Advowant and Avo. Old Nat. Br. fol. 43.
Bredon uteth the Latin word in the same
figurazion (as Advocatio dixititio). Libr. cap.
pag. 105. Advoare in the same figurazion.
And pag. 2. 3. 3. the Substantive Dvova-
amentum, for a Divulving or refund to A-
voir.
Adinqt abat abbat (advocatus) is used
for him that hath right to prepost to a Benefice,
Anno 25 Edw. 3. Stat. 5. Where we finde also
Advowie Paramount, for the highest Patron,
and is spoken of the King. Advocati et ad
quem parstnent jis Advocations aliquis Ecclesiae,
aud Ecclesiam, nonum propro non alieno, psyll
fol. 39. Useth it in the same figurazion. See
Assuer.
Adobdosee Paramount (Statute of Provi-
dens, 25 Edw. 3.) is taken for the King,
or highest Patron.
Adobdosen (advocatus) A right to prepost
to a Benefice as much as the Patron in the
Canons Law. The reason why it is so termed
is, Because they that originally obtained
the right of prepositing to any Church, were up-
holders of, or great Benefactors to that Church,
either by building or increasing it, and are
therefore sometimes termed Patrons, sometimes
Advocati, sometimes Defensores, Cap. 12. De
jure Patronatus in Decretal. And Adovvozen
(being a Bavard-French word) is used for
the right of prepost; as appears by the Statute
of Welfamers, Anno 11 Edw. 1. cap. 12.
Adovvozen, is of two forces, Adovvozen in
Greice, that is, Sole, not adhering to any
Manor, as parcel of its right; and Adovvozen
Appendant, which depends upon a Manor,
as apperent to it, termed by Kitchin an In-
cident that may be separated from the Subject.
Of this Scene, De verbor sign., hath these words,
Dicitur Advocatio Ecclesiae, vel sui Patronus
aliquis Ecclesiae ratione sui juis advocat se ad
canem Ecclesiam, & ossis in eadem habere
sui Patronatus, quam si esse sibi clientis loco,
vel potius cum aliquis (uieum Patrum) advocat
alium jure suo ad Ecclesiam exantum, eumque
lucro alterius (veluti defundii) prestans, & sibi
exhibet.
Alemseeb, Persania electomynas更多ies de-
mania Sancti Petri. See Alenfseeb.
Aletee prabodan, is a Wet that the Kings
Teman, holding in chief by Chivalry, and
being Ward by reton of his homage, obtained
to the Ekeher of the County where he was
born, or sometimes where the Land lay,
to enquire whether he were of full age to take
his Lands into his own lands. Register of Wetts,
duced.
Aer or Airp of Godalahts (Fr. aere) is
the proper word in Hawaze, for that we gene-
 rally call a Neft in other Birds. So it is used
Anno 9 Hen. 3. cap. 13. in the Charter of the
Forest, and in divers other places.
Atheon. See Eionce.
Atheers (affaree) probably from the
Fr. afferer, t. To confirm or affere, are those
that are appointed in Court Leets upon Oath,
to settle and moderate the Fines of such as have
committed faults arbitrarily punishable, and
have no express penalty laid down by Statute.
The Form of their Oath you may see in Kitchin,
fol. 48. The reason of this appellation seems to
be, because those that are appointed to this
Office, do affere upon their Oaths, what penal-
ity they think in Conscience the Offender hath
deserved. We finde this word used, Anno
25 Edw. 3. Stat. 7. (vix.) The same Justice...
before their rising in every Sessum, shall cause the Amendment to be offered. And to the same effect, Anno 26. Hen. 6. cap. 6. Sutclif. fol. 78. joyas thsoe three words, as Synonyem. Affidavit. Amenitatem. Affirmo. Brothun hath Affidavit nulliter, to be bethorred to a Woman Lib. 2. cap. 11. But I finde in the Customary of Normandy, cap. 20. This word (affirmo) which the Latin Interpreter expresseth by (fatare) that is, to set the price of a thing, as affirmo, indicare, &c. Which etymology seems to be the best.


Affirm (affirmare) Signifys to ratifie or confirm a former Law or Judgment. So is the Substantive Affirmance used Anno 5. Hen. 6. cap. 12. And fo is the Verb it self by Wolf partis secunda Symbol. lib. 2. fol. 52. If the Judgment be affirmed, &c. As also by Cromton in his Juris. fol. 168. 13 Hen. 7. cap. 20.


Affrout (of the Fr. affrout, i. a. bright) Signifys a skirmish or fighting between two or more. Lamb. in his Enarration. lib. 2. cap. 5. faith. It is oftimes contended with Affrout, but they differ in this, that an Affrout is only a wrong to the party, an Affrout is a common wrong. &c. And there are both are enquiring and punishable in a Lec. An Affrout may also be without word or blow given: As it a Man shew himself furnish with Armor or Weapons, not usually worn, it may strike a fear into others unarmed. And so is it used. An. 2. Edw. 3. cap. 3.

Affrit or Afta, Bullocks, or Plough-Beasts. Victores inter eorum comitia callata debitar, exceptio holus & Aftis carus. Vef. 2. cap. 18. Ard in Northumberland, to this day, they call a dull or flow Horte, a falte over, or Aftor Spelm. From whence also may come the word Hesfer for a young Cow.

Age (i.e. Fr. age) Signifys that part of Man's life, which is from his birth, to this, or his last day. But in Law it is particularly used for those chivalric times, which enable Men or Women to do that, which be one for want of Age, and consequently of Judgment, they might not do. Thise in a Man, are two: At Fourteen years he is at the Age of Discretion, Twenty one years, is his full Age. Littleton, lib. 2. cap. 4. In a Woman there were six Ages observed: First, at Seven years of Age her Father might, of old, Distain the Tenants of his Mannor, for Aid to marry her: For at those years she may consent to Marry. Brachton, lib. 2. cap. 36. num. 3. Secondly, At nine years old, she is Dowable; for then or within h a year after, she is able Promoters datae & annos suffrere. Plata. lib. 5. cap. 2. Little. lib. 1. cap. 5. Which Brachton does notwithstanding limit into Twelve years. Thirdly, At Twelve years she is able, finally to ratifie and confirm her former consent to Marry. Fourthly, At Fourteen she is enabled to receive her Lands into her own hands, and should be out of Ward, if she were of this Age at her Ancestors death. Fifthly, At Sixteen years she should be out of Ward, though at the death of her Ancestor she was under Fourteen. The reason is, because then she might take a Husband able to perform Knights service. Sixthly, At Twenty one years she is able to alienate her Lands and Tenements.

Afo at the Age of Fourteen, a Man is enabled to chuse his own Guardian, and to claim his Land held in Soccage. Dyser. fol. 162. Which Brachton (L. 2.) limits at Fourteen years, with whom Gianecte also agrees. And at Fourteen a Man may consent to Marriage, as a Woman at Twelve. At the Age of Fifteen years, a Man ought to be sworn to keep the Peace. An. 34. Edw. 1. Stat. 3. The Age of Twenty one did compel a Man to be Knight, that had Twenty pound Land per annum in Fee, or for term of life. Anno 6. Edw. 2. Stat. 1. Which statute is repealed 17. Cap. 1. cap. 20. That Age a to enable him to make Contracts, and manage his estate; which until that time, he cannot do, with featur of those that deal with him. The Age of Twelve years binds to appearance before the Sheriffs and Coroners, for enquiry after Robberies. Anno 53. Hen. 3. cap. 24. The Age of Fourteen years enables to enter an Order of Religion, without consent of Parents. Anno 4. Hen. 4. cap. 17. See Coke on Little. fol. 73. b.

Age Peter (statae precario, or aestic precario) Is a Petition or Motion made in Court by one in his minority, (having an Acton brought against him for Lands coming to him by decesant) that the Acton may rest till he come to full age; which the Court, in most Cases, ought to grant. This is otherwise in the Civis Law, which enforce Children in their minority to answer by their Tutors or Curators.

Agenthine. See Baghekinhe.

Agent and Patient, Is when one is the doer of a thing, and the party to whom it is done: As where a Woman endows herself of the fairest polisheon of her Husband.

Agilt (from the Fr. gifte, i. A Bed or Renting-place, or from gifte, i. fabulare) Signifys to take in, and need the Charge of Strangers in the Kings Forest, and to gather the Money due for the same. Charta de Forstas. cap. 5. The Officers that do this, are called Aggilois, in English Guest or Guest-letters. Cram. juris. fol. 146. These are made by the Kings Letters Patent, and he hath four of them in every
that hath an interest in the Cause in question; and is likely to give strictness, both to the party that prays in Aid of him, and also to avoid a prejudice growing toward his own right, if not prevented. But this route of proceeding is of late much diffused. Fitz-Herbert mentions both Prior in Aide, and Prior Aide de Patron, &c. Ausiliarii pereat a patrono, Nat. Br. fol. 54. 8. And the New Book of Entries, verbis aide de patrono, fol. 421. col. 4. The word is also found in 1 Rich. 2. cap. 7.

This Aide-pair of Aid-prayer, is sometime also used in the Kings behalf, that there be no proceeding against him, till his Council be called, and heard what they can say, for avoiding the Kings prejudice or loss in the cause in hand. Also a City or Borough that hath a Free-Farm of the King, may pras in Aide of him, if any thing be demanded of them relating thereeto. Of this you may read the Statute De Bigarnia, Am. 4 Edw. 1. cap. 5. 1 Edw. 3. Stat. 1. cap. 14, & 19 Car. 2. cap. 8. Vide Relevi.

Aile (of the Fr. aicul, i. aum) signifies a Writ that lies, where the Grand-father, or great Grand-father called by us Beisfuir, but in true French Beisuel, was seised of any Land or Tenement in Fee-female the day he died, and a Stranger abate or enters the same day, and dispossesseth the Heirs, Itac. Nat. Br. fol. 222. See Pwcham, fol. 443. b.

Arie of Haukes. See Arie.

Alba firma. Confus annale qui Centenario seve Dominio Hundrici pendulat. Ideo alba dicitur, quod non ex more prae famili in annuque quae tunc Black mail municipia fut (hoc est confus vel jamuna) sed argentae, quasi confus et de red. Spelman. Duplex est terminus in Com. Wernferland. serv. una per Albam firmam & alia per Carnegiam, &c. 2 Part. Inf. fol. 10.

Alderian (Sax. Aldopingian, i. Senior.) Was among the Saxons, as much as Earl among the Danes, Camb. Brit. fol. 107. Also an Elder, Senator, or Stateman. At this day we call them Aldermen, who are allocations to the Civil Magistrate of a City or Town Corporate, 24 H. 8. cap. 13. See Spelumans Galliarum at large on this word, where you shall finde that we had here anciently a title of Aldernamnus totius Angliae. His requestis D. Alberanus inclivi Regi Edagari cognatus, totius Angliae Alderamnus, & bujo sacri Carobih (i. Ramechus) minimusulus fundator.


Alet (fatus jorun) is verbum, to go without day; the meaning whereof is to be finally dismiffed the Court, because there is no day of farther appearance assigned. R. 1. fol. 104.
Alchemy, A Rent or Tribute yearly paid to the Lord Major of London, by those that sold Ale within the City. Antig. of Purveyance, fol. 1837.

Aletar, is an Officer appointed in every Court Leet, and sworn to look to the Alfizze, and goodmen of Bread and Ale, or Beer, within the Precinets of that Lordship. Ritchie, fol. 46. where you may see the Form of his Oath.

Alia, vide Capias alias.

Alien (alienare) signifies to transfer the property of any thing to another person. To Alien in Mortmain, is to make over Lands or Tenements to a Religious House, or other Body Politick. See Mortmain. To Alien in Fee, is to sell the Fee-simple of any Land or Tenements, or of any Incorporate right. Wym. 2. cap.3. Anno 13. Edw. 1.

Aliet (alienare) One born in a strange Country. It is usually taken for the contrary to Dimizen, or a natural subject, that is, a stranger here never emancipated. Book, Dentizn, 4. Yet a man born out of the Land, for to be within the limits of the Kings obedience beyond the Seas, or of English Parents out of the Kings obedience, to the Parents, at the time of the Birth, be of such obedience, is no Alien in account, but a Subject to the King. Stat. 2. 25 Edw. 3. commonly called the Statute De nativ. ultra mare. Also, if one born out of the Kings allegiance, come and dwell in England, his Children, begotten here, are not Aliens, but Denizens. See Denizen.

Alimoty (alimonia) Nourishment, maintenance. But in a modern legal sense, it signifies, that portion or allowance, which a married Woman enjoys for, upon any occasional separation from her Husband; wherein she is not charged with Eilement or Adultery. This Alimony was anciently expressed by rationabile citoerium, for reasonable maintenance. Rex Vic. Bucki salutem. Precipue tibi quid de Marriage Emma de Pickeney usum Laurelini Penei, quia commissuas ex. 24 quod praeditum Emma affixit, movet non trahat, idem Emma rationabile citoerium suum invenia donec idem Laurelini vic fune can tanquam usum suum trahert. In dexterum classis non indi poenitentia. T. 29 Aug. Anno Regni noftri 7. Rot. Clau. 7. Hen. p. 1. 3.

Allop (Fr.) is used for the temper or mixture of other Metals with Silver or Gold. Anno 3 Hen. 5. Stat. 2. cap. 4. and Stat. 1. cap. 11. The reason of which Alleys, with a better meta, to augment the weight of the Silver or Gold, so much as may counterfeit the Prince's charge in the Coynage, and to make it the more fullige. Anto. d'abec. de Nummariorum delitorum Solutionium, cap. 1. Anno 4 Hen. 7. cap. 2.

Allocation (allocatio) A placing or adding unto; also allowance made upon an account: used in the Exchequer.

Alocutione faciendo, is a Writ directed to the Lord Treasurer and Barons of the Exchequer, upon a Complaint of some Accomptant, commanding them to allow him such sums, as he hath by vertue of his Office lawfully and reasonably expended. Reg. of Writs, fol. 26. b.

Allobudium. See Fee.

Alumineis (from the Fr. allemoir, to lighten or kindle) is used for one, who by his trade coloureth or paints upon Paper or Parchment. And the reason is, because he gives light and ornament by his colours to the Letters, or other Figures coloured. The word is used Adm. 1 Rich. 3. cap. 9. Now we call him a Limner.

Almoe or Almoner (Eleemosynarius) is an Officer of a King or Princes House, whose function is carefully to collect the fragments of Meat and Vvithals, and disburse them every day to the poor; charitable to visit the sick and leprous, prisoners, poor widows, needy persons, and those that have not conformable abode;likewise to receive, and faithfully disburse all Hordes, Robes, Money, and other things given in Alms; he ought also to excite the King with often admonitions, especially on Festival days, to be bountiful in giving Alms, and to becheer, that his rich robes may not be given to Paravish, Mathers, Stage-players, or the like, but may go towards the increase of his Alms. Pleta, hist. 2. cap. 22.

Almonees or Almenees (Szax.) is Almomey, that is, Pettenance anciently paid in England, on the first of August, and given by King William, called also Remorobe, Remorre, and Heartcong. Seldens History of Saks, pag. 217.

Almoted See Almone.

Alnage (Fr. Auinance) Ell-measure, the measuring with an Ell. Anno 17 Edw. 4. cap. 3. See Almager.

Almager or Almager (Fr. Almuer, 5. A Measurer by the Ell) signifies a sworn publick Office, who by himself or deputy looks to the Alfizze of Woollen Cloth made through the land, and to the Seals for that purpose ordained, Anno 25 Edw. 3. Stat. 4. cap. 1. And 3 Rich. 2. cap. 2. who is accountable to the King for every Cloth so sealed in a Fee or Custom thereunto belonging. 17 Rich. 2. cap. 2. Read of this more, 27 Edw. 3. cap. 4. — 1 Hen. 4. cap. 12. — 7 Eijflem. cap. 10. — 11 Eijflem. cap. 6. — 18 Eijflem. cap. 4. — 1 Hen. 5. cap. 9. — 31 Eijflem. cap. 5. — 4 Edw. 4. cap. 1. — 4 Eijflem. cap. 1. and 1 Rich. 3. cap. 8. There are now a Ternary of Officers relating to the regulation of Cloathing; all which, were anciently comprised in the unity of one person. These bear the distinct names of Scareker, Measurer, and Almage, which last, though it be a Taunotological expression (Almager and Measurer, being the same thing denoted in two Languages) yet long usage and custom have brought them to distinct Offices, and that which anciently was called Almage, from whence the Almager takes the name, who was no more but Measurer in signification, is now become Collector of the Subsidy granted to the King, by
by the before recited Statutes, still holding the name Amager, because the collection of that Subsity was by Edward the Third, committed to the charge of the Amagers, and he nevertheless not alledged of his measuring and searching, till by his own wilful neglect they became separated, and that by distinct Laws. Informach, as there is now a peculiar Measuror, who ought to allow the Alhiz of length and breadth to every particular Cloth, made in England and Wales: And, because the Subjects of this Land should not be abused, an office of Seacching is established by Act of Parliament, whose Officer ought by his Seals, judiciously and diligently affixed, to denote the defects and casual abuses which each particular Cloth contains. All these Offices were anciently under the cognizance of the Amagers; as you may read at large in a Treatise, entitled, The Golden Piece, printed Anno 1656. See 4 Infir, fol. 31.

Aludium, in Domini, signifies a free Mannor, and Audrius, Lords of the same. Case on Leist, fol. 4.

Altarage (altaragium) Comprehends not only the offerings made upon the Altar, but also all the profit which accrues to the Priest by reason of the Altar, Accessum Altarit.

Northampton, fl. Inter ordinem five decreta de Termino Sanci Mich Anno 27 Eliz, in Seccario remanentes, & in custodia Rememoratoris Legis inter alia continentur sic.

Jovis, 15 Die Nov.

Un the Hearing of the Matter between Ralph Turner, Vicar of Welf-Haddon, and Edward Andrews, it is ordered, That the said Vicar shall have, by reason of the words (Altaragium cam manco competenter) contained in the Composition of the Profits assigned for the Vicars maintenance, all such things as he ought to have by these words, according to the Definition thereof made by the Reverend Father in God, John Bishop of London, upon Conference with the Civilians, viz. David Hewes, Judge of the Admiralty, Bartholomew Clark, Dean of the Arches, John Gibbon, Henry Jones, Laurence Hewes, and Edward Stanhope, all Doctors of the Civil Law, that is to say, by Altaragium, Tythes of Wool, Lamb, Colt, Calf, Pig, Gullings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and such other small Tythes, with Offerings, that shall be due within the Parish of Welf-Haddon.

And the like case was for Norton in Northamptonshire, heard in the field Court within these two or three years, upon the Hearing Ordered in the like manner.

Oblationes five nummorum, five pataums, tani vel talli Altari, vel ex devotio vel ex cons. jectandae, aut a Parochianis, aut ab extraneis jactae, Altaragium minune confessentur. Glor. in Mat. Paris.

Alas t baflo, etc, in Alas t in baflo. Petiti successoris quod Williamcum Tylar de Tetton, et Thomas Gower de Anglemire jussicavit se in alto et in baflo in arbitrio quattuor hominum, viz.,—de quatuo quattuor, pendente inter eos in Custia de Wyggemore ad sibi prisci William versus praesum Avenue Thomam, est prisci quattuor hominum judicis accensus & ordinandum quod Dat apud Aylemferre die Mercuri prope post Februe Conceptionis B. Maris, Anno 1 Hen. 5. —Ipse Prior sieht & Bogi similiter & penitus se in gratiam, misericordiam & voluntate Regis de alto & baflo ad quod mandatum Turi Londoni, &c. Plac. coram Reg. fil. 18 Edw. 1. By this is meant, the absolute subjection of all differences, small and great, high and low.

Amabur. See Chogar.

Ambidexter (Lat.) He that useth his left hand as well as his right hand; that plays on both sides; But in the legal acceptation, it signifies, That juror or Suret who takes Money on both sides for giving his verdict; for which he forfeits ten times as much as he takes.


Ame (Kings Proclamation, 1662.) See Amas.

Amenable (from the Fr. amener, i. To bring or lead into.) Others write it amenîable, from the Fr. main, a hand:) tradable; that may be led by the hand or governed; that may be bought or fetched in. It is applied in our Law Books to a Woman that is supposed governable by her Husband.

Amendment (amendatio) signifies the correction of an Error committed in a Process, and espied before or after Judgment; and sometimes after the party seeking advantage by the Error. Book, title, Error and Amendment.

Amendment (from the Fr. Merci, i. misericordsia,) signifies the reparation punishment of an offender against the King, or other Lord in his Court, that is found to be in misericordsia, i.e. to have offended, and to harm to the mercy of the Lord. There seems to be a difference between Amendmentes and Fines: Thence, as they are taken for punishments, are punishments certain, which grow expressly from some Statutes; but Amendmentes are arbitrarily imposed by Affevers. See Kitchin, fol. 78. and 94. Manwood (in his first part of Foref Laws, pag. 166.) makes another difference, as if an Amendment were a more efficac or merciful penalty, and a Fine more sharp and grievous. Take his words, If the Pledges for such a Trespass appear by common Summons, and not the Defendant binsiffs, then the Pledges shall be imprisoned for the Defendants default: But otherwise it is, if the Defendant binsiff appears, and he ready in Court before the Lord Justice in Eyre.
to receive his Judgment, and to pay his Fine. But if such pledges make default, they shall be
Amerced, but not Fixed. The Author of the
New Tenure of Law faith, That Amercement is most properly a Penalty affixed by the Peers or
Equals of the Party Amerced for an offence
done; for which, he puts himself upon the
mercy of the Lord: Who also mentions an
Amercision Royal, and defines it to be a pecu-
nanary punishment laid upon a Sheriff, Coro-
nor, or such like Officer of the King, by
Justices for some offence. *Ratcliff, Baron of
the Escocher," 2 Hen. 7, fol. 7. See Misfor-
cordia.
Amortization (amortizatio, Fr. amortissement) is a method of reducing a loan or mortgage
in a specified period of time. See Mortmain.
Amortize (from the Fr. amortir) means to repay or extinguish a loan or mortgage.
Amortize to any Corporation, Guild or
Fraternity, and their Successors; which
cannot be done without the Licence of the
King and the Lord of the Manor. Anna 19 Ric. 2,
cap. 5. See Mortmain, and the Statute of
Amortizing lands made tempo Edw. 1.
Amodeus manum. See Ouer le Main.
An, Anno & Waife (Annus, dies, & Vagum) Look Year, Day, and Waife.
Ancrage (ancrage) A duty taken on
Ships for the Port of the Haven, where they
call Anchor. M. S. Arb. Treor Ar. No man can let any Anchor fall on the
Kings Ground in any Port, without paying
therefore to the Kings Officers appointed by
Parent.
Ancello, (ancello) is well known; but
we make this difference between that and Pre-
decedor; the first is applied to a natural son,
as I. S. & Anteceders say; the other to a
Body Politick or Corporate, Bishop of
Winton & Predecessors say. Coke on Litt. Lib. 2,
cap. a. 96, 103.
Ancereal, As Homage Ancereal, i. Homage
that hath been done or performed by once
Ancelors. See Homage.
Ancient, (Fr. ancien) In GEOGUIA the
Society consists of Benchers, Ancients, Bard-
affers, and Students, under the Bar, where
the Anciients are of the more Ancient Bar-
affers. In the Inn of Chancery there are only
Ancients, and Students, or Clerks, and among
the Ancients, one is yearly the Principal, or
Treasurer. In the Middle Temple, Ancients
are such as are past their Reading, and never
read.
Ancient Deane or Deanin, (secd Patrim-
niuni Domini) is a certain Tenure, whereby
all the Mannors belonging to the Crown in the
days of St. Edward, or William the Con-
queror, were held. The number and names of
which Mannors, as of all other belonging to
common persons, after a Survey made of them,
he caused to be written in a Book, now re-
main in the Escocher, and called Domini-
Days. And thence which by that Book appear
to have at that time belonged to the Crown,
and are contained under the Title Terra Regis, are
called Ancient Deanes, Kitchen, fol. 98. Of
these Tenants there were two forts; one that
held their Land frantly by Charter, the other
by Copy of Court-Roll, or by Verge at the
Will of the Lord: according to the Custom of
the Manor. Botton. cap. 66. numb. 8. The
benefit of this Tenure consists in these Points.
1. The Tenants holding by Charter, cannot be
impeached out of their Mannors, or, if they be,
they may abate the Writ; by Pleading their
Tenure, before or after answer made. 2. They
are free of Toll, for all things, concerning their
Suffrance and Husbandry. 3. They may not be
enamelled upon any Enquef. See more in
whom it appears, these Tenants hold originally
by Ploughing the Kings Land, plowing his
Hedges, or such like, towards the mainte-
nance of his Household, in which regard, they
had such Liberties given them, wherein, to
avoid disturbance, they may have Writs to
such as take the Duties of Toll; as likewise for
Immanity of Portage, Paffage, or such like.
No Lands ought to be accounted Ancient De-
anes, but such as are held in Saccage. See
Manhabourant and Deman.
Ancyent, (Fr. ancienne, i. ancienne) In
the Statute of Ireland, 14 Hen. 3, is used
for Elderhip or Seniority. As, The Eldest
Sister can demand no more then her other Sibers,
but the chrest Mease by reason of her Anciency.
Andena, A Wath in Mowing. See Dole.
Annetes (annates) Are all one with First-
fruits. Anna 25 Hen. 8, cap. 20. The reason
is, because the rate of First-fruits paid of
Spiritual Livings, is alter one years profit.
Annetes more usuallly applied to those unions amis
common accord, but common accord, pays Foleur Viage de l'even album lib. 8, cap. 2.
Note, Annates, Primacies, and First-fruits, are
all one. Codex 12, Rep. fol. 45. See First-
fruits.
Anncient (from the Fr. ancien, i. To
make void) signifies as much as frustrated or
brought to nothing. Littleton, lib. 3, cap. Warr-
ants.
Ancyentary days (diee anniversia) Were
of old those days wherein the Martyrdoms or
Deaths of Saints were celebrated yearly in the
Church; or the days wherein, at every years
end, Men were wont to pray for the Souls of
their deceased Friends, according to the con-
tinued custom of Roman Catholics; mentioned
in the Statute 1 Edw. 6, cap. 14, and
2 Car. 2, cap. 13. This was in use among our
ancient Saxons, as you may see in Lib. Rantis.
Scri. 154.
Anuna pennywise, Is a Writ (now dilated)
whereby the King having an Annual Pension
due to Him from an Abbot or Prior, for any of
His Chaplains, (whom He should think good
to nominate, being as yet unprovided of suffi-
cient
cient living) demands the fame of the said Abbot or Prior; and also wills him for his Chaplains better assurance, to give him his Letters Patent for the same. Register of Writs, fol. 35, 357. And Fitz. Nat. Br. fol. 1231. Where you may see the names of all the Abbeyes and Priorities bound to this, in respect of their Foundation or Creation.

**Anno Domini.** Is the computation from the Incarnation of our Lord JESUS, and is used in publick writings; sometimes with, and sometimes without the year of the Kings reign. As the Romans made their computation from the building of the City Rome, and the Greeks by Olympiades; so Christians in remembrance of the happy Incarnation of our Saviour reckon their time from hence. The day of the Moneth, the Year of our Lord and Saviour Christi, and the Year of the Kings reign, are the usual Dates of Days. Coke, 2 Inst. fol. 671.

**Annuity (annuum redditus)** Signifies a Yearly Rent to be paid for term of Life, or Years, or in Fee; and is also used for the Rent that lies against a Man for recovery of such a Rent. Register of Writs, fol. 138. Fitz. Nat. Br. fol. 1231. Annuity is otherwise defined to be a certain sum of Money granted to another in Fee-simple, Fee-fait, for Life or Years, to receive of the Grantor or his Heirs, so that no Free-hold be charged therewith; whereas a man shall never have Affizze, or other Action, but a Writ of Annuity. Dollar and Student, Dial. cap. 3. Shews several differences between a Rent, and an Annuity, whereof the first is, That every Rent, be it Rent-charg', Rent-service, or Rent-fee, is issuing out of Land; but an Annuity chargeth the person only, that is to say, the Grantor or his Heirs that have Affizze by deflect. The second is, That for the recovery of an Annuity, no Action lies, but only the Writ of Annuity against the Grantor, his Heirs, or Successors; but of a Rent, the same Actions lie as do Land, as the Cafe requires. The third difference is, That an Annuity is never taken for Affizze, because it is no Free-hold in Law, nor shall it be put in Execution upon a Statute Merchant, Statute Staple or Eleigit, as a Rent may. Dyer, fol. 145. numb. 2. Coke on Litt. fol. 145.

**Annuity alias Annuity (Fr. Nuitance, i. Hurt or Offence)** hath a double signification, being used as well for any hurt done, either to a publick place, as High-way, Bridge, or Common River; or to a private, by laying any thing that may breed infection, by incroaching, or such like means: As also, for the Writ that is brought upon this transfreion; whereof I see more in Nuitance. The word Annuity I finde Anno 22 Hen. 8. cap. 5.

**Annuity.** See Annuity.

**Appellate caperendo.** Is a Writ (now out of use) that lay against one, who having entered and professed some Order of Religion, brake out again and wandered the Country, con-


**Apparatement (of the Fr. parcellamento, i. likewise, or in like manner). Signifies a relin-
chance, or likelihood; as Apparatement of War, mentioned in our Statutes.**

**Appeal (Fr. Appel).** Is as much as accusa-
tion with the Civilians. For, as in the Civil Law, Cognizance of Criminal Causes, is taken either upon inquisition, denunciation, or accusation; so in ours, upon Indictment or Appeal. Indictment comprehending both inquisition and denunciation; and Accusation or Appeal, is a lawful Declaration of another Man's crime (which by Brasam must be Felony at least) before a competent Judge, by one that sets his name to the Declaration, and undertakes to prove it, upon the penalty that may ensue of the contrary. For the whole course of an Appeal, I must refer you to Brasam, lib. 3. trad. 2. cap. 18. Smith de Republ. Angl. lib. 3 cap. 2. Britton, cap. 23. 25. And to Stann. Pl. Coron. lib. 2. cap. 6. 7. 8. An Appeal is commenced two ways, either by Writ or by Bill. Appeal by Writ, when a Writ is purchased out of the Chancellor, by one to another; to this end, that he Appeal a third of some Felony committed by him, finding Pledges that he shall do it, and deliver this Writ to the Sheriff to be recorded. Appeal by Bill, when a Man of himself gives up his Accusation in Writing to the Sheriff or Coroner, offering to undergo the burden of Appealing the person therein named.

This point of our Law, among others is drawn from the Normans, which appears plainly by the Grand Cautum, cap. 58. Where there is set down a solemn discourse, both of the effects of this Appeal, viz. The Order of the Court, and of the Tryal by Inquest; which by our Law, is in the choice of the Defendant. See New Book of Entries, verbo. App. Book of Affizze, fol. 78, and 3 Part. Inst. fol. 131.

**Appeal of Maimen, Is an accusing of one that hath maimed another. But that being no Felony, the Appeal thereof is but in a manner an Action of Trepass, because there is nothing recorded but damages. Brasam calls this Action de Plagii & Malejon, and writes a whole Chapter of it, Lib. 3. trad. 2. cap. 24. See Coke, Vol. 4. fol. 45. 4. In King John's time, there is recorded an Appeal against a Few, Qui fecit emcommunicationem incensum.**

**Appeal of wrong imprisonment, Issued by Brasam for an Action of wrong Imprisonment, Lib. 3. trad. 2. cap. 24.**

**Appeal (from Appeals, to call, because Appellantes vocentum in judicio, Coke on Litt. lib. 2. cap. 11.) Is divers times used in our Common**
Common Law, as in the Civil, which is for a removing of a Caue from an Inferior Judge to a Superior; A. Appeal to Rome, Anno 24 Hen. 3. cap. 12. and 1 Eliz. cap. 1. So S. Paul appealed from Feopus to Caesar. But more commonly for the private accusation of a Murderer, by a Person who had interest in the party murdered, or of any Felon by one of his Complikes in the Fact, See Approver, and see Cake on Litt. fol. 257. b.

Appelling or Appellor, is he, who hath committed some Felony which he confesses, and now Appeals, that is, Accuses others who were complices with him. And those that are so appealed are called Appellates. Anno 28 Edw. 1. See Apprepos.

Appendant (appendens) is an Inheritance belonging to another that is more worthy; as Accessorium principali with the Civilians, or, Adiunctum subjectis with the Legumin. An Hospital may be Appendant to a Manor, Fitz. Nat. Br. fol. 142. Common of Filling, appendant to a Freehold, Wym. c. 2. Anno 13 Edw. 1. Appendant are ever by Prescription. See Cake on Litt. fol. 257. b.

Appengage or Appenage (Fr.) The portion of the Kings younger Children in France, a Childes part. They have in France a Fundamental Law, which they call the Law of Appengages, whereby the Kings younger Sons have Duchies, Counties, or Baroniies, granted unto them, and their Heirs, or Heirs-males of their Bodies, the Reversion referred to the Crown, and all Matters of Regality, as County, Levingy Taxes, and the like. It is derived Ab appendens, or from the German word Anhang, which signifies a Portion. See Gerard du Heyden, & Spel Gisfier, in esse Appenagium.

Apperitances (peruentiae) are things both Corporal, belonging to another thing, as well as the more principal; as Hamlets, are Chief, Mannon, Common of Pature, Turnaby, Piscary, and such like; and Incorporal, as Liberties, and Services of Tenants, Brit. cap. 39. Where it may be observed, That he accounts Common of Pature, Turnaby, and Piscary, to be things Corporal. See Common.

Apposition (appositionem) is a dividing of a Rent into parts, according as the Land (wherein the whole Rent issues) is divided among two or more. As if a Man have a Rent-service influing out of Land, and he purchases part of the Land, he shall be apponited, according to the value of the Land. So if a Man lent Lands for years, reserving Rent, and after a stranger recovers part of the Land, the Rent shall be apponited. But a Rent-charge cannot be apponited, nor things that are entire; As if he hold Land by service, to pay to his Lord yearly at such a Feast, a Horse, or Rofe; there, if the Lord purchase part of the Land, this service is totally extinxt; because such things cannot be divided without hurt to the whole. Yet in some Cases a Rent-charge shall be apponited, as if a Man hath a Rent-charge influing out of Land, and his Father parcellath part of the Land charged in Fee, and dies, and this parcel desends to his Son, who hath the Rentcharge; then this charge shall be apponited, according to the value of the Land; because such portion of the Land, purchased by the Father, comes not to the Son by his own Act, but by descent and course of Law. Common Appendant is of common right, and severable; and through the Commoner, in such case, purchase parcel of the Land, wherein the Common is Appendant, yet the Common shall be apponited. But in this case, Common Apparell, and not Appendant, by such Purchase is extinxt. Cake, lib. 8. fol. 79.

Appositer. See Forin Appositer.

Appendic, (Fr.) As Fee or Profit Appendae (Anno 2 & 3 Edw. 6. cap. 2.) Fee or Profit to be taken or received.

Apprentice, (Fr. apprenti, and that from appendre, to learn, whence their apprentices, and our apprentizing) is one that is bound by Covenant to serve a Tradesman or Artificer, a certain time (for the most part seven years) upon condition, That the Master shall, during that time, instruct him in his Art or Mystery, Sir Tho. Smythe (in his Rep. Angl. lib. 3. cap. 3) says, They are a kind of Bondmen, differing only, in that they are servants by Covenant, and for a time. Anciently Barratres were called Apprentices of the Law. As appears by Mr. Selden's Notes upon Fortescue, p. 30 the Learned Plowden fills himself. Sir Henry Finch in his Nomenclature writes himself Apprenctico del Ley 3, and Sir Edward Coke in his Part. Infin. fol. 564. says Apprentici Legis, in pleading, are called Hominis consilii, et in Lage porti. And in another place, Apprenctes, and other Counsellors of Law.

Appropriation (appropriate, from the Fr. approparer, i. apaire, accommoder) signifies the affording of a Benefice Ecclesiastical (which originally was, Dei Donum, & in Patrimonio nulius) to the proper and perpetual use of some Religious House, Bilhoprick, College, &c. So called, because Parsonis, not being ordinarly accounted (Domini) but usufructuaries, having no right of Fee-simple, are by reason of their perpetuity, accounted owners of the Fee-fimpler, and therefore called Proprietors. Before the time of Richard the Second, it was lawful (as it seems) to appropriate the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the Cure. But that King ordained, That in every Licence of Appropriation made in CHANCERY, it shall expressly be contained, That the Diocesan of the place should provide a convenient sum of money to be yearly paid out of the Fruits, towards the sustenance of the poor in that Parish, and that the Vicar should be well and sufficiently endowed, Anno 15 Rich. 2. cap. 6. To make an Appropriation (after Licence obtained of the King in Chancery) the conferment of the Diocesan, Patron, and Incumbent.
lent arc necessary, if the Church be full; if it be void, the Diocesan, and the Patron, up
on the Kings Licence, may conclude it. Plow-
den in Greenbriar Cafe, fol. 496. To dissolv
an Appropriation, it is enough to present a Clerk
to the Bishop, and he to institute, and indue him:
For that once done, the Benefice returns
the former nature, Hist. Nat. Br. 35. and
Coke, lib. 7, fol. 15.

Appropinquement (Anno 43 Eliz. cap. 11.)
Is the fame with improvement; but it is more
particularly used for the enclosing part of a
Common by the Lord of the Manor, leaving
sufficient nevertheless for the Commoners.

Appraiser (Apprabor) Is one, that confe-
fem Felony committed by himself, appeale or
accede others to be guilty of the fame; and is
so called, because he must prove that which
he hath alleged in his Appeal. This Proof is by
Battle, or by the County, at his election that
appealed. The Form of the Acquittance you
may in part gather by Commonlaw Justice
of Peace, fol. 256. & 257. That it is done before
the Coroner, either assigned to the Felon by
the Court, to take and record what he faith,
or else called by the Felon himself, and reque
red for the good of the Commonwealth to do
so. The Appraiser, when he begins the Com-
bat, you may fee in the last Page of
Commonlaw, as also the Proclamation by
the Herald. Of the Antiquity of this Law, read
at large Bruxon, lib. 3. Text. 3. cap. 32. & 33.
Staw. 11. Cons. lib. 2. cap. 52. ctm. seq. And
3 Part. Injfl. fol. 129. See Proof.

Approbation of the King (Approbationes
Regni) Are those that have the letting of the
Kings Domains in small Mannors, to his best
advantage. Anno 51 Hen. 3. Stat. 5. And in
the Statute of 1 Edw. 3. cap. 8. the Sheriffs
call themselves the Kings Approvers.

Approve (Approbe) To augment or (as it
were) to examine to the utmost. For example,
To approve Land, is to make the best benefit of
it by increasing the Rent, &c. Anno 5 Hen. 6.
cap. 10. Bailsiffs of Lords in their Frontieres,
are called their Approvers: and by what fol-
ows, you may see what kind of Approvers or
Approbors were formerly in the Marches of
Wales, authorized by the Prince thereof.
Richard de Longeau Emperour defuit Com-
munion of the Duke to Queen the Prince deins
the Countie of Hereford, & the Marches ad-
poyanet, a toute 3 ceux qui cest Letters, ver-
ant ou onrent, falsifie. Sachez moy aver grant a
une feant de Brompton noel qi lie nofcre
Seignor le Roy, & cest servans, de vendre &
acetre hebs, & barbez deins the Countie de
Hereford, & le Marche adpoynant sans empechement
on afez de ventez, comme noel & legne branze,
asson propre as & enrest, sans refreshement des
Rebels de Galles. Et cest mouz Lettre ferra fon
Garant. En teffomage de quel chofe a 5 cest
ja la reej mon Scat. Don a Lefpef si xi jour de
jouer le aum de Regne le Roy Henric. le quant
apres le Conqueff, quatre. —See 2 Part. Injfl.
fol. 474. —Quod nullum liberum tenens infra

Aquæ (aquæ, s. aquæ agnum, i. aquæ
duûus & aquæ agnum) — Non licet aliæ
de cetero facere dammas vel foras aut alia impre-
pedimenter in aquibus lami continentur, jut
satis de aqua pro omnibus quis libera
praet. Ordinario Maris de Romincys fata
tempore Hen. 3. & Edw. 1. p. 72. See Water-
geage.

Arbitrate (Lat.) Is an extraordinary
Judge or Commissioner in one or more Cases,
between party and party, chosen by their mi-
unt confents. This Arbitration is either
general, that is, including all Actions, Quar-
s, and Demands, or Special, which is o one or
more Matters, Facts, or Things specified. The
Civilians make a difference between Arbitre
and Arbitrate: For though they both ground
their power upon the comprimite of the parties,
yet their liberty is divers. For Arbitre is
tied to proceed and judge according to Law,
with Equity intermingled; Arbitrate is per-
mitted wholly to his own discretion, without
solemity of Procees or Court of Jurisdiction,
to hear or determine the Controversie com-
mitted to him; so it be Juex Arbitrium hunc vici.
See Aire & Bays.

Arbitration, See Arbitrate.

Archies Court (Clavis de Arcibus) Is the
derer and ancientest Consistory that belongs
the Archbishop of Canterbury for debating
Spiritual Causes; and so called from Bow-
Church in London, (dedicated to the Blessed
Virgin) which was kept. And the Church is
so called of the fashion of the Steeple or Clocher
thereof, whose top is rated of Stone-pillars,
built Arch-Wife, like to many Bow-Bow.

The Judge of this Court is termed The
Dean of the Archies, or the Official of the
Dean of the Archies, because with this Officiality is commonly joyned a pecu-
lar Jurisdiction of Thirteen Parishes in
London, termed a Deanery, being exempted
from the Authority of the Bishop of London,
and belonging to the Archbishop of Canterbury,
of which, the Pariah of Beco is one, and the
chief, because the Court was there kept.

The Jurisdiction of this Judge is ordinary,
and extends it fell through the whole Province
of Canterbury. So that upon any Appeal made,
he forthwith, and without any further examina-
tion of the Cause, sends out his Citation to
the Appellate, and his Inhibition to the Judge,
from whom the Appeal was made. Of
this read more in Hiforia de Antig. Ecclef.
Britain. And 4 Part. Injfl. fol. 337.

Arche (arche, from arcus, a Prefs or
Chett.) The Rolls, or a place wherein Ancient
Records, Charters, and Evidences (that be-
long to the Crown and Kingdom) are kept;
also the Chancery or Exchequer Office.

Armes (arum) In the understanding of
Law, are extended to any thing that a Man
wears for his defence, or takes into his hands,
or acts in his writ to call or strike another.
Crompt

Armament are also, what we call in Latin insignia, Ensigns of Honor.


Arpen or Arpent (Fr.) An Acre or Fur- long or Ground, the most ordinary one, called L'Arpent de l'Annee, is one hundred Perches Square, after Eighteen Foot to the Perch. This word is often found in Dumfries, Quater Arpeni vincit nitidum plantatun. Tit. Middlesex.

Arren (an old Fr. word) signifies the rank or getting forth a Jury or Enquest of Men, enpanneled upon a Cause. 17 Hen. 6, cap. 14. Hence the Verb to Array a Pannel. 3 Eliz. 5. caps. and Old Nat. Br. fol. 157. That is, to set forth the Men enpanneled one by another. The Array shall be quashed, ibidem. By the Statute, every Array in Affizce ought to be made four days before, Br. tit. Pannel, num. 10. To challenge the Array. Kichin, fol. 92. See Challenge. To lead and conduct persons armed and arrayed, 14 Car. 2. cap. 4.

Arrarers (arraritores) is used in the statute, 12 Rich. 2, cap. 6, for such Officers, as had care of the Soldiers Armour and see them duly accounted in their kindes. Such were the Commissioners of Array, appointed by King Charles the First, in the year 1643. Edw. Dei gratia Rex Anglorum, Domini Hebor. & Ducis Aquit. deificatus & jussus a Johanne de Offleybus & Johanne de Fonten, securitatus & Arraritores in Wapentakes de Baskerley Seton. Cum ad repellantem Scotorum maliciniam qui regnum nostrum falsiter sum ingrevit, comitad. in, acceptationes, incendia & alia mala—civitas perpetranda, sine justicia Marchiae Scotiae, &c. Etc. Scio sum tibi posse suo pro certo distinguis propriae civitates nostras Loricis aida die Marius se congregare proponentibus, &c. Nos confiderantes, &c. Omnes hostium defensively & potentia ad pugnam ejusdem apud Wapentake tam militis quam alii, &c. T. me ipso apud North-Accerton xii. die Junii, anno regni nostri primo.

Arraine or Arraighe (from the French Arriere, i. to set a thing in order or in his place) hath the same figuration in Law: For he is said to Arraine a Writ of Novel Diffijion, who prepares and fits it for Tryal before the Justices of the Circuit, Old Nat. Br. fol. 107. Littleton (p. 75.) ueth the word in the same sense, viz. The Leaf arrangeth an Affizce of Nouel Diffijion. To arraign the Affizce, is to cause the Tenant to be called, to make the Plaintiff, and to set the Cause in such order, as the Tenant may be enforced to answer thereto, Coke on Litt. fol. 162. b. Also a Prisoner is said to be arraigned, when he is indicted and brought forth to his Tryal. Arraigned within the Verge upon Murder. Stani. Pl. Cor. fol. 241. The manner of this Arraignement you may read

in Sir Thomas Smith de Rep. Angl. lib. 2. cap. 43. — The Lexicon Speelman is of opinion, it should be written Arramce, from arramare, and that from the old French arramare, i. ruerre, promittere, secommittere proferre.

Arraignment (from the Fr. arriver, verbe) The remain of an Accomplice, or a Sum of Money remaining in the hands of an Accomplice. It is sometimes used more generally for any Money unpaid at a ducumtis; as Arraignment of Rent.

Arratent (from the Span. arrendant, q. ad cessionem rei diminuens,) Ordin. Terres, 34 Edw. 2, cap. 6. Signifies the licensing an owner of Lands in the Forests, to enclose them, (Bassia rasa & varia jussitum, with a low Hedge, and final Ditch; which is according to the Affizce of the Forest) under a Yearly Rent. Saving of the Arratent. Is having power to give such Licences for a Yearly Rent. Arrat (Fr. a Pop or Pay, and is metaphorically used for a Deed, or Determination of a Cause declared, or disputed pro et con.; as Arrat du Senat, i. Placitum Curia.) with us Arrat is taken for the Execution of the Command of some Court or Officer of Justice, and a Man slopped, freed, or apprehended for Debt, &c. is said to be Arrat, which may be called The beginning of Imprisonment.

To move or plead in Arrat of Judgment, is to shew cause why Judgment should be paid, notwithstanding the Verdict be given. To plead in Arrat of taking the Enquest upon the former Issue, is to shew cause why an Enquest should not be taken, &c. Brook, tit. Repleader. For preventing Arrat of Judgments, see the Statute, 16 Edw. 1, 17 Car. 2. cap. 4.

Arrastandia bonis no dispembratur, Is a Writ which lies for him, whole Cattle or Goods are taken by another, who during the controversy, doth, or is like to make them away, and will hardly be able to make satisfaction for them afterward, Regist. of Writs, fol. 26.

Arrastando ipsum, quos praestium receptit ad profisciendum in obsequio Regis, &c. Is a Writ which lies for the apprehension of him that hath taken Prett-Money for the Kings Wars, and hides himself when he should go. Regist. of Writs, fol. 22. b.

Arryce fullo super bonis mercatorum alienorum, &c. Is a Writ which lies for a Deinden, against the Goods of Strangers of any other Country, found within this Kingdom, in recompense of Goods taken from him that Country, after he hath been denied restitution there. Regist. of Writs, 16 Hen. 9, a, 9. Among this Ancient Civilians was called Clariguat, now barbarously Represalia.

Arrretted, (in Rame, gauffy, ad vetelin voca- tur) That is convicted before a Judge, and charged with a Crime. It is sometimes used for imputed, or laid unto; as, no toley may be arrrettred to one under age. Littleton, cap. Be- mitter. Chastity ueth the Verb Arrretteth, i. Layth blame, as it is interpreted. Bastion F. 22.
As

ays, Ad retinum habere Malefactors, 1. To have the Malefactor forth coming, so as he may be charged and put to his Tryal, Lib. 3. r. 57. &c. And in another place, Releas us de morte homini, charged with the death of a Man.


Arbelle. —(An. 50, 53. &c. 3. 6. &c. 5. &c. 6. &c. 6. &c.) And that no person or persons shall hereafter, at any time, cast any thing upon any Court within Wales, or in the Lordships Marchers of the same, by the mean or name of an Arbelle; or by reason whereof the Court may be set down, disturbed, or discontinued for that time, upon pain of, &c. is a British word, and more truly written Ardelle, which the Southwells men write Ardell, and signifies (according to Dr. Davies Diction) Amphilartus, Afroere, Vindicatio; Affitto, Vindicia, &c. Abgildh Alwob. Example, D elic Dym, &c. is to be found in the Law before, and goes Ardelle in primitive, by whom or ledged oddithin, &c. If a Man be taken with fowl in his hands, he must be allowed a lawful Ardelle (Vouches) to clear him of the Felony. Which is part of the Law of Howell Dja, but probably was so abused in Henry the Eighth's time, by the delay of, or exemption of Felons, and other Criminals from, Justice, that provision by this Statue was made against it. Thus explicated by the Learned Meredith Lloyd Esquire.


Asfart. (Fr. Effarre, to glaze or make Glades in a Wood, to make Plain, to Grub up or clear a ground of Thistles, Shrub, &c.) Is (according to Manwood, cap. 3. numb. 1.) an offence committed in the Forest, by planting up those Woods by the Roots, which are Thickets, and Cover for the Deer, and by making them plain as arable Land, which is the greatest Offence or Trepsals that can be done in the Forest, to Vert or Venison, containing as much or more then Whele. For whereas Whele of the Forest, 15 Edw. 3. the Felling and Cutting down the Coverts, which may grow again: Asfart is a Plucking them up, and Destroving them, which is confirmed out of the Red Book in the Exchequer, in these words, Astarf est ecosse si nominare, quando Forfella mensa vel Dominam, pacem & laudabile feramum oportere, succidantur: Quibus succisus & radiatum annule, terrae subversione & excelli-

Asfart was also anciently used for a parcel of land asfarted, as appears by this Charter of Roger Earl of Mariner. Scena praebet de futuri, quod ego Rogerus de Mortuo mare Dicei & conselli Adef Pilcoris proferitum us tresplesc acras terre super Magnusdon inter pratum quod fiat Petri Buddo & vili quod vadit pro medium Magnusdon. Dicei etiam adem Adef Duo Asfart in la Hope, que appellation Ordinestrading & Aldicheuding, in quibus Asfartis continentur quaeque acd ad eandem mensuram tresplesc acras terre super Magnusdon. Ad tenendum de me & hereditum mei sibi & hereditum suis in feodo & hereditate libere & quiete, Redendo inde annus annuam & hereditum mei sibi & heredem sibi dos solos ad Feudum Sandel Michael. pro omni fere bene, subeire domini Regis. & autem hae mea Data Donatio & concessio firma est & habito, pro hac & autem manibus meo munus, conformi. In testiis, Ade Salvag. Walte de newo Menul. &c. Sin est. Pene The. Bridgewater, Gen.

Asfalt (asfaltus) Is a violent kind of injury offered to a Mans person, of a higher nature than Battery, for it may be committed by offering a blow, or by a terrifying speech, (Lamb, Euen, lib. 1. cap. 3.) As to reduce a Collector with foul words, so that he departed for fear without doing his Office, was taken for an Asfart. To strike at a Man, though he were neither hurt nor hit with the blow, was adjudged the like. — 5 Lib. Aff. Pra. 56. For Asfart does not always necessarily imply a hitting, or blow; because in Trespals for Asfart and Battery, a Man may be found guilty of the Asfart, and excused of the Battery, 25 Edw. 3. cap. 24. The Feudals define it thus. Asfaltus est ineptus in personam aut honorum, sero habet pedo fabris sat, vel equo aut macinis aut quacumque alio re affiliatur. Zafius de Feud. pag. 227. num. 33.

Asfach or Asfath (An. 1. Hs. cap. 6. &c.) Was a strange kind of Purgation used of old in Wales by the Oath of 300 Men. For I find it explicated in an ancient M. S. Asfach est un jur de 300 homes in Galles, and is now abrogated.

Asfap
Affray of Measures and Weights (from the Fr. Effet, i.e. a proof or trial.) Is the examination used by the Clerk of the Market. Register of Writs, fol. 279. — As Affissum & Affissum pari et vari et Cursum. Paten. 37 Hen. 8. Tho. Marrow.


Ambulant unlawful, Is the meeting of three or more persons to do an unlawful act, though they do it not, 1 Lamb. Escle. l. 19. c. 19. and thus unlawful Amblym.

Affidavit (Fleta, li. 2. cap. 15. et quæs. Ordinarius, Collectarius, Defensor.) We now use it for him that Affideth Publick Taxes; as two Inhabitants in every Parish were Affidors for the Royal Aid, that is, rated every person according to the proportion of his estate. Ann. 16 & 17 Car. 2. cap. 1. Also an Officer in the Presbyterian Assemblies.

Affix (Fr. Affixe, i.e. stit) Signifies Goods now to discharge that burden, which is cast upon the Executor or Heir, in satisfying the Tatters or Anceors Debts, or Legacies. In Brookes, titulus, Affixes par defunct, you shall finde, That whoever charges another with Affix, charges him with having wrong descended, or come to his hands to discharge that which is in demand. Of this there are two sorts, Affixes par defendant, and Affixes enter mains.

The first is, Where a Man enters into Bond, and dies seised of Lands in Fee-simple, which descend to his Heirs, and are therefore chargeable as Affix in his hands: But if the Heir alien the Lands, before the Bond be put in suit, he is discharge. Affix enter mains, is, when a Man dies inditted, leaving to his Executors sufficient to discharge his Debts and Legacies; this is Affix in their hands.

Affine (affine de) Hath two significations; one general, as to appoint a Deputy, or to set over a right to another; in which, Britton (fol. 122.) faith, this word was first brought into use in favor of Baffards, because they cannot pass under the name of Heirs, were therefore comprised under that of Affines. The other particular, as to point at, or set forth, viz. To Affine Error, is to shew in what part of the Process Error is commited. To affime fals Judgement, is to declare how and where the Judgment is unjust. To affime fals Verdict.
have presented a Clerk to a Church, and after
(the Church being void by his death, or other-
wise) a stranger presents his Clerk to the same
Church, in my disturbance. And how other-
wise this Writ is used. See Bradlon, lib. 4. tit.
193.

Afflita de Utterm (Afflita strum) Lies for a
Patron against a Lay-man, or a Lay-man against
a Parson, for Land or Tenement doubtful, Wheth-
ert it be Lay-fee, or Free-almos. And of this fee
Bradlon, lib. 4. tit. 3. cap. 1. & seq. Britton,
cap.35. The reason why these Writs are called
Afflitas, may be divers. First, because they
fetise the Possession, and so an outward
right in him that obtains by them. Secondly,
They were originally executed at a certain time
and place formerly appointed. For by the
Norman Law, the time and place must be known
forty days before the Justices sit on them:
And by our Law there must be likewise fifteen
days of preparation, except they be tried in the
Hanging Courts at Westminster, as appears by
Fitz, Nat. Br. fol.177. & seq. Lastly, They may
be called Afflitas, because they are tried most
commonly by elysapt Courts, at term and appoint-
ated for the purpose, as may be well proved,
not only out of the Customary of Normandy,
but our Books also: Which shew, That in
ancient times Justices were appointed by spe-
cial Commission, to dispatch Controversies of
Possession, one or more, in this or that County,
as occasion fell out, or Distresses were
offered, and that as well in Term time, as
out of Term: Whereas of later days, we fee
that all these Commissions of Afflitas, of Ex,
of Oner, and Terminally, of Goal-delivery, and of
Nisi prius, are dispatched all at one time, by two
several Circuits in the year, out of Term, and by
such as have the greatest way of Justice, being
all of them the Kings Justices of either Bench,
Barron of the Exchequer, or Serjeant at Law.

Afflita In the second signification, according
to to Littlen, is used for a Jury. For to
use his own example) it is set down in the be-

dinning of the Record of an Affita of Novel
Differia, Affita sunt recognitio, which is as
much as to say, Juratet saevis saevis recognitio.
He gives this reason why the Jury is called an
Affita because, by Writ of Affita, the Sheriff
is commanded, Quod facias duodecim liberos
et legates hominum de vicinatu, & Videas Tem-
imentium illud, & nomina cum librum, &
quod summunet eos per perso summationem,
quod sint certa Jusdicticia, & paratis inde fa-
cere recognitio, & Thi is (as if he should
have spoken shorter) Metonymia effici. For
they are called the Affitas, because they are
summoned by virtue of the Writ so termed.
And yet the Jury summoned upon a Writ of
Right, is likewise called the Affita, as himself
there confesseth. Which Writ of Right is not
an Affita but this may be said to se genu-
strue, or abusively so termed. Affita in this
signification is divided In magnam & parcum.

Glanville, lib. 2. cap. 6 & 7, &c. and Britton,
cap. 12. Where it appears, wherein the Great
Affita differs from the Petit Affita. The for-
mer four kindes of Affitas used in Actions one
Property, are called Petit Affitas, in respect of
the Grand Affita. For the Law of Fees is
grounded upon two Rights: One of Possession,
the other, of Property. And as the Grand
Affita serves for the Right of Property, so the
Petit Affita serves for the Right of Possession.

Horns Mirror of Justices, lib. 2. cap. De Novel
Differia.

Affita in the third signification, according
to Littlen, is an Ordinance or Statute of
Affita as the Statute of Bread and Ale
made Anno 51. Hen. 3. is termed the Affita
of Bread and Ale (Affita panis & cerevisia)
Reg. of Writs, fol. 273. b.

Affila of the Forest (Affilta de Foresta) Is
a Statute or Condition, touching orders to be
observed in the Kings Forest. Manwood, part.
1. pag.535. Compton in the Court of Justices
of the Forest, per exempt, fol. 146. & seq. And
called the Statute for view of Frank-Pledge.
These are called Affitas, because they let
down and appoint a certain measure, rate, or or-
der in the things they concern. Of Affita in this
signification, Glanville also speaks, Lib. 9. cap.
1. in fine, Generaliter veniam effec quod de quilibet
placito quod in comitatu deductur & terminatur,
neglecta dicit, quod de provocatione, vicecomitata
debat: Quod quanta sit, per nullum affermage
generalium determinatum effici. And thus much touching
Littlen’s Division.

But if we mark well the Writers of the
Law, we shall finde this word (Affita) mo-
diverely used, then this Author hath noted.
For it is sometime used for the measure or
quantity it fell, (and that per Metonymiia ef-
fecti) because it is the very Easitaire described
or commanded by the Ordinance: For exam-
ple, we see, When Wheat, &c. is of this price,
then the Bread, &c. shall be of this Affita.
This word is farther taken, for the whole
Proces in Court upon the Writ of Affita, or for
some part thereof, as the Ilfaue or Verdict of
the Jury. For example, Affita of Novel
Differia, &c. shall not be taken, but in their
Slaves, and after this manner, &c. Mag. Char.
cap. 12. And so it seems to signifies, Rofinum.
caps. 2. & seq. Anno 13 Edw. 1. in these words, Let
the Differia allasse in false exceptions, whereby
the taking of the Affitas may be deferred, &c.
And Anno 34 Edw. 1. Stat. 1. if is be found by
Affita the Affita is arraigned: so over by the
Affita the Affita by their defaults shall pass
against them. And also Anno 1 Hen. 6. cap.
2. Affitas awarded by default of the Tenants, &c.
Lastly, By Morton, cap. 4. Anno 20 Hen. 3.
(FF) certified by the Affitas quit by the Affitas, &c.
And in this signification Glanville calls it
Magna Affitas demum Regis que ex duodecim
et minus legam dimidium hominum Sacramentum
constituit, L. 4. c. 7. Britton utit it in like sort, &c.
Affitas cadit in transgressionem, & Affitas cadit
in perditione et damnatione L. 4. c. 30. 31. Britton defines an
Affises in this figuration, thus: Affise in juve passível, si quidem recognitum dumdeciu tamen juravitur, per quos justificavi certorium de articulis in huius contextu. And Affises also, thus figuring, is said sometimes to pass (per modum affise) and sometime in modum juravit, in manner of an Affise, when only the Difinien in question, is put to the tryal of the Twelve; in manner of a Jury, when any objection is objected to disable the interest of the Distinien, and is put to be tried by the Twelve, before the Affise can pass.

Affise in this figuration, is taken four ways, Old Nat. Br. fol. 105. The first is Affise as large, which is taken as well upon other Points, as upon the Difinien. For example, where an Infant brings an Affise, and the Deed of his Ancestor is pleaded, whereby he claims his Right or founds his Title; then the Affise shall be taken at large: That is, the Jury shall inquire not only whether the Plaintiff were deceived, or not, by the Tenant, but also of these Points, viz. Whether his Ancestor were of full age, of good memory, and out of Prison, when he made the Deed, pleaded. Another example, You may read in Littlenen cap. Estates upon condition. The second manner is, when the Tenant, as it were, setting foot to foot with the Demandant, without farther circumstance, pleads directly contrary to the Writ, no wrong, no defend. The third is, when the Tenant alleges something by exception that must be tried by a Jury, before the principal cause can proceed: As if he pleaded Forein Relafe, or Forein Matter tryable in another County. For, in this case, the Jusities refer the Record to the Court of Common-Place, for tryal of the Forein Pleas, before the Distinien can come to be decided. Of this sort read divers other examples in Brasfon, lib. 4. part 2. cap. 34. For there are of them (as he faith, and Britton also, cap. 52.) both dilatory and peremptory. The fourth and last manner is, Affise of Right of Damages; that is, when the Tenant, confessing an Offset, and referring it to a Damnerur in Law, whether it were rightly done or not, is adjudged to have done wrong. For then shall the Demandant have a Writ to recover damages, called an Affise to recover Damages, as also the whole Process.

Affise is further taken for the Courts, place, or time, where and when and where the Writs and Proceedings of the Affise are handled or taken: And in this figuration Affise is general; as when the Jusities go their several Circuits, with their Commission, to take all Affises twice in the year, that is called the General Affise. It may likewise, in this figuration, be special; as if an especial Commission be granted to certain persons (as was ten done in ancient time, Brasfon, lib. 4. cap. 11.) for taking an Affise upon one Distinien or two; this would be called a Special Affise. And in this very figuration, Classicus ut si, Lab. 2. cap. 12. See Coker, 2 Inst. fol. 183.

Concerning the General Affises, in the most usual figuration, thus the Learned Sir F. Bacon.

All the Counties of the Realm (says he) are divided into five Circuits, and two Learned Men are assigned by the King a Commission to every Circuit, who ride twice a year through those Shires allotted to that Circuit; these we call Justices or Judges of Affise, who have five several Commissions by which they sit.

The first is a Commission of Oyer and Terminer directed to them, and many others of the best account in their Circuits. But in the Commission the Judges of Affise are of the Quorum; so as without them, there can be no proceeding. This Commission gives them power to deal with Treasons, Murders, and all manner of Felonies and Misdemeanors: and this is their largest Commission.

The second is of Goal Delivery, and that only to the Judges themselves, and the Clerk of the Affise Associate; by this Commission they are to deal with every Person in Goal, for what offence soever he be there.

The third Commission is divided to themselves only, and the Clerk of Affise, to take Affises, by which they are called Justices of Affise; and the Office of these Judges is, to direct upon Writs called Affise, brought before them, by which as are wrongfully drawn out of their Lands.

The fourth Commission is to take Nisi Prius, directed to none but the Judges themselves, and their Clerk of Affises; by which they are called Justices of Nisi Prius.

The fifth is a Commission of Peace in every County of their Circuit. And all the Justices of Peace, having no lawful impediment, are bound to be present at the Affises, to attend the Judges, as occasion shall fall out; if any make default, the Judges may set a Fine upon them at their pleasure and discretion. The Sheriff of every Shire is also to attend in person, or by a sufficient Deputy, allowed by the Judges, who may fine them, if they fail. See more in Sir F. Bacon's Use of the Law, fol. 13. affixe 21.

Affise Continuanda, Is a Writ directed to the Justices asigned to take an Affise, for the continuance of the Gaufe, in case where certain Records alleged cannot in time be procured by the party that would use them, Reg. of Writs, fol. 217.

Affise Propaganda, Is a Writ directed to the Justices of Affise, for stay of proceeding, by reason of the Rings business, where in the party is employed, Reg. of Writs, fol. 203, 221.

Affises, (assignes) sunt quia Affises constant, but taxations, importum. Spelman. In Scotland (according to Skene) they are the same with our Jurors, and their Oath is this.

We shall be faithful, And na faith conceals, far na thing we may, So far as we are charg'd upon this Affise, Be God himself and be our part of Paradise, And as we will answer to God, upon The Dreadful Day of Rome.
At

Affidavit (affirmatio) is a Parent Brev
by the King (either of his own motion, or at the suit of the Plaintiff) to Justices appointed to take Affidavits of Novel Diffigent, or of Issue and Terminus, &c., to take others unto them, as Fellows and Colleagues in that affair. The examples, and sundry uses hereto you may finde in Plea
Nat. Br. fol. 185 & 186. But more particularly in Act of Writs, fol. 201, 206, 228.

Afoile (affoile) signifies to deliver, pend, or ferre from an Excommunication. Stamps П. C. Cor. fol. 72, to this effect; otherwise the Defendant should remain in prison, till the Plaintiff were affected; that is, delivered from his Excommunication. So in 1 Hen. 4. cap. 10. Mention being made of King Edward the Third, it is added, Whom God affilio, Hierro. Due de Lancaster, Count de Leicester, de Derby & de—Senlac Dergrope, A tout ces que ceste entendre verront ou avront fait en Dieu, Comme nostre chere & bien ame confi lais de Bancroft en nostre mene rendez sejournant encore de terre ou les appartenances en Salisbury en nostre due de Lancaster les quels il vouloit a lay & a ses Heirs du don & ferfent nostre tres bonne Seigneur & pare, que Dieu afoile, &c. Dit. 30 Edw. 3.

Aimmis (from Amissio) is a voluntary promise made by way, whereby a man affirms or takes upon him to pay or perform anything to another. This word comprehends any verbal promise made upon consideration, which the Grecians express diversely, according to the nature of the promise, calling it sometimes Fidium, sometimes Promissium, Pollicitationem, or Constitutionem.

Attributio or Attribution (Sax.) Hi qui pacem habet, vit mansuet brev, et jubes exiante—Quis nisi confidens in pacem quam habet per superstiti ausit pugnaciter, domum refugerit & terram tantundem, quod Angli vocant Attribution. LL. divi Edwardi, cap. 290. See Hoveden, pag. 666.

Atia. See Oldia & Atia.


Atche, (attachiure. From the Fr. attacher, i. jager, mellier, alliger) Signifieth to take or apprehend by Commandment or Writ. Lamb. (in his Eiren, &c. cap. 16) makes this difference between an Arrest, and an Attachment, that an Arrest proceeds out of an Interior Court by Precept, and an Attachment out of higher Courts, by Precept or Writ; and that a Precept to Arrest, hath the formal words, Duci facias, &c. And a Writ of Attachment thereto, Praeceptum tibi quod attaches tali & cubatur cum eam modo, &c. Whereby it appears, that he, who Arrests, carries the party Arrested to another higher person to be disposed of forthwith; he that attaches, keeps the party Attached, and presents him in Court at the day appointed in the Attachment. Yet an Attachment sometimes立出es out of a Court Baron, which is an Inferior Court, Kitchin, fol. 79. There is another difference, in that an Arrest lies only upon the Body of a Man, and an Attachment sometimes upon his Goods: which makes it in that particular differ from a Capias, in being more general: For, a man may be attached by an hundred Sheep (Kitchin, fol. 263) but the Capias takes hold of the Body only. See Sale, Verba, Attachmentem.

Attachment by Writ, differs from a Differs or Diffinages in this, That an Attachment reacheth not to Lands, as a Differs doth, and that a Differs toucheth not the Body (if it be properly taken) as an Attachment doth, yet are they divers times confounded, as may appear by Glanvil, lib. 10, cap. 3. and Flexa, lib. 2, cap. 68. However, in the most common use, an Attachment is an apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A Differs, without a Writ, is the taking of a Man's Goods for some real cause, as Keet, Service, or the like, whereby to force him to Replevy, and so to be Plaintiff in an Action of Trespass against him that disgraceth him. See Differs.

Attachment out of the Chancery, is had of course, upon an Affidavit made. That the Defendant was served with a Subpoena, and appears not, or if he appear not upon performing some Order or Decree. After the return of this Attachment by the Sheriff, Quod non est inventum in Balivia fest—Another Attachment with Proclamation inflicts upon against him; and if he appears not thereupon, then a Writ of Rebellion. Well, part. 2. Symbol, sit. Proceedings in Chancery.

Attachment of Privilege, Is by virtue of a Mans Privilege, to call out to another that, whereas he himself belongs; and in respect whereof he is privileged, to answer some Action. New Book of Entries. Verba Privileg, fol. 431.

Forain Attachment, Is an Attachment of Goods or Money, found within a Liberty or City, to satisfy some Creditor of his within such City or Liberty. And, by the Culfom of some places, as London, &c. A Man may attach Money or Goods in the hands of a Stranger, while he is within their Liberty. As it a owes B 10 l. and Cows to a 10 l. B may attach this 10 l. in the hands of C, to satisfy himself for the Debt due from A. See Cumbria Rep., pag. 66.

There is likewise an Attachment of the Forest, which is one of the Three Courts there held. The lowest is called the Attachment; the mean, Statimmore; the highest, the justifce in Eyre seat. This Court of Attachment seems to be so called, because the Verderors of the Forest have therein no other Authority, but to receive the Attachments of Offenders against Vert and Venison, taken by the rest of the Officers, and to enrol them, that they may be presented or punished at the next justice Seat. Manwood pars. pag. 93. And this Attachment is by three means, By Goods and Chattels by Body, Pledges, and Mainprice, or by the Body only. The Court is kept every Forty days.
days throughout the year. See Crompton in his Court of the Forest. The diversity of Attachments you may see in Regest of Writs, under the word Attachimentium, in Indice.

Attainit (attainida) As it is a Substantive, it is used for a Writ, that lies after Judgment, against a Jury, that hath given a false Verdict in any Court of Record (be it the Action Real or Personal) if the Debt or Damage faramount the sum of 40s. What the Form of the Writ is, and how it is, is expressed in Fitz. Nat. Br. fol. 105. and New Book of Entries, fol. 848. The reason why it is so called, is because the party that obtains it endeavors thereby to touch or stain the Jury with Perjury, by whose Verdict he is grieved: And if the Verdict be found false, then the Judgment anciently was, that the Jurors of Meadows should be punished altogether, their Horses broke down, their Woods grubbed up, and all their Lands and Tenements forfeited to the King: but if it pass against him that brought the Attainit, he shall be imprisoned and grievously ranched at the Kings Will. See Glanvill, lib. 7. cap. 19. Smith de Repub. Angl. lib. 2. cap. 71. & 72. Hen. 8. cap. 5. In what diversity of Causes this Writ is brought, see Reg. of Writs in Indice. It was anciently called Breve de Convictione. See Coke on Little, fol. 294. b.

Attainit (attainitus) is used particularly for such as are found guilty of some crime or offence, and especially of Felony or Treason. Yet a Man is said to be attained of Differen. Woffin. cap. 74. & 76. Anna 3 Edw. 1. And so it is taken in French, as Etre attaini or essuyer en aucun cafe, i. e. to be cast in any case. Britton, cap. 75, ues the Particular Attainit, in the sense we say attained unto. A Man is attained by two means, by Appearance, or by Proces. Stanf. Pl. Cor. fol. 83. Attainit by Appearance is by Confeition, by Battle, or by Verdict. Confeion (where Attainit grows) is twofold: one at the Bar before the Judges, when the Prisoner, upon his Indictment read, being asked guilty or not guilty, answers guilty, never putting himself upon the Jury; the other is before the Coroner in Sanctuary, where he upon his Confeition, was, in former times constrained to abjure the Realm, which kindle also, of the effect, is called Attainit by Apojuration, Stanf. fol. 147. Attainit by Battle, is when the party, appealed by another, and charging to try the truth by Combat, rather than by Jury, is vanquished. Attainit by Verdict, is when the Prisoner at the Bar, answering not guilty to the Indictment, hath an Enquest of Life and Death passing upon him, and is, by their Verdict, pronounced guilty. Dignum, &c. & 192. Attainit by Proces, or other wise called, Attainit by Default, or Attainit by Oublié, as where a party files, or doth not appear, until he hath been five times called publicly in the Country Court, and at last upon his default is pronounced or returned Oublié. The same Author (fol. 182.) makes a difference between Attainit and Conviction, with whom agrees the Statute, Anna 34 & 35 Hen. 8. cap. 14. and Anna 1 Edw. 6. cap. 12. in these words, That therein such Defender, being duly thereto convicted or attainted by the Laws of this Realm, &c. And I finde by Stanf. (Fr. Cor. fol. 66.) That a Man by our ancient Laws, was said to be convicted positively upon the Verdict (guilty,) but not to be attainted, until it appeared he was no Clerg., or being a Clerg., and demanded by his Ordinary, could not purge himself. And in one word it appears, That Attainit is larger than Conviction; Conviction being only by the Jury: And Attainit is not before Judgment. Perkins, Grants, num. 27, 28. Yet it appears by Stanf. fol. 9. that Conviction is sometimes called Attainit: For there he says, the Verdict of the Jury does either acquit or attain a Man. And so it is, Woffin. cap. 51. This ancient Law touching the Conviction and Purgation of Clerks is altered by 25 Edw. cap. 18, as may read in Clerks.

Attainit (attainit临和 attainit) is when a Man hath committed Treason or Felony, and after Conviction, Judgment hath passed upon him. The Children of a person Attainted of Treason cannot be Heirs to him, or any other Ancestor. And if he were noble and gentle before, he and his posterity are made base and ignoble: This corruption of Blood cannot be salved, but by Act of Parliament. See Attainit, and Felony.

Attendant (attendons) Signifies one that owes a duty or service to another, or depends on him. For example, there is Lord, Meff, and Tenant, the Tenant holds of the Meff by a penny, the Meff holds over by two pence: The Meff relates to the Tenant all the right he hath in the Land, and the Tenant does his Wic shall be endowed of the Land, and the shall be Attendant to the Heir of the third part of the penny, and not of the third part of the two pence. For the shall be endowed of the half Poffession of her Husband. And, where the Wife is endowed by the Guardian, the shall be Attendant to the Guardian, and to the Heir at his full age. Richm. fol. 69. With whom agrees Perkins in Dower, 444.

Atermorizing.—Also such as will purchase attaining of their Debt shall be sent into the Exchequer. Ordinatio de liberatis per gestandi. Anna 27 Edw. 1. It comes from the Fr. Attermoye, i. Tha hath a term or time granted for the payment of a debt. So in this Statute, it seems, to signify the Purchasing or gaining a longer time for payment of a debt. Atermorizing quaresmes as a premium Parliamentum, Woffin. 2. cap. 24.

Attorney (attornatus) Is he that is appointed by another Man to do any thing in his stead as much as Escreativecommons urator or Syndic in the Civil Law. Wee define them thus, Attorneys are such persons as by the Confect, Commandments, or Regule of others, see to, and take upon them the charge of their benefices, part. 1. Symbol. lib. 3. f. 14. 553. In ancient time, those of Authority in Courts, had it in their power, whether to H.

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suffer men to appear, or sue by another then themselves, as is evident by Fitz, Nat. Br. fol. 25, in the Writ Dedimus potestatem de Attornato faciendo, where it is framed, That men were driven to procure the Kings Writs or Letters Patent to appoint Attorneys for them, but it is since provided by Statutes, that they should be lawful so to do, without any such circuit, as appears by 20 Hen. 2, cap. 15. — 6 Edw. 1, c. 8. — 5 Ejusdem, Stat. 2. — 2 Rich. 2, cap. 1. — 15 Ejusdem, cap. unio. — 7 Rich. 2, cap. 4. — 7 Hen. 4, cap. 2. — 3 Hen. 8, cap. 2. — 15 Hen. 6, cap. 7, and 17 Hen. 7, cap. 2. And you may see great diversity of Writs in the Table of the Registrator, wherein the King by his Writ commands the Judges to admit of Attorneys; whereby there grew at last so many unskilful Attorneys, and so many mistriever of them; that for restraining them, it was enacted (4 Hen. 4, cap. 8.) that the Justices should examine them, and displace the unskilful. And again, (33 Hen. 6, cap. 7.) that there should be but a certain number of them in Norfolk and Suffolk. In what cases a Man at this day may have an Attorney, and in what not, see Fitz, ubi supra.

Attorney is either general, or special. Attorney General is he, who by general Authority is appointed to manage all our Affairs or Suits; as the Attorney General of the King, which is as much as Procurator Caesaris was in the Roman Empire. Attorney General of the Duke. Gramp. Jurif. fol. 123. Attorney Special or of Particular, is he that is employed in one or more causes particularly specified; of whom you may read more at large in Glanvill, lib. 11. cap. 1. and Britton, cap. 126. There are also, in respect of the divers Courts, Attorneys at large, and Attorneys special, belonging to this, or that Court onely. The name is borrowed of the Normans, as appears by the Customary, cap. 65. Our old Latin word for it, seems to be Responsabilis, Britton, lib. 4, cap. 1.

Attorney of the Court of the Dutche of Lancaster (Attornatus Curiae Ducatus Lancastriæ) is the second Officer in that Court, and seems, for his skill in Law, to be there placed as Assessor to the Chancellor of that Court, being for the most part a Honorable Person, and chosen rather for his especial trust, repose in him, to deal between the King and his Tenants, than for any great Learning; as was usual with the Emperors of Rome, in the choice of their Magistrates.

Attornment (from the Fr. Tourner, εις κερ- τερε is an acknowledgment of the Tenant to a new Lord. As when one is Tenant for Life, and he in Reversion, grants his right to another, it is necessary the Tenant for Life agree thereto, which is called Attornment, without which nothing passeth by the grant. But if the Grant be by Fine in Court of Record, he shall be compelled to Attorn, Stat. 27 Hen. 8, cap. 16. The words used in Attornment are these: I agree me to the Grant made to you, or (more commonly) I attorn to you by force of the same Grant; or, I become your Tenant, or deliver to the Grantee a penny by way of Attornment; Litt. lib. 3. cap. 2. Attornment, where you may finde divers other Causes, where to Attornment appertaineth, and that it is the transposing of those duties, which the Tenant owed his former Lord, to another, as his Lord, Attornment is either by word, or by act, voluntary or compulsory, by the Writ Per quæ servivis (Old Nat. Br. fol. 155.) or sometimes by Diffrets. Fitz, Nat. Br. fol. 147. It may be made to the Lord himself, or to his Steward in Court. Rictlin, fol. 70. There is Attornment in Deed, and Attornment in Law. Coke, vol. 6, fol. 113. a. Attornment in Law is an Act, which though it be no express Attornment, yet in commendation of Law, it is of equal force. Coke on Litt. fol. 309.

Attornato faciendo bel recipiendo, Is a Writ, which a Man owing Sute to a County, Hundred, or other Court, and desiring to make an Attorney to appear for him there (where he doubts the Sheriff or Steward will not otherwise admit) purchaseth, to command him to receive such a Man for his Attorney, and admit his appearance by him. The form and other Circumstances whereof, See in Fitz, Nat. Br. fol. 156.

Abage or Abilage, Isa Rent or Payment which every Tenant of the Manor of Writtle in Essex, upon St. Leonard's day, 6 November, pays to the Lord, six for every Pig under a year old, 6, for every yearling Pig 1 d., and for every Hog above a year old 2 d., for the privilege of Pasture in the Lord's Wood. Tab. Edmunds. Gen. Semencal. Ibidem.

Audience Court (Curia Audientiæ Canterburyæ) is a Court belonging to the Archbishop of Canterbury, of equal authority with the Archbishops, though inferior, both in dignity, and Antiquity, and is held in the Archbishop's Palace. Of which, you may read more in a Book, entituled, De Antiquitate Ecclesiae Britannicae Historia, and in Luff, fol. 527.

Audiendo 1 terminando, Is a Writ, or rather a Commission directed to certain persons, when any Infraction or great Misdeemnor is committed in any place ; for the appearing and punishment thereof, of which, you may read at large in Fitz, Nat. Br. fol. 110. See Oyer and Terminer.

Abilita querele, Is a Writ that lies against him, who, having taken a Statute-Merchant, or Recognizance in the nature of a Statute Sample, or a Judgment or Recognizance of another, and craving, or having obtained execution of the same from the Major and Bailiffs, before whom, it was entered ; at the complaint of the party, who entered the same, upon suggestion of some just cause, why Execution should not be granted, as a Release, or other Exception. This Writ is granted by the Lord Chancellor of England (upon view of the Exception suggested,) to the Judges of either Bench, willing them to grant Summons to the Sheriff of the County, where the Creditor is, for his appearance.
ance at a certain day before them. See more in

Auditor (Lat.) Is an Officer of the King,
or some other great personage, who yearly, by
examining the Accounts of all under Others
accomplish, makes up a general book; which
shews the difference between their Re-
cipts or Charge, and their Allowances, com-
monly called Accounts. As namely, the Au-
diters of the Exchequer take the Accounts of
those Receivers, who receive the Revenues of
the Augmentation, as also of the Sheriff, Es-
cheators, Collectors, and Customiers. Of which,
see the Statute 33 Hen. 8. c. 83, and 4 part. Inf.
jul. 106.

Auditor of the Proofs or Impress, Are al-
so Officers in the Exchequer, who take and
make up the great Accounts of Ireland, Ber-
vick, the Mint, and of any Money imprent
ed to any Man for His Majesties service. See
Statute of the Exchequer, p. 83.

Auditor of the Receipts, Is an Officer of
the Exchequer, who rules the Tellers Bills, and
makes an Entry of them, and gives in every
week to the Lord Treasurer, a Certificate of
the Money received. He makes also Debentures
to every Teller, before they pay any Money,
and takes their Accounts. See 4 part. Inf. fol.
107.

Abreast (rhe's adventure) Is a mis-
chance causing the death of a Man, without
Solvency; as when he is suddenly drowned
or burnt, by any disease or mischance, falling in-
to the Water or Fire. Britton, cap. 7, where
you may read how it differs from Misadventure,
which see.

Aberrage (Fr.) A certain quantity of Oats
paid to a Landlord in lieu of some other du-
ties, or as a Rent from the Tenant.

Ab民政局 (from the Fr. avenger, i. oats) Is an
Officer of the King's, who provides Oats for
his Stable; and is mentioned Anna 15 Car. 2.
cap. 8.

Abera (qua faveria, 2 Cal. 15, 2 Scovrage, stet operacion) In Dunstable, Grentham, Rexfordham, sed tamem semper inventi Averam vel 8 d. in servitio Regis. That is, a days work of a Ploughman, or 8 d. 4 part. Inf. fol. 289.

Aberage (avergageum, from Averia, i. Catt-
le) signifies Service which the Tenant owes the
King, or some Lord, by Horse or Ox, or by
Carrage with either; For in ancient Charters of
Priviledges, we finde Questrage de Aver-
agius. Others probably derive it from the
French (avergage, i. opus) It hath two sigificance: First, Ralph mentions the Kings
Averages, which I take to be the Kings
carrage by Horse or Carr. Then, Anna 32 H. 8. cap. 14, and 1 Jac. cap. 32. It is used for a
certain contribution that Merchants and others,
do proportionably make towards their lodes,
who have their Goods callt into the Sea for the
safeguard of the Ship, or of the Goods and
Lives of them in the Ship, in time of a Tem-
pell. And this contribution seems to be so cal-
led, because it is proportioned after the rate
of every Mans Average, or Goods carried.
In this last sense, it is also used in the Statute
14 Car. 2. cap. 27.

Average, Is also a little duty, which those
Merchants, who send Goods in another Mans
Ship, do pay to the Master of it, for his care of
them, over and above the Freight; for in
Bills of Lading it is expressd—paying so much
Freight for the said Goods, with pristine and A-
verage accounds.

Abertis capitis in Withernamu, Is a Writ,
for taking Cattle to his life, who hath his Cattle
unlawfully taken by another, and driven out of
the County where they were taken, that they
cannot be Repleved. Reg. of Writ, fol. 82.
When mention is made of one Beast, we say,
Quidam equus vel quidam bovus; when of two
or more, we do not say Equi et boves, but
Equi et boves.

Aberrement (verificatio) From the Fr.
Averia, i. verificare, testatur) Signifies commonly an
office of the Demandant, to make good or jutifie an
Exception pleaded in Abatement or Bar of the
Plaintiffs Action; and it signifies the Act,
As well as the office of jutifying the Exception.
For, Anna 32 Edw. 1. Stat. 2. The Demand-
ant will offer to aver by the Affile of Jurp,
&c. In the English Nat. Br. fol. 57. These
Errors shall be tried by Averment, &c. And in
15 Hen. 6. cap. 1. The Defendants shall have
their Averment, to say that, &c. Averment
is two and a half, viz. general and particular; a gen-
eral Averment, which is the conclusion of every
Placa to the Writ, or in Bar of Replication,
and other Pleadings, (for Counts or Avoriaes
in nature of Counts, need not be avered,) con-
taining matter Affirmative, ought to be avered,
with an hoc peratusat est verificare, &c. Particular
Averment, is, when the life of Tenant for Life,
or Tenant in Tail is avered, &c. And an A-
verment contains as well the matter as the Form

Aberppn (qua faveria, 2 Cal. 15, 2 Scovrage, stet operacion) Is Money contributed towards the Kings averages, or
Money given to be freed thereof. Ralphs Ex-
position of words. Averçynn, hoc est, quietum
esse de diversis Domino pro averagius Domini
Regis.

Augmentation (augmentatio) Was the
name of a Court, created 27 Hen. 3, as appears
by the Twenty seventh Chapter of that years
Parliament; to this end, that the King might
be justly dealt with, touching the profit of such
Religious Houses and their Lands, as were
given him by Act of Parliament the same year,
Nor Printed. For dissolving which Court, there
was authority given Queen Mary, by the Par-
lament held the first of Her Reign, Selfs Ca,
Which She afterwards put in execution by Her
Letters Patent. The Court took name from this,
That the Revenue of the Crown was thought
to be much augmented by the suppre-
tion of the said Houses, many of which, the King
referred to the Crown.

Averte, See Average.
Aulenger. See Aulenger.

Aumane. (Fr. Aumène, i.e. an Alms) Tenure in Aumone, is a Tenure by Divine Service; so says Britton, fol. 64. As when Lands or Tenements are given in Aumne, to some Church or Religious House, with Condition, that some Service or Prayers shall be offered at certain times, for the good and quiet of the Donors Soul, or otherwife. See Frank Aumne.

Aumonier (Fr. Aumonier) See Aumne.

Aumel-weight (gauge hand-fell weight, or from Anfa.) The handle of the balance.) Is a kind of weight with Scales hanging, on Hook's fainted at each end of a Beam or Staff, which a Man lifted up upon his fore-finger or hand, and so determined the equality or difference between the weight, and the thing weighed. In which, because there was wont to be great deceit, it was forbidden 25 Edw. 3, Stat. 3, cap. 3. 34 Eliz., cap. 5, and 5 Hen. 6, cap. 5. And the even balance orely commanded; notwithstanding it is still used in some parts of England. By a Constitution made by Henry Cricbebey, Archbishop of Canterbury, Anno 1430. Pro habitatione ponderis vocati Le Aumel weight feu Scheff feu Pounder, &c. (Dolgo quodam faticata genere) qui uttor Excomuniabantur.

Ancient Deemna. See Ancient Deema

Abodator hath two significations; the one when a Benefice becomes void of an Incumbent; the other, when we say in Pleadings in Chancery, contested or avoided, traversed, or denied, &c. See Voids.

Aboue (advocatus) Britton (cap. 29) faith, That Avoe is he to whom the right of Alcover of any Church Apparatus; so that he may present thereunto in his own name; And is called Avoe, for a difference from those that sometime present in another Mans name, as a Guardian that presents in the name of his Ward; and for a difference also from those, who have the Lands, whereunto an Avoe appertains, but only for term of their lives, or of years, by Intrahon or Diffusion. See Advoe.

Aboue (Fr. Avoirer) Is where one takes a Dilfers for Rent, or other thing, and the other fuses Refeines, then the taker shall justify in his Pena for what cause he took it; and if he took it in his own right, he ought to flew that, and to avery the taking, which is called his Avoir. But if he took it in the right of another, then, when he has flew the Cause, he shall make Comine of the taking, as Bailiff or Servant to him in whose right he did it. Terms of the Law. Anno 21 Hen. 8, cap. 19. For the more speedy and effectual proceeding upon Diffrees and Avoir for Rents, see the Stat. 17 Car. 2, cap. 7.

Avoir du pois (Fr. avar du pois, i.e. H heter ponderas, aut justus effer ponderis) Signifies, Firile, a kind of weight different from that which is called Troy-weight, containing but Twelve ounces to the pound, whereas this hath Sixteen. And in this respect it is (probably) so called, because it is of more weight than the other. It signifies such merchandises as are weighed by this weight, and not by Troy-weight, as in the Statute of York, 9 Eliz. 3, in Poem. 27 Edw. 3, Stat. 2, cap. 10, and 2 Rich. 2, cap. 1. See Weights.


Auricular, A Godhawke; whence we usually call a Faulkoner, who keeps that kind of Hawks, an Offrener. Some ancient Deeds have reserved 'Vnum Auricularum, as a Rent to the Lord.

Awar (13 Rich. 2, cap. 1) It is Doubted, That no Charter of Pardon from theenceforth shall be allowed before any Justice for Murder, or for the Death of a Man, claim by Awar, Affall, or Fulce presented, Kreation or Rape of a Woman, unless the same be specified in the Charter, &c.) Seem to signify that which we now call Way-laying, or lying in Wait.

Award (from the Fr. Avarer) Proprie of Fulcium ejus, qui non est legum et facultas datur, ad divinandum item, sed ab injusto litigante bus eligitur. Is the judgment of him, who is chosen by two or more parties at variance, to determine the Controversy between them. Dicitum, quod ad juxtaedem seu observandum partium impotens. Spec.

Avon (1 Jac, cap. 32, and 12 Car. 2, cap. 4) A Measure of Rheinwine, containing forty Gallons; Yet I finde in a very old printed Book thus — The Roode of Rheinwine of Dopecight is ten Awores, and every Awoare is fifty Gallons. Item, the Roode of Antwerp is sixty Awores, and every Awoare is xxiv Gallons.

Aurilunum ad ilium militarem faciadum et filium matrimonii, was a Writ directed to the Sheriff of every County, where the King or other Lord had any Tenants, to levy of them reasonable Aid, towards the Knighting His Son, and the Marriage of His eldest Daughter. See Aid. Fitz. Hist. Br. fol. 87. and An. 12 Car. 2, cap. 24.

Apo. See Aid.

B.

Achelot (archelotereus) of the Fr. Bacheler, i.e. tyr. Whence we gather, thofe, that are called Bachelors of the Companies in London, are such of each Company, as are springing towards the estate of thofe that are employed in Council, but as yet are inferiour. For every Company of the Twelve, consists of a Master, two Wardens, the Livery, which are Affiliats in Matters of Council, or at the least, such as the Affiliats are chosen out of) and the Bachelors, who are yet but in expectation of Dignity among them, and have their Function only
only in attendance upon the Master and Wardens.

Bachelor was anciently attributed to the Lord Admiral of England, but he were under a Baron. This word is used, Anno 1 Rich. 2. Stat. 2. cap. 1. and signifies as much as Knight-Bachelor does, 3 Edw. 4. cap. 5. that is a Simple Knight, nor a Knight Bachelor, or Knight of the Left.

Sachez nous Roger de Mortimer Sugeur de Wigenors asavt donne & grantte un nafre chez

Bacheller, Moneur Robert de Harley, pour son soverete & pour cent livres de argent, la garde du Corps Gilbert Etz & leur Sie Folon de Latz, ensembllem ent ou le mariage mieux de ces Gilbert deus sgr estauz un nafre garde, & se. Donne a Penchurgh Tan du regne le Roy Edward Etz le Roy Edward ensuite, see Bancers.

Backberend (Sax.) Signifieth bearing upon the back, or about a Man. Bradeon useth it for a sign or circumstance of manifest thief, (called by the Civilians, Fortum manufactum) which he defines thus. Obi lato depechentiam eos subjectum, &c. Hambredio & Backberend & Inficetus sutorius per aliquum conjus vestris illius, &c. Lab. 2. trad. 2. cap. 32. Manwood (2 pa. For. Laws) Notes it for one of the four Circumstances or Causes, wherein a Forester may arrest the Body of an Offender against Vert or Venison in the Forest. For by the Affite of the Forest of Lancaster (says he) taken with the manner, is, when one is found in the Kings Forest in any of these four degrees. Stable Stand, Dog, draw, Back-bear, and Hungry-band. Which see in their proper places.

Wadger (from the Fr. Bagager, i. A Carrier of Luggage) Signifieth with us one that buys Corn or Viathals in one place, and carries it to another, to make profit by it. See Gromptons Juxf of Peace, fol. 9. 70.

Bail (from the Fr. noun Bail, 1. A Guardian or Goaler) Is properly used for the freeing or setting at liberty of one arrested or imprisoned upon Action, either Civil or Criminal, under surety taken for his appearance at a day and place certain. Bradeon, lib. 2. trad. 2. cap. 8. num. 8 & 9. The reason why it is called Bail, is, because by this means the party restrained, is delivered into the hands of those that bade themselves for his forth coming. There is both common and special Bail; Common Bail is in Actions of small prejudice or concernment, being called Common, because any Sureties in that cafe, are taken; whereas in Causes of greater weight, as Actions upon Bond or Specialty, Special Bail or Surety must be taken, as Subduly Men at least, and they according to the value. Manwood, in his first part of Forst Laws, pag. 167, says, there is a great diversity between Bail and Mainprised: For he that is Mainprised, is always liable to be at large, and to go at his own Liberty out of Ward, from the time he is Mainprised, till the day of his appearance; But otherwise it is, where a Man is let to Bail by four or two Men, by the Lord Chief Justice in Lynne, until a certain

rain day; for there he is always accounted by the Law to be in their Ward, and custody  for the time: And they may, if they will, keep him in Ward or Prison. So that he who is so bailed, shall not be by the Law, to be at large, or at his own liberty. See Lamb. Eten. lib. 2. cap. 2. pag. 333. Bail is also a certain Limit within the Forest, as it is divided into the charges of several Foresters. Grompton in the Oath of Bow-bearers, fol. 202. See Mainprised, and infra, fol. 76. 78.

Bailiff (Bailieu) As the name, so the Office of the Bailiff in ancient times, was to guard to the nation of France, where there are Eight Parliaments, which are high Courts, where lies no Appeal; and within the Precincts of those several parts of that Kingdom, which belong to each Parliament; there are several Provinces, to which Justice is ministrated by certain Officers called Bailiffs. So in England we see many several Counties, in which Justice hath been ministrated to the Inhabitants by the Officer, whom we now call Sheriff or Vicomt (the one name depending from the Saxons, the other from the Normans.) And though I cannot expressively prove, That this Sheriff was ever called a Bailiff, yet it is probable that was one of his names also; because the County is often called Baileys, a Bailiewick. As namely, in the Return of a Writ, Non est inveniatus in Baile vis, &c. Kitchen Returns Breccum, fol. 225. And in the Sheriffs Oath, the County is called his Baileie. I think the word Bailiff used in Magna Charta, cap. 28. and 14 Edw. 3. Stat. 1. cap. 3. comprehends as well Sheriff as Bailiff of Hundreds. But as the Realm is divided into Counties, to every County is again divided into Hundreds; within which, it is manifest, that in ancient time the Kings Subjects had justice ministrated to them by the several Officers of every Hundred, which were called Bailiffs, as those Officers do in France and Normandy, being chief Officers of Justice within every Province. Great Cusommary of Norm. cap. 1. and it appears by Bradeon (lib. 2. trad. 2. cap. 34. num. 57.) that Bailiffs of Hundreds might hold Plea of Appeal and Approvers. But since that time their Hundred Courts (certain Franchise excepted) are by the said Statute of 14 Edw. 3. (wallowed into the County Courts, as you may read in County and Hundred. And now the Bailiff name and office is grown into such contempt, at least these Bailiffs of Hundreds, that they are now but bare Merchants and Manners within their Liberties, to serve Writs, and such like Offices; for which see Grompton, Juxf. of Peace, fol. 40. a. Yet is the name otherwise still in good esteem; for the chief Magnates in divers Corporate Towns, are called Bailiffs, as of Ludlow, Luntsterg, &c. And again, there are certain persons to whom the Kings Castles are committed, who are called Bailiffs, as the Bailiff of Dover Castle.

These ordinary Bailiffs are of two sorts, Bailiffs Errant, and Bailiffs of Franchise. Bailiffs
The Office or Duty of a Bailiff of a Manor, or Houhold, which is a common term now in use.
The Duty of a Bailiff, or surveyor of the Manor, or of a Manor, is to make a survey of the land and the buildings, to collect the rents, and to keep the records of the transactions relating to the Manor.
The Statute of Mortmain, 52 Hen. 3, cap. 2, is the statute which gives the power to the Lord of the Manor to appoint a bailiff to carry out these duties.

Bann

Banns (from the Sax. bana, A Killer or Murderer) Signifies the destruction or overthow of anything. As I will be the Bane of him, is a common saying. And he who was the cause of another Mans drowning, is said to be a Bane or a Malefactor. Braconn. 1, 2, 3, 4, cap. 1.

Bancroft, (Amorcan, Aequus vestiarius, or Male vestiarius) Is a Knight made in the Field, with the ceremony of cutting off the point of his Standard, and making it a Banner, according to Sir Tho. Smith in his Repub. Angl. Others add, that Blood must be first drawn in the Field. They are allowed to display their Arms in a Banner in the Kings Army, as Barons do. Camden in his Britann. fol. 109. hath these words, bancroft, cum Vassalorum nomen jam deforat, a Barondus secundus erat, qui subin- dita nomen una maxilla. Some maintain a Bancroft ought not to be made in a Civil War, but I find in Sir Rich. Baker's Chron. fol. 260. that Henry the Seventh made divers Banners upon the Common Commination in the year 1495. Of creating these highnes, see Stag's. in Norroy's Book, Lib. 2, cap. 10, and Selden's Titles of Honor, fol. 799. That they are next to Barons in Dignity, appears by the Statute 1 Rich. 2, c. 11, and 3 Rich. 2, Stat. 2, cap. 4. They were anciently called by Summons to the Parliament. And we find that a Bancroft, for Praying a Pardon for a murderer contrary to the Statute, is subject to the same punishment with a Baron, 13 Rich. 2, Stat. 2, cap. 1. Will. de la Pole was created Bancroft by Edward the Third, by Letters Patent, 13 Memb. 2. Those Bancroft, who are created sub Vexillia Regis, in exercitu Regali, are in a separate class from the common Barons, and are not subject to the same rules as the Barons as appears by the Letters Patent for the Creation of Bancroft. See Cokes 4 Inst. fol. 55.

Bane (Lat. Baneus, Fr. Banque) Hath two significations; the first, and that most noble, is a Sear or Bench of judgment, as Bank & Reg, the Kings Bench, Bank de Common Pleas, the Bench of Common Pleas, or the Common Bench, called also in Latin Bancus Regius & Bancus Comunium Placitum. The second is a Bank, where a great sum of Money is let out to use, returned by exchange, or otherwise disposed to profit. Fui Bane, or the Privilege of the Bench, was anciently allowed only to the Kings Judges. Qui jamnam administravit judicium; for Interior Courts, such as Court Barons, and Hundred Courts, were not allowed that Privilege. Since, at this day, the Hundred Court of Freddie, in Norfolk, is held under an Oak at Getwood; and the Court for the Hundred of Wootley in Yorkshire, is held under an Oak near Aiston in that County, which is called the Hundred Oak. See Free-Bench.

Bankrupt (quasi Bancus ruptus) Because when the Bank or Stock is broken or exhausted, the owner is said to be a Bankrupt, Anno 1695.
A Li and every such person and pretender, or that shall use the trade of Merchandise, in way of Bargaining, Exchange, Barter, Covenants, or otherwise in Great, by making him, her, or their Trade of Living by Buying and Selling, and being a Subject born of this Realm, or any the Kings Dominions, or Denizen, who at any time since the first day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his or her House or House, or otherwise, to absent him or herself, or take Sanctuary or suffer him or herself willingly to be arrested for any debt or other thing not grown or due, for Money delivered, Wages sold, or any other just or lawful cause, or good consideration or purpose, or be kept or will suffer him or herself to be outlawed, or yield him or herself to prison, or willingly, or fraudulently be kept, shall proceed him or herself to be arrested, or be his or her Goods, Money, or Chattels to be attached, or sequestr'd, or depart from his or her Dwelling-house, or make or cause to be made any Fraudulent Grant, or Conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall, or may be defeated or delayed for the recovery of their just and due Money; or being Arrested for Debt, shall, after his or her Arrest, lie in Prison Six Months, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lie in Prison Six Months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all intents and purposes.

But by Act 14 Car. 2. cap. 23. it is provided, That no person whatsoever, who shall Adventure in the East-India, or Company Company, or in the Royal East India, shall be esteemed a Merchant or Trader within any Statute for Bankrupts, or liable to the same.

Banum et Salubria. A Territory, Precinct, or the utmost bounds of a Manor or Town; so it is used in 36 Hen. 6. 46. Carta Caput Regii Canonicam Thornea.—Natum facio, ne ecleomiam nouran Christo concovisse & omnium sanctissim.—Ecc. primi terram idam a Tavellone usque Thorne, ubi Banum nouriam cellam.

Banishment (Fr. Banissement) Hath a known signification; but there are two kinds of it, one voluntary and upon Oath, whereas you may read Absolution; the other upon comulsion for some offence or crime; as if a Layman succor him, who, having taken Sanctuary for an offence, obstinately refuses to abjure the Realm, he shall lose his life, if a Clerk do so, he shall be banished. —Staint. Pl. Cor. fol. 117.

Baratar. See Barator.

Barbicane (Barbicannus) A Watch-Tower, Bulwark, or Breastwork. Mandatum eff Johanne de Kilmyngton Castelli Cafiri Regis & Honoris de Pickering, quoddam Barbicanum ante portam


Barcaria or Barcarum. A Sheep-coat, and sometimes a Sheep walk. M. S. de Placit. Ed. 3. See Barcari.

Barde alias Braide. See Clerk.

Bargain and Sale. Is properly a Contract made of Manners, Lands, and other things, transferring the property thereof from the Bargainer to the Bargainee, which ought to be in consideration of Money; it is a good Contract for Land, Sec. and the Fee paimeth, though it be not paid in the Deed (To have and to hold, to him and his heirs,) and though there be no Livery and Seizin given by the Vendor; so it be by Deed indented, sealed, and enrolled, either in the County where the Land lies, or in one of the Kings Courts of Record at Westminster, within six moneths after the date of the Deed. 27 Hen. 8. cap. 16. Such Bargain and Sale may also be made by Lease and Release, without either Livery or Enrolment.


Baron (bave) Hath divers significations. First it is a degree of Nobility next a Viscount. Bradlo (Lib. 1. cap. 8. num. 4.) says, Suni e alii Potentes sub Reges, qui dicuntur Barones, quaest. robusti bell. In which significations it agrees with other Nations, where Barone are as much as Provincia. So as Barons are such as have the Government of Provinces, as their Fec Holden of the King, some having greater, some leser authority within their Territories. Yet it is probable, that of old here in England, all those were called Barons that had such Seignories or Lordships, as we now call Court Barons, who are at this day called Seigneurs in France: And the Learned in our Antiquities, have informed us, That not long after the Conquest, all such came to the Parliament, and were at Pains in the Lords House. But when by experience it appeared, that the Parliament was too much changed with such multitudes, it was in the Reign of King John ordained, That none but the Baroner Majors should for their extraordinary widows, inherit, or quality, be summoned to Parliament. After that, again Men seeing this efficacy of Nobility to be but casual, and depend merely upon the Princes pleasure, they sought a more certain hold, and obtained of the King Letters Patent of this Dignity, to them, and their Heirs male; who were called Barons by Letters Patent, or by Creation, whose potection are now by inheritance, and true descent of Nobility, those Barons that are called Lords of the Parliament, of which kind, the King may create at his pleasure.

Nevertheless, there are yet Baron by Writ, as well as Barons by Letters Patent. Those Barons who were first by Writ, may now justly also be called Barons by Prescription, for that they
they and their Ancestors have continued Barons, beyond the Memory of Man. The original of Barons, by Writ, Camden (in his Britann. pag. 109.) refers to Henry the Third. Barons by Letters Patent, or Creation commenced 14 Rich. 2. The manner of whole Creation read in Selden's titles of Honor, fol. 687. Farms Glory of Generosity, pag. 125, 126. To these Seager (lib. 4. cap. 13. Of Honor, Civil, and Military) adds a third kind of Baron, calling them Barons by Tenure, which are some of our Ancient Barons, and likewise the Bishops, who, by virtue of Barones annexed to their Bishopsricks, always had place in the Lords House of Parliament, and are termed Lords Spiritual.

Baron in the next signification, is an Officer, as Barons of the Exchequer, of whom, the principal is called Lord chief Baron (Capitaine Baron), and the three other are his Affiliates in Causes of Juicif, between the King and his Subjects, touching matters appertaining to the Exchequer, and the Kings Revenue. The Lord Chief Baron, is the chief Judge of the Court, and, in Matters of Law, Information of Pleas infers the bar, and gives order for judgment thereupon. He alone in the term, time fits upon Nifi prins, that come out of the Kings Realme councillors Office, or out of the Office of the Clerk of the Pleas, which cannot be dispatched in the mornings for want of time. He takes Recognizances for the Kings Debts, for appearances and observing orders. He takes the presentation of all the Officers in Court under himself, and of the Lord Mayor of London, and fees the Kings Realme councillor give them their Oaths. He takes the Declaration of certain Receivers accomplishes of the Lands of the late Augmentation made; before him, by the Auditors. He gives the two Parcel-makers places by virtue of his Office.

The second Baron, in the absence of the Lord chief Baron, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major of London, for the true accounting of the profits of his Office. He takes certain Receivers accomplishes, and examines the Letters and Sums of such Sheriffs Forein Accom\cts; as also the Accomplishes of Escheaturs and Collectors of Subsidies and Taxes, as are brought him by the Auditor of the Court.

The third Baron, in the absence of the other two, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major and Grawler of London for his true accounting. He also takes certain Receivers Accom\cts, and examines the Letters and Sums of such of the former Accomplishes, as are brought onto him.

The fourth Baron, is always a Curator of the Court; at the days prefixed, he takes Oath of all High Sheriffs, and their Under Sheriffs, Bailiffs, and other Accomplishes, for their true accounting. He takes the Oath of all Collectors, Comptrollers, Surveyors, and Searchers of the Custom-houses, that they have made true Entrances in their Books. He apposeth all Sheriffs upon their Summons of the Pipe in open Court; and informs the rest of the Barons of the Court of the Matter, in any Matter that concerns the Kings Prerogative. He likewise examines such Accomplishes as are brought to him.

These Barons of the Exchequer are ancient Officers; for I find them named in Vespas. cap. 11. Anno 15 Edw. 1, and they are called Barons, because Barons of the Realm were wont to be employed in that Office. Hecta, lib. 2. cap. 24. Their Office is to look to the Accomplishes of the Prince, and to that end, they have Auditors under them 3 as also to decide all Causes appertaining to the Kings Revenue, coming into the Exchequer by any means; as in part is proved by the Statutes of 20 Edw. 3, cap. 2, and 27 edwem, Stat. 2. cap. 15. 5 Rich. 3. Stat. 1. cap. 9. and 12 & 14 edwem, cap. 11. Whereupon they have been of late persons learned in the Laws, whereas in ancient time they were Major Differen tes in Regno, fec de Clerc effet, sive de Clercis.

There are also Barons of the Cinque Ports, Anno 31 Edw. 3, Stat. 2. cap. 2. and 33 Henry 6. cap. 10. which are two in every of the six towns, Hastings, Winchelsea, Rye, Ramsgate, Hales, Dover, and Sandwich, who have places in the Commons House of Parliament. See Selden's Titles of Honor at large, fol. 687, & seqq.

Baron in the third signification, is used for the Husband in relation to his Wife.

The chief Magistrates of London were also called Barons, before there was a Lord Mayor, as appears by the City Scal, as also by their ancient Charters — Henricus (3) Rex. Statu nos commiffis & hac praefentia Carta nostra conformatif. Baronibus nostri de Civitate nostra Lon- don, quod elegant sibi Mayer de fatis singulai amn., &c. See Spielman's Gloss. at large upon this word.

Baronet (Baronnetus) Is a dignity or degree of Honor which hath precedence before all Barons. Knights of the Bath, and Knights-Batchelor, except such Baronetts as are made Sub vescin Regis, in exercitu Regali, in specia belli & ipsi Regi personalis praefentia.

This Order of Baronetts, King James created in the year 1611. with such precedence as above said, and other privileges, &c. as may appear in Rot. Rot. in fac. part. 10. m. 8. & 14 fac. para. m. 94. with an Habendum siti & Harendus maleficii. &c. See Bensone. Where Baronetts are mentioned in our old Statutes and ancient Authors, it is mentioned for Baronnet, &c. fol. 667. and Selden's Titles of Honor, fol. 736.

Barony (Baronius) Is the Dignity, Territory, and Fee of a Baron; under which notion, are comprehended not only the Fees and Lands of Temporal Baronies, but of Bishoprics also, who have two estates, one as they are Spiritual Men, by reason of their Spiritual Revenues and Promotions, as was the Tribe of Levi among the Hebrews. The other grew from the bounty of our English Kings, whereby they have Baronies, and Lands to called, and are thereby Barons or Lords of Parliament.
This Borough (as Briellius says, Lib. 2. cap. 34.) is a right indivisible; and therefore, in an inheritance be to be divided among Coparceners, though some capital Mediations may be divided, yet, Si capitale Mediationem sit caput Comitatus, vel caput Batarum, they may not be parcelled. The reason is, Nihil caput per plures particulas dividitur, & plurae juris Comitatus & Baratarum deveniant ad nubila, per quod deficiat regionis quoque, ex Comitatus & baronitis dictur esse constitutionem. The Manor of Bursford in the County of Salop, was founded by Inquisition, cap. 40 Edu. 3. Tenores de Regno ad incontinentiam hominum pro Excusio Wulgaris, & pastorum de Baraton, & dic ete Bersonix, & the Lord thereof (Sir Gilbert Cornewall,) is called Baron of Bursford; but is no Baron of Parliament.

Baratier or Bater (Fr. Batarier, i a Deceiver.) is a common mover or maintainer of Suits, Quarrels, or Parts, either in Courts or elsewhere in the Country, and is himself never quiet, but at variance with one or other. Qui committat Dios aviaput portat. To this purpose read Lamb. Eiren, pag. 542. who says also, That Batarier (for so he writes it) may come from the Latin Baratiror or Balatiror, a vile Knave, or Unbrift; and by a Metaphor, a Spot in a Commonwealth. See the Statute of Chapmuery, 33 Edw. 1. Stat. 2. and Wistan. 1. cap. 32. Skene, in the word Barratier, says, That Barratiers are Synonymous, so called of the Italian word Barrantaria, signifying Corruption or Bribery in a Judge, giving a false sentence for Money; whom you may read more at large, as also Hertenius Cavalcanum, in his Tract. de Brachia Regio, parte 5. num. 66.

Barrister (Barrakerian, Repugnans Confidentius.) See Oter-Barrister.

Barre (Fr. Barriere or Barre) Signifies legally a destruction for ever, or taking away for a time the action of him that hath right; and it is called a Plea in Bar, when such a Bar is pleaded. Coke on Liti, fol. 372. Plowden, in Cobbeius Cafe, fol. 24 & 23. And Brook, tit. Barre, num. 101. and 5 Hen. 7, fol. 29.

This word is also used for a Material Bar, as the place where Serjeants at Law or Councilers stand to plead Causes in Court, or Prisoners to answer their Indictments; whence our Lawyers, who are called to the Bar, or Licenced to plead (in other Countries called Licenciatus) are termed Barristers, 24 Hen. 8. cap. 24. See Blank-bar.

Bar Fee. Is a Fee of xxd, which every Prisoner, acquitted of Felony, pays to the Gaoler, Compt. Jast. of Peace, fol. 158.

Barrel, is a Measure of Wine, Oyl, &c. containing the eighth part of a Tun, the tenth part of a Pipe, and the moiety of a Hogshead; that is, Thirty three Gallons, and a half. Ann. 1 Ric. 3. cap. 39. But the quantity of this Vessel seems to differ according to the Liquor; for a Barrel of Beer contains Thirty six Gallons, the Hilderkin Eighteen, and the Firkin Nine. A Barrel of Ale Thirty two Gallons, the Hilderkin Sixteen, and the Firkin Eight.

—The said Affice of 32 Gallons of Wine-measure, which is about 28 Gallons of old Standard, well-packs, and containing in every Barrel usually, a thousand full Herring, at least, 12s. and shall be taken for good, true, and lawful Affice of Herring Barrels. Ann. 13 Eiz. cap. 11.

Barricade (Fr. Barrières) Signifies with us, that which the French call (Feu de Barre, i. Polis) A Martial Excercite of Men, armed and fighting together with Short Swords, within certain Bars or Railes, whereby they are severer from the Beholders now distanced.

Barter (from the Span. Batarat). To fell Cheap, or to deceive or cheat in Bargaining. Signifies with us to exchange one commodity for another, to trade Wares for Wares. Ann. 1 Rich. 3. cap. 9. And so Bar to the Substantive, 13 Eiz. cap. 7. The reason may be, because they that chop and change in this manner, do endeavor for the most part the one to overreach, or deceive the other. See Barratar.

Barton, in Devonshire, and the West of England, is used for the Demesne Lands of a Manor; for the Manor-house it fell; and in some places for Out-houses, and Fold-yards. In the Statute 2 & 3 Edw. 6. cap. 12. Barton Lands and Demesne Lands are used as Synonyms. See Barton.

Baze Court, (Fr. Cour Baze) Is any Court, not of Record, as the Court Baron. Of this read Kitchin, fol. 93, 96. 16.

Baze Fee. See Baze Estate.

Baze Estate (Fr. Baze Efat) Signifies, that Estate which Baze tenants have in their Lands. Baze Tenants are those (according to Lamb. verba, Paganus) who perform inferior Villanous service to their Lords. Kitchin, fol. 31. makes Baze-tenant and Frank-tenant to be contradistinct, and puts Coptholders in the number of Baze Tenants; whence it may be gathered, that every Baze Tenant holds at the will of the Lord, yet that there is a difference between a Baze Estate and Villagen, which Fitzherbert in his Nat. Br. fol. 12, seems to confound. For to hold in pure Villagen, is to do all that the Lord will command him. So that if a Coptholder have but Baze Estate, he, not holding by the performance of every Commandment of his Lord, cannot be said to hold in Villagen. Whether it may be said, That Coptholders are, by custom and continuance of time, grown out of that extraneous servitude, wherein they were first created; I leave to others of better judgment, since Flath (two cited) Lais, Tenure by Copy is but of late time.

Bales (Bales) A fort of Cotyn, abboblished by Hen. 2. Anno 1158. This year the King altered by Cotyn, abrrogating certain parties called Bale. Hollinb. pag. 67.

Balsard or Balsard, In the Stat. 12 R. 2. cap. 6. signifies a Weapon, which Mr. Spright, in his Exposition upon Chasms, calls Paganus vel faciscam.

Balsard (Ballsardus, from the Brit. Bals & Nardo.)
(ardd, i. wuthre,) Is he or she that is born of any Woman not married, so that the Child's Father is not known by the order of Law, and therefore is called Filius Populi.

Cui patre est populus, patre est fili nulius &
ami.

Cui patre est populus, non habet usque patrem.

Such Bastard cannot inherit Land as Heir to his Father, nor can any person inherit Land as Heir to him, but one that is Heir of his Body.

Lit. Lib. 491.

If the Child be begotten by him that does marry her after the Child's Birth, yet it is in Judgment of Law, a Bastard, though the Church holds it legitimate. Stat. 20 Hen. 3. 9. and 1 Hen. 6. 3. Coke on Lit. 244.

If a Man take a Wife, who is great with Child by another, who was not her Husband, it shall be said the Child, and may be the Heir of the Husband, though it was born but one day after the Espousals solemnized.

If one marry a Woman, and die before night, and never Bed her, and the have a Child after, it seems it shall be accounted his Child, and legitimate. See the English Lawyer, i. 7. 1. 5.

If a Man or Woman marry a second Wife or Husband, the first being living, and have issue by that second Wife or Husband, such issue is a Bastard. 39 Edw. 5. 14. 7 Hen. 4. 49. 13 Edw. 4. 23.

If a Woman elope with a Stranger, and hath a Child by him, her Husband being jura
guionum marit., this is legitimate, and shall inherit the Husband's Land. 44 Edw. 3. 10. 7 Hen. 4. 10.

The punishment of the Mother and reputed Father of a Bastard. Ann. 18 Eliz. cap. 3.

He that gets a Bastard in the Hundred of Middleton, in Com. Kent, forfeits all his Goods and Chattels to the King. M S. de temp. Edw. 3. Before the Statute 2 & 3 Edw. 2. cap. 1. one was adjudged a Bastard, Qua fuit filius Sacerdotis. Int. Plac. de temp. Feb. Reg. Lincoln. 42.

Bastard (Fr. Bastardage) Signifies a defect of Birth, objected to one born out of Wedlock. Bracth. lib. 4. cap. 19. How Bastardy is to be proved, or to be enquered into, if it be pleaded. See Bastaed Entries, tit. Bastardy, fol. 124. And the Stat. 9 Hen. 6. cap. 11. Kitchin, fol. 64. mentions Bastardy Special, and Bastardy General. The difference whereof is, that Bastardy General is a Certificate from the Bishop of the Diocese to the Kings Justices, after such enquiry made, that the party enquered of, is a Bastard, or not a Bastard, upon some question of Inheritance. Bastardy Special is a Suit commenced in the Kings Court, against him that calls another Bastard to term, because Bastardy is the principal case in trial, and no inheritance pretended for. Whereby it appears, that in both these significations, Bastardy is rather taken for an examination or trial, whether a Man's Birth be defective or illegitimate, than for Bastardy itself. See Book tit. Bastardy, and Dr. Ridley's Book, pag. 203, 204.

Walton (Fr.) A Staff, Club, or Cowlstaff. But in our Statutes it signifies one of the Warden of the Elects Servants or Officers, who attends the Kings Courts with a Red Staff, for taking such to Ward as are admitted by the Court. Ann. 1 Rich. 2. cap. 12. 5 Eliz. cap. 23. See Tiffstaff.

Batable Ground, Was the Land lying between England and Scotland, heretofore in question, when they were distinct Kingdoms, to which it belonged. Ann. 25 Hen. 8. cap. 32 and 32 Edw. 11. cap. 6. As if we should say, Litigious or Debatable Ground; for by that name Skene calls Ground that is in Debate or Controversie betwixt two. Cap. Brit. tit. Cumberland.


Battins (from the Fr. Battre, i. to strike, or Sax. batte, i. to fight) is a violent firing, or beating a Man; who (in regard it extends to the breach of the Peace) may therefore either indict the other party, (whereby he is punishable to the King) or have his Action of Trespafs, of Assault and Battery, against him, (for every Battery implies an Assault) and recover to much in Costs and Damages, as the Jury will give him, which Action will lie as well before as after the Indictment. But if the Plaintiff made the first assault, then the Defendant shall be quit, and the Plaintiff shall be amerced to the King for his false Suit. In some Cases a Man may justify the beating another in a moderate manner, as the Parent his Child, the Master his Servant or Apprentice, &c. This the Catholics call Injuriam personae.


Bap or Peil, Is a Pond-head made up of a great height to keep in store of Water; so that the Wheels of the Furnace or Hammer belonging to an Iron Mill, may be driven by the Water coming thence, through a Falsage or Flood-gate, called the Peckafol. Also, a Harbor where Ships ride at Sea near some Port. The word is mentioned Ann. 27 Eliz. cap. 19.

Beacon (from the Sax. Beacen, i. signum, vel symbolina) Ann. 1 Eliz. cap. 13. is well known. Hence Beasentage, Money paid towards the maintenance of a Beacon; and we all use the word to beeken, from the Saxon beahtan, to light up, or signifi. See the Statutes Hen. 6. And Dep. Pat. 28 Hen. 6. par. 2. In Reg. Pro signis Anglie Beacons & Vigilin.

Beau de Head (Sax. Beau, a Prayer;) so that to say ones Beau de Head is to say one's Prayers. They
They were most in use before Printing, when poor people could not go to the charge of a Manuscript Prayer-Book. These are mentioned in 27 Hen. 3, cap. 26. and 3 Jac. cap. 5. as Warding and Warding of Wool. See Clark.

Wearies—Juices of Mil shall enquire, bear, and determine of Maimemories, Bearces, and Complorators, and of those that commit Champilparts, &c. Anno 4 Edw. 2, cap. 5., such as bear down or opprees others 3. maintainers.

Beasts of Chase (Fore Campstrees) Are five; the Buck, the Doe, the Fox, the Marron and Roe. Manwood, 1 Part. pag. 347. and 2 Part. cap. 13. num. 7.

Beasts of the Forest (Fore Spleestrees) Are the Hare, Hind, Hare, Boar, and Wolf. Manwood, part. 2 cap. num. 8.

Beasts and Fowls of Warren Are the Hare, Coney, Pheasant, and Partridge. Manwood, part. 2 cap. num. 8.

Beadials. See Beads.

Beauperlender (Fr. Beaulpseudier, i.e. To plead fairly) Is a Writ upon the Statute of Marthynge, 52 Hen. 3, cap. 11, whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, nor Courts Baron, any Fines shall be taken of any Man for Fair pleading, that is, for not pleading fairly or aptly to the purpose; upon which Statute, This Writ was ordained against those that violate the Law herein. See Fitz. Nat. Br. fol. 270., whose Definition is this effect. The Writ upon the Statute of Marthynge for not Fair Pleading lies where the Sherife, or other Bailiff in his Court, takes Fines of the Party, Plaintiff, or Defendant; for that he pleads not fairly, &c. And it was as well in respect of the Vicious Pleading, as of the Fair Pleading by way of amendment. 2 Part. Inf. fol. 122.

Bedel (Bedell, i.e. byc) A Cryer or Meitenger of a Court, the Keeper of a Prison or Houte of Correction, under an Bailiff of a Manor. Manwood, part. 1. fol. 221. says, A Bdele is an Officer or Servant of the Forest, who makes all manner of Garnishments of the Courts of the Forest, and all Proclamations, as well within the Courts, as without, and executes all the proceedes of the Forest; he is like a Bailiff Errant of a Sheriffe in a County. Edgars interdict amputum ministrum, id est, viccemilitium, Bedell, et Bailiff in Patria Girvamovet—No intrench fines & limits diit! Martia, Ingulphus Hift. Croy.

Bedelaryp, is the same to a Bedel, as Bailieick to a Bailiff. Litt. lib. 3. cap. 5.

Bederepe alias Biderepe (Sax.) Is a service, which some Tenants were anciently bound to perform, viz. To reppe their Land-lords Corn at Harvest, as some yet are tied to give them one, two, or three days work, when they are called —Debent venire in Assumpsu ad precatiam qua vocavit a le Bederepe. Plai in Croft. Par. 1. Hen. 3. Rot. 8.

Benefice (beneficium) Is generally taken for any Ecclesiastical Living, or Promotion, be it Dignity, or other; As Anno 13 Rich. 2. Stat. cap. 7., where Benefices are divided into Eletive and Donative, So is it used in the Canon Law. Ducorum de Beneficio, 12. cap. 5.

Benefice primo Ecclesiastico habendus, Is a Writ directed from the King to the Chancellor, to beflow the Benefice that shall first fall in the Kings gift, above or under such a value, upon this or that Man. Reg. of Wills fol. 327. b.

Beauteryd, Was a Service which the Tenant rendered to his Lord with his Plough and Cart. Lamb. Inf. pag. 412. and Coke on Litt. fol. 86. a.

Beneficence (beneficentia, favor, good will) Is used both in the Chrestie and Statutes of this Realm, for a voluntary gift given by the Subjects to the King. Scott. Annals, pag. 701. By the Statute of 12 Rich. 3. cap. 2. it is called a New Impofition. But Show, pag. 571. faith, That the invention grew from Edward the Fourth's days; you may finde it also (Anno 11 Hen. 7. cap. 10.) to be yielded to that worthy Prince, in regard of his great expenses in Wars, and otherwise. See Coke 12 Rep. fol. 119. 120. It is in other Nations called Subsidium exaritum, ad uanam Beneficentiam venendum—Mon. Angl. 2. p. fol. 599. a. where it seems to signify a Sleep-walk.

Bercaria (from the Fr. Berzerie) A Sheep-coat or Sheeploff. In Downslaw it is called Bersquarium. 2 Part. Cokes Inf. fol. 476. —Dedi speciosa ossis tereos, ad uanam Bercariam venendum—Mon. Angl. 2. p. fol. 599. a. where it seems to signify a Sleep-walk.

Bergmaphater (from the Sax. begp, Mons, quaeis, Matter of the Mountain.) A Bailiff or Chief Officer among our Derbyshire Miners, who, among other parts of his Office, does also execute that of Convoy among them. —Furators diecunt, quod in principia quando Minerariorum veniunt in campum minerae quaestus, inventae minerar, venient ad Bercariam qui dicitur Bergmaphater, & potens ab eo duos Metas, Sit in novo campo, & habeant unam, fih, pro inventione, & aliis de jure Minerariorum, & uniquaque meta continet quattuor Pactitacuit, & ad vocantiam sequentum pedem, & unauque Petaciuta erit de 4 pedibus, &c. Eic. de Anno 16 Edw. 1, num. 34. In Turr. Lond. See Bergmaphater.

Bergmotb or Bergmore. —Furatores diecut, norma quod lascia del Bergmotb debet teneri de tribuo septimaniis in tres septimanari super mineram in Perco. Eic. 16 Edw. 1. ut supra. This Bergmotb or Bergmore, comes from the Saxon begp, i. Mons and maol or Semote, convenit. Quae, the Court held upon a Hill, for deciding Pleas and Controversies among the Derbyshire Miners; of which, thus Mr. Mantloz, in his ingenious Treatise of their Customs.
—And Suit for his Farm must be in Berghenote Court. Thither for Justice Miners must repair:

If they seek Suits in other Courts commences,

They lose their due Out-debt, for such offence;

And must pay Costs, because they did proceed

Against their Custom: Miners all take heed.

No Man may sell his Grove, that's in contest,

Till Suit be ended, after the Arrer.

The Sellers Grove is lost by such offence.

The Buyer finds, for such Maintenance.

And two great Courts of Berghenote ought to be

In every year, upon the Minery.

To punish Miners that transgress the Laws,

To curb Offenders, and to keep in awe

Such as be Cavers, or do rob Mens Coes;

Such as be Pillerers, or do steal Mens Stows.

To order Grovers, make them pay their part,

From with their Fellows, or their Groves depart;

To fine such Miners, as Mens Groves abuse;

And such as Orders to observe refuse;

Or work their Meets beyond their length and Stake

Or otherwise abuse the Mine and Raise;

Or set their Stows upon their Neighbors Ground,

Against the Custom, or exceed their Bound:

Or Purchase, that Miners from their way

To their Walk-troughs do either drop or fly.

Or dig or delve in any Mans Bimb-place;

Or do his Stows throw off, break, or defeace;

To fine Offenders, that do break the Peace,

Or steal Mans Blood, or any Tumults raise;

Or Weapons bear upon the Mine or Raise;

Or that Offender forcibly do take

Or that disturb the Court, the Court may fine

For their Contempts (by Custom of the Mine)

And likewise such as do unjustly bear

And yet get Stows against Authority;

Or open leave their Shifts, or Groves, or Holes;

By which Men lose their Cattle, Sheep, or Soles.

And to lay Pains, that grievance be redresed;

To ease the Burdens of Poor-men oppressed.

To swear Berghenaplers, that they faithfully

Perform their Duties on the Minery

And make Arrests, and eke impartially

Impanel Jurors, Causes for to try;

And see that Right be done from time to time

Both to the Lord, and Farmers, on the Mine.

Bernet, (Incendium, from the Sax bynym, to burn) is one of those crimes, which, by Henry the Fourth's Laws, cap. 12. extend to all possessors. See Openheff.

Besp or Spur (from the Sax Byp, i. Habitation) A dwelling place, a Manor-house or Court, a chief Farm. The chief House of a Manor, or the Lords Seat is still so called in some parts of England; as in Herefordshire there are the Berries of Stockton, Luxton, Hope, &c. Anciently also used for a Sanctuary.

Berton (Bertona, a Sax. Bepe, bordunum, &c. con, villa) Each area in aceso partes adium ruralium primarios, in quas borras, stabula & cibium officiis aedificia sita sunt, & in qua dependere domestica animales & negotiationes rusticis peraguntur. —Rex Thebagario & Bargonum fuit de Statuario Salutem. Locus venuim quid Castrum

nostrum Glocestria, nec non & Tina & Bertona Glov. corpore ditis Comitatus nostri Glov. amicorum, &c. Clau. 32 Edw. 1. m. 17.

Bertha, A Hamlet, or Village appertaining to some Town or Manor; often found in Domesday, from the Sax. bepesca, a Cornfarm, or Pila fenestrata. Manerium minus ad manerum pertinentem non in gremio Manerii, sed non confinii vel disfunctor interius situm est. Spec.

Beseda (Fr. Bessey, i. The Father of the Grand-father) Signifies a Wit that lies where the Great Grand-father was set off of any Lands or Tenements in Feo-unite, the day he died and after his death, a Stranger abates or enters the same day upon him, and keeps out his Heir, &c. The form and further use of this Wit, read in Fiz. Nat. Br. fol. 211.
Bill, A Spade, or Shovel: (From the Fr. bêche, to Dig or Delve) — In communi pâfura turbans, cum una sola, becii, fitiice & nihil dubit. Prior. Lew. Cust. mar. de Hecham p. 15. Hence perhaps — una beceta terrae inciencia. (Mon. Angl. p. 2. fol. 632. a.) may signify a piece of Land usually dug, such as Gardener's few Roots in.

Bibliotheca (Fr. Bëbiait, i. Beasts or Cattle of any fort.) Anna 4 Edw. cap. 3. It is written Bibliothè; and is generally and properly used for all kinds of Cattle. Mentioned also in 12 Car. 2. cap. 4.

Biblia, or Biblia, Precia caritatis (From the Sax. biblæ, i. To pray or Applicate.) Is the invitation of Friends to drink Ale at the House of four poor Men, who thereby hopes a charitable contribution for his relief; still in use in the West of England, and fallly written Bibalde in some copies of Brælem, lib. 4. cap. num. ult. And mentioned 26 Hen. 8. cap. 6. See Subhale.

Bidding of the Beads (Anna 27 Hen. 8. cap. 26.) Was anciently an invitation or notice given by the Parish Priest to his Parishioners at some special times to come to Prayers, either for the Soul of some Friend departed, or upon some other particular occasion. And, to this day our Ministers do usually, on the Sunday preceding, bid such Festivals, as happen in the week following, Holidays; that is, desire or invite their Parishioners to observe them. Bidding comes from the Sax. biblæan, i. To desire or intercede; and beads, in that language, signifies a Prayer.

Bibrips (Bibris.) See Bedreps.

Billa, Properly a Cart, or Chariot, drawn with two Horses coupled side by side: but, in our ancient Records, it is used for any Cart, Wain, or Waggon. Et quand cum Bigis & carris & ceteris falluntus super tene- mentum quam. — Er. 2 Mon. Angl. fol. 466. b.

Bignamus, Is he that hath married two or more Wives, or a Widow, as appears in the Statutes, 18 Edw. 2. cap. 4, and 1 Edw. 6. cap. 2. 2 Part. Coke Inns. fol. 725.

Bigamy, (Bigamia) Signifies a double marriage or the marriage of two Wives; it is used for an impediment to be a Clerk, Anna 4 Edw. 1. 5. Upon those words of S. Paul to Timothy, Chap. 5. 2. (Opparet ergo Epipolama inreprehensibilis & contra se ipsum vixerit. Upon which, the Canonists founded that Doctrine: That he that hath married a Widow, is by their interpretation, taken to have been twice married. And both these, they not only exclude from holy Orders, but deny them all Privileges that belong to Clerks. But this Law is abolished by 1 Edw. 6. cap. 12, and 18 Eliz. cap. 7. Which allow to all Men that can read as Clerks, though not within Orders, the benefit of Clergy, in case of Felony or especially excepted by some other Statute. Brook, tit. Clerks.

Bilanctis defersendis, Is a Writ directed to a Corporation, for the carrying of Weights to such a Haven, there to weigh the Wool, that such a Man is licensed to transport. Reg. of Writs, fol. 370. a.

Bilavera, or rather Splavera (From the Goth. by, pagan, and lagin. Lex., or from the Sax. Bilas, i. Leges ueter & pro nove conditi.) are peculiar Orders made in Court Leets or Court Baron's by common assent of the Refiants, for the good of those that make them, in some particular Cases, where the Public Law does not extend. Coke, fol. 66. fol. 86. Kitchin, fol. 45. & 79. In Scotland they are called Laws of Burlaw or Bilaw, which are made and determined by consent of Neighbors, elected by common consent in the Burlaw Courts, wherein Knowledge is taken of Complaints between Neighbor and Neighbor, which men, so chosen are Judges and Arbitrators to the effect aforesaid, and are called Bilavera-men. For Belling or Babtman in Dutch, is Raftiers, and for Bilaw or Burlaw, Leges Ruficarium, Skene. By Stat. 14 Car. 2. cap. 5, the Wardens and Affiants for making and regulating the Trade of Norwich Stuffs, are empowered to make By-Laws, &c. Anna 20 Car. 2. cap. 6.

Bilingue, Signifies in the generally a double-tongued Man, or one that can speak two Languages; yet it is used for that Jury which paffeth in any Case, bertwixt an Englishman and an Alien, whereof part must be Englishmen, and part strangers. Anna 28 Edw. cap. 15.

Bill (Billa) Is diversely used: First, it is a security for Money under the Hand and Seal of the Debtor, and is without condition or forfeiture for non-payement. 2. Bill is a Declaration in Writing, expressing either the wrong the Complainant hath suffered by the party complained of, or else some fault committed against some Law or Statute of the Realm. This Bill is most commonly adjoined to the Lord Chancellor of England, especially for unconscionable wrong done; sometimes to others having Jurisdiction, according as the Law, whereon they are grounded, does direct: It contains the Fact complained of, the Damages thereby sustained, and Petition or Proceeds against the Defendant for redress. See more in 1 Heb. par. 2. Symbol. tit. Supplications.

Bill of Sale, Is a kind of Licence granted at the Custom-house to Merchants, or others, to carry over such Goods or Provision as are necessary for their Voyage, Custom-free.

Bill of Sufferance, Is a Licence granted at the Custom-house to a Merchant, to suffer him to trade from one English Port to another, without paying Custom. Anna 14 Car. 2. cap. 11.

Billa bera (Lat.) The Bill is true. The Grand Enquet, Embarrased and sworn before the Judges of Eyre, &c. Endorsing a Bill (whereby any crime punishable in that Court is prefixed to them) with these two words, signifies thereby that the person hath furnished L
his pretextment with probable Evidence, and
worthy further consideration. Whereupon
the party presented it fast to stand indinci-
ble of the Crime, and tried to make answer to
it, either by confesing or traversing the indict-
ment: And if the Crime touch his Life, it is
yet referred to another Enquest, called the
Enquest of Life and Death, by whom, it he be
found guilty, then he stands convict of the
Crime, and is by the Judge to be condemned
to Death. See Indictment and Indiction.

Billetts of Gold (Fr. Billet). Wedges or
cap. 11.

Billetts (Billetts). Leap-year so called,
because the sixth Calends of March are in
that year twice reckoned, viz. On the 24. and 25 of
February. So that Leap-year hath one day more
than other years, and is observed every fourth
year, being first devised by Julius Caesar, to
accommodate the year with the course of the
Sun. And to prevent all doubt and ambiguity,
that might arise hereupon, it is provided by the
Statute of Anno Billoette 21 Hen. 3. That
the day increasing in the Leap-year, and the
day next before, shall be accounted for one
day, sc. Britton, fol. 299, and Dyce, 17 Eliz.
347.

Bilitis. See Bilaw and Bylaw.

Black male (Fr. Maille; a Link of
Mail, or a small piece of Metal or Money)
Signifies in the Counties of Cumberland,
Northumberland, and Westmorland, a certain
rate of Money, Corn, Cattle, or other considera-
tion, paid to some inhabiting upon, or near
the borders, being portions of name and power,
alied with certain Moys-Troopers, or known
Robbers within the said Counties; so to be
thereby by them freit and protected from the dan-
13. See Mail.

Black Rod, or Gentleman-Usher of the
Black Rod, is chief Gentleman Usher to the
King. He is called in the Black Books, fol. 255,
Later vaga nixia, and Heptaria 3; ad
where Viggus-bapitus: His duty is Ad porteram
Virginum curam Domina Rege, and Fisciun
Sancti Georgii infor Cappium de Wintoupse. He
hath also the keeping of the Chapter-house
Door, when a Chapter of the Order of the
Garter is fitting; and, in the time of Parliament,
stands on the House of Peers.

He hath a like habit with the Registar of the
Order, and Garter King of Arms 5; which he
wears at the Feast of S. George, and all Chapters.
He bears a Black Rod, on the top whereof sits
a Lion, Gold 5; which Red is instead of a Lance,
and hath the same power and authority. His
Fee is now 501, per annum. This Officer hath
been anciently constituted by Letters Patent
under the Great Seal.

Blade (Bladum, Fr. Bled). Nefro furu, de
svegetatione intelligitur, praefertim eorum serba.
Spei. But the Saxon Book signifies more gene-
really Fruit, Corn, Hemp, Flax, Herbs, &c.,
or the Branches or Leaves of Trees or Herbs.

Universiti.—Wil. de Moham salutem, Sciesti me
relaxasse & quietum clamasse Domino Reginaldo
de Moham fratri meo tunc Manerium meum de
Tor.—Salve mibi infasuro meo & blado, &c.
(fine dar). i.e. Excepting my Stock and Corn
on the Ground. Hence Bladder is taken for an
Ingroover of Corn or Grain. Scienti.—quand
ego Williamus Merton, consensu & voluntate
Beatae Beatrice meae, Dedi.—Agathico Gilte pro
duciis Marcii Argenti & una mensura bladi,
dum fulgendi reliqui in villa Leonemir, titit.
Hinc finem Dei de Lochen globi multi reddunt pro
gaudium terrae qua est inter sedas, Ade Tiberinus
& fecundum Johannis Radzig. Habend. &c. (fine
dar.) Ex libro Cartar. Priorat. Leonemiris.

Blanch (Fr. Blanc, i. candidus). A kinde
of Money, coined by Kings Henes the Fifth,
in the part of France, which were then subject to
England, the value whereof was 8 d. Stiver
Annatis, pag. 386. These were forbidden to be
in use in the present in this Realm, 2 Hen. 6. cap. 2.
The reason why they were called Blanks, was,
because at the time there were coined in France,
there was also a piece of Gold coined, called
a Salus; from which, this of Silver, was in
name diminuished by the colour.

Blanch-Barrier, is the same with that we call a
Common Barrier, and is the name of a Plea in
Bar, which in an Action of Trespass is put in
to compel the Plaintiff to assign the certain
place where the Trespass was committed: It is
most used by the practizers in the Common
Bench, for in the Kings Bench the place is com-
monly ascertained in the Declaration, Coke,
2 Part. fol. 594.

Blanche, To hold Land in Blench, is, by
payment of a Penny, Rote, Pair of Gilt Spurs,
or such like thing, if it be demanded; In name
of Blench, i. Nomine alta forma. See Alta
fama.

Blockwood. See Logwood.

Blomary (Ann. 27 Eliz. cap. 19.)
The first Forge in an Iron Mill, through which the
Iron pallet, before it comes to the Finny.

Boated Fish or Percing (Ann. 18 Car.
2. cap. 2.) Are those which are half-dried.

Blood-bath. See Backland.

Bloodoit or Bloodsittie (compounded of
two Saxon words Blos, i. fangs, and pica,
unlua). Is a word used in ancient Charters of
Liberties, and signifies an Amercement for
shedding Blood; so that whoever had it
given him in his Charter, had the penalty due
for Blood-hed. Scene writes it Bloodsittie, and
fayning in English, is injuria, and that Blood-
sittie is an Amercement or unlua (as the Scotch
call it) for wrong or injury, as Bloodhied is:
For he that has Bloodsittie granted him, hath
free liberty to take all Amercements of Courts
for Edification of Blood. Pleas says, Blood
signifies quietamentum et intricadia pro ofcisione san-
guini, Lib. r. cap. 4. Bloodsittie, i. St aliqui
paymantes ad iurem sed Rodman & Extravagat
sanguinem. Prior habitat inde amerciament in
Blubber (Ann. 12 Car. 3. cap. 18.) A

Boc-hod (Sax.) A place where Books,

Bocland (Sax.) Terra hereditaria vel sitia

Bocland (Sax.) Terra hereditaria et sitia

Bodls Politick. See Corporation.

Bolgar or Bullary of Salt (Silina) A Salt-house, or Salt- pit, where salt is bored and made. Coke on Little fol. 4. b. From the Fr. Borrel, a Boiling or Bubbling.

Bolting. At Gest-in; the manner is thus, An Assistant, and two Barraffers fix as Judges, three Students bring each a Cafe, and the Judges choose which of them shall be argued which; what done, the Students first argue it, then the Barraffers. It is inferior to Mooting, and may be derived from the Saxon Bol, a House; became done privately in the House for infruction.

Bona fide, i. With a good Faith; we say that is done Bona fide, which is done really, with a good Faith, without damnification or fraud. It is used Anno 12 Car. 2. cap. 13. and 15 Car. 2. cap. 5.

Bona notabili; Where the party dying hath, at time of his death, Goods, or good Debits in any other Dioceses, or peculiar jurisdiction within that Province, besides his Goods in the Dioceses where he dies, amounting to the value of £ 3. at the least, he is said to have Bona notabilia; and then the Probate of his Will, or granting Administration belongs to the Archbishop of the Province, whether it be within that of Canterbury, or York. But this does not prejudice those Dioceses, where, by Composition or Custom, Bona notabilia are rated at a greater sum. Book of Canons, i. tit. Can. 92, 93. Perkins, fol. 459. See Probate of Infeñaments.

Bona Patra, An Affite of Country-men or good Neighbours; sometimes it is called Affis bona patria, when twelve or more Men are chosen out of any part of the Country to pass upon Affite; otherwise called for store, because they are to swear judicially in pre-

Bois Arrelands. Is a Writ, which see in Arrestands tone.

Bonis non amhemstis, Is a Writ to the Sheriffs of London, &c. to charge them, that one, against whom a Judgment is obtained in an Action, and who prosecutes a Writ of Error, be not sufferer to remove his Goods, till the Error be tried. Reg. of Writs, fol. 23. b.

Boxing or Bouting Corn. Certain Rent-Corn anciently to called: The Tenants of the Manor of Haddeknain in Cam. Bocke, hereof fore paid Boxing Corn to the Prior of Rochester. Antiquity of Purveyances, fol. 14. Perhaps it was so called, as being paid by the Tenants, by way of Bate (But we still call it) or compenation to the Lord, for his making them Leafes, &c. See Bate.

Bordnau, The Tenure of Bordlands, which see. Item ordinatum ef, quod comes qui terrae & tenentes tenent per Bordnau, habeat sumptus suis et deportationibus suis. Item potestatem exercitori tenetur, capitalem quanquam mancipi num in loco ad quod convenit, &c. Ordinam Jucd. Irm. in Infilla de Jarcy.

Bodari seu Boduanuni, Often occur in Dominey, by some esteemed to be Boreas, Husbandmen, or Cogaters & which are tace always put after Villains. Dictionari Bordari vet quod in tugurio (qua Cotaging vacant) habita bant, seu villarum imitatur, quasi Bodernus. Spem. Tenentes per fenestra plus vel minus quam villani, & qui tenent nisi pecus acere. M. S. but see Bordlands.

Bodhalleney (Sax. Both, tabula, & hableness, obivua) is Money paid in Fairs and Markets for setting up Tables, Bords, and Stalls, for sale of Wares. In antiquity Charitie multo innumera sunt ab efta solutio, says Spelemian. It is corruptly written Borhalleng and Brookhaven in some Authors.

Bordlands, The Lands which Lord's keep in their landitor maintenance of their Bord or Table. Ei Domiciumque quod quis habet ad mem gran suam & propriam, sic sunt: Bordlands, Angles, e. Domesium ad memiam. Bract. lib. x. tit. 5. cap. 9. man. Which polliision was anciently termed Bordage. Sax. Dif. serio Bord. And the Bordaries (often mentioned in Dominey) were such as held those Lands, which we now call Demesne Lands, See Antiqu of Purveyances, fol. 14.

Bogat or Borough (Sax. Bophoc, Fr. Boc) Signifies a Corporate Town, which is not a City, Anno 2 Edu. 5. cap. 4. As also such a Town or place as sends Burghers to Parliament, the number whereof you may see in Crops. Jurid., fol. 24. Probably Borough was anciently taken for those Companies, consisting of Ten

fence of the party, &c. Stene. See Affi-

Bond, Bondage, and Bondmen. See

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Ten Families, which were combined to be one another's Pledge. See Bradton, lib. 3, cap. 10., and Lamberti Duty of Confesable, p. 38. Yeastman says, Thos. Burg or Bargb, whence we say Borough, signifies a Town, having a Wall or some kind of Enclosores about it; and those places which in old time had among our Anceters the name of Borough, were one way or other, fenced or fortified. See Head borow and Borow-head.

Borough-head alias Head-borough (from the Sax. Bore-ho and Head) signifies (according to Lamberti, in his Treatise of Confesable) the Head-man or chief pledge of the Deecury or Borough, chosen by the reit to speak and act in their name, in those things that concerned them.

Boroughholders alias Burtholders, quas Berbok-salder, are the same with Boroughheads, Bradton calls them Berbys-alders, Lib. 3, cap. 2.

Borough (Sax. Boreh-Englise) Is a customary Defect of Lants, whereby in all places, where this Custom holds, Lants and Tenements defend to the young Son, or, if the owner have no issue, to his youngest Brother, as in Edmonstone, Kitchen, 91, 102. And the reason of this Custom (according to Littleton) is, For that the youngest is presumed in Law, to be left able to thrive for himself.

Borough Goods Divisible. These words are found in the Statute of Alien Burth, 11 Edw. I. As before the Statutes of 22 & 34 Hen. 8, no Lands were Divisible at the Common Law, but in ancient Buronies; to perhaps, at the making the foresaid Statute of Alien Burth, it was doubtfull, whether Goods were Divisible, but in ancient Boroughs. For it seems by the Writ De rationabilitate partis bonorum, and the Goods of a Man were partable between his Wife and Children.

Boroughly. See Bore-hally.

Bole (Boscoigne) Is used for that Food, which Wood and Trees yield to Cattle, Malt, From the Gr. βοσκειν, Pasture.


Boleus, Is an ancient word used in the Law of England, for all manner of Wood. The Italian useth Boleu in the fame fense, and the French, Boys. Boleus is divided into High-wood or Timber (Haute-bois) and Copice or Under-wood (Sub-bois). High-wood is properly called Salus, and in Fleta, Maeriz-

Bolhus. (From the Fr. Bouzins, A Rufi
cial Trumpet or Wind-instrument, made of Pitched Barks.) By Inquisition after the death of Laurence Hayfing, Earl of Pembroke, 22 Edw. 3, The Manor of Ashton Cantico (de Cantico) in Comber, is returned to be held in Capite of the King, by these words, Quod quin
dem Manareum per se tenetur de Domino Regne in Capite per servitium invenibili num bonnem

peditem cum Addam Arce fine Corda, cum una Boleina fine tappa pro xi. dies impetuum pro-

prim, quater fuerit guerra in Wallia. Ex Record. Turris Londoni.

Quere, It Tappa (from the Fr. Tapon, i.e. the Bung or Stopple) be not the Backhole or Stopple of the Instrument where they blow.

Bote (Sax.) Compensation, recencum, fatiation, or amends. Hence Man-bote, alias Mon-bote, compensation or amends for a Man, who was bound to another: In King John's Laws set out by Lamberti, cap. 98, you may see what rate was ordained for expiation of this offence. Hence also our common phrase to boot, a compensation gratis. See Hodge-bote, Prive-bote, etc. See Strange, Serje, Bote.


Botby, A Booth, Stall, or Standing, made in Fairs or Markets. Il est une magnifique lice


Botiller of the King (Pincerna Regis) Anna 23 Edw. 2, cap. 21. An officer that provides the Kings Wines; who (according to Fleta, lib. 3, cap. 27) may by virtue of his Office out of every Ship laden with Sale-Wines, Unum dolium eligere in praos navis ad opus Regis, & aliquid in puppi, & proqualitatis pessimis reddere tarmum ad solis Mercurii. Si autem plura inde habere volumus, bene licet, dum tamen precioso fide dignum judicio pro Regae appo-

natur.

Bottom or Botomary (Anna 16 Car. 2, cap. 6) Is, when the Master of a Ship borrows Money upon the Kiel or Bottom of his Ship, and binds the Ship itself. That if the Money be not paid by the day assigned, the Creditor shall have the Ship. See Bottomage if quandam empti bonorum sur le Kiel des Neiph; & le Neiph oblige a payment de cee. Viz. Si ne fit pas a temps, que l'auteur auroit le Neiph Latches Rep. fol. 252. Scarboroughs Cafe.

Others define it thus, When I. S. lends Money to a Merchant, that wants it to Traffic, and is to be paid a greater sum at the return of the Ship, flaying to the hazard of the Voyage, and though the profit be above six per cent, it is not reckoned Usury.

Bosata terra, Is as much as one Ox can Plough. Oe bovatae terrae factum caracatum terra, obo caracata factum umquam Fundum Milit. XVIII acres factum Bovatam terra. M. S. cum ino in Statute. See Ogang.

Bouche of Court, or as the vulgar call it Bridge of Court, Is to have meat and drink for free there; For to is the Fr. Avoir Bouche a Court, to be served at Court. And this anciently extended as well to the Court of Noblemen, who were Subject, as to the Kings Court. As appears by this Deed.

Cefte Elibenture faite parrentes lui Nobles

hommes Monsieur Tha Beuchamp, Comte de

Warwicke, à une part, & Monsieur Johan Russil de

Board (Banda) — Secundum metat, manum, bundas, & Marchias forestae. 8 Edw. 3. Hibern. Pip. fol. 6. Sir Edw. Coke in 4. Inj. fol. 381. derives it from the Saxons, Bonna, but the Saxon Dictionary affords no such word.

Bow-bearer, Is an under Officer of the Forest, whole Oath will inform you the nature of his Office, in these words.

I Will true Man be to the Master of this Forest, and to his Lieutenant, and in their absence I shall truly over-see, and true Inquisition make, as well of sworn Men as unsworn in every Bailey, both in the North Bail, and South Bail of this Forest, and of all manner of Trench's done, either to Forest or Fenion, I shall truly endeavor to attack, or cause them to be attacked, in the next Court of Attachment there to be presented, without any concealment had to my knowledge. So help me God. Crompt. Juridi. fol. 201.

Bozenes. See Bafiones.

Brandy, A kinde of Spirit or Strong-water, made chiefly in France, and extrackted from the Lees of Wine or Cider, mentioned in the Act, 50 Car. 2. cap. 1. Upon an Argument in the Exchequer, Anno 1668. Whether Brandy were a Strong-water or Spirit. It was resolved to be a Spirit. But 25 Nov. 1669. by a Grand Committee of the whole House of Commons, it was voted to be a Strong-water, and not a Spirit.

Bradun, Male: In the ancient Statutes Bradun is taken for a Brewer, from the Fr. BRASSIER; and at this day also for a Muller or Malt-maker. It was adjudged, 15 Edw. 2. Quod vendita Bradun non est vendita vitibus, nec debet punitur sicut vendita Panis, vitis & Cor- 
sifus & bujusmodi contra formam Statum.


Bread of Tree or Brize. (Panis Tritici, Wheaten Bread) Was one of those sorts of Bread mentioned in the Statute of Affile of Bread and Ale, 51 Hen. 3. Stat. 1. where we read of Wafel Bread, Cocket Bread and Bread of Tree, which I think do generally correspond with what we now call White, Wheaten, and Boulted or Coarie Bread. See Cocket.

Bred. Is used by Bradun, lib. 3. trac. 2. cap. 15. for Bread, as, Too long and too bred.

Bredon, The Irish call their Judges Bre- dones, and thereupon the Irish Laws is called the Bredon Law. See 4. Inj. fol. 558.

Bretoyle or Bretois.—Scam or quod ego Henriicus de Pennebrigge Dedi — omnibus liberitie Burgensiis meus Burgi de Pennebrigge omnium libertates & libera constituciones secundum legem de Bretoyle mundi & feris appurin. secundum tenorem Charta Dominii Henrici Regis quam habeo. Hibern. cui. fine dat. Secundum legem de Bretoyle, multo certe siguice, Legem Marchiarum; or, The Law of the Britains, or Wolfsmen: For Pennebrigge (now Penbridge) is a Town in Herefordshire, bordering upon Wales.

Brehitus & Batulis liberandinus, Is a Writ or Mandat to a Sheriff to deliver unto the new Sheriff, chosen in his Room, the County and the appurtenances, with the Rolls, Briefs, Remembrances, and all other things belonging to that Office. Reg. of Writs, fol. 397. a.

Bebber (from the Fr. Beiber, to devour or eat greedily) Is a great mifprision, when any Man in judicial place takes any Fee, Pension, Gift, Reward, or Briogage, for doing his Office, but of the King only. Tertius, cap. 51. and 4. Inj. fol. 145.

Beibour (Fr. Beibour, i.e. a Beggar) Seems to figure in some of our old Statutes, one that Piffers other Mens Goods, as Cloaths out of a Window, or the like.

M
Brief (breve) signifies a Writ, whereby a Man is summoned or attached to answer any Action; or (more largely) any Writ in writing, issuing out of any of the Kings Courts of Record at Westminster, whereby anything is commanded to be done in order to Juiceth, or the Kings command, and is called a Brief, or Breve; Quia Breviter & puncto verbo intentationem praebent eum signis & exemplis, facit regula juris que est Breviter narrant, says Bracton, lib. 5, tit. 5, cap. 17, num. 2. Also Letters Patent or a License from the King or by Privy Council, granted to any Subject to make a Collection for any publick or private loss, is commonly called a Brief.

Briga (Fr. Brique, i. debate or contention) Ex pugnatur terram illam in Brigam et causam in terris 1646, sicut casus in positum, saepe committitur Marius. Ibid. Hist. 18 Edw. 28. Rot. 28.

Brigandine (Fr.) A Coat of Mail, or a fashion of ancient Armor, consisting of many jointed and Scale-like Places, very plain upon, and eafe for the Body, mentioned Anno 4 & 5 Edw. 3. cap. 2. Some confounded it with Haubergeon; and some with Brigandine, in writing which there is only the difference (due to difference in sound) which signifies a low, long, and swift See Veel, having some twelve or thirteen Orns on a side.

Bregge or Bregg-hote, Signifiit qui- tainam et spesam Pontus. Fleta, lib. cap. 47. Pontus refpetit et restitutur. It is Com- pounded of (Breg) a Bridge, and (Bote) which is a yealding of amends, or supplying a defect. See Bote and Selden titles of Honor, fol. 622. Ares pontifici contrahito.

Brjocages, (Anno 12 Ricb. 2. cap. 5.) Means used by a Spokeyman; the Wagge, Hire, or Trade of a Broker. Anno 1 Jac. 2. cap. 21, it is written Brokerage. Anno 1 Hen. 4. num. 29, not Printed.

Brockia (from the Fr. brec, quaedam magnum ac castitario significa). Signifiit semper perfectissimam Dominus Regis, corvis locis & corvis tempestatis, unus bonum & unum eorumque cum Broch, pra aliis nesciante, vel utile exercitum jumentorum, Bracton. lib. 2. tra. 1. cap. 8. By which it should seem Saccus was to carry the dry, and Brochiae the liquid things. See Saccus.

Brodskimping, Rihle Brodskimping, Signifiit fallum, by Custom paid to the Lord of the Town, for letting up Tables, Bords, or Booths, in a Fair or Market: From which, who are freed by the Kings Charter, had this word in their Letters Patent; so much, as now the freedom it fell (for hornets of Speech) is termed Brodskimping. See Brodskimping.

Brogsers, Vide Brokers.

Brokers (Brokars) Are of two sorts, the one an Exchange-Broker, whose Trade is to deal in matters of Money and Merchandise between Englishmen and Stranger-Merchant, by drawing the Bargain to Particulars; and the Parties to Conclusion; for which they have a Fee or Reward. These are called Brogers, Anno 10 Rich. 3. cap. 1. and in Scotland Brocarm, that is (according to Skene) Mediators or Intercessors in any Transaction, Factor, or Contractor, as in Buying, Selling, or Contracts of Marriage. Brogers of Corn, Are used in a Proclamation of Q. Elizabeth for Broggers, Bakers Chatt, fol. 411. He that would know what these Brokers were wont, and ought to be, let him read the Statute of 1 Jac. cap. 21. The other is the Pawn-broker, who commonly keeps a Shop, and lets out Money to poor and necessitous people upon Pawns, not without Extortion for the most part. These are more properly called Pivers or Pawn-takers, and are not of that antiquity or credit, as the former; nor does the said Statute allow them to be Brokers, though now commonly so called.

Brothe-koules, King Henry the Eighth by Proclamation 20 Mart. 37 of His Reign, suppressed all the Stews or Brothel-koules, which had long continued on the Barking-side in South- wark; for that they were prohibited by the Law of God, and Law of this Land, 3 Inst. fol. 425. And Rot. Parl. 15 Eliz. 2. num. 32.

Buch-bote (from the Germ. Bruch, i. Bridge and Bote, i. Compensation) Signifiies a Tribute or Contribution towards the mending or re-edifying of Bridges, whereas men are freed by Royal Charter; and therefore the word is used for the very Liberty or Exception itself. See Pontage and Brich-bote.


Buchstall. — Et sunt qui de Cheresh, Heunderg, Buckstall, & Treffe, & de omnibus miscellaneis, & Privilege de Sempingham. By the Stat. 15 Hen. 7. cap. 11. it seems to be a Deer-bay, Toy, or great Net to catch Deer with; which by the said Statute is not to be kept by any man that hath not a Park of his own, under pain of 40 I.

To be quit of Buchstalls, i. Obi bonum consentientia venandi, sibi comedias ad stabilia faciendas circa feras & ad easdem congregandam, quibus effe de bus servius, quando Dominus chafewrit. 4 Inst. fol. 326.

Buch-wheat (Mentioned in the Statute 15 Car. 2. cap. 5.) Is otherwise called French Wheat, and well known.

Budge of Court, See Bouche.

Buggery (According to Sir Edward Coke, Rep. 12. pag. 56.) Comes from the Ital. Bagge- rotte, to Bugger, and is described to be Carnibus capita contra naturam, & hoc vol per confusionem speciem, i.e. A Man or a Woman with a brutt Beant, i.e. Examin; A Man with a Man, or a Woman with a Woman. This offence committed with Mansinde or Beant, is Peony without
without Clergy it being a sin against God, Nature, and the Law, and was brought into England by the Lombards, as appears by Rot. Parl. 5o Edw. 3. num. 55. See the Stat. 24 H. 8. cap. 6. revived 5 Eliz. 17. Eliz. Nat. Br. fol. 269. b. In ancient time such Offenders were burnt by the Common Law. This most detestable sin was justly excepted out of the Act of General Pardon, 12 Car. 2. cap. 8.

Bull (Bulla, Ital. Bulla) was a Gold Ornament or Jewel for Children, hollow within, and made in fashion of a Heart to hang about their Neckts; but now it is most usually taken for a Breviar Mandate of the Pope, or Bishop of Rome, from the Head or sometimes Golden Seal affixed thereto which Matthew Paris Anno 1237. thus describes. In Bulla Domini Papa stat imago Paulli a sancto Crucis in medio Bulla figurata, & Petro a finibus. The word is often used in our Statutes, as 23 Hen. 8. cap. 6. And 1 & 2 Phil. & Mo. cap. 8. — 3 Eliz. cap. 2. Non solum sigillum significat impressum & impregnum, sed sibis idem idemque bullos & interruptis instrumentis fecerunt eum bilum. Mifti quaque Archiepiscopi (Canturiae) Regini & Consilio suo stipulavit & fiet Bullam in bune medium continentem, &c. Spelm Wiliam de Ssettle recovered at the Common Law by Verdict against Otho, Parson of the Church of Biflipon x1. Pro Stipulatio bene usus Bulla Papalis de Ordinacione alterius Bulla de legitimatione, & tertie Bull x. de cœnus exorbitantibus pro animabus antecessorum suorum. Trim. 4 Edw. 3. Rot. 100. Bulla, Olim sigillum significans. Glos. in x. Scrupices.

Bullengor. The Commons do Petition, that certain Commissions lately sent to Cities for the making of certain Boats and Bullengors, being done without consent of Parliament, might be repealed. Rot. Parl. 2 Hen. 4. num. 23.

Bullion (Fr. Billon, i. The Metal whereof base Coin is made) Signifies with us Gold or Silver, in Maf or Billet. Anno 9 Edw. 3. Stat. 2. cap. 2. And sometimes the Kings Exchange or place, whither such Gold in the Lump is brought to be tried or exchanged. 27 Edw. 3. Stat. 2. cap. 14. And 4 Hen. 4. cap. 10.

Bullion feems also to signify of old, a quantity of Salt, according to Gervase of Tilbury, writing of the Salt Springs in Worcestershire.

Bultel, Is the refuse of the Meal, after it is dried by the Baker; also the Bag wherein it is dried. I finde the word mentioned in the Statute, enuited, Affisa panis & Cereuisie. Anno 51 Hen. 3. Hence Bulted Bread, Counse Bread.

Bunda. See Bound.

Burcheta (from the Fr. Berche) A kind of Gun, mentioned in the Forrest Records.

Burgage (Burgagium, Fr. Burgage) Is a tenure proper to Bourns, whereby the Inhabitants by ancient Custom hold their Lands or Tenements of the King, or other Lord, at a certain yearly Rent. It is a kind of Soggage, says Swinburne, pag. 5. Sel. 3. num. 6. Ad milem.
another Mans Dwell ing-house, wherein some person audible inhabits, or into a Church in the night-time, with intent to commit some Felony therein; as to kill some Man, steal some-what thence, or to do some other evilious act, though he execute it not.

Burglary in the natural signification of the word, is nothing but the robbing a House by night, or breaking in with an intent to rob, or do some other Felony. The like offence by day, we call House-robbing or House-breaking, by a particular name. How many ways Burglary may be committed, see Crump. juss. of Peace, fol. 283, 293, & a Part. Inq. fol. 263. It shall not have benefit of Clergy, Anna 18 Eliz. cap. 7.

Burghward (q. burg wair) A Citizen or Burgler. Williamus Rex fulcius Willielmus Epp osum & Guelforum Gvidegus & Comum


Burford or Burfor. Under-wood or Bruffwood.

Busones Comitatus. Justiciae, quos ad se grattam venit fecut vel plurimum de Majoribus Comitatus, qui demuunt Burtones Comitatus, & ad quem nomen deputavit ratio alius, Eq. Bracton, lib. 3. tract. 2. cap. 1. mm. 1. 231.

But (Buttoum) Cery but of Stamepet to contain at the least 128 Gallons. Anna 1 Bache. cap. 2. 1. 231.

Buttering of Wines. Signifies that Impoision upon Sake-Wine brought into the Land, which the Kings Butler, by virtue of his Office, may take of every Sump; that is, Two shillings of every Tun of Wine imported by Strangers. Anna 1 Hen. 8. cap. 2. 5. See more in Butlers of the King, and Pilage. The Stat. 12 Car. 2. cap. 24. for taking away of Purse-money. Does not extend to prejudice the ancient duties of Butlerage, and Pilage of Wines, but they are to continue as before the making this Act. See Calendars of Special Cates, pag. 22, and Inq. fol. 35.

Buycars or Buycarles (Butcrei & Butcerei) Sunt qui portu nautico cybodiam: Mariners or Steamen. Quando Rex ibat in expeditionem vel terra vel mari, babets de lec
Mancio aut xx. sal. ad pascendos sua Buycarls, aut unum hominem ducebat secum pro bonore quique Hidamin Doncfd. rit. Wife, Wilton. And Saltons Mare clauium, fol. 141, where it is written Buycarles.


Bpall. (Anna 26 Hen. 8, cap. 6.) See Bpall.

Bylaw or Laws of Burlaw (Legel Rupificorum, from the Germ. Baut, Rupificus, &c. Lanch, Lex.) Laws made by Husbandmen, concernin Neighborhood, to be kept among themselves. See Bench, pag. 33. See Bylaws.

C.

The Letter C among the Ancients. See Ignunus.

Cabillo (Cabellia) among the Writers of the Foreyt Law, signifies Bruff-wood, or Buyters-wood. Crump, jurid. fil. 165. But Sir Henry Spelman thinks, it more properly signifies Wind-fall-wood, because it was written of old Cabillium, from cader, or, if derived from the Fr. Cadis, it also signifies Wind-fall, or

Caba bona speranta. See Cape bona esperanza.


Calandering of Wasted-huffs (mentioned 5. Hen. 8, cap. 4, and 24. Stat. 24, cap. 5.) signifies to smooth, trim, and give them a glos; it is a Trade both in London and Norwich.

Calangium, Challenge, claim, or dispute. Sciam — quad ego Guedelius de Dorddenfull, cum affirmo Amici utus meo, dedi. — Des & Beatia Maria & Dominus meus Priori & Convento Wigmone, in pura & perpetuo seclusi

Calingium, inter iggun & Valtemon. Mon. Angl. 2. par. fol. 252. b.

Calcelet & Calceata, a Cavey or Coway. See Cavey.

Calendars (Calendae) properly the first day of every Month, being spoken by it self, or the very day of the New Moon, which commonly fall out together: If Pride be placed before it, then it signifies the last day of the foregoing Month, as Pride Calend. Main, is the last day of April. If any number be placed with it, it signifies that day in the former Month, which comes so much before the Month named 5 as the Thenth Calend of October, is the Twentieth day of September, because if one begin at October, and reckon backward, that Twentieth day of September is the Tenth day before October. In March, May, July, and October, the Calendars begin at the Sixteenth day, in other Moneths at the Fourteenth; which Calend must ever bear the name of the Moneth following, and be numbered backward from the First day of the said following Moneths. See more in Hapton Concordance, pag. 69. And see Ide, Dition de Remesworth, is dated the day before the Calend of November, Anna 1256. In the Dates of Deeds, the day of the Moneth by Names, Ide, or Calend, is sufficient. See Inq. fol. 675.
Campbell. See Champion, and 3 Infor. fol. 231.

Candemnatis-cap. (Sax. Cansehmasse) The Feast of the Purification of the Blessed Virgin Mary (2 Feb.) instituted in memory and honor, both of the Presentation of our Blessed Lord, and the Purification of the Blessed Virgin in the Temple of Jerusalem, the For- thieth day after her happy Child-birth, performed according to the Law of Moses, Levit. 12: 6. It is called Candemnatis, or a Mass of Candles, because before Mass was said that day, the Church blessed, that is, deputed or set a part for These sacred Candles for the whole year, and made a Procession with hallowed Candles in the hands of the faithful, in memory of the Divine Light, wherewith Christ illuminated the whole Church at his Presentation, when old Simon blessed him, Light to the Revelation of the Gentiles, and the Glory of his people Israel, S. Luke 2: 30. This Festival-day is no day in Court, and is the Grand day of Candemnatis; there is no Procession.

Canter (among the Statutes made in the Reign of Henry the Third, Edward the First, or Second, but uncertain which, set down in Poulton, fol. 110. cap. 29. — All shall be taken by the Rate, and not by the Head of Canter; which seems to signifie the same we now call the Lump; as to buy by Measure, or by the Lump.

Cantred, or rather Cantref, (Cantredus) Signifieth an Hundred Villages, being a British word compound of the Adjunct Cant, An Hundred, and Tref, a Town or Village. In Wales the Counties are divided into Cantred, as in England into Hundreds. The word is used in Ann 29 Hen. 8. cap. 3.

Capacity (capacitu) An aptness to contain or receive. Our Law allows the King two Capacities, A Natural, and a Poetic. In the first, he may purchase Lands to Him and His Heirs, in the later, to Him and His Successors. And a Poetic hath the like.

Cape of God Hope (Cabu de bon esperanza) A Promontory or Elbow of Land that lies in Caffraria, a Province of Africa Inferior, and was first discovered by the Portugals, under the command of Bartholomeu Dias. He抵s Caffraria, fol. 294, and is mentioned in the 12 Car. 2 cap. 19.

Cape (Lac.) Is a Write Judicial touching Plea of Land or Tenements; so termed (as most Writers are) of that word, which carries the especial intent, or end of it. And this Write is divided into Cape Magnus and Cape Parva: Both which (as is before said in Attachment) take hold of things immovable, and seem to differ in these points. First, Because Cape Magnus or the Grand Cape lies before appearance, and (Cape Parva) afterward. Secondly, The (Cape Magnus) summons the Tenant to answer to the Default, and over to the Demandant. Cape Parva Summons the Tenant to answer to the Default only; and therefore is called Cape Parva or Petit Cape.

Old Nat. Br. fol. 161. 162. Yet Ingram, faith, it is called Petit Cape, not because it is of small force, but that it consists of few words.

Cape Magnum in the Old Nat. Br. is thus defined; Where a Man hath brought a Præces quad Reddant or a thing that reaches Plea of Land, and the Tenant makes default at the day to him given in the Original Write, then this Write shall go for the King, to take the Land into His hands; and if the Tenant come not at the day given him thereby, he loseth his Land, &c. A Form of this Write, you may see in the Reg. Judicial, fol. 36 b. of this Write, the Explanation of its true force and effect, read Braden, lib. 12. cap. 9. mon. 4, 5, 6.

Cape Parva, or Petit Cape (in Old Nat. Br. fol. 161.) Is thus defined; Where the Tenant is summoned in Plea of Land, and comes at the Summons, and his appearance is of Record; and at the day given him, prays the View, and having it granted, makes default, then shall this Write for the King, &c. The difference between the Grand Cape and Petit Cape (which in effect or consequence, are alike) is, that the Grand Cape is Awarded upon the Demandant or Tenants not appearing or demanding the View in such Real Actions, whereas the Original Write does not mention the parcels or particulars demanded: And the Petit Cape, after Appearance or View granted. Its Form is in Reg. Jud. fol. 36 b. and Fleta, lib. 6. cap. 49.

Cape ad Valentinum. Is a Species of Cape Magnum, so called of the end whereeto it tends, and (in Old Nat. Br. fol. 161) thus described: Where I am impled of Lands, and I vouch to warrant another, against whom the Summons Adwarantandum hath been Awarded, and the Sheriff comes not at the day given; then, if the Demandant recover against me, I shall have this Write against the Vochee, and shall recover so much in value of the Lands of the Vochee, if he hath so much, if not, then I shall have execution of such Lands and Tenements as defend to him in Fee; or, if he purchase afterwards, I shall have against him a Recover, and if he can say nothing, I shall recover the value. This Write lies before Appearance. Of these, and their divers utes, see the Table of the Reg. Judicial, verbis, Cape.

Capias is a Write of two sorts, one before Judgment, called Capias ad Respondendum, where the Sheriff, upon Original, or other Write in a Personal Action returns Nihil habet in Balita agerta. The other is a Write of Execution after Judgment, being also of divers kindes, as Capias ad Satisfaciendum, Capias pro Fine, Capias Ultragem, after Judgment, &c.

Capias ad Satisfaciendum is a Write of Execution after Judgment, lying where a Man recovers in an Action Personal, as for Debt, Damages, Derinu, &c. in the Kings Court: In which case, this Write Iffues to the Sheriff, commanding him to take the body of him, against whom the Debt is recovered, who shall be put in prision, till he make satisfaction.
Capias pro Fine, is where one, being by
Judgment fined to the King, upon some offence
committed against a Statute, does not discharge
it, according to the Judgment: By this there-
tore is his body to be taken and committed to
prison, until he pay the Fines. Coke, lib. 3. fol.
12. Or where, upon a Non est factum pleads,
his plead is, by evidence or his own after-ac-
knowledgement, not made out or verified, and
the like.

Capias Obligatum, is a Writ which lies
against him, who is outlawed upon any Action
Personal or Criminal, by which the Sheriff
appeals the party outlawed, for not appearing
upon the Writ, and keeps him in false custody
till the day of return, and then presents
him to the Court, there to be ordered to be
committed to the Fleet, there to remain till he
had paid the Kings Charter of Pardon, and
appeared to the Action. At present, in the
Kings Bench, the outlaw cannot be removed,
unless the Defendant appear in person, and by
a present of Gloves to the Judges, implore and
obtain their favor to receive him, and in the
Common Pleas, the Defendant (not being an
Executor or Administrator) is now to give
good bail (which he is allowed to do by Actone)
to answer the Action, if the Debt or Damage
demanded be 20l. or above, and to pay the
Plaintiff's charges, before the Writ be
removed. And, by a special Capias Obligatum
in the same Writ, the Sheriff is commanded,
and may seize all the Defendants lands, goods,
and chattels for the contempt to the King;
and the Plaintiff may (after an Inquisition taken
thereupon, and returned into the Exchequer)
obtain a Lease of the lands extended, and a
grant of the goods, whereby to compel the
Defendant to appear; which, when he shall do
and reverse the Writ, are to be restored to
him. See Old Nat. Br. fol. 154. and Table of
Reg. Tudor, serbo, Capias.

Capias in Writernanum de Acestia, is a
Writ lying for Cattle in Wittern. Reg. of
Writs, fol. 82. & 83. See Wittern.

Capias in Witternana de Homine, is a
Writ that lies for a Servant in Wittern, Reg.
fol. 79. & 80. See Wittern.

Capias conditum ad profectandum, is an
Original Writ, which lies, by the Common
Law, against any Soldier that hath comitted
to serve the King in his War, and appears not
at the time and place appointed, directed to
two of the Kings Servants at Arms to arrest,
and take him wherefoever he may be found,
and to bring him Coram Cumplia before 3 jurors
with a Clause of Affirmance, a Inf. fol. 126.

Capite (from Capitat. Ex Rex, unde tenerent in
Capite, i. Tenere de Regis, orum terrarum
Capite) Was a Tenure which held of the King
immediately, as of his Crowns, were it by
Knights Service or Socage. Est tit. Tenures,
12 Car. 2. cap. 24. all Tenures by Knights Ser-
vise of the King, or of any other person,
Knights Service in Capite, or Socage in
Capite of the King, and the Fruits and confinements
thereof, are taken away and discharged from
24 Feb. 1645. And all Tenures of all Mannors,
Lands, &c. held either of the King, or of any
other person from that time, shall be continued
and taken for ever to be turned into free and
common Socage. And all Tenures heretofore
to be created by the King, upon any Gifts or
Grants of Mannors, Lands, &c. are by that
Statute ordained to be in free and common Socage
only, and not by Knights Service, or in
Capite, and are to be discharged of all Ward-
ships, &c.

Caption (Capitun) When a Commision is ex-
ecuted, and the Commissioners names subscribed
to a Certificate, declaring when and where the
Commission was executed, that is called the
Caption; which commonly begins thus—Virtute
ipsum Commissionem nos, &c. Or Executus
ipsum Commisionis patens in quadam Seabula
annuenda, &c.

Capture (Caputam) The taking a prey, a
little, again; an Arred, or Seifare. Ann. 14
Car. 2. cap. 14.

Caput Baronii, is the Cattle or chief Seat of
a Nobleman, which is not to be divided among
Daughters (if there be no Son) but must devolve
to the eldest Daughter. Careri. filiis a
landed female.

Careta & Caretata, (Sax. Coae, unde
Card) A Cart, or cart-load. —Facinis praecipu-
is de Carica & Careta, & de aratro & carro.
Culturn. Prior. Leves. M. 8. — Quinque
Caretatae claudantur, ad prædicta terris claud-
aturam substantiam. Mon. Angl. 2. par. fol.
140. 2.

Caretarius, A Carter. Sc. —quod ego
Hercutawin Pri Dedi —In herbam parum &
perpetum Blevisioni Dext. & Altari B. Maria
in Consuetudini Eccles. Leominster, xii. 8 annis
relinquit præmissa de quodulque Mesluo in
Marifa quod fuit Ricardo Caretari, &c. Fine Dat.
Ex libro Cart. Priorat. Leominster. See Car-
rita.

Cark, Is a quantity of Wool, thirty
See Sarper.

Carrh. Seems to signify an immunity or
privilege. Gramp. Rull. fol. 191. Write Melton
fe & humins sua immunam elatione sub
omnibus Americanis in Foreste & sub omnibus
Goldin, Footgold, Backgold, Trinit, Carne &

Carpenna, A coarse kind of Cloth,
made in the North of England; and mentioned
Ann. 7 Jac. cap. 16.

Carreia (al. Carreia) Was anciently
used for a Carriage, Wain or Carriage. Sc.
ignat praestentis & futuri, quod ego Henricus de
Ribesford Dedi —Borgo filio Ade Pignor
pro Honage & Seruicius fuat primum actum a
Wigmore. Reddend. Inh. annuatione suis
& hereditibus suis ipsis & baronibus suis nam Carre-
tam

Carriick or Carrach (Carvechy) A Ship of great burden; so called of the Italoian word Carro or Carcis, a burden or charge. Mentioned 2 Rich. cap. 4.

Carrett, See Charter.

Carriage (Carrogium) As Heilage was a Taxation by Hidex of Land; so Carriage was, by Carriana of Land. — Declarat S. Edm. de quilibet Carriaca terrae in toto Episcopatu quattuor Denuos annos, quod si quis modo, ea de causa, Carriaca ess appellatum. Mon. Ang. 1. par. fol. 294 a.

Carriaca or Carbe of Land (Carriaca terrae, or the Fr Chartre, i. avtrim) Is a certain quantity of Land, by which the Subjects have sometimes been taxed 3 whereupon the Tractate to levied, was called Carriaca. Broth. lib. 2. cap. 28. num. 3.

Carriaca tera, A Plough Land, may contain Houtes, Mills, Paffure, Meadow, Wood, &c. Coke on Lund. fol. 113. Carriaca is sometimes also used for a Cart-load, — Una Carriaca legit in Foro nofria, qui appellatur defensa. Mon. Ang. 1. par. fol. 111 a. Littleton, cap. Tenure in Sograge, faith that Seca idem ess quod Carriaca, a Soke or Ploughland are all one. Yet show in his Annuals, pag. 271. says, The same King Henry took Carriage, that it was Marks of Silver of every Knights Fee, towards the Marriage of his Sister Isabel to the Emperor: Where his carriage cannot be taken for a Ploughland, except there were some other former division, whereby it came of every Ploughland to much, and to consequently of every Knights Fee, that is, of every 80 Acres, two Marks of Silver. Kestal, in his Exposition of Words, says, Carriage is to be quit, if the King shall tax all the Land by Carriers, that is, a priviledge, whereby a Man is exempted from Carriage. Skene says, it contains as great a Portion of Land as may be labored and tilled in a year and day by one Plough, which also is called Hilda or Hida tera, a word used in the old British Laws. Lamb. in the end of his Eureneracta transtales Carriaca terrae, a Ploughland. The word Carres is mentioned in the Statutes of Wards and Relief, made 20 Edw. 1. And in Magna Char. cap. 4. Anno 1200, habebit Pexe inter Johannis Regii Angliae & P. Regum Franciae. &c. Et mutuavit Regis Franciae 30 millia Maccorum, pro quibus collaborem Carriacum in Anglia, &e. tit. tis, pro quibus nativ. Ex Registo Petrar. de Dunstable in Bibl. Cotton. See Coke on Lund. fol. 69 a.

Caftellum & Caftella, Habitacionem cum terrarum idonea ad unum familiaum alendam; illus Caftamentum; Saxonius nobis ficce 3 Beda, familia.


Caeli (Caelisum) is well known. Caelis ess Regi Hen. 2. temp. temporibus Cæliasa 1115 in Anglia Estuife. Every Cælia contains a Manor, as every County of a Castle, is Contable of a Manor. 2 Part. Inf. fol. 41.

Cælstations (Fr. Chapeiens) The Lord, Owner, or Captain of a Castle, or sometimes the Contable of a Castle, or Fortified House. Broth. lib. 3. n. 70. cap. 16. and Lib. 2. cap. 32. num. 3. And used in like fense, 3 Edw. 1. cap. 7. It is sometimes taken for him that hath the calibry of one of the Kings Manions Houses, though not a Castle or place of Defence. 2 Part. Inf. fol. 51. Marwood, Part. 1. pag. 113. faith, There is an Officer of the Forest called Cælstations, who had the command of all or part of the Forrest. Of the use and extent of this Officer in France, see Cotgrave Diction. verbo Chapeilain.

Cæbeltward (Cæbellgardum vel Wardum Cæberi) is an Imposition laid upon such as dwell within a certain compass of any Castle, towards the maintenance of such as watch and ward the Castle. Magna Char. cap. 20. and 73 Hen. 8. cap. 48. It is sometimes used for the very circuit it self, which is inhabited by such as are subject to this service; As in Stow. Annuals, pag. 293. — Et capre bidem Cæbeltward, viz. De quolibet inhabitatione infra feudum ipsum Ducis capr. ad Cælurum (i.e. Halton) de sui & bidem una de castra, & per sarmatem pernoctari, quattuor Denar. Pl. apud Cæbellium, 3 Edw. 3.

Caro continuit, Is a Writ of Entry, granted, where Tenant by Curteile, or Tenant for Life, or for another Life, Allens in Fee or in Tail, or for term of another life. And it takes name from this, that the Clerks of the Chancery did, by their common content, frame it to the likenes of the Writ called in Cæser Proces, according to the Authority given them by the Star. Wem. 2. cap. 24. Which (as often as there happens any new Cae in Chancery, something like a former, yet not specially fitted by any Writ) authorizes them to lay their Heads together, and to frame a new form, answerable to the new Cae, and as like some former, as they may. And this Writ is grantet to him in Reverton, against the party to whom the said Tenant fo Alien to his prejudice, and in the Tenants life time. The form and effect therefore, read more at large in Fitz. Nat. Br. fol. 206.

Caro Publita, Is a Writ of Entry, given by the Statute of Glossefer, cap. 7. in cause where a Tenant in Dower, Alien in Fee, or for Term of Life, or in Tail, and his for him in Reverston against the Allence, Fitz. Nat. Br. fol. 205.
Caralis. See Chaste.

Caralis capitii nomine distinctioris. Is a...ordent, or to drive...for Rent of these, and warrant a Man to take the Doors, Windows, or Gates, by way of Difficulty for the Rent, old Nat. Br. fol. 66.

Caralis Reddens. Is a...write to any Man to...day. It may be...wife called a Writ of Delivery. See more of it in...Reg. of Writs, fol. 131, and in Old Nat. Br. fol. 63. This is answerable to Aduo in...Civil Law.

Cactophil (Cacto Philius & Cactophilus) quasf. One that catches by the Full. Though now taken as...time, it was...re胜任 upon any Action. Anno 25 Feb. Stat. 9. cap. 2. — Hospitallarii Tenent in Hereford upon Mosegton, quod Philipus filius Oculus tenet per Serianness Charles, quod dic legavit in purum vocemfamam. Roche de Serianness in Hereford temp. Hen. 3. in cathedra Camerac Seccairi.

Cathedraph (Cathedraequ) is a Sum of...the Bishop by the Inferior Clergy. In Argumentum subplicationis & ob huncum Cathedra. See Hist. of Proclamations and Synods, pag 66.

Caucaus (Anno 6 Hen. 6. cap. 1.) Caucaus. (1 Edw. 4. 1.) I think it should be written Caucausaus from the Old French word Caucaus, now Caucaus, a Plant, and is well known to English writers. In Latin, Caucaus — pro pane Caelesca reporem. Par. 13 Hen. 6. pag. m. 5. I have also seen it written Caucaus, Caucaus, and Caucaus in old Records.

Caucaus (Cauf ori) Were Italians by Birth, and came into England about the year 1235, taming themselves the Popes Merchants, driving no other trade then letting out Money, and had great Bents thereon in England, and differed little from Jews, save that they were rather more mercilless to their Debtors. Some will have them called Caucaus, quasf, Caucaus, poenae, Birhard and cruel in their Caucaus, others Caucaus, quasf, Caucaus, from scraping all together. The the Bishop of London excommunicated them. See Matth. Paris, pag 363.

Caucaus nobis signification. Is a...directed to a Major of a City, or Town, &e. who was formerly by the Kings Writ, commanded to give restitution to the Kings Granate of any Lands or Tenements, and delays to do it, willing him to shew cause, why he so delays the performance of his duty. Coke, lib. 4. Caucaus, Commonalite des Saliens, fol. 59. 6.

Caust Patrimonii Perlocutis, Is a Writ, which lies in...cause where a Woman gift...Fee, to the induit he shall marry her, and refutef to do it in reasonable time, being thereunto required. The form and further use of it, see in Reg. of Writs, fol. 138, and Fitz. Nat. Br. fol. 195.

Cautione admittenda, Is a Writ that lies against a Bishop, holding an excommunication in prison for his contemn, notwithstanding he offers sufficient Caution or Affirmance to obey the Orders and Commandements of Holy Church from thenceforth. The form and further effect whereof, see in Reg. of Writs, pag 66, and Fitz. Nat. Br. fol. 62.

Canp, A Key, or Water-lock; from the Saxon Ceg, See Key.

Capegili (Sax. Cegi, pecus & Gillis, foulato) pecunia seu calamis restitution.

Cellarius alias Cellarius, Officium e in Monasterio qui fraternis pesos servat & administret. M. E.

Centur, See Hundred.

Cep Coron, Is a Return made by the Sheriffs upon a Cap or other Process for the like purpose, that he has taken the Body of any party. Fitz. Nat. Br. fol. 26.

Cerego (Ceragium) See Waxstaf.

Cert Donep (quasa, Certam Money) Head-money or Common Fine, paid yearly by the Revisits of several Mannors to the Lords thereof, Pro certo Lata, for the certain keeping of the Leet, and sometimes to the Hundred. As the Manor of Hook, in D.kesfore, pag, Cert-money to the Hundred of Legeron. This ancient Records is called Certum Lata. See Common Fine.

Certificat (Lat.) Is used for a Writing made in any Court to give notice to another Court of any thing done therein. For example, a Certificat of the cause of Attains is a Transcript made briefly by the Clerk of the Crown, Certus de the Peace, or of Attains, to the Court of King's Bench, containing the Tenor and Effect of every Indictment, Outlary, or Conviction, or Clerk attained, made or pronounced in any other Court, Anno 34 H. 8. cap. 14. Bract, fol. 19.

Certification of Afflce of Nobil Distinction, &c. (Certificatio Afflici o noble distincion, &c.) is a Writ granted for the re-examining or reviewing of a matter passed by Afflice before any Judges, of which see Reg. of Writs, f. 200. And the New Book of Entries, or, Certificato of Afflice. This is used, when a Man (appearing by his Bill) to Afflice brought by another, and having some thing more to plead for himself, as Deed or Release, &c. which the Bill he did not, or might not plead for himself, desires a further examination of the cause, either before the same Judges, or others and obtains Letters Patent to them to that effect. (The Form of which Letters, see in Fitz. Nat. Br. fol. 181) and that done, brings a Writ to the Sheriffs, to call both the party for whom the Afflice pulled, and the Jury that was empanelled on the issue, before the said Judges at a certain day and place. And it is called a Certificato, because therein mention is made to the Sheriffs, that upon the parties complaint of the Defective Examination,
Examination, or Doubts yet remaining upon the Affidavit, the King hath directed His Letters Patent to the Justices, for the better certifying themselves, whether all Points of the said Affidavit were duly examined. Of this read

_Broad, lib. 4, cap. 19, num. 4._ and _Horns Mirror_, lib. 3.

**Certificando de recognitione Staple.**


**Certinari.** Is a Writ, issuing out of the Chancery to an Interior Court, to call up the Records of a Cause there depending, that conformance Justice may be done therein, upon complaint made by Bill, that the party, who seeks the said Writ, hath received hard dealing in the said Court. See the divers Forms and Uses of it in _ Fitz Nat. Br._, fol. 320. As also the Register, both _Original_ and _Judicial_ in the Tables, verbo Certinari. _Compton._ in his _Justice of Peace_, fol. 117. says, This Writ is either returnable in the Kings Bench, and then hath these words (Nobilis minister) or in the Chancery, and then hath in Cancellaria nostrarum, or in the Common Bench, and then, _Judicis nostri de Bonae._

**Cellhabit.** Is a Writ that lies in divers Cases, as appears by _Liz. Nat. Br._, fol. 290. Upon this general ground, i. That he is against whom it is brought, hath for two years neglected to perform such Service, or to pay such Rent, as he is tied by his tenure, and hath not paid his Land or Tenements sufficient Goods or Cattle to be distrained. See _Plea_, lib. 3, cap. 34, *etq._ _caes. eti. fest. ius in hereditatem._ _Cessavit de Cantamara. Cessavit de sedi._ _Cessavit per biamium._ In _Reg. of Writs_, fol. 277, 278. And _New Book of Entries_, verbo _Cessavit._ It lies not, but for Annual Service, as Rent, and such like, not for Homage or Fealty.


**Ceoff (Ceoff).** A ceasing, yielding up or giving over. _Si un Faroyn on Dean in Angli- tere priez un Esquivo in Ireland_, coe fait le premier _Lifijjij_ void per Ceoff. _Latches Rep._, fol. 254. — _Ratons vacations Primatur praedicti_, per Ceoffem _Frances Roger de Wellington, ultimo Prioris._ _Clau. 1._ _Edw. 3._ pag. 1. m. 38.

**Ceoff1.** (Lat.) A howsman or idle fellow; but we use it for him who ceaseth, or neglects to long to perform a davy belonging to him, as he thereby incurs the danger of Law, and is liable to have the Writ _Cessavit_ brought against him. _Old Nat. Br._, fol. 296. And note where it is said _The Tenants ceaseth_, without any more words, is to be understood, that the Tenant ceaseth to do what he ought, or is bound to do by the Tenure of his Land or Tenement.

**Cellurie or Celler.** Is also used for a ceasing; giving over, departing from. _Westm._, cap. 41.

**Cellui qui dite_ (in true French, _Ceoffi a de qui_). Is he for whose life any Land or Tenement is granted. _Perkins_, _tit. Grants_, 57.

**Cellui qui dite_ (an Abstraction of the Fr. _Ceoffi a de qui_). Is an usual phrase, signifying to whose life any other Man is encroached in any Lands or Tenements. See the _New Book of Entries_, verbo _Ufe_. And in _Register_, fol. 287, _columna_ 2, and _verbo_ _trestافت_ fol. 638. and fol. 123, 2. _lib. 3._, num. 7. _Anno_ 1 Rich. 3. cap. 3, and _Cotes_, _lib. 1_, fol. 233. _Anno_ 2 Car. 2. cap. 390.

**Cellui qui truit_. Is he who hath a trust in Lands or Tenements committed to him for the benefit of another. _Anno_ 2 Car. 2, cap. 50.

**Challbar.** Is an Officer in Chancery, that fits the Wax for the Sealing of the Writs, and such other Instruments as are there made to be issued out. So in France, _Calebesins pour feu_, qui regies litteris in Cancellaria carum impressum._ Corantius.

**Challars.** _Anno_ 5 Edw. 4. cap. 4. Seems to signify Wares or Merchandise; for _Chaffering_ is yet used for buying and selling.

**Chaldon or Chalder of Cauld.** Contains Thirty fix Bulthen hemp up, and according to the Bulhel sealed for that purpose at _Caulhail in London._ _Anno_ 16 to _Car._ 2, cap. 2. It is written _Chaldren._ _Anno_ 9 Hen. 4, cap. 10, perhaps from the Fr. _Chauld_, i. hot.

**Challenge_ (from Fr. _Chalenger_, i. _feifferre_.) Is used for an Exception taken, either against perfons or things; _Perfons_, as an _Affidate_, to the _Jurors_, any one, or more of them; or in case of _Felony_, by the _Prisoner_ at the _Bar_. _Baldon_, lib. 3, cap. 2. _Things_ as against a Declaration. _Old Nat. Br._, fol. 256.

**Challenge to the Jurors.** Is either made to the _Array_ or to the _Polls_. To the _Array_ is, when the whole number is excepted against, as partly empannell'd; _To_ or to the _Polls_ is, when some one or more are excepted against, as not indifferent. _Challenge to the Jurors_, is also divided into _Challenge Principal_ and _Challenge per Causa_, i. Upon Ceoff or Reafion. _Challenge Principal_, otherwise called _Preemptory_, is that which the Law allows without cause alleaged, or further examination. _Lamb. Evan._, lib. 4, cap. 14. As a _Prisoner_ at the _Bar_, arraigned upon _Felony_, may peremptorily _Challenge_ as one after another, of the Jury empannall'd upon him, alleging no cause, but his own dislike; and
and they shall be still put off, and new taken in
their places. But in case of High Treason, no Challenge Peremptory is allowed. Anno 23 Hen. 8. cap. 23. Yet there seems to be a difference between Challenge Principal, and Challenge Peremptory; the being used only in matters criminal, and barely without cause alleged, more than the prisoners own fancy. Stain. Pl. Cor. fol. 174. That, in civil actions for the most part, and with alleging some such cause of Exception, as being found true, the Law allows. For example, if either party allege, That one of the jurors is the Son, Brother, Cofin, or Tenant to the other, or married his Daughter; this Exception is good, (if true) without further examination of the parties credit. How for this Challenge upon Kindred extends, see in
Pleady, Caufa Verum, fol. 424.
Alfo in the Plea of the Death of a Man, and in every Real Action, and in every Action Personal, where the Deceit or Damage amount to forty Marks, it is a good Challenge to any Juror, that he cannot dispense 400 per annum of Freedom, Anno 11 Hen. 7. cap. 31. The ground of this Challenge, you may see in Pleaf, lib. 4. cap. 3. Challenge upon Reason or Cause, when the party do assign some such Exception against one, or more of the Jurors, as is not forwirth sufficient, upon acknowledgment of the truth of it, but rather arbitrable and considerible by the rest of the Jurors; as, if the Son of the Juror have married the Daughter of the adverse party. Riffion, fol. 32. Where you may read, what Challenges are commonly accounted Principal, and what not. See the New Book of Entries, on this word Challenge; which was anciently Laiden by Calaminus, as appears by Bredon, lib. 3. tale. 2. cap. 18. See Coke on Litt. fol. 156, 157, 25, 30, and Calaminum.

Chamberclains or Chamberdehins,
Were certain strike begging Pleas, banished England, Anno 1 Hen. 3. cap. 7, 8.

Chamberer, Is used for a Chamber-ward. Anno 33 Hen. 3. cap. 31.

Chamberlain (Cambram) Is diversely used in our Chronicles, Laws, and Statutes; as Lord Great Chamberlain of England, Lord Chamberlain of the Kings House; the Kings Chamberlain (Anno 13 Edw. 3. cap. 13 — 17 Rich. 2. cap. 25) to whose Office it is especially appertaineth to look to the Kings Chambers and Wardrobe, and to govern the under Officers belonging thereto. Pleaf, lib. 3. cap. 67. Chamberlain of any of the Kings Courts, 7 Edw. 6. cap. 1. Chamberlain of the Exchequer, 51 Hen. 3. Stat. 1. and 1 Edw. 3. cap. 11. Chamberlain of North-Wales. Snow, pag. 641. Chamberlain of Chester, and Chamberlain of the City of London. Crompt, Jurifd. fol. 7. To which Chamberlains of London and Chester, do belong the receiving all the Rests and Revenue appertain- ing to those Cities; and to the Chamberlain of Chester, (when there is no Prince of Wales, and Earl of Chester) the receiving and return of all Writs coming thither out of any of the Kings Courts.

There are two Officers of this name in the Exchequer, who keep a Controlment of the Rolls of Receipt and Exits, and certain Keys of the Treasure and Records, and the Keys of the Treasury, where the Leagues of the Kings Predecessors, and divers ancient Books, as Domesday, and the Black Book of the Exchequer remain. This Officer is mentioned in the Statute 32 & 33 Hen. 8. cap. 16. There are also Under Chamberlains of the Exchequer, which see in Under Chamberlain. The Latin word seems to express the Function of this Officer; For Camararius dictur a Camera (1. Tedefinum fidei et fornis) quis susceptrum pecuniae, quis in Camaritis praeposuit referentur.

Champart, (from the Fr. Champ, a Field and Paris, divided; because the Field or Land in question, is commonly divided between the Champartor, who maintains the fute, and the person in whose name and right he dues) Signifies a Maintenance of any Man in his fute, upon condition to have part of the thing (be it Land or Goods) when it is recovered. This seems to have been an ancient grievance in our Nation; for notwithstanding the several Statutes of 9 Edw. 1. cap. 23. — 13 Edw 1. c. 49. — 28 Edw. 1. c. 11. 33 Edw. 1. Stat. 2 & 3. and 1 Rich. 2. cap. 4. And a Form of Writ framed to them; yet 4 Edw. 2. cap. 11. it was again Enacted, That whereas a former Statue provided Redress for this in the King's Bench only, (which in those days followed the Court) from thenceforth it should be lawful for Justices of the Common Pleas, and Justices of Assize, in their Sessions, to inquire, hear, and determine this and such like Cases, as well at Sute of the king, as of the Party. How far this Writ extends, and the divers Forms of it applied to several Cases, see Fitz. Nat. Br. fol. 171. Reg. of Writs, fol. 183. And New Book of Entries, verbo, Champartis. Every Champart implies a Maintenance, Crompt, Jurifd. fol. 35. See also 2 Part. 1st. fol. 268.

Champartor, Be they, who make Pleas or Sutes, or cause them to be moved, either by their own procurement, or by others, and the them at their proper costs, to have part of the Land in vairiance, or part of the gains. Anno 32 Edw. 1. Statutes 1st.

Champion (campio) Is taken not only for him, that fighteth the Combat in his own cause, but for him also that does it in the place or quarter of another. Bracton, lib. 3. tale 2. cap. 21. num. 24, who also seems to use this word for such as held at another by some service; as, Campiones faciens Honigumi Dominum suo, lib. 2. cap. 35. Hotomann de verborum fundamentis. Defines it thus, Campio et Certato profideo data in duello, a Campo disputis, qui eum celeri decernentium de- finiatur. And therefore it is called Campfight. See Combat, and Sir Edward Bifbes Notes upon Upton, where fol. 21. you will finde that Homicom de Fernbui, for thirty Marks Fee, did
did by a Charter under his Seal, Covenant to be Champion or Keeper, Abbot of Glastonbury.

Ann. 45 Hen. 8, c. 3. Inf. fol. 124.

Champion of the King (Campa Regni)

Whose Office is, at the Coronation of our Kings, to ride into Westminster Hall armed Cap.-a-pet, when the King is at dinner there, and throw down his Gauntlets by way of Challenge, pronounced by a Herald; That if any Man shall deny or gain-fay the Kings title to the Crown, he is there ready to defend it in Single Combat, &c. Whilst he be done, the King drinks to him, and sends him a gilt Cup with a Cover full of Wine, which the Champion drinks, and hath the Cup for his Fee.

This Office (ever since the Coronation of King Richard the Second, when Baldwin Frezlie exhibited his Petition for it) was adjudged from him to Six John Dynock, his Competitor (both claiming from Marmonis) as producing better Records and Evidence; and hath continued ever since in the worthy Family of Dynock, who hold the Manor of Scrivelsby in Lincolnshire, hereditarily from the Marmonis, by Grand Servantry, &c. That the Lord thereof shall be the King's Champion, as above-said. Camd. in part. Hist. Mich. 1 Hen. 6. Accordingly Sir Edward Dynock performed this Office at the Coronation of His Majesty, King Charles the Second, 23 April. 1685.

Chancellor (Cancellarius)

This Officer in late times is greatly advanced, not only in our, but in other Kingdoms: For he is the chief Administrator of Justice, next to the Sovereign. All other Justices in this Kingdom are tied to the Law, and may not swerve from it in Judgment; but the Chancellor hath the King's absolute power to moderate the Written Law, governing his Judgment by the Law of Nature and Conferences, and ordering all things "justa aquam & ipsum.

Whereas the Statute (in his Frang. cap. 25. fol. 6.) says, The Chancellor hath two powers, the absolute, the other ordinary; meaning, that, though by his ordinary power, he may, if he think fit, take upon himself any office, or administer any Justice; he is not limited by the Written Law, but by the Consent and Equity, according the Circumstances of Matter. And though Polydore Virgi, an alien, undertaking to write the History of England, supposed he did not mistake, when he makes our William the Conqueror, the Founder of our Chancellors; yet our indefatigable antiquary Mr. Dugdale can show us his Error in the many Chancellors of England, long before that time, which are mentioned in his "Origines Jurisdicdtarum," and Catalogue of Chancellors, whose great Authorities under their Kings, were in all probability drawn from the reasonable Customs of Neighbor Nations, and the Civil Law.

He that bears this Magnificacy, is called The Lord Chancellor of England, and is made so for the common good of his Majesty, and by taking his Oath. And by the Statute 5 Eliz. cap. 18. the Lord Chancellor and Keeper, have one and the same Power; and therefore since that Statute, there cannot be a Lord Chancellor, and Lord Keeper, at one and the same time, but before that might, and hath been. Yet see Keeper. See Field, lib. cap. 23, &c. Cooks f. Insr. fol. 175, 78. Divers Inferior Officers are also called Chancellors, as

Chancellor of the Exchequer (Ann. 25 Hen. 8. cap. 16). Whose Office hath been thought by many to have been created for the qualifying extremities in the Exchequer: He sits in the Court, and in the Exchequer Chamber, and with the rest of the Court, orders things to the King's best benefit. He is always in Commission with the Lord Treasurer, for letting the Lands that came to the Crown by the dissolution of Abbeys, or otherwise; and hath by the Statute of 33 Hen. 8. cap. 39. power with others, to compound for the Forfeitures upon Public Statutes, Bonds, and Recognizances, entered unto the King: He hath also a great Authority and Jurisdiction in the management and disposal of the Royal Revenue, and concerning the first Fruits, as appears by the Acts for uniting them to the Crown.

Chancellor of the Dutchy of Lancaster, (Ann. 3 Edw. 8. cap. 3. and Ann. 4 Edw. 7. cap. 6.) Whose Office is principal in that Court, to judge and determine all Controversies between the King, and His Tenants of the Duchy-Land, and otherwise to direct all the King's Affairs belonging to that Court.


Chance medep (from the Fr. Chance, i. Laplus and Meffler, i. Mesler,) Signifies the casual daughter of a Man, not altogether without out the fault of the slayer. Stans. Pl. Car. lib. 1 cap. 8. calls it Homicide by inadvertence. WEB. calls it Homicide mixtum. (Part. s. Symbol. tit. Indictments. Sell. 5.) and there defines it thus: Homicide mixtum, when the Killers ignorance or negligence is joined with the Chance; As if a Man hop Tres by a Highway side, by which many usually travel, and call down a bough, not giving warning to beware of it, by which bough one paling by, is by chance slain. In this case he offendeth, because he gave no warning, that the party nigh have taken better heed. See Skene, servus. Melfetum, who says this is called Chaudemelle in Scotland.

Chancery (Cancellaria) is the Grand Court of Equity and Confidence, moderating the rigor of other Courts most strictly tied to the Letter of the Law, whereof the Lord Chancellor of England, is the chief Judge. Compt. Jurisd. f. 41. or else the Lord Keeper of the Great
Great Seal, since the Statute of 5 Eliz. cap.18. The Officers belonging to this Court, are the Lord Chancellor or Keeper of the Great Seal, who is sole Judge here; the Master of the Rolls, (anciently called Gardien des Rolls) who in the Lord Chancellors absence, hears Gautes and gives Orders. 4 Inst. fol. 37. Twelve Masters of the Chancery, who are Affidants, and sit by turns on the Bench; the Six Clerks, who have each of them about Fifteen Clerks under them, in nature of Attorneys in the Court; Two chief Examiners, who have five or six Clerks a piece; One chief Regifter, who hath usually four or five Deputies. The Clerk of the Crown, the Warden of the Fleet, the Usher, Sergeant at Arms, and Clerk of the Court; the Curitors and their Clerks; the Clerks of the Petty-Bag; the Clerk of the Hanaper; the Comptroller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Scater, the Chafe-Wax; the Clerk of the Patents; Clerk of Privy Seals, Clerk of Divisions, Clerk of Licences to alienate, Clerk of the Enrolments, Clerks of the Registrations, Clerk of the Subpena, Clerk of the Affidavits, etc. which see described in their several places. See Coke 4 Inst. fol.37.

Change, is an Officer belonging to the Kings Mint, whose Function chiefly consists, in exchanging Coyn for Bullion, brought in by Merchants, or others. Ann. 2 Hen.6. cap.12, where it is written (after the old way) Change.

Chantry. See Chanty.

Chapel (Capella) Fr. Chapelle, i. edictula) is of two sorts, either adjoining to a Church, as parcel of it, which persons of quality build, Ut ibidem familiaria Sepulchra jubi constituant; or else Eparate from the Mother-Church, where the Parish is wide, and is commonly called a Chapel of Ease; because it is built for the use of one or more Parishes that dwell far from the Church, and is served by some Interior Curate, provided at the charge of the Rector, or of them that hath benefit by it, as the Composition or Custum is.

There is also a Free Chapel, which seems to be such as hath perpetual maintenance towards the upholdit, and the Curates Hipend, by some Lands or Rents charitably bestowed on it, without the charge of the Rector or Parish. Ann. 37 Hen. 8. cap. 4. Ann. 1 Edw. 6. cap.14.

Chapeltry (Capellania) is the same thing to a Chapel, as Parish is to a Church. 5. The Precedent and Limits of it. Mentioned in the Stat. 14 Car. 2. cap. 9. — Capellania Sancti Offaudi. Mich. 32 Edw. 1. Caun Reg. 2. Glouce.

Chaperon (Fr.) A Hood or Bonnet, mentioned in the Stat. 1 Rich. 2. 17. And among Heraldics, it is that little Esocheon, which is fixed in the forehead of the Horses that draw the Herse at a Funeral.

Chapters (Lat. Capitolia, Fr. Chapitres, i. The Chapters of a Book) Signifies a Sum-mary or Content of such Matters as are to be enquird of, or preferred before Justices in Eyre, Justices of Alnies, or of Peace in their Sessions. Thus it is used Ann. 3 Edw. 1. cap. 27. — And that no Clerk of any Justice, Esceaner, or Commissioner in Eyre, shall take any thing for delivering Chapters, but only Clerks of Justices in their Circuits, And again Ann. 1 Edw. 2. cap. 10. — The yebrith shall record the Chapters before the Justices in Eyre, how many Wities be hath, and what. Ac. Britton (cap. 32.) with the word in the same significiication. Chapters are now most usually called Articles, and are delivered by the Mouth of the Justices in his Charge, to the Enquest, whereas in ancient time (as appear by Britton and Britton) they were (after an Exhortation given by the Justiciaries for the good observation of the Laws, and Kings peace) first read diligently in open Court, and then delivered in writing to the Great Enquest, which the Grand Jury or Enquest were likewise to answer upon their Oaths, Affirmatively or Negatively, and, not as they do now, put the Judges to make long and learned Charges to little, or no purpose, and for wearing or wilfully not remembering their Knowledges, of Transgreditors, against the Duey and Enquiry of those Articles, do think their Oaths and Duty to God and the King, and their Country, well enough satisfied and performed, they it only pretend these few, of many more, Misdemeanors, which are brought unto them by way of Indictments. The same Order of Articles, Lamberti wishes might still be observed. Eiren. lib.4. cap.4. pag. 539. Horn (in his Mirror of Justices) calls them Articles, and expresseth what they were wont to contain. Lib. 3. cap. Des Articles in Eyre.

Chaplain or Chapellain (Capellanus) is now most commonly taken for him, who is depending on the King, or other Noble person, to instruct him and his family in Spirituals, and lay Divine Service in his house, where commonly they have a private Chapel for that purpose. As Ann. 21 Hen. 8. cap. 13. which ordains what person may privilege one or more Chaplains to discontinue from their Benefices, in respect of their particular service.

Chapter (Capitulum) Signifies Congregationem Clericorum in Ecclesia Cathedral, Consuetudinis, regulari vel Collegiati, et in another fence, Lector in quo sunt commune traditione Collegiata. It hath other significiication, not worth mentioning here, which you may read in Livesords Provin. Gloss. verbe. Capitulum. This Collegiate Company or Corporation, is Metaphorically termed Capitulum, (signifying originally a little Head) it being a kind of Head, not only to rule and govern the Dioces in the Vacation of the Bishop, but also in many things to advide the Bishop, when the See is full. See Panormitam in cap. Capitulum extra de repressuis. — Ad Dedicaciones, ad Synodus, ad Capitula canonriculum
Charter of Lead. La Chartre de plombus con-
flat ex 30-formulis, & qualibet formula con-
stitut & Petrar, exceptin duabus libris, & qua-
libet Petra constitut ex 2 libris. Affilia de pon-
deribus. Rob. 3 R. Scot. cap. 22. sect. 2.

Charter (Charter) Paper, Parchment, or any
thing to write on; also a Card, mentioned
14 Car. 2. cap. 3. See Charter.

Charter (Fr. Cartel) A Letter of Defance,
ora Challenge to a (ingle) Combat: In use
when those Combatants were in prattice, to
decide difficult, and not otherwise to be determined
Controversies in Law.

Charter (Charter, Fr. Charte, i. Instrument)
is usually taken for written Evidence
of things done between Man and Man. Where-
of Brasdon, lib. 2. cap. 26. num. 1. says thus,
Plant aliquando Donationis in scriptis, fictum in
charta, ad perpetua rei memoriam, proper
brevem hominum vitam — And (Num. 12.) &
fiendum quod Charteram alia regia, alia pri-
vatorem; & regiarum, alia privata, alia com-
mutate, & alia universale. Item, privatorum
alio de pluris instrumentis & simplici, alio de
Forestamento conditionale & simulac., & fi-
cundam omnium generis Forestammentor virtute.
Item privatorum alio de recognitione para vel
conditione. Item alio de quindices annis, &
de confirmacione. Ec. Britton likewise in his
39 Chapter, divides Charters into those of the
King, and those of private persons.

Charters of the King, are those whereby
the King paffeth any Grant to any person or more,
or to any Body Politick; as a Charter of Ex-
emption, that a Man shall not be empannel

Charters of Pardon, whereby a Man is for-
given a Felony, or other offence committed
against the Kings Crown and Dignity. Brook,
iv. Charter of Pardon.

Charters of the Forest, wherein the Laws of
the Forest are comprized. Anno 3 Hen. 3.
cap. 22. Mawson, pag. 1. fol. 1. Where he
sets down the Charters of Canautus, and fol. 17.
that which was made 19 Hen. 3, with the
Charters of the Forest. Of these: Charters you have al-
so a long discourse in Echill, lib. 3. cap. 14. Who
particularly expounds every substanital part
of a Deed of Grant. See Magna Carta.

Charter-land (terra per Chartam) is such
as a Man holds by Charter, that is by evidence
in writing, otherwise called Freehold. Anno
19 Hen. 7. cap. 13. and Kitchin, fol. 86. This in
the Sensus was called Bocach, which was held
(according to Lambert in his Explication of those
words, Verbo, Terra ex scripto) with more
 commodious and easier conditions, than
Folkland was; that is, Land held without writing;
because that was Hereditaria libera atque
immunitiis; whereas, Fundus sine scripto constat
penitus habita annuum, atque officiorum quaedam
demissus obedientiagis; Priorem enim pleniusque
nobiles atque ingenii, postuerunt rusticis ferri &

pagani possident. Item nor vulgo Freehold &
per Chartam; bane ad voluntatem Domini
appellation. Thus Lambert.

Charter-party (Lat. Charta partita, Fr.
Charte parti, i. A Deed or Writing divided)
is that among Merchants and Sea-
aring men, which we commonly call a Pair of Indemnities,
comprising the Covenants and Agreements made
between them, touching their Mercantilize and
Maritime Affairs. Anno 32 Hen. 8. cap. 14. and
12 Car. 3. cap. 18. Latches Rep. fol. 257. Balls
Cafe, and 2 Infr. fol. 1673.

Chartis Reddendis, is a Writ which it
lies against him that hath Charters of Feudum en-
trusted to his keeping, and refieth to deliver them.
Old Nat. Enr. fol. 36. Reg. of Writs, fol.
159.

Charfe, (Fr. Chaife) Signifies two things:
First, a deriving Cattle to, or from any place;
and as a Dilettis to a Forrester. Old Nat. Enr.
fol. 49. Secondly, it is a place of Receipt for
Deer, and Wilde Beasts, of a middle nature
twixt a Forest and a Park, being commonly
left then a Forrester, and not endowed with so
many Liberties, as the Courts of Attraction,
Swain-mote, and Justice-seat; and yet of a
larger compass, and stored with greater diver-
sity, both of Keepers and Wilde Beasts, or
Game, then a Park. Crompton in his Juris.
fol. 148. says, A Forest cannot be in the hands of a
Subject, but it forthwith looth its name, and
becomes a Chafe; and yet fol. 147. he says, A
Subject may be Lord and owner of a Forest,
which though it seems a contradiction, yet both
fayings are in some sort true. For the King
may give or alienate a Forest to a Subject, yet
so, as when it is once in the Subject, it looth
the true property of a Forest; because the
Courts called the Justice-seat, Swain-mote, and
Attachment, do forthwith vanish; none being
able to make a Lord Chief Justice in Eye of
the Forest, but the King; as Mawson well
observes Par. cap. 2. cap. 3. Yet it may be granted
in so large a manner, as there may be At-
traction, Swain-mote, and a Court called but
to a Justice Seat, as appears by him in the
same Chapter, num. 3. So that a Charter
differs from a Forest in this, because it may be in
the hands of a Subject, which a Forest, in his proper
and true nature, cannot; and from a Park, in
that it is not enclosed, and hath not only a
larger compass, and more variety of Game;
but of Keepers also, and Officers. See For-
rest.

Chartels or Cartals (Cartalis alias Capita-
ta) Comprehend all Goods moveable and
immoveable, except such as are in nature of
Freehold, or parcel of it, as may be collected
out of Statuf. Pracel. cap. 16, and Anno 1
Euz. cap. 2. Yet Kitchin, fol. 32. says, That
Money is not to be accounted Goods or Chat-
tels, because it is not of it self valuable; nor
Hawks and Hounds, for they are Fora nature.
Chartels are either personal or real. Personal,
may be so called in two respects: One, because
they belong immediately to the person of a
P
Man,
Man, as abowl, Horse, &c. The other, for that being any way injuriously withheld from us, we have no means to recover them, but Personal Actions. Chattels real, are such as either appertain not immediately to the person, but to some other thing by way of dependency, as a Box with Charters of Land, Apples upon a Tree, or a Tree it itself growing on the Ground. Comp. Juf. of Peace, fol. 33., or else such as are arising out of some immovable thing to a person, as a Lease or Rent for term of years. See Inheritance, l. ib. cap. 2. num. 3. & 4. Chattels are bona quaecumque undivisa & immo- 

obilis: possessionem in bonorum part, que in animalibus confitit, a quantam capita, esse 

ulla capita, aequo capita, de qua 

Spelman.

Champert. — Et quod tam predicta ex. 
virgine terre, quam terros, unde dicit quater- 

genti quatuor et quattuor partimenti aequo pretii, 
de nulli in Capite, per servitium, vacatio 

Champert, v. sce. Odiumse galar, nadie per manum 

tenentia crimine servandi, animofo 
tenendi, tenente. Pat. 35 Edw. 3. pageor m. 18. 

Hospital de Bawes intra Tullium de 

Gorstery.

Chamce-medley. See Chance-medley.

Chamber (Canter) A Singer in the Quire.

Anno 13 Edw. cap. 10. At St. David's in 

embleskeire, the Chamber is next to the Bishop, 

for there is no Dean Can Britan.

Chantry (Canteria) A des sacra ; id eum 

instituta & dotata prudens, ut Missa ludea can- 

tactarum pro anima fundatorum & propagandorum 

ejus. These were usually little Chappels or 

particular Alters in some Cathedral or Paro- 

chial Church, and endowed with Land, or 

other Revenue, for the maintenance of one or 

more Priests, to officiate as above said. Men- 

tioned 37 Hen. 6. cap. 4. — 1 Edw. 6. &c. 14. & 

Car. 2. cap. 5. Of these Chambers, there were 

forty seven belonging to St. Pauls Church in 

London; for which, see Mr. Dugdale's History 

of that Church.

Scian — quod ego Reginallam Soud dedi 

Wilhlemo Christo Capellano Cantarico basi 

Mariae de Tarfol anum parceliam pajurie, &c. 

Dat. apud Leominster die Mariae prox. pofi 

Idum Sanidi Hibridi. Anno 7 Hen.

Chaldoiyn of Sea-Coals. Anno 9 Hen. 3. 

cap. 2. See Chaldron.

Check-Roll, is a Roll or Book, containing 

the names of such as are attendants, and in 

pay to the King, or other great persons, as 

their Household-servants. Anno 13 Car. 2. cap. 2.

It is otherwise called the Exchequer Rolls, 


seems to be a word abbreviated, or derived 

from the Exchequer, which rides, Clerk of the 

Cheek, see in Crock.

Chemlin. See Chemlin.

Chenters (Anno 27 Hen. cap. 7.)quate 

If not such as paid tribute or Cons Quir, rent, 

or Chief Rent; For to the Fr. Center signifies.

Chefet. See Churchet.

Cheveage (Chequeum, from the Fr. cheve,

i. caput.) Signifies a Tribute, or sum of Money 

formerly paid by such as held Lands in Village 

or otherwife, to their Lords in acknowledge- 

ments, and was a kind of Head, or Pole- 

Money. Whereof Braden, l. ib. cap. 10. says 

Chevaugian dictum recognitum in figuram sub- 

scriptionis & Dumbia de capite fis. It seems 

also to be used for a sum of Money, yearly given 

to a Man of power, for his Contenance and 

Protection, as to their chief Head or Leader. 

Lambert, l. ib. cap. 5. Etiamarch. writes it 

Chirch. we now call it Cheveage. Eij & capud 

Walleys Chevaugis genus quiad Adm. vocant 

Principi Wallis pro martialis tributia, almo de 

nombre (ut alium) habere quinestatillum scutum 

liberum) perfinitionis, says Spelman on the word 

Chevaugian, See Coke on Litt. fol. 190.

Cheveage (Fr. Chevaillage) An Agree- 

ment or Composition made, an End or Order 

for down between a Creditor and a Debtor; 

sometimes taken for an indented gain or booty. 

Lo Verulam in his Hen. 7. But in our Statutes 

it is most commonly used for an unlawful Bargain 

or Contract. As 37 Hen. 8. cap. 9. 13 Edw. 6. 

and 8. 12 Car. 2. cap. 12.

Cheveage (Fr. Chevaillage) H. des at the end 

of Plougued Lands. —Nox perit terra cum 

Chevica & ad ipso pertinens. Mon. Angl. 

2 par. fol. 116.

Chief. See Capite.

Cheveage. See Cheveage.

Chief Pledge (Pledge vel capite capitalis) 

Anno 20 Hen. 6. cap. 8. See Borowhead.

Childwic. (Sax.) Signifies a power to take 

a Fine of a Bond-woman, unlawfully betroth with 

child. Prior habet Conjunconum de Natis 

seu impugnata, est licentia matrimonii. Ex 

Registro Priorat. de Cowes ord. Every reputed 

Father of a babe child, gotten within the Mannon 

of Writel in Cam. Essex, pays to the Lord for 

a Fine 3 s. 4 d. Where it seems to extend as well 

to Free as Bond-women; and the Custom 

is there also called Childwic.

Chimia. (Fr. Chimia, i. ditres, viae) Signi- 

fies a way 1 which is of two sorts. The Kings 

High-way, and a private way. Kitchin, fol. 85.

The Kings High-way (Chimiana Regium) is 

that, in which the Kings Subjects, and all others 

under His Protection, have free liberty to pafs, 

though the property of the foil, where the 

way lies, may perhaps belong to some private 

man. A private way is that in which one man or 

more have liberty to pafs, either by Pres- 

cription or by Charter, through another mans 

ground. And this is divided into Chimia in 

groot, and Chimia appendent. Kitchin, fol. 17. 

Chimia in groot, is that way which a man holds 

principally and solely in it itself; Chimia ap- 

pendent is that which a man hath as appertainment 

to some other thing. As, if he hire a Clofe of 

Pasture, with Covenant for ingres and regrefes, 

through some other Ground, in which, other- 

wife he might not pafs. See Coke on Litt. fol. 

56.

Chimantage (Chimimagium) Signifies a 

Toll for Wayrafage through the Foref. Comp.

Jardil.
for ever, to be turned into Free and Common Socage, &c.

Chapel (Chancel) may relate to any person, that by virtue of any of the Orders of the Clergy, was in ancient time admitted to sit and serve God in the Quire, in Latin (Chor.) Accordingly Mr. Dugdale (in his History of S. Paul's Church, pag. 172.) says, These were anciently Six alias Chorat belonging to that Church.

Chofe (Fr.) Thing: It is shied with divers Ephepheres; as Chofe Local, is such a thing as is annexed to a place: For example, a Mill is Chofe Local. Chofe Tranquility seems to be that thing, which is movable, and may be taken away or carried from place to place. Yetison, fol. 18: Chofe in Aigion, is a thing incorporeal, and only a right, as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Causes of Suit, for any Debt or Duty, Trespass or Wrong, are to be accounted Chofes in Aigion. And it seems Chofe in Aigion may be also called Chofe in Suspenso, because it hath no real eXistence, or being, no estate properly to be said in our pollicience. Book, &c. Chofe in Aigion.

Chop-church (Ecclesiae permutatio) Is a word used 6 Hen. 4. 6. a. By the fence of which books, it was in those days a byword of Trade. For the Judges say, It was a lawful Occupation, and a good Addition; yet Book in his Abridgement calls it not an Occupation, but a thing permissible by Law. It was (without doubt) a nickname given to those that used to change Benefices: For to chop and change, is an usual expression in this day. I have also read Church-Chopper, for him that used to make such changes.


Church-Rebe. A Church-Warden. Proponit Ecclesiae or Gartham Ecclesiæ, or whom. Thus Chauer, speaking of the Jurisdiction of Arbitrations.

Of Church-Rebe, and of Testaments, of Contracts, and of Sacraments, &c.

Church-Wardens (Ecclesiae Garthani) Are Officers yearly chosen, by consent of the Min- ster and Parishioners, according to the custom of every place, to look to the Church, Churchyard, and such things as belong both, and
Observing the behavior of their Parishes for such faults as pertain to the jurisdiction or Ceremonies of the Court Ecclesiastics. There are a kind of Corporation, enabled by Law to sue, and be sued for anything belonging to the Church, or Poor of their Parish. Ann. 12 H. 7. cap. 46. See Lanher in his duty of Churchwardens.

Churburche, Christ Church, or Cherche 1491. Canonos vel tribunos Ecclesiae. Certain men far had hard times. Ignae, quam quilibet omnium ecclesiae, sedes Martin, tempore St. Edw. quem Anglicus contemnitor. Placeis etiam Magnates, post Romanae adventum, illam conversionem faciendi vocem, ut legem Magis nomine praetorium intersit. Primo in rebus Regi Kntiri, ad summam Pontificem transmittit, continuat, in quo illam conversionem Churburche appellant, quae temen Ecclesiae. See Christ Church. See Gelds Hist. of Tikes. p. 216. For de essent et de gratia et de ejus ejusdem vijile, &c. Cap. 4. Anno 2 Edw. 3. num. 3. And in Pat. 1 Edw. 4. cap. 2. m. 17. It is written Cherche; but the true Xenias is Christ Church.

Cinque Ports (Quinte Ports) Are those special Havens that lie towards France, and therefore have been thought by our Kings, to be such as ought most vigilantly to be preserved against Invasion. In which respect, they have an especial Governor or Keeper, called, by his Office, Lord Warden of the Cinque Ports, and divers privileges granted them, as a peculiar Jurisdiction, their Warden having the authority of an Admiral among them, and feeding out their Writs in his own name. Crompont in his Jurisdiction, names the Cinque Ports, Dover, Sandwich, Ry, Hilston, Winchelsea, Romney, Hikei; whereof two must either be added to the first uitition, by some later Grant, or be accounted as Appendants to some of the rest. See Gardin of the Cinque Ports, and the Stat. 5 Hen. 8. cap. 48. See Quiney Ports, and 4 Inf. fol. 222.

Cippus, A Pair of Sticks to put off offenders in. —Habeant, nec non Cippos & custodia in singular villa, ad correctionem delinquentum. Mon. Ang. 2. par. 439. 4.

Circuit of Action (Circuitul Adafor) Is a longer course of proceeding to recover the thing sued for, then is needful. As, if a Man Grant a Rent-charge of x. out of his Mannor of Dale, and after the Grantee Difficult the Grantor of the same Mannor, who brings an Affidavit, and recovers the Land, and x. damages; which being paid, the Grantee brings his Action for x. of his Rent due, during the time of the Difficult, which he must have had, if no Difficulty had been. This is called Circuit of Action, because, whereas the Grantor was to receive x. damages, and pay x. rent, he might have received but x. only for damages, and the Grantee might have kept the other x. in his hands, by way of Detention for his Rent, and to have saved his Action. Terms Law.


Circumstantibus (i. E. by-fallare) Signifies the supply or making up the number of jurors (if any impeached, appear not, or appearing be challenged by either party) by adding to them so many of those that are present or flaying by, as will serve the turn. 35 H. 4. c. 8. and 1 Eliz. cap. 25.

Circe Red (Six Cyples te Red, V. Alcal Ecclesiam, fragmenta tributum). Church seft, a certain Tithe or Payment made to the Church, commonly or Corn. First calls it Circe Red, seu, Semen Ecclesiae debuit. Joh. Southam ad Edw. 3. Martini in Tene debet 6 Gallinam (de venditu) & 6 Gallinas de Circe Red. Cujus the, M. v. de Bello, fol. 37. 4. This Tithe was anciently payable at the Feast of St. Martin, and sometimes at Christmas, as appears by Dominey, and called by Sir Edw. Coke, Church-seft, on Litt. fol. 38. 6. See Church Essays.

Circa (Circa) Signifies with us, as it doth in other Regions, such a Town Corporate, as hath a Bishop and a Cathedral Church. Yet Crompton in his Jurisdiction, in reckoning our Cities, leaves out Edg, though it have a Bishop and a Cathedral Church. Anno 35 Eliz. cap. 6. Wofemperfer is called a City, and it appears by the Statute 35 Hen. 8. cap. 10. that then there was a Bishop of Wofemperfer. But by Letters Patent dated 21 May, 4 Eliz. (pertaining to an Act of Parliament of 1 Eliz. not Printed) the Revenues of that late Monastery were vested in the Dean and Chapter of the Collegiate Church of Wofemperfer, which hath caused Error in the Pleadings of some Cases, by stiling it the Cathedral, for Collegiate, Church of Wofemperfer. Cujus muri be Consilium. Bungam, pag. 45. Sith, that France hath within its Territories 104 Cities, and gives his reason, because there are so many Seats of Archbishops and Bishops. Yet Sir Edw. Coke notes Cambridge to be City by ancient Record (viz. Mach. 7 Rich. 1. Rot. 1.) Though I find no mention of its ever having been an Episcopal Se. On Litt. fol. 109. 8. And in the Stat. 11 Hen. 7. cap. 4. it is called the Town of Cambridge.

Class : As to clacks, forces, and hard alias heard good Wool, Anno 8 Hen. 6. cap. 22. It is to cut off the Sleepe's mark, which it makes, to weigh less, and so yield the less cotton to the King. To force Wool, is, to clip off the upper and more hairy part of it; to hard or bind it, is to cut the head and the neck from the rest of the Fleece.

Claim (Clamauum) Is a Challenge of Interest in any thing that is in the possession of another, or, at the least, out of his own; as Claim by Charter, Claim by Defect, &c. Old Nal. Br. fol. 11. Si Dominus infra annum clamaeum quaterdecim apessorius. Beaup, lib. 6. cap.
much altered; so for by the Statute of 3 Eliz. cap. 7. Clerks are no more delivered to their Ordnaries to be purged, but now every Man, to whom this benefit is granted, though not in Orders, is put to read at the Bar, after he is found guilty, and convicted of such felony, and so burnt in the hands, and set free; for the first time, if the Ordnaries Commandor or Deputy standing by do say —Legit ut Clericus, or otherwise he suffers death for his transgression.

Clerico Admitterndo, Is a Writ directed to the Bishop, for the admitting a Clerk to Benefices, upon a ne Admittere tried and found for the party that procures the Writ. Reg. of Writs, fol. 34.

Clerico capto per Statutum Mercatorum, &c. Is a Writ for the delivery of a Clerk out of prison, who is imprisoned upon the Bench of a Statute Merchant. Reg. of Writs, fol. 147.

Clerico utrisque commissis Gaols in desertia opinantis deliverando, Is a Writ for the delivery of a Clerk to his Ordinary, that was formerly convicted of Felony, by reason his Ordinary did not challenge him according to the privileges of Clerks. Reg. of Writs, fol. 69.

Clerico infra sacros ordinem contenuto, non eligendo in Officiis, Is a Writ directed to the bailiffs, &c. that have thrust a Balliwick or Beadleship upon one in holy Orders, charging them to release him. Reg. of Writs, fol. 147.

Clerth (Clericum) Hath two significations; one, as it is the title of him that belongs to the holy Ministry of the Church; under which, where the Canon Law hath full power, are, not only comprehended Sacerdotes & Diœcesani, but also Subdiœcesani, Cantores, Acolyti, Escribaes, & Officarum. And in this significations, a Clerk is either Religious (otherwise called Regular) or Secular. Ann. 4 Hen. 4, cap. 13. The other denotes those who, by their function or course of life, præfice their Pen in any Court, or otherwise; as, the Clerk of the Rolls of Parliament, Clerks of the Chancery, &c. whose peculiar Offices shall be set down in order.

Clerth of the Ar. (Clericus Securi) Is an Officer in the Navy, whose function is to carry a Silver Ax, wherewith to mark and seize Timber for the King's use in His Navy, or otherwise, and mentioned in the Stat. 16 Car. 2. cap. 5. where it is printed Clerk of the Ais, I suppose by mistake.

Clerth of the Parliament Rolls (Clericus Rutulorum Parliamenti) Is he that Records all things done in the High Court of Parliament, and engrafteth them fairly in Parchment Rolls, for their better preservation to posterity. Of these there are two, One of the Lords House, another of the House of Commons. Comp. fairjd, fol. 4 & 8. Smith de Repl. Angl. pag. 28. See also Vossell Book, touching the Order of the Parliament.

2. Clerk
Clerk of the Crown in Chancery (Clericus Corona in Cancellaria) is an Officer there, who, by himself or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper's 
 writes and prepares, for the Great Seal of England, special Matters of State by Commission, or the like, either immediately from His Majesty, or by Order of His Council, as well ordinary as extraordinary, viz: Commissions of Lieutenant, of Justices Itinerant, and of Acts, of Oyer and Terminer, of Goal Deliveries, and of the Peace, with their Writs of Affixation, and the like. Also, all General Pardons upon Grants of them, at the King's Coronation, or at Parliament, where he sits in the Lords House in Parliament time, into whose Office the Writs of Parliament, made by the Clerks of the Petitions, with the names of Knights and Barons, elected thereupon, are to be returned and filed. He hath also the making of all special Pardons and Writs of Execution upon Bonds of Statute Staple forfeited, which was assigned to his Office in the Reign of Queen Mary, in consideration of his continual and chargeable attendance: both these before being common for every Confer and Clerk of the Court of Chancery to make.

Clerk of the Crown (Clericus Corona) is a Clerk or Officer in the King's Bench, whose function is to frame, read, and record all Indictments against Traitors, Felons, and other Offenders, there arranged or indicted upon any publick crime. He is otherwise termed Clerk of the Crown Office. And Ann. 2 Hen. 4, cap. 10. he is called Clerk of the Crown of the King's Bench.

Clerk of Affixes (Clericus Affixitus) is he that writes all things judicially done by the Justices of Affixes in their Circuits. Comp. Ju. 1597, fol. 277.

Clerk of the Bench (Ann. 16 Car. 2, c. 5.) keeps an account of the Monies collected, and kept in a Chest, for the use of sick and maimed Seamen and Mariners.

Clerk of the Exchequer (Clericus Exchequer) is a Clerk belonging to the Exchequer, who Termly receives the Exchequer of the Lord Treasurers Remembrancers Office, and writes them out to be levied for the King. He also makes Schedules of such sums exacted, as are to be discharged. See the Practice of the Exchequer, pag. 32.

Clerk of the Bills (Clericus Billis) is a Clerk belonging to the Exchequer, whose Office is to enter every Tellers' Bill into a Parchment Roll, called (Billis Receptarium), and also to make another Roll of Payments, which is called (Billis Extinum), wherein he lets be done by what Warrant the Money was paid. This Officer is called in ancient Records Clericus Domini Bisavori.

Clerk of the Warrants (Clericus Warrantorum) is an Officer belonging to the Court of Common Pleas, who enrolls all Warrants of Attorney for Plaintiff and Defendant, and imprints all Deeds of Indentures of Bargain and Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he Exacts into the Exchequer all Infeues, Fines, and Amercements, which any way grow due to the King in that Court, and hath a standing Fee of Ten pounds of the King, for making the same Extents. See Fist. Nat. Br. fol. 76.

Clerk of the Petition (Clericus Petitionis) is an Officer of the Chancery, of which fort there are three, and the Master of the Rolls their chief. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Pencils of Collectors, Gaugers, Compromitters, and Auditor; all Cease de Esco for Bishops; all Liberators upon extents of Statute Staples; the recovery of Recognisances forfeited; and all Executions upon them; the Summons of the Nobility, Clergy, and Burgesses to the Parliament; Commitments directed to Knights, and others of every Shire, for Allievage Subsidies; Writs for the nomination of Collectors for Fifteenth; and all Travellers upon any Office, Bill, or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain; and the Nobility, Bishops, etc. This Officer is mentioned, 33 Hen. 8, cap. 22.

Clerk of the King's Great Wardrobe (Clericus Magnae Gardinariae Regis) is an Officer of the King's House, that keeps an Account of Inventories in Writing, of all things belonging to the King's Wardrobe. Mentioned Ann. 1 Edw. 4, cap. 1.

Clerk of the Marsh (Clericus Mercati Boscothi Regis) is an Officer of the King's House, that keeps an Account of Inventories, of all things belonging to the King's Wardrobe. Mentioned Ann. 1 Edw. 4, cap. 1, and Ann. 2 Rich. 3, cap. 4. whose duty is to take charge of the King's Measurers, and to keep the Standards of them, that is, The examples of all the Measurers that ought to be through the Land: As of Elms, Yards, Lagen, Quarts, Pottles, Gallons, etc. Of Weights, Bushels, and such like, and to see that all Measurers in every place be answerable to the said Standard. See p. 8. 9, 10, 11, 12. Of which Office, as also of our diversion of Weights and Measurers, you may there finde a Treatise worth the reading. Britton also, in his 30 Chap. faith in the Kings Perion, to this effect: We will that none have Measurers in the Realm, but who our selves, but that every Man take his Measurers and Weights from our Standards. And to go on with a Treatise of this matter, that well shews the ancient Law and Practice in this point. Touching this Officers duty, you have also good Statutes: Ann. 2 Rich. 3, cap. 4. and Ann. 17 Car. 1, cap. 10. Sec. 4. 73. fol. 273.

Clerk of the King's Silcher (Clericus Annuorum Regis) is an Officer belonging to the Court of Common Pleas, to whom every Fine is brought, after it hath been with the Judges before, and by whom the effect of the Writ of Covenant, is entered into a Paper-Book; and, according to that Note, all the Fines of that Term are also recorded in the Rolls of
Clere the Peace (Clericus Pacis) is an Officer belonging to the Sessions of the Peace. His duty is, in the Sessions to read the Indictments, to enrol the Acts, and draw the Process: To record the Proclamations or Rates for Servants Wages, to enrol the discharge of Apprentices, to keep the Counterpart of the Indenture of Armor, to keep the Register Book of Licences, given to Butchers and Bakers of Corn, and of those that are Licensed to shoot in Guns, and to certify into the Kings Bench Transcripts of Indictments, Outlaires, Attainders, and Convictions had before the Justices of the Peace, within the time limited by Statute. Lamberti Esch. lib. 4. cap. 3. fol. 977.

Clere of the Signet (Clericus Signetis) Is an Officer attendant continually on His Majesties Principal Secretary, who always hath the custody of the Privy Signet, as well for sealing His Majesties private letters as also such Grants as pass His Majesties Hand by Bill signed. Of these there are four that attend in their courts, and have their diet at the Secretaries Table. More largely you may read of their Office in the Statute made Anno 27 Eliz. cap. 11.

Clere of the Privy Seal (Clericus Privati Sigilli) There are four of these Officers that attend the Lord Privy Seal, or (if none such) the Principal Secretary, writing and making out all things that are sent by Warrant from the Signet to the Privy Seal, and are to be passed to the Great Seal as also to make out (as they are termed) Privy Seals upon any special occasion of His Majesties affairs, as for Loan of Money, and such like. Of this Officer and his Functions you may read the Statute 27 H. 8. cap. 11. He that is now called the Lord Privy Seal, terms in ancient time to have been called Clerk of the Privy Seal, and to have been reckoned, notwithstanding, in the number of the great Officers of the Realm. Read the Statute 1 Rich. 2. cap. 11.

Clere of the Juries or Jurata Writs (Clericus Juratovm) Is an Officer belonging to the Court of Common Pleas, who makes out the Writs called (Habeta Corpora) and (Disfringer) for appearance of Juries, either in Court, or at the Assizes, after the Jury or Panel is returned upon the fair issues. He enters also into the Rolls the Awarding of these Writs, and makes all the continuance from the going out of the (Habeta Corpora) until the verdict be given.

Clere of the Pipe (Clericus Pipis) Is an Officer in the Exchequer, who, having all Accompts and Debts due to the King, delivered and drawn out of the Remembrancers Offices, charges them down into the great Rolls; who also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Chattels of the Debtors; and if they have no Goods, then he draws them down to the Lord Treasurers Remembrancers, to write Entries against their Lands. The ancient Revenue of the Crown remains in charge before him, and he fees the same answered by the Farmers and Sheriffs. He makes a charge to all Sheriffs of their Summons of the Pipe and Green Wax, and fees it answered upon their Accompts. He hath the drawing and ingrossing all Leafes of the Kings Land. In Henry the Sixth's time, he was called Ingraffator Magni Rotuli.

Clere of the Wamper or Hanaper (Clericus Hanaperi) Is an Officer in Chanery, (Anno 2 Edw. 4. cap. 1.) otherwise called Warden of the Hamper, in the same Statute, whose function is to receive all the Money due, to the King for the Seals of Charters, Patent, Commissions, and Writs; as also Fees due to the Officers for enrolling and examining the same, with fitch like. He is tied to attendance on the Lord Chancellor, or Lord Keeper daily in the term time, and at all times of sealing, having with him Leather Bags, wherein are put all Charters, &c. After they are sealed, those Bags, being sealed up with the Lord Chancellors Private Seal, are delivered to the Comptroller of the Hamper, who upon receipt of them, doth, as you shall read in his Office. This Hanaper represents a shadow of that which the Romans termed (Fiscum) which contained the Emperors treasure.

Clere of the Pleas (Clericus Placentorum) Is an Officer in the Exchequer, in whole Office all the Officers of the Court (upon especial Privilege belonging to them) ought to sit, or to be sued upon any Action, &c. See the Practice of the Exchequer, pag. 56. and 4 Inst. fol. 107.

Clere of the Treasury (Clericus Tesaurarii) Is an Officer belonging to the Common Pleas, who hath the charge of keeping the Records of the Court, and makes out all the Records of Nisci Privus, hath the Fees due for all Searches, and hath the certifying all Records into the Kings Bench, when a Writ of Error is brought: Also he makes all Exemplifications of Records being in the Treasury. He is taken to be the servant of the Chief Justice, and removable at his pleasure, whereas all other Officers are for term of life. There is also a Secondary, or Under-Clerk of the Treasury for Affiliation, who hath some allowances. And likewise an Under-keeper, who always keeps one Key of the Treasury door, and the chief Clerk of the Secondary an other; so as the one cannot come in, without the other.

Clere of Esjoyes (Clericus Efformini) Is an Officer belonging to the Court of Common Pleas, who keeps the Efforin-Roll, and hath for entering every Effoy, xix pence, and for every Exception to Bar the Effoyne, in case where the party hath omitted his time, xix pence.
peace. He hath also the providing of Parchment, and cutting it out into Rolls, and marking the numbers upon them, and the delivery out of all the Rolls to every Officer, and the receiving them again when they are written, and the binding and making up the whole Bundles of every Term; and this he doth as Servant to the chief Justice. For the chief Justice is at charge for the Parchment of all the Rolls; for when he is allowed, as the chief Justice of the Kings Bench, besides the penny for the Seal of every Writ of Privilege and Ordinary, the fourth penny taken for the Seal of every Writ under the Green Wax, or Petition Seal in the Court of Kings Bench and Common Pleas respectively, the said Lord Chief Justices having annexed to their several Offices or places, the custody of the said Seals belonging to each Court.

Clk of the Ordinary (Clercus Uxlagariurn) Is an Officer belonging to the Court of Common Pleas, being one of the Servant or Deputy to the Kings Attorney General, for making out Writs of (Capias Uxlagarium) after Ordinary: the Kings Attorney being to every one of those Writs. And whereas seven pence is paid for the Seal of every other Writ, between party and party, there is but a penny paid for the Seal of this Writ, because it goes out at the Kings Suit.

Clk of the Erros (Clercus Errorum) In the Court of Common Pleas does transeferre and certifye into the Kings Bench, the Tenor of the Records of the Caute or Action; upon which, the Writ of Error (made by the Caution) is brought, there to be adjudged and determined. The Clerk of the Errors in the Kings Bench, does likewise transferre and certifye the Records of such Causes in that Court, into the Exchequer, if the Caute or Action were by Bill; if by Original, the Lord Chief Justice certifies the Record into the House of Peers in Parliament, by taking the Transcript from the Clerk of the Errors, and delivering it to the Lord Keeper, there to be determined, according to the Statutes of Eliz. 8. and 31 Eliz. The Clerk of the Errors in the Exchequer does transferre the Records, certified thither out of the Kings Bench, and prepare them for Judgment in the Court of Exchequer, to be given by the Judges of the Common Pleas and Barons there. See 16 Car. 2. cap. 2. and 25 Eliz. cap. 3.

Clk of the Sewers (Clercus Securorum) Is an Officer appertaining to the Commissioners of Sewers, writing all things that they do by virtue of their Commission, for which see Sewers: And see the Statute of 13 Eliz. cap. 9.

Clk Comptroller of the Kings House (whereof there are two) Is an Officer in the Court that hath Authority to allow or disallow the charges and demands of Purvianers, Messengers of the Green-cloth, or other like. He hath also the over-fight and controlling of all Delets and Mismarriages or any the Inferior Officers, and to fit in the Counting-house with the Superior Officers (ex.) The Lord Steward, Mr. Treasurer, Comptroller, and Collector, either for correcting, or bettering things out of Order. This Officer is mentioned Anno 33 Hen. 8. cap. 12.

Clk of the Nichels or Nickils (Clercus Nichilorum) Is an Officer in the Exchequer, who makes Return of all such sums as are paid by the Sheriffs upon their Extrems of Green-wax, and delivers the same into the Lord Treasurer's Rememberances Office, to have execution done upon it for the King. See the Stat. 5 Rich. 2. cap. 12. Stat. 1. and Practice of the Exchequer, pag. 241. See Nickils.

Clk of the Cheque, Is an Officer in the Court, so called because he hath the Check and Controldment of the Yeomen of the Guard, and all other ordinary Yeomen and Hauifiers belonging either to His Majesty, the Queen, or Prince; either giving leave or allowing their Absences or Defects in attendance, or diminishing their Wages for the same. He also nightly by himself, or Deputy, takes the view of those that are to watch in the Court, and hath the setting of the Watch. This Officer is mentioned Anno 33 Hen. 8. cap. 12. Also there is an Officer of the name in the Kings Navy, and mentioned Anno 19 Car. 2. cap. 1.

Clk Marshal of the Kings House, Seems to be an Officer that attends the Marshal in his Court, and Records all His proceedings. Anno 33 Hen. cap. 12.

Clk, Was an unlawful Game, forbidden by the Statute of 17 Edw. 4. cap. 3. and seems to have been the same with our Nine Pins; elsewhere called Scoles-caply. Anno 33 Hen. 8. cap. 3. Though some think it might be the same Game, which is still used by little persons in Lincolnsian Fields, and now called The Wheel of Fortune, wherein they turn about a thing like the Hand of a Clock, in Fr. Cheque.

Clock, Is the Two and thirtith part of a Weigh or Cheife, i. Eight pound. An. 9 Hen. 6. cap. 8. See Wage.

Clockings, An Exaction or Tribute in Ireland. See &c.

Cockets or Cockett (Cocketum) Is a Seal belonging to the Kings Cuffon-house. Reg. of Wills, fol. 129. a. Also a Scroll of Parchment sealed and delivered by the Officers of the Cuffon-house to Merchants, as a Warrant, that their Merchandises are customed. Anno 11 Hen. 6. cap. 16. Which Parchment is otherwise called Literae de Cockette, or Literae Egioniales de Cockette. Reg. fol. 129. a. So is the word used, Anno 5 & 6 Edw. 6. cap. 14. And 14 Edw. 3. Stat. 1. cap. 1. Some shall make Woolls to be Cocketed, but in the name of him to whom the Woolls be. Anno 13 Rich. 2. cap. 9.

Cocket. Is also used for a distinction of Bread in the Statute of Bread and Ale, made 51 Hen. 3. The words are, When a quarter of Wheat is sold for xii d., then Waffel-Bread of a
Farthing hall weigh vi. and xvi. s.; but bread-Cooker of a Farthing, of the same Corn and Butrel, hall weigh more then Wafel by ii. s. And Cooker-Bread made of Corn of lower price, hall weigh more then Wafel by v. s. Bread made into a Simnel, hall weigh ii. s. less then Wafel: Bread made of the whole Wheat, hall weigh a Cooker: and a half; so that a Cooker hall weigh more then a Wafel by v. s. Bread of Tree hall weigh two Wafels; and Bread of Common Wheat hall weigh two great Cookers. When a Quarter of Wheat is sold for xviii. d. then Wafel-Bread of a Farthing, White and well-baked, hall weigh xlv. x. when sold for ii. s., iii. viii. s., &c. By which, we may perceive, that Wafel-Bread was the finest, Cooker-Bread next, then Bread of Tree, and lastly, Bread of Common Wheat. As we now call the finest Bread, Wheaten, or French Bread, the second fort White Bread, the third Brown, or Houhold Bread, &c.

Codici (Codicius) A Schedule or Supplement to a Will, or some other Writing; some Writers, conferring a Testament, and a Codicius together, call a Testament a great Will, and a Codicius a little one; and compare a Testament to a Ship, and the Codicius to the Boat tied to the Ship.

Codicius is used as an addition annexed to a Testament, when any thing is omitted, which the Testator would add, explain, alter, or retract; and is the same with a Testament, but that it is without an Executor. See Stumb. pag. 1. s. 7., and Touchstone of Wills, pag. 21., 22.

Collas (Annae 12, Car. 2. cap. 11.) A kind of drink bought either from the Turks and Persians, black, thick, and bitter, derived from Benzoes; that nature and name, yet thought to be good and wholesome.

Commander of the Kings Household is a Principal Officer of the Court, next under the Controller, who in the Counting-House, and elsewhere, hath a special charge and over-flight of other Officers of the Household, for their good demeanour and carriage in their Offices, and pays their wages. This Officer ismentioned. Anno 39. Eliz. cap. 7.

Cogg (Cogena) Seems to be a kind of Vessel or Boat, upon the River of Ouse, and Water of Humber, mentioned in the Statute of 23 Hen. 8. cap. 18. Also a kind of Ship; For I finde in Math. Wenzlin. Anno Dom. 1666. 

Veni ad bos in Anglia (Rex Noricorum) trecentos Cogombas adducit.

Cognationale. See Cogamage.

Cognifi. See Confor.

Cognitionibus Wittendoris, Is a Writ to a Justice, or other that hath power to take it into the Court of Common Pleas commanding him to certify it. Reg. of Writs, fol. 68. b.

Cognizance (Fr. Cognition, 1. cognitio) Is used diversly; sometimes signifying the Badge of a Waterman, or Serving-Mans Sleeve, which is commonly the givers Coifs, whereby he is discerned to belong to this, or that Noble or Gentleman; Sometimes an acknowledgment of a Fine, or Confirmation of a thing done; Cognoscens latro. Brasil. lib. 3. tradit. cap. 3. 32. 33. And to make Cognizance of taking a Diffress. Sometimes, as an audience or hearing a matter judicially, as to take Cognizance. Sometimes a Power or Jurisdiction, as Cognizance of Pleas, is an ability to call a Caufe or Plea out of another Court, which no Man can do but the King, except he can give Charters for it. Mantu, par. 1. pag. 68. For such Cognizance lies not in Precedent.

Cognizance, Seems to be a sort of Courte Cloushe, made in the North of England, mentioned in the Stat. 15 Rich. 2. cap. 10. Where there is mention also of Cognasse, that is, Buyers of, Makers or Dealers in, such Cognize.

Coil (Coifs, Fr. Coifs.) Our Serjeants at Law, are otherwise called Serjeants of the Coil; from the Lawn Coil they wear on their Heads, under their Caps, when they are created, and always after. See Serjeant.

Coin (Fr. Coin, i. Angulis, which probably verifies the opinion of fath as hold the ancientest sort of Coin to be cornered, and not round) any sort of Money coined. Comp. fust. of P. fol. 122.

Coinage. Besides the general signification, relating to Money: It is (says Camden) by a Law provided, That all the Tin in Cornwall, after being wrought, shall be weighed and fitted with a stump, which is called Coinage. Brit. fol. 135. and Anno 11 Hen. 7. cap. 4. Some Authors write it Cunage.

Coib. See Cocket.

Collibera (Colliberi) Sunt tenentes in libera Saccagio, M. S. Or such as of Villains were made Freemen.

Collateral (Collateralis) Side-wive, or which hangs by the side, or comes in side-wards, not direct: As Collateral Assurance, is that which is made over and beside the Deed it fell; as, If a Man covenant with another, and enter Bond for performance of his Covenant, the Bond is termed Collateral Assurance; because it is external, and without the nature and essence of the Covenant. And Crompton (Juris. fol. 184. 5.) faith, That, to be Subiect to the feeding of the Kings Deer, is Collateral to the Soil within the Forest. So we may say, That Liberties to pitch Booths, or Standings for a Fair in another Mans Ground, is Collateral to the Ground. The Private Woods of a common person, within in a Forest, may not be cut without the Kings Licence; for it is a Prerogative Collateral to the Soil. Manswood, par. 1. pag. 86.

Collateral Warrant. See Warrants.

Collation of Benefice (Collatio Beneficium) Signifies properly the bestowing a Benefice by the Bishop, who hath it in his own gift or patronage; and differs from Institution in this, That Institution into a Benefice, is performed by the Bishop, at the motion or presentation of another, who is Patron of it, or hath the Patronage right.
right for the time, yet **Collation** is used for pre-

**Collation** (Lat.) is a writ directed to the Justices of the Common Pleas, commanding them to direct their Writ to a Bishop, for the admitting a Clerk in the place of another presented by the King, who, during the time between the King and the Bishops Clerk, is departed this life. For, Judgment once passed for the King’s Clerk, and he dying before admission, the King may belter his presentation on another. *Reg. of *Priz*, fol. 31. a.*

**Colour** (color) signifies a probable Plea, but in truth false, and hath this end, to draw the trial of the Cause from the Jury to the Judges. As, in an Action of Trespass for taking away the Plaintiff’s Beasts, the Defendant said, That before the Plaintiff had any thing to show, he himself was poached of them, as of his proper Good, and delivered them to A. B. to deliver them to him again, when, &c. And A. B. gave them to the Plaintiff, and the Plaintiff, supposing the property to be in A. B. at the time of the theft, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings his Action. —This is a good Color, and a good Plea. See *Debtor and Student*, lib. 4. cap. 2. and *Broke*, tit. *Color* in *Alty*, Trespass, &c. fol. 704.

**Collusion** (Collusion) is a deceitful agreement or compact between two or more, for the one party to bring an Action against the other to some evil purpose, as to defraud a third person of his right, &c. See the Statute of *Wifemun*, cap. 21, and 3 Hen. 6. cap. 26, which gives the Quale jus et enquir y in such Cases. See *Broke*, tit. *Collusion*, and *Reg. of Priz*, fol. 179. a. Gitts made by Collusion, see in *Edw.* 3. cap. 6.

**Combat** (Fr.) signifies as much as Certain, pugna; but with us it is taken for a formal trial between two Champions, of a doubtful cause or quarrel, by the Sword or Balfons; of which you may read at large in *Glanvile*, lib. 14. cap. 1. *Brass*, lib. 2. &c. cap. 21. *Briton*, cap. 22. *Hariv Mirror of Justice*, lib. 2. cap. 3. *Dis Exceptions in fine proximo* & *cap. Juramentum Dubii*, Dyer, fol. 357. num. 52. When Alan de la Lough had judicially sued John Earl of Warren, who chose rather to try the title by the Sword Point, than by Point of Law, he was wounded by him even in Westminster-Hall, in the year 1269, says Camden in his Britian, fol. 519. The last Trial by combat was admitted *Car. 1.* between Donnel Lord Rey, Appellant, and David Rainfly, Esquire, Defendant, Scrothmen, in the Painted Chamber at Westminster; before Robert Earl of Lindsey, Lord High Constable, Thomas Earl of Avrundel, Earl Marshal, with other Lords, where, after the Court had met several times, and Bill, Answer, and Replication put in by the Parties, and Council heard with other Formalities, it was adumbrated determined, that the matter should be referred to the Kings will and pleasure, whose favor inclined to Rainfyl. *Bakers Chron.* fol. 390. See *Coke on Culf*, fol. 294. & *Original Jurisdiction*, fol. 65. And *Spelmanns Gloss* at large, vol. 2, *Campus*.

**Comitatus** (Comitatus) is a writ or Commission, whereby the Sheriff is authorized to take upon him the charge of the County. *Reg. of *Priz*, fol. 295. *Coke Rep. lib. 3. fol. 272.*

**Comitatus & Caefio Comitatus** is a Writ whereby the charge of a County, with the keeping of a Caffle is committed to the Sheriff. *Reg. of *Priz*, fol. 293.

**Comitatus** is —Of dead Ferms and Debts debarlate, whereof there is no hope, our Roll shall be made, and shall be entered, Comitatus; and read every year upon the account of Sheriffs, 1 Edw. 1. cap. unico.

**Commandy** (Præceptoria) was a Manor or their Measuring, with Land and Tenements appertaining thereto, belonging to the Prior of St. John of Jerusalem in England; and he, who had the Government of any such Manor or House, was called the *Commander*; who could not dispose of it, but to the use of the Prior, only taking thence his own sufficiency, according to his degree, who was usually a Brother of the same Priory. New Edge in the County of Lincoln, was, and still is called the Commandy of Eagles, and did anciently belong to the said Priory; so were Seabach in Pembroke-shire, and Shengay in Cambridgeshire Commandories, in time of the Knights-Temples, says *Cam.*

—Thefe, in many places of England, are termed Temples, as *Temple Bruer in Lincoln*shire, *Temple Newham in Yorkshire*, &c. because they formerly belonged to the said Temples. Of these read *Ann. 26 Hen. 8. cap. 2.* and 2 *Egysd., cap. 24.* See *Præceptoria*.

**Commandy** (Præceptuum) Hath a di-
vers us. 5 as the Commandment of the King, when, upon his sheer motion and from his own mouth, he calls any Man into Prifon— *Stains.* *Pl. Cor. fol. 72.* Commandment of the Justices as either absolute or ordinary. Absolute, as when, upon their own Authority in their Wil-
dom and Discretion, they commit a Man to prifon for a punishment. Ordinary is, when they commit one rather for safe-custody, then punishment. A Man committed upon an Ordin-
ary Commandment is releivaple. *Pl. Cor. fol.* 72. *Commandment* is again used for the offence of him, that willith another Man to transgress the Law, or to do any thing contrary to the Law; as Murther, Theft, or such like. *Brass*, lib. 2. &c. cap. 19. which the *Glanvile* call *Mandatum*.

**Commentam** (Eccles. Commentaria) is a Beneﬁce or Church-Living, which being void, is committed to the charge and care of some sufficient Clerk, to be supplied with all it may be conveniently provided of a Father. And, that this was the true original of this prudh of, you may read at large in *Durandus*, *De Fisc* *Ecclesiae Ministoriis & Benefictis*, lib. 5. cap. 7. He to whom the Church is committed, hath the Fruits and Proﬁts thereunto, only for a certain time.
Commission of Anticipation, Was a Commission under the Great Seal, to collect a Subsidy before the day. Anno 15 Hen 8. Cokes 12 Rep. fol. 120.

Commission of Rebellion (Commissio Rebellionum) Is otherwise called a Writ of Rebellion, and Issues, when a Man (after Proclamation issued out of the Chancery, and made by the Sheriff, to present himself, under pain of his allegiance to the Court, by a certain day) appears not. And this Commission is directed by way of command to certain persons, three, or one or two of them, to apprehend or cause to be apprehended, the party, as a Rebel, or contemnor of the Kings Laws: wherefore wherever they find him within the Kingdom, and bring or cause him to be brought to the Court upon a day therein affirmed: The Form of it you have in Witty, Trall, Touching proceedings in Chancery, Sect. 24.

Commissioner (Commissarius) Is he that hath Commission, as Letters Patent, or other lawful Warrant, to execute any Publick Office; as Commissioners of the Office of Licences of Alienation. Witty, Part 2, Symb. Tit. Finer, Sect. 146. Commissioners in Eng. Anno 3 Edw 7, cap. 65. With many such like.

Committee. Is he, or they to whom the Consideration or ordering of any matter is referred, either by some Court or Convent of Parties to whom it belongs. As in Parliament, a Bill being read, is either referred to and passed, or denied, or neither, but referred to the Consideration of some certain persons, appointed by the House further to examine it, who thereupon are called a Committee. Committee of the King. Witty, p. 2, Symb. Tit. Chancery, Sect. 144. This word seems to be strangely used in Kitchin, fol. 160. Where the Widdow of the Kings Tenant being dead, is called the Committee of the King, that is, one committed by the ancient Law of the Land, to the Kings care and protection.

Communion (Fr.) A Fellow-Monk, that lives in the same Convent. 3 Part. Infit. fol. 15.

Common (Commune, i. good ad omnes pertinent) Signifies that Soil or Water, whereof the use is common to this or that Town or Lordship; as Common of Pasture, (Commune Pasturum) Bradton, lib. 4, cap. 19, & 40. Common of Fishing, (Commune Piscatoria) Idem, lib. 2, cap. 34. Common of Turbarie, (Commune Turbariae, i. Of digging Turves) Idem, lib. 4, cap. 41. Common of Eftorium, (Commune Eftorivium) Kitchin, fol. 94, &c. Common is divided into Common in Graves, Common Appendant, Common Appurtenant, and Common per cause de Vieinage, i. By reason of Neighborhood.

Common in Graves, Is a liberty to have Common alone (that is) without any Land or Tenement, in another Mans Land, to himself for life, or to him, and his heires; and it is commonly paid by Deed of Grant or Specialty. Old Nat. Br. fol. 31, & 37.
Common Appendant, and Common Appurtenant, are in a manner confounded, as appears by Tit. Nat. Br. fol. 800. And are defined to be a Liberty of Common Appurtenance to, or Depending on such, or such a Freehold, which Common must be taken from the Land where it is certain, but not from the Land Appurtenant, which (according to Sir Edw. Coke, lib. 4. fol. 373) had this beginning: — When a Lord encroached another in Arable Lands, to hold him in Sosage, the Feoffee, to maintain the service of his Plough, had at first, by the Curtesy or Permission of the Lord, Common in the Wales of his Lord, for his necessary Beasts, to eat and comporte his Land, and that for two Cattle; one, for that, as then it was taken, it was tacitly implied in the Feoffment, by reason the Feoffee could not Till, nor Comprise his Land without Cattle, and Cattle could not be sustained without Pasture, and so by consequence the Feoffed had, as a thing necessary and incident, Common in the Wales and Land of the Lord. And this appears by the ancient Books, Temp. Edw. 1. tit. Common 24. and 17 Edw. 2. tit. Common 23. and 20 Edw. 3. tit. Adventures 4, and by the ceremonial of the Statute of Merton, cap. 4. The second reason, was, for maintenance and advancement of Tillage, which is much regarded and favored by the Law.

Common per causa de Vicinage (i.e., Common by reason of Neighborhood) is a Liberty that the Tenants of one Lord in one Town, have to Common with the Tenants of another Lord in another Town: Those that challenge this kind of Common (which is usually called Intercommunio) may not put their Cattle into the Common of the other Town, for then they are distrainable, but, turning them into their own fields, if they stray into the Neighborhood, they must be suffer'd; provided they do not surcharge either Common of Pasture, the Cowmen call Just compensation.

Common Bench (Eccus Communis, from the Sax. banca, i.e., A Bank, or Hillock, and metaphorically a Berlin, High Seat or Tribunals.) The Court of Common Pleas was anciently so called. Anna 2. Edw. 3. cap. 11. because (faith Camden in his Britann. pag. 113.) Communia Platica interjubidus ex jure nusus, quad Commune vocant, in loc disjuncto, that is, the Pleas or Controversies between common persons are there tried. And the Justices of that Court in Legal Records, are termed Jusficiarius de Banco. Coke on Little. fol. 71. b. See Common Pleas.

Common Fine (Fino Communis) Is a certain sum of Money, which the Reants within the view of some Leets, pay to the Lord thereof, called in divers places Head-Fine, in others Cert-money, or Certam Leete, and Head-pence; and was first granted to the Lord, towards the charge of his purchase of the Court Leet, whereby the Reants had now the safe, to do their Suit, royal nearest home, and not be compelled to go to the Sheriff-Town. As in the Manor of Shefford in Cambs. Lat. every Reant pays 4s per Pudl to the Lord, at the Court held after Michaelmas, which is there called Common Fine. There is also Common Fine of the County, for which see Epta, lib. 7. cap. 48. and the Statute of 3 Edw. 3. cap. 8. But the Clerk of the Market shall take no Common Fine, Anna 8 Rich. 2. cap. 4. For Common Fine, the Lord cannot disfraine without a prescription. Godfrey's Cafe, in Sir Edw. Coke 11 Report.

Common pleas (Communia Platica) Is the king's Court, now commonly held in Westminster Hall, but in ancient times movable, as appears by Magna Charta, cap. 11. 2 Edw. 3. cap. 11. and Popilia, Posta, Parte 5. cap. 22. But since, in the Presence to his Readings, faith, That until Henry the Third granted the Great Charter, there were but two Courts in all, called the Kings Courts, viz. The Exchequer and the Kings Bench, which was then called Curia Domini Regis, and Aula Regis; because it followed the Court or King, and that upon the Grant of that Charter, the Court of Common Pleas was erected and seated in one place certain, viz. Westminster Hall, and therefore after that, all the Writs ran, Quod facias curam Jusfactivum in sedem Wigen, whereas before the party was commanded by them to appear, Curia mei Jusfactivum mei, simply without addition of place, as he well observs out of Glosses and Bracton, the one writing in Henry the Second's time, before this Court was erected; the other in the later end of Henry the Third's time, who erected this Court. All Civil Causes, both Real and Personal, were or were in former times tried in this Court, according to the strict Law of the Realm; and by Fortescue, cap. 40. it seems to have been the only Court for Real Causes. The Chief Justice thereof, is called the Lord Chief Justice of the Common Pleas, accompanied with three or four Judges, Assistants, or Afoctions, who are created by Letters Patent, and, as it were, enthralled or placed on the Common Bench, by the Lord Chancellor, and Lord Chief Justice of the Court, as appears by Fortescue, cap. 51. who expediteth all the circumstantial thereof. The rest of the Office belonging to this Court, are, The Curios brown, three Procuratoribus, otherwise called Premostratus, Character, 4 Fidages, 4 Essejentia, Clerk of the Warrant, Clerk of the Juris, or Foras Writt, Clerk of the Treasurer, Clerk of the Kings Scribes, Clerk of the Effentes, Clerk of the Outlaries, Clerk of the Errors. Whole distinct Functions read in their places. See Common Bench, and 4 Inf. fol. 99.

Common Dye in Plea of Land (Anna 13 Rich. 2. Stati. 1. cap. 17.) Signifieth an Ordinary day in Court, as in other Hilari, Scindones, &c.
Puchs, &c. Which you may see in the Statute of 53 Hen. 3, concerning general days in the Bench.

Common Intendment. Is Common Understanding or Meaning, according to the Subject Matter, not strained to an Exorbitant Sense. Bar to Common Intendment, is an Ordinary or General Bar, which commonly disables the Declaration of the Plaintiff. Of Common Intendment, a Will shall not be supposed to be made by Collusion. Coke on Little Jul. 75. b. See Intendment.

Commons House of Parliament, is so called, because the Commons of the Realm, that is, the Knights, Citizens, and Burgesses representing them, do sit there. Comp. Juris. 9.

Common Law (Common Lex) Hath three Significations: First, It is taken for the Laws of this Realm simply, without any other Law joyned to it; as, when it is disputed, what ought of right to be determined by the Common Law, and what by the Spiritual Law, or Admiralty Court, or the like. Secondly, For the Kings Court, as the Kings Writ or Common Pleas, only to shew a difference between them and the Bulk Courts, as Customary Courts, Court Barons, County Courts, Pipewarers, and such like: As when a Plea of Land is removed out of Ancient Demesne, because the Land is Frank-fee, and pleadable at the Common Law, that is, in the Kings Court, and not in Ancient Demesne, or any other Bulk Court. Thirdly, and most usually, by the Common Law, is understood such Laws as were generally taken and held for Law, before any Statute was made to alter the same. As, neither Tenant for Life, nor for Years, were punishable by the Common Law for doing Waffe, till the Statute of Glente, cap. 4, was made, which gives an Action of Waffe against them. But Tenant by the Curtesy, and Tenant in Dwere, were punishable for it before the said Statute. See Law.

Compromiss. See Comwth.

Common (Br. Commonw. 1. Provincia) In Wales is half a Countrie or Hundred, containing Fifty Villages. Stat. Wallia., 12 Edw. 1. and 21 Hen. 8, cap. 26. It signifies also a great Seignory, and may include one or divers Mannors. Coke on Little Jul. 52.

Commune. See Commonality.

Commune Custodia, Is a Writ that did lie to that Lord, whose Tenant, holding by Knighthood-service, died and left his eldest Son under age, against a Stranger that entered the Land, and obtained the Ward of the Body, Old Nat. Br. fol. 59. But this Writ is become obsolete since Wardships were taken away by the Stat. 2 Car. 2., cap. 20.

Communication (Communication) A talking, confabulating, or conferring with. Where there is only a Parley betwixt two, and no perfect Agreement, that is, no such Contract between them, as on which to ground an Action, it is called a Communication.

Communia placta non tenenda in Scaccario, Is a Writ directed to the Treasurer and Barons of the Exchequer, forbidding them to hold Plea, between common persons in that Court, where neither of them belong thereto. Reg. of Writs, fol. 187. b.

Compromiss (Compromissee) From the British Compromise, Sulphurum. A Contribution: Sulphurum & plantum colatum. Anno 8 Hen. 4, cap. 57. And 21 Hen. 8, cap. 5, it Prohibits the Selling of any such in Wales, or the Marches, O't. If seen as this Compromise was gathered at Marriages, and when young People did or gave their first Maffles, and sometimes for redemption of Murders or Felonies.


Compromissio Pendenturum, Is the Title of an ancient Ordinance for Maudfrises, not Printed, and is mentioned in the Statute of 23 Hen. 8. cap. 4.

Compromiss (Compromissum) Is a mutual promise of two or more parties at difference, to recede the ending of their Controversies to the Arbitriment, and Equity of one or more Arbitrators. Well defines a Compromiss or Submission to be the faculty or power of pronouncing Sentence between Parties at Controversie, given to Arbitrators by the Parties mutual private consent, without publick Authority. Par. 2. Symbol. Tit. Compromiss. Sed. 1.

Computation (Computatio) Is the true account and constrition of time; to the end, that neither party do wrong to the other, nor that the determination of time be so left at large, as to be taken otherways then according to the just Judgment of the Law. As, If Indentures of Demise are engrossed, bearing date 1st May, 1669. To have and to hold the Land in S. for three years from henceforth, and the Indentures are delivered the Fourth day of June following: In this Case, from henceforth shall be accounted from the day of the Delivery, and not from the date; and if the Indenture be delivered at four of the Clock in the Afternoon of the said Fourth day of June, the Lease shall end the Third day of June, in the Third year. For the Law, in this Computation, rejects all fractions or divisions of the day, for the incertainty, which always is the Mother of Contention. So where the Statute of Enrolments, made 27 Hen. 3, cap. 18, That Writings shall be enrolled within six Moneths after the date thereof, if such Writings have date, the Six Moneths shall be accounted from the date, and not from the Delivery; but if they want date, then it shall be accounted from the Delivery, Coke, lib. 5, fol. 1.

If any Deed be shewed to a Court at Westminister, it shall remain in Court (by Judgment of the Law,) all the Term, in which it is shewed, for all the Term in Law, is but as one day. Coke, lib. 3, fol. 74. If a Church be void, and the Patron does not present within Six Moneths, then
then the Bishop of the Diocess may callate his Chaplains, but these Six Moneths shall not be computed according to Twenty eight days in the Moneth, but according to the Kalendar. See Kalendar-moonth.


Conabel (Fr. Commerce, i. Convenient or fitting.) The question, that there be made a Peace of Comably be pre, erected with Plies of Berne, to foje the entry of your Showe, that no strange people may enter with certain Clerkes, addebe be you, and be your Steward to such persons, as pay and them think honest and Comabel. Artic. Decan. & Capit. S. Pauli, Priorat. S. Helene. Dat. 24 Juni, 1439.

Concealers (Concealors) Are such as hide out concealed Lands, that is, such Lands as are privyly kept from the King by common persons, having nothing to fear for their Title or Estate therein. Anno 35 Eliz. cap. 22. and 21 Jac. cap. 2. They are so called a Concealando, as Mons à Movendo, per Antiprasion. See Part. Inf. fol. 183. Where the Author calls them Turbinum bonum genus.

Conceif (a word much used in Conveyances.) In Law it creates a Conventaun, as Deed does a Warrant. Coke on Littis. fol. 284.

Concep (Conception, Agreement.) Is, by a peculiar signification, defined to be the very Agreement between Parities, who intend the levyng a Fine of Lands one to the other, how, and in what manner the Land shall pass. But in the form of it, many things are to be considered. Welf, pa. 2. Symb. tit. Fines and Concors, Sel. 50. whom read at large.

Concead is also an Agreement made (upon any Treefast's committed) betwixt two or more; and is divided into a Concead Executory, and a Concead Executed. See Floriden, in Renger and Foggsa, in Cafes, fol. 53, 6, 8. Where it appears by some opinion, That the one bindes not, as being imperfect; the other absolute, and ties the party: Yet by some other opinion in the same Case, it is affirmed, That Agreements Executory, are perfect, and bind no less than Agreements executed.

Concubinage (Fr.) Signifieth properly the keeping a Whore for one of her own filthy use, but it is used as an exception against her, who fues for Dower, alleging thereby that she was not Wife lawfully married to the party, in whose Lands she seeks to be endowed, but his Concubine. Britton, cap. 107. Britton, lib. 4. trad. 6, cap. 8.

Conders (from the Fr. Condurier, i. to conduct.) Are such as hand upon high places, near the Sea-coast, at the time of Herring-fishing, to make signs with Bougs, &c. to the Fishers, which way the hool of Herrings palfeth, which may better appear to such as hand upon some high Cliff on the shore, by a kind of blew colour they caifie in the Water, then to those that are in the Ships. These are otherwise call'd Hueris (of the Fr. Huer, i. Exclamery) and Bailer, Directors, and Condors, as appears by the Statute 1 Jac. cap. 33.

Condition (Conditio) Is a Manner, Law, Quality, or Restriction annexed to Mens Acts, qualifying or suspending the same, and making them uncertain, whether they shall take effect, or no. Welf, pa. 1. Symb. libris. fol. 86. In a Lease there may be two sort of Conditions; Condition collateral, or Condition annexed to the Rent. Coke, libris. 3. Rentants Cafes, fol. 64. Cofleral Condition is, that which is annexed to any Collateral Act, as, that the Leefee shall not go to the Lease. ibidem, fol. 65. Condition is also divided into Condition in Deed or Faes, and Condition in Laws; which otherwise may be termed Condition expressd, and Condition implied. Perkin. tit. Conditions.

Condition in Deed, Is that which is knit and annexed by express words to the Feasement, Leafe, or Grant, either in writing, or without writing: As it Lenncon a Man in Lands, reserving a Rent to be paid at such a Feasement, upon Condition, if the Feosee fail of payment at the day, then it shall be lawful for me to re-enter.

Condition Implied, which is called a Condition in Law, Is when a Man Grants to another the Office of Keeper of a Park, Steward, Bailiff, or the like for Life, though there be no Condition at all expressed in the Grant; yet the Law makes one covertly, which is, if the Grantee does not justly execute all things pertaining to his Office by himself, or his sufficient Deputy, it shall be lawful for the Grantor, to enter and dischage him of his Office. See Littletun, lib. 3, cap. 5.

Cones and Rep. Britton, lib. 2, cap. 37. num. 2. Famina in soli state (i. 14 & 15 Annorum) patris disponente Domini juse & habens Cone & Key. Coke in the Saxon, signifies Calculum, computa; and Rep. clarit. So that a Woman was then held to be of competent years, when she was able to keep the Accounts and Mixs of the House; and Glaw. lib. 7, cap. 9, hath somewhat to the same purpose.

Confedracry (Confederation) Is when two or more confederate or combine themselves to do any damage to another, or to commit any unlawful act. And though a Write of Confi- dency does not lie, if the party be not involved, and in law manner acquired, forso are the words of the Write; yet talle confederaey between divers persons shall be punished, though nothing be put in execution, which appears by the Book of 27 Aff. Placit. 44. where two were indicted of Confederacy, each to maintain other.
other, whether their matter were true or false, and though nothing were supposed to be put in praxis, the Parties were enjoy'd to answer, since the thing is forbidden by Law. So in the next Article, in the same Book, enquiry shall be made of Conspirators and Confederators, which binds themselves together, &c. This Confederacy, punishable by Law before it be executed, ought to have four incidents. First, it must be declared by some matter of profession, as by making of Bonds or Promises the one to the other: 2. Maliciously, as for unjust revenge. 3. It ought to be false; against an innocent. Lastly, to be out of Court, voluntary. Terms of the Law.

Confirmation (Confirmation) is a strengthening or confirming an efface to one, who hath the possession, by a voidable Title, thought not at present void. As, if Bishop grants his Chancellorship by Patent for term of the Patient life; this is no valid Title, but voidable by the Bishop's death, except it be strengthened by the Dean and Chapters Confirmation. See more of this in Wesp. p. 1. Synb. lib. 5. fol. 500. Fitz. Nat. Br. fol. 169, b. and Littleton, lib. 3. cap. 9.

Confiscate, From the Lat. Confiscate, and that from Fic,us, which originally signifies a Hamper, Basket or Basket: but Metonymically the Emperors Treason, which was anciently kept in such Hamperes, and though our King keep not his Treason in such things, yet (as the Romans said) such Goods as were forfeited to the Emperors Treasury for any offence, were bona confiscata, so far we of those that were forfeited to our Kings Exchequer. And the title to have these Goods, is given the King by the Law, when they are not claimed by some one. As, if a Man be indicted for feloniously stealing the Goods of another, where in truth they are the proper Goods of him indicted, and they are brought in Court against him; who, being asked what he faith to the said Goods, discalimes them. By this Sife'amer he shall lose the Goods, though he be afterwards acquitted of the Felony, and the King shall have them as Confiscate; but otherwise, if he had not disclaimes them. So where Goods are found in the Felons possession, which he disavows, and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows, are Confiscate to the King; but had he been attainted of the same Goods, they should have been paid forfeited, not Confiscate, notwithstanding his disavowment. See more in Staim. Pl. Cor. lib. 3. cap. 24. Note, Confiscate & Forfeiture, are Synonymia; and Bona confiscata, are Bona jura fisata. 2 Inst. fol. 277.

Confraire (Fr.) A Fraternity, Fellowship, or Society; as the Confrarie de Saint George, or de les Chivaliers de la bleu Juvetray. Selden.


Consciable (from the Fr. Conscie, i. Leaves Licence, or Permission) Signifies as much as unlawful or lawfully done, or done with leave of permission, as the entry of the Diffidec in consciable: Littleton, fdl. 410. and 2 Par. Graces fol. 31.

Conce d’Accorder. (Fr. i. Leave to accord or agree) I finds it in the Statute of Fines, Ann. 13 Edw. 3. in these words — When the Writ original is delivered in presence of the Parties before Justices, a Pleader shall say this, Sir Justice Conce d’Accorder, and the Justice shall say to him, What faith Sir K. and Hall name one of the Parties, &c.

Conce d’Estrie (Fr. i. Leave to chuse) Signifies the King’s Permission Royal to a Dean and Chapter, in time of Vacation, to chuse a Bishop, or to an Abbey or Priory of his own Foundation, to chuse their Abbot or Prior. Fitz. Nat. Br. fol. 169, 170. — See, in the Preface to his Reading, says, The King of England, or Soveraine, Person or all Archbishops, Bishops, and other Ecclesiastical Benefices, had of ancient time free appointment of all Ecclesiastical Dignities, whenever they chance to be void, investing them first per vacuum & annuum; and afterwards by His Letters Patent, and that in process of time he made the Election over to others, under certain Forms and Conditions; as namely, that they should, at every vacation, before they chuse, demand of the King Conceive, that is, Leave to proceed to Election, and then after the Election, to crave His Royal assent, &c. And he affirms, that King John was the first that granted this, which was afterward confirmed by Wesp. 1. cap. 1, and again by Artificiali Cleri, cap. 2.

Congius, An ancient Mesure of Six Sextaries; which is about a Gallon, and a Pint.

—Et vellet quaque Congios eidea & umna thumella, & virginta panes cum pententibus pulmentaris, Carta Edmandi Regis de Anno 946.

Confinse, See Consciasse.

Confiteg alias Cognosse (Recognition) is used in the paging of Fines for him that acknowledges the Fine, and the Conclus is he to whom the Fine is acknowledged. Ann. 32 Hen. 8. cap. 525. Wesp. p. 1. Synb. lib. 5. fol. 49. and Parte 2. tit. Fines, fol. 114.

Conjugation (Conjunctio) Signifies a Plot or Conderancy, made by some persons combining themselves together, by oath or promise, to do some publick harm. But it is more especially used for the having personal conference with the devil, or some evil spirit, to know any secret, or to effect any purpose. Ann. 5 Edw. cap. 16. The difference between Conjugation and Witchcraft seems to be, because the one endeavors by Prayers and Invocation of Gods powerful names, to compel the divel to say or do what he commands him; the other deals rather by friendly and voluntary conference or agreement with the devil or familiar.
to have her, or his desires served, in lieu of blood, or other gift offered him, especially of his or her Soul. And both these differ from Enchantments or Sorceries; for these are personal conferences with the Divil, as is said; and these are but Medicines and Ceremonial Forms of words (called commonly Charms) without Apparition. Con.

Confusagno, is a Writ, which see in the Reg. of Writs, de Acc. Pro vex., & Confusagno, fol. 256.

Conventor of the Truce, and late Conduits (Conventor indirectorum et saltatorum Regii Condictorum) was an Officer appointed in every Sea-Port, under the King's Letters Patent, and had forty pound for his yearly stipend at the least. His charge was to enquire of all offences done against the Kings truce and Sale Conduits upon the main Sea, out of the Franchises of the Cinque Ports, as the Admirals of Custom were wont, and such other things as are declared Amo, &c. 5 Hen. v. cap. 6. Touching this matter, see the Statute of 4 Hen. 5, cap. 7.

Conventor of the Peace (Conventor vel custos Pacis) is he that hath an especial charge, by virtue of his Office, to see the King's Peace kept: Which Peace, Lambert, defines to be, a with-holding, or abstinence from that injurious force and violence, which boisterous and unruly persons are, in their nature, prone to use towards others, were they not restrained by Laws, and fear of punishment: He further adds, that before the time of King Edward the Third, who first erected Justices of Peace, there were sundry persons, who by the Common Law, had interest in keeping the Peace. Of those, some had that charge, as incident to the Offices they bore, and so included in the same, that they were called by the name of their Office only; others had it simply of its own; and were there of named Constables of Peace, Wardens, or Constables of the Peace. The former and last-mentioned, he again subdivides in his Lynch, ibid. cap. 32. The Corporation of the great Level of the Fens, does consist of one Governor, Six Bailiffs, Twenty Constables, and Commonalty, as by the Act of Parliament, 15 Car. 2. cap. 17. appears, The Chamberlain of Chester, is a Conventor of the Peace in that Country, by virtue of his Office. 4 Inq. fol. 212. And Petty Constables are by the Common Law, Conventors of the Peace, &c. Conventors of the Privy Lodges of the Hothailes, and Temples, &c. Westn. 2. cap. 43. See 4 Inq. fol. 343.

Constitution (Constitution) Is the material cause, the Fund pro quo of any Contract, without which no Contract binds. This Constitution is either expressed, as if a Man bargain to give Five pounds for a Horse; or implied, as when the Law is tacitly supposed to Constitution it; as if a Man come into a Common Inn, and there stay some time, taking Meat and Lodging, or either for himself and his Horse, the Law presumes he intends to pay for both, though there be no express Contract be-
Conspiracy (Conspiracy) Though both in Latin and French, there are used for an Agreement of Men to do any thing, either good or bad; yet, in our Law-Books, it is always taken in the evil part. Anno 4 Edw. 3. cap. 11. — 9 Hen. 7. cap. 13. — 1 Hen. 5. cap. 3, and 19 Hen. 6. cap. 12. As also New Book of Emjuries, verbo Conspiracy. In which places, Conspiracy is taken more generally, and contended with Maintenance and Chaoperty; but, in a more special signification, it is used for a Concurrency of two, at the least, tally to entitle one, or to procure one to be entitled of Felony. And the punishment of it, upon an Indictment of Felony, at the Kings seat, anciently was. That the party attainted, lose his Frank-Law, to the end, he be not encompass'd upon Juices or Affizies, or such like employments, for testifying the truth; and if he have to do in the Kings Court, that he make his answer there; and that his Lands, Goods, and Chattels be seized into the Kings hands, his Lands arrayed (if he finde no better favor) his Trees raked, and his Body committed to prison. The Lib. Affiz. 3, Grotius T Alf of Peace, fol. 156, b. This is called VillainousJudgment or Punishment. See Villainous Judgement. But if the party grieved, sue upon the Wri of Conspiracy, then see Fitz. Nat. Br. fol. 114. D. 115. I. Conspiracy may be also in Cases of lesser weight; as Conspiracies made by Vothaliers, touching selling of Virtualls, shall be grievously punished. See 37 Hen. 8. 223. and 5 Part. Inf. fol. 143.

Conspiratone, Is a Wri that lies against Conspirators. Fitz. Nat. Br. fol. 114, b. Concerns Jurifd. fol. 209. See also the Register, fol. 134.

Contable (Connatural) Is a Saxon word compounded of Cuming or Cynge, and Staple, which signifies the Fay and holdot of the Kings Lamb. Duties of Contables, num. 4. But I have seen it deriv'd from Comes Statuli, which seems more probable, because we had this Officer, and many others from the Caesaran Laws, and Customs of the Empire, as well as from the Saxon.

This word is diversly used. First for the Contable of England, of whose great Dignity and Authority, we may find many proofs in the Statutes and Chronicles of this Realm. His Function consists in the care of the common Peace of the Land, in Deeds of Arms, and Matters of War. Lamb. sub supra. With whom agree the Statutes of 12 Rich. 2. cap. 2. Stat. 1. which says, To the Court of the Contable and Marschal, it appertains to have Conunence of Contracts and Deeds of Arms and of War, out of the Realm, and also of things that touch War within; as Combats, Blasoftry of Arms, &c. But it may not meddle with Battel in Appeals, nor generally with any other thing that may be tryed by the Law of the Land. See Fortesque, cap. 32. and 4 Inf. fol. 129.

Out of this High Magistracy of Contable of England (says Lamberti) were drawn those Interior Contables, which we call Contables of Hundreds and Franchise, and first ordained by the Statute of Winchester, Anno 13 Edw. 1, which appoints for conservations of the Peace, and view of Armor, two Contables in every Hundred and Francich, which in Latin are called Conspurbationis Capitales, High Contables; because continuance of time and increase of both of People and Offences, hath, under these made others in every Town called Petit-Contables, in Latin Sub-Consurbilarios, which are of like nature, but of Interior Authority to the other. The making of a Petit Contable belongs to the Lords of divers Mannors, Four Pendas. Of these, see Smith de Rep. Angl. lib. 2, cap. 22. Besides these there are Officers of particular places, called by this name, as Contable of the Town, Statut. Pl. Cor. fol. 139. Anno Hen. 4. cap. 13. Contable of the Exchequer, Anno 35. Hen. 3. Stat. 5. Contable of Dover Castle, Can. Brit. pag. 299. Fitz. Nat. Br. fol. 340. But these are called I speaking properly, as Lambert Nokes, though contended in name with the other. See the Statute Anno 32. Hen. 6. cap. 28. — Marchwood, par. 1. cap. 17. mentions a Contable of the Forst.

Cont (Lat.) Is the name of a kind of Certificate, which the Clerk of the Pipe, and Auditors of the Exchequer make, at the request of any person, who intends to plead or move in that Court, for discharge of anything. Anno 3 & 4 Edw. 3. cap. 4, and 13 Eliz. cap. 6. The effect of a Cont is the certifying what does confance upon Record, touching the matter in question, and the Auditors Fee for it, is 13. 8. 4. d.

A Cont is held to be Superior to a Certificat, because this may cesse or fail in its Contents, that cannot as certifying nothing, but what is evident upon Record. Also, the Exemplification under the Great Seal of the Inrolment of any Letters Patent is called a Contat. Coke on Litt. fol. 225. b. The difference between a Contat, Inferexious & Vidimus, you may read at large in Pages Cace. Coke fifth Report.

Conundulindicus & Sribittius, Is a Wri of Right Cloze, which lies against the Tenant that deforeseth his Lord or Service due to him. Of this see more in Old Nat. Br. fol. 77. Fitz. Nat. Br. fol. 151. and Reg. of Writs, fol. 159.

Conulation (Conulation) Is a Wri whereby a Caufe, being formerly removed by Prohibition from the Ecclesiastical Court or Court Chriftian, to the Kings Court is returned thither again. For, if the Judges of the Kings Court, upon comparing the Libel with the Suggestion of the party, finde the suggestion false, or not proved; and therefore, the Caufe to be wronglessly called from the Court Chriftian, then upon this Conulation or Deliberation, they Decree it to be returned again; whereupon the Writ in this Caufe obtained, is called a Conulation. Of this you may read Reg. of Writs, fol. 144. 45. Then 58. Old Nat. Br. fol. 32. Fitz. Nat. Br. fol. 52. The Statute of
the Writ of Condemnation, Anno 24 Edw. 1., and a Part. Inf., fol. 105.

Contemnemment (Contemnemenm, As — Salto contemnemment, Mag. Cha. cap. 14.) Signifies his Contemnemment, Credit, or Reputation, which he hath, together with, and by reason of his Freedom; and in this sense does the Statute of a Edw. 3, and Old Nat. Br. ufe it, where Contemnemment is used for Contemnem. The Armor of a Soldier is his Contemnem; the Books of a Schooler, his Contemnem, and the like. Coke, Part Inf. fol. 68. Braden, lib. 3. Trad. 2. cap. 1. num. 3. And Sir Henry Spelman says, Contemnemenm et asfinatio & comminio forms, quia quin in Repub. judicatio.

Contingent Use, Is a Use limited in a Conveyance of Land, which may, or may not happen to Veiit; according to the contingency expressed in the Limitation of such Use. See Chancery's Cafe, in Coke 1 Rep.

Continuance, Is a Prerogative in the Civil Law. For example, Continuance until the next Assize. Fitz Nat Br. fol. 154 F. and 244 D. In both which places it is said, if a Record in the Treasury be alleges by the one party, and denied by the other, a Controversy shall be tried to the Treasurers, and the Chamberlain of the Exchequer, who, if they certify not in the Chamber, that such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificare, and will them to continue the Assize. In this figurative, it is likewise used by Kitson, fol. 202, and 199. And Anna 1 Hen. 6, cap. 4, and Continuance of a Writ or Action, is from one Term to another, in case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

Continual Claim, Is a Claim made from time to time, within every year, to Land, or other thing, which in some respect, we cannot attain without danger. As, if it be disaffied of Land, into which though I have a right, I dare not enter for fear of heating; it behoves me to hold on my right of Entry at my own opportunity, by approaching as near it as I can, once every year, as long as I live, and so I save the right of Entry to my Heir. See more in Littleton, verbs, Continual Claim, and the New Book of Entries, ibidem. And Elton, lib. 6, cap. 52.

Continuando, Is a word used in a special Declaration of Trepass, when the Plaintiff would recover damages for several Trepassers in the same Action: For, to avoid multiplicity of Suits, a Man may in one Action of Trepass, recover damages for forty or more Trepassers, laying the first to be done with a Continuando to the whole time, in which the rest of the Trepassers were done; and in this Form, Continuando transferracter praebitos, &c. praeb. d. &c. &c. &c. unto such another day, including the last Trepass.

Contour, See Counters.

Contrabanded Goods (from contra, and the Ital. Bandino, an Editor or Proclamation) Are those which are prohibited by Act of Parliament, or Proclamation, to be imported into, are exported out of this, another Nations.

Contract (Contratius) Is a Covenant or Agreement between two, with a lawful Consideration or Cause. Witty, p. 1. Symb. lib. 1. fol. 120. As if I sell my Horse for Money, or Covenant, in consideration of a Foot to move a Leaf of a Farm, these are good Contres, because there is Quo Quia quod.

Obsequent Contract, Is a Contract to pay more interest for any Money, than the Laws and Statutes of this Realm allow. It is a Declaravit in an Executor, to pay a Debt upon such Obsequent Contract. Nays Reports, fol. 129.

Contratation (Contratatio) A Counterfeiting, As Contratatio legis Regii.

Contraquorum Collationes, Was a Writ that lay against an Abbot, or his Successor, for him or his heir, who had given Land to an Abbey for certain good uses, and found a Feoffment made thereof by the Abbot, with consent of the Tenants, to the Disinfection of the House and Church. This was founded on the Statute of Wills, 2. cap. 41. See Reg. of Wills, fol. 238, and Fitz. Nat. Br. fol. 240.

Contraquorum Feoffaments, Is a Writ that lies for the Heir of a Tenant encloset of certain Lands or Tenements, by Charter of Feoffament of a Lord, to make certain Services and Suits to his Court, and is afterward disfranchised more, then is contained in the said Charter. Reg. of Wills, fol. 176. Old Nat. Br. fol. 162.

Contributio facienda, Is a Writ, that lies, where more are bound to one thing, and one is put to the whole burden. Tich. (N. Br. fol. 162.) brings these examples, If Tenants in Common or Joint, hold a Mill Proindiviso, and equally take the profits thereof, the Mill falling to decay, and one or more of them refusing to contribute towards its reparation, the rent shall have this Writ to compel them. And it there be three Coparencers of Land, that own suits to the Lords Court, and the eldest performs the whole, then may they have this Writ to compel the refuser to a Contributio. Old Nat Br. (fol. 105.) frames this Writ to a Cafe, where one onely suits is required for Land, and that Land being sold to divers, suit is required of them all, or some of them by Ditreffe, as instandy, as all were full in one. See Reg. of Wills, fol. 176.


Controller of the Hamper, Is an Officer in the Chancery attending the Lord Chancellor daily in the Term time; and upon Seal days. His Office is to take all things sealed from the Clerk of the Hamper, inclosed in Bags of Leather, and to note the just number and effect of all things.
things so received, and enter the same in a Book, with all the duties, appertaining to His Majesty, and other Officers for the same, and to charges the Clerk of the Hanaper with it.

Controller of the Pipe, Is an Officer of the Exchequer, who writes out Summons twice every year to the Sheriffs to levy the Farms, and Debits of the Pipe, and keeps a Controlment of the Pipe, and was anciently called Duplex Infrastator.

Controller of the Pell, Is also an Officer of the Exchequer, of which sort there are two, viz. The two Chamberlains Clerks, that do or should keep a Controlment of the Pell, of receipts and goings out : This Officer was originally one, who took notes of any other Officers accounts or receipts, to the intent to discover him, if he dealt amiss, and was ordnand for the Princes better security ; for proof whereof, read Pleyt, lib. 1. cap. 13. And the Stat. 15 Edw. 3. cap. 2.

Controvera (Fr. Controversa) He that of his own fancy, devices or invents false heists, or feigned news. 2 Inf. fol. 2277.

Coveniable (Fr) Agreeable, suitable, convenient or fitting. Ann. 27 Edw. 3. Stat. 2. cap. 21, and 2 Hen. 6. cap. 2. See Covenable.

Covenible (Conveniculum) A little private Assembly or Meeting, for exercit of Religion ; suffit, attributed in disgrace to the Schools of Wickhiff in this Nation, above 200 years since, and now applied to the illegal Meetings of the Non-conformists, and is mentioned in the Stat. 1 Hen. 6. cap. 2. and 16 Car. 2. cap. 4.

Covenible, Is a word much used both in Ancient and Modern Law-pleadings, for an Agreement or Covenant : For example, take this plegiant Record.

Ex libro Rotulorum Curiae Manerii de Hatfield (juxta Insulam de Ascolone) in Com. Libar.


Oberus de Roderham quae optulit se viribus Johannes de Iden de eo quod non venit Convenemention inter eos jadatam, unde queritur, quod certo die & anno apud Thorne conveniit inter pridium Robertum & Johanne, quid praehilus Johannes vendidit pridium Roberto Diobulum ligatum in qua ducandum pro iti 4. ob. super pridium Robertus tradidit pridium Johanne quoddam oblomum-taliis (ex exact-money) per quod proprietis dedit Diobuli commutari in prissis Johanni & Roberto ad habendam dedicatiam diiss Diobuli, infra quartam diem prox. stant. Ad quam decem idem Robertus venit ad prefatum Johanne, & petit dedicationem diiss Diobuli, secundum Conveniemention inter eos jadatam ; idem Johannes pridium Diobolum delibertare novit, nec adhibit vsit, &c. ad grave damnum ipsum Roberti

ix. Et inde productum fuit, &c. & praebilus Johannes venit, &c. Et non deedit Convenientionem pridium. Et quis uiderit cure quid tale placitum non placeat inter Christiim, &c. &c. &c.

Conventione, Is a Writ that lies for the breach of any Covenant in writing. Reg. of Writs, fol. 153. Old Nat. Br. fol. 111. Tit. (Nat. Br. fol. 145.) calls it a Writ of Covenant, who divides Covenants into personal and real, making a difference of both, as also how this Writ lies for both.

Covenentals, Are those Religious Men who are united together in a Covenant or Religious House. See Prior Observant.

Conventual Church. See Parish.

Conbite (Prov.) Is he that is found guilty of an Offence by Verdict of a Jury. Stanfl. Pl. Gor. fol. 126. yet example, one of Judge Dyers Commentaries, 275, faith. That Cenbite is on us, either when a Man is outlawed, or appears, and confesses, or else, is found guilty by the Inquest. C. T. of Peace, fol. 9. Conviction and Attainder are often confound. See Attain and Attaint.

A Convite Recusant, Is one that hath been legally presented, indicted and convicted for refusing to come to Church to hear the Common Prayers, according to the Statutes. 1 Eliz. 2. 23 Eliz. 1. and 3 Jas. 4. And these are commonly held to be Popish Recusants 3 though any others, that refuse to come to Church for the purposes aforesaid, may as properly be called Recusants. See Jury.

Convocation (Convenation) Is the Assembly of all the Clergy to consult of Ecclesiastical Matters in time of Parliament : And as there are Two Houses of Parliament ; so are there Two Houses of Convocation ; the one called the Higher Convocation House, where the Archbishop and Bishops sit forver by themselves, the other the Lower Convocation House, where all the rest of the Clergy sit. Ann. 23 Hen. 8. cap. 19. See Proctor.

Convinc, See Cognosse.

Convant (Fr. Congrassant) Knowing, understanding, apprehending. —If the jin be Convant, he agrees to the Foemen, &c. Coke on Litt. fol. 159. b.

Confe, See Cognizor.

Coperitura, A Thicket or Cover of Wood. Carta de Ferenia, cap. 2.

Coperircners (Particrers) Otherwise called Partnrs, are such as have equi portion in the inheritance of their Ancestor. Littellton (lib. 3.) says, Partnrs are either by Law, or by Custume ; Partnrs by Law, are the issue Female, which (in default of Heir-male) come in equality to the Lands of their Ancestor. Bramton, lib. 2. cap. 30. Partnrs by Custome are those, who by custome of the Country, challenge equal part in such Lands, as in Rents, byway, &c. Kind. Of these you may read more at large in Litt.
Cope, is a Custom or Tracture due to the King, or Lord of the Soil, out of the Lead-Mine in the Wapentake of Wakefield in Cow. Derby, of which, thus Mr. Mansfield in his Treatise of those Liberties and Customs, printed 1653.

—Egress and Regress to the King's High-way, The Miners have; and Lot and Cope they pay. The Thirteen Shillings of 6d. over their Mine, To the Lord for Lot, they pay at Measuring time. Six pence a Lead for Cope the Lord demands, And that is paid to the Bergmengers bands, &c.

Copia libelli deliberanda, Is a Writ that lies in Cafe, where a Man cannot get the Copy of a Libel at the hands of the Judge Ecclesiastic. Reg. of Writs, fol. 53.

Capitold (Tennur per Capism Rotuli Curiae) Is a Tenure for which the Tenant hath nothing to fly to, but the Copy of the Rolls made by the Servant of his Lords Court. For, as the Seaward encloses and makes Remembrances of all other things done in the Lords Courts; so he does also of such Tenants as are admitted in the Court, to any parcel of Land or Tenement belonging to the Manor, and the Transcript of this, is called the Court-Roll, the Copy whereof of the Tenant keeps, as his only evidence. Coke, lib. 4, fol. 98, b. This is called a Safe Tenure, because it holds at the Will of the Lord. Kitchin, fol. 95, cap. Copiedlands. Fitz. (Nat. Br. fol. 12) says, It was wont to be called Tenure in Villagen, and that Copiedland is but a new name; and yet it is not at all in the Will of the Lord, but according to the Custum of the Manor. So that if a Copiedholder break not the Custum of the Manor, and thereby forfeit his Tenure, he seems not so much to stand at the Lords curtesy for his right, that he may be displaced at his pleasure. These Custums are infinite, varying in one point, or other, almost in ev'ry severall Manor.

Copiedholders do upon their Admittances, pay a Fine to the Lord of the Manor, of whom the Lands are holden, which Fines are in some Mannors certain, in others uncertain: Those which are uncertain, the Lord rates at what Fine he pleaseth; but if it exceeds two years value, the Courts of Chancery, Kings Bench, Common Pleas, or Exchequer, have in their several Jurisdictions, power to reduce the Fine into two years value.

Copiedlands, are a kind of Inheritance, and called in many places Cofynancy; because the Tenant dying, and the hold being void, the next of the Blood, paying the Cofynancy Fine, as Two Shillings for an Acre, or suchlike, may not be denied his admission. Secondly, some Copiedholders have by Custum, the Wood growing upon their own Land, which by Law they could not have. Thirdly, Others hold by the Verge in ancient Deemins, and though they hold by Cope, yet are they in account a kind of Freeholder; for if such a one omit Felony, the King hath Ambam, demu & caperam, as in case of Freehold; some others hold by Common Tenure, called Meer Copiedland, whose Land, upon Felony committed, Echets to the Lord of the Manor. Kitchin, fol. 91. Chas. Tenants per Verge in ancient Deemins. This is the Land, which (in the Saxons time) was called Folkland. Pugh, (Part. Symbol. lib. 2, fol. 64) says, A Copiedholder is he who is admitted Tenant of any Land, or Tenements within a Manor, which, time out of mind, by the use and custom thereof, have been Demesnes, such as will take the same, by Copy of Court-Roll, according to the custom of the said Manor, &c. Where you may read more on this subject, see Freehold.

Cusan non judice, —In a Cause where- of they (the Judges) have not any Jurisdiction, and then it is Common judice. 2 Part. Crak., fol. 541. Powells Cafe.

Cusage (Corvagium) Is a kind of imposition extraordinary, growing upon some manuf. occasion, and it seems to be of certain Measure of Corn. For Corn sinister, is a Measure of Corn. Braden, lib. 2, cap. 18, num. 6. Who in the same Chapter, num. 8, hath these words, Suus estiams quadrans communis praepositiones, quae serviati non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenit, vel cum rei necessitatis; sicus sunt higida, Cognatio, & Cusagio, & alia plura de necessitate & ex consentio communis totius Regni imbrada, &c.

Cud of Wood, Ought to be eight foot long, four foot broad, and four foot high, by Statute.

Cudage (Fr.) Is a general application for Stout to make Ropes, and for all kinds of Ropes belonging to the Rigging of a Ship. Mentioned 15 Car. 2, cap. 133. Seamen's Dictionary.

Cudiner (vulgarly Cudwreyn) From the Fr. Cudwaneur, a Shoemaker, and is found in divers Statutes, as fl. Hens. cap. 3, E. Jud. cap. 7, and others.

Cusage (Cusagium from Cusio, a Horn) Was a kind of Grand Scurvy, the service of which Tenure, was to blow a Horn when any Invasion of the Scots was perceived. And by this many men held their Land Northward, about the Fells-well. Care, Britan, pag. 469, and Littleton, fol. 55. But by Stat. 12 Car. 2, cap. 24. All Tenures are turned into free and common Suckage.

Sir Edward Coke (in Little, fol. 127) says, Cusage is also called in old Books Hargeld, but queer, for they seem to differ much. See Hargeld, and 1 Inq. fol. 5.

Cutter Title. See Cutter-Tite.

Cudcy or Corody (Cordalium, from Cordo) Signifies a sum of Money or Allowance of Meat, Drink, and Clothing due to the King from an Abbey, or other House of Religion,
Religion, whereof he is Founder, towards the reasonable sufficiency of such a one of his servants, or valetudinarian, as he thinks good to bestow it on: The difference between a Curate and a Penfessor, seems to be, That a Curate is allowed towards the maintenance of any of the Kings servants in an Abbey; a Penfessor, is given to one of the Kings Chaplains for his better maintenance, till he may be provided of a Benefice. Of both these, read Fitzb. Nat. Br. fol. 250. who sets down all the Cathedrals and Penfessaries, certain that any Abbey, when they flould, was bound to perform to the King. 

Curates seem to be ancient in our Law; for in Wulfen., cap. 25., it is ordained, that an Albigensian shall lie for a Curate. It is also apparent by the Stat. 34 & 35 Hen. 8. cap. 26. That Cathedrals belonged sometimt to Bishops and Noblemen from Monasteries. Tenure in Frankalmoun was a discharge of all Cathedrals in it &c. Stat. 1 Edw. 3. cap. 100. See 2 Part. Inf. fol. 630.

Cagodin Habendo, is a Writ, whereby to exact a Coronet of an Abbey, or Religious House. See Reg. of Writs, fol. 284.

Coannatoys Eligendo, is a Writ, which, after the death or discharge of any Coronet, is directed to the Sheriff out of the Chanery, to call together the Freemen of the Company, for the choice of a new Coronet, to certify into Chantry, both the election, and the name of the party elected, and to give him his Oath. See Wulfen. cap. 100. Fitzb. Nat. Br. fol. 163. and Reg. of Writs, fol. 177.

Cooper (Coronator a Coronas) is an ancient Officer of this Land; (for mention is made of his Office in King. 42. Fren. Charter to Beverley, Anno 924.) and is so called, because he deals wholly for the King and Crown. There are four of them commonly in every County, in some fewer, and in some Counties but one; they are chosen by the Freemen of the same by the Kings Writ, and not made by Letters Patent. Grant. Fren. fol. 126. This Officer, by the Statute of Wulfen., cap. 10. ought to be a sufficient person, that is, the most wise and discreet Knight, that best would, and might attend upon such an Office; yes, there is a

Write in the Register, Nisi sit Mitis, fol. 172. by whereby it appears it was sufficient cause to remove a Coronet chosen, if he were not a Knight, and had not a hundred shillings Rent of Freehold. The Lord Chief Justice of the Kings Bench is the Sovereign Coronet of the whole Realm in person, i. whereover he abodes, Lib. Alm. 44. Coke, lib. 4. Cael. of Warden, &c. of the Saddlers, fol. 57. b. His Office especially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in Bodleian, lib. 3. trea. 2. cap. 567. 7 & 8. Britton. cap. 1. Fleta, lib. 1. cap. 18. and Horns Mirror, lib. hi. cap. del. del. Office del Coronet. But more aptly for the present times. Stamps, Pl. Cor. lib. 1. cap. 51.

There are as certain special Coronets within divers Liberties, as well as those ordinary Officers in every County; as the Coronet of the Vorge, which is a certain compact about the Kings Court, whom Comp. in his Jurisd. fol. 107. calls the Coronet of the Kings House, of whose Authority, see Cokes Rep. lib. 4. fol. 46. By certain Charters belonging to rooms Colleges and Corporations, they are licensed to appoint their Coronet within their own Precincts. Of this Office, see also 1 Inf. fol. 721. Smiths de Rep. Ang. lib. 5. cap. 21. And Lamb. Eicon. lib. 4. cap. 325. 380. And of the Coronet Office in Scotland, read Stu. verbis, &c.

Corporal Body, See 026.

Corporation (Corporatis) a Body Politick, or a body Incorporate; so called, because the persons are made into a Body, and of capacity to take, and grant, &c. And this Body Politick or Incorporate, may commence, and be established three manner of ways, viz. By Protection, by Letters Patent, or by Act of Parliament. Every Body Politick or Corporate, is either Ecclesiastical, or Lay: Ecclesiastical, either Regular, as Abbots, Priores, &c. or Secular, as Bishops, Deans, Arch-Deacons, Pararchs, Vicars, &c. Lay, as Major, Commonality, Bailiffs, and Burgesses, &c. Also every Body Politick or Corporate, is either Effective, Prepossession, Collative, or Donative. And again, it is either sole or aggregate of many, which last is by the Civilians called Collegium or Universitas. Coke on Littil. fol. 250. and 3 Inf. fol. 203.

Copius Christi, day, (being always on the next Thursday after Trinity Sunday) is a Feast instituted by the Church, in honor of the Blessed Sacrament: To which also, a College in Oxford is dedicated. It is mentioned in 2 Hen. 8. cap. 21. By which Statute, Trinity Term is appointed or ever to begin the Friday next after this Feast.

Copius cum Causa, is a Writ, issuing out of the Chanery, to remove both the Body and Record, touching the Caule of any Man lying in Execution, upon a Judgment for Debt, into the King Bench. &c. There to lie till he have satisfied the Judgment. Fitz. Nat. Br. fol. 251. e.
Cot, is a kind of Ruffe Woot; so chung or clotted together, that it cannot be pulled a funder. Anno 15 Rich. 2. Stat. 1. cap. 9. where it is provided, That neither Denizier, nor Fosemier, make any other ruffle of Wholes, but Cot, Gare, and Villein. Cot or Cote, signifies also as much as Cotage in many places, and was so used by the Saxons, according to Ferlach.


Cottage (Cotagia & Cota, from the Sax. Cotc) is a House without Land belonging to it. Anno 4 Edw. 1. Stat. 1. And the Inhabitants of such Cottages, are called Cottagers. But by a latter Statute of 31 Edw. 7. No Man may build a House, but he must lay four Acres of Land to it; so that a Cottage is properly any little House newly built, that hath not four Acres of Land belonging to it. —Dedi Chotam, & quandam campum juxturn buic Chota. Mon. Angl. 1 par. fol. 202. b.

Cotarius, A Cotager.

Coucher, Signifies a Fadort, that continues in some place or Country for Traffic; as formerly in Galsex, for buying Wines. Anno 57 Edw. 3. cap. 16. It is also used for the General Book, in which, any Religious House or Corporation Register their particular Acts. Anno 3 & 4 Edw. 6. cap. 10.

Cobenable (Fr. Convenable) Fire, convenient, orutable. —That there of the same three sorts of Fish, be good and cobenable, as in old times hath been used. 31 Edw. 3. Stat. 3. cap. 2. Plowden, fol. 472. a.

Cobenant (Conveniant) Is the Content or Agreement of two or more in one thing, to do or perform somewhat. Wiis, par. 2. Symb. tit. Indulgences, Sect. 68. It is called Stilismium in the Civil Law.

Cobrepresent (from the Fr. Corpse present, i. the Body preferred) Signifies a Mortuary, Anno 21 Hen. 8. cap. 6. And the reason why it was thus termed, feems to be, That where a Mortuary, after any Mans Death, became due, the Body of the left or second Beal, was, according to the Custom, offered or preferred to the Priest, and carried along with the Corpse.

In nomine Patris & Fili & Spiriutis saneti. Ego Brumius de Brompton Sen. Anno Domini MCCLXII. in exiguita Apothecarii Simonis & Judae condito Testamentum meum. Volo corpus meum se-
Covenant (Covenants) Is a deceitful Compact or Agreement between two or more, to prejudice a third person. As if Tenant for Life conspired with another, that this other shall recover the Land which the Tenant holds, in prejudice of him in Reversion. Plow. Com. fol. 546.


Counsele (Fr. Contra) A Comitando, because they accompany the King; Was next, to the Duke, the most eminent Dignity of a Subject, before, as well as since, the Conquest; and those, who in ancient times, were created Counsellors, were Men of great Estate and Dignity: For which cause, the Law gives them great privileges; as, their persons may not be arrested for Debt, Trespass, &c. (because the Law intends, that they assist the King with their Council for the Publick Good, and preserve the Realm by their Proofs and Value) they may not be put upon Juries. If ill be taken, whether the Plaintiff or Defendant be a Counsellor, or not. This shall not be tried by the Country, but by the King's Writ. Also the Defendant shall in a day of Grace against a day of the Parliament, because it is intended he attends the Publick. And of old the Countess was Prefessa, or Proprietress Countess, and had the charge and custody of the County, whose Authoric the Sheriff now hath. Coke, lib. 9. fol. 49. And is therefore called Deputy. See Earl.

Countenance. Seems to be used for credit or estimation. Old Nat Br. fol. 111. And likewise Ann. Edw. 2. Stat. 2. cap. 4. in these words, Sheriffs shall charge the Kings debtors with as much as they may levy with their Datus, without abating the debtors Countenance. See Countenance.

Counter (from the L. Computare) Is the name of two Prisons in London, the Poultney Counter, and Woodstreet Counter; whereunto if any person, he is like to account ere he get thence.

Countermand, Is where a thing formerly executed, is afterward, by some Act or Ceremony, made void; by the party that first did it. As, if a Man makes his will, and devives his Land to L. S. and afterward encothes another of the same Land, here this Encothes is a Countermand to the Will, and the Will void, as to the disposition of the Land.

Counter-sign, Signifies a Replikation to Ayde Prior; For, when Tenant by curtesy in Dower, or other Real Action, prays the View or Aid of the King, or him in the Reversion, for his better defence; or else, if a stranger to the Action begin, desires to be received, to pay what he can for the safeguard of his Estate, that
that which the Demandant allegeeth against this request, why it should not be admitted, is called a Counter-plea. In which sense it is used, 55 Edw. 2. Staiz. cap. 7.

Counter-roles. — That Sheriffs shall have Counter-roles with the Coroners, as well of Appeals, as of Enquiries, 6 Edw. 1. cap. 10.

Countors (Fr. Contours) Have been taken for such Serjeants at Law, as a Man retains to defend his cause, or speak for him in any Court for their Fee. Hons Mirror, lib. 2. cap. des Loges. And of whom this Chaucer,

—A Sherrif had be bith, and a Contour, Was no where such a worthi Wabour.

They were anciently called Servient-Countors. Coke on Litt. fol. 17. n.

County (Comitatus) Signifies the same with Shire; the one coming from the French, the other from the Saxons, both containing a circuit or portion of the Realm, into which the whole Land is divided, for the better Government of it, and more efficacious Administration of Justice: So that there is no part of this Nation that lies not within some County, and every County is governed by a yearly Officer, whom we call a Sheriff. Fortesc. cap. 24. Of these Counties, there are four of special mark, which therefore are termed Counties Palatines, as Lancaster, Chester, Durham, and Ely. Anno 5 Eliz. cap. 29, we may read also of the County Palatine of Pembroke, and of Hexam, Anno 32 Hen. 8. cap. 10. (which last, did belong to the Bishop of York.) — This Act, nor any thing therein contained, hath not extend to the County Palatine of Hexam, within the County of Northumberland, nor to the County Palatine of Ely, within the County of Cambridge, and of the County Palatine of Hexam, within the County of Northumberland; the chief Governors of these Counties Palatines, by special Charter from the King, did heretofore send out all Writs in their own names, and did all things touching Justice, as absolutely as the Prince himself in other Counties, one only acknowledging him their Superior and Sovereign. But by the Statute 27 Hen. 8. cap. 24. this power is much abridged, to which I refer the Reader; as also to Corp. Juris. fol. 157, and 4 Ininit. fol. 204. and 231.

Besides these Counties of both sorts, there are likewise unto some Cities, some Territory, or Lands, or Jurisdiction annexed, as the County of Middlesex, by King Henry the Fifth, to the City of London. The County of the City of York, Anno 32 Hen. 8. cap. 13. Chester, Anno 43 Eliz. cap. 15. Canterbury, Lamb. Ebor. lib. 1. cap. 9. Norfolk, Warwick, Coventry, Exeter, &c. The County of the Town of Kingston upon Hull, 36 Hen. 8. cap. 15. Newcastle upon Tyne, &c. The County of the Town of Haverford West, 35 Hen. 8. cap. 16.

County is, in another signification, used for the County Court, which the Sheriff keeps every Month, either by himself or his Deputy. Anno 5 Edw. 3. cap. 23. Corp. Juris. fol. 221. Bracton, lib. 3. cap. 7. and lib. 3. tritt. 1. cap. 12.

The word Comitatus, is also used for a Jurisdiction or Territory, among the Scandinavians.

County Court (Coria Comitatus) Is by Lambert otherwise called Comitatus, and divided into two sorts; one retaining the general name, as, the County Court he'd every Month by the Sheriff, or his Deputy the Under-Sheriff. The other called the Town, held twice every year; of which both, you may read in Corp. Juris. fol. 231. This County Court had, in ancient times, the cognition of great matters, as may appear by Gannels, lib. 1. cap. 23. 7. by Bracton, and Britton in divers places, and by Flota, lib. 2. cap. 62. but was abridged by Magna Charta, cap. 17. and much by Eliz. cap. 19. It had also, and hath the Determination of certain Trespasses and Debts under Forty Shillings. Britton, cap. 27. and 28.

Counting-House of the Kings Household (Domus Comptus Habilium Regis) Commonly called the Green-Cloth, in respect of the Green-cloth on the Table; where sit the Lord Steward, the Treasurer of the Kings House, the Comptroller, Master of the Household, Coiffer, and two Clerks Comptrollers; for daily taking the Accounts of all Expenditures of the Household, making provisions, and ordering payment for the same; for the good Government of the Kings Household Servants, and for paying the Wages of those below Stairs. Vide 39 Eliz. cap. 7. and 4 Ininit. fol. 151.

Courtrier (Fr.) A House-courer. 2 Ininit. fol. 719.

Courist. See Coasters.

Court (Curia) Signifies the Kings Palace, or Manor; and more especially the place where Justice is judicially administered, of which, you may finde Thirty two several forts in Comptons Jurisdictions well defined; whereof most are Courts of Record, some not, and therefore are accounted Bafe Courts, in comparison of the rest. Besides these, there are also Courts Christian. Smith de Rep. Angli. lib. 3. cap. 6. which are so called, because they handle matters especially appertainning to Christianity, and such as, without good knowledge in Divinity, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the superiority in all Causes Spiritual, but since his ejection, they hold them by the Kings Authority, Virtute Magistratus suis, as the Admiral of England, and both his Court: Whereupon they fend out their Preceptors, in their own names, and not in the Kings, as the Judges of the Kings Courts do. And therefore, as the Appeal from these Courts did lie to Rome, now by the Stat. 25 Hen. 8. cap. 19. it lies to the King in his Chancery.
Court Baron (Curia Baronii) is a Court, which every Lord of a Manor (who in ancient times were called Barons) hath within his own Precept. Barons in other Nations, have great Territories and Jurisdiction from their Sovereigns. But here in England, what they are, and have been heretofore, see in Baron. Of this Court, and Court Leet, read Kitchens. Sir Edward Coke, lib. 4. among his Copthold Gates, fol. 26. b, says, That this Court is twostoried after a fort; and therefore, if a Man, having a Manor, grant the Inheritance of the Coptholders to another, the Grantee may keep a Court for the Customary Tenants, and accept Surrenders to the use of others, and make both Admissions and Grants; the other Court is of Freeholders, which is properly called the Court Barons, wherein the others, that is, the Freeholders are Judges; whereas of the other, the Lord or his Steward, is Judge.

Court of By-powders. See By-Powders.

Court of Requiets (Curia Requisitionum) was a Court of Equity, of the same Nature with the Chancery, but inferior to it in respect of the relief of such Petitioners, as in incontestable Cases, addressed themselves by Supplication to His Majesty. Of this Court, the Lord Privy Seal was chief Judge, assisted by the Masters of Requiets, and had beginning about 1 Hen. 7. according to Sir Julius Caesar, Tradate on this subject. Mich. 42 & 43 Eliz. in the Court of Common Pleas, it was adjudged upon solemn Argument, That this Court of Requiets, or the Whitehall, was no Court that had power of Judicature, &c. See 4 Part. Instr. fol. 57.

Court of the Legat, Was a Court obtained by Cardinal Wolsey, of Pope Leo the Tenth, in the Ninth year of Henry the Eighth, wherein he had power to prove Wills, and difference with Offences against the Spiritual Laws, &c. And was but of short continuance.

Court Christian (Curia Christianiatis) So called, because, as in the Secular Courts, the Kings Laws do sway, and decide Causes; so in Ecclesiastical Courts, the Laws of Christ should rule and direct; for which Cause, the Judges in those Courts are Divines, as, Archbishops, Bishops, Arch-Deacons, &c. Lawful words are there. In Curia Christianiatis, i. Eclesiast, in qua servatur Leges Christi, cum tamen in suo regno servatur Leges mundi. 2 Part Instr. fol. 498. See before in Court.

Court of Delegates. See Legates.

Court of Chivalry (Curia Militaris) Otherwise called the Marshial Court; the Judges of it, are the Lord Constable of England, and the Earl Marshal of England: This Court is the Fountain of the Marshial Law, and the Earl Marshall, is both one of the Judges, and to see execucion done. See Constable, and 4 Part. Instr. fol. 123.

Jehan filz, frere, & uncle au Roy, Duce de Bedford, & d'Anjou, Comte Richemond & de Kendal, & Constable d'Angleterre, a nostre
Culverage, (Culveragium, from Calum & voricae, to turn tail) Owner cumque & armis jussit sub nomine Culveragii convenire. Matth. Paris, fol. 252. That is, under the penalty of Cowardice, or being accounted Cowards. See Gloss, in x. Scripture.

Cunam (Cunamum) — De Cunamio Statnenne, & de epistola littera Statini in Case, Devon, & Cornwall. Rot. Pat. 21 Edw. 3. See Cunam.

Cymeus, A Mint or place to Coy Money in. Mandatum of Reginald de Cornibul, & Scium quod confessibus venerabilis Patri nostra Cicelle. Episcop, quod habet Cuneum summo in Ceviate Ciceltria, & quod curata domus nohri in cadaem ciceltria curvavit, & tunc una munia illa curvat. Et dixit voluit prudentiam, quod ei, vel certo nuncius suus Cuneum illum habere fine aliisicationis faciat. T. 29 Apr. Claui. 6 fol. m. 2.

Cuney-Cuntry, Is a kind of trawl, as appears by Bristol, in these words, Regnatm in hoc capite terminatam per Cuney-Cuntry, sciat inter Cuthredes. And, in lege de reis negotiata terminatam per Cuney-Cuntry, which items to be as much as the Ordinary Jury. Bristol, lib. 4. 5. 6. cap. 3. 13.

Curne (Curne) of the Fr. Courir, fez. 1. Cover the Fire) Signifies an Evening Peal, by which the Compass commander every Man to take warning, or raising up his fire, and putting out his light: So that in many places at this day, where a Bell is customarily rung towards Bed-time, it is said to ring, Curne feu. 3 Rich. 4. Cornet Regis. Rot. 8. London.

Curia, See Court.

Curia abbatiae bult. Is a Declaration which the Court sometimes takes, before they give Judgment in a Cause, where in those cases to be any point of difficulty; for which, see the New Book of Entries on this word.

Curia claudenda, Is a Writ that lies against him, who should fence and enclose his ground, if he refuse or desist to do it. Reg. of Writs, fol. 155. New Book of Entries, verbo Curia claudenda.

Curia Penticiatum. Id est, Curia in civitate Ceviria cum Vico-comite Iulianum in Allia Pentica ejusdem Civitatis, quod in Ins. Quam Civitatis, fol. 1 Hen. 7. It is probable this Court was originally held under a Pentitia, or Shed covered with Bords, and thence took denomination.

Curtoch, Is four Butches, or half a Quarter of Corn. Rolle, lib. 2. cap. 12.

Curtoxy (Cladice curtoxy) Of these there are in the Chantry twenty, who make out original Writs, and are a Corporation of themselves, and to every Clerk are appointed certain Counties. 2 Salk. fol. 690.

Curtis of England, (fere Curatiuin Anglie) Is where a Man takes a Wife, settled of Land in Fee-simple, Fee-tail general, or as Heir in Tail special, and hath issue by her, Male or Female, born alive; if the Wife die, the Husband shall hold the Land, during his life.
Custum is either general or particular: General is that which is current through England, whereas you shall read divers in Dower and Student, lib. 1. cap. 7. Particular, is that which belongs to this or that Lordship, City, or Town.

Custenni (Curtana) Was the name of King Edward the Confessor's Sword, which is the first Sword that is carried before the King of England, at their Coronation. Matt. 21 in Hen. 3. And it is said, the point of it is broken, which may argue an emblem of Mercy.


Custode admodum, & Custode amendo, Are Writs for the admittance or removing of Guardians. Reg. of Writs, in iusice.

Custodes Libertatis Anglicae: Authoritate Parliamenti, Was the title or title in which Writs, and other Judicial Proceedings did run, in the Ramp time, that is, from the Dissolution of King Charles the First, till the Upper Olives was declared Protector, &c. mentioned in the Statute of 1 Care. 1. cap. 3.

Custum (Confessado) hath the same signification with us, as with the Civilians, being by both accounted a part of the Law. Confesato quandque pro leges fueratis (Saith Bracton) in parvis ubi fuerit more uterum approbata; longi tempora e juris & ciussuetaten non est nullius auctoritas. Lib. 1. cap. 3. Cusum is a Law or Right not written, which being established by long use, and the consent of our Ancitores, and those of our Kinedom, that are Ultra Triasomum, have been and daily is practised. So that allowing the Father to be so much elder when his Son, as puterius, or the years of generation require, the Grandfather to much elder then him, and so forth in every case, we cannot say this or that is a Cusum, except we can justify, it hath continued to one hundred years: For it must be so much elder then the party that pleads it; yet, because that is hard to prove, it is enough for the proof of a Cusum, if two or more witnesses can deposite they heard their Fathers say, it was a Cusum all their time, and that their Fathers heard their Fathers also say, it was so in their time. If it be to be proved by Record, the continuance of one hundred years will suffice. Sir T. Davies Rem. in Pref. & fol. 52.
Damage Clerk (Dama Clericerum) is now allotted by the Tenth part in the Common Pleas, and the Twentieth part in the King's Bench and Exchequer of all Damages, (excluding Five Martis) recovered either by Verdict, Concilium, or Judgment of the Court, in all Actions upon the Cafe, Covenant, Trespass, Battery, False imprisonment, Dower, and all others, wherein the Damages are certain, which the Plaintiff must pay to the Prothonotary or chief Officer of that Court, wherein they are recovered, before he shall have any Execution for them. For example, if one lends another on his word, or more under hand, One hundred pound, or sells commodity to that value; the Lender or Seller is forced to sue in an Action of the Cafe, recovers, must pay Ten pound, if in the Common Pleas, and Five pound in the King's Bench or Exchequer, and so proportionally for a greater or lesser sum before he can have Execution. This was originally no other then a gratuity given the Prothonotaries, and their Clerics, for drawing special Writs and Pleadings, which afterwards grew to a certainty, and was not, as some have fancied, an ancient, a Tenth part of the Damages recovered; For it doth appear by ancient Records, that it had been at an uncertain rate, sometimes a Sixth, and at other times a Third part. This, by Act of Parliament, 17 Car. 2. cap 6, is taken away from and after the 29 of September, 1672. And till that time, and no longer, Damage Clerk shall be paid out of such Monies onely, as shall be actually levied, or otherwise paid by the Defendants, and only for the proportion of the Money which shall be so levied or paid, and no more, or other wise.

Damage Felant (Fr. Damage Faisant, i. Doing hurt or damage) As when a strangers Beasts are doing hurt, or spoil in the Grases, Corn, Woods, &c. of another Man, without his leave or licence. In which case, the party, whom they damage, may therefore take, disfrain, and impound them, as well in the night as day. But in other cases, as for Rent, Services, and such like, none may disfrain in the night. Stat. De Distriptione Scaccarii, Ann. 1 Hen. 3.

Danegelt, Danegold, or Dannegeld (Selt in Dutch signifies Money) Was a Tribut laid upon our Antenors of Two shillings for every Hide of Land, through the Realm by the Danel, who once murthered us, in regard (as they pretended) of clearing the Seas of Pyrates, which greatly annoyed our Coasts in those days. Camb. Brittan. 32. Stat. in his Annals. fol. 1138 says, This Tribut came to 4000l. per annum, and began in the time of King Ethelred, who, being much distressed by the continual invasion of the Danes, to procure his Peace, was compelled to charge his people with heavy payments. For first he gave them at five several payments 112000l., and afterwards 48000l. yearly, which was released by Edward the Confessor, according to Ingulfa.

Darrein, is a Corruption from the French Derriarc, i. Ultimus 3; and we use it in the same sense, as Darrein Continuance. See Continuance.

Darrein Preseentment. (ultima Presentatio.) See Affixe of Darrein Preseentment.

Datis, or Datises. (Datisium,) That may be given, or disposed of. Whether a Phege shall be Datisi, and remunerable, or perpetuai, shall be tried by the Dominary. Annu 9 Red. 3, ca. 4. St Prior Datis & remunerable sofe scapes, respondent superius, 45 Ed. 3, 9, 15.

Day, (Dies,) is sometimes used for the Day of Appearance in Court, either Originally, or upon Affixation; and, sometimes for the Returns of Weeks. For example, Days in Bank are Days set down by Statute, or Order of the Court, when Weets shall be returned, or when the Party shall Appear upon the Writ served; for which, you may read the Statutes 31 Hen. 6, & c. 2, — Marsh. 12, — 52 Hen. 3, and the Statute de Anuo Bisexitili, 21 Hen. 3, and lastly, 38 Hen. 8, ca. 57. To be dismissed without Day, is to be finally discharged the Court. He had a Day by the Roll; that is, he had a day of Appearance Affixed him. Esticin, fol. 153 & 157. Day, Year, and Waff. See Year, Day, and Waff. And see Dies.

Deadly Feud. (Feuda & Feidu,) Is a Prosecution of an Irreconcilable Enemy, till we are revenged even by the death of our Enemy. It is deduced from the German word (Fedh,) which, as Houtman, (in verbis Feudalibus) faith, MoDo bellum, modc capitales immunitcs significat. It is used Ann 45 Eliz. ca. 13.

Deadly Pledge; (meritorium radum.) See Morgeage.

Defaced, That is discharged from being Forse; or, that is freed and exempted from the Forest-Laws. Anno 17 Car. 1, ca. 16.


Dean, (Gr. Juua 8 ius dei, decem,) is an Ecclesiastical Magistrate, so called, because he presides over Ten Canons or Prebends at the Head. We call him a Dean that is under the Bishop, and chief of the Chapter, ordinarily in a Cathedral Church, and, the rest of the Society or Corporation we call Capitolium, the Chapter. But, how diversely this word is used, read Lindwood, Tit. de Confitu, ca. 12, ser. Decuau Rurales, where Rural Deans are said to be certain personns that have Jurisdiction Ecclesiastical over other Ministers and Parishes near adjoining, alligning them by the Bishop and Arch-Deacon, being placed and displaced by them: Such are the Deans of Crudin in Surrey, Dean of Bath in Kent, &c.

As there are two Foundations of Cathedral Churches in England, the old and the new, (the new are those which Henry the Eighth, by Suppression of Abbies transformed from Abbot, or Prior and Convent, to Dean and Chapter,) we have there two means of creating those Deans: For, those of the Old Foundation were created to their Dignity much like Bishops; the King first sending our his Counc £ de Plere to the Chapter, the Chapter then choosing, the King yielding His Royal Assent, and the Bishop Confirming him, and giving his Mandate to enlaf him. Those of the New Foundation are by a shorter course Enfated, by Vertue of the Kings Let ters-Patent, without either Election or Confirmation. This word is also applied to divers that are the chief of certain particular Churches or Chapells, as the Dean of the King's Chapell, the Dean of the Arch, the Dean of St. George's Chapell in Windsor, &c. See College aliqui presbiter, quid jurisdictionis ultra densi, nomine tamen velut honori gratia infinger, f synthesus.

De bene esse, Are three common Latin words, but their signification more mysteriou s, conceiv'd to be thus, To take or do any thing De b h u eesse, is to accept or allow it, as well done for present; but, when it comes to be more fully examin'd or try'd, to find or fall, to be allowed or disallowed, according to the Merit or Well-being of the thing in its own nature; or (as we say) Valuet quantum valere posset: So in Charities, upon motion to have one of the first-principal Defendants in a Cafe, examin'd as a Witness, the Court (not then thoroughly examining the justice of it, or not hearing what may be objected on the other side) often orders such a Defendant to be examin'd de bene esse, &c. That his Depositi ons shall be allowed or suppressed at the Hearing of the Case, upon the full debate of the Matter, as the Court shall then think fit, but for the present they have a well-being, or conditional-allowances. It is used in Langham's Cafe, Croke 3 Part, fol. 68.

Debetur, Was by a Rump Act in 1649, ordained to be in the nature of a Bond or Bill, to charge the Common wealth (forthoof) to pay the Solicitor-Creditor, or any Assignee, the Sum due upon Andifying the Account of the Debe Haus. The Form of which Debetur, as then used, you may see in Stokel's Rump-Acts Anno 1649, ca. 63. The word is also mention'd in the Act of Obligation, 12 Car. 2, ca. 8. S. 7, and is used in the Exchequer. See Audition of the Receipts.
Debtor & debtor. Are Latin words, often used in our Law-Writers. In old Nat. Br. fol. 98. Debet a solut. In old Nat. Br. fol. 193, it is said. This Writ De seibus molendini, being in the debet and folia, is a Writ of Right, &c. And again, fol. 69. A Writ of quod permissum may be pleaded in the County before the Sheriff; and, it may be in the debet, & folia, or in the debet, without the folia, according as the Demendant claims. Wherefore note, that those Writs which are in this fort brought, have these words in them as Formal words, not to be omitted. And, according to the diversity of the Cae, both debet and folia are used, or debet alone; that is, if a man file to recover any Right, whereas his Ancestor was defeised by the Tenant or his Ancestor, then he must only the word debet in his Writ; because folia is not fit by reason his Ancestor was defeised and the Custom disapproved: but, if he file for any thing that is now felt of all deny’d him, then he must both these words; because his Ancestors before him; and he himself perhaps have enjoyed the thing sued for, as sure to a Mile, or Common of Pature, until this present refusal of the Tenant. The like may be said of debet and dictum, as appears by the Reg. of Writs in the Writ De debito, fol. 40 a. 41.

Debtor, or De debito. Is a Writ which lies, where a Man owes another a Sum of Money by Obligation, or Bargain for any thing sold him. Nat. Br. fol. 119. This Writ is made sometime in the dictum, and not in the debet, which properly falls out, where a Man owes an Annuity, or a certain quantity of Wheat, Barley, or such like, which he refuseth to pay. Nat. Br. fol. 75. See Debet and folia. Decem tales. See Tales. Decree, (Decet, decons, doux.) Is a Subtilely, wily Shift, or Trick; whereunto may be drawn all manner of Craft, Subtility, Guile, Fraud, Slight, Cunning, Covin, Collusion and Practise used to Deceive another Man by any Means; which hath no other more proper or particular Name than Decree, or Office. Yew, p. 2. Symbol. tit. Indicements. p. 68. See Covering, and New Book of Entries, &c. See Debet and folia.

Decennia, and? See Deces. Decennia. (Decenniari) The Limits or Compas of ten Fruges. See Deces. Decennion. Is a Writ that lies properly for one that receives harm or damage by him that does any thing deceitfully in the Name of another. (Fiz. Nat. Br. fol. 35.) And is either original, or judicial, as appears by old Nat. Br. fol. 50. And when you may read the Ufe of both, to this effect. This Writ of Decess, when it is original, lies where Deces is used to a Man by another, by not sufficiently performing a Bargain or Promise, or by using some Guile, whereby he may be disinherited, or evil intreated, &c. And, when Judicial, it lies out of the Rolls of Record, as in the Cae where Justice is lent to the Sheriff, that he warn a man to be before the Justices at a certain day, and the Sheriff returns the Writ, served, whereas the Party was not warned, whereby he that sues the sure facies recovers; then the Party, who ought to have been warned, shall have the said Writ against the Sheriff. See Reg. of Writs, fol. 122. And Reg. Judicial in the Table, verbo, Deceet. Decies tantum. Is a Writ that lies against a Juror, who hath taken Money for giving his Verdict, called so of the effect, because it is to recover ten times so much as he took. It lies also against Embracers that procure such an Enquest. Anno 38 Ed. 3. ca. 19. Reg. of Writs, fol. 188. Fitz. Nat. Br. fol. 171. New Book of Entries, verbo, Decies tantum.

Decimation. (Decimation,) the punishing every tenth Sounder by lot was termed Decimatio Legionis: Also a tithing, or paying the tenth part. What Decimation was in the late Heparst time, (1667,) is still in the Memory of many good Subjects of this Realm. See Tents.

Decimis foliendibus pro pollutionibus ali enigenarum, Is a Writ or Letters Patent, yet extant in the Registrar, which lay against those that had harmed the Priores aliens Lands of the King, for the Rector of the Parish, to recover his Tyth of them. Reg. of Writs, fol. 179.

Decenniers, alias Decemniers. (Decenniari, Decensche.) Signifie, in the Ancient Monuments of our Law, such as are wont to have the oversight and check of the Fruges, for Maintenance of the Kings Peace; And, the limits, or compas of their Jurisdiction was called Decemniers. Bradlaw lib. 3. Tract. 2. ca. 15. of whom you may also read Flores, lib. 1. ca. 27. And Reg. of Writs, fol. 98 b. These seeme to have large Authority in the Severus time, taking knowledge of Caules within their Circuit, and redressing Wrongs by way of Judgment, and compelling Men thereunto, as you may read in the Laws of K. Edward the Confessor, published by Lambert, Numb. 32. In later times I find mention of them, as in Burton, ca. 12. who fayes, in the Kings Per son, (for fo he Writes his whole Book,) We will, that all those who are 15 years old, shall make Oath, That they shall be sufficient and loyal to us; and, neither be Felons, nor assenting to Felons: And, We will, That all Prefets themselves to be of this or that Decimniers, and make, or offer Service of their Behalf by way of their Own Prefets, or except Religious Person, Clerks, Knights, ecleps Sons, and Women. Yet, the same Author in his 49th Chap. fayes, all of 14 years old and upwards are punishable for not coming to the Sheriffs Turn, except Earls, Prelate, Baron, Religious persons, and Women. Stanf. Pl. Cor. fol. 37. hath these words: The like Law is, where the Decemniers make Presentment, that a Felon is taken for Felony, and delivered to the Sheriff, &c. And, Ritchin, (fol. 53.) thus: Religious persons, Clerks, Knights, or Women, shall not be Decemniers.

A Decemniers seems not to extend s far, as every Leet extends; because in Leets only this Oath is Ministr'd by the Steward, and taken by
such as are twelve years old and upwards, dwelling within the Precinct of the Lector where they are sworn. Fitz. Nat. Br. fol. 264. a. The particulars of this Oath, you may read in Bradton, lib. 3. part. 2. cap. 1. num. 1. who sets down fifteen years for the age of those that are to be sworn to the Kings Peace, but afterwards names twelve years. See Int. I. 4. 1. 8.

We may note out of the Premisses, a diversity between the ancient and these modern times, in this Point of Law and Government, as well in the age of those that are to be sworn, as also that December is not now used for the chief Man of a Dozen, but for him that is sworn to the Kings Peace; and laffly, That now there are no other Dozens but Beers, and that no Man ordinarily gives other security for keeping the Kings Peace, but his own Oath, and that therefore no Man answers for another's Transgression, but every Man for himself. See Frank-plague, and a Part. Inl. fol. 73.

Declaratory (Declaratory) is properly the flaming forth, or laying down in writing the Cause of Action in any suit at Law, wherein the party supposes to have wrong. This, in an Action Real, is properly called a Court, which ought to contain Demonstration, Declaration, and Conclusio. In Demonstration, are contained three things, viz. Who complains, against whom, and for what matter: In the Declaration there ought to be composed, how, and in what manner the Action rose between the parties, when, what day, year, and place, and to whom the Action shall be given. And in the Conclusio he ought to aver and prove to proper his fate, and shew the damage he hath sustained by the wrong done him. Terminus de la Ley.

Decretals (Decretals) Are a Volume of the Canon Law, so called; or Books containing the Decrees of hundy Popes; or a Digestion of the Canons of all the Councils that pertained to one Matter, under one Head.

Dedi (as it be said in a Feeoment, J. S. hath Given, granted, &c.) It is a Warranty in Law to the Feeoffor, and his Heirs Coke on Littl. fol. 334. a.

Deditum Potestatem (i. We have given power) is a Writ whereby Commission is given to one or more private persons, for the speeding of some Act appertaining to a Judge. The Civilians call it Delegationem. And it is granted most commonly upon fogation, that the party, who is to do something before a Judge, or in a Court, is so weak, he cannot travel. It is used in divers Cafes, as to take a Personal Answer to a Bill of Complaint in Chancery, to examine witnesses in a Cause depending in that Court; to levy a Fine, &c. Wefl, part. 2. Symb. tit. Fine, sect. 112. and divers other, as you may see in Fitz. Nat. Br. and in the Table of the Reg. of Writs, v. 2. 1. Deditum Potestatem.

Ded (Fustum) Is an Instrument written in Parchment or Paper, consisting of three things, viz. Writing, Sealing, and Delivery, and comprehending a Contract or Bargain between party and party: Of which, there are two sorts, Deeds Indented, and Deeds Poll; which names arise, from the form or fashion of them, the one being cut in and one in the top or side, which we call Indented, the other being plain. A Deed Indented, is a Deed consisting of two parts, or more (for there are Tripartite and Quadrupartite Deeds) in which it is expressed, That the parties thereto, have to every part thereof interchangably set their several Seals. The cause of their Indenting is, that it may appear they belong to one business or contract. A Deed Poll or polli (anciently called Charta de una parte) is a plain Deed without Indenting; as if we should say, The Indenting is polled or cut off; and is used, when the Vendor for example only Seals, and there is no need of the Vendees sealing a Counterpart, by reason the nature of the Contract is such, as it requires no Covenant from the Vendee, unless in such case the Vendor will out of caution or curiosity have a Counterpart, to fees, upon any occasion, when Covenants himself hath given. See Coke on Litt. fol. 357. b.

Demers or Demisters (from the Saxon Demt, i. A Judge or Umpire) All Controversies in the life of Man are decided without Proof, Writings, or any Charges, by certain Judges, whom they choose from among themselves, and call Demisters. Cond. Brit. tit. Brit. Islands.

Deer-Hays, Are Engines or great Nets, made of Cords to catch Deer. Anno 19 Hen. 7. cap. 11.

De esendo quidem de Tolimento, Is a Writ that lies for those, who are by privilege freed from the payment of Toll, which read at large in Fitz. Nat. Br. fol. 126.

De expensis militium, Is a Writ commanding the Sheriff to levy four shillings per diem, for the expenses of a Knight of the Service. And a like Writ De expensis Civium & Burgensium, to levy two shillings per diem, for every Citizen and Burgers of Parliament, 4 Inl. fol. 36.

De fato, (Anno 12. Car. 2. cap. 50.) Which is actually done, done indeed.

Default (Fr. Defaut) Is an Offence in omission that which we ought to do: Of this Bradton hath a whole Tract, lib. 5. part. 3. By whom it appears, that Default is most notoriously taken for non-appearance in Court at a day affidged. Of this you may also read Fleta, lib. 6. cap. 13. and Coke on Littl. fol. 359. b.

Defeasance (of the Fr. Desfare, i. to undo or defeat.) Signifies a Condition relating to a Deed, as to a Recognition or Statute, which being performed by the Registror, the Deed is disabled and made void, as if it never had been done. The difference between a Prorsum or Condition in Deed, and a Defeasance, is, That those are inserted in the Deed or Grant; this is usually in a Deed by itself. Of which you may read, Wof at large, Par. 1. Symb. lib. 2. sect. 156.
Defend (Fr. Defender) Signifies, in our ancient Laws and statutes, to prohibit or forbid. As - Taurius defendi quaque Rex Edwaredus, ne remanet in Regno. LL. Ed. Conf. cap. 37. & 5 Rich 2. cap. 7. Of which, thus Chaucer.

Where can you say in any manner age, What eber God defende Marriaghe.

And in 7 Edw. 1. we have a Statute, entitled Statutum de defensione portandi armæ, &c. It is defended by Law to Defrain in the Highway.

Coke on Littl. fol. 61a.

To this day, in divers parts of England, we say, God defend, instead of God forbid. And the French Month is more truly called the Defence Month, i.e. the Forbidden Month. See French Month.

Defendant (Defendr) Is he that is sued in an Acción Personal; as Tenant is he, who is sued in an Acción Real. See Proceedings.

Defendens, Is a word used in Felo-
ments and Donations, and hath this force, that it binds the Donor and his Heirs to defend the Dones; if any Man go about to lay any servitude on the thing given, other then is contained in the Donation. Briston, lib. 2. cap. 16. num. 10. See Warranty.

Defender of the Faith (Defensor fidei) Is a peculiar title given to the Kings of England by the Pope, as Catholici to the King of Spain, Christifissimus to the King of France, and Augustus Ecclesiae to the Emperor: Which title was given by Pope Leo the Tenth to King Henry the Eighth, for writing against Martin Luther, in behalf of the Church of Rome, and the Bull, for it bears date Quinquæ ConÌ Octobr. 1521. which may be seen at length in the Lord Herbert's History of Henry the Eighth, fol. 105.


Defecion (Anno 23 Eliz. cap. 3.) The same with Defecior.

Defecior (Defecior, of the Fr. Forcur, i. capitator) Is one that overcomes and calls out our forces, and overthrows us. Defeñor: In this, because a Man may defeñor another without force, which is called Simple Defeñor. Britton. cap. 53. Near, because a Man may defeñor another that never was in posseñon. For example, if more have right to Lands, as Common Heirs, and one eathing, keeps out the rest, the Law says, He defeñor them, though he do not defeñor them. Old Nat. Br. fol. 118. And Littleton, (cap. Deficium, fol. 117.) says, He who is interred by the Tenant in Tail, and put in Possession, by keeping out the Heir of him in Reversion being dead, doth defeñor him, though he did not defeñor him; because he entered, when the Tenant in Tail was living, and the Heir had no present right. A Defeñor differs from an Intruder, because a Man is made an Intruder by a wrongful entry only into Land or Tenement void of a Possessor; And a Defeñor is he that holds out the right. Heir as above said. Briston, lib. 4. cap. 5.

Degradation. See Degrading.

Delegates (Anno 25 Hen. 8. cap. 19.) Are Commissioners to called, because delegated or appointed by the Kings Commission under the Great Seal, to fit upon an Appeal to the King in the Court of Chancery in three Cales.

First, When a Sentence is given in any Ecclesiastical Cause, by the Archbishops or his Official.

Secondly, When any Sentence is given in any Ecclesiastical Cause in places exempt.

Thirdly, When a Sentence is given in the Admiral Court in Sues, Civil and Marine, by order of the Civil Law.

Deliberance. See Replegiae.

Delf (from the Sax. Sellfan, to dig or delve) Is a Quarry or Mine, where Stone or Coal is dug. Anno 21 Eliz. cap. 7. And in a Charter of Edward the Fourth, there is mention of a Mine or Delf of Copper. Calm.

Demain or Demeni (Dominicum. Gallie, Domaniun. Italiis, Documentum) Accipitur multipliciter (Dea Britton) Et aetum Dominicum, quod nunc habit ad menam suam & proprius, fuit ad Bjordolumnis. Anglicis, & Dominicum ad menam. Item dictum Dominicum, Villanagium quod traditur, coloniis, quod quin tempora & intertempore responsium posita pro voluntate sua & revoce. Lib. 4. trid. 3. cap. 9. num. 5. Demains (according to common speech) are the Lords chief Manor place, with the Lands thereto belonging, which he and his Ancestors have from time to time kept in their own Manual occupation; howbeit (according to Law) all the parts of a Manor (except what is in the hands of Freeholders) are said to be Demains. And the reason why Gophold is accounted Demain, is because Gopholds are adjudged in Law to have no other estate, but at the will of the Lord; so that it is still reputed to be in a manner in the Lords hands.

Demain is sometimes used in a more special significan, as opposite to Frank-fee: For example, those Lands which were in the possession of King Edward the Confessor, are called Ancient Demains, and all others Frank-fee, and the Tenants which hold any of those Lands are called Tenants in Ancient Demains; the others, Tenants in Frank-fee. Ricket, fol. 98. See more on this subject in the Learned Spelman, serio, Dominium.

Demand (Fr. Demande, i. postulatio) Signifies a calling upon a Man for anything due. It hath also a proper significan, being signified from Plaints: For all Civil Actions are put forward, either by Demands or Plaints, and the purser is called Demandante or Plaintiff, viz. Demandant in Actions Real, and Plaintiff in Personal.
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Peronal. And where the Party purposing is called Demandant, the party purposed is called Tenant; where Plaintiff, there Defendant. If a Man refers to another all Demants, this is the best Release which the Releasee can have, and shall enure most to his advantage. Lett. fol. 177. 2. There are two manner of Demandants, the one in Deed, the other in Law: In Deed, as in every Precept, there is express Demand: In Law, as every Entry in Land, Difierts for Rent, taking or setting of Grounds, and such like acts, which may be done without any words, are Demand in Law. As a Release of Suits is more large than a Release of Quarrels or Actions: so a Release of Demants is more large and beneficial, then either of them. By Release of all Demants, all Executions, and all Freeholds and Inheritance executory are released; By Release of all Demants to the Diffierant, the right of Entry in the Land, and all that is contained therein, is released. And he that releaseth all Demants, excludes himself from all Actions, Entries, and Suits: but a Release of all Demants, is no Bar in a Writ of Error to Reverse an Outlary. Coke, lib. 3. fol. 153. 154.

Demandant (Petens) Is he, who is Aitor or Plaintiff in a Real Action, because he demandeth Lands, &c. Coke on Litt. fol. 177. b. See Demand.

Demant-Cart of an Abbot. Seems to be a Cart, which the Abbot used upon his own Demant. Ann. 3 Hen. 3. cap. 21.

Demi-haque. See Haque and Hauqueuiz.

Demise (Dissipis) Is applied to an Estate either in Fee-simple, Fee-tail, or for term of Life, and so it is commonly taken in many Writs. Z Part. Inff. fol. 483. The Kings death is in Law, termed the Demise of the King.

Demissors. See Demissors.

Demurrer (from the Fr. Demurer, i. Mater in aliquo loco, vel moravit). Is a kind of pause or stop put to the proceedings of an Action upon a point of difficulty, which must be determined by the Court, before any further proceedings can be had therein: For in every Action, the Controversie confits, either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Cause is plain to the Judge, or so hard and rare, as it breeds just doubt. We call that plain to the Judge, where he is affluent of the Law; though perhaps the party and his Council yield not to it: And in such cases, the Judge with his Associates, proceed to Judgment, without more ado: but when it is doubtful, then slay is made, and a time taken, either for the Court to consider further of it, and agree if they can; or else, for all the Judges, to meet together in the Exchequer Chamber, and upon hearing what the Serjeants can say on both sides, to determine what is Law. And whatsoever they conclude, stands firm without further Appeal. Smith de Repub. Angl. lib. 2. cap. 13. This Demurrer is in our Records expresed in Latin by Moratur in Leges. At the Common Law, the Defendant

sometimes demurreth to the Plaintiffs Court or Declaration, and sometimes the Plaintiff demur to the Defendants Plea, by averring, That it is not a sufficient Plea in the Law, &c. In Chancery, the Defendant demur to the Plaintiffs Bill, averring it to be defective in such, or such a point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other answer thereunto, &c. See Moratur in Leges.

Derarista terra. See Fardingale of Land.


Denelage or Danelage, (From the Sax. dan and lego, iex) Is the Law the Danes made here in England. See Merchentlague.

Denizen (Fr. Donaisson, i. Donatio) Signifieth an Alien that is enfranchised here in England, by the Kings Charter and Donation, and enabled in many respects, to do, as the Kings Native Subjects do, namely, to purchase and polishe Lands, to be capable of any Office or Dignity. Yet is it short of Naturalization, because a stranger naturalized may inherit Lands by descent, which a Denizen cannot. And again in the Charter, whereby a Man is made Denizen, there is commonly contained one clause or other, that abridges him of that full benefit which natural subjects enjoy. And when a Man is thus enfranchised, he is said to be under the Kings Protection, or Ejfe ad fidem Regis Anglie; before which time, he can enjoy nothing in England. Brasen (lib. 2. tract. 5. cap. 25. num. 3.) That he and his goods might be seized to the Kings use. See Huns, Mirrors, lib. 1. cap. de la Venue de France-plege, and 2 Part. Inff. fol. 741.

De non Residentia Clerici Regis, is an ancient Writ, the Form whereof see in 2 Part. Inff. fol. 624.

Deodand (Deodumen) Is a thing given or forfeited, as it were to God for the purification of his Wrath, in a Cafe of Misadventure, whereby a Christian Soul comes to a violent end, without the fault of any reasonable Creature. As, if a Horse strike his Keeper and kill him: If a Man, in driving a Cart, falls so, as the Cart-wheel runs over him, and prettis him to death: If one be filling a Tree, and gives warning to the standers by, to look to themselves, yet a Man is killed by the fall of it. In the first of these Cases, the Horse: in the second, the Cart-wheel, Cart, and Horses: and in the third, the Tree is to be given to God, that is, to be sold and distributed to the Poor, by the Kings Almoner; for expiation of this dreadful event, though effected by unreasonable, yet, senlent and dead creatures. Stanf. Pl. Cor. lib. 1. cap. 2. Brason, lib. 3. tract. 2. cap. 5.
Omnia quae mouent ad Mortem sunt Deodanda.

What moves to Death, or kills the Dead, is Deodanda, and forfeited.

Fleta lays, This Deodanda is to be sold, and the price distributed to the Poor, for the Soul of the King, his Ancestors, and all thankful people departed this life. Lib. 1. cap. 35. De Submersis. Which Law seems to bear an imitation of that in Exodus, cap. 31. Si coram pateris ejus virum vel mulierem, ita ut matrur, lapidabitur his negque concedatur cara ejus, ac Dominus ejus erit innonem. This word is mentioned in the Stat. De Officio Coronator. Anno 4. Edw. 1. See 3 Part. Infl. fol. 57.

Deo relanda pro rata portionum, Is a Writ that lies where one is discharged for a Rent, that ought to be paid by others proportionally with him. For example, a Man holds ten Ongage of Land, by Felly, and ten Hillings Rent of the King, and aliens one Ongage thereof to one, and another to another in Fee: Afterward, the Sheriff or other Officer discharges only one of them for the Rent, he that is so discharged, may have this Writ for his relief. Fizt. Nat. Br. fol. 234.

Deapartr or Dapartr Is a word properly applied to him, who, first pleading one thing in Bar of an Action, and being replied unto, does in his Rejoinder, wave that, and shew another matter contrary, or not pursuing his first Plea. Pounden in Kent and Sussex, fol. 7, 8. Or it may be applied to a Plaintiff, who in his Replication, shews new matter from his Declaration. As in Coke, 2 Part. Baghurst Cafe, fol. 147. The Defendant knewly demurred, because it was a departure from the Declaration. So if a Man plead a General Agreement in Bar, and in his Rejoinder allege a special one, this shall be adjudged a Departure in Plading.

Departure in dispight of the Court, Is when the Tenant or Defendant appears to the Action brought against him, and hath a day over in the same Term, or is called after, though he had no day given him, to it be in the same Term; if he do not appear, but make default, it is a Departure in dispight of the Court, and therefore he shall be condemned; which departure is always of the part of the Tenant or Defendant, and the Entry of it is, Quod pridie A, hic fuerint executio, non recti, sed in contemptum Caesae, rectit in defalliam fecit. Coke, lib. 3. fol. 62.

Departures of Gold and Silver. See Finors.

Depopulation (Depopulatio) A wasting, pilling, or destruction; a dissolution, or unpeopling of any place. Coke 1st Rep. fol. 30.

Depopulatores agorum. It appears by the Stat. 4 Hen. 4. cap. 2. that they were great offenders by the ancient Law, and that the Appeal or Indictment of them, ought not to be General, but in Special manner. They are called Depopulatoris Agrorum, for that by prostrating or decaying the Houses or Habitation of the Kings people, they depopulate, that is, dispossess the Towns. 3 Part. Infl. fol. 520.

Deposition (Deposition) Is the Testimony of a Witness, otherwise called a Deposition, put down in writing by way of answer to interrogation, exhibited to that purpose in the Court of Chancery; And when such witness is examined in open Court, he is said to be examined in Deposition. Deposition is also used for death; as in Provin. Angl. lib. 2. tit. De Jesu. Ordinaryns quid Estum Depositionis Sanitati Johannis de Bevercwl, 7 die Maii. — Per Provinciam nostram autem Bartholomaei perpetuo temporibus celebreat.

Deposition (Deposition) A depriving, bereaving, or taking away, — With the lots of deposition of all the spiritual promotions, ibid., &c. Anno 15 Edw. 3. cap. 20. Deposition of Bishops and Deans. Anno 39 Eliz. cap. 8.


Deraign or Derryn (Dissolutione vel dis- ratione) Signifies generally, to prove, as Dissolutionis jus suum bares propriocut. Glan- vili. lib. 2. cap. 6. And, Dissolutione terrum illam in Curia met. He proved that Land to be his own. Ideam, lib. 3. cap. 20. Brawin utis it in the same sense, Huaco sufficienecum dissociationem & probacionem, lib. 4. t, 6. cap. 16. And to he with disdisatione, lib. 6. cap. 22. And to Derryn the Warrants, Old Nat. Br. fol. 146. To Derryn that right, 3 Edw. 1. cap. 40. And Wifam 2. cap. 5. Anno 13 Edw. 1. cap. 5. When the Parson of any Church is disturbed to demand Tythes in the next Parish, by a Writ of Indicavit, the Patron shall have a Writ to demand the Advolson of the Tythes, being in demand, and when it is Deraigned, then shall the Plea pass in the Court Christian, as far forth as it is Deraigned in the Kings Court. In some places the Substantive Deraigned is used in the very literal signification with the French Difraiger or destranger, that is, turning out of court, displacing of setting out of order; as Deraigned or departure out of Religion, Anno 31 Hen. 8. cap. 6. and 56 Edw. 6. cap. 13. And Deraigned or discharge of their profession. 53 Hen. 8. cap. 29. Which is spoken of those Religious Men, who forsook their Orders and Profession. So Rischin, fol. 152. The Leafce enters into Religion, and afterwards is deposed. And Britton, cap. 21. hath these words Semones destrangera, for a Summons that may be challenged, as defective, or not lawfully made. Of this you may read something more in Scobes, Scobes, Difractione, where is the signification, he confounds it with our waging and making of Laws, See Lex Derafin.

Defen. See Difent.

Defen to tute demen (Fr.) Are words of Form, used in an Action of Trespass by way of Reply to the Defendants Plea. For example, A.
A. says B. in such an Action, B. answers for himself, that he did that which A. calls a trespass, by the command of C. his Muster; A. faith again, that B. did it, de fonte torte demine, sert eo que C. ley command, modo s formas—

That is, B. did it of his own wrong, without that that C. commanded him, in such form, &c.

Sir. See Debists and Deb... Select.

Debists. (Debists, Debists.) Is a Write that lies against him, who, having Goods or Chattels delivered him to keep, refused to deliver them. See Tit. Nat. Br. fol. 138. To this is answerable in some Fort alla deposit in the Civil Law. And he takes his Action of Debists, who intends to recover the thing detained, and not the Damages sustained by the Debists. Kitchin, fol. 176. See the New Book of Entries, verbs, Debists.

Debatesurment bona Testamentis, Is a Write lying against Executors, for paying Legacies and Debists without Specialties, to the prejudice of the Creditors that have Specialties before the Debists on the said Specialties are due; for in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Teflatior riotously, or converted them to their own use; and are compellable to pay such Debists by Specialties out of their own Goods, to the value of what they do paid illegallly. For the orderly payment of Debists and Legacies by Executors, so as to escape a Devastation or charging their own Goods; See the Office of Executors, &c. 13.

Debentur, (lat.) Is a Write anciently directed to the Ecclesiarch, when any of the Kings Tenants, holding in Capacite, dyed; and when his son and heir, within age, and in the Kings custody, dyed; then this Write went forth, commanding the Ecclesiarch, that he, by the Oath of good and lawful men, inquire what Lands and Tenements, by the death of the Tenant, came to the King. See Dyner, fol. 382. Pl. 4. and Rotovius Rep. fol. 193. a. Though this Write in the sense aforesaid be disfigured, yet a new use of it is prescribed by Act of Parl. 14 Car. 2. &c. 11. Enfrunlis, An Act for preventing frauds, and regulating abuses in His Majesty's Customs.

Debete, (Deepest.) Is contrary to Invesf; for, as Invesf signifies to deliver the possession of any thing; so Depest signifies the taking it up.

Dibole, or Dibole, (from the French, Dibole, to confer, or converse with; or from Dibile, to divide, or fort into several parcels.) Is properly that in, by which a Teflatior gives, or bequeaths his Lands or Goods, by his last Will in Writing. He who makes the Descire is called the Desciser; and he to whom the Desciser is made, the Descised. The words of a Will the Law interprets in a larger and more favourable sense then those of a Deed; for, if Land be Descised to a man, to have to him for ever, or to have to him and his Agynees; in these two Cases the Desciser shall have a Feestimple; but, given in the same manner by Feestment, he has but an Estate for term of life. So, if one Desire Land to an Infant in his Mother's Belly, it is a good Desciser; but, if his otherwife by Feestment, Grant or Gift, or in those Cases, there ought to be one of ability, to take presently, otherwise it is void. 14 Eliz. Dyner, 264. and Coke on Litt. fol. 111.

Debistes of Caleis, (Anna 2 Rich. 2, Stat. 1. &c. 3.) Were the Caleises due to the King, for Merchandise brought to, or carried out of Caleis, when our Staple was there. Paying their Caleises and Debistes to the King. Anna 3 Ed. 3. &c. 13. Devise in French signifies Duty.

Debpositories, See Devpositories.

Dietum de Remellworth, Was an Edict or Award, between King Henry the Third and all those Barons and others, who had been in Arms against him; so called, because it was made at Remelworth-Castle in Westrorkshire. Anna 1 Ed. 4. containing a composition for the Lands and Estates of those who had foresaysed their Caleises in that Rebellion.

Dicker of Leather, Is a quantity consisting of Ten Hides; the word probably comes from the Greek, Iades, which signifies Ten.

Dienoum alium extremum, Was a Write that inflicted out of the Chancery, to the Ecclesiarch of the County, upon the death of any of the Kings Tenants in Capite, to inquire by a Jury, of what Lands he died seized, and of what value, and who was next heir to him. Fitt. Nat. Br. fol. 241.

Dyge, In the Common-Law there are Dyes juridicae, & Dies non juridicae. Dies non juridicae are all Sundays in the Year; and, in Easter Term, the Feast of the Ascension of our Lord; in Trinity Term, the Nativity of St. John Baptist; in Michaelmas Term the Feasts of All Saints, and All Souls; and, in Hilary Term, the Purification of the Blessed Virgin-Mary. And this was the Ancient Law of England, and extends not only to Legal Proceedings, but to Contraets. 2 Part. Inf. fol. 264.

Dies partes, Is a Day, or time of Repet given to the Tenant or Defendant by the Court. Brooks, cit. Continuance.

Dignitories, (Dignitarii.) Are those who are advanced to the Ecclesiastical dignity of Dean, Arch-deacon, Prebendary, &c. See 3 Part. Inf. fol. 153.

Dietra rationabilis, Is in Bratton used for a reasonable days Journey. Lib. 3. Titul. 2a. &c. 16.


Dilapidation, (Dilapidation.) A wasteful spending, or destroying; or the letting Buildings run to ruine and decay for want of due reparation.
paration. Anno 13 Eliz. ca. 10. Money recovered for disquisitions shall be employed in repair of the same Houses. Anno 14 Eliz. ca. 11.

Discept. (disceps, from the Greek διήγομαι, and διήγημα,) signifies with us the Circuit of every Bishops Jurisdiction for, this Realm hath two sorts of Divisions, one into Shires or Counties, in respect of Temporal Policy; another into Dioceses, in order to Jurisdiction Ecclesiastical, of which we reckon in England, and in Wales.


Disability. (disability, is,) When a man is disabled, or made incapable, to inherit or take that benefit which otherwise he might have done; which may happen four ways: by the act of the Party, or his Ancestor; by the act of Law, or of God. Disability by the parties own will, is, let I bind my self, that upon surrender of a Leaf, I will grant a new Estait to the Lecter, and afterwards I grant over my Reversion; in this case, though afterwards repurchase the reversion, yet I have forfeited my Obligation, because I was once disabled to perform it. Coke, lib. 5. fol. 21. Also if a Man be Excommunicated, he cannot, during that time, sue any Action, but shall be thereby disabled. Coke lib. 5. fol. 69. Disability by the act of an Ancestor is, if a man be attainted of Treason or Felony; by this attainer, his blood is corrupt, and both himself and children disabled to inherit. Disability by the Act of Law is most properly, when a Man by the sole act of the Law is disabled; and so is an Alien born, who is disabled to take any benefit thereby. Disability by the Act of God, is, where a man is not of whole Mind, which disabled him so, that in all cases, where he plotheth any Estait out of him, it may, after his death, be disannul'd; for it is a Massacre in Law, That a Man of full Age shall never be receiv'd to disable his own person. Coke, lib. 4. fol. 122, 124.

Disalt. Signifies as much as to disable, Litigation in his Chapter of Discontinuance.


Disbolatio. A turning Wood-ground into Arable or Pasture, an afflattion. See Affer.

Disce. See D extinct and Deception.

Discent. (Latin, Discensus. French Descents.) An order or means whereby Lands or Tenements are derived unto any Man from his Ancestors: As to make his Descents from his Ancestors, (old Nat. Br. fol. 101.) is to shew how and by what particular degrees the Land in question came to him from his Ancestors. This Descent is either Linear or Collateral; Linear Descents is convey'd downward, in a right-line, from the Grandfather to the Father, and from the Father to the Son, and from the Son to the Nephew, &c. Collateral Descents spring out of the side of the whole blood, as Grandfather's brother, Father's brother, &c. If one die feata of Land (in which another has right to enter,) and it descends to his Heir, such Descents shall take away the others right of entry, and put him to his Action for recovery thereof. Stat. 32 Hen. 8. ca. 32. Coke on Litt. fol. 237.

Disclaiming, from the French, Clander, with the priv. preps. Dis. It is a plea containing an express denial, remonstrance, or disclaiming. As, if the Tenant sue a Replevin upon a Discharge taken by the Lord, and the Lord avow, saying, That he holds of him, as of his Lord, and that he Discharged for Rent not paid, or Service not performed; then the Tenant, denying to hold of such Lord, is said to Disclaim, and the Lord proving the Tenant to hold of him, the Tenant loathes his Land. Also if a man denying himself to be of the Blood or Kindred of another in his Plea, is said to Disclaim his Blood. See Coke on Litt. fol. 120. and Fitz. Nat. Br. fol. 197. If a man Aroigned of Felony, Disclaim Goods; being cleared, he loathes them. See Brooke, and New Book of Entries, tit. Disclaimer: And Stamp, Pl. Cor. fol. 106. In Chancery, if a Defendant by his Answer Disclaim the having any interest in the thing in question, this is also called a Disclaimer.

Discontinuance, (Discontinuation,) Signifies an interruption, intermission, or breaking off; as Discontinuance of Possession, or of Process: The effect of Discontinuance of Possession is this, That a Man may not enter upon his own Land or Tenement alienated, whatsoever his right be to it, of his own self, or by his own authority, but must bring his Writ, and seek to recover Possession by Law: As if a Man alien the Lands he hath in right of his Wife, or if Tenant in Tail make any Exchange, or Leave for Life, not warranted by the Stat. 32 Hen. 8. by Fine, or Livery of Seizin, such Alterations are called Discontinuances; which are indeed impediments to an Entry, whereby the true owner is left only to his Action. See the Institutes of the Common Law, ca. 48. and Coke Reports, lib. 3. Case of Fances. The effect of Discontinuance of Plea, is, That the opportunity of Prosecution is lost, and not recuperable, but by beginning a new Suit; For to be Discontinued, and to be put without Day is all one, and nothing else but finally to be dissuished the Court for that infaction. So Grompton, in his Jurisdiction, fol. 231. useth it in these words, If a Justice Scot be discontinued, by the not coming of the Justices, the King may renaw the same by his Writ. In this signification Fitz. (in his Nat. Br.) useth it divers times, as Discontinuance of Cords, fol. 193. a. To Discontinue the right of his Wife, fol. 191. L. and 193. L. Discontinuance of an Action, Discontinuance of an Affidavit, fol. 187. &c. Anno 31. Eliz. ca. 12. Cor. 2. ca. 4. and 14 efus, ca. 10. Coke on Litt. fol. 325.

Disfranchis. (14 Cor. 2. ca. 31.) To take
take away one's Freedom or Privilege; it is the contrary to Enfranchise, which vide.

Disgracing or Degrading (Degradatio) Is the punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himself of the offence, whereof he was convicted by the Jury, and it is the privation or devaluing of the Holy Orders which he had, as Priesthood, Deaconship, &c. Stam. F. Cas. fol. 130 & 132. There is likewise the Disgracing of a Lord, Knight, &c. Sir Andrew Hankley, Earl of Carlisle was convicted, degraded, and attained of Treason, Hill. 18 Edw. 2. Coram Reg. Rot. 34, 35. And by the Stat. 13 Car. 2. cap. 15. William Lord Monson, Sir Henry Midlam, and others therein named, were degraded from all Titles of Honor, Dignities, and Preeminences, and none of them to bear or use the Title of Lord, Knight, Esquire, or Gentleman, or the Coat of Arms for ever after, &c. By the Canon Law there are two sorts of degrading, one Summary, by word only; the other, Sine, by devaluing the party degraded of those Ornaments and Rights, which are the Ensigns of his Order or Degree. See Senec's Titis of Honor, fol. 787.

Differior. (Fr. Differi) Is a word, signifying as much as Differitur. It is used in the Statue of Vouchers, made 20 Edw. 1. Our Lord the King, considering his own damage and differior of his Crown, &c. And in 8 Rich. 2. cap. 4.

Differitor. — The Sheriff shall forthwith be punished, as a Differior of our Lord the King, and his Crown. Anno 3 Edw. 1. cap. 39. One that differieth, or puts another out of his inheritance.

Difines (Decimes) Are Tythes, or the Tenth Part of all the Fruits, either of the Earth or Beasts, or our Labor, due to God; and consequently to him, who is of the Lords lor, and has his thare, viz. our Pastor. Also the Tenth of all Spiritual Livings, yearly given to the Prince (called a Perpetual Difer, Anno 2 & 3 Edw. 3. cap. 53) Which in ancient times were paid to the Pope, till he gave them to Richard the Second, to, aid him against Charles the French King, and those others that upheld Clement the Seventh against him. Pol. Virg. Hist. Angl. lib. 20. Lastly, It signifies a tribute levied of the Temporality. Holmshead in Hen. 2. fol. 111.

Disparagement (Difaraginum) Was used especially for matching an Heir in Marriage under his or her degree, or against decency. See Covel's Institutes, tit. De Nuptia, fol. 6. and Coke on Littil, fol. 107, b.

Dispiser, When any person by reason of his poverty, attested by his own Oath, or not being worth 5 l, his Debts being paid, is admitted to fusc in forma pauperis; if afterwards, before the Fate be ended, the same party have any Lands, or Personal estate fall to him, or that the Court, where the Fate depends, think fit, for that or other reason, to take away that priviledge from him, then he is said to be dis-

paupered, that is, put out of the capacity of living in forma pauperis.

Dirationare, Est contravision raistanciendo affrere, vel quod affermum est restituendo defiruere. We now call it Transference, to Transverse. See Goff. in decem Scriptur. And Deར.

Differtin (Fr. Difister, not from Differti, as Covel mistakes it) Signifies an unlawful dispossessing a Man of his Land, Tenement, or other immovable or incorporeal Right. And how far this extends, see Brabon, lib. 4. cap. 3. Therefore the Affies are called Fruits of Differsin, that lie against Differsins in any Case, whereas some are termed little Writs of Differis, being Viscosel, that is suable before the Sheriff in the County Court, because determined by him without Affile. Reg. of Writs, fol. 98. As, for Nunciates of no great prejudice.

Differsin is of two sorts, either Simple Differr, committed by day without force and arms (Brabon, lib. 4. cap. 3. Britton, cap. 42, 43, 44) Or Differsin by force, for which see Dejocor and Fresch Dejersin. See Rediffersin and Post Dejersin. See Skene, vobs Differisins. How many ways Differsins is committed, see Freia, lib. 4. cap. 3. See in antem; and when it is lawful, cap. 2. Wrongful Differsin is no defect in Law. 32 Hen. 8. cap. 33.

Differis, Is he that differit or puts another out of his Land: And Differsie is he that is to put out. Anno 4 Hen. 4. cap. 7.

Difisters, Is the that differit another. Coke on Littil. fol. 357, b.

Diffetres (Fr.) Signifies most commonly a Compulsion in certain Real Actions, whereby to cauze a Man to appear in Court, or to pay Rent, or other duty demanded; or it is the thing disferte. The effect whereof most commonly is, To compel the party Diffeter to Repley the Diffeters, and To take his Action of Trespass against the Diffeter, or else to compound neighborly with him for the Debt or Duty, for which he Diffeters. There are divers things not difterable, as another Mans Gown in the House of a Tabor, or Cloth in the House of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is presumed such things belong not to themselves, but to others. Petition is not difterable, nor Cart in Shoe, unless they be in a Cart: For a Diffeter ought to have of such things, whereof the Sheriff may make Replevin, and deliver again in as good Cafe, as they were at the time of the taking. A Man may Diffeter for Homage of his Tenant, for Fecality, Eicusage, and other services, and for Fines, and Amentements affixed in a Lease, but not in a Court Baron, and for Damage-feasant, &c. But not for Rent due for any Land, except upon the same Land charged therewith, &c. When one hath taken a Diffeter, it behoves him to bring it to the Common Pound, or he may keep it in an open place, so that he give notice to the party, that he (if the Diffeter be a Quick-heart) may give it.

Dividend in the University, is that share or part, which every one of the Fellows does equally and justly divide, either by an Arithmetical or Geometrical Proportion of their Annual Earnings.

Dibit. See Debitus.

Dibitio (Debentura et debentur) Is a Separation of two de facto married together, of which, there be two kinds, one A Venua matrimonii, the other, Amenio et thoro. The Woman divorced, A Venua matrimonii receives all again that she brought with her. This alone affords a nullity of the marriage, through some essential impediment, as Contraction or Affinity within the degree forbidden, Presumptions, Impotency, &c. Of which Impediments, Divinities reckon fourteen, comprehended in these Verbes,

Error, CONDITION, Voluta, Cognatio, Crimen, Cultus, Dissipation, Vetus, Doctrina, Legamen, Honeflia, Si Sis affinis, Si forte viro necipis, Si Pareris & duplentis deips peremptor rei. Raptum sit mulier, nec partis reddita tua.

'Divorce, Is a Judgment Spiritual, wherefore, if there be occasion, it ought to be recorder in the Spiritual Court. See Coke, lib. 5. Hales Cafe. Idem, lib. 5. fol. 9. And on Little, fol. 95.

In the Old Law, the Woman divorced was to have of her husband a writing (as St. Jerome and Josephus testify) to this effect, I promise, that hereafter I will lay no claim to thee which was called A Bill of Divorce.

Docher, Is a Brief in Writing. Anno 2 & 3 Ph. & Ma cap. 6. West writes it Dogget, by whom it seems to be some piece of paper or Parchment, containing the effect of a greater Writing. Symbol. par. 2. tit. Fines, sect. 6.


Doggrado, Is a manifest deprehension of an Offender against Venison in a Forest, when he is found Drawing after a Deer by the scent of a Hound, led in his hand. There are four of these noted by Morwood, par. 2. cap. 18. num. 9. et c. Stabliestand, Doggrado, Back bear, and Bloodhond.

Dogger, A kind of little Ship. Anno 37 Edw. 2. Pat. 2. cap. 1. — All the Ships called Doggers and Landships, &c.

Dogger-Fish. Ibidem, cap. 2. Seems to be First brought in those Ships to Blacken cov. Haven, &c.


Dogger. See Docket.

Doaktin. Was a kind of base Coin of small value, prohibited by the Stat. 3 Hen. 5. cap. 1. Hence we still retain the phrase, Not worth a Doaktin.
Dole (Dols, Sax. becl. Pari, parte, a dividere, distribuire) is a part or portion most commonly of a Meadow, for called to this day. As Dole-Meadow (Anno 4 Sax. cap. 11) where several persons have flares. In the Sutambole (1. prato auraisi) habet Prior per fortem illum quae senior Crudposs, habet Dols, sicque eis habet. Es in quatuor Dols, habet 4 Polot, pressa eis annetens (i. Stottis) jactantur simil. Lib. Priorat. Dunstable, cap. 5.

Doleful: Seems to be that which the Fisher-men, yearly employed in the North Sea, do of Custom receive for their allowance or flares. See the Stat. 25 Hen. 8. cap. 57.

Dolbore (Sax.) A recompense, amends, or satisfaction made for a Scar or Wound. Sax. Dict. LL. Almorte Regis, cap. 26. Dolbore legatum.

Domer (Sax.) Labor judicialis. Legg. Edmunds Regis menstr. cap. 5. Beoco Domere, i. Compenet ficta Labor judicialia statuerit. Some Book of Statutes or Decrees proper to the English Saxons: Such hastily as that wherein the Laws of former Saxon Kings were contained. That Chapter seeming to refer to the Laws of King Ine, cap. 29.

Domeby or Domesdi (Liber Judiciarum, alias Confutus Anglia) Comes from the Saxon Dow, i. Judgment, not Donus Dei, as some Authors have it, is a Book, which now remains in the Exchequer, containing two great Volumes; It was made in William the Conqueror's time, according to Camden in his Britannia, who proves it out of Ingulphus, that flourished in the same time; and whose words are, Totum terram descripsit, nec est Hyda in tota Anglia, quin valorem ejus & possessorum sit, nec tam, nec nisi aliquis, quem in Regis Rotulo extitit descripsit, ac ejus reditum & provenient, ipsa possessor ejus possessor in Regis rotulo manuebat, inveniant taxatorum fidem, qui eodem de quantum patria territorium proprium deprehenderint. Ipsi Rotulo vacate eis Rotulus Wiltonis, & ab Anglia, pro sua generalitate, quod omnia Temperamia totius terrae continuat, Domeby cognominatur. So it is called in the Stat. 2 Rich. 2. cap. 6. And in the Actus Laevprobationes de Feali Regiae rationes, which seems to be taken out of Liber Rubeus, in the Exchequer.

It is called Liber Judiciarum; Quia in eo rotulo Regni descriptus illius continentur, singulares tum propter divitias aliorum, tum propter comites. And Domeby (Gero, Theris, says) Non quod in eo de proprietatis aliquotibus dubius fuerant sententiae, sed quod a praebito judicio non locutae ratione divergerint. It was begun in the year 1081. and finished 1085. Camden calls it Gentilium librum Confutatus, the Tax-Book of William. See more, if you please, in Strelitz, Giff and I. sect. cap. 526. I find it also written Domeby, in an ancient Record.

Domincellus and Domiellia, John of Count, Duke of Lancaster, had by Katherine, Swinfith, before marriage, four illegitimate Children, viz. Henry, John, Thomas, and Joan; and, because they were born at Beaufort in France, they were vulgarly called Henry de Beaufort, G. John before 20 Rich. 2. was Knighted, and Henry became Prior. At the Parliament held 26 Rich. 2. the King, by Act of Parliament, in both of a Charter, did legitimate these Children. E. Clarissima confusamente nusris nobis mutuavit Donum Johannis Mutili, Hanrici Ceaca, Thomae Dominico de aliis nobis subit mutuati Johannis Buchforti Domiellae, Gemanici prachrisisti Avianci nusris, Johannis Ducis Lanc. natis licis nusris, saltem, G. in Teipe Regis apud Wemen, 9. die Februarii, ipsum Regem in Parliament. In this Act (R. Sir Edon, Coae, 4. c. 49. fol. 37.) the said Thomas, before his legitimation, could not be called Figur; and therefore had the Addition Domceeli, derived of the French word Domneci, which (says he) signifies a young Soldier not yet Knighted, or nobly born, see which is a mistake; for there is no such French word as Domneci, but Donastel; nor can Donastel properly be derived from thence, but is an obsolete Latin word; and anciently given as an Appellation or Addition to the Kings (natural) Sons in France, and sometimes to the elder Sons of Noblemen there; from whence, doubtless, we borrowed the words. See, Spal. Giffordorum Domneci. Idem Domeno apermissi on DeiRegnum. Episcopos dedicat in Censori filio Johannis de Lutwode nusris Dictr. Domiello, saltem. — Dast. 7 Feb. 19 Rich. 2. Here it is used to a private Gentleman, as Lord of a Manor.

Dominica in Rames Palmarum, Palm-Sunday. Md. quod ego licentiam de Erading ton fcei Honamagius & judicium Domino Will. de Stafford apud Bromsfield in Com. Staff. die Mercurei præ. ante Dominicam in Rames Palmarum, Anno Regni Regis Edw. xxiii. pro terris & teneentis que tenen in villa de Hama fortes in Com. War. Se.

Domo Reparanda, is a Writ that lies for one against his neighbor, by the fall of whole House, he fears damage to his own. Reg. of Writs, fol. 153. In which Case, the Creditor have the Action De damno infulso.

Donatib (Donatium) Is a Benefice merely given and collated by the Patron to a Man, without either Presentation to, or Institution by, the Ordinary, or Inducement by his command. Tit. Nat. Br. fol. 25. E. See the Stat. 2 Rich. 2. 8. And where a Bishop hath the gift of a Benefice, it is properly called a Donatire, because he cannot present to himself. Petrus Gregorius, de Beneficiis, cap. 1. mention these words. — If Chappels founded by Laymen, were not approved by the Diocesan, and (as they seem it) slighted they, are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the joint disposition of the Founders; whereas the Founders and their Heirs may give such Chappels, if they will, without the Bishop. Gowin in the Preface to his Residings, faith, That the King might of ancient time, found a Free-Chappel, and exempt it from the Jurisdiction of the Diocesan: Scrato may be
troubled with over many things at once. Lib. 2, de Rep., Angl. cap. 3.

Donus Conferendi. See Rols.


Double Quarrel (Duplex Quarela) Is a Complaint mad: by any Clerk, or other, to the Archbishop of the Province, against an Inferior or Ordinary, for delaying Justice in some Cause Ecclesiastical; as to give Sentence, institute a Clerk prefent, or the like; and seems to be termed A Double Quarrel, because it is most commonly made against both the Judge and him, at whose fute Justice is delayed. Cawells interp.

Dowager (Dowata) A Widow endowed, or that hath a jointure; a Title or Addition, applied in general to the Widows of Princes, Duces, Earls, and Persons of Honor only.

Dower (Dos & Datarum) The right (Des) properly signifies that which the Wife brings her Husband in Marriage, otherwise called Marriage, Marriage Goods. The other, (Datarum or Datarion) that Portion of Lands or Tenements, which the husband for term of her life from her Husband, if the out-live him. Glanville, lib. 7, cap. 1. Bosan., lib. 2, cap. 38. Britton, cap. 101, in Princip. Some Authors have for distinction, called the first Dower, and the other a Dowery, but they are often confounded. Of the former our Law-books speak little, of the latter, there are five kinds, viz.

1. Dower per Legem Communem
2. Dower per Confectudinem
3. Dower ex Aliajus Patris.
4. Dower ad Officium Ecclesiae.
5. Dower de la Plu Bele.

Dower by the Common Law, Is a Third Part of such Lands, as the Husband was sole feoffed of in Fec, during the Marriage, which the Wife is to enjoy, during her life; for which, there lies a Writ of Dower. Dower by Custum, gives the Wife, in some places, half her Husband’s Lands, so long as the lives, as in Gavelkind, And as Custum may enlarge, so may it abridge Dower, and restray it to a fourth part. Ex Aliajus Patris, ad Officium Ecclesiae, the Wife may have so much Dower, as shall be so assigned or agreed upon, but it ought not to exceed a third part of the Husband’s Lands. Glanv. lib. 6, cap. 1. And if it be done before Marriage, it is called a Jurisdiction. Dower de la Plus Bele, Is when the Wife is endowed of the fairest, or best part of her Husband’s Estates. See Coke on Lat., fol. 33 b. Romanies ne in usu fuit exercitus Dotes retribuue, idei virum genuine earent quae non dignatissimis et. rem inflict in Germaniarum moribus miratur Tacitus. Dower, (tacitum) non usu Maritini, sed usu Martini offeret Spelin.

To the consummation of Dower three things are necessary, viz., Marriage, Seizin, and the Husband’s death. Bingham, Cafe, 2 Rep. If the
Wit he past the age of nine years at the death of her husband, and shall be endowed; if a woman elope, or go away from her husband with an adulterer, and will not be reconcil'd, she loseth her dowry, by the Stat. of Wifon. 2. ca. 34. 2 part Inf. fol. 432.

Camden (in his Brit. Suffixes, relates this memorable Cafer, (out of the Parl. Records, 30 Edw. 1.) Sir John Camden, son of the Lord Kaph Camden, of his own free will gave and demised his own wife Margaret, daughter and heir of John de Gateleyen, unto Sir Will. Panell Knight; and, unto the same Williams, gave, granted, released, and quit-claimed all her Goods and Chattels &c. So that neither he himself, nor any Man else in his name, might make Claim, or ever Challenge any Interest in the said Margaret, or in her Goods or Chattels &c. By which Grant, when the demanded her Dowry in the Manor of Toptall, part of the Poitifians of Sir John Camden her first husband, there grew a Memorable Suit in Law, but wherein she was overthrown, and judgment pronounced, That she ought to have no Dowry from henceforth, upon the Stat. of Wifon. 2. Qua receivit a marito suo in vita suo, & visini ad Altema, pro prid. Guillemos, &c. This Cafe is cited also in 2 Inf. fol. 425.

Of Dowar Read Elister, who writes largely and learnedly of it, Lib. 5. ca. 22. & seq.

Among the Jusoci, the Bridgemen, at the time of the Marriage, gave his wife a Dowry Bill, the Form wherein you may see in Moses and Aaron, pa. 255.

Dopfsl, (December.) In the Stat. for view of Franklifede, made Ed. 1. one of the Articles for Stewards in their Leets to enquire of, is; If all the Dozenes be in the Asaye of our Lord the King, and which not, and who received them. Art. 2. See December. Also there is a Fort of Dowhayl Kersey, called Duzen. Anno 8 Ed. 6. ca. 6.

Drags, Anno 6 Hen. 5. ca. 5. seem to be Wood or timber, so jumbled together, as that, swimming or floating upon the Water, they may bear a burden or load of other Waters down the River.

Dralwatches. Anno 5 Edw. 3. ca. 14. and 7 Ricb. 2. ca. 5. Lamb. (in his Eiren, lib. 2. ca. 6.) calls them Misching Thieves as Wasters and Robbers-men, mighty Thieves; saying the Words are grown out of use.

Dreit-Dreit, Signifies a double-right, that i.e. jus pollificationis & jus Dominions. Bradshaw lib. 4. ca. 27, and Lib. Tract. 2. ca. 4. and Lib. Tract. 3. ca. 5. Coke on Latt. fol. 766.

Drenches, or Drenches, (Drench.) We're Tenents in Capite, says an ancient M.S. Domens Day. Lit. Leifrede, Roger, Pidavious. Neurton. Hujus Manceri aliquam terram 15 hominum quis Drenches vocabant, pra 15 Manerii stentanc. They were (fayes Spencian,) a genere rafflo- lorum, non ignobilitum, cum singulis qui in Domini, nominatim singula possidens Manerii. Such as at the coming of in the Conquerors, being put out of their EELES, were aferward, upon complaint unto him, reforted therefore unto; for that they being before owners thereof, were neither in aestuo or conffio against him; of which number was Sharnborne of Norfia, Sir Edward Coke, in Littg. fol. 5. &c. fayes, Drenches are Free-Tenants of a Manor: milledright doubteful for Drenches. In Cukemeyn manche quidam homo, quo vocabatur Gamblere, & fut versus Drennage ante Conquestum, tenuit duas Carucates terrae de Domino Regis in Capite, pro su servio, de ferrando Paleifidum Dom. Regis super quatuor pedes de Cia. Don. Regis, quosiviscumque ad Manerium suum de Manifeld Jasiceris, & si includens Paleifidum Domini Regis, dabat in Paleifidum quodse Mercurium. Mon. Angl. 2. p. fol. 538. a.

Drennage. (Drengeague, vel servitium Drengeare.) The Tenure by which the Drenches held their Lands, of which see Dren. 31 Ed. 3. Libr. & Norwmb. Lib. 191. Notandum est, ece omnes eorum antic, necesse, que e Drenampire eile catt, vel per Drenageum tenet, sua eunimilli patrimonio antiquitatem Normanorum, Spem.

Dye Exchange. (Anno 3 Hen. 7. ca. 5. &c. fiscorum.) Seems to be a clear term, invented for the dissinguing foul Folar in which something is pretended to pass on both sides, whereas in truth nothing paifteth buron on the one side, in which respect it may well be called Dry. Of this Lud. Lapes est de Contell & Negotiat. lib. 2. ca. 1. S. Divine polypium, writes thus, Cambium est reale vel fiscum; Cambium realis dictur, quad exsonTai sunt Cambii realis habet, & Cambium per transit, & Cambium minus, Cambium autem fiscum est Cambii non habens exsonTiam Cambii, sed appor- rentiis ad infrar arbore exspectate, qua hume vicii sae carnens, apparatunus arbore habet, non exsonTiam.

Dye rent, rent seck. See Rent.

Drift of the Forest. (Aquatory animalium in forests.) Is an exact View, or Examination, what Cattel are in the Forest, that it may be known whether it be over-charged or not, and where the Beasts are; and, whether they are Commumable Beasts. When, how often in the Year, by whom, and in what manner this Drift is to be made. See Manwood, Part. 2. ca. 15. and 4 Inf. fol. 309.

Drinklane, (See Spencian.) In some Records written Posta Drinklane; is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord, or his Steward; a Scott-ale.

Drourneys. (Quad Dominus debet habere Droitenes arbore de crenstis exi. annum & infra. Kne. Pacht. 44 Edw. 3. quare.) Drourneys, (among our Saxons,) signified a Grove, or Woody place, where Cattel were kept; and, the Keeper of them was called Drournman.

Drusland, or Drusland, (from the Sax. Opypene, i. Driven,) Was anciently a Quic- rent, or Yearly payment made by some Te- nants to their Landlords, for driving their Cat- tel.
rel through the Mannor to Faires and Marketers. 
Mr. Philip Mijsten Recompendium, fol. 39.

Droit, (French, Droit.) In Law there are six kinds of it, viz.:
1. Fait non repais.
2. Fait intranx.
3. Fait babonda.
4. Fait retener.
5. Fait percrimand.
6. Fait possidenda.

All these certain sorts of rights, following the relations of their objects, are the effects of the Civil Law. Vide Duke on Little, fol. 366 & 365. b. — Of meer droit, and very right. 
Anno 27 H. 3. ca. 35.

Droit de Adovocatus. See Reets de Advocatus Ecclesiast. 
Droit close. See Reets claunum.
Droit de Dwise. See Reets dvois.
Droit fur disclamer. See Reets fur disclamer.

Droit patent. See Reets patents and Cat
Droits des Reets, fol. 132. 

Duces recum, is a Writ, commanding one to appear at a day in the Chancery, and to bring with him some Evidences, or other thing which the Court would view. Which is also granted, where a Sheriff, having in his custody a Prisoner in an Action Perfont, return, upon a Habeas Corpus, that he is adu languagis, that is, without danger of death, he cannot have his Body before the Judges. See New Book of Entries on this Word.

Duell, (Duelum, according to Bleta.) Est singularis passio inter duos ad proelium verissim
num ultum, & qui vicisset, probavit intellegit, &c. Stat. de Fidebus locavit, 87 Edw. 
The trial by Duel, Combat, or Campfight, in doubtfull Cases is now diffused, though the Law on which it was grounded be still in force. See 3 Part. Lytt. fol. 381. and see Com. Per libertatem habet duellum, Johannes Stanley At, clamat, quod quia aliquos placitunt aliquae de libris testemnoniem in Caria fide de Aldshd per breve Domini Comitiis de velo patent. tenere & terminare, precl limitationem per duellum, prout juris ex Commimento legem. Plac in Irin. apud Celfriam
Hen. 7. 

Stephanus de Normano omnis -- Scatit se
dedicat Willicum filio Radulph de Etlinge pro bonario & servicionem, & poter Duellum quod fiscit pro me. -- Deus vingtis terris. -

Sine Dat. M.S. pene Will. Dugdale, Ar.

Duke, (Lat. Dux, Fr. Duc.) Signifie among the ancient Romans, Dux, excoassius, such as Led their Armies; Since which they were called Dukes, to whom the King committed the Custody of the Revenue of any Province. In some Nations at this day the Sovereign of the Country are called by this Name, as Duke of Sussex, Duke of Savoy, &c. In England Duke is the next in Secular Dignity to the Prince of Wales; And as Camden says, Herefor the Saxons, time, were called Dukes, without any addition, being under Officers and Leaders of Armies. After the Conqueror came in, there were none of this title till Edward the Third days, who made Edward his Son Duke of Cornwall, after which there were more made, in such forts, as their Titles descended to their Posterity; They were created with Solemnity per cirumambulacrum, Cappara & circulis auris in Capac impostitionem. Vide Cam. Britan. p. 166. Zazimam de feitis, pa. 4. Num. 7. Caesar, de Convenio. 
Burg. pa. 6 & 10. And Frons Glories of generosi
pa. 196.

Dutchy-Court, Is a Court wherein all matters appertaining to the Dutchy, or County Palatine of Lancaster are decided by the decree of the Chancellor of that Court; The Original of it was in Henry the Fourth's days, who, obtaining the Crown by Deposing Richard the Second, and having the Dutchy of Lancaster by Deed, in Right of his Mother, was seized thereof as King, and not as Duke; So that all the Liberties, Franchises and Jurisdictions of the said Dutchy passed from the King by his Great Seal, and not by Livery or Attornment, as the Possessions of Ewerwick, the Earldom of March, and such others did, which had descended to the King by other Ancesters then the Kings; But, at last, Henry the Fourth, by Authority of Parliament, passed a Charter, whereby the Possessions, Liberties, &c. of the said Dutchy were severall of the Crown; yet Henry the Seventh reduced it to its former nature, as it was in Henry the Fifth's days. CROM. J. R. 196.

The Officers belonging to this Court, are, the Chancellor, Attorney, Receiver-General, Clerk of the Court, Messengers: Besides which, there are certain Affiant, as one Attorney in the Exchequer, one Attorney of the Dutchy in Chancery, four Perfos learned in the Law, retained of Concel with the King in the Said Court; whereas Ow (in Presence to his Reading) speaks thus: It grew out of the grant of King Edward the Third, who gave that Dutchy to his Son John of Gaunt, and endorsed it with such Royal Right, as the County Palatine of Chester had. And, for as much as it was afterward extin the Perfon of King Henry the Fourth, by reason of the Union of it with the Crown, the same King (justifying himself to be more rightfully Duke of Lancaster, then King of England,) determined to save his Right of the Dutchy, whatever should befall the Kingdom; and therefore he separated the Dutchy from the Crown, and fetled it so in the natural Persons of Humbel and his Heirs, as if he had been no King or Politic Body at all; in which condition it continued, during the Reign of Henry the Fifth, and Henry the Sixth, that descended from him: But, when Henry the Fourth had, (by recovery of the Crown,) continued the Right of the House of York, he feared not to appropriate that Dutchy to the Crown again; yet so, that he suffred the Court and Officers to remain as he found them; in which manner it came, together with the Crown, to Henry the Seventh, who, liking well of Henry
Henry the Fourth's Policy, (by whose Right also he obtained the Kingdom,) made a like separation of the Duchy, and so left it to his Posterity, who still enjoy it. Council.

Dum fuit infra Regnum, iis Writs which lies for him, (who, before he came to full age, made a Feoffment of his Land,) to recover it again from the Vescy. Fitz. Nat. Br. fol. 192.

Dum non fuit componens mentis, He, who being not of found Memory, and Allens any Lands or Tenements, may have this Writ against the Allicne. Fitz. Nat. Bruc. fol. 202.

Duplicate, Is used by Compton for a second Letters Patent, granted by the Lord Chancellour, in a Case wherein he had formerly done the same, and was therefore thought void. Com. jurid. fol. 215. Also a second Letter written and sent to the same party and purpose, as a former, for fear of a miscarriage of the first, or for other reason, is called a Duplicate. The word is used 14 Car. 2. c. 10.

Dureus, (Durius,) Is, where one is kept in Prison, or restrained of his Liberty, contrary to the Order of Law; or threatened to be kill'd, maim'd, or beheaded: And, if such person, so in Prison, or in fear of such Threats, make any Specialty, or Obligation, by reason of such Imprisonment, or Threats, such Deed is void in Law; and, in an Action brought upon such Specialty, the Party may Plead, That it was made by Dureus and so to avoid the Action. Broke in his Arraignment: joineth Dureus and Mansuete together. 1. duplici & munus; hardship, and threatening.

Dyre-robe, A Balliff, or Officer, that has the care and over-sight of the Dykes and Drains in Deeping-Pens, Sec. mentioned Ann. 16 & 17 Car. 2. c. 11.

E.

Elderman, or Cogdowman, (Aldermanus) Among the Saxons, was as much as Earl among the Danes. Camp. Brit. pa. 107. Also, an Elder, Senator or States-Man; and, at this day we call them Eldermen, who are Associates to the Chief Officer in the Common Council of a City, Borough-Town. 14 B. H. 1. c. 13. Sometimes the Chief Officer himself is so called. See Alderman.

Carl. (Sax. Epl. Combs.) This Title, in ancient times, was given to those, who were Associates to the King in his Councils, and Martial-Actions; And, the manner of their Investiture into that Dignity, was, Per simulans gladio Comitus; without any Formal Charter of Creation. See Mr. Dugdale's Warwicke's, fol. 302. But, the Conqueror, (as Camden notes) gave this Dignity, in Fee, to His Nobles, annexing it to this or that County, or Province; and, allotted them, for their Maintenance, a certain proportion of Money arising from the Princes Probits, for the Pleadings, and Forfeitures of the Provinces: For example, he brings an ancient Record in these words; Henricus. 2. Rex Angliae, his verbu Comitum creavit; Statis nos fississe Hugonem Big got Comitum de Norj, Sec. de tertio Bannario de Norwaj, & Norf; fictus aliqui Comes Angliae liberius Comitatum suum renex. About the Reign of King John, and ever since, our Kings have made Earls by their Charter, of this or that County, Province, or City; but, of late, giving them no Authority over the County, nor any part of the Probits arising by it, & one Annual Fee out of the Exchequer, Sec. The manner of their Creation is, by Girding them with a Sword. Camp. pa. 107. But, see the Solemnity described more at large in Stow's Annals, pa. 113. Their place is next to a Marquefs, and before a Viscount Comitiis a Comite dictior, aut vice versa. See more on this Subject in Spelman's Gloss, verbo Comites; and in Sedens titles of Honour, fol. 475. and Fee Countes.

Cafement, (Affirmamentum; from the French, Affer, i. committit.) Is a Service, or Convencence, which one Neighbour has of another by Charter, or Prebendition, without Probit a Way through his Ground, a Stuck, or such like, Echiton, fol. 105. Which, in the Civil Law is called Seretus prudis. — Praecipius R. quad justa & sine divisione pertinent habet H. affirmationum suis in Dafes in postura de vita sua. Sec. Breve Regnum vetus, apud Glanvill. lib. 12. c. 14.

Eberemunder, (Sax. eber-mombe.) Apertura Mercium, was one of those Chiefes, which, by Henry the First's Laws, ca. 13. non potest. Hoc ex fectorum species jura, nulli prenou, (custum ad Saxonum nostros) coexpectabilis, non utilis pecunia commutari, Spelman.

Ecclesia, (Lat.) Is most used for that place where Almighty God is Served; commonly called a Church. But Fitz. says, by this word Ecclesia, is meant only a Parliamge; and therefore, if a Prefentment be made to a Chappell, as to a Church, by the name Ecclesia, this does change the nature of it, and makes it presently a Church. Nat. Br. 39. When the Question was, Whether it were Ecclesia aut Capella pertinent ad matrimonium Ecclesiasticum? The Issue was, Whether it had Bapisterium & Sepulcrum: for, if it had the Administiration of Sacraments and Sepulture, it was in Law judged a Church. Trin. 20 Edw. 1. in banco. Rot. 177. 2 Inst. fol. 569.

Ecclesiastical Persons, Are, either Regular, or Secular; Regular are such as lead a Monachal Life, under certain Rules: and, have Vowed Obedience, perpetual Chastity, and pious Poverty: When a Man is Professed in any of the Orders of Religion, he is said to be a Man of Religion, a Regular, or Religious of this sort are Abbois, Priors, Monks, Friers, & Secular are those, whose ordinary Conversation is among Men of the World, and Profes the Undertaking.
Undertaking the Charge of Souls, and live not under the Rules of any Religious Order: such are Bishops, Parishes, &c.

Cele bars, alias Cele bare, (Anna 25 H. s.) The Fry, or Brood of Celees.

Ethereae, (Lat.) Burglers, that break open Houses to steal. Qui jurasur acsa duos effrigunt, vel in currere prorsipiant; Etiam quum selexa evigantium. MS

Egyptians, (Egyptians) Are, in our Statutes, a Certain kind of Rogues who, being English or Welsh People, disguise themselves in strange habits, fencing their faces and bodies, and framing to themselves an unknown Canting Language, wander up and down, and, under pretence of telling Fortunes, Cur- ring Diseases, and such like, abuse the Common-people, by stealing all that is not too hot, or too heavy for their carriage. Anna 1 & 2 Phil. & Mar. ca. 4. Anna 5 Eliz. ca. 20. There are like those whom the Italians call Gin-gari.

Ejectione cultibis, Ejicendum de gard, is a Write, which lay properly against him that did cut out the Gardian from any Land, during the Minority of the Heir. Reg. de Writs, fol. 182. Litt. Nat. Br. fol. 199. There are other Writs not unlike this, the one termed Droit de gard, or, Right of gard; the other Restitutio de gard, which fee in their place.

Ejectione firme, Is a Writ, which lies for the Leicfe for years, who is ejected before the expiration of his term, either by the Leicfe, or a stranger. Reg. de Writs, fol. 267. Litt. Nat. Br. fol. 220. See Quae ejecta infra terminum, and New Book of Entries, verbo Ejectione firme.

Eigne, (French, Aisine) Eldred, First-born.

As Baldred eigne & multer puiss. Litt. Sib. 339. See Muller.

Eignia, (borrowed of the French, Aisine 1. Primogetun,.) signifies Eldredship. Stat. of Ireland, 14 Hen. 3. Of this word Skene, verbo Eignia. And see Einay. — Eignium fuitum, fumus maritatis; to Marry his eldest Daughter.

Eire, alias Eiree, (from the old French word Erre, ler, as a grand error, i. magnis, in derivative,) Signifies the Count of Justices In- nercia for Justice in Eire are those whom Braden in many places calls Justiciary Innervatis. The Eye of the Fork is the Justice Seat, otherwise called; which, by ancient Cution, was held every three years by the Justices of the Fork, journeying up and down to that purpose. Braden, bb. 3. Truth, ca. 1. & 2. Boston, ca. 2. Camp. Jury, fol. 156. Manwood, por. ps. 1. Read Skene, verbo ler; whereby, as by many other places, you may see great affinity between these two Kingdoms in the Administration of Justice and Government. See Justice in Eire.

Election, (Election) Is, when a Man is left to his own Free-will, to take or do one thing or another, which he pleases. In cete an Elec- tion be given of two several things, he who is the first agent, and ought to do the first act, shall have the Element: As if a man make a Lesse, rending a Rent, or a Robe, the Leesee shall have the Election, as being the first agent, by payment of the one, or delivery of the other. Coke on Litt. pa. 144. b.

Election de Clerk, (Election close) Is a Writ that lies for the choice of a Clerk, affiigned to take and make Bonds, called Statute-Merchant and is granted out of the Chancery, upon suggestion, that the Clerk formerly Affiigned is gone to dwell in another place, or hath impediments to follow that business; or not, Land sufficient to answer his transgression, if he should deal amifs, Coke, Fitz. Nat. Br. fol. 174.

Eligir, (from the words in it Eligir sibi librae,) is a Writ Judicial, and lies for him that hath recovered Debts or Damages, or upon a Recognizance in any Court, against one not able in his Goods, to satisfy, and directed to the Sherif, commanding him to make delivery of half the Parties Lands, and all his Goods; Oxen and Beasts for the Plough excepted. Old. Nat. Br. fol. 175. Reg. de Writs, fol. 299, and 301. and the Table of the Reg. Judicial, whch expresseth divers ueses of this Writ. The Creditor shall hold the Moity of the said Land delivered to him, till his whole Debt and Damages are satisfy d, and, during that term he is Tenant by Elect, Wifom. 2. cap. 18. See Coke on Litt. fol. 289. b.

Ells, A kind of Ewe to make Bows, Anna 33 Hen. 6. ca. 9.

Eloign, (from the French, Eloigner; to remove, banish, or send a great way from,) — If such as be within Age be Gained, so that they cannot Sue Personally, their next Friends shall be admitted to Sue for them. Anna 13 Edw. 1. ca. 15.

Eloignement, Is, when a Maried Woman of her own accord departs from her Husband, and lives with an Adulterer; whereby, without voluntary submissin, or reconcilement to her Husband, she shall lose her Dowry, by the Stat. of Wifom. 2. ca. 36. according to this old Dy- lifich,

Sponen twn unus unius fugiens, Adulatoris fallit,
Duce juu carciat, nils spono sponz rodes.

A Woman, thus leaving her Husband, is said to Elape, and her Husband in this case shall not be compuls d to allow her any Alimony. See Alimony. I am persuaded the word is taken from the Saxon Selenopan. i. To depart from one place to dwell in another, the Saxon p being easily mistaken for a p.

Emblemata, (from the French, Embles- mne de blis, i. Corn sprang, or put up above ground,.) Signifies strictly the Profits of Land which has been Sowed; but, the word is sometimes used more largely, for any Profits that arise and grow naturally from the Ground, as Gras, Fruit, Hemp, Flax, &c. If Tenant for Life dow the Land and die, his Executor shall live
have the Emblems, and not he in reverent; 3 but, if Tenant for years how the Land, and before severance the term expires, there the Leifor, or he in reverent shall have the Emblems, and not the Leifor. Vide Coke, lib. 11. fol. 51.

Embece, (Anna 3 Hen. 7. ca. 13.) Is he, that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties, (having receiv'd some form to do,) and speaks in the Cafe, or privately labors the Jury, or stands there to survey, or over-looketh them, whereby to awe, or put them in fear. The Penalty whereof is 20 l. and Imprisonment at the Juiences discretion, by the said Statute.

Embecery, Is the Act or Offence of Embece: To infract the Jury, or promise reward for, or before appearance, is Embece. Noye Rep. fol. 102.

Embe, or Embraying-dapes, (Anna 2 & 3 Edw. 6. ca. 19.) Are those, which the ancient Fathers called Quassum temporis; and are of great Antiquity in the Church, being obser've on Wednesday, Friday, and Saturday next after Quadragejima Sunday, Whitsunday, Holyday in September, and St. Lucy's day in December; and, are so called from the Saxon ymypeben, curvis vet circulis; because constantly observ'd at fast feasons in the course or Circuit of the Year. They are mention'd by Britton, ca. 53, and others. In 3 Parl. Inf. fol. 200. it is said, These Embraving dages are the week next before Quadragejima, which is a great mistake.

Emendels, (Emendis.) Is an old word, still used in the Accounts of the Inner-Temple, where, to much in Emendels at the foot of an Account, signifies so much in the Bank or Stock of the House, for Reparation of Losses, or other emergent occasions; Quad in refolutionem damnis tribuitur, says Speciman.

Empanel, (Panee in Assises & Jurisic.) Signifies the Writing and Entering in the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, whom he has Summons'd to appear for the performance of such Publick Service, as Juries are employ'd in. See Pann.

Emparlance, (From the French, Parler, to speak,) Signifies a Deference or Petition in Court, a Day to pause, what is best to do; (the Civilians call it, Petitionem inductarium.) Kitchen, (fol. 200.) says, If be impartial, or pray continuance, &c. where praying continuance is spoken interpretatively; and fol. 201. mentions imparlance general & special. The first seems to be that, which is made only in one word, and in general terms: Emparlance special, where the Party requires a Day to deliberate; adding also these words, Salut omnibus advantage ten ad jurisdictioen Curie, quam ad breve & narrationem — or such like. Britton useth it for the conference of a Jury upon the Cause committed to them, ca. 53. See Imparlance.

Embiefon, (French.) Signifies occasion, cause, or reason, wherefore any thing is done. 50 Edw. 3. & 24. See Stone in loco verbis.

Encroachmen, or Accroachmen, (Fr. Accrochement. 1. A grasping, or hooking,) Signifies an unlawful encroaching, or gathering in upon another man; As, if two mens Grounds lying together, the one prefect too far upon the other; or, if a Tenant owe two shillings Rent-service, and the Lord exacts three. So Hugh and Hugh Spencer encroached upon them Royal Power and Authority. Anna 1 Edw. 3. in Proosam.

Endemment, (Indulgentiam, from the French, Enditer. 1. Deferre nomen aliusius,) Is a Bill or Declaration drawn in form of Law, for the benefit of the Common-wealth, and exhibited by way of Accusatian against one for some offence, either Criminal or Penal, and preferred unto Jurors, and, by their Verdict found, and Prefented to be true before a Judge or Officer that has power to punish, or certify the Offence. An Indemment is always at the Suit of the King, and differs from an Accusatian in this, That the Preferrer of the Bill is no way tied to the Proof of it, upon any Penalty, except there appear conspiracie. See Stain. pl. Cor. lib. 2. ca. 23. 1493. 34. Endentments of Treason, and of all other things ought to be most curiously and certainly penned. Coke 7. Rep. Calenb: Cafe. The day, year, and place must be put in. See the Stat. 37 Hen. 8. ca. 8. And 3 Parl. Inf. fol. 134.

Endowment, (Donation,) Signifies the bestowing or alluring of a Dower. See Dower. But, it is sometimes used Metaphorically, for the setting forth or lowering a sufficient portion for a Vicar towards his perpetual maintenance, when the Benefice is appropriated. See Appropriation, and the Stat. 15 Rich. 2. ca. 6.

Endowment de la plus belle part, Is, where a man dying feez'd of some Lands holden in Knights-service, and other fome in Soccage, the Widow is spes of her Dowery, in the Lands holden in Soccage, as being the fairer or better part. Of which See Littleton at large, lib. 1. cap. 5.

Enfranchise, (French, Enfranchir,) To make Free, to Incorporate a man into any Society or Body Politick, to make one a Free Denizen.

Enfranchisement, (French,) Signifies the Incorporating a Man into any Society or Body Politick; for example, he that by Charter is made Denizen of England, is said to be Enfranchised; and so he is that made a Citizen of London, or other City, or Burgess of any Town Corporat; because he is made partner of those Liberties that appertain to the Corporation, whereinto he is Enfranchised. So a Villain was Enfranchised, when he was made Free by his Lord.

Engleretrie, Engleretrie, or Engleretries (Engleretria) Is an old abstract word, figuring the being an Englishman. For example, in
Man were privily slain or murdered, he was in old time accounted Fravensns, (which comprehended every alien, especially Damns) until Englessey was proved, that is, until it were made manifest, that he was an Englishman. Braslon, lib. 3. tracts. cap. 13. num. 3.

This Englessey (for the abuses and troubles that afterward were perceived to grow by it) was absolutely taken away, by Stat. 14 Edw. 3. cap. 4.

**Inheritance.** See Inheritance.

**Enquiries.** See Inquiries.

**Enquiry.** Fr. (Lat. Inquisitio) Is especially taken for that Inquisition of jurors, or by Jury, which is the most usual trial of all Causes, both Civil and Criminal in this Realm. For in Causes Civil, after proof is made on either side, so much as each party thinks good for himself, if the doubt be in the fact, it is referred to the discretion of Twelve indifferent Men, impannelled by the Sheriff for the purposes; and as they bring in their Verdict, so to Judgment passeth: For the Judge, faith, the Jury findeth the Fact true, then is the Law (if their Verdict do not contradict it) that, and so we judge. As to the Enquiries in Causes criminal, see Jury, and see Sir Tho. Smith de Repub. Angl. lib. 2. cap. 3. An Enquiry is either of Office, or of the Master of the party. Stnt. Pl. Cor. lib. 4. cap. 13.

**Intrinsick (Feudum salutatum, Fr. Entaille, 1. infenam.) Is a Substantive Abstract, signifying Fee-fait or Fee-entailed; that is, that is abridged, curtailed, or limited, and tied to certain conditions. See Fee and Tail.

**Entertainment.** (Fr. Entretienemt.) Signifies as much as the true meaning, intent, or significance of a Word, Sentence, Law, &c. See Kitchin, fol. 244. See Entretien.

**Entretierble (Fr. Entretierable.) Signifies to disuse or try a Point incidentally falling out, before the Principal Cause can be determined. For example, two persons being found Heirs to Land by two several Offices in one Country, the King is brought in doubt, to which of them, Livery ought to be made; therefore before Livery be made to either, they must Entretierble, that is formally try between themselves, who is the right heir. Stnt. Prerog. cap. 12. See Broke tit. Entretierble.

**Entertier, or Entertier.** (From the Fr. Entierette, 1. Entiereton.) The whole: Contradistinguished in our Books to Moty.

**Entire Tenancy.** Is contrary to Several Tenancy, and signifies a sole possession in one man, whereas the other signifies a joine or common one in more. See Broke Several Tenancy. See New Book of Entries, typbo Entier-Tenancy.

**Entire.** (Fr. Entere, 1. Intrustus, ingessus.) Properly signifies the taking possession of Land or Tenements. See Pleydson, Affizes of Tres-Tresors in London, fol. 93. b. It is also used for a Writ of Possession, for which see Ingessus, and read Wells, p. 22. Symbol. title. Recoveries, fol. 243, 3. who there shews what it lies, and for what not. Of this Britton in his 114 Chapter writes to this effect. The Writers of Entry favor much of the Right of Property. As for example, some are to recover Customs and Services, in which are contained these two words (juliet & debt) as the Writers Quo Jacs, Rationabilis Dicisse, Rationabilis Efferendo, with such like. And in this Plea of Entry there are three degrees: The first is, where a Man demands Lands or Tenements of his own Seisin, after the term expired; the second is, where one demands Lands or Tenements, let by another, after the Term expired; the third, where one demands Lands or Tenements of that Tenant, who had Entry by one, to whom some Auncelor of the Plaintiff did let it for a Term now expired. According to which degrees, the Writers, for more fit remedy's, are varied. And there is yet a fourth form, which is without degrees, and in case of a more remote Seisin, whereunto the other three degrees do not extend. The Writer in the second degree is called a Writ of Entry In le Per; in the third degree, a Writ of Entry In le per & cui; and in the fourth term without these degrees, it is called a Writ of Entry In le pot; that is, after the Differem, which is such a one made to such a one. And if any Writ of Entry be conceived out of the Right, so that one form be brought for another, it is abatable.

In these four degrees, are comprehended all manner of Writs of Entry, which are without certainty and number. Thus Britton, by whom you may perceive, that those words Seisex & debt, and those other, In le per, in le per & cui, and In le pot, which we meet with many times in Books shortly and obscurely mentioned, signify nothing else but divers Forms of this Writ, applied to the Case, wherupon it is brought, and each Form taking its name from the words contained in the Writ. And of this read Fitz. Nat. Br. fol. 195.

This Writ of Entry differs from an Affize, because it lies for the most part against him, who entred lawfully, but holds against Law; whereas an Affize lies against him that unlawfully distrained; yet sometimes a Writ of Entry lies upon an Efracion. Reg. of Writs, fol. 233. b. See the New Book of Entries, typbo Entries Brns, fol. 254. col. 3. There is also a Writ of Entry in the nature of an Affize. Of this Writ, in all its degrees, see Flata, lib. 5. cap. 34. & seq.

**Entruption (Intrusion.) Is a violent or unlawful entrance into lands or Tenements (void of a Possessor) by him that hath no right at all to them. Braslon, lib. 4. cap. 2. For example, a Man steps into Lands, the owner whereof lately died, and the right heir, neither by himself or others, hath as yet taken possession of them. See the difference between Mastor and Intrusion, in Coke on Litt. fol. 177. Though the New Book of Entries, fol. 63. C. latines Abatement by this word Intruption. See Abatement, see Difficircum, and Britton, cap. 5. Intruption is also taken for the Writ brought against
against an Instrutor, which see in Fitz. Nat. Br. fol. 203.

Cerfation de Gard, is a Writ that lies, where the Infant within age, entered into his Lands, and held his Lord out. For in this Case, the Lord shall not have the Writ De Communi custodia, but this. Old Nat. Br. fol. 90.

Envoic. See Insuece.

Enure, See Insuece.

Equitu, to take place or effect, is to be example. Example, A Release that Enure by way of extinguishment. Littleton, cap. Re-lease. And a Release, made to a Tenant for term of life, shall Enure to him in the Re-version.

Equus Avarus (Lat.) A Knight, so called, because avarously it was lawful for Knights oneley to beautifie and gild their Armor, and Capitation for their Horses with Gold. Fern's Glory of generosity, pag. 102. Equus Avarus, is not used in Law 5 but Chaverier or Miles. Coxes & Inlay, fol. 5.

Equity (Equitas.) Is the Correction or Qualification of the Law, generally made, in that Part, wherein it faileth, or is too severe. For, Ad a qua frequentius accidentur juris adaptati inserat: At, where an Art of Parliament is made, That whatsoever does such a thing, shall be a Felon, and suffer Death, yet if a Madman, or an Infant of tender years do the same, they shall be excused. Breaking of Prisont is Felony, in the prisoner himself, by the Statute De Francisco Prisont, 3 yet if the Prison be on fire, and they within Prisont to give their lives 3 this shall be excused by the Law of Reason. So to save my life, I may kill another that afflicts me.

Erministrate. See Watlingstreet.


Error (Errur) Signifies more specially an Error in Pleading, or in the Proceeds. (Brooke, tit. Error.) Whereupon, the Writ, which is brought for remedy of this over-fight, is called a Writ of Error, in Latin, De Errorre Corrigendo, thus defined by Fitz. Nat. Br. fol. 100. A Writ of Error hath also the title to reversed false Judgment given in any Court of Record, as in the Common Bench, London, or other City, having power (by the Kings Charter, or Precept) to hold Pleas of Debt or Trespass above 20s. This is borrowed from the French practice, which they call Provoction d'Erreur, where you may read in Gregorius de Apeoll, pag. 36. In what diversity of Cases this Writ lies, see the Statute of 27 Eliz. cap. 3. Reg. of Writs in the Table, and Reg. Judicial, fol. 34. There is likewise a Writ of Error to Reverse a Fine, Wolf, par. 5. Symbol, tit. Finer, 155. New Book of Evidence, verbo Error. For preventing Abatements of Writs of Error upon Judgments in the Exchequer, see 16 Car. 2. cap. 2. and 20 Eliz. cap. 4. And for Redressing and Prevention of Error in Fines and Recoveries, the Statute of 23 Eliz. cap. 3. for Inrolling them.

Errore corrigendo. See Error.

Economio (from the Span. Cambiar, to change) Is a Licence granted to one, for making over a Bill of Exchange to another over Sea. Reg. of Errors, fol. 194 a. For by the Statute of 5 Rich. 2. cap. 2. no Merchant ought to Exchange, or return Money beyond Sea without the Kings Licence.

Esca (from the Fr. Eschapper, i. Esquaver) Signifies a violent or privy evasion out of some lawful restraint. For example, if the Sheriff, upon a Capias directed to him, take one, and endeavor to carry him to the Goal, and he by the way, either by violence or flight, breaks from him; this is called an Esca, Stain. (ib. 1. cap. 6 & 7. Pl. Cor.) names two kinds of Esca: voluntary and negligent. Voluntary, is when one Arreets another for Felony, or other crime, and afterward lets him go: In which Esca, the party that permits it, is by Law guilty of the fault committed by him that escapes, be it Felony, Trespass, or Trespaulls. Negligent is that, when one is Arreeted, and afterward escapes against his will that arreets him, and is not pursued by fresh suit, and taken again, before the party purposing hath loft the sight of him. Read Houtonstoke Justice, fol. 296.


Excheate (Eschatea, from the Fr. Escheur, i. cadere, accidere) Signifies any Landes, or other profits, that casually fall to a Lord within his Mannor, by way of Fortitude, or by the Death of his Tenant, leaving no Heir general nor special; Mag. Charters, cap. 31. Fitz. Nat. Br. fol. 43. T. Excheate is also used sometimes for the place or circuit, in which the King or other Lord hath Excheats of his Tenants. Braslon, hist. 4th. cap. 2. Papila ovul par. cap. 32. Excheate (thirdly) is used for a Writ, which lies, where the Tenant having Estate of Fee-simple in any Landes or Tenements holden of a Superior Lord, dies seized without Heir general or special: In which case the Lord brings this Writ against him that possesseth the Landes, after the death of his Tenant, and shall thereby recover the same in lieu of his services. Fitz. Nat. Br. fol. 144. In the same faine, as we say, The Fee is Escheated, the Feudius uscendium Appurin. See Cooke on Litig. fol. 92 b.

Excheateor (Escheator) Was an Officer (appointed by the Lord Treasurers) who obserfed the Escheats due to the King in the Country, whereof he was Escheator and certifed them into the Chantry or Exchequer, and found Offices after the Death of the Kings Tenants, which held by Knights-service in Capitu, or otherwise by Knights-service; he continued in his Office but one year, nor could any be Escheator above once in three years, Ann. 1 H. 3.
cap. 8. 2. Injunctum, cap. 2. See more of this Officer, and his Authority, in Crow. Jusf. of Peace. Fizemberg calls him an Officer of Record. Nat. Br. fol. 100. because that which he certified by virtue of his Office, had the credit of a Record. Officium Essequiae, is the Essequiordship. Reg. of Writs, fol. 255. b. This Office, having its chief dependence on the Court of Wards, is now, in a manner, out of date. See 4 Infl. fol. 225.

Eschequer (Seccionarium, from the Fr. Eschequer, i. Acquis, tabula iufcria) Is a Court of Record, wherein all Caufes touching the Revenue of the Crown, are heard and determined, and wherein the Revenue of the Crown is received. Poi Virgil, lib. 9. Infl. Angl. says, the true word in Latin is Statarium, and by abuse called Seccionarium. Camden in his Brit. p. 113. faith, This Court, or Office, took name A Tabula ad quam Aflidemand, the Cloth which covered it, being parti-coloured or Escheuered. We had it from the Normans, as appears by the Grand Cuniculum, cap. 56. wherein it is thus described, The Eschequer is called an Assembly of High Jufticiers, to whom it appertains to amend that which the Bailiffs, and other Inferior Jufticiers, have mistoide, and unduly judged, and to do right to all men without delay, as from the Princes Mouth.

This Court consists of two parts, whereof one is conversant, especially in the Judicial Hearing and Deciding all Caufes pertaining to the Princes Coffers, anciently called Seccionarium Comptorium; the other is called the Receipt of the Eschequer, which is properly employed in the receiving and payment of Money. The Officers belonging to both thefe, may finde named in Can. Brit. cap. Tribunalia Anglice, to whom I refer you. The Kings Eschequer, which now is fetled at Westminster, was in divers Counties of Wales. Ann. 17 Hen. 8. cap. 5. & 26. See Orig. Juridica, fol. 149. and 4 Part. Infl. fol. 123.

Esse (Sagum, from the Fr. Esco, i. a Buckler or Shield) Signifies a kind of Knights-service, called Service of the Shield; the Tenant, holding by it, was bound to follow his Lord into the Scotch or Welsh Wars, at his own charge. For which fee Claviges. Esseunc is either uncertain or certain. Esseunc uncertain, is properly Eftuage and Knights-service, being subject to Homage, Fealty, and (heretofore) Ward and Marriage; so called, because it was uncertain how often a man should be called to follow his Lord into those Wars, and what his charge would be in each journey. Esseunc certain, is that which yearly pays a certain Rent in lieu of all Services, being no further bound, than to pay his Rent, be it a Knights Fee, half, or the fourth part of a Knights Fee, according to the quantity of his Land; and this lotheth the nature of Knights-service, though it hold the name of Esseunc, being in effect Service. Fitz. Nat. Br. fol. 94. This is taken away and discharged by Act of Parliament, 23 Car. 2. cap. 24. See Capite.


Eschey (A. A. Socia, Fr. A. A. Socia, i. Dignitas Primogeniti) Is a Prerogative allowed the eldest Coparcener to claiue first after the Inheritance is divided. Flota, lib. 5. cap. 12. 8. In Divisionem. Salvo capitali Mensejuco primogenito Filio pro dignitate A. A. Socia sit. Glabo, lib. 5. cap. 9. 3. Us Eschey, i. Us Primogenituri. In the Statute of Marlbridge, cap. 9. it is called Inicia pars Hereditatis. See Coke on Litt. fol. 165. b.

Esple (Esple, from Esplea) Are the full Profits, which the Ground or Land yields, as the Hay of the Meadows, the Feed of the Paffure, the Corn of the Arable, the Rents, Services, and such like Iues. The Profits comprised under this word, the Romans properly call Accessiones.

Note, that in a Writ of Right of Land, Advowson, or such like, the Demandant ought to allege in his Count, That he or his Ance- fters took the Esple of the thing in demand, effe the Pleading is not good. T. Ley.


Esquier, Was originally he, who attending a Knight in time of War, did carry his Shield, whereon was called Efsior in French, and Scouter or Scorer in Latin: Howbeit this Addition hath not of long time had any respect at all to the Office, or employment of the person to whom it hath been attributed, but been merely a title of dignity, and next in degree below a Knight. Thofe to whom this title is now of right due, are, All the Younger Son of Noblemen, and their Heirs male for ever: The Four Esquiers of the Kings Body: The Efsior Son of the Son of a Baronet; So also of all Knights of the Bath, and Knights Bachelor, and their Heirs male in the right Line: Thofe that serve the King in any Worshipful Calling (to use Camden's words) as the Sergeant Chirurgan, Sergeant of the Eary, Mafter Cook, &c. Such as are created Esquiers by the King, with a Collar of S. of Silver, as the Heraldul and Esquiers at Arms. The chief of some ancient Families, are likewise Esquiers by Prescription; thofe that bear any Superior Office in the Commonwealth, as High Sheriff of any County, who retains the title of Esquier during his life, in respect of the
the great trust he has had of the Puff Comitats; He, who is a Justice of Peace has it, during the time he is in Commision, and no longer, if not otherwise qualify'd to bear it: Utter Barristers, in the late Act of Parliament for Pol-Money, were ranked among Figures, and so were many wealthy Men, (by reason they were commonly paid to be such,) and paid accordingly: In Walsingham's History of Rich ard the Second, we read of one John Blake, who is said to be Juris Apprimentus, and has the Addition of Scefort there given him; but, whether initiated thereto by reason of that his Protection, or otherwise, does not appear. See Cam. Brit. fol. 111, and 2 Inq. fol. 575.

**A**

Principis sunt Armigeri vel scripto vel Symbolo vel numero. Scriptum, cum Rex seu que pneuma conquisitis. Symbolo, simul coileum ergo alius existit argentio signato (hoc est torque Equa conquisitis, alius existit argentio, cumne coileum signato) calvisibus (ad differentem equitum, qui aeris us sunt) donatis. Tale in occidentali Anglie plagis (et aliquando didici in conventus antiquae studiorum) White spires dixit sunt. Numeris, cum ad minus pneuma coexacerit, vel in Aula vel in Raisam. Armigerus deignatus: eosque multis bolidi, patribus notibus in cognitis. Inter Armigeros qui sunt (non nascuntur), primari kunteur quatuor illi Armigeri ad Corpus Regis (Quires of the Body) quisque quam Equum primum praecepit antependos adferre. Thus the Learned Spel, in whose Glossarium you may find mention of another species of Figure, 222. Squier born de quarter Cotes.

**O**

Munibus.— Walterus de Pacey miles filius quondam Reginaldi de Pacey salutem. Notarissi me obligari Rogeri Marconii fili quondam Philippum Marconii omnibus suis vite bona in una Roba cum pleuris de sella Armigerorum meorum annatam ad Pessum Notarissi Domini perpendicium fine aliqua contradistinzione vel retrac tione non vel hoc honos meorum aut effacerentur. Ad quam quidem solutum Roba praelatu cum pleuris annatam ad conueniam supraditum sederit perpendiculum obigo me & heredes meos, bo na & castella nostra nobilia & immobilia intra sicque recessum meum in manu me in Hunc dreo de Wiffes existentibus vel extra, 222. fine dat. Ex codice M. S. penea Guil. Dugg dale Army.

**E"**

Stendi quietum de Tolantia, Is a Write that ites for Citizens and Burgesses, of any City or Town that have a Charter or Precepti to exempt them from paying Toll through the whole Realm, if it chance that the same is any where exacted of them. Tiz. Nat. Br. fol. 226.

**E"**

Eloitt, (Eloittum, from the Fr. Eloittus), or Elyantium, 1. Casarius miles, he that has his presence forborn or executed upon any just cause, as sickness or other impediments.) Sig-

ifies an allendment of an Excuse for him that is summon'd, or fought for to appear and an swer to an Action real, or to perform Sure to a Court-Baron upon just Cause of absence: It is as much as 2 Constant with the Civilians. The causes that serve to Eloitt any Man Summon'd, are divers, yet drawn to five Heads, whereof the First is ultra mare; the Second, de terra sancta; the Third, de malo semetipso, which is also called the common Eloitt; the Fourth is de malo litter; the Fifth de servitio Regis. For further knowledge of these, I refer you to Glavile, lib. I. Braxton, lib. 1, tr. 2, par. i. Briton, ca. 122—125, and to Hors Mavor, lib. 7, ca. des Eloittus, who mentions some more Eloitts, touching the Service of the King Celestial, then the rest do. Of these Eloitts you may read further in Ficta, lib. 6, ca. 8 & seq. and, that these came to us from the Civil-Laws and the Normans is well shewed by the grand Caulnowys, where you may find in a manner all that our Lawyers say of this matter, ca. 59—104.

**Eloittus and Procers.** Ano 32 Hen. 8, ca. 21. See Procer.

**Eloittus de malo litteri, Is a Write directed to the Sheriff, for sending four lawful Knights to view one that has Eloitted himself de malo litteri, Reg. of Writs, fol. 9, 6.

**Establishment of Dover, Seems to be the assurance or settlement of Dover, made to th Wife by the Husband, or his Friends, before or at Marriage. And Assignment is the setting it out by the Heir afterwards, according to the Establishement, Briton, ca. 102, 103.

**Eloittus or Standard,** (Fr. Estdait, I. Signum, vexillum,) An Ensign for Horse men in War, and is commonly that of the King, or Chief General: It is, it is also used for the Principal or Standing-Measure of the King, to the mainly whereof all the Measures throughout the Land, are, or ought to be framed by the Clerks of the Market, Aunheer, and other Officers, according to their several Offices; for it was established by Magna Charta, 5 Hen. 3, ca. 9. That there should but one Measuring of Weight and Measures throughout the whole Realm, which was confirmed by the Stat. 1 Edw. 3, ca. 12. From henceforth there shall be one Weight, one Measure, and one Yard, according to the Standard of the Grocer throughout all the Realm. 17 Car. 1, ca. 19. It is called a Standard with good reason, because it stands firm and immovable, and hath all other Measures coming towards it for their Conformity, as Soldiers in the field have their Standard or Colours to repair too. Of these Measure read Briton, ca. 32.

**Ecloite, (Fr. Eclate, I. Condition,) Signifies especially that Title or Interest which a Man hath in Lands or Tenements, as Eclate simple, otherwise called Ex simple, and Eclate conditionali, or upon condition, which is (according to Litt. lib. 3, ca. 5.) either upon Condition in Deed, or upon Condition in Law. The first is, where
where a Man by Deed indentured, inscho another in Fée, referring to him and his heirs yearly a certain Rent, payable at one Fealt or at divers, upon condition, that if the Rent be behind, &c. it shall be lawful for the Fecoeur and his Heirs to enter— *Estate upon condition in Law, is such, as hath a Condition in Law annexed to it, though it be not specify'd in writing:* For example, if a Man grant to another by his Deed, the Office of a Parker, for life; this *Estate* is upon condition in the Law, or imply'd by law, viz. if the Parker so long shall well and truly keep the Park, &c. We read also of an *Estate particular,* which is an Estate for life, or for years. *Perkyn, Surwarden 531.*

**Sterling.** See Sterling.

**Gospel,** (from the Fr. *Epsopier, i. Oppiare, Offireare*) is an impediment, or bar on an Action, growing from his own Fact, who hath, or otherwise might have had his Action; For example, a Tenant makes a Feallment by collusion to one, the Lord accepts the Services of the Fecoeur, by this he debars himself of the Wardship of his Tenants heir. *Fitz. Nat. Br. fol. 142. &c.* And *Bookes, hoc titulus. Coke Hil. 2. Cafe of Goddard,* defines an *Epsopier* to be a bar or hindrance to one to plead the truth, and refrains it not to the impediment given a man by his own act only, but by another also. *Lib. 3. Cafe of Times. fol. 89.* There are three kinds of *Epsopier, viz.* By matter of Record, by matter in Writing, and by matter in Patents; Of which see *Coke on Litt. fol. 357.*

**Estate,** (from the Fr. *Epsopier, i. Fovere.* Signifies a nuisance, or maintenance: *Bradon.* (Lib. 3. t. 2. & 3. ca. 18. num. 2.) ues it for that fullenence, which a man, apprehended for Felony, is to have out of his Lands or Good for himself and his Family, during his Impediment; And the Stat. 6 Ed. 1. ca. 8. ues it for an allowance in meat or cloth. It is uesd for certain allowances of Wood, to be taken out of another Mans Woods; *Wifum.* 2. ca. 25. 20 Cor. 2. ca. 3. *Wife,* 2. a. Symbol. tit. Times. Scott. 69. fayes. *Epsopier* comprehends House-bate, Hay-bate and Plow-bate; As, it one hath in his Grant these general words, *De racionabili Epsopier in bovis,* &c. He may thereby claim these three. In some Manors the Tenants have Common of *Epsopier,* that is, necessary Batts out of the Lords Woods, As at *Oxtton in Cam. Heref.* where the Tenants paid the Lord a Wood-then yearly by way of Rent or Retribution for the same. *Racionabile Epsopierum.* See Annoy.

**Citray,** (from the old Fr. *Epsrayeur, Lat. *Extraiere, Pecus quod clausum est / campo peret, ignoto Domine.*) Signifies any heath that is not wild, found within any Lordship, and not owned by any man; in which Cafe, if it be Cried according to Law in the next Market-Towns, and it be not claimed by the Owner within a Year and a day, it is the Lord of the Soil. See *Britton, ca. 17.* See *Etrays in the Forrest,* *Anno 27 Hen. 8.*

*Envires, verbo, Trespas concernant Epsopier. The ancient Law of R. Ias was—Diximus de ignata pecoribus, ut nemo habeat fine iudiciaum Hundreindi vel hominum Decennia. i. Scaflatorum Letes.* Spel.

**Citread,** (from *Epsopier.* Is used for the Copy or true Note of an Original Writing, and especially of Amenclaments, or Penalties set down in the Rolls of a Court, to be levied by the Bailiff or other Officer upon every Man for his Offence. See *Fitz. Nat. Br. fol. 77 & 78.* And for it is uesd, *Westum,* 2. ca. 8.

**Clerk of the Citread,** See in Clerk.

**Citrepes,** (from *Epsopier, i. Multiae.* To make spoil by a Tenant for life in Lands or Woods to the prejudice of him in reversion.

**Civrepentum, or Citrapement,** (from the Fr. *Epsopier, i. Multiae.*) Signifies spoil made by a Tenant for term of life upon any Lands or Woods to the prejudice of him in the Reversion, *Stat. 6 Edw. 1. ca. 13.* And, it may feem by the derivation, that Citrapement is properly the unreasonable seeking, or drawing away the heart of the Land, by Plowing and Sowing it continually, without Mining, or other good Husbandry; And yet Epsopier signifying multiae, it may no less properly be applied to those that cut down Trees, or top them farther then the Law allows. It signifies also a *Writ,* which lies in two Cases, the one, when a Man, *having an Action dependig on,* as a *Forroad, due fasu infra statum, PRex of right,* or such like, wherein the Demandant is not to recover Damages,† seizes, to inhibit the Tenant from making war, during the Sute. The other is for the Demandant, who is adjudged to recover Seisin of the Land in question, and before Execution sued by the Writ Habere facias possessionem, for fear of waffe to be made before he can get possession, sues out this Writ. See more in *Fitz. Nat. Br. fol. 60 & 67.* Reg. of *Writs,* fol. 76. And Reg. *judici.* fol. 85. In ancient Records we often find *Vasum et Epsopimentum facere.* Videturque *Epsetrapementum gravium Vafi genuin designare.* Spel.

**Etheling,** or *Aetheling,* in the Saxon signifies Noble, and it was (among our English Saxons) the title of the Prince, or Kings eldest Son; as we read in *Gamaen.*


**Evidence,** (from *Evidentia.*) Is used generally for any proof, be it testimony of *Men, Records,* or Writings. *Sir Tho. Smyth hath these words,* (Lib. 2. c. 17.) *Evidence in this significacion is Authentical Writings of Contracts, Written, Sealed, and Delivered.* And (ib. 5. c. 23.) *Speaking of the Prisoner that stands at the Bar to plead for his life, he says thus:*
thus; Then be tells what he can say for himself; after him his wife all those, who were at the apprehension of the Prisoner, or who can give any Indeces or Tokens, which we call in our language Evidence, against the Malefactor. It is called Evidence, because thereby the point in Issue is to be made evident to the Jury; probantibus decente evidentia. 1. Perspicue & facile. See Coke on Litt. fol. 285.


Examiners in the Chancery, (Examinatores,) Are two Officers, that examine, upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to the Action do exhibit for that purpose; and sometimes the Parties themselves are, by particular Order, examined also by them.

Examinator, Was anciently used for an Exchanger of Land — — suo quod uniusquae coman quam dominum sustineat aliqui, eae contingentes, quod Examinator recluderet dandum, misas & consecravit quoniam eae proveniunt. Ex libro Caritatum Prioratus. Leoninae de anno 4 Edw. 2.

Exception, (Exceptio,) Is a stop or stay to an Action, being used in the Civil and Common Law both alike, and in both divided into dilatory and peremptory. Of these see Brasen, l.5., Tract. 5. per totum. And Britton, c. 91, 92.

Excange, (Casuum vel eccambio,) Is used peculiarly for that compensation, which the Warrant must make to the Warrantee, value for value, if the Land warranted be recovered from the Warrantee. Brasen l.2., c. 16., and lib. 1., cap. 19. It signifies also generally as much as permutatio with the Civilians, as the Kings Exchanges, (Anna 1 Hen. 6. c. 1. & 4. — 9 Edw. 2. Stat. 2. c. 7., which is the place appointed by the King for the exchange of Plate or Bullion for the Kings Coin. These places have been divers herefore, as appears by the said Statutes; but, now there is only one, viz. the Tower of London, conjoynd with the Mint; which, in time past, might not be, as appears by 1 Hen. 6. c. 4.

Exchanges, Are those that return Money beyond Sea by Bills of Exchange, which, (by the Stat. 5 Rich. 2. c. 2.) ought not to be done without the Kings Licence. See Examinator.

Exchequer, See Eschequer.

Exchequer, Is a Charge, or Imposition laid upon Beer, Ale, Sider, and other Liquors within the Kingdom of England, Wales and Berwick, by Act of Parliament, 15 Car. 2. c. 13., during the Kings life, and, according to the Rates in the said Act mentioned. See 15 Car. 2. c. 13., — 15. escheatem, 3. And 17 escheatem, c. 4.

Excommunencement, (Anna 23 Hen. 8. cap. 3.) Is in Law-French, the same with Excommunication.


Excommunicatio Capiendo, Is a Writ directed to the Sheriff, for apprehending him who stands obliterably Excommunicated Forty days: For the contempt of such a one, not being aboulution, may be certified or signified into Chancery, whence it such this Writ, for the laying him up without Bail or Mainprise, until he concern himself. Fiz. Nat. Br. fol. 62. Anno 3 Eliz. cap. 23. and Reg. of Writs, fol. 65.


Excommunicatio Iercipiendo, Is a Writ, whereby persons excommunicate, being for their obliquity committed to prifon, and unlawfully delivered thence, before they have been given caution to obey the Authority of the Church, are commanded to be fought for, and laid up again. Reg. of Writs, fol. 57. 2.

Executione Facienda, Is a Writ, commanding execution of a Judgment, the divers ues whereof, see in the Table of Register Judic.

Executione facienda in Wibernam, Is a Writ that lies for the taking his Castle, who formerly had conveyed out of the County the Castle of another: So that the Bailiff, having authority from the Sheriff to Replevy the Castle to conveyed away, could not execute his charge. Reg. of Writs, fol. 82. 6.

Execution, (Execution) Signifies the last performance of an Act, as of a Fine or Judgment. Execution of a Fine, is the obtaining Actual Possession of the things contained in it, by virtue thereof, which is either by Entry into the Lands, or by Writ; whereof see Wip
at large, Par. 2. Symbol, tit. Fines, sect. 137.

Executing of Judgments, Statutes, and such like, see in Fitz. Nat. Br. in Index. a. 

Execution. — Case (vol. 6, cols. Hiltonfield's, fol. 87.) a. makes two sorts of Executions: one final, another with a quasique, tending to an end. An Execution final, is that which makes Money of the Defendants Goods, or extends his Lands, and delivers them to the Plaintiff, which he accepts in satisfaction, and is the end of the Suit, and all that the King's Writs commands to be done. The other Writ, with a Quasique, is tending to an end, but not final, as in the Case of Capias ad Satisfaciendum, &c. which is not final, but the Body of the party is to be taken, to the intent, to satisfy the Defendant; and his imprisonment is not absolute, but until he satisfies. ibid., ibid.

Executor (Executor) is he that is appointed by any Mans last Will and Testament, to have the Execution thereof, and the disposing of all the Testators subsistence, according to the tenor of the Will. See the Duty of Executors, a Book so entitled.

Executor de bon ton, or of his own wrong, is he that takes upon him the Office of an Executor by intrusion, not being so constituted by the Testator, or deceased, nor (for want of such Constitution) constituted by the Ordinary to administer. How for he shall be liable to Creditors, see 43 Eliz. cap. 3. Dies 166. and the Duty of Executors, cap. 1.

Exemplification of Letters Patent (An. 19 Eliz. cap. 6.) is a copy or example of Letters Patent, made from the Introlument thereof, and sealed with the Great Seal of England; which Exemplifications are as effectual to be shewed or pleaded, as the Letters Patent themselves. Nothing but matter of Record ought to be exemplified. 3 Inst. fol. 173. See Pages Cafe, 5 Rep.

Exemplifications, is a Writ granted for the Exemplification of an Original. See Reg. of Writs, fol. 282.

Ex gratia Sureties, is a Writ that lies for him, to whom any Lands or Tenements in Fee, (within a City, Town, or Borough, wherein Lands are derivable) are devised by Will, and the Heir of the Devisee enters, and detains them from him. Reg. of Writs, fol. 244. Old Nat. Br. fol. 87. See Fitz. Nat. Br. fol. 198 L.

Exhibit (Exhibition) When any Deed, Acquisition, or other writing, is in a suit in Chancery exhibited to be proved by Witnetes, and the Examiner certifies on the back of it, that the Deed was shewed to such a one at the time of his Examination, this is there called an Exhibit. The word is mentioned Anno 14 Car. 2, cap. 14.

Exigendiaries of the Common Bench (Exigendiaris de Banco Commanu) Are otherwise to Hen. 6, cap. 4. called Exigentia, or called Exigentiars, which Vide.

Exigent (Exigenda) Is a Writ that lies, where the Defendant in an Action Personal cannot be found; nor any thing of his within the Country, whereby to be attached or restrained, and is directed to the Sheriff, to proclaim and call him five County days one after another, charging him to appear under pain of Outlery. This Writ also lies in an Indictment of Felony, where the party indicted cannot be found. Smith de Repub. Angl. lib. 2, cap. 19. It is called an Exigent, because it exacts both the party, that is, requires his appearance or forth-coming to answer the Law; for if he come not at the last days Proclamation, he is said to be Quinquies Exigitus, and then is Outlawed. Comp. jurfid. fol. 188. See the New Book of Entries, 12th, Exigent.

Exigenters (Exigendarii) Are four Officers of the Court of Common Pleas, who make a 2 Exigents and Proclamations in all Actions, wherein Proces of Outlery lies, and Writs of Supersedeas, as well as the Promotions, upon such Exigents as were made in their Offices. 15 Hen. 5. cap. 9. But the making the Writs of Supersedeas, is since taken from them by an Officer in the Court of Common Pleas, erected by King James 1, by his Letters Patent in the latter end of his Reign.

Ex mego motu (Lar.) Are formal words used in the Kings Charters, and Letters Patent, signifying, that he does what is contained therein "by his own will and motion, without Petition or Suggestion made by any other; and the effect of these words is to Bar all Exceptions, that might be taken to the Inframent, wherein they are contained, by alleging, that the Prince in passing such a Charter was abused by false Suggestion. Kirchis, fol. 325.

Ex Officio. By virtue of a Branch of the Stat. 1 Eliz. cap. 1. the Queen, by Her Letters Patent might authorize any person or persons, to a Deed to administer an Oath Ex Officio, whereby the Appointed Deponent was compelled to confess, accuse or accuse himself of any criminal matter, and thereby be made liable to confesse or punishment, &c. The Branch of which Statute relating to the said Oath is repealed, 15 Hen. 8. cap. 11.

Exonatione Secu. Was a Writ that lay for the Kings Ward to be disbursed of all suit, &c. to the County, Hundred, Lect, or Court Baron, during the time of his Wardship. Fitz. Nat. Br. fol. 158.

Ex Parte (Lat.) Partly, or of one part. In the Court of Chancery it hath this significacion, A Joinit-Commission is that wherein both Plaintiff and Defendant joyn; A Commission Ex parte, is that which is taken out and executed by one Partly only.

Ex parte talle, is a Writ that lies for a Bailiff or Receiver, who, having Auditors affixed to hear his account, cannot obtain of them reasonable allowance, but is cast into Prison by them. Fitz. Nat. Br. fol. 159. The manner in this Case is, to take this Writ out of the Chancery, directed to the Sheriff, to take four Masnerors to bring his Body before the Barons of the Exchequer, at a day certain, and
and, to war the Lord to appear at the same

Exspectant. Used with this word Fec, differs from Fec-simplicium. For example, Lands are given to a Man and his Wife in Frank Marriage. To hold to them and their Heirs. In this case they have Fec-simplicium. But, if it be given to them and the heirs of their body, etc., they have Taile, and Fec-expectant. Kitchin, fol. 153.

Espieus. See Fieles.

Espeditarium, (Expeditio vel expeditarium,) In the森林 Laws signifies to cut out the Ball of great Dogs fores-trees, for preservation of the Kings Game. Every one that keeps any great Dogs, not expeditated, forfeits three things to the Ball. The foot of the foot of Maliffs is not to be cut off, but the three Claws of the fore-foot to the skin. 4 Part. Inst. fol. 308. Nullus Dominus canos Abbatis & Monasteriun expeditari capat. Charis, Hen. 5. Abbati de Rading. —& sunt quidem de expeditationis canum. Ex magno Rot. Pipa, de Anno 5 Ed. 2.

Espenditum, (Anno 37 Hen. 8. cas. 11.) Seems to signify those that pay, disburs, or expend the Tax in the said Statute mentioned. Anno 7 fac. cas. 20. Paymasters.

Espenius militiae leandici. Is a Writ directed to the Sheriff, for allowing allowance for the Knights of the Parliament: Reg. of Writs, fol. 151 b.

Excolator, A Scout. In memoriam Henrici Croft Equis erat in Excolatores in Hibernia generis, qui obiit Anno 1609. Scouma-

ter-general. Also a Huntsman or Chafer.

Idem Abbat habens Excolatores suis fictis aut fictis rotis, etc. In Eron. Pickering's Ed. 3. Rot. 4.

Extenio, (Extendere,) To value the Lands or Tenements of one bound by Statutes, etc., that has forfeited his Bond, to such an inferior rate, as by the yearly rent, the Creditor may in time be paid his Debt. The cause and circumstances of this fee in Fitz. Nat. Br. fol. 131.

Exintend-facias, is ordinarily called a Writ of Extent, whereby the value of Lands is commanded to be made and levied in divers cafes, which fee is called in the Table of the Register of Writs.

Exenti, (Extensio,) Sometimes signifies a Writ, or Commission to the Sheriff for the valuing of Lands or Tenements. Sometimes the Act of the Sheriff, or other Commissioner upon this Writ. Book tit. Extent. fol. 313. An. 16 & 17 Car. 2. cas. 5.

Extinguishment, (from Extunguo,) Signifies an effect of conflagration. For example, if a Man have a yearly rent due to him out of my Lands, and afterwards purchase the same Lands, not both the property and rent are conflag- rated, or united in one possessor, and therefore the rent is said to be extinguished. So, where a Man has a Lease for years, and afterwards buys the property, this is a conflagration of the property of the Fruit, and an Extinguishment of the Lease. And, if there be Lord, Meaf and Tenant, and the Lord purchase the Tenancy, then the Meafably is extinct; but, the Meaf shall have the purveyance of the Rent, if there be any, as rent-tek. Term. ley.

Extirpationem, Is a Writ judicial that lies against him, who, after a Verdict found against him for Land, etc., does maliciously overthrow any House, or extirpate any Trees upon it; and, it is two-fold; one ante judicium, the other post judicium. Reg. judic. fol. 17. 35. 58.

Extitution, (Extoritio,) Is an unlawful or violent wringing of Money, or Money-worth from any Man. For example, if an Officer, by terrifyng another in his Office, take more then his ordinary Fees or Duties, he commits, and is Indiscutible of this offence: To this, (in Weps. Judgment,) may be refer'd the exaction of unlawful Usury, winning by unlawful games, and (in one word) all taking of more then is due, by color or pretence of right; as excessive Toll in Milners, excessive prizes of Ale, bread, Virtualls, Wares, etc. Part. 2. Symb.-
it. Indentures Sci. 65. Manwood, (Part. 1. p. 216.) fayes, Extorition is called Office, not virtute Office. Crompton, (in his Fictiue of Peace, fol. 8.) fayes, to this effect, Wrong done by any Man is properly a Trespass, but excessive wrong is called Extortion; and, this is most properly in Sheriffs, Mayors, Bailiffs, and other Officers whatsoever, who, by color of their Office, work great oppression and wrong to the Kings Subjects, in taking excessive Reward or Fees, for executing their Office. In the same Author, fol. 43, you may see great diversitie of Cafes touching Extortion. See also 9 Part. Inst. fol. 149.

Extratia, See Effieus.

Epre, See Epre.

Epet, (Inflictus,) A little Iland; I have seen it corruptly written in some modern Conveignes, Light.

F.

F. He that shall maliciously strike any person with a Weapon in Church or Churchyard, or draw any Weapon there with intent to strike, shall have one of his Ears cut off, and if he have no Ear, then shall be marked on the Check with a hot Iron, having the Letter F, whereby he may be known for a Tray-maker or Fighter. Anno 5 Edw. 6. cas. 4.

Fabric-Lands, Are lands given towards the mainenance, rebuilding or repair of Cathedrals, or other Churches, and mentioned in the Act of Oblivion. 2 Car. 2. cas. 8. In Antiquity, the time almost every one gave by his Will more or less to the Fabric of the Cathedral or Parish-Church where he liv'd. —In De donacione Amor. De veneratione ejusdem Nativitatis Sancti Johannis Battisphi. Anno Dom. 1425. Ego Ricardois Smyth de Broumyando sanctorum Testamentum meum in E e
Fane, alias Feign-Action, (Fr. feinte) is as much as Fausse-Action; that is, such an Action, as allots the whole of the Witte be true; yet, for certain cases, he has no title to recover thereby; And a false Action, is where the words of the Witte are false. Case on Litt. fol. 361. yet sometimes they are conformed.

Faint-Pleader, (from the Fr. feinte, faite,) signifies a false, covenant or collatory manner of pleading, to the decease of a third party, 34 & 35 Hen. 8. c. 24.

Fair-pleading. See Beaupleder.

Fautours, (a French word, anticipated, or somewhat traduced, for the modern English, Fausser.) Is used in the Stat. 7 Eliz. 2. c. 5. in the evil part. Signifying a bad Doer; or, it may not improperly be interpreted an idle Liver, taken from fustardise, which signifies a kind of man or sleepy Disease, proceeding of too much sluggishness, which the Latines call Vertunus. For, in the said Statute it seems to be a Synonymon with Faucon.

Falta, A Sheepfold. - Et quod versus sest levendos et cubantes in propriis taliis Casarum praedictorum. Rot. cart. 13 Hen. 3. m. 6.

Faldage, (Faldagum,) is a praevidel which many Lords, anciently reigned to themselves, of beating up Sheep-folds, or Pits, in any Fields within their Manors, the better to manure them; and this not only with their own, but with their Tenants Sheep, which is called Siltis falsa. This Faldage is said in some places a fold-sound, or two-fold; and in some ancient Charters Faldeloca, Et Lieutaria falsa, or Litteraria faldagin. - Rogerus. Roffing concist Exceice B. Marte de Wimington 40 acres terre in Scarnebrune, cum dominio Faldeloca, & C. Chartular Monasterialis Ecclefeia predict. pa. 49.
a Yard-land. Yet Nay, in his complete Lawyers, p. 57: tay; Two Farthes of Land make a Neak, and four Neaks make a Yard-land.

Farthing deal. (Six Peop'd, i. quart & Sel, or bache parti, alias Fardell of Land, (Quadrantaria terra,) Signifies the Fourth part of an Acre. Common jur., fol. 220. Quadrantaria terra is read in the Reg. of Writs, fol. 1, b. where you have also Demaniata & obola, solidata et liberata terra, which must probably rise in proportion of quantity from the Farthing deal, as an half-penny, penny, shilling or pound rite in value; Then must obola be half an Acre, Demaniata an Acre, Solidata twelve Acres, and Liberata twelve score Acres; yet, I find Vigni liberata terra vel ridemus, Reg. fol. 94. a. and fol. 248. b. whereby it seems Liberata terra is so much a yield xx s. per annum; and, Centum solidata terrarum, tenen-tiendas & ridemus, fol. 249. a. And, in Fitz. Nat. Br. fol. 87. f. Vigni liberata terra vel ridemus, which argues it to be so much lands as twenty shillings per annum. See Farthing. Others hold obola to be half a Pearch, and Demaniata a Pearch. See Spelmans Gloss. verbo, obola. terra. — Statum me legemini de feoffed defide — Medietatem minus Feorumendel terra de novo domini, &c. Mon. Ang. 2. Pa. 10. 915. b.

Fare (Sax.) A voyage or passage; or the Money paid for paying by Water. Ann. 2 & Bp. Ma cap. 16.

Farley or Farley, In the Mannor of West Staplow in Com. Devon. If any Tenant die possessed of a Cottage, he is by the Custom to pay to the Lord fix pence for a Farley. Which I suppose may be in Lieu of a Heron. For in some Mannors Westward, they distinguish Farle as the best goods, as Heron is the best Bead payable at the Tenants death.

Farn (From the Sax. Facoine, i. Food.) Reduits off qui en acclamant praefuit Dominum ecclesiae. referunt. See Ferrn. and Spelin. Gloss. verbo, Ferrn.

Farting of Land (Sax. Fopping,) Seems to be some great quantity, and to differ much from Farthing deal: For I finde in a Survey Book of the Mannor of West Staplow in Devonshire, entered thus. A. B. holds six farthing of Land at 15 s. 6 d. per annum. Some hold it to be a Yardland. See Fardell, Fardingale, and Farting.

Fat or Oate, is a great Wooden Vessel, which among Brewers and Malters, is used to measure Malt for expeditition, containing a Quarter. Mentioned Stat. 1. Hen. 5, cap. 10. and 1. Hen. 6, cap. 8. It is likewise a Vessel or Pan of Lead, for the making of Salt, at Droitwich in the County of Worcestr, whereas the several Owners or Proprietors do claim Rights of Inheritance and Burgership.

Favors (Anno 6 Rich., cap. 5.) Favorers, tippepoors, or potters.

Fealty (Fidelitas, Fr. Feudat, i. Fides) Signifies an Oath taken, at the admittance of every Tenant, to be true to the Lord of whom he holds his Land: And he that holds Land, by this onely Oath of Fealty, holds in the freeest manner; because, all that have Fees, hold per fidem & obleviam; that is, by Fealty at the least. Smith de Repub. Angl. lib. 9, cap. 8. This Fealty is also used in other Nations, as in Lombardy and Burgundy. Causse melon de confeder Burgund, pag. 419. And indeed, as the very first creation of this tenure grew from the love of the Lord towards his Followers: so did it bind the Tenant to Fidelity, as appears by the whole course of the Feeds: and the breach thereof, is loss of the Fee. Huttom in his Commentaries, de verbi feudatibus, gives a Double Fealty, one general, to be performed by every Subject to his Prince: the other special, required only of such as in respect of their Fee, are tried by this Oath towards their Land-lords: we may read of both in the Grand Causse melon of Normandy, &c.

Fealty fidelis is with us performed, either by Frenmen or by Villains; the form of both Fees, Ann. 1 Edw. 1. in these words, When a Freeman shall do Fealty to his Lord, he shall hold his right hand upon a Book, and shall eap this: Hear you my Lord, that I P. shall be to you, both faithfully and true, and shall ow my Fealty to you for the Land that I hold of you, at the terms assigned. So help me God, and all his Saints. When a Villain shall do Fealty to this Lord, he shall hold his right hand upon the Book, and eap this: Hear you my Lord, that I P. shall hold from this day forth, unto you shall be true and faithful, and shall ow you my Fealty, for the Land that I hold of you in Villanage, and shall be jutified by you, in Body and Goods: So help me God, and all his Saints. See Reg. of Writs, fol. 302. a. Fidelitas offides, oblevias & oblevias ligamen, quo generalis feudatibus Regii, particulariter vassalis domini afferuntur. Spec. Feudum alias Feudam. Is applied to all those Lands and Tenements, which we hold by perpetual right, and by an acknowledgment of any superiority to a higher Lord. Those that write of this subject, divide all Lands and Tenements, wherein a Man hath a perpetual estate to him, and his heirs, into Alloquam and Feudam.

Alloquam is defined to be every Mans own Land, &c. which he possesses merely in his own right, without acknowledgment of any service or payment of any Rent to any other, and this is a property in the highest degree.

Feudum, is that which we hold by the benefit of another, and in the name whereof we owe Service, or pay Rent, or both, to a Superior Lord: And all our Land here in England (the Crown Land, which is in the King's own hands, in right of His Crown excepted) is in the nature of Feudum, or Fee: For though many have Land by descent from their Ancesters, and others have dearly bought Land for their Money, yet is it of such nature, that it cannot come to any, either by descent or purchase, but with the burden that was laid upon him, who...
who had Novel Fee, or first of all received it, as a benefice from his Lord, to him, and to all such, to whom it might descend, or any way be conveyed. So that there is no Man that hath Dominium, i.e. The very Property or Demain in any Land, but the Prince, in right of His Crown. Camb. Brit. pag. 93. For though he hath Fee, hath in perpetuum & utile Dominium, yet he owes a duty for it, and therefore it is not simply his own; which thing, I take those words, we use for the expressing our deep Root Such Lands or Tenements, to import: for that be can say moat for his estate, faith thus, I am seised of this or that Land, or Tenement, in my Demain, as of Fee; and that is as much, as it he had said, it is my Demain or Proper Land, after a sort, because it is to me and his heirs for ever, yet not simply mine, because I hold it in the nature of a benefit from another; yet the Stat. 27 Hen. 8. cap.14. treat the word (Fee) of Lands involved in the Crown, but it proceeds from an ignorance of the nature of the word, for Fee cannot be without Fealty sworn to a Superior, as you may read partly in the word Fealty, more at large in those that write De Feudis, and especially Hotman, both in his Commentaries and Disputations, since no Man may grant that our King or Crown oweth Fealty to any Superior, but God only. And all that write De Feudis hold, that Feudatum had not an entire property in his Fee.

Fee is divided into Fee absolute, otherwise called Fee simple, and Fee conditional, otherwise termed Fee tail. Fee simple (Feudum simplex) is that wherein we are seised to us and our heirs for ever. Fee tail (Feudum residuatum) is that wherein we are seised, with limitation, to us, and the heirs of our Body. Etc. Which Fee tail is both general and special; General is, where Land is given to Man and the heirs of his body; the remoteness of whose is shown by Litigation, lib. 1. cap. 5. because a Man seised of Land by such a gift, if the Marry one or more Wives, and have no issue by them, and at length marry another by whom he hath issue, this issue shall inherit the Land. Fee tail special is that, where a Man and his Wife are seised of Lands to them and the heirs of their two bodies; because in this case, the Wife dying without issue, and he Marrying another by whom he hath issue, this issue cannot inherit the Land, being especially given to such heirs. Etc. This Fee tail has Original from the Stat. of Wills, 2.a. 1. Yet see Britton, lib. 2.a. 5. num. 5. Item quodam absoluta & larga & quodam brevis & cestwile, sic aut corvis hereditatis, to whom add Plowdon caisi. Wotton, fol. 203.

For, before that Statute, all Land given to a Man and his heirs, either general or special, was accounted in the nature of Fee, and therefore held to be simply in him to whom it was given, that any limitation notwithstanding, he might alienate it at his pleasure, Cave on Litt. vol. 19. for redresses of this inconvenience the said Statue was made, whereby it is ordained, that if a Man give Lands in Fee, limiting the heirs to whom it shall descend, with a reservation to himself or his heirs for default, or that the form and true meaning of his gift shall be observed. He that hath Fee then, holdeth of another by some duty or other, which is called Service.

This word Fee is sometimes used for the compas or circuit of a Lordship or Manor. Britton lib. 2. 26. in cadastral villa & de cedem Feodo. Thirdly, It is used for a perpetual right incorporeal, as, to have the keeping of Priests in Fee. Old Nat. Br. fol. 164. Rent granted in Fee. cedem fol. 8. Skirrid in Fee. Annaes Ed. Stat. 15. cap. 8. Lastly, Fee signifies a reward or ordinary duty given a man for the execution of his Office, or the performance of his industry in his Art or Science; As the Lawyer or Physician is said to have his Fee, when he hath the consideration of his pains taken, the one with his Client, the other with his Patient.

Fee Expectant, is by the Feudists termed Feudum expectandum. See Expectament.

Fee Farm, or Fee Farm (Feudum farmae vel feodorum.) 1st, when the Lord, upon creation of the Tenancy, reserves to himself and his heirs, either the rent, for which it was before letten to Farm, or at least a fourth part of that rent, a Part Inf. fol. 44. and, that without homage, fealty, or other services, other then and especially comprised in the Feoffment, but, by Fitz, it seems the third part of the value may be appointed for the Rent, or the finding of a Chaplain to Sing Divine Service, &c. Nat. Br. fol. 210. C. And, the Nature of it is this, That, it the Rent be behind, and unpaid for the space of two years, then the Feoffor or his heirs have Action to recover the Land, as their Demesne. Britton, 2.a. 65. num. 7. But observe out of Welf Symbal, part i. lib. 2. Sec. 453. that the Feoffment may contain services and suite of Court, as well as rent: And the Author of the New Terms of Law faith, That Feer/soweth fealty, though not express in the Feoffment, since fealty belongs to all kinds of Tenures. See Farm.

Felno de Se, is he that commits Felony by murdering himself. See Crim. Justice of P. 1.a. 28 and Lamb. Even. lib. 2. cap. 3. The Saxons called him Selfyba, Self-bane.

Felon, Felonis. (Fr. Follime.) Sir Edward Coke says: Ideo diu elab Felonia, guia fieri debet felio animo, lib. 4. fol. 124. b. We account any offence Felony that is in degree next Pet. Treason, and comprehends particular, as Murder, Theft, Killing one self, Sodomy, Rape, Willful burning of Houses, and divers such like, which are to be gathered especially out of the Statutes, whereby many offences are daily made Felony, which were not so before. Felony is disconused from lighter offences, in that the punishment thereof is death; yet not always. For petit Larceny (which is the stealing, any thing under the value of twelve pence) is Felony, as appears by Brooke v. Coram. num. 2. 5. his
his reason is, because the Indigent against each one must run with these words, Felonice captus, yet not punished by Death, though it be lots of Goods. Other exception I know not, but that a Man may call that Felony, which is under Petit-Treason, and punished by death: On this there are two fortis, one lighter, which, for the first time, may be relieved by Clergy, another that may not; which may also be known by the Statutes; for, Clergy is allowed where it is not expressly taken away. Of this read Stmpt. pl. Civ. lib. 1. (but many offences are made Felony by Statute since he wrote,) and Lamb. Jus. of P. lib. 2. ca. 8. in a Table drawn for the purpose. Felony is also punished by lots of Goods not intailed, and Goods and Chattels, both real and personal; yet the Statutes make difference in some cases concerning Lands, as appears by 37 Hen. 8. ca. 4. Felony ordinarily works corruption of Blood, unless a Statute, or daining an Offence to be Felony, says, It shall not corrupt the Blood: As 39 Eliz. 1. c. 7. 

Feme cober, (Fr.) A Married Woman, (Anno 27 Eliz. ca. 2.) who is also said to be under Covert bane.

Fence-moneth, (Mensis prohibitionis, or Mensis veritus,) is a Moneth wherein the Female Dece do fawn, and therefore 'tis unlawful to Hunt in the Forest during that time, which begins fifteen days before Midsummer, and ends fifteen days after, in all 31 days. See Manwood, Part 2. cap. 13. per annum, and the Stat. 20 Car. 2. c. 2. It is also called the Defence Moneth, that is, the Forbidden Moneth: for, the Latin is, Ponentur in defensa. There are also certain Fence, or Defence Moneths, or feasons for Fifth, as well as wild Beasts, as appears by Wigen 2. c. 15. in these words, All waters where Salmon are taken shall be in Defence for taking of Salmon from the Nativity of our Lady unto St. Martin's-day. And likewise that young Salmon shall not be taken nor destroyed by Fete, Sec. from the midf of April, to the Nativity of St. John Baptist. See also 13 R. 3. Stat. 1. c. 19.

Fengelo, (Sex.) Pescia vel tributum ad arrendos hoffes corrigatum. M. S. Antiqu.

Feddal, (Feddalie vel feddalis,) of, belonging to the Flee, Fee-Farm, or Fee-Simple. 
Anno 12 Car. 2. c. 26.

Feddalf, Feddal, or Federalt, (Feddalim,) Was an Officer, Authorized and made by the Master of the Court of Wards, by Letters Patent under the Seal of that Office; his Function was, to be present with the Sheriff at the finding any Officer, and to give Evidence for the King, as well concerning the value, as the tenure, to Survey the Land of the Ward, after the Office found, and rate it. He did also affign the Kings Widows their Dower, and receive all the Rents of Wards lands within his Circuit. This Officer is mentioned Anno 39 Hen. 8. ca. 46. and seems to be totally taken away by 12 Car. 2. ca. 24. Noble-Men had also particular Feddayes. Humfray Count de Stafford & de Perew Seigneur de Tambridge & de Cauz, a nofere Feodict in la Comte de Warwic. Sec. Sasche que nous.—Dat. 17 H. 6.

Fenemint, (Feemanimus, from the Gethid word feemun,) Significs Donationem feudi, any Gift, or Grant of any Honours, Castles, Manors, Mefiuages, Lands, or other corporeal and immovable things of like nature, to another in Fee; that is, to him and his heirs for ever, by the delivery of seisin, and possesstion of the thing given, whether the gift be made by word, or writing: when it is in writing it is called a Deed of Feemint; and, in every Feemint the giver is called the Feoffor, (Feosforo,) and he that receives, by virtue thereof, the Feoffee, (Feosatou,) Litt. lib. 1. ca. 6. says, the proper difference between a Feoffor and a Donor, is, that the first gives in Fee simple, the other in Feemint. Feemanimus effijus Dominum, Concilii vel effius feodum. See Coke in Litt. fol. 9.

Ferdella terra, Is ten Acres. See Vergata and Fardel.

Ferdendel, See Fardingale.

Ferdiane, Significat quietiam eundem in Exercise FLera, lib. 1. ca. 47.

Ferdouis, Significat quietiam murari in exercitu, FLera, lib. 1. ca. 47. Et fum quetas de Flightwhe, Flightwre, & Ferdwite, & Hengwite, & Leirwite. Sec. Carta 11 B. m. 32.

Fertal-dayes, (Dies Ferialiae, Ferie,) (according to the Latin Dictionari.) Signifies Holy-days, or days vacant from Labour and Pleading: But, in the Stat 27 Hen. 6. ca. 4. Ferrial days are taken for Working days; For, S. Silvester ordinat d.—Sabbatu & Dominico dies nominis retenit, religios becomadum dies feriata nominis nominis distinfit, ut jam ante in Ecclesia vocari saperante, appellari. So that Ferial days are properly all the days of the Week, except Saturday and Sunday.

Ferling, (Ferlingus Sex. Peoplizing.) The fourth part of a Penny; & Quadrant. Quand quod Quarriones frumenti venditur pro 4 denari, tum ratio visalis de Ferlingis ponderatur 5 lib. & 16 Solidi. Alib. pariis & Cervis. Anno 51 Hen. 3. Cam. tit. Hunsdon, says, there were in this Borough four Ferlings, that is, quarters of Wards.


Ferm or Farm. (Lat. Fiems. Sex. Peopone. Fr. Ferme,) Significs a House and Land, taken by Lease in writing or parol. This in the North-parts is called a Tack; in Lancashire a Farm-holt, in Essex a Wike. I find loco ad firmam sometimes to signifie with others, as much as to let, or to Farm with us; the reason, may be in respect of the sure hold they have above Tenants at Will. Vide Vocab. uriturque:

F F
Fictitious, is a Writ Judicial, that lies at all times within the year and day, for him that hath recovered in an Action of Debt or Damages, to the Sheriff, to command him to levy the Debt or Damages, of his Goods, against whom the Recovery was had. This Writ had beginning from Novem. cap. 13. See Old Nat. 4. fol. 152. And great diversity thereof in the Table of Regis. Judic. verbo. Fictii. facetia.

Fictitious (Decima quinta) is a Tribute or Impostion of Money laid upon any City, Borough, or other Town through the Realm, not by the Poll, or upon this or that Man, but in general upon the whole City or Town; and is so called, because it amounts to a Fiftieth part of that which the City hath been valued at, or to a Fiftieth part of every Man's Goods and Personal Estate, according to a reasonable valuation. This is imposed by Parliament, and every Town, through the Realm, knows what a Fiftieth for themselves amounts unto, because it is always the same. Whereat the Subsidy, which is raised of every particular Man's Lands or Goods, must needs be uncertain, because every Man's Estate is uncertain. And in that regard, the Fiftieth seem to have been a Rate anciently laid upon every Town, according to the Land or Circuit belonging to it, whereof Camden mentions many in his Britann. 9. 31. 17. 16. Bath geldabas pro virgini biliis, quando Jefus geldabas, and 9. 31. 16. Saxon pro quamvis quater his geldabas, &c. Which Rates were according to Damaged. So that this seemed in old time to be a yearly tribute in certainty, whereas now, though the Rate be certain, yet it is not levied, but by Parliament. See Lex and Quaestiones.

Fighte (Sax.) Mulitia ob commissum paganum in perturbationem pacis in exercitum Regis 100. Sec. lactum Fighwita, i. Fughwita pagana. M. S. Codee.

Filtrar (from the Pra Bic, a Throad, Line, or String) is an Officer in the Court of Common Pleas (so called, because the Files those Whites, wherein he makes our Writs or Proces) whereof there are fourteen in their several Divisions and Counties. They make out all Writs and Processes upon Original Writs issuing out of the Chancellor, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, merely personal, where the Defendants are returned summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summoned, where Process is to be served in the County, as well Real, as Personal, and mixt, returnable in that Court, and in Actions, where the Defendants are summons
In the use of this Final Concord was instituted and allowed, in regard that by the Law and ancient course of Proceedings, no Plaintiff (giving Real Security or Sureties, De clamaire suo praecipuam, and being to be Fined or Armed by the Judges, if he failed therein, which, as appears by the Records of King Edward the Fifth, were duly Estreated and certified into the Exchequer) could agree without Licence of the Court; so as fines have been generally levied in Personal Actions, and for no greater a sum of Money then xvi. But fixtures of fine of and Restitution hath in time brought other use of it, the Town of instars, and with more certainty to pass the interest or title of any Land or Tenement, though not controverted, to whom we think good, either for years or in Fec., to be so much as the passing a Fine, in most Cases now, is but Mera filio finio, alluding to the use for which it was invented, and supposing an Action of Court, where in truth none is, and to not one operation a present Bar, and Conflagration against the parties to the Fine, and their Heirs; but at five years end, against all others, not expressly excepted (if it be levied upon good consideration and without Covin) as Wemen covert, Perhons under Twenty one yeares, Prisoners, or such as are out of the Realm, at the time of its acknowledgment. Touching which, see the Statutes Anno 1 Rich. 3 cap. 7, 8 Hen. 8 cap. 36, and 3 Edw. cap. 2.

This fine hath in it few essential Parts.
1. The Original Writ taken out against the Cognizant, the Kings Licentie giving the parties liberry to accord, for which he hath a Fine, called the Kings Silver, being accounted part of the Crowns Revenue.
2. The Concord is felt, which begins thus, Et est Concordia talis, &c. 4. The note of the Fine, which is an abstract of the Original Concord, beginning thus, Se. Inter R. quarrantem, & S. & T. usuum ejus deforentem, &c. (where in stead of deforentem, anciently impedimentes was used)

This fine is either single or double, a single fine is that by which nothing is granted or rendered back again by the Cognizant to the Cognizant, or any of them. A double fine contains a grant, and renders back, either of some Rent, common, or other thing out of the Land, or of the Land it selfe all or some of the Cognizors for some Estate, limiting thereby many times Remainders to strangers, not named in the
the Writ of Covenant; and a Fine is sometimes called a double Fine, when the Lands do lie in several Counties. Again, a Fine is in its effect, divided into a Fine executed, and a Fine executory; a Fine executed is such, as of its own force gives a present possesse (at least in Law) to the Comiziz; so that he needs no Writ of Haberes facias Seizavizm, for Execution of the same; but may enter, of which fort is a Fine Sue cognizance de droit come que si ad dos done done, that is, upon acknowledgment, that the thing maintained in the Comiziz is True. The cognizance of a Fine is the same, though in English, as in Latin, cognizant. It is symbolically, Wof, sed, 1, 6. The reason is, because this Fine paile by way of Release of that thing, which the Comiziz hath already (at least by apposition) by virtue of a former gift of the Comiziz. Coke, lib. 2. Case of Fines, fol. 89. b. which is, in very Deed, the first Fine of all. Fines Executary, are such as of their own force, do not execute the possesse in the Cognizants, as Fines, Sue cognizance de droit comante, Fines for done; Grant, Release, Confirmation or Render. For, if such Fines are not levied, or such render made to those who are in possesse at the time of the Fines levied, the Comizizes must needs sue out Writs of Haberes facias Seizavizm, according to their severall Cases, for obtaining their possesse, except at the levyng such Executary fines, the parties to whom the Easte is limited, be in possesse of the Lands paide thereby: For in this Case such Fines do cause by way of extinguishment of Right, not altering the Easte or Possesse of the Cognizants, but perhaps bettering it. Wof, Symbol. sed, 20.

Touching the form of these Fines, it is to be considered, upon what Writ or Affittion the Concord is to be made, and that is most commonly, upon a Writ of Covenant, and then there must first pass a pair of Indentes between the Cognizant and Cogniziz, whereby the Cognizant Covenanted with the Cognizant, to pass a Fine to him, of such and such things, by a day limited: As these Indentes are first in this proceeding, so are they paid to lead the Fine. Upon this Covenant, the Writ of Covenant is brought by the Cognizant against the Cogniziz, who thereupon yields to paie the Fine, before the Judge, and so the Acknowledgment being Recorded, the Cognizant and his Heirs are presently concluded, and all strangers (not excepted) after five years paide. If the Writ, wherein the Fine is grounded, be not a Writ of Covenant, but of Warraniz Chartiz, or a Writ of Right, or of Myniz, or of Customs and Services (for of all these Fines may also be founded, Wof, fol. 175. b. 23.) then this Form is observed; the Writ is served upon the party that is to acknowledge the Fine, and then he appearing, doth accordingly. See Dyce, fol. 175. num. 46.

Fines are now only levied in the Court of Common Pleas at Westminster, in regard to the solemnity thereof, ordained by the Statute of 18 Edw. 1, before which time they were some-
times levied in the County Courts, Court Barons, and in the Exchequer, as may be seen in Mr. Dugdale's Origines Juridicpeace & alibi.

This word Fine sometimes signifies a sum of Money, paid for an income to Lands or Tenements let by Lease, anciently called Gerfinsa, sometimes an amends, pecuniary punishment, or reccompence upon an offense committed against the King, and his Laws, or a Lord of a Manor. In which case a Man is said Faire Fines de transferite cun Rege, &c. Reg. Jud. fol. 23. a. Of the diversity of these Fines, see Comment. Hist. of Peace, fol. 141. b. 143. 144. and Lamb. Encyc. lib. 4. cap. 16. But in all these diversities of Uses, it hath but one significature, and that is a final conclusion or end of differences between parties. And in this last sense, wherein it is used for the ending and remission of an Offence, Bristan hath it (lib. 2. cap. 15. num. 8.) speaking of a Common Fine, that the County pays to the King, for false judgments, or other Trepasses, which it is to be Affected by the Juticiz in Eyx before their departure, by the Oath of Knights, and other good men, upon such as ought to pay it; with whom agrees the Statute 3 & 4 Edw. 1. cap. 18. There is also a Common fine in Lests, see Athish, fol. 15. Title Common Fine, Vesta, lib. 2. cap. 25. and Coke on Lest. fol. 226. b.

**Fines for Alienation**, are reasonable Fines paid to the King by his Tenants in Chief, for License to Alien their Lands, according to the Stat. 1 Edw. 3. cap. 2. But see the Stat. 12 Car, 2. cap. 24.


Fine force (from the Fr. Fin, i craftly or subtly, and force, i. vii.) Seems to signify an absolute necessity or constraint, not avoidable; and in this fince it is used, Old Nat. Br. fol. 78. And in the Stat. 35 Hen. 8. cap. 12. in Pertin, Dowt. fol. 321. Powd. fol. 34. Coke, vol. 6. fol. 111. a.

Fine aduillando lebato de tenemento quod fuit de antiquo Dominico, is a Writ to Juticiz, for dissolving a Fine levied of Lands holden in Ancient Demem, to the prejudice of the Lord. Reg. of Wris, fol. 149. b.

**Fine Capiendo pro terris, &c.** is a Writ lying for one, whom upon Convition by a Jury, having his Lands and Goods taken into the Kings hand, and his body committed to prison, obtains favor for a sum of Money, &c. to be remitted his imprisonment, and his Lands and Goods to be re-delivered to him. Reg. of Wris, fol. 142. a.

**Fine lebando de tenementis tentris de Rege in Capite, &c.** Was a Writ directed to the justices of the Common Pleas, whereby to License them to admit of a Fine for the sale of Land holden in Capite, Reg. of Wris, fol. 167. a.

**Fine non-capiendo pro pulchro placentando, is a Writ to inhibit Officers of Courts to take Fines for fair pleasing.** Reg. of Wris, fol. 179.
Fine pro redistincta capienda, etc. Is a
Write for the release of one laid in pri-
son for a Re-dishusin, upon a reasonable Fine.
Reg. of Writs, fol. 222.

Finques of Gold and Silver, Are those
that purifie and part those Metals from other
coyner, by Fire and Water. Anno 4 Hen. 7.
cap. 5. They are also called Pavers in the same
place, and sometimes Departors.

Fire-dole. See Friddole.

Firebar — Cad fine dilatation levari & re-
parare fac. siga & Firebears super montes al-
tures in qualibet Hundred: loa qua tota patria,
per ida signa, quasi etque nume fuit, pri-
sumini postte, &c. Ordinatio pro vigili obser-
vand. a Lyne uque Yarmouth, temp. Ed. 2.
Perhaps from the Saxon Fireypecop, a Beacon
or a High Tower by the Sea-side, wherein were
continual Lights, either to direct Sailors in
the Night, or give warning of the Enemy.

Fire-dore (Sax.) Signifies allowance of
Wood or Etovers, to maintain competent Fine
for the use of the Tenant. See Hayb
dote.

Firme, see Forme. Ad firmam nullis was a
Custom or Tribute paid towards the entertain-
ment of the King for one night, according to
Domeslay. Comes Merion T. R. E. (1 tempe-
Regis Edwardi Conf.) reddebat firmam uniu
nullis, i. Provision or Entertainment for one
night, or the value of it. Firme Regis, ancien-
tly, Pro villa Regina, seu Regina Marian.
Splen.

Fruit-fruits or Ammutes (Primium) Are the
Profits, after Avoidance, of every Spiritual
Living for one year, given in ancient time to
the Pope throughout all Christendom, but by the
Stat. 26 Hen. 8. cap. 5, translated here in
England to the King: For ordering whereof,
there was a Court erected 32 Hen. 8. cap. 45,
dilolved, 1 Mar. Siff. 2. cap. 10. And since
that time, though those Broths are re-
duced again to the Crown, it Fiz. cap. 4. yet
was the Court never reforded, but all matters,
formally or actually handed therein, were transferred
to the Exchequer. See Ammutes.

Fiskle (Anno 23 Hen. 8. cap. 18.) A
Dan or Wear in a River, made for the rating of
Fisst; especially in the Rivers Overy and
Humber. See Fisst.

Fiske, Rela Fiske, Fiske. A Sax.
Font, pnga, and eic, multa, muta ob
commendam pingam in perturbationem paci
publica.

Fiske, | s intervenirem | persecu-
rire | s, quamvis fangam non extraerint,
Prius habeat inde amerciamenta. Ex Regist)
Priorat. de Cokesfor.

Fiske or Flight-dike (Sax. Fliege, fuga
& eic, muta) Signifies, in our ancient Laws,
A Discharge or Freedom from amerciamenta,
when one, having been an outlawed Fugitive,
comes to the Peace of our Lord the King,
of his own accord, or with license. Thus Raffa.
But Quero, whether it doth not rather signify
a Mult or Fine set upon a Fugitive?

Fleet (Sax. Flieg, i. A place, where the
Water ebbs and flows, a running Water.) A
Famous Prison in London, so called from the
River, on the side whereof it stands. To this
Prison, Men are usually committed for con-
tempt to the King, and his Laws, or upon ab-
ofolute command of the King, or some of his
Courts, or lastly for Debt, when Men are un-
able, or unwilling to satisfy their Creditors.

Flem and Fitch. (Sax. Flenna, an Outlaw,
and Fie, a Houte.) La Placita de quo Warrano
Abbas de Burgiu dicit quod clamatis amnem &
vasum & medium tempus per hoc verbis Flem &
& Fitch. Trin. 7 Ed. 3.

Flemallace (from the Sax. Flenna, a Fugitiv-
ous, or Outlaw, and Flem, to kill or thy) By
virtue of this word were claimed Bona se-
num, as appears upon a Quo Warrano, Temp.
Ed. 3. See Kislaws Rep. fol. 145. b.

Flemensfritrende (Reth's Flymenesfrinthe,
A Sax. Flynxama, i. Fugitivum & Fymp,
Stum, adstitib. LL. Inc. cap. 25. & 57. LL. citam
Hen. cap. 10. 12.) Signifies the receiving or
relieving a Fugitive. — Cum Sacha & Sacha,
To & Team, Inflagenstho & Flemensfritrende
& Gridbreke, Forfjal, Hanbouke, Bladoue,
Ordel & Orde. Carta Edw. Conf. Monast. de
Waltham. I finde this word often in an-
cient Charters erroneously written: As Fle-
mesfrod, Flemesfrit, Flemesfritrende, Fle-
menosfrit, Flemennegrende, Frenmes-
frinda, and Flemensfrinde. All doubles
intended for the same thing.

Flemensfrite and Flemensfritrende, Interpre-
Hert. 59. Coram Regis. Rot. 53. See Flemens-
frinde.

Flemsetoine (Sax.) Signifies a Liberty or
Charter, whereby to challenge the Cattle, or
Amorciamenta of your Man a Fugitive. Raffal.
Expiation of words. Flesa writes it two other
ways, viz. Flemensfrite and Flemensfrinde,
and interprets it, Habere castella fugitionum,
lib. 1. cap. 47. See Flem, and Flemensfrin-
te.

Fletto (Sax.) Est multa utigone &
jugaua in idita, ob veniam & pacem Regis
improvisandam. See Fledovae.

Fletbihsf, otherwise called Skovegrade,
Is the same game we now call Stovebowl , and
mentioned 33 Hen. 8. cap. 3. This should rather
have been called Sletbihf.

Fletboitho alias Flitteboitho, (from the
Sax. Flite, Conversion or Strife) Significat
multam ob contentiose, visse & jugand imple-
tum, & cui hoc a Principe concedurum, poisse
in Coriis fud cognovisse de bifus duode triangul-
sum, vel multas inde provenient, in Coriis
Regis, a delinquentibus exigere &abinet retinere.
Thus Spelman. Flitteboitho, i. Quod Prior te-
ne Placita in Coriis fud de contentiose &
contentiose hominum suaum & habent inde Amor-

Fletkence (Anno 1 Rich. 3. cap. 3.) A kind
of Cloth so called.

Flotage.
Floater (Fr. Plote, i.e. a floating or swimming on the top. Are such things, as by accident float or swim on the top of the Sea, or great Rivers. I have seen the word used in the Commission of a Water-Bailiff.

Flottan alias Flotian (from the Sax plote, i. nature) is a word proper to the Sea signifying any goods lost by shipwreck, and which either floating or swimming on the top of the Water, which with Jetton, Lagon, and Shares, are given to the Lord Admiral by his Letters Patent. Jetton is any thing cast out of the Ship, being in danger of Wreck, and thrown to the shore by the Waves, or cast on it by the Mariners. Coke, vol. 5. fol. 126. a. Lagon alias Lagan vel Ligam, is that which lies in the bottom of the Sea. Coke, ibid. Shares are Goods due to more by proportion.

Foder (Sax Nobie) Any kind of Meat for Horses or other Cattle. See Foggage. But among the French it is used for a Prerogative that the Prince hath, to be provided of Corn, and other Meat for his Horses by his Subjects, in his Wares, or other expeditions. Homan de corbe feuclat. See Foder. -- Nec non vedatum qui dicitur Hidajum & Fodecrum in perspectu Abbasibus (de S. Edmondo) defigentur. Mon. Angl. 1 Part. fol. 297. a.

Fogage (Fogagium) Fog or Fog, rank Gras not eaten in Summer. LL. Forsat, Scot. cap. 16.

Folcalands (Sax.) Cophold Lands were so called in the time of the Saxons, and Charter-Lands were called Boalands. Kitchin, fol. 141. Fundus in quo vel possessor (Says Master Somner) consent perstat animo, & officio vivit, secundum omnem omnis, Terra Popularum. See Folemote and Folheimote.

Folemote and Folheimote (Sax. Folegemo. i. Convenunt populi) Signifies (according to Lambert) two kinds of Courts, one now called the County Court, the other the Sheriff's Turn. The word is still in use among the Londoners, and signifies Celebrius ex omni Civitate concusum. Stow in his Survey. But Maunder says, It is the Court held in London, where in all the folk and people of the City did complain of the Major and Aldermen for any mischief government. Mr. Sumber in his Saxon Diction.

Foil court (Graske) 2 Part. fol. See Foggage.

Folheres or Folgeres (from the Sax polgein, i. to follow) Are properly followers; but Bradon (libr. 3. c. 2. fol. 108) says it signifies, Esto qui alius defessus. Vide LL. Hen. 1. cap. 3.

Folgefild. See Gyolgefild.

Foll of the Finne. See Chirographer.

Foyage (Fr. Fourrage). Fodder for Cattle. Coffes sunt, le Coenates frates le Vendeley prochein decam in Feeste de Stanne. See Foyege.
Forcon sums, is a careful of the judge, as incompetent, because the matter in question is not within his jurisdiction. Kinchin, p. 57. Anno 4 Hen. 8, cap. 2. And as Eynsden, cap. 2. & 24. Forcon Answer, is such an Answer as is not trieble in the County where it is made. 15 Hen. 6. c. 295.

Forcon Service, is that, whereby a mean Lord holds over of another, without the compass of his own Fee, (Brooke, tit. Tenures, fol. 28, 29, 291. num. 12, & 28, Kinchin, fol. 209.) or else that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus Bradton, (lib. 2, cap. 15. num. 7.) Item sunt quadrir servitia, quae dicuntur fortesca, quasuis sunt in charta de parvis munita, & nominata, & quaedam dixit potius fortesca, quae pertinent ad Dominium Regis, & non ad Dominium capitale, nisi cum in propia personâ proferitur jurus in fortesca, vel nisi cum pro servitio ius faciunt Dominus Regis quasuis mode, & sunt in certis temporibus, cum cafus & necesse extant, & varias habent nomina & diversis. Quaerendo enim nominanda fortesca, larga sunt vocula, quam servitium Dominiii Regis, quaerendo subsectum, quaerendo servitium Dominii Regis, & idem fortescium dixit potius, quas ius & capitale, sine extra servitium quid futu Dominii capitale. Forcon Service, seems to be Knights-service or Exchequer uncertain. Perkins, Regulation, 650. — Salvo fortesco servio. Mon. Angl. 2 Par. fol. 637. 6.

Forcon Attachment, is an Attachment of Foreigners Goods found within a Liberty, or a City, for the satisfaction of soe Citizen, to whom the Forester is indebted. At Kempsh (anciently Leominster) there is the Borough and the Forester, which last, is within the Jurisdiction of the Manor, but not within the Bailiff of the Boroughs Liberty.

Foylin Oppose or Appose (Fornicarium Opposito) is an Officer in the Exchequer, to whom all Sheriffs, after they are apposed of their sums out of the Pipe Office, do repair to be opposed by him of their Green Wax. He examines the Sheriffs Effrates with the Record, and apposes the Sheriff, what he says to every particular sum therein. Praeface of the Exchequer, fol. 87. See 4 Inf. fol. 107.

Foyin, Terra transforcatis, seu Capitale, A Head-land, or (as they vulgarly call it) Hard-land. — One capere abstantur super Forecum Rogeri Antifell. Carta de Anno 47 Edw. 3. Pleading, the Welford, Ann.

Foreet, (Foreta.) Signifies a great or vast Wood; & Lucas foretis et situmus. Our Law-writers define it to be Lucas, Quis fove inhabitant vel incluductum. Others say it is called Foreta, quasi, Feraeum fatis, et tara manum feretum. Manwood in his second Part of Foreet Law, cap. 1. defines it thus. A Foreet is a certain Territory of Woodlands, and Fruitful Pastures, priviledged for Wilde Beasts and Fowls of Foreet, Chase, and Warren, to rest in and abide, in the safe Protection of the King, for His Principly delight, maked and bounded with unremovable Marks, Meers and Boundaries, either known by Matter of Record or Privilegion; replenished with Wilde Beasts of Venery or Chaise, and with great Covers of Vert, for succes of the said Beasts. For preservation and continuance of which place, with the Vert and Venison, there are certain particular Laws, Privileges, and Officers, belonging only thereeto.

Its properties are these: First, A Foreet, as it is truly and strictly taken, cannot be in the hands of any, but the King; because none hath power to grant Commision to be a Justice in Eyer of the Foreet, but the King. (Yet the Abbot of Whithby had a Foreet by Grant of Henry the Second, and King John, with all Officers incident thereto. 4 Inf. fol. 303, & 314.) The second property is the Courts, as the Justice Seat, every three years; the Swain-note thirte every year, and the Attachment, once every forty days. The third, may be the Officers belonging to it, for preservation of the Vert and Venison: As first, the Justices of the Foreet, the Warden or Keeper; the Verderers, the Foresters, Assayors, Regarders, Bailiffs, Bedels, and such like, which fee in their places. See Manwood, par. 2. cap. 1. num. 4 & 5. But the most essential Court of a Foreet, is the Swain-note, which is no les essential to it, than the Court of Pec-Pardors to a Fair. If this fail, then is there nothing of a Forest remaining, but it is turned into the nature of a Chase. There are reckoned to be in England Sixty eight Foreets. For the ascertaining the Meets and Bounds of Foreets. See Anno 17 Car. 1. cap. 16.

Forestagium, Est sunt quieta de Theloneo & Pasaje, & de Forestage, & Theloneo aqua variae & vivae feraeis mens cequentia. Carta 1 Edw. I. m. 10. n. 50. Seems to signify some duty or tribute payable to the Kings Foresters; as Chiming, or such like.

Forestal, See Forset.

Forster, (Forestarus,) Is a Sworn Officer of the Forest, appointed by the Kings Letters Patent, to walk the Forest both early and late, watching both the Vert and the Venison, attacking and preserving all Trefpassers against them, within their own Baylilick or Walk; whose Oath you may see in Crompton, fol. 201. And, though these Letters Patent are ordinaries granted, but quam dixi de bene efficere, yet they are granted to fome and their heirs, who are hereby called Foresters, or Forsters in For. (Lom. fol. 157 and 159. And Manwood, Part 1. p. 28. 220.) whom, in Latin, Crompton calls Foresctarum Feli. fol. 175.

Forsejudging or Forsejudging, (Forjudicatius.) Signifies a Judgement, whereby a Man is deprived, or put by the thing in question. Brasson, (lib. 4. Titul. 7. & 7.) has these words, Et non permittas good A, capitalis, Dominus Feli illius, hacteat custudiam hæredem, quæ in Curia supra forsejudicatur de custudia, 80. So does Kitchen use it, fol. 29, and Old Nat. Br. fol. 44 and 81. And the Stat. 5 Ed.
Fornboum, (Brève de forma donationis,) Is a Writ that lies for him, who has right to any Lands or Tenemants, by virtue of any Intent, growing from the Stat. of Wefin. c.1. There are three kinds of it, viz: Forma Donationis, or, Fornboum in the Descender, Fornboum in the Reverter, and Fornboum in the Remainder. Fornboum in the Descender lies for the recovery of Lands, &c. given to one and the heirs of his body, or, to a Man and his Wife, and the heirs of their two bodies, or to a Man and his Wife, being Co-fain to the Donor, in Frank-Marriage, and afterwards alienated by the Donee. For, after his decease his heir shall have this Writ against the Tenant or Alienice. Fitz Nat. Br. fo. 211, 217, and 214. makes three forts of this Fornboum in the Descender. The first is in the manner now express'd: The second for the heir of a Co-parcener, that aliens and dies: The third he calls Infamum tenent, which lies for a Co-parcener, or heir in Gestet, before partition, against him to whom the other Co-parcener or heir has alienated, and is dead. Fornboum in the Reverter lies for the Donor or his heirs, (where Land is entailed to certain persons, and their issue, with condition, or want of such issue, to revert to the Donor and his heirs,) against him to whom the Donee alienated, after the issue extinct, to which it was entailed. Fornboum in the Remainder, lies, where a Man gives Lands to Tayle, the Remainder to another in Tayle, and afterwards the former Tenant in Tayl dies without issue of his body, and a stranger abates, then he in Remainder shall have this Writ, Reg. of Writs, fol. 238. 242. Of this see also the New Book of Entries, verbo, Fornboum, and Coke on Lait. fol. 326. 6.

Fornagium, (Fr. Fonnagem.) — Et Domini Bex provisco amisti per an. de existibus Fornagium suis x libras. Pl. correom Rege & ejus Concil. in Parl. 18 Ed. 1. in Turr. Lond. It signifies the Fee taken by a Lord of his Tenants, bound to Bake in his common Oven, (as is usual in the Realm of England,) or for a permission to use their own 3dly Chimney-Money, or Harth-Filer. See Fornagium.

Fornication, (Fornicatio, Anna 1 Hem. c. 4.) Whoredom, the Act of Incontinency, in single persons for, if either party be Married, it is Adultery; The first offence herein was punished with three Months Imprisonment, the second was made Felony, by a Rump Act. Cobbe's Collection, Anna 1695 c. 50. 10.

Suffex. Preceptum eff Vic. quod servis faciat Forstorum, qui in Assise Nov. Differtine jubion fecerunt Sacramen tum sanguine, quandum Agnam quam discurrunt eff filiam Simonis de Pimle paro patria pridie Agnotis & non discurro eff herto. Et in eo quod disceussit quod Matilda, que sit mater Agnotis, fuit usque dabi Simonis & non discurrunt quod Patria tali partu, etiam ex usuere ejus. Eti Forstorum dicit quod pridie Simon temporibus denam Matildam in usuere suam, & discurrunt quod nounum quibam.
Forpifi (Forpifum, from the Fr. For, i. Extra & Prife capito, An exception, or reservation; in which fente it is ufed in the Stat. of Eon, 14 Edw. i. but there written Forpifis: We ftil ut ite in Conveyances and Leases, wherein Excepted and Forpifi is an uial expreffion.

C'eft Indenture fes entre Monfurier John Blount Chevalier le Lyfane done part, & Dame John Foulfurnour d'autre part, Feigneurs, que mesmee les parties fon ofit affinnetz, acconcre, & affierez, que John Blount fatis & heir a dit Monfurier John wyff fera, & prendera a femme fable la fille de dite Dame du fi brief & deu temps, que la dite Dame a ces propres couffes voudra ordergen & ferre, ioffir que le dite Dame paze a dit Monfurier John & Markes a temps de l'espojfel, & as. Liures a cinquante de pay, compris en un obligarion, le quelle le Dize Dame a fait a dit Monfurier John, &c. Pour quez payements le dit Monfurier John enfeorsera ou ferra enoffier les fildifs John fon fils, & la dite fable de fon Mamer jouffe Uteskefather, appelée Blounts place, ensembzembez en toutes autres terres, tenements, reves, services, & Forpife le Parke, &c. appelée Blounts Parke, &c. A avouer, & tenir a dit Blounts fon fils, & de fable & les bevez que mesmes cely John des Corps de mesmee cely fable engendera, &c. Donnez fuffis les feates, &c. le jour de St. Luke, L'an de R. le Roy Henry 4 difine. Penā Wal. Kirkham-Blount Baronet.


Forfaken, (Dercillus, Signifies originally as much as forfaken in our modern language. It is specially ufed in one of our Statutes, for Land or Tenements feized by the Lord, for want of Services due from the Tenant, and so quietly held, and poiffed beyond the year and day. As it we should fay, that the Tenant, who seeing his Land or Tenements taken into the Lords hand, and poiffed fo long, takes not the course appoyted by Law to recover them, does, in due prefumption of Law, difavow or forfeake all the right he has to them; And then fuch Lands shall be called Forfaken, fays the Stat. 10 Edw. 2. ca. unico.


Forfial (Forfiallamentum,) Is to be quit of Ameircaments and Carrel arrefted within your Land, and the Ameircaments thcrfor coming, fays the Terms of the Law: But, the Learned Specimen fays, it is the obfervice, vel finissim intercippo; with whom a agrees Coke in Litt. fol. 151 b. In Daymday his written Forfiall:—Denique ex Forfiallum, quod eff ante portum idem, liberum atque quietum, & terram que jacet ex utraque parte ejusdem Forfiallum, &c. Mon. Angl. 6 Part. 111. 112. 655

Forfailing, (1 aristum obftruction, a Sax. paf. i. Via, & vel.) Signifies the buying or bargaining for any Corn, Carrel, or other Merchandise, by the way before it comes to any Market or Fair to be felled, or by the way, as it comes from beyond the Seas, or otherwife, toward any City, Port, Haven, or corner of this Realm, to the intent to fell the same again at a more high and dear price. 14 H. Stat. 6. Wefi. Part. 2. Symbol. lit. Indictments, 956, 564. —Forfaller, (in Crompton Jurifd. fol. 153.) Is ufed for hopping a Deer, broken out of the Forrest, from returning home again, or laying between him and the Forrest, in the way he is to return. Flora fays, Significat obturarium, nem viet impedimentum tranfivit & fugae veriorum, lib. I. ca. 47. See Registrars & Engraffiers. Who fhall be adjudged a Forfaller in 3 & s Edw. 6. ca. 44. Forfiall eff, fa lati portarior Halco vel humosidem ad foriam, & flatus alius venit & emitet afo ipso labis vel, ut carius vendar, Prior habebis resandas ab ipso. Ex Reg. Prioriat. de Cokesford. 39 Part. Inf. fol. 195.

Forfillip, (2 Forfaltuum vel Forfaleum, (Within the Towns and Forfillities of Berwick and Carlile. Ann. 1 Hen. 7. ca. 18.) Signifies a forfildy place; a Bulwark, Caflle, or Fortlet.

Forflet, (Fr.) A place of some strengfh, a little Fort. Old Nat. Br. fol. 45.

Folut et Forca. See Furca.

Folutatum, (Lat.) A Ditch, or a place fenced with a Ditch or Trench. —Ex deus Hen. Regxi usa uxor uxor Forlatum tam largum, quad navis poaffit in & vedre a fanudine de Waltham auxque ad Topholme. Carta 50 Hen. 5. m. 9, where it seems to signify a (cut) River.

Foulte-way, (from Foulus, dugged,) Was anciently one of the four grand High-ways of England; so called, because 'tis concey'd to be cegd, or made passable by the ancient Romans, or Ditch'd at leaft on one fide, but now several interior High-ways are fo called. See Walthersfect.

Foluterlant, (Sax.) Land-given, assigned, or allotted to the finding of Food or Vituals, as in Monasteries for the Monks.
Father or Fodder (Sax.) Is a Weight (of
L corn) containing Eight Pigs, and every Pig
One and twenty Stone and a half, which is about
A Ton, or a common Wain or Cart Load.
Speight in his annotations upon Chaucer. I find
also in the Book of Rates, mention of a Fodder of
Load, which (according to Stone) is about
Sixcore and eight Stone.

Founder (from fundere, to pour) Is he
that melts Metal, and makes any thing of it,
by pouring or casting it into a Mould. Ann.
17 Rich. 2. cap. 1.

Fourcher (Fr. fourchier, i. lutevate lingua)
Signifies a putting off, prolonging or delay of
an Action: And it appears no unpleasant Metaphor;
for, as by hammering we draw out our
speech, not delivering that we have to say, in
ordinary time, so by fourching, we prolong a
fuse that might be ended in a shorter space.
In Wifin. 1. cap. 42. you have these words,
Copercherers and bytenants shall no more
fourche, but only shall have one Forefyn, &c.
And Anno 6 Edw. 1. cap. 1. it is used in the
same sense. — The Defendants shall be put
to answer without fourching, &c. Anno

Fourzell or Forzegld (Composed of
Two German words, hobs, i. erg, and yldan,
f. solere, q. pede reducere.) Signifies an
Ammortisent for not cutting out the Balls of
great Dogs feet in the Forest. See Expediante.
And to be quit of Forzegld, is a privilege to keep
Dogs within the Forest, unlawed, without
punishment or control. Crownums jurispr. fol.
197. Manwood, part 1. p. 86. This privilege
was allowed in Asby, Forest de Pickering
1 Edw. 3.

Foules of Warren, See Warren.

Fourmole Fences, Are such Fences as any
Tenant, in the Manor of Writtle in Essex, hath
against the Lords Deemans; whereby he hath
the Wood growing on the Fence, and as many
Trees or Poles, as he can reach from the top
of the Ditch with the Hlve of his Ax, towards
the repair of his Fence. I have heard the late
Chief Justice Bramyon, whilst he was a Practi-
cer and Steward of this Court, did acknowl-
edge he could not find out the reason why
these Fences were called Fourmole. Fqmam
in Saxo signifies from, which seems to make out
the etymology; or it may come from the Sax.
Femdpful, profitable.

Franchise (Fr.) Is sometimes taken for
a privilege or exemption from Ordinary Juris-
diction, and sometimes an immunity from
tribute. It is either Person or Real, (Cromp.
jurisp. fol. 83.) that is, belonging to a person
immediately, or else by means of this or that
place, or Court of Immunity, whereas he is
either Chief, or a Member. In what particular
things Franchise commonly conflits, see Britton,
cap. 4. and 2 Hen. 5. cap. 7. in Fine.) Seems
to be that where the Kings Writ runs not, as
Chester and Durham, which are called Seignories
Royal, Anno 28 Hen. 6. cap. 4. And formerly

Tynedale and Exmouth in Nortumberland.
2 Hen. 5. cap. 5. Franchise Royal (according
to another Author) is where the King grants
to one and his heirs, that they shall be quit of
Toll, or such like. See Franchise in the New
Book of Entries, and Britton, lib. 3. cap. 5. See
Sce.

Francigena. See Englandica.

Fide Fortes de L.L. Angl. cap. 39.

Frank-almon (Fr. Frank-a-symone) Is a
Tenure or Title of Lands or Tenements be-
fowed upon God, that is, given to such people
as devote themselves to the Service of God,
in pure and perpetual Alms; whence the
Feoffors or Givers, cannot demand any terri-tri-
Service, so long as the Lands remain in the
hands of the Feoffees. Grand Cosmogony
Norm. cap. 32. Of this you may read Braden
at large, lib. 2. cap. 5. & 10. and Fitz. Nat. Br.
fol. 411. New Book of Entries, verbs, Frank-
almon. But Britton (cap. 66. num. 5.) makes
another kind of this Land which is given in
Alms, but not free Alms, because the Tenants
in this are tied in certain Services to the
Feoffor.

Frank-bank. See Free bench.

Frank-chase (Fr.) Is a liberty of Free
chase, whereby all men, having ground within
that compass, are prohibited to cut down
Wood, &c. Without the view of the Forester,
though it be his own Deemn. Cromp. Jurisp.
fol. 30.

Frank-fyte (Fynum Librum) Is by Brooke,
tit. Deemn. num. 34. thus express'd; That
which is in the hand of the King or Lord of
any Mannor, being Ancient Deemn of the
Crowns (viz. the Deemn), is called Frank-fee,
and that in the Tenants hands is ancient Deemn
only. See Reg. of Writs, fol. 712. a. which,
says, that this is Frank-fee, which a Man holds
at the Common Law to him and his Heirs,
and not by such Service as is required in Ancient
Deemn, according to the custom of the Man-
nor. And that the Lands which are laid to be in
the hands of King Edward the Conqueror, at the
making of Domesday Book, is Ancient Deemn,
and all the rest Frank-fee: whereas Fitzherbert
agrees (Nat. Br. fol. 61.) So that all the
Lands in the Realm by this Rule, are either
Ancient Deemn or Frank-fee. Another
defines Frank-fee to be a Tenure in Fee-simple
of Lands, pleadsable at the Common Law, and
not in Ancient Deemn. Fynum fynum genet-
pro quo nullum servitium prestatrus Dumani, &c.
Facbincum, lib. 7. cap. 39.

Frank-torm (Fynno Librum) Is Land or
Tenement wherein the nature of Fee is changed
by Feoffment out of Knights-service, for cer-
tain yearly services; and whence neither
Homage, Wardship, Marriage, nor Relief
may be demanded, nor any other Service not
contained in the Feoffment. Britton, cap. 66.
num. 3. See Fee-farm.

Frankhold, Is where the Lord hath the
profit of holding his Tenants Sheep within his
Mannor,
Mannor, for the Manuring his Land. Kell.
Rep. fol. 198. a. Lordess Taliouine & Faye-
fruitarius denegatum, Manuoriae & pritiorum
Dominus fiunt suspicionem, says Mr. Sm撇er. It
is compounded of the Fr. Franc, i. free ; and
the Sax. pal, i. a Fold. See Bundle.

Frank-Law (Libera Lex) is the benefit of
the Free and Common Law of the Land.
He that for any offence, as Conspiracy, &c.,
losth his Franc-Law, is said to fall into these
mishaps; first, That he may never be em-
panelled upon any Jury or Affife, or otherwise
used in testifyng any truth. Next, if he have
anything to do in the Kings Court, he must
not approach it in person, but appoint his At-
torney. Thirdly, his Lands, Goods, and
Chattels, must be seized into the Kings hands,
and his Lands must be Escheated, his Trees
rooted up, and his Body committed to prison.
Thus Cromton in his Hist. of Peace, fol. 156.
Who cites the Book of Affises, fol. 59. See
Conspiracy.

Frank-marriage (Liberi Maritamagum)
Is a Leunure in Tail-episode, growing from their
words in the gift. Scanty, &c. me T. B. de o.
dediff & consanguine, & presents Charta mea con-
struantur A. B. filiae mea & Marie uxor ejus,
filiae vero C. D. in librum maritandum quum
Meffifiantur, &c. Weft, par. 1. Symbol. lib. 2,
asso. 303. The effect of which words is, That
they shall have the Land to them, and the heirs
of their Bodies, and shall do Fealty to the
Donor, until the fourth degree. Glanvile, lib.
7. cap. 18. and Bracton, lib. 2. cap. 7. num. 4.
where he divides Maritamagum in librum, & serv-
ition obligamentum. See Marriage.
Elsa gives this
reason why the heirs do not service until the
fourth degree, Ne Donantes vel eum hominum
per hominem actionem, &c. vesciones replicarent.
And why, in the fourth descent and downward,
they shall do service to the Donor, Quia in
quarto grado venit etemorum previous, quandam
non est pro defuncto hominum Donatorumum rever-
sum, lib. 1. cap. 11.

Frank-pledge (from the Fr. Franc, i. Libere
& Pleges, i. Pledge) Signifies a Pledge or
Surety for Freemen. The ancient custom of
England for prefervatton of the Publick Peace,
was, that every tree-born Man, at fourteen
years of age (Religious persons, Clerks,
Knights, and their eldest Sons excepted)
should finde Surety for his Truth, towards the
King and his Subjects, or else be kept in Pri-
son ; whereupon a certain number of Neigh-
bors became cutomly bound one for another,
to see each Man or their Pledge forth coming
at all times, or to answer the Transgression
committed by any gone away. So that, whoever
offended, it was forthwith enquired in what
Pledge he was, and then those of that Pledge,
either brought him forth within thirty one days
to his answer, or satisfied for his offence. This
was called Frank-pledge, and the circuit there-
of Denizens, because it commonly consisted of
ten households ; and every particular person
thus mutually bound for himself, and his Neigh-

bors, was called Decennar, because he was of
one Decennar or other. This custom was so
kept, that the Sheriffs, at every County Court,
did from time to time, take the Oaths of young
men, as they grew to fourteen years of age,
and fees, that they were settled in one Decennar,
or another ; whereupon this Branch of the Sheriffs
Authority was called Pisis Franc-plegis, View
of Frank-pledge. See the Statue for View of
Frank-pledge, Am. 13 Edw. 2. See Denec-
nier, Lect, View of Frank-pledge, and Freemen.
What Articles were wont to be enquired of
in this Court, see in Howd Minor, lib. 1. cap.
De la Vexis des Franc-plegis, and what those
Articles were in ancient times, see in Plesi,
lib. 2. cap. 52. See also a T. Inf. fol. 75.
And if there be any persons within the
Wards, that is not under Frank-pledge,
thats to save under lute and Labe, &c.
Out of an Ancient Charge of the Lord Warden
in every Ward in London.

Fri-bench (Franc-bank, Francus Bancum,
1. sedes Libera) Signifies that estate in Cop-
hold lands which the Wife, being espoused a
Virgin, hath, after the death of her Husband,
for her Dower, according to the custom of the
Mannor (Rydbin, fol. 190.) As at Totton in the
County of Hereford, the releif of a Cop hold-
tenant, is admitted to her Free-bench, that is,
to all her Husbands Cop hold Lands, during
her life, the next Court after her husbands
aeth herw的工作. Confiduunt off in parvis illis,
& quod ande mortem defunctorum habent
Francum Bancum suum de terra &c. Sulcanam,
& venit nonens dina. Fischaber calls it a
Custain, whereby in certain Cities the Wife
shall have her Husbands, whole Lands, &c. for
her Dower. Nat. Br. fol. 150. See likewise
Corinus, Corin, fol. 111.

Of this Free-bench, several Mannors have sev-
eral customs, As in the custom of the Mannors
of East and West Eshmore, in the County of Berks;
That if a Customeen Tenant dye, the Widow
shall have her Free-bench in all his Cop hold
lands, Domus & caesu firmat, but of the
commit Incontinency, she forfeits her estate;
yet if she will come into the Court riding back-
ward on a Black Ram with his tail in her hand,
and say the words following, the Steward is
bound by the Custume, to re-admit her to her
Free-bench.

Here I am,
Riding upon a Black Ram,
Like a Whore as I am.
And for my Gracious Granum
Dabe lef my Binkum Bandum.
And for my Laise Game,
Dabe done this Unsequeintl name.
Therefore I pray you Be Steward let me
dabe lef Land again.

The like Custome is in the Mannor of Ten in
Devonshire, and other parts of the West.

Free
Free-bord. (Francobordus.) — Et tamen
bosecum quod vocatur Brendewode, cum Franc-
boordo Jurium pedem & dimid. per circuitum
lima belli. — Mon. Angl. 2 Parr. fol. 241. 8. In
some places more, in some less, is claimed as a
Free-bord, beyond, or without the Fence.

Free-chapel (Libera Capella.) Is (in
the opinion of some) a Chappell founded within
Parish for the Service of God, by the Devot-
ion and Liberty of some good Man or over the
Mother Church, to which it was free for the Parishioner to come, or not, and
enbodied with maintenance by the Founder, and
therefore called Free. Others say, and more
probably, that those only are Free-chappels, which are
of the King's Foundation, and by
him exempted from the Jurisdiction of the
Ordinary; but the King may licence a Subject to
found such a Chappell, and by his Charter ex-
empt it from the Ordinaries Visitation also.
That it is called free, in respect of its exemption
from the Jurisdiction of the Diocesan, appears
by the Register of Wills, fol. 40 and 41.
These Chappels were all given to the King
with Chantry also, Anno 1 Edw. 6. &ca. 14.
Free-Chapel of St. Martin le Grand. Anno
3 Ed. 4. &c. 4 &c. Ed. 4. ca. 7.

Freedoll. See Frissoll.

Freehold. (Liberes tenementum.) Is that
Land or Tenement which a Man holds in Fee,
Free-tay, or for term of life. Brabon, l. 8. ca. 9.
And it is of two sorts 5 Freehold in Deed, and
Freehold in Law: The first is the real Prop-
erty of Land or Tenement in Fee, Free-tail, or
for Life; the other is the right that a Man has
to such Land or Tenement before his entry or
failure. Freehold is likewise extended to
such Offices, which a Man holds either in Fee, or
for life. Brabon defines it to this effect, 
Frankenium is a possession of the Soil or ser-
vice issuing out of the Soil, which a Freeman
holds in Fee, or at least for life, though the Soil
shall be charged with free-services, ca. 32.
Freehold is sometimes taken in opposition to
Villenage.

Lambert, (in his explication of Saxon
words.) Verbo, terra e scriptura, Tæse, Land, in
the Saxons time, was called, either Wockland,
that is, hollow by Book or Writing or Folk-
land, held without Writing. This same report is
held with far better condition, and by the better sort of Tenants, as Noble-
men and Gentlemen, being such as we now call
Freehold: The latter was commonly in the
possession of Clowees, being that which we
now call, at the soil of the Lords. Reg. Judicio-
ali, fol. 68. 8. Tæse. That he, who holds Land
upon an execution of a Statute-Merchant, un-
til he be satisfied the Debt, Tenet ut liberum
tenementum habet & affiliatis suis; & fol. 73,
the same of a Tenant per elegance, where I con-
ceive, the meaning is, not that such Tenants are
Freeholders, but as Freeholders for their time,
until they receive d profits to the value of
their Debt. Freeholders in the ancient Laws of

Scalendl, were called Milius, according to
Skeve, verbo, Milius.

Frenchman. (Transigens.) Was ancient-
ly used for every Stranger. Brabon, lib. 3
Tract. 2. ca. 15. See English.

Frendes man, Was the old Saxon word
for him whom we call an Out-laws; The reason
was, because he was, upon his exclusion from the
Kings Peace and protection, deny'd all help of
friends after certain days. Nam juris ficti
1. says thus, 5 Tamen vacans Amel Washagh, &
alia nomine antiquitatis fere nominari friends-
man, ut sic videtur, quod juris ficti amici; &
unde, si quis tamen vel utlatarianus & expel-
sem seipsum parvi, respetratur; vel seipsum
communicaverit aliquo modo, vel accutavitur, ca-
dem quanm eum debet, qua punetur utlatarianus;
sit quod detrimenti non sit a max. ut verus, nesci
exi eis parvum de gratia sua.

Freidwite vel Frensh, Significant qualitas
prionis prises ratione coniect. Fren. lib. 1.
ca. 47.

Frosh diffens, (from the Fr. Fraiz, i.
Rienz, & d'effets, 1. Possesse, eيج interdiction.) Sig-
nifies that Diffen, which a man may seek to
defeat of himself, and by his own power,
without the help of the King or Judges, and
which is not above fifteen days old. Britton,
ca. 5. Of this you may read Brabon, lib. 4,
ca. 5. at large, concluding, that it is arbi-
trary.

Frosh fine, Is that, which was levied with-
in a year past. Wes. 2. ca. 45. Anno
3 Edw. 1.

Frosh foris, (Profligaria.) Is a force
7. For, if a man be Difcend of any Lands or
Tenements within any City or Borough, or
deforced from them after the death of his Au-
teeor, to whom he is heir, or after the death of
his Tenant for life, or in Tyll, he may, within
forty days after his title ascended, have his
remedy by an Affile or Bill of Frosh force. See
Old. Nat. Br. fol. 4. 2.

Frosh futs, (Rienz inferius.) Is such a
present and active following an Offender, as
ever ceases, from the time of the Offence
committed or discovered, until he be appre-
hehended: And, the benefit of the forfeit of a
Felon, is, That the party purifying shall have
his Goods restored him, whereas otherwise
they are the Kings; of this see Stamp, lib.
3. ca. 10 and 12. where you shall find what
fute is to be accounted freshe, and what not.
The same Author, (lib. ca. 7.) faith, that fresh
fute may continue for seven years. See Gales
Reports, lib. 3. Rigenaute Cate. Fresh fute is
either within the view or without. For Man-
wood Tays. That upon fresh fute within the
view, trefpasseurs in the Forest may be attached
by the Officers purifying them, though without
the limits of the Forest, pa. 2. ca. 19. 9. 

Frac, or Friers, (L. Fra'ter, Fr. Frère.
1. A Brother) An Order of Religious persons,
of which these are reckoned the principal
Branches.
Carta Adelisiana Regis, Sancto Wilfrido de Rippon concebit.

But all that is and es gan
Par in King Adelithan
As giuen as felich as I may
And to pe Capitel of Senis Wilfrat
Of my free Dobition
Pair pees at Rippon

*Makes it a
Sanctuary

*Sedes pacis
Within pe Byrke doze and pa quare
Pair habe pees for les and mare
Aikan of pis leben sal habe pees
Of Frodmortel and il deedes

* Fire and
Par pair don is, Tol, Tom,
water, ordal. With * Iron and with water deme,

11
And set ye Land of Sient Willrall
Of alky * get o fro fat be ag.
At nat nan at tanges me to
At part * Herplac fat baue at do
And for to will at pat be done
I will at pat alsky fradome baue;
And in all thinges be-as fre
As bert may think, or eygh may se
At te power of a Kings
Walls make free any tylinge.
And my scale baue I fat gerto
For I will at er no Stan it undo.

Frumgild (Sax.) Prima capitii affermationes
penja vel sylatura. The first payment made to
the Kinded of a plain person, in recompence of
his Murder. LL. Edwandi, cap. xii.

Frumstol (Sax.) Sede primaria, the chief
Sect or Manion-Houe; two by some called the
Ferm-Houe. LL. Ina Regi, cap. 38.

Fruittura (from the Fr. Fruitture) A break-
ing down or demolishing —Deci eis nonam
garbadam in Fruitturas, que de novo sint, quam

Fruittura terre, A small piece of Land.
Residuum quoddam prater acro numerosae vel
campum men SSR. Cam in Donetslaw Fru-
trum terram accipientur pro ampla portione foedum
a campe, villis, Manuria jacenti. Donetslaw, &c.
Honfle. Rex Aedeborne. In Insula habet Rex
unam Fruitturam terrae unde coeunt 61, Vovacer,
lego Fruittum. Specim.

Frythe. Sir Edward Coke (on Little. fol. 5. b.)
expounds it, a Plain between two Woods, a
Lawnd. Charles ues it for a Wood. Camden
(in his Brittan.) for an Arm of the Sea, or
great River. —Makebit his issue into the Frith
or Frith of Thames. Smith (in his Englands
Improvement) makes it signify an arm of wood,
except Thorns. How to reconcile these, I
know not; but am sure the Saxon Fptb, sig-
nifies Peace.

Frytbrough, from the Sax. Fryb, i. Pax,
and bonze, felixjor. —Et juxta quis de
Frytbrough, &c. Bledowrite, Fithwyte, &c.
It might here signify a Freedom from giving
security of the Peace.

Fyage or Fycage (a faxo) In the reign
of Edward the Third, the Black Prince of
Wales, having Aquitain granted him, laid an
Imposition of Fyage or Fycage upon the Sub-
jects of that Dukedom, viz: A filling for
every Fire, called Herber-Silver. Rot. Parl.
25 Edw. 3.

Fyier (Fr. fuyer. Lat. fugere) Though it be a
Verb, yet is used subfintively, and is two-
fold, Fuyer eon, (in flato) when a Man
does apparently and corporally flee; and Fuyer en
ley (in legs) when, being called in the County,
he appears not until he be outlawed, which is
right in the interpretation of Law. Stapl. Pl.
Cor. lily, cap. 22.

Fyugerae, Signifies a Chafe, and is all one
with Chatra. Charter Matildis Imperatrixis Mili-
ion de Glove.

Fugitives Goods (Bona fugitivorum) Are the
proper Goods of him that flies upon Felo-
ny, which, after the flight lawfully found, do not
belong to the King, or Lord of the Manor.
Coke, &c. 6. fol. 539. b. See Whaf.

Fumage (Fr. Fumagium) Dung, or a
Making with Dung. —Est sunt quibus de Fum-
agio & Manuio cariendo, &. Carta R. 2.
Priorat. de Herland. Pat. 5. Ed. 4. par. 3. m. 14.

Fumathoe or Fumados (1 Cap. 2. cap. 37.) Our Pitchers, garbled, fafted, hanged
in the street, and prefled, are so called in Italy
and Spain, whether they are carried in great
numbers.

Furca (Sweatetorica, & foja) i. Gallows
and Pit. In ancient Privileges it signified a ju-
risdictio of punishing Felons, that is, Men
with Hanging; Women with Drowning: Of which
last, take this notable example out of the Re-
ords of Rochester Church, in the time of Gils-
bert, Bishop there, who flourished under Richard
the First. Ann. 1. 1000.

Item duo mulieres venerant in villam de Sjute-
lerte, qui fuerant multo paupern in villa
de Croindone, & sceuti sunt universae eipso-
dem villa de Croindone, quorum paupertate
asperatorum uisq in villam de Sultie-
tere, & ibi capti fuerunt & incarcerati, & habuerunt
judiciona iuram in Curia de Sultie-
ter, ad portan-
dum cadum forum, quorum una fuit sales, &
altera damnata, unde submersa fuit in Viple-
pole. Et hoc totum contiguit tempore Gilberti
Domini Episcopi, & in qualitatem judicio fuent
Coronavis Domini Regis. Et Paulus de Stanes
fuit tunc Cacherellus de Hendredo de Acmea.
Et per illud tempore Robertus de Hecham Monas-
tus fuit censis de Maneria de Sultietre, &
mulieres judiciae suis Dominus Henricus de
Cobham, & aliis pluribus hominibus, despectis homini-
di Patrum. Fossas is taken away, but Furea re-
main, says Sir Edward Coke in his 3 Infl.
fol. 58.

Furlong (Sax. Fulfang) Is a quantity of
Ground, containing for the most part, forty
Perches, or Poles in length, and every Pole
fifteen foot and a half, eight of which Furlongs
make a Mile. Ann. 35 Edw. 1. cap. 6. It
is otherwise, the eighth part of an Acre; yet it
finde in an old Book, Printed in Henry the
Eighth's time, That Six hundred Foot, by
fivefcore to the Hundred, make a Furlong. See
Acre. In the former signification, the Romans
call it Stadium, in the latter Fugerae.


Furr (from the Fr. fourr, i. pellliculare, to line with Skins) The Stat. 24 Hen. 8. cap. 13. mentions divers kinds of it; as Sables, which is a rich Fur of colour between Black and Brown, being the Skin of a Beaff called a Sable, of bigness between a Polecat, and an ordinary Cat, and of fashion like a Polecat, bred in Hesse, but most and best in Tartary. Lucens, which is the Skin of a Beaff so called, being near the bigness of a Wolf, of colour between Red and Brown, and mingled with Black spots, bred in Majorca and Russia, and is a very rich Fur. Genetis, that is the Skin of a Beaff so called, of bigness between a Cat, and a Weaze, mailed like a Car, and of that nature, bred in Spain; whereof, there are two kinds, Black and Grey, and the Black the more precious, having black spots upon it hardly to be seen. Foins is of fashion like the Sable, bred in France, for the most part; the top of the Fur is Black, and the Ground whithith. Marton, is a Beaff very like the Sable, the Skin something counter, the best are in Ireland. Minover, is nothing but the Bellies of Squirrels, as some say; others say it is a little Vermin, like a Weaze, Milk white, and comes from Muncozy. Fitch, is that which we otherwise call the Polecat. Shank is the Skin of the Shank or Leg, of a kind of Kid, which bears the Fur, we call Budge. Calabar, is a little Beaff in bigness near a Squirrel, of colour Grey, and breed most in High Germany. Futtic, A kind of Wood, which Dyers use, and is brought from Barbados, Jamaica, &c. Mentioned in 2 Car. cap. 18.

G. Abel (Gabella, Gablum. Sax. Safol alias Sapil, Fr. Gabelle, i. VeRigi) hath the same signification among our Old Writers, as Gabelle hath in France; so for Camden (in his Britan, pag. 213.) speaking of Wallingford, says, Continebat 276 bares, i dumus reddesse normas libras de Gablo. And pag. 280. of Oxford, thus, Hae urbs reddesser pro Telineo & Gablo & alius confectibus per annum Regi quidem digniss

Libera & sex sextarias mellie; comiti vmd Aligo decem libros. Gabella (as Caffrannus defines it, de Conjectur. Burund. pag. 119.) of veligal quae servarit pro bonis mobilibus, id est, pro his quae vestum. —Distinguis itum from Tributum, quae tributum est proprium, quod cuius vis principis servaverit proros mobilibus.

Galsoldyld (Sax.) The payment ow-ning of Tributum or Custom. Also Hurry.

Galsol-land alias Galiiland (Sax.) Terra confinii Land liable to Tributum or Tax, remt Land, or Land letten for Rent. Sax Dill.

Gage (Fr.) Lat. cadum Signifies a Prow or Plunge, Plenger, lib. 10, cap. 6. Thus, Quantque ye mobiles puniment in cadum, quandoque ret immobiles. —And a little after, Increatuari vestro quandoque ad terminum, quandoque fine termini. Item quandoque increatuari ret aliqua in morbo vado, quandoque non. —Though the word Gage be contained, as it is a Sabitative, yet in the Veche, we hath turned the G. into W. So as it is often written Flage, or as to Wage Deliverance, i. To give security, that a thing shall be delivered: For, if he that distraineth, being sued, have not delivered the Cattle that were distrained, then he shall not only allow the Distress, but Gage Deliverance, i. Put in surety, that he will deliver them. Est. Nat. Be. fol. 74. D. and 67. E. yet in some Cases he shall not be tied to make this security, as if the Cattle died in Pound. Kitchin, fol. 145. or if he Claim a Propriety in the Cattle sued for. To Wage Law, see Law. See Mortgage.

Gager Deliverance. See Gage.

Gager del Lep. See Wage, and Wager of Law.

Gagers. See Gageors. This word is mentioned in Anno 12 Car. 2. cap. 4.

Gainage (Lat. Wainagium, i. Alia plau-fis, vel plau-fis apparatus. Fr. Gaignage, i. The Gain or Crop of Tilled or Planted Grounds) Signifies the Draught-Oxen, Horses, Wain, Plough, and Furniture for carrying on the work of Tillage, by the bafer fort of Soke-men and Villains; and sometimes the Land it self, or the profit raised by cultivating it. Braden, lib. 1. cap. 9. (Speaking of Lords and Servants) says —Ut si es desiderius, quod falcem non potes ex ess Wainagium. —And again, lib. 2. cap. 1. —Villanus non economiabiluis, nisi falso Wainagio fuit. For, anciently, as it appears both by Mag. Canv. cap. 14. and other Books, The Villain, when amerced, had his Wainage free, to the end, the Plough might not stand still: And the Law for the same reason, does still allow a like Priviledge to the Husbandman, that his Draught-Horses and Oxen are not, in many Cases, distrainable. This in Magna Charta, cap. 14. is called Wainage. I finde in old Nat. Br. fol. 117. —The Wra was abated for that the Oxygaw is always of a thing that hes in Gainer. This word was only used of Arable Land, because they that had it in occupation, had nothing of it, but the pro-fit, and fruit raised of it by their own labor, towards their suffenance, nor any other Title, but
but at the Lords Will. Gainer again in the same Book, fol. 1.e. is used for a Sokecomer, that hath such Land in his occupation. In the 3d Chapter of the Grand Cuffumny — Seigneurs are vivants qui servent eleemosynaires, puissants. And Britton with Gainer, to Plough or Till, fol. 65.2. and 42. b. Wofl, p. 52. Symb. iii. Recoveries. § 73. says a vice or good reddat lies for such and such things — for they are not in Desmes, but in gain, &c. Latly, in the Statute of Diffræses in the Exchequer, Ann. 51 Hen. 1. I find these words, No man of Religion, nor other, shall be restrained by his Beasts that gain the Land. See Wardenage. Gainer, (Fr. Gagnerie) Tillage or Tilling, or the profit raised of Tilling, or of the Beasts used therein. I have seen an old Lease that demised Obtins terrarum prati. & pastim. in m. vobo vacat. It Gainerie, &c. See Gainure. Gainure (Wofl, i. cap. 6. & 17.) Tillage. See Gainure. Galley (Galass) From the Fr. Galasse, which signified of old a certain Schoo, worn by the Gals in foul weather, as at present the signification with us, does not much differ. It is mentioned in Anna 4 Edw. cap. 7. And 1 & 15 Hen. 8. cap. 2. Gallibalens. Was a kinde of Coyn, which with Sushkins and Potkins was prohibited by the Stat. 3 Hen. 6. cap. 1. Gang-week. See Rags and Weeks. Gard, (Fr. le Gole, i. Carcel. A Cage for Birds & thence Metaphorically used for a Prison: So Goeller, whom we call Gaylor or Goler. Garb (Garba) Fr. Carbe alias Garbi, i. faucis Signifies a bundle or sheaf of Corn. Charta de Foresta, cap. 7. And Garba fugitatum is a Sheaf of Arrows. Secne, verbo, Garba. De omnino annona decima garba Deo debitâ stil. LL. Edovardi Conf. cap. 9. Gardles (Anno 21 Jac. cap. 19.) Signify the Stuff, Soil, or Uncleanesse, that is fevered from good Spice, Drugs, &c. Garbling of Bow-tubes, (Anno 1 Rich. cap. 1.) is the sortling or cutting out the good from the bad; As garbling of Spices, Drugs, &c. (1 Jac. cap. 19.) is nothing but to purifie it from the dross and duff that is mixed with it; and to sever the good from the bad: It may come from the Italian Garbo, that is Fineties or Neatness. See 4 Inf. fol. 264. Gardolrer of Spices (Anno 21 Jac. cap. 3.) Is an Officer of Antiquity in the City of London, who may enter into any Shop, Warehouse, &c. to view and search Drugs, Spices, &c. And to garble, and make clean the same. See Garderobe. See Wardrobe, and 2 Inf. fol. 255. Gard (Fr. Garde, Lat. Caufrin) Signifies a custody or care of defence; but hath divers Applications; Sometimes to those that attend upon the safety of the Prince, called the Lifeguard, and Tomen of the Gard; sometimes to such as have the education and guardianship of Infants or Idiots; Sometimes to a Writerouching of Wardships, of which there were three sorts, one called Durixi de gars, the second Exemptum de gars, the third Ravimentum de gars. Pits. Nat. Br. fol. 1. 28. 1. 40. See Ward and Gardian. Gardian or Guardian (Fr. Gardien, Sax. Sapusca, Lat. Caufor) Signifies generally him that hath the charge or custody of any person or thing; but most continually him that hath the education or protection of such people as are not of sufficient discretion to judge of their selves, and their own affairs, as Children and Idiots, being indeed as largely extended, as both Tutor and Curator among the Civilians. For whereas Tutor, is he that hath the Government of a Youth, until he come to fourteen years of age; and Curator, he that hath the disposition, and ordering of his substance afterward, until he attain to twenty five years, or that hath the charge of a Frantick person, during his Lunacy; we use for both the Guardian only, of which we have three sorts in England; one ordained by the Father in his last Will, another appointed by the Judge afterward: The third cut upon the Minor by the Law and Custom of the Land. But the Ancient Law in this Case is, in a great measure, altered by the Statute of 12 Car. 2. cap. 24. which ordains that, Where any person hath, or shall have any Child or Children under the age of Twenty one years, and not married at the time of his death, it shall be lawful for the Father of such Child or Children, whether born at the time of the decease of the Father, or at that time in ventre, or in merce, or whether such Father be within the age of Twenty one years, or of full age, by Deed executé in his life time, or by his last Will and Testament in writing, in the presence of two of more credible Witnesses, to dispose of the Custody and Divisim of such Child or Children, for, and during the time, he, or they shall remain under age, or any lesser time, to any Person, or Persons in Possession of, or Remainder, other than Popillicus Receipts and such dispositim shall be good against all Persons claiming such Child as Guardian in Socage, or otherwise. And in case the Father appoint no Guardian to his Child, the Ordinary may appoint one to order his Moveables and Chattels, until the age of fourteen years; and then he may chuse his Guardian: And for his Lands, the next of kin, on that side by which the Land descends not, shall be Guardian, as heretofore, in case of a Tenant in Socage. Gardian, or Guardian of the Spiritualtie, (Guppies Spiritualitium or spiritualitatis) is he, to whom the Spiritual jurisdiction of any Dioces is committed, during the vacancy of the See, (Anno 25 Hen. 8. ca. 21.) And, I take it, the Gardian of the Spiritualties may be either Guardian in Law, or fine Magistratu.
as the Arch-bishop is of any Diocese within his Province; or Guardian by Delegation, as he whom the Arch-bishop, or Vicar-general does for the time depute. Ann 13 Eliz. c.12. Guardan de la Peace, (Costas pacis.) See Conservator of the Peace.

Guardan de la Cinque ports. (Gard anom quinque portus) is a Magistrate that has the Jurisdiction of those Havens, which are commonly called the Cinque ports, that is, the five Havens: who there has all that jurisdiction that the Admiral of England has in places not exempt. Camden, in his Brit. p. 238. says: The Romans, after they had settled themselves and their Empire here in England, appointed a Magistrate or Governour over those East-parts, where our Cinque ports lie, whom they termed Consulum historique Saxoniis per Britanniam, having another that bore the same title on the opposite part of the Sea, whose Office was, to strengthen the Sea-coast with Munition against the out-rages and Robberies of the Barbarians; and believes, this Warder of the Cinque ports was first erected among us, in imitation of that Roman Polity. See Cinque ports. 

Garid en de l'Estamerey, (Ann 17 Car. 1. c.15.) Warden of the Staitmeters.

Gare, (Ann 31 Eliz. c. 3. c. 8.) is a courte Wood, full of stinking hairs, such as grows about the Pefil, or Shanks of the Sheep.


Garish, as, to garnish the Heir. To warn the heir. Ann 27 Eliz. c. 3.

Garth, is, for the party in whose hands Money is attached within the liberties of the City of London, so used in the Sheriff of London's Court; because he has had garnishment, or warning not to pay the Money, but to appear and answer to the Plaintiff creditor's Suit. Garnishment, (Fr. Garnement.) Signifies a warning given to one for his appearance; and that for the better furnishing the Cause and Court. For example, one is sued for the demise of certain Charters, and says, They were deliver'd to him, not only by the Plaintiff, but by J. S. also, and therefore prays, that J. S. may be warned to plead with the Plaintiff, whether the conditions are performed or no; and, in this petition he is said to pray Garnishment. New Book of Entries, fol. 211. col. 3, which may be interpreted a warning to J. S. to provide himself of a defence, or else a furnishing the Court with all parties to the action, whereby it may throughly determine the Cause. Britton (cap. 29.) says, Contrades are some named and fayr garnement, and fume furnisht, or (to use the literal signification of his word) appared. So Howeit Garnishment is generally used for a warning. As in Richein, fol. 8. Garnishet le Court, is to warn the Court; and reasonable garnishment in the same place, is reasonable warning. And in the Stat. 27 Eliz. c.3,
ancient British word; for, Gardd in that language signifies a Garden, the d being likewise'd in the pronunciation like th.

Garthman. Ann. 17 Rich. 2. c. 9. It is ordained, that no Fisher, nor Gardman, shall use any nets or engines to destroy the fry of fish, &c. Whereby it seems to signify one that keeps or owns an open Wear, where Fish are caught. It may happily be derived from the Scoto-Gaelic word Garth, which signifies forc'd or compelled, because the Firh are forc'd by the Wear to pass in at a loop, where they are caught.

Gabel, (Sax. Gabel,) Tribut, Toll, Custom; yearly Rent, Payment or Revenue; Of which we had of old several kinds paid by Tenants to their Landlords; as Gavel-Corn, Gavel-Malt, Oats-Gavel, Gavel-Fudder: As you may read in Mr. Fabian Philip's Book, Entitled, Misfortunes of Resemblances, xxiii. & 40.

Galelet, Is a special and ancient kind of Cefseft^ used in Kent, where the Custom of Galelet continues whereby the Tenant shall forfeit his Lands and Tenements to the Lord; if he withdraw from him his due Rents and Services: after this manner. — The Lord must seek, by the award of his Court, from three weeks to three weeks, to find some disaffections upon the Tenements, until the fourth Court, always with Witnesses; and, if in that time he can find none, then at the fourth Court let it be awarded, that he take the Tenement into his hand, in name of a Difcofs, and keep it a Year and a day without Manning; within which time, if the Tenant pay his Arrears, and make reasonable amendes for the withholding, let him have and enjoy his Tenement as before, and, if he come not before the year and day be past, let the Lord go to the next County-Court with Witnesses of his Wall at his own Court, and pronounce there this Proceeds to have further Witnesses; and then, by the award of his own Court, he shall enter and Manning the Tenement as his own: And, if the Tenant will afterwards re- have it, and hold it as he did before, let him make agreement with the Lord, according to this old paying.

Leghesith fele & neghesith gelt, 4 d. 1. for his Wille, er he become healder. 1.

Has he not since any thing given, nor any thing paid,
Then let him pay 5 l. for his Wille, ere he become healder again.

Other Copies have the first part thus written, and expounded.

Negiondith gelt & nigonisto gelt.
Let him 9 times pay, and 9 times re-pay.

Of this see re Hen. 2. Tit. iii. Cefseft etc., and the Stat. of Galelet, 1 Edw. 3. which gives this Law to Lords of Rents in London, and see Hefin. 2. c. 21. which gives Cefseff.

Cabelkind, (from the Sax. Gabel, i. Census, tributum, and cynic, Nature, Genre.) But Doctor Powell in his Additions to the Cambrian Hiftory, and from him Taylor in his History of Galekkind, fol. 6r. would have it deriv'd from the British word, Galve, importing a Hold, or Tenure; however, it signifies a Tenure, or Custom, whereby the Lands of the Father are equally divided at his death among all his Sons or, the Land of the Brother among all the Brethren, if he have no Issue of his own.

Teutonicus pristis patriis succedit in agris.
Mascula stirps unitis ne fret alta potens.

This Custom is still of force in Kent, Utrech, in Hertfordshire, and elsewhere, though with some difference. But, by the Stat. 35 & 36 Hen. 8. c. 26. All Galekkind Lands in Wales are made descendable to the Heir, according to the course of the Common-Law. Camden, in his Brit. says thus. — Cantarii necesse Gulielmo Normanno se dedixerunt, ut patrias conuertatur illeas venientem, illamque importum quam Cabelkkind nominat. Haec a terra, quae co nomine confentur, hicern masculis et quibus non patriam divinam, etiam familia non furiam. Adding further, Hanc reverentiam, quam quinimum decuman annum attingerit, ab eis, et fines Dominii conuenit cultibus, vel danda, vel vendenda alterius iacet. Et nisi parentibus, sibi damnatifos, suorum genus fundi succedunt, &c. It appears by 18 Hen. 6. c. 1. That in those days, there were not above 30 or 40 persons in all Kent, that held by any other Tenure, which was afterwards altered upon the petition of divers Kentish Gentlemen, in much of the Land of that County, by the Stat. 35 Hen. 8. c. 3. See Lamberts Perambulation of Kent, and Summers learned Discourses on this Subject. — Dedi istum terram, quam vendidit mihi Michael de Lureham, socio fratri liberae Cabilide & Stokithinde, ad fundandum mi Dominum Religionis, &c. Mon. Angl. 2 Part. fol. 649. 2.

Cabelholder, (Sax.) Sextarius vel lingit; Cerfesia fijit fijit jactari Manerie vel pradie Domino ab usq; demanas cerfesiam convulendae, cerfus vel tegit galeli nomine, pendentud.) A certain Measure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of Canterbury's Mannors in Kent, (according to which they were to be accountable,) this of old was one; De Galel-fijfer eguliffet bracini braciatis infa libertatem Manerieorum, viz. unum lagenas & dimidium Cerfesia. It elsewhere occurs under the name of Tol-fijfer, thus; De Tol-fijfer Cerfesia, hoc est de galeliffet bracini per unum annuos lagenas de Cerfesia. And, is undoubtedly the same; in lieu whereof the Abbots of Abingdon was wont of Cutfom to receive that Penny mentioned by Selden.
Selden in his learned Differtation annexed to 
Flata, c. 8. num. 3. and there, (by some 
mitate hapy of the Printer,) written Colc-
ster-penny, for Tal-lester-penny. Nor differs it,
(t I think) from what in the Gloffary, at the 
end of Hen. 1. Lawes, is called Olegzay. Sax.
Diz. and iec Tollpenny.

Gauget, or Gaget, (from the Fr. Gau-
chez. 1. In genere taurinae,) Signifies an Office 
of the Kings, appoinied to examine all Tuns 
Pipes, Hogheads, Barrels, and Tercians of 
Wine, Oyle, Honey, Butter, and to give them a 
Mark of allowance, before they are sold in 
any place: And, because this Mark is a Circle 
made with an Iron Instrument for that purpofe,
it seems thence to take name. Of this Office 
and Office we have many Statutes, the first is, 
Anno 27 Ed. 3. commonly called the Statute of 
Prevention, or Purveyors, c. 8. 28 Hen. 6. c. 16. 
And the last, is 12 Car. 2. c. 4.

Gauge-pen, Seems to be the Gauget Fesc, 
by Anno 23 Hen. 6. c. 16.

Geld, (Golden) Mullica, compensatio de-
bitis et prevent. Hence in our ancient Laws 
Wegeld was used for the value or price of a 
Man filion, and Oregild, of a Beall, Alto Mo-
ny, or Tribune. — Et sunt quies de Geldis & 
Damegildis & Horngeldis & Fortuneis, & de 
Blodwita & Fitwitna, & Fitwitna, & Lifwitna, 
& Heinigwitna, & Sventeñeñi, & Werpitoni, 
& Areved, & Surhedepen, & Tolimpenn——
Carta Reg. 2. Procer. de Hertland in Devon.
Pat. 4 Ed. 4. part. 3. M. 12. See Gild.

Geldable. See Gildable.

Geno, (Sax.) (Cenovia) Omnii homin pa-
cen feeas bando ad Genemum et robini de 
Geno, nisi probatus fuerit. LL. Ed. Cont. 
ca. 35. See Mene.

Generall Issue, See Issue.

Genereft, (Sax. Rehno, Fenet) Villna-
nes, villages, hamnass. L. Ed. MS. c. 19. 
Regis Generast. 1. Villanam.

Generof, Is a good addition; And, if a 
Gentlewoman be named Spinner in any Original 
Writ, Appeal or Indenture, the man abate and 
quafis the fame. 2 Inf. fol. 689.

Gentileman, (Generous, nobiliti) from the 
Fr. Gentil. 1. Honfire de bonne loco manus, and 
The Sax Mon, as if you woul, a Man 
well-born, or a Gentl, or Gener; the Italian 
calls them Gentilhomma; under this Title 
are comprised all that are above Trotmen; so 
that Noblemen are truly Gentlemen: But, by 
the course and custom of England, Nobility is 
neither Major or Minor; the greater contains 
all Titles and degrees from Baronets upward, 
the leffer all from Baronis downward. Smith de 
Repub. Ang. lib. 1. cap. 20. & 21. The reason of 
the name, grows from this, that they obferve 
Gentilestem fenum, that is, the race and pro-
pagation of their Blood, by bearing Arms, 
which the common fent, neither doth, nor may 
do. Tally in his Topics speaks thus of this sub-
ject, Gentiles fines, qui inrer et sedem sunt nominem 
ab ingenui oriund, quorum majorum nemo for-
Gildhalle  

Gildihall (i. Gilda aula) The chief Hall of the City of London so called. Gildarum non nominat coronam non solis minora fratresiam & fidelitate, sed ipse eam Gratiam Communis  

Gildhalls Etonicoimun, was used for the tracery of Eaterling Merchants in London, called the Stibyad. Anno 15 Hen. 8. cap. 6.

Gild-merchant (Gilda Mercatoria) Was a certain Priviledge or Liberty, granted to Merchants, whereby they were enabled (among other things) to hold certain Pleas of Land within their own Precincts.

Gildwite. See Gylwite.


Gleabland (Gleba) Church-land, Dos vel 2 terra ad Ecclesiae pertinent, Charta Eldred Regis Magna Britantiae Monst. de Crolland, apud Ingulphum: Inprimit totam Infulam Gloabland pro Gleba Ecclesie, & pro suis separali ejusdem Manastiri. Done. Lindwood fays, Gleba cf terra in qua confusit Dos Ecclesie. Mentioned in the Statute of 14 Car. 2. cap. 2. We most commonly take it for Land belonging to a Parish Church, besides the Tythe. Stone fays, The four Acres of Land, quhils is given to the Ministors of the Eange in Scotland, is called an Glebe, the quhils will be freie payment of any rents.

Go, Is sometimes used in a special signification, as to go without day; and to go to God, is as much as to be dismissed the Court. Broke, tit. Faller de Records, numa. And Eccle- 

M, fol. 703.

Sealing of Magabands, i. Sending them to the Goal. Anno 35 Eliz. cap. 7.

God-bote (Sax.) Mulieb ex deliciis idem ad divitias obsequent. A Fine or Amheritement for crimes and offences against God; an Ecclesi- 

Church Fine.

God-behab GridBagConstraints. See Good bearing.

Goldwirth vel Goldwick. In the Records of the Tower, there is mention of Confutato Vocata Goldwirth ad Goldwick; but no Explanation of it. I. B. chs.

Gold-bone (Sax.) By a spe- 

Cial signification, an exact carriage or behavior of a Person towards the King, and his Lige People, wherewith some Men, upon their misbehave or loose demeanance, are sometimes bound: For as Lambert, in his Eiren. lib. 2. cap. 4. Pages, He that is bound to this, is more strictly bound, than to the Peace 3 because, where the Peace is not broken without an airy, battery, or such like, this survey De bono gesto, may be forfeited by the number of a Man company, or by his or their Weapons or Arms, whereas fee more in that Learned Writer, and in Graunt. Just. of Peace, fol. 120, & 127.

Gold-Country (Bona Patria) Is an Affize or jury of Country-men or good Neighbors.

Gold-Cote (Fr. Gaut) (Anno 16 & 17 Car. 2. cap. 11.) A branch in a Bank or Sea-wal 3 or a passage worm by the Flux and Reflux of the Sea.

Gold-Cote (from the Fr. Cote, i. a Wear.) Locus in fluviis stagnat bis, piscinam capendorum gratia; a Wear. It is acceded, That all such Cozes, Miles, Weares, Stakes, and Diddles, which be leived and set up in the time of King Edward, the Kings Grand-father, and after, whereby the Kings Ships and Boats be disturbed, that they cannot pass in such River, as they were wont; shall be out and utterly pul- 

led down, without being renewed. Anno 25 Edw. 3. cap. 4. Sir Edward Coke (on Litt. fol. 6. b.) seems to derive it from Gorges, a deep Pit of Water, and calls it a Gors or Gulf. But quere, if not a mistake.

Gold-Cote (Anno 23 Hen. 8. cap. 3.) A Ditch, Sluice, or Gutter; perhaps from the Sax Sco- 

Cana, Funder.

Graduates (Graduati) Are such Scholars as have taken degrees in any University.

Anno 1 Hen. 6. cap. 3.

Graduari (Fr. Croffer, i. Scriba) Signifies a Notary or Scrivener; and is used in the Stat. 5 Hen. 5. cap. 1.

Gradual (Graduale seu Graduale) A Gradu- 

al Book containing some of the Offices of the Roman Church. Gradale (inquis Linslendus) fic dicatum a gradualibus se saeli libri continens. Pro- 

vincial. Angl. lib. 3. The word is mentioned in Planon, fol. 542. And 37 Hen. 6. fol. 72. It is sometimes taken for a Maf-Book; or part of it, instituted by Pope Celestine, Anno 450, according to Cursae.

Grand Affize. See Affize, and Magna 

Affize.
Grand Cape. See Cape and Attachment.

Grand days, are one in every Term, solemnly kept in the Lins of Court and Chancery, viz. Candlemas-day in Hilary Term; Ascension-day in Easter Term; S. John Baptist-day in Trinity Term; and All-Saints in Michaelmas Term; and there are Dies non juridici, no days in Court.

Grand Disperses (Dispersio Magna) is so called, not for the quantity, for it is very short, but for the quality, for the extent is very great; for thereby the Sheriff is commanded, Good dispersing insitum, ista quod ipsi, ne aliqui per ipsum ad ea manus apponat, donee habet aliquam praecipitionem, et quod de exitioe corundem nobis retribuet, et quod habeat corpus suum. It is the Receipt in two Caffet. Either when the Tenant or Defendant is attacked, and so returned, and appears not, but makes default, then a Grand Disperses is to be awarded; or when the Tenant or Defendant hath once appeared, and after makes default, then this Receipt lies by the Common Law, in the name of a Petit Caffe. Part. Inf. fol. 254.

Ann. 52 Hen. 3, cap. 59. Woff. I. cap. 34.

Grand Sergeant. See Chivalry and Sergeant.

Grange (Grangia) is a House or Farm, not only where are necessary places for all manner of Husbandry; as Stables for Horses, Salls for Cattle, &c. But where are Barns and Granaries for Corn, Haylofts, &c. And by the Grant of a Grange, which is often in Conveyances, such places will pass. Proctor. Angl. lib. 2. tit. de Judicature, et. Item omnis.

Grant (Concesso) Signifies a Gift in writing of such a thing, as cannot apply to be passed or conveyed by word only: As Rent, Reversions, Services, Advowsons in Grofs, Tythes, &c. or made by such persons as cannot give, but by Deed, as the king, and all Bodies Politicks; which differences are often in speech neglected, and then it is generally for every gift whatsoever, made of any thing by any person, and he that grants it, is called the Grantor, and he to whom it is made, the Grantsee. Woff. I, part. 3. Symbol. lib. 2. sect. 294. And a thing is said to Lie in Grant, which cannot be assigned without Deed. Coke. lib. 2. Lincolns. Cl. Caffet. 54.

Great Heath, are most commonly understood to be the temporal Lords of the Higher House of Parliament: As Ann. 43 Edw. 3, cap. 2. and 8 Rich. 2, in Proem. And sometimes of the Members of the House of Commons, as Ann. 2 Rich. 2, part.

Grestheach or Greatheath, is mistaken by Saxons in his Decription of England, cap. 11. And by Reelof, for Grith-broche, which Visle.

Griv (Fr. Gros, i. Will, allowance, or liking) Signifies agreement, concurrence, or good-liking: As to make grande the party, is to satisfy them for an offence done. Ann. 1 Rich. 2, cap. 45. And in 25 Edw. 3, cap. 19.

It is said, That Judgment shall be put in

...
Growth-halfpenny, A half-penny so called and paid in some places for Tythe of every fat Beast, Ox, and other unfruitful Cattle. Claytons Rep. pag. 92.

Gruitari (of whom you shall read in Forrest Records) derived from the Fr. Gruyer, signifies generally the principal Officers of the Forrest.

Gast-takers or Gist-takers. See Agi-

Gudange or (Guadagine & Guadagine)

Gudagen Gudagens

Esqua duros abrui, et in conuductus por terram altius: That which is given for fine conduct through unknown ways, or a strange Territory. Sir Edow. Coke calls this an old legal word, & int. fol. 1526.

Gule of August (Gula Augusti) Wofsma, cap. 50, 2 Edw. Stat. 3. Fish. Nat. Br. fol. 63. Pow. Cants Minas, fol. 316. It is the very day of S. Peter ad Vincula, which is celebrated on the first day of August, and called the Gule of August, from the Latin Gula, i., a Throat; the reason is set down in Durandi Rationale, (lib. 13, cap. 19) who says, That one Julianus, a Tribune, having a Daughter that had a disease in her Throat, went to Alexander, then Pope of Rome, the Sixth from S. Peter, and defined of him to borrow, or see the Chins, that S. Peter was chained with under Nero, which being obtained, the said Daughter killing the Chins, was cured of her disease, and Quin-

H.

Habeas Corpus, Is a Writ, which a Man, indicted of a Treason before Judices of Peace, or in a Court of any Franchise, and imprisioned for it, may have out of the Kings Bench, thereby to remove himself thither at his own costs, and to answer the cause there. Fish. Nat. Br. fol. 250. And the order in this case is; first, to procure a Certiorari out of the Chancellor directed to the said Justices for removing the Indictment into the Kings Bench, and upon that, to procure this Writ to the Sheriff, for the causing of his body to be brought at a day, Reg. Jud. fol. 91. where you shall find divers cases wherein this Writ is allowed.

Habeas Corpus, Is a Writ that lies for the bringing in a Jury, or so many of them as are to come upon the Vereum facias, for the trial of a Cause brought to issue. Old Nat. Br. fol. 157. See great diversity of this Writ in the Table of the Register of Judicatures, and the New Book of Entries, verbo, Habeas Corpora.

Habendum, Is a word of course in a Convenance, in every of which, are two principal parts, the Premises, and the Habendum. The Office