Growth-halfpenny. A half-penny so called and paid in some places for Tyre of every fat Beast, Ox, and other unfruitful Cattle. Clavonius, Rep. pag. 57.

Guaratt (of whom you shall read in Forrest Records) derived from the Fr. Guarat, signifies generally the principal Officers of the Forrest.

Gust-takers or Gist-takers. See Agistors.

Guadage or 3 (Guadagem & Guidagem)

Ei quod datur aliqui ut iuvent audiatur per terram alterius: That which is given for fair conduct through unknown ways, or a strange Territory. Sir Edwa. Coke calls this an old legal word. 4 Inst. fol. 7526.

Gule of August (Guile Angofia) Wofima, cap. 50, 27 Edw. 3 Stat. 3. Fiscb. Nat. Br. fol. 63. Plow. Cauf Mine, fol. 716. 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.e. a Throat: the reason is set down in Durandus Rationale, cap. 19, who says, That one Quirinus, a Tribunic, 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 charms, that S. Peter was chained with under Nero, which being obtained, the said Daughter kissing the charms, which were cured of her disease, and Quirinus with his Family was baptized. Tomus hatius Alexander Papa hoc festum in Calendari Augusti celebrandum est, et in honorem Beate Petri Ecclesiam in Urbe fabricavit, ut vincula ipsa repellatur, et Ad Vincula nunquam, & Calendarium Augusti dedicatur. In qua festivitate populac. utique vincula habet ejuscausa. So that this day, being before called only the Calendars of August, was upon this occasion termed differently, either S. Peter's day, Ad Vincula, from the instrument that wrought the miracle; or the Gule of August, from that part of the Virgin, whereon the miracle was wrought. Verisimilis officio debet inter Pobeda, & Gulam Augusti. Rentale Mancri regalis de Wy.

Gillhuit (according to Saxton in his description of England, cap. 11.) is an amends for Trepass: But I find no such word either in Saxon Gloss, Sax. Diff. or Ancient Records. Therefore, doubtless, mistaken for Gyelhuit, which Vide.

Gilt (Jules) is used by Bevis for a Stranger or Guest that lodges with us the second night. Lib. 3, tr. 2. cap. 10. In the Laws of S. Edward, published by Lambert, num. 57. it is written Gelt. Of this see more in Uncoth.

Glawh-merched, is a British word, signifying a Payment or Fine made to the Lords of such Manors, upon the Marriage of their Tenants Daughters; or otherwise upon their committing Incontinency. See Marchet and Lawmite.

Omnibus.—Jacques Baskervile Miles, Dominus Mauzri de Thyle (Com. Hertf.) suin. Noverunt me praefatum Jacobum reminisci Johanni ap John Hered. et affign. suin. totum jux titulum, et. quod habebo de e in quibusdam Servitiori ad restitutionem eum, de tenemento quod praebuit Johannes tenentis de me in praedicto Mauzi, quod serviat ad restitutionem, etc. Noch-metwy, otherwise called Mainfisian.


H.

Habebus Corporis, Is a Writ, which a Man, indicted of a Trepass before Justices of Peace, or in a Court of any Franchize, and imprisoned for it, may have out of the Kings Bench, thereby to remove himself thither at his own costs, and to answer the cause there. Fiscb. Nat. Br. fol. 250. And the order in this case is; first, to procure a Contourn to the Chancery directed to the said Justices for removing the Indictment into the Kings Bench, and upon that, to procure this Writ to the Sherif, for the causing of his Body to be brought at a day, Reg. Fud. fol. 81, where you shall finde divers cases wherein this Writ is allowed.

Habebus Corporis, Is a Writ that lies for the bringing in a Jury, or so many of them as shall come upon the Venuet facies, for the trial of a Cause brought to issue. Old Nat. Br. fol. 137. See great diversity of this Writ in the Table of the Register of Judiclae, and the New Book of Entries, verbo, Habebus Corporis.

Habendum, Is a word of course in a Conveyance, in every of which, are two principal parts, the Premises, and the Habendum. The Office
Office of the High Steward of the March of Montbard, known as the Warden of the March, is a Warden's Day. It is the last day of the year for the Warden to perform his duties. The Warden is responsible for the defense and safety of the March of Montbard, which includes the lands of the Warden and his family. The Warden is also responsible for the collection of taxes and the payment of debts. The Warden is appointed by the King of France, and his term of office is for one year. The Warden is assisted by a Warden's Council, which includes the Warden's family and other nobles. The Warden's Council meets once a year to discuss the affairs of the March of Montbard.

The Warden's Day is a time for the Warden to review the events of the previous year and to plan for the future. The Warden's Day is also a time for the Warden to receive guests and to host a banquet. The Warden's Day is a day of celebration and rejoicing.

As in the past, the Warden is expected to pay homage to the King of France on this day. The Warden is also expected to make a gift to the King of France on this day. The gift is usually a sum of money or a valuable possession.

The Warden's Day is a time for the Warden to reflect on his duties and to consider how he can improve his service to the King. The Warden is also expected to consider how he can improve the service of his council and how he can improve the service of his own family. The Warden is expected to be a model of virtue and to lead by example. The Warden is also expected to be a fair and just ruler, and to treat all of his subjects with respect and dignity.

The Warden's Day is a time for the Warden to consider how he can improve the service of his council and how he can improve the service of his own family. The Warden is also expected to be a model of virtue and to lead by example. The Warden is also expected to be a fair and just ruler, and to treat all of his subjects with respect and dignity.
upon any Appeal in Ecclesiastical or Marine Causes. Ann. 8 Eliz. cap. 5.

Half song. See Medici. Lingue.

Half-riot. See De Sitter.

Half-wit. See De Sitter.

Half-touch. See De Sitter.

Half-way. See De Sitter.

Half-year. See De Sitter.

Half-time. See De Sitter.


Hallage (Fr.) Is a Fee or Toll due for Clouds brought for sale to Black Court Hall, in London. Coke, vol. 6, fol. 293. Allo the Toll that is due to the Lord of a Fair or Market, for such Commodities as are vended in the Common Hall of the place.

Hallam-thing (Ann. 74 Eliz. cap. 59.) Was a part of Yorks., where the Town of Shiffield stands.

Halesong. See Healsong.

Ham (Sax.) A House or Habitation; also a Village or Town. Hence our many Towns end with it, as Nottingham, Buckingham, Walsingham, etc.

Hambles. Is the plural of the French Hable, signifying a Port or Haven of the Sea. Mentioned 27 Hen. 6. cap. 3.

Hamel. Hamlet, Hampel, Hampstel, Are Diminutives of Ham; and signify a little Village, or rather part of a Village; of which three, the word Hamlet is now only used, though British folk both Hamlet and Hampset. Learned Scholmen upon these words, shewing the difference betwixt Villem integram, viliam dimidiam & Hamletam, says thus. — Hamletam vero, quae mediocritatem frugibus non obtinet, iub et ubi quinque Capitales plegt non deprèsentj june. The Statute of Exon, 1 Edw. 7 mentions this word thus — Les nefres de toutes les villes & Hamlets que sont en son Wapentake, &c.

In an ancient MS. I finde it expounded, the fact of a Freeholder.

Hamfare (Sax.) Interfius filtrus in Iuno. See Giff. in x. Sthtub. 1.

Hamfonen (Sax. Hanf) The Liberty. Privilege, or Freedom of a Man's own House, or home; also a Franchise or Privilege so called, granted to the Lords of Manor, whereby they hold Fees, and take Cognizance of the breach of that immunity. Sax. Dill. Significant quartam invenienda intervallum in aliquem Doman sui ius injus. Fleet, lib. 1. cap. 47. Conceda libertatem & poststamen juris, conditionibus & omissis foris le deer omnia terram jurem. (Burgherita) & Hundred. Serena, Abbas, & Modias, & Inwontheredes, Hamptune, & Fridbyrke, & Froket, & Toll, & Leas. In uno Regio mego, & Char. donations ab Edmundo Rege Eclesie. Sancte Marie Gauton. Our ancient Records express Burgundy under this word Hamfence. See Hamfonce.

Handbobow (Sax. Baib-hab, i. a. Surity) His quas est excipij fuer intimes, loco eff. minor feu inferior 3 nam Handbobow fos eff capitis vel superior. Spelman.

Hand in, and hand out. (Ann. 17 Edw. 1, cap. 2.) Is the name of an unlawful game, now disused.


Handy-appar, A kind of Cloth made at Cohsal, Bucking, and Braintype in Yark, and mentioned in the Statute of 4 & 5 Thill. & M. cap. 5.

Hannisere. See Haniculture.

Hannibault alias Handwite (from the Sax. Hanbian, i. sthendere, and vice, mutha) Is (according to Kaas) a Liberty granted to a Man, whereby he is quit of a Feoff or Theft, hanged without judgment, or escaped out of custody. We read it interpreted Mutila pro hmine. injus. Jefus. And elsewhere, Mutila pro latione pater pari exigentia sibi suis vel claps. & Whether it may not also signify, a liberty whereby a Lord challengeth the forfeiture due for him, who hangs himself within the Lords Fee? See Blandon.

Hamper or Hanaper of the Chancery (Ann. 11 Rich. 2. cap. 1.) Seems to signify, as Esopus originally does in Latin. See Clerk of the Hanaper.

Hanfe (an old Goth. word) Signifies a Society of Merchants, combined together for the good usage, and safe passage of merchants from Kingdom to Kingdom. This Society was, and in part, yet is endowed with many large Privileges of Princes respectively within their Territories. It had four Principal Seats or Staple, where the Almaw or Dutch Merchants being the Erectors of this Society, had an especial Haufe, one of which was here in London called Guildhaufe Teknonium, vulgare, the Seminar, See Oronium Index, verbo, Anfatochi.

Es good habans Guidam Mercatorum cum Hanfe,
Haply, (Fr. Happez, to catch or snatch) signifies the same with us, as to hap the polissee of a Deed Pol, Littleton, fo. 8. To hap the rent: As, if partition be made between two Parceners, and more Land be allowed to one then the other, and the that has most of the Land, charges her Land to the other, and the happiest the rent, she shall maintain Amisse without our specialty. Termi Ley.

Haque, is a hand-Gun of about three quarters of a yard long. Anno 33 H. 8. ca. 6, and 2 & 3 Ed. 6. ca. 14. There is also the half-haque, or demi-haque.

Haquebut, (Fr.) A kind of Gun or Caliver, otherwise called an Arquebuse. Anno 2 & 3 Ed. 6. ca. 14, and 4 & 5 Ph. & Ma. ca. 2.

Paratium—Ex docum. de dominio sui, de pratis, de bladiis, partibus, vantibus, melonum, & de vinisio. Mon. Ang. par. fo. 339. Probably from a wine, it may signify the breed or flock of Sane.

Hariat, alias Heriot, (Heriotum) Six Edward Coke on Litt. fo. 1856. b. says, This, (as he takes it) in the Saxon Tongue, is called Hericete, that is, the Lords Beatt; for here, (says he) is Lord, and geat is Beatt; from which I crave liberty to dissent: For, in Sax, signifies an Army; and the Saxon Hepegeceg, (from whence we derive our Heriot) Signity a' Provision for War, or a Tribute given to the Lord of a Manor, for his better preparation towards War; Erat enim Hectorum militarum specieles praefatio, quam obviam raffellus, Dominus reportat in sui ipsius munitionem, says Spelman. And, by the Laws of Canutus, it appears, that at the death of the great Men of this Nation, so many Horfes and Armes were to be paid, as they were in their respective lifetimes, obliged to keep for the Kings Service. It is now taken for the beft Beatt a Tenant hath at the hour of his Death, due to the Lord by Custum, be it Horfes, Ox, &c. and in some Mannors, the beft piece of Plate, Jewel, or the beft good. Heriot is of two sorts; First, Hariot Custom, where Hariots have been paid time out of mind by Custum, after the death of Tenant for life. 2. Hariot Service, when a Tenant holds by such service to pay Hariot at the time of his death. For this the Lord shall distrain, and for the other he shall seize, and not distrain. If the Lord purchase part of the Tenancy, Hariot Service is extinguished, but not so of Hariot Custom. Cooke & Rep. Tablous Cafe. See Farley.

Part, is a Staty of five years old complete; And, if the King or Queen hunt him, and he escape, then is he called a Hart-Royal; And, if by such hunting, he be chased out of the Forest, Proclamation is commonly made in the places adjacent, that in regard of the pastime the beast afforded the King or Queen, none shall hurt him or hinder him from returning to the Forest, then is he a Hart-Royal Preclaii. Marwood, Part 5. ca. 4. num. 3.

Hartpenny, and Hartpother. See Chimney-Money, and Peter-Pence.

Hauerkets, See Haberfels.

Haw, (from the Sax. Haga) A small quantity of Land, so called in Kent; as a Hemphaw, or Beawhaw, lying near the Hooze, and enclosed for that use. Sax. dixit. But, I have seen an ancient MS that says, Habeas vocant mansiones five domus. And Sir Edw. Coke (on Litt. fo. 5 b.) says, in an ancient Plea concerning Fever in Kent, Haws are interpreted to signify Mansions. See Haward. See Hayward.

Hawber, or Hawber, quasi Hauberg, (Fr. Haubert, i. Loriz. i.) He that holds Land in France by finding a Coat, or Shirt of Mayle, when he shall be called, is said to have Haubertium studium, jiefe de Haubert — Hawberk, or Haubergion, with our Ancestors did signify as in France, a Coat or Shirt of Mayle, and it seems to be so used. Anno 13 Edw. 1. Stat. 3. ca. 6.

Hawkers, Those deearful Fellows, who went from place to place buying and selling Brafs, Pewter, and other Merchandise, which ought to be utterly in open Market, were 't of old so called. The word is mentioned Anno 23 Hen. 8. ca. 6. and 39 ejidem, ca. 4. We now call those Hawkers, who go up and down London Streets crying News-books, and selling them by retail; and, the Women who sell them by wholesale from the Press, are called Mercury Women. The Appellation of Hawkers seems to grow from their uncertain wandring, like those who with Hawker, seek their Game where they can find it.

Papa, (Gal. Hage, Sax. Hege,) A Hedges also a piece of Ground enclosed with a hedge.

Hapward, (from the Fr. Hay, i. Seper, and Garde, i. Cusculis) Signifies one that keeps the common herd of the Town; and, the reason may be, because one part of his Office is to look that they neither break nor crop the hedges of enclosed Grounds. He is a sworn Officer in the Lords Court, the form of whose Oath you may see in Kilchinn, fo. 46.

Hazardor, Are those that play at the Game at Rice, called Hazard; Hazardor communis ludens ad falsos tabulis adjudicata, aud per facies diversae suis prauar super collegis ingenii. Int. Plac. Trim. 2. Horn. & Saffon 50.

Headborow, (from the six Head. i. Sublimatur: & Bolfye, lude sufer) Signifies him that is chief of the Frankpledge, and that had the principal government of them within his own pledge. And, as he was called Headborow, so was he also called Burrowhead. Burroughd. Thirdlodge. Litchingman. Chief-pledge, or Wamtheld, according to the diversity of speech in several places. Of this see Lamberti in his explication, &c. voce, Centurio, Smyth de Rep. Angi. lib. 3. ca. 32. The same Officer is now called a Constable. See Constable.
Dead-pace. Was an exaction of 40. l. and more, heretofore collected by the Sheriff of Northumberland of the Inhabitants of that County, twice in seven years; that is, every third and fourth years, without any account made to the King; which was therefore by the Stat. 29. Hen. 6. cap. 7. Clearly put out for ever. See Common Fine.

Dead-fish. See Common Fine.

Deal-sfang or Dale-sfang. Is composed of two Saxon words half, t. colloqu, and Pàgus, Casa parisiensi, qua icius colani stringen,

Dearth-money. See Chimney-money.

Dearth. It is the English name of an engine to take Fish in the River Orfe by and.

Deer, A Haven or Port. Domschey.

Deer (Hares) is he that succeeds, by right of blood, in any Mans Lands or Tenements in Fee 3; for nothing patshore hereditaria, but Fee. By the Common Law a Man cannot be heir to Goods or Chattels, for Hares deeter ad hereditaria. Every heir, having Land by descent, is bound by the binding Acts of his Ancestors, if he be named, ut jussit commendatum, sedin debuit Coxxx. Coke on Litt. fol. 78. 9.

La Pet. Deir, See Laft.

Deir (from the Sax. Heide, t. Harris, i. Leanes, i. lemanum) Some antique volubility qui vel ad mons non sat exulex, ideoque ex montibus hominum ad heredem non vitat, tantumque hereditaria, Spelt. It comprehend divers implements of Household, as Tables, Presses, Cupboards, Bedsteads, Furnaces, Wains covert, and such like, which (in some Countries, having belonged to a House certain defecents, and never inventoried, after the decease of the owner, as Chattels) arise by Custom, not by Common Laws to the Bin with the House it self. Constantly Hundreds of Stretford in Com. Occum, 167. quad borses certamenonin infra Hare demas prædati, coxan. past mortem ante suorium suorum habentum, &c. Principalium, Anglici, an Pet-loume, viz. De quidam generis cancellari, sublimium, &c. optimum platingum, optimam carum, optimam abum, &c. Coke on Litt. folio 78. 9.

Deberman, A Fisherman below Londonbridge, who fishes for Whiting, Smelt, &c. commonly at Ebbing-water, and therfore, so called. Mentioned in Act. for the Thames, Fines, Printed 1622.

Debating-wears. (Mentioned in 23. Hen. 8. cap. 5.) Are Wears or Engins made or laid at Ebbing-water, for taking Fish. See Leaks.


Dekich. Quia quia iniuria beneficii,

Derby. From the German, Hengi, a War- hostile. Within it signifies one that runs on foot, attending upon a Pecon of Honor or Worship. Anne 3. Edw. 4. cap. 5. and 24. Hen. 8. cap. 4.


Dengwen (Sax. Hengen) A Priuif, Goal, or House of Correction. Si quis amicis delisit, vel alienis, ad tantum laboris cum, ut anima non habebat, in prima accipiat mortem. & ibi fuit justice donec ad hoc judicium radit. L.L. Hen. 1. cap. 65.

Dengwine, Significat quatuor tandem in hereditate de latrone suspenso abique consideratione. Fleta, lib. 1. cap. 47. See Hankwold.

Herold, Herald, or Harold. (Int. Herold, Fr. Herault, vel quasi herma tunc) Significat an Officer at Arms, whose Function is to announce War, to proclaim Peace, and to be employed by the King in Martial Mengages. Thus described by Polidore, lib. 19. Habest inque Apparati onieris ministros, quos Heraldos dicitur, quorum praefellis Armorum Rex sanctius, sibi bello & paci nunci. Ducibus, Consilium ad Regi facta, insignia aptat ad eorum funeres curtum. They are Judges and Examiners of Gentlemen Arms, and Conferers of Genealogies; they March the Solemnities at the Coronation, and Funerals of Princes, Manage Combate, and such like. The three chief are called Kings at Arms, of which, Carter is the Principal, instituted and created by Henry the Fifth (Sive Animal. pag. 584.) whose office is to attend the Knights of the Carter at their Solemnities, and to March the Funerals of the Nobility; yet I finde in Florid, Caju Renieri & Foyoffa, that Edward the Fourth granted the Office of King of Heralds to one Carter, Cum fenda at present habentum, &c. fol. 12. b. The next is Claretian, asorded by Edward the Fourth, who, attaining the Dukeedom of Clarence, by the death of George his Brother, whom he beheaded for aspiring the Crown, made the Herald, which properly belonged to that Dukeedom, a King at Arms, and called him Claretian. His proper office is, to mortal and dispose the Funerals of all the lesser Nobility, as Knights and Esquires, through the Realm on the South-side Tents. The third is Norway, quasi, North-Roy, whose Office is the same name on the North-side Tents as Claretian on the South, as is intimated by his name, signifyng the Northern King, or King at Arms, of the North parts. Besides these, there are six other properly called Heralds, according to their original, as they were crested to attend certain great Lords, as in Martial Expedition; viz. York, Lancaster, Somerset, Richmond, Cheyfer, Windsor. Lastly, there are four other called Marshals or Purifiers at Arms, who commonly succed in the place of such Heralds as die, or are preferred, and these are Bleden Staute, Rouge-craft, Rouge- dragen, and Parrell. These Heralds are by some Authors called Nenoci Sacri, and by the Ancient Bawans, Feudales, who were Priests. Kings at Arms are mentioned in the Statute of 14. Car. 2. cap. 33. Of these seemore in Sir Hen. Spelman’s Learned Glossarium.

Herbage. (Fr. Lat. Herbagium) Significat the Pasture or Fruit of the Earth, provided by nature, for the Bit or Mouth of the Cattle: And it is commonly used for a Liberty that a Man
Man hath to feed his Cattle in another Mans Ground, as in the Forest.  

Herberg (from the Fr. Herberger, i. Hopitio accepit) Signifies with us an Officer of the Kings Court, who allots the Noblemen, and those of the Household their Lodgings. Kitchin (fol. 175.) uses it for an Inn-keeper.

Herbecham (a Gal. Hercy, to Harrow) 

Arabant & Herciebant ad Carissim Domini, i. They did Plough and Harrow at the Manor of the Lord. 2 Inf. fol. 270.

Hereditaments (Hereditamenta) Signifies all such immovable things, be they corporeal, or incorporeal, as a Man may have to himself, and his Heirs, by way of inheritance, (see III. 2 Hen. 8. cap. 9.) or, not being otherwise bequeathed, do naturally, and of course descend to the next Heir, and fall not within the reach of an Executor or Administrator, as Chattels do. It is a word of great extent, and much used in Conveyances; for by the Grant of Hereditaments, Illes, Seigniories, Manors, Housels, and Lands of all Sorts, Charterts, Kents, Services, Advalvions, Commons, and whatsoever may be inherited, will pass. Coke on Littit, fol. 6. Hereditamentum est omnium quod juris hereditario ad heredem transferat.

Heretar (Sax.) Prohibio militiae & sequt. See Sidways.

Herregeat. See Hartot.

Herregeld. (Sax.) Fecunna seu timbrian a tenendo exercitio collatam. See Julianot.

Heritor. See Hartot.

Hereditia or Heredita, Signifies a Soldier hired, and departing without Licence; from the Saxon Heptle, exercitus; Celicim, videres, different, not from Silein, to depart, as in 4 Inf. fol. 128.


Hermitiue, Is by some Authors confused with Hermitage, but I have seen it distinguished, to signify the Chapell, or place of Prayer, belonging to an Hermitage, for I found in an old Charter. Capelam seu Hermitiue.

Herpest. See Frodonwel.

Hetia or Hestia. Hestiam accepit pro Capa seu Gala crassitus, vel gala quadam sihi quisque.

A Gal. Hespaudeau, a Cocke or Cantonet Spel. See Rafea.


Hetam, Was anciently a County of it self, and a franchise, where the Kings Writ went not; but by the Statute of 15 Edw. cap. 13, Hexam and Hextomire shall be within the County of Northumberland. See 4 Inf. fol. 222. It was also of old a Bishopric by the name of Episcopatus Hagastaldeni, See Mon. Angl. 2 par. fol. 501.

Hiday of Land (Sax. Hyde-Landa ab Hyden, regere) Tamba fundo poro quam unico per annum non potest araro. A Plough-Land. In an old Law Manuscript it is said to be 120 Acres. Bede calls it Familum, and says it is as much as will maintain a Family. Others say, it is four Yardland. Comp. in his Jurispr. fol. 222. says, A Hide of Land contains one hundred Acres, and eight Hides make a Knights Fee. Hida autem Anglice tacet curiam usque usque articis culture sufticientis. Hen. Hunting. Hist. But Sir Edward Coke holds, That a Knights Fee, a Hide or Plough-Land, a Yardland, or Oxyg of Land, do not contain any certain number of Acres. On Littit, fol. 65. The distribution of England by Hides of Land, is very ancient; for there is mention of them in the Laws of King Ina, cap. 14, Heitalus in Maritands filio su. gestis imperiis, capit ob unaquantque hie. Anglice tres fol. Spel. And see Can. Brit. fol. 130.

Hine-lands. (Sax. Hypebändere, Teire ac Hydus-fen telbim peregrinus.

Hinde and Gain. Did anciently signify Arable Land. Coke on Littit, fol. 33. For of old to gain the Land, was as much as to Till, or arg it. See Guinage.

Hidage (Hidagem) Was an extraordinary Tax payable annually for every Hide of Land. Bradton, loc. c. 66. writes thus of it: Suni eam quamdem communis prelatura, quae ferretur usque decem, non de consuetudine, sed uini necrosti interveni, vel eum Rex vetari, fons jucundum Hidage, Corogia, Caragia, &c. ubi plana de necessitatis & ex consuetudin consuetum sunt, rigis, speciis, & Juxta duum Dominum sancit nostre ponebat, Se. King, declared in the year of Christ 994. when the Danes landed at Sandwick, taxed all his Land by Hides 2 every 30 Hides of Land found one Ship furnished, and every 30 Hides found one Jace, and one Saddle for defence of the Realm. In the same Cap. 14. Hidage de unan guique Hida per Anglum fecundus accipit. Floten. Wigenson in Ann. 588. Sometimes Hidage was taken for the being
being quit of that Tax which was also called Hydepepole.

Dixiel, (Anno 1 Hen. 7. ca. 6.) Seem to signify a place of protection, or a Sandhury.

His testibus. Antiquity did add these words in the continent of the Deed, after the In cujus rei testimonium, written with the same hand with the Deed, which Writestes were called, the Deed read, and then their names entered; And this clause of His testibus in Subject Deeds continued until and in the Reign of Hen. 8th but now is wholly omitted. Coke on Litt. fol. 6.

Hine, (Sax.) A Servant, or one of the Family; but, it is now taken in a more reftorative fence, for a Servant at Husbandy; and, the Mower, he that oversees the rest. Anno 12. R. 2. ca. 4.

Hinefare, or Hearnfare (from the Sax. Hine, a Servant, and Fare, a going or passage) the going or departure of a Servant from his Mafter. —Bigns accedit domino Regis & jactat Hein famam, Dan. Regi xxi. g. Domesday, iii. Arcanfeld.

Hingeld, Significat iuvenitans transgressam silent in servum transgregendam. MS. Arch. Trevor Ar.

Hirbalds. The division of an inheritance among Hirs: Golda dite Alfo Horsficund. See Admission.

Hirb, a Douna re in untrinqua familia. Inter Plac. Tin. Ed. 2. Ebor. 48. MS.

Hirb. See Hyb.

Hodmen, (Anno 21. Jac. ca. 3.) Are an ancient Clod or fraternity at Newcastle upon Tine, who deal in Seacoal.

Hobblers, or Hobblers (Hoblaria) Erath middlings, leg. messurearm and mediocri equo, ad omnem mendum agit, sed subtus 3 in Gallia generatis. Digiti (at veer) vel ab ipso mora, in Hobbler, an Hobby appellation, vel possum a Gall. hobille, tabulae fyllabarum in exscriptum ejusdem Edwardi Careri odidem. Anno 1370. fic habent. Sub Comiti Randal, Benve tus 1, Knight 1, Esquires 38, Hobblers 27, &c. There were light-hoofmen, or (according to Cowell) certain Tenants, who, by their Tenure were bound to maintain a little light Nag, for certifying any invasion, or such like peril toward the Sea-side, as Portsfoot, &c. of which you may read 18. 9. Stat. 2. ca. 7, and 15 Edw. Stat. 2. ca. 4. and Cam. Brit. fol. 272. Duram vestitam aliquis ut atatem, Hen. 8. says Speelman. Gehrz dorum & Hob livers, See Prima Annuale, 4 Inf, fol. 307.

Hock negroy-money, Was a Taxbrane paid the Landlord, for giving his Tenants and Bond men leave to celebrate that day (which was the second Tuesday after Easter week) whereon the Engls did Mafter the dominering Dames. Mr. Fad. Philipp Mihaken Recompositis, fol. 59.

Hockettes, or Vaquetarit, is an old French word for a Knight of the Poit; a de cadet man, a basket-carrier. 3 Part Inf. fol. 175. Queurt menuecantum non respingunt ne

fuit supra noi cebon per Hocketours, parent que la verite ne soit enca. Star. Rayman.

Hogenhine, (ferculus, Third night at noon.) The is the names which was called added to the Ohone, and lies there the third night, after which he is accounted of that Family, and, if he offend the Kings Peace, his Hooft was to be anfwereable for. See Third-night at noon.

Hodkead, Otherwise called Hcck-tudayed, was the second Tuesday after Easter-week. Et ad sejusum S. Mich. cum venire voluerit. —Suenecallis Caruei de la Hele, habebit de Cele rario quinque altos panes & Castellos suas plenos Cavuium, & ad idem Sejusum pro Curia de Kin perdonue de privilegiis tenendis, habebit tidem & ad de Hodkead, titendi Mon. Angl. 2 Par. fo. 550. b. See Hucktuesday Money.

Hogethead, Is a Measure of Wine, Oyle & containing half a Pipe, the fourth part of a Tun, or 63 Gallons. Anno 1 R. 3. ca. 4.

Holm, (Sax. Holmis) infusa ammica, A River Island, according to Bede; sometimes found in ancient Deeds and Records. Coke on Litt. fol. 5. —Cum dominus holmis in campi de wedone. Mon. Angl. 2. p. fo. 292. b. Where it seems to have a different signification.

Homage, (Fr.) Is derived from Homo, and is called Homage, because when the Tenant does this service, he says, 'I become your Man; It is also called Menhood, as the Menhood of his Tenant and the Homage of his Tenant is all one. Coke on Litt. fo. 64. In the original Grants of Lands and Tenements by way of Fee, the Lord did not only rely on his Tenants to certain Services, but also took a submission with Promise and Oath to be true and loyal, as their Lord and Benefactor. This submission is called Homage, the form whereby you have in 17 Edw. 3. Stat. 2. in these words.

When a freeman shall do Homage to his Lord, of whom he holds in chief, he shall hold his hands together between the hands of his Lord, and shall say thus: I become your man from this day forth for life, for member and for worldly honour, and shall owe you my faith, for the Land I hold of you, paying the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords. And in this manner the Lord of the Fee, for which Homage is due, takes Homage of every Tenant, as he comes to the Land or Fee. Glanvill. lib. 9. ca. 1. except women, who perform not Homage, but by their Husbands (yet Fig. in his Nat. Br. fol. 157. fayes the contrary) because Homage specially relates to service in War. He says also, That Consecrated Bishops do not Homage, but only fealty; the reason may be all one; yet the Archbishop of Canterbury does Homage on his knees to our Kings at their Coronation; and, I have read, that the Bishop of the Isle of Man is Homage to the Earl of Derby. Fuller concinics this, fol. 20. in these words; By our Law a Religious Man may do Homage, but may not say to his Lord, I give devotion, because he has protected him-
Homicide, (Homicidium) Is the killing of a Man, and is divided into voluntary and cazual. Voluntary homicide is that, which is deliberate and committed of a fore purpose to kill; cazual is that which is done by chance, without any intention to kill. Homicide voluntary is either with precedent malice, or without; the former is Murder, and is the Felonious killing, through malice prepensfed, of any person living in this Realm under the Kings protection, &c. par. 2. Synth. tit. Inludments, S. & R. 29. 39. &c. at 54. Where you may see divers subdivisions of this matter. Sec. also Glanvill, Lib. 14. ca. 9. and Coke on Litt. lib. 2. ca. 9. Sec. MWbros, Manuftracy of Claveries.

Domine eligendo et succedendum pec- inam fiiisti pro mercatoribus dictis, is a writ directed to a Corporation, for the choice of a new Man to keep one part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of Alton Bures. Reg. of Writs, fol. 179 a.

Domine repugnando, is a Writ for the ruling a man out of Prisons. In what cases it lies, see Fitz Nat. Br. fol. 66. And Reg. of Writs, fol. 77.

Domine capto in Witheramnium, is a Writ to take him that has taken any Bondman or Woman, and led him or her out of the Country, so that he or she cannot be reunited accordance to Law, Reg. of Writs, fol. 79 a. See Witheram.

Bond-badend, (from the Sax. Honds, Hand, and Haben, having) Signifies a circumstance of manual Theft, when one is apprehended with the thing stolen in his hand. Br. & T. 2. ca. 8. 52 & 53, who also uses handbend at the same bench, see infra manus.fts.


Honor, is besides the general significations, &c. used especially for the more noble form of Slaves, whereby other inferior Lordships or Manors depend, by performance of some Customs or Services to those who are Lords of them. (Though anciently Honor and Barony signify'd the same thing.) Us Manuscript plurima guadre (interdum sedis, sed pluramque) teonemauti, conjunquidem, juridicis, &c. In Hon- or plurima complexitatis Manorie, plurima fedam, militarium, plurima Regalis, &c. Wium eum olim of Beneficium seu Feodium Regale, tentific quem a Regis in Cap. Spel. The manner of creating these Honors by Act of Parliament, may in part be gathered out of the Statutes 33 Hen. 8. ca. 87, 88, and 32 & c. &c. in which Anphili, Grafton and Hampdon Court, are called Honors. And by 37 Hen. 8. ca. 26. the King is empowered by letters-patent to create four several Honors, viz. Westminster, upon Hull, St. Oystibs and Donnington, and as many other Honors as he will. In reading fe- several approved Authors and Records I have observed these following to be likewise Honors, viz. The Honors of Apsley, Clare, Lan- caster, Tickhill, Wallingford, Nottingham, B. &c. Westminster, Bedford, Bask Hathorf, Plungton, Crecetore, Garmst, Esquemersech, Windor, Beaulieu, Peverel, Ramey, Skipston, Wyndes, Chin, Raleigh, Montgomery, Wimble, Huntingdon, Ets, Baxmards Caflis, Giusstef, Arundel, Hertingham, Cockermouth, Balling-
broke, Folkingham, Leicester, Hinkley, Whitechurch, Hertford, Newcun, Chester, Lancaster, Pickering, Mardstone, Tiptoft, Harwick, Breden-  
ok, or Bredon, Bremer, Hatton. And, in a  
Charter of 15 Hen. 3. I had mention of the  
Honors of Kerrnarden and Carlington.  
Scutum communiter, vn acdip.teste in manu  
mea & desponsio rum Honorem Ecclesiae de  
Reg. Or. 1. Comp. Juris. fol. 11. Broke, or  
Tenure, man. 26. &c. This word is used in  
the same signification in other Nations.  
Hony Courts, Are Courts held within the  
Honors aforesaid, mentioned 32 Hen. 8. cap.  
37. & 35 Epist. cap. 28.  
Hononball Servitors, (Anna 12. Cro. 2,  
cap. 29.) Are such as are incident to the Tenure  
of Grand Serfage and annexed commonly to  
some Honors or Grand servitude.  
Hononangereffet, Cum omnibus aliis  
libertatis, &c. tamen modo Hononangereffet  
mihi retinent. Carta Wil. Comitis Marcelli. In  
Mon. Angi. 1 Par. fol. 724. This should have  
been written Hononangereffet, and signifies  
a Theft, taken with Hononabend, 1. Having  
the thing stolen in his hand.  
Honmebball-Pollengers, Are Trees so  
called, that have usually been lopped, and are  
avove twenty years grown, and therefore not  
yielding: Plowden, Caxton, Syby, fol. 470.  
Hornegell, (From the Sax. Hopn, cornu,  
Kéló, Juliet.) Signifies a Tax within the Forest,  
to be paid for hounded Beasts. Comp. Juris. fol.  
197. And to be free of it, is a privilege  
granted by the King to such as he thinks good  
Quicumque de omnibus collectione in Forusie de  
hopn ecclesiis afferat. 4 Inq. fol. 226. Et quas  
saequan de omnibus geldis, &c. Dangellon, &  
Diploma. Hen. 3. Canonics & Montalbus de  
Semplingham. See Subsidy.  
Hops de horn Fe (Fr. 1. out of his Fee)  
is an Exception to avoid an Action brought  
for Rent, infusing out of certain Land, by him  
that pretends to be the Lord, or for some Cumber  
and Services: For if the Defendant can prove  
the Land to be without the compact of his Fee,  
the Action falls. See Difficra and Brokelnobilita.  
Hospitalers (Hospitalarii) Were a certain  
class of Religious Knights, so called, because  
they built an Hospital at Jeruslaen, wherein  
Pilgrims were received: To those Pope  
Gleomet the Fifth transferred the Templars, which  
Order; by a Council held at Pons, he sup-  
pressed, for their many and great misdeeds  
committed. These Hospitalers were otherwise  
called Knights of S. John of Jerusalem, and are  
now those we call the Knights of S. John of Malta. Caflan  
Gloss mundi, pars 2. Confid. 5. This Consti-  
ution was also obeyed in Edward the Second's  
time here in England, and confirmed by Par-  
liament. Westphal. Hist. Edw. 2. These are  
mentioned 13 Edw. 1. cap. 42. & 9 Hen. 3. cap.  
37. They had many privileges granted them  
by the Popes, as immunity from payment of  
Tythes, &c. Their Lands and Goods were put  
into the King's dispose by Stat. 32 Hen. 8. cap.  
Houchpot (Fr. Houchepot) A confuted  
mingle-mangle of divers things jumbled or put  
back together, so also of Lands of several Tenures.  
As, a Man fefted of thirty Acres of Land in  
Fec, hath infe two daughters, and gives with  
one of them ten Acres in Frane-marriage, and  
dies fefted of the other twenty: Now, if the  
father that is thus married, will have any part  
of the twenty Acres, the must put her Lands  
given in Frane-marriage, in Houchpot that is, the  
must refuse to take the sole preffes of the ten  
Acres, but suffer them to be mingled with the  
other twenty Acres; to the end, an equal division  
may be made of the whole thirty, between her  
and her fitter; and thus, for her ten Acres, the  
shall have fifteen, otherwise her fitter will  
have the twenty Acres of which the Father died  
fefted. Littleton, fol. 55. Coke on Littia, lib. 2,  
Houlabold and Hoppold - Et simul ac  
conceptione quam idem Willelmi de Lancastero  
cidem (Abbati & Canonicis de Cokerland) &  
cornutus villae de Gariffam, tam quo exofft,  
quam qua lucrat de Houlaboldo  
Houpold cum omnibus aliis hereditatibus eodem  
villae peribun. Mon. Angi. 2 Par. fol. 652. 2  
Quero.  
Houlde bote (Compound of Houlde  
and Bote. 2, Compenation.) Signifies Elopers,  
or an allowance of Timber, out of the Lords  
Wood, for the repair or upholding a Houlde or  
Tennement. Houldebote (says Coke on Littia, fol.  
6.) is twofold, viz. Elopamur disjuncta &  
abend.  
Houlde-robbing or House-breaching (Sax.  
Houle-bypce) Is the robbing a Man in some  
part of his Houlde, or his Booth or Stall in any  
Fair or Market, and the owner or his Wife,  
Children or Servants being within the same:  
This was Felony by 23 Hen. 5. cap. 1. and  
3 Edw. 6. cap. 9. but now it is Felony, though  
none be within the Houlde, by 39 Eliz. cap. 15.  
See Bagley, and Houlde, cap. 2. Symb. Tn.  
Indictments. fol. 67.  
Hugledge, Significat quindecim transgressio  
uris statu in foro transgressio-hominis. Supposed  
to be mitthean by Birds or mis-printed for  
Hingleg.  
Hue and Cre (Huefium et Clamor, from  
the Fr. Hue and Cre, both signifying to shout,  
and cry out aloud) Signifies a partit of one  
who hath committed Felony by the High-way,  
for if the party robbed, or any in the company  
of one murdered or robbed, come to the Con-  
stable of the next Town, and will him to raise  
Hue and Cre, or to pursue the Offender, de-  
scribing the party, and showing, as near as he  
can, which way he is gone, the Constable ought  
forthwith to call upon the Parish for aid in  
seeking the Felon, and if he be not found  
there, then to give the next Constable warn-
ing, and he the next, until the Offender be apprehended, or at least thus pursued to the Sea-side. Of this read Brāzen, bb. 3. vall. 2. cap. 5. Smith de Repub. Anglor. lib. 2. cap. 20. And the Statutes 13 Edw. 1. of Winchester, ca. 3. 18 Ed. 3. cap. 1. and 27 Edw. 2. cap. 18.

The Normans had such a pittance with a Gey after Offenders as this, as which they called Hare, of which you may read the Great Custumary, ca. 55. Hare is used alone, Anno 4 Edw. 1. Stat. 2. In ancient Records this is called Hasteum & Cullmer. See Cokes 2 Part Inq. fol. 179.

Inundium de Guisileino de Easenbulp Thefau-
marum Reg. quod Cruicetom London capita in ma-
num Regi, eu quo Cicius ejusdem Cruicet ad
Looerentum Hutficum & Claramcor pro morte
Magistri Giudom de Arctio & aliorum interfe-
Corum, sequendum legem & confudentem regu.

Rot. Clau. 30 H. 3. m. II.

Piers. See Conders.

Hustlers. See Utter.

Sulan. See Hans.

Hundred. (Hundredum, Centuria.) Is a part of a Sire so called; either because at first there were an hundred Towns and Villages in each Hundred, or because they did find the King 100 able Men for his Wars. These were first ordain'd by King Alfred, the 9th King of the West-Saxons: Alcestes Rex, (fayze-Lambert, serbo, Centuria) ubi cum Gu- tharum duxa fudu inruit, prudenterium illiid
omn in Jihove Musi datum obtusum conciliu,
Angham primus in Saxatia, Centoria & dec-
curiae, parviti eis. Satrapian, Shyre, a Scythi-
an, (quod partus significat) nominest. Centu-
riam, Hundredum & Cemuriae, Toothing five Ti-
emmamentale, i. Decemviral Collegium appellata;
atig, iudicem nominatos vel hodie vocantur. This dividing Counties into Hundreds, for better Government, King Alfred brought from Germany; For these Centa or Centuma is a jurisdic-
tion over a hundred Towns. This is the original of Hundres, which still retain the name, but their jurisdiction is devolved to the County Court, some few excepted, which have been by privilege annexed to the Crown, or granted to some great Subject, and so remain still in the nature of a Franchise. This has been ever since the Stat. 1 Edw. 3, Stat. 1. ca.
9. whereby these Hundred Courts, formerly Farmed out by the Sheriff to other Men, were all, or the most part reduced to the County Court, and so remain at present. So that where you read now of any Hundres Courts, you must know they are several Franches, wherein the Sheriff has not to do by his ordi-
nary Authority, except they of the Hundred relate to do their Office. See High, Part 1.


The word Hundres is sometimes used for an immunity or privilege, whereby a Man is quit of Hundred-pennies, or Customs due to the Hundred. See Tar.
Hustling people. In a Petition from the Borough of Lenningor to King Edward the Sixth, the Petitioners set forth, that in their Town, there were to the number of 2000 Hustling people, &c. that is, 2000 Communicants; For if Hustel in Saxon signifies the Holy Eucharist.

Hustings, (Hustington, from the Sax. Hufi, hun) was, e.g. (Doms canuviu) antiquis & celebratis, Londiniomor Civitas Cuiusque Suprema, the principal and highest Court in London. 11 Hen. 7. c. 21. and 9 Ed. 1. c. 21. unique. Of the great antiquity of this Court, we find this Honourable mention in the Laws of King Edward the Conqueror. — Decret sti,um in London, quae est Capit Regni & Legum, semper Curia Domini Regis singulis Septimannis Die Luna Hustings eundem & ternos; Fundata enim erat oliva & advocata ad infras & ad medius & in memoriam vetris magne Troiae, & supplic in bovandum diem leges, & juris & dignitates, libertates, regibus consecratis antiqua magne Troiae in se confirmata & Consecrata sine una semper inviolabili subvenit. See Taylor Hist. of Castileland, p. 55. This Court is held before the Mayor and Aldermen of London. Error or Attaint lies there of a Judgment or false Verdict in the Sheriff's Court, as appears by Fitz. Nat. Br. fol. 239. Other Cities and Towns also have had a Court of the same name, as Winchester, Lincoln, York, Shropshire, &c. where the Barons or Citizens have a Record of such things as are determinable before them. Flota, lib. 2. ca. 55. Stat. 10 Edw. 2. c. 14. unique. See 1 Insit. fol. 247. and Gloss. in desebr Scriptures, on this word.

 Hyde of Land. See Hyde.

Hyde-gold, (Sax. Hudo-gold) A price or ransom paid to save one's skin, (from being) also the same with Hidge.

Hythe, (Sax.) A Port, or (little) Haven, to busk, or land Wares at, as Quen-hythe, Lamb-hythe, &c. New Book of Entries, p. 3. — de tota mediate Hynas suo eundo Hungester, cum hontro muntam & cunt, &c. Mon. Angl. 2 Par. 149. n. 40.

I.

Jacks, (Olim. Vlandeom) erat tuinum, qui unum ferre solida seu tuinum pluris in unius manubrium; a kind of defensive Coat worn by Horsemens in Wars, which some by tenure were bound to find, upon any invasion. See Hidge.

Jactibus, & Jactibus, (Lat.) He that shoteth by default. Placitum jactum necesse est & jactum coemere remanit. Formul. Solen. 159.

Jamaica, is one of the American Islands, lying on the South of Cuba; Its length from East to West about 50 Leagues, and breadth 20, the middle of it under the 18th degree of Northern Latitude. It was taken from the Spaniards by the English in the year 1655, and is mentioned in the Stat. 15 Car. 2. c. 5.

Jamaica-wood, (mentioned 15 Car. 2. c. 5.) Is a kind of speckled or fine-grained Wood, of which Cabinets are made; called in Jamaica. Guandililo. The tree is low and small, seldom bigger than a man's leg.

Jambuma, Furze, or Gorse, and Goose-ground. 1 Part Coke, fo. 179. A wood much used in Fines; and seems to be taken from the Fr. Faune. An Yellow; because the blossoms of Furze, or Gorse are so. Yet Sir Edw. Coke on Laws, p. 5, fays, Jambuma signifies a water-fish place. quere.

Jar, (Spon. Jarro. i. An Earthen Pot) with us it is taken for an Etcher pot, or Vesel of Oyl, containing twenty Gallons.

Jarreech, (Anno nov. Rich. 2. c. 8.) Is a kind of Cork so called, with which this Statute prohibits Dyers to Dye Cloth.

Identivate nominis, Is a Writ that lies for him, who is taken upon a Capias or Exigent, and committed to prision, for another man of the same name; whereas the form and further use in Fitz. Nat. Br. fol. 267. and Reg. of Writs, fol. 194. Identitatem nominis mantenibilium by Executors, &c. Anno 9 Hen. 6. c. 4.

Ides, (H,the) Eight days in every Moneth, so called: In March, May, July and October, these eight days begin at the eighth day of the Moneth, and continue to the fifteenth; in other Moneths they begin at the fifth day, and continue to the thirteenth: Note, that the last day only is called Ide, and the rest of these days the eighth Ide, the second the seventh Ide, that is, the eighth or seventh day before the Ide, and the rest of the rest. Therefore when we speake of the Ide of such a Moneth in general, it is to be understood of the 15th or 13th day of that Moneth. See Calends.

Ideor, Is a Greek word, properly signifying a private man, who has no public Office; Among the Latins it is taken for illusorium, imperitus, and in our Law for non compos mentis, vulgarily, a natural tool. The words of the Statue, (7 Ed. c. 15.) face Rex habet cedellam, &c. in momento innatuin naturalium. Whereby it appears he must be a natural tool, that is, a Fool or Nesciatius; For, he was once wise, and became a Fool by chance, or misfortune, the King shall not have the custody of him. Stew. Præcox, fo. 9. Fitz. Nat. Br. fol. 232. If one have so much understanding as to measure a yard of Cloth, number 20 pens, or rightly name the days in the week, or beg a Child, he shall not be accounted an Ideor, or Natural Fool, by the Laws of the Realm. See Cooks & Rep. Beverys. Cafe.

Jovita inquirenda vel examinanda, Is a Writ directed to the Ecclesiar or Sheriff of any County, (where the King hath notice of an Idol, naturally born to weak of understanding, that he cannot manage his inheritance) to call before him the party suspected of Idolocy and examine him, and to enquire by the oaths of Twelve Men, whether he be sufficiently witted to dispose of his own lands with discretion or not, and to certify accordingly into Chancery; For
For the King hath by his Prerogative the Protection of his Subjects; and the Government of their Lands and Subsistance; who are naturally defective in their Direction. Stat. 17 Edw. cap. 9. Reg. of Writs, fol. 267.


Jesuits, Is a corruption from the Fr. Jesuit, i. e. Iesus, and signifies an over-think in Pleading, or other Law proceedings. And by the Stat. 37 Hen. 8. cap. 30. it is enacted, That if the Jury have once passed upon the Issue, though afterwards there be found a Jesuit in the Pleading, yet judgment shall be given, according to the Verdict. See Brook, tit. Repleader. A Jesuit is, when to the parties in a Suits, have proceeded to Issue, and this Pleading or Issue is so badly pleaded or joyned, or the proceedings so defective, that it will be Error, if they proceed. Then some of the said parties might by their Council have it to the Council, which occasioned many delays in Suits, for redresses whereof, the forceful Statute with others with Queen Elizabeth, and King James Raiges were made, and yet the fault not much amended.

Jordyn, Jzetton, and Jellon (from the Fr. jeter, i. ejecer) is any thing cast out of a Ship's being in danger of Wreck, and driven to the shore by the Waves. See Flotsam.


Igniterium. See Curfew.

Ignomamus (i. We are ignorant) is properly written on the Bill of Indictments by the Grand Enquet, empanelled in the Inquisition of Caufes Criminal and Publick, when they mislike their Evidence, as defective or too weak to make good the Presentment. The effect of which word so written is, that all further enquiry, upon that party, for that fault, is thereby stopped, and he delivered without further Answer: It hath a resemballe with that custom of the ancient Romans, where the Judges, when they absolved a person accused, wrote A. upon a little Table, provided for that purpose. i. Abstineus. If they judged him guilty, they wrote C. i. Condemnamus. If they found the Caues difficult, and doubtful, they wrote N. L. i. Non Ligit.
Indefensius, One that is implicated, and refers to Answer. MS. de temp. f. 3.

Indictavit, Is a Writ or Prohibition that lies for a Patron of a Church, whose Clerk is Defendant in Court Christian, in an Action of Tythes, commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tythes belonging to it: For in this Case, the Suit belongs to the Kings Court, by the Stature of 36 H.8, cap. 5. Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowson, if the Plaintiff obtain in the Court Christian, hath this means to remove it to the Kings Court. Reg. of Writs, fol. 75. b. and Britton, cap. 159.

Indigo, He that indicted another Man for any offence. Stat. 1 Eliz. cap. 11. And Indict, he that is so indicted. Anna 21 Jac. cap. 8.

Indictment. See indictment.

Indubium, Is used for that which is held in Common without Partition. Totton, fol. 241, in thefe words, He holds pro indiviso, &c.

Inducet (Induciat) Signifies any thing written on the backside of a Deed, as a Condition endorsed on the backside of an Obligation; the Seal'd and delivered, &c. on the back of an Indenture, is called the Indorsatus.

Inducit (Inducet) A leading into. It is most commonly taken for the giving an incumbent Livery and Seisin (as it were) of his Church, by leading him into it, and delivering him the Keys of it, by the Canonic or Bishops Deputy, and by his ringring one of the Bells. See 2 Part. Coke's Rep. fol. 253.

In effe (Anna 21 Jac. cap. 2.) In being. Philosopher contra-distinctions things in Effe, from things in Poffe, or in Potentia. As, a Child before he is born, or even conceived, is a thing in Poffe, or which may be: After he is born, he is laid to be in Effe, or Actual being.

Infangther, Infang-theor, or Infangethor, (from the Sax. Efantan, capere) Signifies in the old Saxon Latrocinium infra caput. i. taken within the Mannor or Liberty of any Man, having jurisdiction granted by the King, to try such Theft within his Fee. Anna 1 & 2 Phil. & Ma. cap. 15. A Charter of Henry the First to Sir Benedict Ranous, and S. Ives, the Archbishop, hath these words — Causa fide & se or cum Toil & Iteam, & cum infra caput fur — In the Laws of S. Edward the Conqu. cap. 26. Thus, Quo habet Sacam & Sacam, Und & Iteam, & Infangther, justitia cognobat romanum sium officii, de honore sui, si capta fuerit super terram suam, &c. Infangther, i. Quod latrones capi in Dominio velit fecundo Prioriti, & de latrocinio conciliis in Curia Domini Primus judicandus & ad foras eum suspenderet. Ex Reg. Priorat. de Cokesford. See Brasen. lib. 5. tract. 2. cap. 35. who says, (inter al.) Ex dictis Infangther latro capi in terra alia...
In forma pauperis, is when any Man, who hath just cause of Sure in Chancery, and will make Affidavit, that he is not worth Five pounds, his debts being paid, then upon a Petition to the Master of the Rolls, he shall be admitted to sue in forma pauperis, and shall have Council, and Clerks attidged him, without paying Fees, and the like by the Judges of other Courts.

Information for the King (Informatio pro Rege) is that which, for a common person we call a Declaration, and is not always preferred directly by the King or his Attorney; but also by some other person, who prosecutes, as well for the King, as for himself, upon the breach of some Penal Law or Statute, where-in a penalty is given to the party that will sue for the same, and may either be by Action of Debt or Information.

Informer non fum, or Non fum informatus, is a formal Answer made of course by an Attorney, who is not intrusted to say any thing material, in defence of his Clients cause, by which he is deemed to leave it un- defended, and so Judgment passed against his Client. See the New Book of Evidence, vol. Non fum Informatus.

Infessor (Informator) is one who informs or prosecutes in the Exchequer, King's Bench, or Common Pleas, Assizes, or Sessions, against those that offend or break any Laws, or Penal Statutes: And are sometimes called Promotori; by the Chancery, Delator.

Ingressus, is a Writ of Entry, whereby a Man seeks Entry into Lands or Tenements, and lies in divers Cages, wherein it hath as many diversities of forms. See Entry. This Writ is also called in particular Precipio quod reddit, because those are formal words in all Writs of Entry.

De Ingressu sine assentio Capituli, &c. (Reg. of Writs, fol. 259.) is a Writ given by the Common Law to the Successor of him, who alienated sine assentio capituli, &c. And is so called from those words contained in the Writ. Coke on Litt, fol. 295 b.

Ingressus magni rotuli. See Clerk of the Pipe.

In grande, is that which belongs to the person of the Lord, and not to any Mannor, Lands, &c. As Villain in grande. Advancement in grande, &c. Coke on Litt, fol. 200 b.

Ingraffing of a Fine, is making the Indentures by the Chirographer, and the delivery of the Indentures to the party to whom the Confinnance is made. Fitz. Nat. Br, fol. 147 a.

Ingraffor (Ingraffor) is one that buys Corn growing, or dead virtuals to fell again, except Barley for Malt, Oats for Oat-meal, or Virtuals to Retail: 3. Badging by Licence and buying of Oyls, Spices and Virtuals, other than Fish or Salt. Ann. 5 Edw. 6, cap. 14.

Ingraffor, is also a Clerk that writes Records or Instruments of Law in Skins of parchment; as in Henry the Sixth's time, He who is now called Clerk of the Pipe, was called Ingraffor Magni Rotuli, and the Comptroller of the Pipe was called Duplex Ingraffor. Spelin.

Inheritance (Hereditas) is a perpetuity in Lands or Tenements to a Man and his Heirs: For Littice, lib. 3, cap. 31. faith this word is not only understood, where a Man hath inheritance of Lands and Tenements by descent of heritages; but also every Fee-simile or Fee-tail that a Man hath by his purchase may be called Inheritance, because his Heirs may inherit him. Several Inheritance is that which two or more hold severally, as if two Men have Land given to them, and the Heirs of their two Bodies, these have Joynt Eftate during their lives, but their Heirs have several Inheritance. Kitchen, fol. 155. A Man may have an inheritance in title of Nobility, three manner of ways. 1. By Creation. 2. By Defeat. And 3. by Prescription.

Inhibition (Inhibitione) is a Writ to forbid a Judge from farther proceeding in the Cause depending before him. See Fitz, Nat. Br, fol. 39. where he confounds Inhibition and Prohibition. But Inhibition is most commonly a Writ issuing out of a higher Court Christian to an inferior, upon an Appeal. Ann. 4 Hen. 8, cap. 12. and 15 Car. 2, cap. 9. And Prohibition, out of the King's Courts, to a Court Christian, or an Inferior Temporal Court.

Injunction (Injunctione) is a Writ grounded upon an interrogatory order of the Chancery, sometimes to give posseion to the Plaintiff, for want of appearance in the Defendant; sometimes to the King's Ordinary Court, and sometimes to the Court Christian, to stay proceeding in a Cause, upon suggestion made, that the rigor of the Law, if it take place, is against Equity and Confidence in that case. See Wett, Part. 2, Symbol. tit. Proceedings in Chancery, fol. 25.

Inlagh or Inlaghe (Inlagate) Signifies him that is (sue leges) in some Frank-pledge, not out-lawed, of whom, thus Bradon, trans. lib. 3, cap. 1. Eamini uligati non posse, quis ipsea non sub legis. 1. Inlaghe, argute, fail. in Franco plegio, five decesse, tum maleficii 12 annorum vel amplius.

Inlagap or Inlagation (Inlagato) is a restitution of one outlawed, to the Protection of the Law, or to the benefit or liberty of a Subject. From the Saxon, Inlagian, 1. Inlagere. —Et ex eo fieri non legitur inactum ad capere pertinent, ad ut compensatione auditorum. L. Canuni Reg. pag. 1, cap. 2.

Inland (Inlandum) Terra dominicalis, pars Mancronis Dominica, terra interior; For that which
Inquiendo. Is an Authority given to any Person to enquire into something for the King's Advantage; in what Case it lies. See Reg. of
Writs, fol. 72, 525, 124, 265.

Inquisition (Inquisitio) is a Manner of proceeding by Way of Search or Examination, by Matter Criminal, by the Great Enquête before Judges in Eyre. It is also used in the Kings' behalf in Temporal Causes and Profits, in which Sense it is confounded with Office.

Inquisitoriae (Inquisitoriae) are Sheriffs, Coroners, Super gestum Corporis, or the Like, who have Power to enquire in certain Cæses. Stat. of Mancroft, cap. 28. Britton, fol. 4. And in Wills. Inquisitor or Inquisitor is included under the Name of Ministri. 2 Part. Inq. fol. 211.

Introitum (Introitus) The Register, Recording, or Entering any Lawful Act in the Rolls of the Chancery, Exchequer, Kings Bench, or Common Pleas, in the Husting of London, or by the Clerk of the Peace in any County, as a Statute or Recognition acknowledged, or a Deed of Purchase enrolled. Anno 27 H. 8. cap. 16. See West, par. 3. Synb. tit. Fine, fed. 129.

Instigatus biarum (Way-layers) Are Woods, which by the Stat. 7 Hen. 4. cap. 2. are not to be put in Indictments, Arraignments, Appeals, &c.

Innulli tenent, Is one Species of the Writ of Partition. See Forndon.

Infamation (Anno 21 Hen. 8. cap. 5.) A creeping into a Man's Mind or Favor, covertly. Infamation of a Will, is (among the Civilians) the first Production of it, or the leaving it Peacable, in order to its Probate.

Inspecitus. Letters Patent so called, and is the Name with Exemption, which begins thus. Rex — Omnibus — Inspecitum, &c. It is called Inspectum, because it begins, after the Kings Title, with this Word Inspecitus. See Pages, fol. 2 Rep.

Institutio (Institutio) Is the Register of the Monastery or Cittare, pag. 25. Thus, — De Institutis & Deputibus de Reg деятель, in vol. de Eccl. Radan de ecclesiasticae qui infra Burgomutum et vicis. Et quod si quis auditor secundum, et certificavit, et denorat, tamen solum aliqui, dabit pro existuis suos in cadem tenentur etiam denorum, sicut etiam de vice. Et si prehitis Denoriis a vice prius, Balivus dominus dominis demortis et demorat in cadem tenentur. —

These Words and Customs, are also mentioned in the Rolls of a Court there held, about the Feast of the Epiphany, Anno 12 Rich. 3. Speciosa. Insuper. Is used by Auditors in their Accounts in the Exchequer, when they say so much remains in super such an
Intake, Were a kind of Thieves in Re
defalce, and the utmost parts of the North of Eng
tlond, mentioned 9 Hen. 6 ca. 8. So called, be
cause they, dwelling in that liberty, did take in, and receive such booties of Cartel and other things, as their Complices the Outpar
ters brought in to them, from the borders of Scot
tland. See Outpar
ters.

Intendment of Law, (Fr. Entendement, intellec
tum,) the Understanding, Judgment, Inten
tion or true meaning of the Law. Regularly judges ought to judge, according to the common Intendment of Law. Coke on Litt. fo. 78.

Inter canem et lupum—Margariafa Nia
cularis de Okele appella Johannem Cloele pro vamp
tu & pace Regis fratris die Martii prox, &c. inter canem & lupum. i. In crupulsu, felibus A
glise Toplight, i. Inter diem & no
tem, &c. In
ter Plac. de Trin. 7 Edw. 1. Rot. 1. Glouce

Inter canem & lupum—In placeo de domo commutis majoris, horae corporis, felibus, inter canem & lupum, venen
runt maiestates, &c. Plac. Cor. apud Novum Cal
trum 24 Edw. 1. Rot. 6.

Intercomming, is where the Commons of two Mannors lie contiguous, and the Inhabi
tants of both have time out of mind depa
tured their Cartel promiscuously in each of them.

Interdict. (Interdictio) Has the same sig
nification in the Common, as it hath in the Ca
non Law, which thus defines it: Interdictio et cen
tura Ecclesias of probatam administracionem
diennarum. And so it is used 23 Hen. 6, ca. 12
& 25, ejusdem, cap. 20.

Interdict of Water and Fire, Were in old time thieves, who, for some crime were ban
ished; which judgment, though it was not by express sentence pronounced, yet, by giving order, That no man should receive them into his house, but deny them Fire and Water, (the two necessary elements of life) they were con
demned, as it were to a Civil death; and this was called legism in exilium. Liv

Interdict. (Interdictio) is vulgarly taken for a term or Chattel real, and more particulay for a future term; in which case it is said in pleading, that he is possessit de interesse termi
mini. But on vi termini, in legal understanding, it ex
tends to Estates, Rights and Titles, that a man hath of, in, to, or out of Lands; For, he is tru
ly said to have an interest in them. Coke on Litt. fo. 255. b.

Interlocutory Order, (Odo interlocutorum) Is that which non definiit controversiam, sed ali
quid obverter, ad causam pertinent, desunt. As, where an Order is made, by motion in Chan
cery, in a Sure there depending, for the Plaintiff to have an Injunction, to quiet his posses
sion, till the hearing of the Cause; This, or any such like order, which is not final, is calld in
terlocutory.

Interpleader, See Enterpleader.

Interstate, (Interstiti.) There are two kinds of Interstate 3 one that makes no Will at all; and another that makes a Will and Executories, and they refuse; in which case he dies quasi intestate 3 Part Inf. fo. 597.

Intertwist. (Inturvis, Is,) When the Ante
dor dies feal'd of any Estate of inheritance, expe
ctant upon an estate for life, and then Tenant for life dies, between whose death and the en
ter of the Heir, a stranger does interpose himself and intrude. Coke on Litt. fo. 277. To the same effect is Bradam, lib. 4, ca. 7. Intersil ius quod, sua nullius uti competet in nec etiam lae
silium, possessorum vacuum ingrediens, &c. See him at large, and Fitte, lib. 4, ca. 50. Stell 1
& 2, Botton, ca. 65. See Abatement, Intersil

Intrusion, Is a Wrong that lies against the Introner, Regist. fo. 273.

Inhabitutions, Wages, or Pledges, Con

Incontinent, (Incontinentium,) Is a lift or rec

Inheritaire, (Inheritance,) Is a lift or rec

Inherent, (Interdixit) Signifies to give po

Inhorte, (from the Fr. Inhorter,) Signifies to
give advice. Inhurta, pro parte dictum, quondam hafta vel aequali coporum traditum a Do
minus, fays the Fudul, lib. 2, tit. 2. We use likewise to advise the Tenant, by delivering him a Verve or Rod into his hands, and mini

Incorporation, (of the Fr. Incorporer,) Signifies to

Inconsolable, (12 Car. 2, ca. 45.) Is a particu
lar of the value, custom, and charges of any goods sent by a Merchant in another man's Ship, and configned to a Factor or correspondent in another Country.

Inquire, Signifies to take effect, or be available; As the pardon inureth 3 Stat. Pragm. fo. 40. See Inquire.

Insolence, (from L. Insolidus,) Is Edward the First
employ'd one Antlevar, in solidus sua impreg
randa. Claus. 23 Edw. 1. 1 Preterea conferen
rentes gratiam sublimissimi quam profisit abbas

Insolency, (from L. Insolens) Nobis securum de magni P p
Irregularity, (Irregularitas.) Disorder, going out of Rule: In the Canon Law it is taken for an impendence, whichlanders a man from taking holy Orders: as it he be base-born, mortally deformed of any morable Crime, maimed, or much deformed, or has confined to procure another's death, with divers other.

Irreparable, or Irrepeable. That may not, or ought not by Law to be repelled, or let at large upon sureties. The Distresses shall remain irrepeable. Anno 15 Ed. i. c. 2.

Itingas, (Gluten pisiui.) Is a kind of Fufi-glue, or Fifth-gum, brought from Jfland and those parts, and is used in Medicines, and, by some, in the adulteration of Wines, in which last use it is prohibited by Stat. 12 Car. 2. c. 29.

Itise, (Existus.) Hath divers applications, sometime being used for the Children gotten between a Man and his Wife; sometime for Profits growing from Ancoments or Fines; sometimes for Profits of Lands or Tenements, (Wefm. 2. An. 13 Ed. 1. c. 39.) Sometime for that point of matter depending in Sute, wherein the parties joyn, and put their Cause to the Trial of the Jury. And, in all these, it has but one signification, which is of effect on a Cause preceding; as Children are the effect of the Marriage; the Profits Growing to the King or Lord from the punishment of any man offence, is the effect of his Tranference; the point referred to 12 Men is the effect of pleading or process. Issue, In this last signification, is either general, or special.

General Issue seems to be that, whereby it is refered to the Jury to being in their Verdict, whether the Defendant have done any such thing as the Plaintiff lays to his charge: For example, if it be an Offence against any Statute, and the Defendant plead not culpable, this being put to the Jury, is called the General Issue; see Dowl and Students, fo. 150. b. The Special Issue then must be that, where special matter being allledged by the Defendant, for his defence, both parties joyn thereupon, and to grow either to a dammer, if it be quistion puris, or to a Trial by the Jury, if it be quistion facti. An. 4 Hen. 8. c. 3. See the New Book of Entries, verbo Issue, and 18 Eliz. c. 12.

Itinerant, (Hieretic. 1. That takes a Journey.) Those were anciently called Itijices ivterar. who were sent with Commision into divers Counties, to hear such causes specially as were termed Pleas of the Crown. See Itijices in Eyre.

Iudalism, (Iudaismus.) The Cuthum, Religion or Rites of the Jews: This word was often used by way of exception; in old Deed's, as 6 Seinti - 600 eegodes de Morio deili. William Harding pro tribus maris argent alos - curo forsum - Habend. de me & Ecclesiis mei filii & hereditatis eum et eum afferent & cor rum horribilem cunctatique, quaque viamq. quidem dicendum, italiis Grosium dare, vendendo, libris, in tradi tertis et aliqua modo afferentur coherens in quaque

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The voice of Law and Right, and therefore, Judicium tempus pro custode acceptum: The ancient words of judgment are very significant, *Confidentem eff*, etc., because judgment is given by the Court upon consideration of the Record before them; and in every judgment there ought to be three persons *Actio, Reus, & Ludea.* Of judgments, some are final and some not final, etc. See Coke on *Litt.* fol. 39 a.


*Judgment of Tryal by the Holy Cross.* (long since dissolved) See *Greiff*’s *Civ. Hist.* fol. 60 a.

*Judgment terre,* In Donegall, contains half a Pough-land.

*Juncaria* (from *juncta*) A Soil where Ruthes grow. *Coke on Litt.* fol. 5. — *Cum Piparia, Turbaria, Juncaria, & communia Pastoria, ad Magnaum praemium pertinat.* Pat. 6 Edw. 3 pat. 1 m. 25.

*Jura Regalia.* See *Regalia.*

*Jurati* (from *iurare*) A Sworn. As the Major and Jurati of Maidstone, Rye, Winchelsea, Tenterden, &c., are in the nature of Aldermen for Government of their several Corporations; and the name is taken from the French, where (among others) there are Major & Jurati Suffragini, &c. Vide *Choppin,* *Donan.* *Fran.* *lib.* 3. *Tit.* 20, *s. 11,* p. 530.

So Jersey hath a Bailiff, and Twelve Jurati, or sworn Affidants to govern the Island. *Cam.* *Romney Marsh* is incorporated of one Bailiff, xxiii Jurati, and the Commonalty thereof, by *Charter* Dat. 23 Feb. 1 Edw. 4. See *Mr. Dougall.* *Hist. of Imbarking and Draining,* fol. 24 b.

*Jur(lur)* (from *iurare to swear*) Signifies Twenty four or twelve Men sworn to inquire of the matter of Fact, and declare the Truth upon such Evidence as shall be delivered them, touching the matter in question; of which Jurati who may, and who may not be impaneled, see *Fitz. Nat.* *Br.* fol. 169. There are two manner of Trials in England: one by Battel, the other by *Assize or Jury.* See *Smith* *de Repub.* *Angl.* *lib.* 2, cap. 5, 6, 7, who adds third, by Parliament. The Tryal by *Assize* (be the Action Civil or Criminal, Publick of Privates, Personal or Real) is referred for the Fact to a *Jury,* and as they find it, so shall the Judgment, which by *Bradley* (lib. 2, cap. 3) is called *Regalum benematum,* etc. This Jury is not only used in Courts of Justices, but in other Courts, and Matters of Office; as if the *Counter* inquire how a subject, found dead, came to his end, he doth an *Enquête;* the Justices of Peace in their *Quarter Sessions,* the Sheriff in his County and Town; the Bailiff of a Hundred; the Steward of a Court Leet, or Court Baron, if they enquire of any offence, or decide any Cause between party and party, do it by the same manner. So that where it is said, all things are tryable by *Battel,* or *Assize,* *Assize* in this place, is taken for a *Jury,* or *Enquête,* empannelled upon any Cause in a Court where this kind of Tryal is used. This *Jury,* though it pertain to most Courts of the Common Law, yet is most notorious in the half-yearly Courts of the Justices *Itinerant,* or of the *Great Assize,* and in the *Quarter Sessions,* where it is usually called a *Jury,* and that in Civil Causes; whereas in other Courts it is often termed an *Enquête,* and in the Court Baron, a *Jury of the Homage.* In the General *Assize,* there are usually many *Juries,* because there are many Causes, both Civil and Criminal, commonly to be tried, whereas one is called the *Grand Jury,* or *Great Enquête,* and the rest the *Petty Jurors,* whereas it seems there should be one for every Hundred. *Lamb. *Econ.* lib. 4, cap. 3, pag. 44.

The *Grand Jury* confineth ordinarily of Twenty four grave and substantial Gentlemen, or some of them of the better sort of Yecomen, chosen indifferently out of the whole County by the Sheriff, to consider all Bills of *Indictment* preferred to the Court, which they do either approve, by writing upon them *Billa Vera,* or disallow, by writing *Ignorantia,* such as they approve, or find, as they term it, if they touch life and death, are farther referred to another *Jury* to be considered of; because the *Cafe* is of such importance; but others of less moment in *Trespass,* or for misdemeanors, are, upon their allowance, without more ado, fined by the Bench, except the party *Traverse* the *Indictment,* or challenge it for *Insufficiency,* or remove the Cause to a higher Court by *Cittorari,* in which two former *Caues* it is referred to another *Jury,* and in the latter, transmitted to the higher Court. *Lamb. Econ.* lib. 4, cap. 7. And presently upon the allowance of this Bill by the *Grand Enquête,* a Man is said to be *indicted,* such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled.

The *Petit Jury* in Criminal *Causes* consists of Twelve Men, at least, and being impaneled, do bring in their *Verdict,* either guilty, or not guilty; whereupon, the *Prisoner,* if he be found guilty, is said to be *Convicted,* and accordingly afterward receives his Judgment, and
Condemnation, or otherwise is acquitted. Those that pass upon Civil Causes, are so many, as can conveniently be had, of the same Hundred, where the Land or Tenement in question lies, or four, at the least: And they, upon due examination of the Matter, being in their Verdict, either for the Deponent or Tenant. Of this, see Fortesc, cap. 25, 26, 27. According to which, Judgment paffeth afterwards in the Court, where the Cause first began; and the reason hereof is, because these Justices of Assize are in this Case, for the sake of the Country, only to take the Verdict of the Jury, by verdict of the Writ called Nisi Prius, and to return it to the Court, where the Cause is depending. See Nisi Prius, and Engrossed.

**Juridical Days (Dias Jurisdictio) Days on which the Law is administered, days in Court.** See Dies.

**Juris ltimorum, Is a Writ, which lies for the Incumbent, whose Predecessor hath alienated his Lands or Tenements; the divers ues whereof, see in Fitz. Nat. Br. fol. 49.**

**Jurisdiction (Jurisdiction) Is an Authority or Power, which a Man hath to do justice in Causes of Complaint made before him: Of which, there are two kinds: the one, which a Man hath by reason of his Fee, and by virtue thereof, does right in all Plains concerning the Lands of his Fee; the other is a Jurisdiction given by the Prince to a Bailiff. Which Division I have in the Constitution of Normandy, cap. 2, which is not apt for the practise of our Commonwealth, for by him whom they call a Bailiff, we may understand all that have Commission from the Prince, to give Judgment in any Cause. See Sir Edw. Coke’s Præeminium to his 4 Insf.**

**Jus Capitale (the Right of the Crown) is part of the Law of England, and differs in many things from the General Law, concerning the Subject. Vide. Coke on Littl. fol. 15. b.**

**Jus Curtiariato Anglici. See Cartesio of England.**

**Jus Patronatus. Is the Right of presenting a Clerk to a Benefice. See the New Book of Entries, verbo, Jure Patronatus in Quatre impedia, fol. 465. col. 3.**


**Judges (Justiciarius) Signifies him that is deputed by the King to administer justice, and do right by way of Judgment: The reason why he is called Judges, and not Judges, is, because, in ancient time, the Latin word for him was Jusiticus, and not Justiciarius, as appears by Girald. Hist. cap. 6 and Huetden, fol. 462. a. Secondly, because they have their Authority by deputation, as Delegates to the King, and not Jusiticus Magnificatus; and therefore cannot depurr others in their stead; the Justices of the Forell only excepted, who hath that liberty especially given him by the Statute 2 Hen. 8. cap. 35. For the Chancellor, Marshal, Admiral, and such like are not called Justiciarius, but Judges. Of these Justices we have divers forts in England, the manner of their Creation with other Appurtenances read in Fortesc, cap. 51. These in Mag. Chart. cap. 12. and other Statutes are called Jusificators.**

**Chief Justice of the King’s Bench (Capitis Jusficius vel Jusficiarius Banes Regi) hath the Title of Lord, whilst he enjoys his Office, and is called Capitis Jusficiarius, because he is the chief of the rest. His Office is specially to hear, and determine all Pleas of the Crown, that is, such as concern offences committed against the Crown, Dignity, and Peace of the King, as Treason, Felony, Mayhem, and such like, which you may see in Bracton, lib. 3. tract. 7. per ton. And in Stains Pleas of the Crown. He also, with hisihilants, hears all Personal Actions, incident to his Jurisdiction. See Sir Edw. Coke’s Insf. fol. 74. who says, The Chief Justice of this Court was anciently created by Letters Patent, but now by Writ, in this form.**

—Res. Of the ancient Dignity of this Chief Justice, thus. Liber niger scilicet, cap. 4. In Stactearius refuet, int. 2 praesidet, primus in regno, Capitale, justicier, Justicia. In the time of King John, and others of our ancient Kings, it often occurs in Charters of Privileges, Quod non possumus respondere, nisi coram nobis vel Capitale Justitia nostra. The Oath of the Judges see in the Stat. 24. Edw. 2. sect 4. And in Originals Jurisdiction, a Catalogue of all the Lord Chief Justices of England. See Kings Bench.**

**Chief Justice of the Common Pleas. hath also the Title of Lord, whilst he enjoys his Office, and is called Dominus Jusficiarius Communium Placitorum, who, with his Assistants, did originally, and do yet hear and determine all Causes at the Common Law, that is, all Civil Causes, as well personal as real, between common persons; whereof it was called The Court of Common Pleas, in distinction from the Pleas of the Crown, or the Kings Pleas, which are special and appertaining to him only. This Court was appointed to be in a fetecircle, and not as other Courts, to follow or attend the Kings’ Court or Palace, as appears by the Stat. 6 Hen. cap. 17. Of its Jurisdiction, see 4 Insf. fol. 39. The Judges Oath, see 4 Edw. sect. 4.**

**Justice of the Peace. (Justiciarius Forshon) Is also a Lord by his Office, and hath the hearing and determining all offences within the Forez, committed against Venison or Vert; of these there
there are two, whereof the one hath Jurisdic-
tion over all the Forests on this side Trent, 
the other over all beyond. The chiefest point
of their Jurisdiction consists in the Articles
of the Kings Charters, called Charta de Forstis,
The Court, where this Justice sits, is called
the Justice Seat of the Forests, held once every three
years. See Manwood, part. 1. pag. 121. & 125.
He is also called Justice in Eyre of the Forest.
This is the only Justice that may appoint a De-

Justice of Aisle (Jusficiarum ad capendas
Aisfes) Are such as were wont by special
Commission to be sent (as occasion was offered)
to this or that County to take Aisfes, for
the cace of the people. And it seems the
Justices of the Common Pleas had no power to
take Aisfes, until the Statute of 8 Rich. 2.
cap. 2. for by that, they are enabled thereunto,
and to deliver Goals. And the Justices of the
Kings Bench have by that Statute such power
affirmed unto them, as they had one hundred years
before. Of later years it is come to pass,
that these Commissions, Ad capendas Aisfes,
are executed in the Lent, and long Vacation,
when the Justices and Lawyers are most at lea-
ture to attend them. Hence the matters,
accustomed to be heard by more general Com-
mision of Justices in Eyre, are heard all at one
time, with the Aisfes, which was not so of old,
as appears by Bracton, lib. 3. cap. 7. num. 2. Yet
no Justice of either Bench, nor any other, may
be Justice of Aisle in his own Country. Anno
8 Rich. 2. cap. 22. and 36 Hen. 8. cap. 24. And
these, who are in one word called Justices of
Aisle, and twice every year go the circuit by
the two and two through all England, have one
Commission to take Aisfes, another to deliver
Goals, another of Oyer and Terminer, &c. See
Aisle and Comp. Juris. fol. 120. That Justice
of Aisle, and Justices in Eyre, did anciently
appear, Anno 27 Edw. 3. cap. 5. And
that Justices of Aisle, and Justices of Goal
Delivery, were divers, is evident by Anno 9 Edw.
cap. 3. The Oath taken by Justices of Aisle
is all one with that taken by the Justices of
the Kings Bench. Old Abridgment of Statutes,
situla, Sacramentum Jusficiarumus.

Justices of Oyer and Terminer (Jusi-
ciarum ad audendum & terminandum) were
Justices, Deputed upon some special or extra-
nodary occasion, to hear and determine some
particular Causes. Fitz. (in his Nat. Br.) faith,
The Commission of Oyer and Terminer is direc-
ted to certain persons, upon any Inquisition,
heinous Demeanor or Trespa's committed. And,
because the occasion of granting this Commis-
sion should be maturely weighed, it is provided
by the Statute 2 Edw. 3. cap. 2. That no such
Commission ought to be granted, but that they
shall be dispatched before the Justices of the
one Bench, or the other, or Justices Errantes,
except for horrible Trespa's, and that by
special favor of the King. The Form of this
Commission, see in Fitz. Nat. Br. fol. 110.

Justices in Eyre (Jusficiarum iterant
alias Errantes, alias Periphrantes) are so
termed of the old French word Errans, i. e. it is
as a grand Errans, i. magni sinus, proverbially
spoken. These, in ancient times, were sent
with Commission into divers Counties, to hear
such Causes specially, as were termed the Pleas
of the Crown; and that for the ease of the
Subject, who must else have been hurried to the
Courts at Westminster, according to their several
Jurisdictions; if the Cause were too
high for the County Court. These Justices (ac-
cording to Gurn, in his Preface to his Reading)
were anciently sent but once in seven years,
with whom Horn (in his Mirror of Justice) seems to agree, Lib. 3. cap. De Aisfes in
Eyre, where he also declares what belonged to
their Office; but that they were sent often,
see Orig Jurisdicctes. They were instituted by
Henry the Second. Cam. Brit. pag. 104. and
were much like in some respect to the Justices
of Aisle at this day; although for Authority
and manner of proceeding, far different. Coke
on Litt. fol. 293. b.

Justices of Goal Delivery (Jusficiarum ad
Goals delivery) Are such as are sent with
Commission, to hear and determine all Causes
appertaining to those, who for any offences, are
called into the Goal; part of whose authority is
to punish such, as let to Mainprize those Prisoners,
who by Law are not bailable, Fitz. Nat.
Br. fol. 151. These probably, in ancient times,
were sent into the Counties upon this several
occasion: But afterwards Justices of Aisle had
this in Commission also. Anno 4 Edw. 3. cap. 3.
Their Oath is all one with other of the Kings
Justices of either Bench.

Justice of the Hundred (Jusficiarum Hunc-
dred.) Erat ipsa Hundred Dominus, quar &
Centurio & Centennarius Hundredique Alberrna-
num appellation eft. Præter omnibus Hundi-
briggs, cognominique de causis majestatis, que
in eisdem fini non potuerunt, Specim.

Judicaments (from Jusficia) All things be-
 longing to Justice. Coke on Wifum. 1. fol.
225.

Justices of Labogers, Were Justices ap-
pointed, in former times, to redress the fro-
wardness of Laboring men, who would either
be idle or have unreasonoble wages. Anno
21 Edw. 3. cap. 1. - 25 Eijjusdem, cap. 8. And
31 Eijjusdem, cap. 6.

Justices of Nifi Prius, Are now all one
with Justices of Aisle: For it is a common
Adjournment of a Cause in the Common Pleas,
to put it off to such a day, Nifi prius Jusficiarum
vencini ad capendas partes ad capendas Aisfes.
Upon which Clause of Adjournment, they are cal-
led Justices of Nifi Prius, as well as Justices of
Aisle, by reason of the Writ or Action they
have to deal in. Their Commission you may
see in Gramp. Juris. fol. 204. Yet he makes this
difference between them, because Justices of
Aisle have power to give Judgment in a Caufe,
and Justices of Nifi Prius only to take the
Verdict,
Verdict. But in the nature of both their Functions, this seems to be the greatest difference, that Justices of Nisi Prius have Jurisdiction in Causes Personal, as well as Real, whereas Justices of Affairs, in their Acceptance, deal only in the Personality Write, called Affairs. Casual.

Justices of Trial-blazon, were Justices appointed by King Edward the First, Anno 1305, upon occasion of great disorders in the Realm, during his absence in the Scotch and French Wars. They were so called, according to Holinshed, by the leading of the Staff of Justice, or for their summary proceeding, according to Coke, in a Rep. 22, where it is said they were in a manner Justices in Eyre, and their Authority founded on the Statute of Ragona. What their Office was, take from a contemporary Author: 'Circum bas temporis progress in publicis non rebus inquisitionibus, quod antiquus dictum Trial-bazon, contra interludes, Confdudissimos communis sapientes, constudiosissimum sucesse captivitatis, pacis infinerebat, rapiere, invidones, molestare, danere. Multa de generis, multo vendempi, multa maxima, punctum in nouis suis inventi. Aulas quidem viginti procuratibus his insignia justitiae, quod sacrae propriae suis non parent, ut dicitus. Hitt. Rollins, tole. 263. Anno 1305. By means of which Inquisitions, many were punished by Death; many by Banishment, many fled the Realm, which was thereby quieted, and the King gained great riches towards the support of his Wars. See Matthew Paris, in Anno 1305. We find in a Commission of Trial-bazon to the Earl of Grey and Somers in Uisc, and St. Albans. Anno Regni Regis Edw. tertii post Conquestum sua. See Speelman, text, Trial-bazon.

Justices of the Plebiscitum (Justiciarii Palatini.) Are certain Justices of a Proctor Court, of a most transcendent Jurisdiction, anciently authorized by the Bishop of Winchester at a Fair held on S. Giles Hill near that City, by virtue of Letters Patent granted by Edward the Fourth. —Epifcopus Wynton & suffragus, a temperum, &c. Justiciarii Palatini, cognomenti Placentiarum & aliorum negotiorum academ Perri Du rantiae, non eis nobis accusatoribus & coteretiam praetendit civiliter in plebis Wyton. pro certo tempore Perri Durantiae, & nonnullius alias liberantes, immunitates & constitutiones, &c. See the Patent at large in Fourmam Annon in 4 Inst. fol. 172.

Justices of the Peace (Justiciarii ad pacem.) Are those who are appointed by the Kings Commission to attend the Peace of the County where they dwell, of whom some, for special respect, are made of the Barons, because some business of importance may not be dispensed with the presence or affront of them, or one of them. See Quaerum. The Office and Power of these is various and groundned in several Statutes, too long to recite. They were called Guardians of the Peace till the Thirty sixth year of Edward, the Third,

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Justices of Peace, Within Liberties (Justiciarii ad pacem in suis Liberraris) Are such in Cities, and other Corporate Towns, as those others of the Counties; and their Authority or power is all one with their several Precincts. Anno 27 Hen. 7. cap. 25.


Justices, is a Writ, directed to the Sheriff, for the Discharge or Justice, in some special Cases in his County Court, of which, by his ordinary power he cannot hold Plea there. Fitz. Nat. Br. fol. 117. Sibbald. fol. 74. S. Fry. That by this Writ the Sheriff may hold Plea of a great sum, whereas of his ordinary authority he cannot hold Plea, but of sums under Forty Shillings, with whom Cromwell agrees, fol. 221. It is called a Justicier, because it is a Commission to the Sheriff. Ad justicandum aliquid, to do a Man justice or right, and requires no Return or Certificate of what he hath done. Bradford, liv. tract. 6. cap. 23. num. 2. makes mention of a Justiciarii to the Sheriff of London, in the case of Dower. See the New Book of Entries, Legal, Justice.

Justification (Justificatio) is a maintaining or proving of a good reason in Court, why one did such a thing, which he is called to answer. As to Justice in the cause of Replevin, Book 3, Reeve.

Justificatorius (Justificatores.) Will. R. C. 4. and Justificatoribus suis, quamvis suis sibi dignis Norf. salutem. Inquirito per Comitis quod justus his fundatur jurisdicturae bates, tempesti Patris mei, fine Abbatis Ramesse, fine ancestor W. de Alba. Et si Comitatus concerterit quod Abbatis velles pradictis fundamentis Justificacione debit bates, tune proutz et C. soli/quas Rallis. Paffl. implatipatavit, fine mora. "Abbati redactus? T. Episcopo Dunoachii. Sir Henry Spelman leaves it thus without explication. Justificatores seem to signify Compurgators, or those that by Oath justify the Innocency, Report or Oath of another, as in the case of Wager Law 3 also Jury-men 3 because they justify that party, on whose behalf they give their Verdict.

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Kender-Month (Mentioned in the Stat. 16 Car. 2. cap. 7.) Concerns Thirty or thirty one days, according to the Kalendar. A Twelvemonth in the singular number, includes all the year; but Twelve-months shall be computed according to Twenty eight days to every Month. See Gard. lib. 6. fol. 21. b. Caterbes Cafe, and see Computation.

Barle (Sax.) A Man; and sometimes a Servant or a Clown. Hence the Saxons called a Seaman, a Wistar, and a Domestick Servant, Hulcarle. This word is often found in Doonclay, Seldey, Mars Chaflon, and other ancient Records; and, from hence, by corruption, comes our modern word Charter.


Bay (Rita & Guy, Sax. 635.) Area in littere incommunis just ex vacere et indumenta saxum casul, a compagnie salvin abibou (classium inust) formata. A Whale to Land, or Ship Goods or Wares at. The Verb Caivar in old Writers signifies (according to Staliger) to keep in, or restrain; and so is the Earth or Ground where Rays are made, with Plants and Pois.

Bayage (Kingsm.) Portuoumin quod Kai zanomine, except Tabarimn. The Money or Toll paid for Loading or Unloading Wares at a Ray or Whale. Rot. 1. Edw. 3. m. 10. and 20. Edw. 3. m. 1.

Bedel (Anno 12. Edw. 4. cap. 7.) See Kiddie.

Keeper of the Great Seal (Catus magni Sigilli.) Is a Lord by his Office, styled Lord Keeper of the Great Seal of England, and is of the Kings Privy Council, through whole hands pass all Charters, Commissions, and Grants of the King, under the Great Seal. Without which Seal, many of these Grants and Commissions, as to divers particulars; are of no force in Law; the Kings Great Seal being as the Public Faith of the Kingdom, in the high esteem and reputation, justly belonging and attributed thereto. This Lord Keeper by the Statute 3 Edw. cap. 28. hath the same Place, Authority, Preeminence, Jurisdiction, Execution of Laws, and all other Commodities and Advantages to the Lord Chancillor of England hath. Both these great Officers cannot properly be at the same time, since the said Statute forbids that they might. Yet Sir Francis Bacon was made Lord Keeper, 7. Mare. 1616. The Lord Chancellor Fugion then living, but died the next day. He is made Lord Keeper of the Great Seal, Per Traditam Magni Sigilli stab per Dominum Regem. and by signing his Oath, 1. Inf. fol. 89.


Keeper of the Pethy Seal (Catus privati Sigilli) is a Lord by his Office, through whole hands pass all Charters signed by the Kings, before they come to the Great Seal, and some things which do not pass, the Great Seal at all. He is also of the Kings Privy Council, and was anciently called Clerk of the Privy Seal. Anno 11 Ric. 2. cap. 11. Gardin of Pethy Seal.


Keeper of the Touch (Anno 12. Hen. 8. cap. 14.) Seems to be that Officer in the Kings Mint, which at this day is called Master of the Assay. See Mint.

Keeper of the Forests (Catus Faceti.) Is also called Chief Warden of the Forests, and hath the principal Government of all things, and the check of all Officers, thereto belonging: And the Lord Chief Justice in Eyre of the Forest, when it pleaseth him to keep his Justice Seats, sends out his general Summons to him forty days before, to warn all under Officers to appear before him, at a day assigned in the Summons Manu. par. 1. p. 356. &c.

Remens, A sort of court with Welsh Cloths, mentioned Anno 33. Hen. 3. cap. 3.

Remens, Idle persons, Vagabonds. Nec non de illis qui dicuntur bonum non fit, & malefacitabus, qui intand Remens dicuntur. Ord. Hibern. 5. Edw. 3. m. 11, 12.

Remellanias. — Et Dux (Ae. Linc.) dict, quod ipsi canum praep & hereditum suis habere Civitum faunm de Halton, Remellaniam. Pl. de qua Warr. apud Civitatem, in Edw. 3. Fortified or Embattled.

Ropes or Hales (Cyli or Culler.) A kind of Long Boats of great Antiquity, mentioned Anno 23. Hen. 3. cap. 12. Lange Naves quibus Britanniam primo ingressi sunt Saxones. Spele.

Riddor (Anno 5 Edw. cap. 12.) —Every person being a Common Riddor, Riddor, Lader, or Carrier. — Says the Statute. whereby it seems to signify one, that Badges or carriers Corn, Dead Vitalia, or other Merchandise up and down to sell. called also Kidders. Anno 13. Edw. cap. 55.

Riddle, Ridel, or Redel (Kedidly.) A Dam, or open Wair in a River, with a loop of narrow cut in it, accommodated for the laying of Wecle or other Engines to catch Fish. 2. Port. of Catoe. Infinit. Aquilus, machines fave in grata in fiumusis reis ad Salamone, aliquae pipos interseriunt. Some Fishermen corruptly call them Rittles. The word is ancient, for in Magna Charta, &c. we read thus: — Omnes kidelli deponuntur de cetero petent per Thamfinum & Medocorum & per omnem Angliam, nisi per custos Mari. And in a Charter made by King John, power was granted to the City of London, De kidellis amnes ad Thamfinum & Medocorum, Anno 1 Hen. 4. cap. 12. It was accorded (inter alia.) That a Survey should be made of the Wears, Mills, Stakes, Stakes, and Kiddles in the great Rivers of England, Inq. cap. 3. Edw. 3. cap. 15. Nov. 1. Eliz. p. 89. Worn. Th. Pryston, &c. Est sui fuit sejus de uno Kiddle vocat, de Whore, ac de libera piscinaria in Patagonie. Etc. Bundelcol. 3.

Bilbetic, Was an ancient fervile kind of payment; For, in an old Manuscript I found Bilbetic pro quibus habendum 2 denare.

King of Heralds. (Red Heraldicum.) Is a chief Officer at Arnems that hath the preeminence of the Society, Among the Roman us he was called Petrar patern. See Herald.
King of the Finns, at Titchfield in Com. Staff. in power and priviledge appears in the following Charter.

John par la grace de Dieu, Roy de Calife & de Leon Duke de Lancastre a tous ceux que estoient noms verront ou verront faute. Sautes nous avoir ordonnee constante et affignez notre bien ame le Roy des Ministrals de nosse Honore de Titchfield quors cesh, au qui pur le temps feray, pur prendre & arreter tous les Ministrals de nostre Honore & Francisci, guex refu- ses de faire leurs services & Ministrarles aux apportez, a faire de anciens temps a Titchbury fuistit annuellement les jours de l'Assumption de nostre dame. Domains & grantzans au dis Roy des Ministrals pur les temps ecant plein poire & mandement de les fair ressemblant jutifer & confrencier de faire leurs services & Ministrarles en manner comme apprison, & comme sallons ad este ufe & de anciens temps occasions. En suffo- mignon que de cesh nous avons faire faire ce- fes nes lettres patens, dom fose notre press Seat a notre Castel de Titchbury le xxiv jour de Au- gust le an de vege nostre feidusles le Roy Richard Seconde quart. Confirmed by Hen. 6. 22, Febr. 21 Regni.

Item ef ibidem quodam Confedetatu quod Hitrones, venientes ad matrimonia in seco Assumpitione Beate Maria, beate etum unan Taurum de Priore de Titchbury, fe ipsum capere pal- fent corta a qua done proprioner Titchbury, sel Prium dabit xvi d, pro qua quidem Confedet- eum sabotunti Domin in dslum festum annu- tim xx d. Mon. Angl. 1 Par. fo. 355 b. See Ministrals.

Kings Bench, (Bancia Regna, from the Sax. Banez, a Bench or Form.) is the Court or Judgment Seat, where the King of England was sometimes wont to sit in his own person, and was therefore moveable with the Court or Kings boughhol, and called Curia Domini Regis, or Aula Regis; wherein, and in the Exchequer (which were the only Courts of the King till Henry the Third days) were handled all matters of Justice, as well civil as criminal. This Court was wont, in ancient times, to be effectually exercised in all criminal matters and Pleas of the Crown, leaving private Contracts and Civil actions to the Common-Pleas and other Courts. Glanvil, lib. 1. ca. 2, 3, 8c. Smith de Repub. Angl. lib. 2. ca. 31. See Coke 4 Infr. fo. 70.

Kings Bible, Is that Money which is due to the King in the Court of Common-pleas, pro licentia concordando, in respect of a Licence granted thereto by an act for levyng a Fine, Coke Vol. 6. fol. 39 a. & 43 b.

Kings Swanheare, (Magister deimus Cignorun, ) Pat. 16 R. 2. para 1. m. 18. - Radulphum Scot, Custodem Cignorum nostrorum, fieri per aliam quemcumque qui pro tempore Cufion est ignorum nostrorum praebesserit suos. No Fowl can be a Fawne but a Swan. 4 Infr. fo. 280.

Kinsel, (Span. Quinsel,) Is a kind of weight, most commonly of one hundred pounds, or something under or over, according to the divers uses of sundry Nations; Plowden, fol. 3. in the Case of Reninguer and Forfus, mentions 1000 Kinsels of Wodd.

Kirsheyes-Mueut, Is an ancient Record rem- maining with the Remembrance of the Exche- quer, the meaning and etymology whereof will appear by what follows. Mil. quod Anna Dom. 1277, Anna Regni Regi Edwardi filii Re- gi Henrici quinti, militem idem Rex per totam Angliam Baldros inquerno sub juramento et in secreto de universis terris Angliae per Johanne de Kirkby Thesaurarium suum, qualsuis reremet et cujus seid, et quantum, et cujus regis tempere sofferit effent. Ex Registro Giffordi. Canam pices Rad. Shelton Ar. fo. 71 b.

Anabe, (Sax. Cwawa,) Is used for a Man- servant, Anna 14 Edw. 3. Stat. 1. ca. 3. It did anciently signify a Child; also a Minifter or Servant. Math. 4. 6. Pere nosu jacet in domo paraisicus, was, in the Saxan Translati- on, turned mni anatow. Hence yeid kna, pro, Arminia, quals sui famulius sui min- fes; he that bore the Weapon or Shield of his Superior. It was sometimes of old used as a titular addition. - Johannes filius Willicem Comes de Denby Anabe, ad satisfactiunem Re- gi de omnibus quo ad Regem pertinet, occasione cujusdam Utroqueria in ipsum in placitis pluviosius ad ipsiam Regi promulga. Original de anno 24 Hen. 1. 36 Derby.

Knights, (Sax. Cyrc, Miles, Chevalier, or Equus auraustus, from his gilt Spurs usually worn, and hence called anciently Knights of the Spar. Signifier one that bears Arms, who, for his vertu, and Martial prowess, is by the King, or one having his Authority, exalted above the rank of Gentlemen to a higher account or flep of dignity. The manner of making them Com. in his Britan, thus shortly expresseth. Nobis a vero temperinis, qui Equestre dignitatem juscip, situs gentilis Lester in hurneo percutitur, Parzec his vertus Gallice effutil, qui bellis fait Chevalier au nom de Dieu. 1. Surte aut si Eques in nomine Dei. This is meant of Knights- Equesters, which is the lowest but most ancient degree of Knighthood with us. By the Stat. 1 Edw. 3. ca. 1. All Gentlemen having a full Knights Fee, and holding their Land by Knights Service, might be compelled by diffires to pro- cure himself to be made Knights, when he came to move Estate. But, by the Statute 1 Edw. 3. ca. 20, it is ordained, that no man shall be com- pelled to take the Order of Knighthood, &c. The privilege belonging to a Knight fee in Forme Glory of Generosity, p. 116. Of Knights there are two sorts, one Spiritual, so called by Divine, in regard of their Spiritual Warfare; the other Temporal, Caflanato de gloria mundi, Par. 9. Confiduros. 2. See Seidens Tittes of Ho- nor, fo. 770.

Knights of the Garter, (Equites Garterii, or Persefaultii.) Are an Order of Knights, cre- ated by Edward the Third, after he had obtain-
ed many notable Victories, who, for furnishing this honorable Order, made choice in his own Realm, and all Christendom, of 25, the most excellent and renowned persons for virtue and honour; Himself and His Successors, Kings of England, were ordained to be the Sovereigns, and the rest Fellows and Brethren of this Order. Smith de Repub. Angl. lib. 1. c. 20. The Officers belonging to it are, The Prelate of the Garter, (which is always the Bishop of Winchester,) The Chancellor of the Garter; the Register, who is always Dean of Windsor; The Principal King at Arms called Garter, whose chief function is to manage their Solmamics at their Feasts and Installations; Lastly, the Usher of the Garter, being the Usher of the Black Rod. This most honourable Society is a Colledge or Corporation, having a great Seal belonging to it. See Garter.

Knights Baneret. See Baneret. John Coupland, for his valiant service against the Scots, had the honour of Baneret conferred on him and his Heirs for ever, by Patent, 29 Edw. 3. part 1. n. 250.

Knights of the Bath. See the Antiquity and Ceremony of their Creation in Mr. Dugdale's Description of Worcestershire, fo. 531. 532. They are so called from their Bathing the night before their Creation; Their place is before Knights Bachelors, and after Barones.

Knights of St. John of Hierusalem. (Milites Sancti Johannis Hierosolimitani,) Had beginning about the year 1199, and denomination from John the charitable Patriarch of Alexandria, though vowed to St. John Baptist their Patron. They had their primary foundation and chief abode first in Hierusalem, and then in the Isle of Rhodes, until they were expelled thence by the Turk, Anno 1539. Since which time their chief Seat is in the Isle of Malta, where they have done great exploits against the Infidels, especially in the year 1555, and are now called Knights of Malta. They had one general Prior, who had the Government of the whole Order within England and Scotland. Reg. of Writs, fol. 20. b. and was the first Prior of England, and sat in the Lords House of Parliament. Of these Knights mention is made in the Stat. 25 Hen. 3. c. 2. & 26 ejusdem, c. 2. Bur. Anno 32 Hen. 8. c. 24. They in England and Ireland, being found overmuch to advise to the Pope against the King, were suppressed, and their Lands and Goods referred by Parliament to the Kings disposition. See Hospitaliers.

Knights of Malta. See Knights of St. John.


Knights of the Temple. See Templars.

Knights of the Chamber. (Milites Camerac.) mention'd in a Inf. fo. 666, and in Rot. Pat. 29 Ed. 3. par. 1. m. 29: seem to be such Knights Bachelors, as are made in time of Peace, because Knighted commonly in the Kings Chamber, not in the Field, as in time of War.

Knights of the Shire, (Milites Comitatus) otherwise called Knights of Parliament, are two Knights, or Gentlemen of worth, chosen upon the Kings Writ, in placet Comitatus, by the Freeholders of every County that can dispense 40 s. per annum. Anno 1 Hen. 5. c. 19. and 20 Hen. 8. c. 2, who are in Parliament to consult in behalf of the Commons of England, touching the Publick Affairs of the Realm. There, when every man that had a Knights Fee, was customarily constrained to be a Knight, were of necessity to be militie gladii eimps, for to run the Writ at this day. But now Custom admits excited (figuris) to be chosen to this Office. — Quod militis Comitat. pro Parliamento excitum legem, fuit militis notabilis de eisdem Com. quibusque fisc dignitatem, seu eorum notabilis Armigeri, honores generatis de nativitate de eisdem Com. qui fuit habiles eisdem militibus. & quod nullus homo fuit talibus militibus, qui in gradum valentissimae & inferioris civitatis, positum in Statuto conunitur, vid. v. 2. 2. 6. In Africo, de Sum. ad Part. Claus. 35 Hen. 6. in doro. m. 44. For the choice of these Knights see the Statutes 7 Hen. 4. c. 19. 23 Hen. 5. c. 19, with others. Their expences are to be borne by the County, 35 Hen. 8. c. 11, though now a days that is, for the most part, not required.

Knight of the Bath, (Marescallus Habilissimi Regis,) is an Officer of the Kings House, having jurisdiction and cognizance of any transgression within the Kings House, and verge of it; as also of contracts made within the same house, whereto one of the House is a party. Reg. of Writs, fo. 185. a. and 192. b. and Spelman Glossar. in voce Marescallus.

Knight-ferbice, (feretrum militare) was a tenure, whereby several Lands in this Nation were held of the King, which drew after it Homage and Service in War, Exchequer, Ward, Marriage, &c., but is taken away by Stat. 2 Car. 2. c. 24. In Domsday book some Land held by Knights service is called Leinland, and land held by Soccage, Reb瘰land, fo. 86. a.

Knights fee. (fudium militare) Is so much inheritance, as is sufficient yearly to maintain a Knight with convenient Revenue; which in Henry the Thirds days was 12 l. Cam. Brittan. pa. 111. But Sir Thomas Smith, in his Repub. Angl. lib. 1. c. 13. rates it at 40 l. And, by the Stat. for Knights, 1 Ed. 2. c. 11, such as had 20 l. per Annum. in Fee or for life, might be compelled to be Knights; which Stat. is Repealed by 17 Car. 1. c. 29. Somny, in his Annals, pa. 287. says 29. There were found in England at the time of the Conquest 242 Knights Fees, according to the Roll of 6293, which were the Religious Houses, before their Suppression, were professed of 3905, Unde etiam postea earum faciunt feudum unius militiae. Mon. Angl. 2. p. 82. a. Of this you may read more in Selden Tituli Honorum, fo. 691. and Braith, lib. 5. Trait. 1. c. 2. See Coke vs Litt. fo. 69. a. A Knights Fee contained 13 R.
Labour, or Labouring, is a Writ that lies against such, as having not whereof to live, do refuse to serve, or against him that refuseth to serve in SUMMER, where he serveth in Winter. Reg. of Writs, fo. 189. b.

Lacobus, (Ex. Laec, 1. Frigidus, Ignorans.) Signifieth lack-brain, or negligence. As no Laecbus shall be adjudged in the Hear within age. Lit. fo. 156. and old Nat. Br. fo. 110. Where a Man ought to make, or doth thing, and he makes or doth it not, or, if his Laecbus cannot have an Alibi, but must take an Action on the Cafe. See Cafe on Lit. fo. 246. and 336. b.

Lagofield, (Sax. Haga, &c. Dominus, Patronus.) Infinitivus erga Dominum. A betraying ones Lord or Master. In the Laws of Hen. 1, ca. 13. Quadrum Plica coniuravit (f. Quadrum crimina expirantium possunt: Hul- drecht, Dern, Dampbuck, Ethernorth, &c.) Lagofield, which Word is also found in Custom Laws, ca. 61. and in some Authors corruptly written Labofield.

Laga, (Sax. Lag.) Law. Lagam regis Edwardi vero vnde velde, cum illa cum coniurantibus, genu buss Pater non eas constabat, datus Magna Charta. Hence Seaxenlage, Mercenlynge, Dam- lage, &c.

Lagman, or Lamban, (Lagamannus.) Homo legalis; quo legitimus; Such as we call now Good men of the Juris. I find the word in Donasis, and in the Laws of Edward the Confessor, ca. 38. thus: Peeten inquisfuellajustitia per Lagamannus, &c. in locis homines de Borgo, &c.

Lagen, (Lagena.) Fleta, lib. 2, ca. 89. In ancient time it was a Measure of six Seazor. Hence perhaps our Elagen. Dominus insignior de fen Lagenes auis annuation. Carta 2 Ed. 3, m. 35. n. 5. See Minstrel.

Lagon, (From the Sax. Legan, & Legan, &c. fuerit) Is that which lies in the bottom of the Sea. See Fleson.

Labite, Labifite, Labiftrte, (Sax. Laje, &c.) Labite. The breaking or transgressing the Law; and sometimes the punish-

ment for breaking a Law. — Si quis Dei vesti- dines per suis tenes, vel laboris cum dative, plenam Wyan cum Anglice. Leg. Hen. 1, ca. 13.

Labitio, Laberbiwte, & Lepergedillum, (A Sax. Lagan, seu Lagan, Concumere & pice, Mulata.) A Fine, or Cutoff of Punishing Offenders in Adultery and Formication 5 which privilege did anciently belong to the Lords of some Manor, in reference to their Villains and Tenants; which Flitas (lib. 1, ca. 47.) seems to infer. See 4 Inf. fo. 326.

Lammas-da, (Anno 23 Hen. 3, ca. 4.) is the first of August, and so called quasi Lamb- Mafi: on which day the Tenants that held Lands of the Cathedral-Church of York (which is dedicated to St. Peter ad Vivum,) were bound by their Tenure to bring a live Lamb into the Church at High-Mass on that day. See Gule of August.


Lanbor, (Sax. Land, i. Terra & loci, Lice. A Charter or Deed, whereby Lands or Tenements are held or given. — De praestis Abbatissae prenocinagenta terrae, feli centum Manerium cum libert, quon Angis decum Lan- bode, in perpetuum servatione tradere: Con- cil. Synodal apud Claviano, Anno Dom. 882. S. Ait: Angles Saeculis Chartas & Infrumenta mon- cuparum, praedorum ecellens, sula & licentiae continent. Spec.

Landegnandar, Was one of the inferior Tenors of a Manor. Conumaurum genus seu inferiorum tenementum Manerii, says the learned Spelman, who adds—Occurrit etiam in Con- sular, de Hecum.

Landebrear, (Sax. Lande-cap, from Caipan, to buy and sell) A certain ancient customary Fine, paid either in Mony or Cattel, at every alienation of land lying within some Manor, or within the liberty of some Borough. As at Maldon in Essex, there is yet a Custom claimed by the same name, that for certain Houres and Lands sold within that Borough, 8th d. in every Mark of the Purse—Money shall be paid to the Town: which Custom of Landebrear is claimed by a Grant (inter al.) made to that Town by the Bishop of London, Anno 5 Hen. 4. The word is also found in Spec. de Consil. Vol. 1, f. 59. Sommer in his Sax. Dilect. says, Landebrear, fat- taffe potestium falsa dato dawum rei debitor.

Langable, (Sax. Land-syppem) Terra con- sive vel soldtitum, A Tax, or Rent inquiring out of Land. Domsayle, Consue pradissi vel tributum quod a praedico collectivum. — As of praemuniqua- que domino donum. Spec.

Landemers, (Agiminsenforce,) Measurers of Land, anciently so called. Landemera autem
Landman (Sax. Landerman, Terricola) The Territ-tant.

Landman, Is he that actually possesses the land, or hath it in his Manual occupation.


Lanis de crecentia Walliscia traducendis abique Cultumae. &c. Is a Writers that lies to the Custome of a Port, to permit one to pass over Wool, without paying Custom, because he hath paid it in Wales before. Reg. of Writs. fol. 179. 25th.

Lapsa (Lapsus) Is a slip or omission of a Patron, to present a Cleric to a Benefice within six Months, after it becomes void; in which case, we say the Benefice is in lapsa or lapsed.

Anno 13 Eliz. cap. 12. And this lapsa is incurred, as well where the Patron is ignorant of the Avoidance, as privy; except only upon the Reformation of the former Incumbent, or deprivation upon any Cause comprehended in the same Statute: In which Cases the Bishop has given notice to the Patron.

Larceum (Fr. Larcrem, Lat. Latrocinium) Is a Theft of Personal Goods or Chattels in the owners absence; and in respect of the thing stolen, it is either great or small. Great Larceum is when the thing stolen, though severally, exceed the value of 2s. d. Petit Larceum, is when the Goods stolen exceed not the value of 2s. d. Of this see more in Stanls. Pl. Cas. lib. 1. cap. 15. 16. 17. Inter minus artium forta (says Spelman) quae remesse vacante Petie Larcrem, ohina habentur equi & bovis substantia, ut periclimnia, e tib. on Alis. Hen. 3. Clarendonii editis, ubi facta legantur. Hac Aesja anticipat in murder & pridiniis in quibus comtulione & in omnibus praeliis, ubi in minus juridi & victoria, quae facta fuerunt tempore guerra, titum de equis & bovis & minoribus rebus.

Larding-monp. In the Manor of Bradford in Com. Notts, the Tenants pay to the Marques of Winchester, their Land-Lord, a small yearly Rent by this Name: Which, I conceive to be for liberty to feed their Hogs, with the Milk of the Lords Woods; The Fat of a Hog being called Land.

Laron (Fr.) Thieves. In the Statute for View of Frank-pledge, made 18 Edw. a. The Fourteenth Article to be given in charge at Leets is, Of Petie Laron, as of Godii, Hen. 92 Steats of Coen.

Lathlire. Si quis domum contra tenent, reddit Lathlire cum Davis, Witam cum Angeli. Irdenoned the Danish common forfeiture, which was Twelve Ores, every Ore valuing about xvi d. Hering. Seidens Hist. of Tythes, pag. 293.


Left also, in the Marshes of Left Kent, signifies a Court held by Twenty four Jurats, and summoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impose Penalties, &c. For preservation of the said Marshes, See the Histi of Inlandking and Drainage, fol. 54.

Left Heir (Ultimus Heres) Is he to whom Lands come by Effect, for want of lawful Heirs, that is the Lord of whom they are held, in many Cases, but the King in others. Impe Suppe Rex omnium hereditatum ultimus est, ut Oceanus omnium flaviorum receptaculum. Bruton, lib. 7. cap. 17.

Leatage, Leitage, and Letting (Leftagium, from the Sax. Lecia, i. unia) A Custom exacted in some Fairs and Markets to carry things where one will (according to Rashall) But Anno 21 Rich. 2. cap. 18. it is taken for the Ballance of a Ship. In a Charter of Henry the Third, to the Monastery of Stenningham, thus: —Et fist quattuor de Theoboldo, & pomatior, de plassio, & pedaggio, & Leataggio, & pataggio. Where it is to be understood in the former signification. Omnes homines London fist quattuor & hices & annes res suorum per totum Anglicam, & per portos mari, de theoboldo, de plassio, & leataggio, & ab omnibus aliis confitenditudine. Diploma Hen. 1. de Libertate London.

Leftag (says another Author) Is properly that Custom which is paid for Wares sold by the Left, as Herring, Fitch, &c.

Lethe or Lebt (Leftam, Litera) Sax. Lecia Is a great part of a County, sometimes containing three or more Hundreds or Wapentakes as it is called in Kent and Suffex. Such as are subjoined in Magistratus quand Legemvium applicabilis: — Et quando Angliie vobvam 3 vel 4 Hundreda, ibi vocabunt philosophia. In quibus possum vero provinciam, Angliie vobvam Leb, quod ibi dica est Tribunum. Quod autem in Tribunis definiti non potest ieretur in Scyrum, 1. in Curtiam Comitatus: LL. Edw. Conf. cap. 35. — Et fist quattuor de fettin Comitatus, Lebt, Hundred, & assis Titicominium. Pat. 1 Hen. 4. part. 3. m. 9.

Letamine, Seems to be used by Sir Edw. Cote.
Coke for an Interpreter. 2 Part. Inq. fol. 545. Vox autem unde venias, non legit.

Latitat, is the name of a Writ whereby all Men in Personal Actions are called originally to the Kings Bench. Estz. Nat. Br. fol. 78. which hath this name, upon a supposition, commonly untrue, that the Defendant doth lurk and his bid: For Latiate or so maliceous occur illusio fraudandi creditors. The true original of this Writ is this: In ancient time while the Kings Bench was moveable, the Cufman was, when any Man would be sued, to send forth a Writ to the Sheriff of the County of Middlesex, where the Court was Resident, called a Bill of Middlesex to take him; whereas upon the Sheriff returned Non est inventus in Baiar nostra, &c. Then was there a second Writ sued forth, that had these words, Cuius Testamento est quiet Latitat, &c. And thereby the Sheriff willed to attach him in any other place, where he might be found: And when the Tribunal of the Kings Bench came to be settled at Westminster, the former course of Writ was kept for a long time, first sending to the Sheriff of Middlesex, to Summon the Partys; and if he could not be found there, then to apprehend him wherever: But afterwards, by the convention of Clerks, and upon a pretence of Expedition of Justice, it was at last devise to put both these Writs into one, and so to attach the party complained of, upon a Supposit or Fiction, that he was not within the County of Middlesex, but lurking elsewhere: and that therefore he was to be apprehended in any place else, where he was presumed to lie hid, by a Writ directed to the Sheriff of the County where he is suspected to be.

Laniarages (Anno 7 Rich. 2. cap. 11.) A kind of offensive Weapons now disused, and prohibited by the said Statute.

Late (Lex) From the Saxion Læg or Laugh). The Law of England is divided into Three Parts: The Common Law, which is the most Ancient and General Law of the Realm; Statutes or Acts of Parliament; and thirdly, Particular Customs, I say, particular; for if it be the General Cufman of the Realm, it is part of the Common Law. Coke on Littil. fol. 13. b. Breton defines it to be Sancto judice judicis benefice & probambis contradivia. And the Divine Schoolman says, Lex humana est quodam divinam reuniam, quod dirigantur humani altiss. See Merchens.

Law has also a special signification, wherein it is taken for that which is lawful with us, and not elsewhere: As Tenant by the curtesy of England. Anno 13 Edw. 1. cap. 3. To Wagu Law (Levis Legem) and to make, or do Law (Facere Legem.) Breton, lib. 3. tr. 2. cap. 27. When an Action of Debt is brought against one, upon some secret Agreement or Contract, as in an Action of Deemme for Goods, Money, &c. Charters, or one or more with the Defendant, the Defendant may wage his Law, if he will; that is, swear, and certain persons with him, that he detains not the Goods, or owes nothing to the Plaintiff, in manner and form as he hath declared, which is intended by Law, to be only in case of the Plaintiffs want of Evidence, and when he cannot prove his Surmise by any Deed, or open Act. When one wages his Law, he shall bring with him so many of his Neighbors as the Court shall assign (Sir Edward Coke says Eleven) to swear with him, that they think in their Confinces he hath Iworn truly; who in the Civil Law are called Compurgators. The offer to make the Oath, is called Wager of Law; as when it is accomplished, it is called The making, or doing of Law. See Glanvill. lib. 1. cap. 9. & 10. Ancestrally Lega was used as Latin for Law. —Lagam Regii Edwardsi sive redit, &c. Magna Chart. Hen. 1. Anno 3 Rich. 3. cap. 1. —26 Hen. 6. cap. 6. Coke on Littil. fol. 155. & 156. who says it is called Wager of Law, because in old time the party did engage with surety, to make his Law with such a Day. Legem saequare, est cautionem dare de perpessam Legem exigentiem in lite legis; ut de praefendo Sacramentum ad indiciam deum, cum indicio consacrante voluntatem seu conjurantur numera. Speck. And was a Custom anciently used among the Egyptians, as Burnus in his Book De moribus Gentium, informeth us.

Lapurer, (Legifia, Legisnitus, Juris Privius, Our Saxons called him Lahman.

Laws of Merchants (Lex Mercatoria) is a part of the Laws of this Realm: for, if there be two Joynt-Merchants of Wares and Merchandise, and one of them dies, his Executor shall have the moysty, which is not so in the case of others, nor Merchants. Coke on Littil. fol. 182. Anno 13 Edw. 1. stat. 3. & 27 Edw. 3. cap. 8.

Law Spiritual (Lex Spiritualis) is the Ecclesiastical Law, allowed by the Laws of this Realm, which is not against the Common Law (whereof the Kings Prerogative is a principal part) nor against the Statutes and Customs of the Realm. And regularly according to such Ecclesiastical Laws, the Ordinary, and other Ecclesiastical Judges do proceed in Causes within their Cognizance. Coke on Littil. fol. 264.

Laws of the Staple (27 Edw. 3. stat. 2. cap. 22.) Is the same with Law-Merchant. See 4 Infl. fol. 267, 268. And Staple.

Laws of Marque (Anno 27 Edw. 3. stat. 17.) From the German word March, Limig, a Bound or Limit; because they, that are driven to make ufe of this Law, to take the Shipping or Goods of that people, of whom they have received wrong, and cannot get ordinary Justice, when they can take them within their own Bounds or Precincts. See Reprisals.

Lawn, or otherwise called View of Frankpledge; or Court Leet. Anno 1 Edw. 4. cap. 2. is issued for the County Court. —It quad terrae comur imperius mittit quasi fin duellu Comitatium & Hundredorum nostrorum, de iusui Franci plegi & Lawdavorum, de Turno & nounio Piccomium, &c. Carta 39 Hen. 3. m. 5.
Laying of Dogs, Matifs must be lawed ever three years. Comp. Jur. fol. 163. that is, Three Claws of the Fore-foot shall be cut off by the Skin. Char. Forefe, cap.6. or the Ball of the Forefoot cut out. See Expedite and Pelle.

Lavelles Court. On Kingshill at Rockford in Essex, on Wednesday morning next, after Michaelmas day, atate Advocate, is held a Court, vulgarly called The Lavelles Court. They whisper and have no Candle, nor any Pen and Ink but a Coa1, and he that owes Sute or Service, and appears not, forfeits double his rent every hour he is missing. This Court belongs to the Honor of Raleigh, and to the Earl of Warwick; and is called Lavelles, because held at an unlawful or lawles hour, or Quia dilla fine lege. The Title of it in the Court Rolls, runs thus.

Kingshill in R. Cuius est idem
Rochford. S. C. Della fine Lege.

This Court is mentioned in Cam. Britan, though imperfections; y who says this servile attendance was imposed on the Tenants, for conspiring at the like unreasonable time to raife a Commotion, fol.444.

Leavels-Man (Sax. Leaueles-Man, ex-lees.) Is otherwise called an Outlaw. Pro eccles. tenementibus, cum Principi non obediens nec legi, & tunc ultagabitus ficul ille qui e between, fic cut Leavels-Man. Eract lib.3. & Coronas, cap. 11.

Lawn. See Landa.

Lapland (Terra inulta, nona) Land that has untillled.

Leap-pear. See Bissexide.

Leaf (from the Fr. Laisy, r. Relinquere, Permitter.) Is a Demise or Letting of Land, Tenements, Right of Common, Rent, or any

Heredimentation to another, for Term of Years or Life, for a Rent Reserved. If the Leaf be written, it is said to be an Indenture, Deed, Poll, or Leaf in writing; it made by word of Mouth, it is called a Leaf Parol. The Party that Lets this Leaf, is called the Leaffor, and he to whom it is made, the Leafee. A Leaf is in the Ex Points of Paris, 1. Words: Importing a Demise, 2. A Leafee named. 3. A Commencement from a day certain. 4. A Term of Years. 5. A Determination. 6. A Reservation of Rent. Coke, vol. 6. Knightes Cafe, fol. 53.

Lecherboize alas Legereboiz. See Law-


Lett (Leta, vijus Franci-plegii) otherwise called a Law-devo. This Court, in whose Manor forever kept, is accounted the Kings Court; because the Authority thereof is originally belonging to the Crown, and thence derived to interior persons, and is a Court of Record. It enquires of all offences under High Treason, though it cannot punish many, but must certify them to the Justices of Alberye, by Stat. 1. Edw. 3. cap. ult. Of which, see 4. Inf. fol. 161. And the Stat. 8. Edw. 2. Eact oll Curia priscia illa (says Spleman) que inter Saxones ad Frisborgos, Decemvar. Intemperatam pertinet. Lett comes from the Sax. Læt, 1. Confusariam, or from Latean, Confert, affiniore. Quod in bane oliva Curiae de damnum aemulatorum inter vicinos emergentius, ut pater in LL. Edw. Conf. cap. 20. See the Antiquities of Warwick-

Legacy (Legatum) Is a particular thing given by a last Will and Testamento, and be
to whom such Legacy is given is called a Legator.

Legalis bonus, is taken for him, who stands Relin in Curia, not Outlawed nor Excommunicated, nor Deamed; and in his face are those words for often used Probi et legatis hono-
mores. Hence Legality is taken for the condition of such a Man, or Legibus tenens malefacto—brevi-

Legatarie (Legatorum) He or she to whom any thing is bequeathed, a Legat, Speli say, it is sometimes used Pro Legato vel Nuncio.

Legatorie (Anna 27 Dec. cap. 10.) The same with Legataries.

Legergild (Legergium) The same with Lateurie, But in the Laws of Hen. r. cap. 10. it seems to have a different signification. S.i quis ex viginti habet injuste, reddat cum ab

Leg tempo, & profasset ei cujus eis, & Regi emendat secundum Legergillum.

See Legesperid.
Legespend. See Legespend.  
Legitimation. (Legitimation) A making lawful, or legitimate.  
Lent. (from the Sax. Lenten Fasten, i.e. Sæntium vel tempus quadragesimat. The Spring Fast) A time of Fasting for forty days, next before Easter; mentioned in the Stat. 2 & 3 Edw. 6. cap.19. And (according to Sir Rob. Baker, Chron. fol.7.) first commanded to be observed in England by Ercombert, Seventh King of Kent, before the year 800.  
Lep and Loco (Leppe & Luffe) Is a Custom within the Manor of Writtle (in Com. Essex) that every Cart that comes over a part thereof, called Greenbury (except it be the Cart of a Nobleman) pays four pence to the Lord of the Manor. This Greenbury is conceived to have anciently been a Market place, and therefore had this privilege granted. Tobias Edmonds, Gen. Sensofia, ibid.  
Lepuparis, A Grey hound for the Hare.  
Lepoald amobendo, Is a Writ that lies for a Parish to remove a Lepor or Laker, that thwarts himself into the Company of his Neighbors, either in Church or other Publick Meetings to their Annoyance. Fite. Nat. Br. fol. 234.  
Lepesegend (Sax. Lerusgen, i. Barinom)  
Letters (Litterae & Liberata) Are Writing, sealed with the Great Seal of England, whereby a Man is enabled to do or enjoy that, which otherwise of himself he could not, Anno 13 Hen. 7. cap. 7. And they are so called, because they are open, ready to be shewed for confirmation of the Authority thereby given. Letters Patent may be granted by common persons, but they are rather called Patents; yet for distinction, the Kings Letters Patent are sometimes called Letters Patent Royal. Anno 2 Hen. 6. cap.10. Letters Patent conclude with Telle me ipso, &c. Charters, with Hic testibus.  
Letter of Attorney. (Littera Attornatis) Is a writing authorizing an Attorney, that is, a Man appointed to do a lawful act in our steads. Wetb. 1524. Symb. lib. 2. fol. 552. As a Letter of Attorney to give Seisin of Lands, thus anclently.  
Rogatun Nasishe in plessa & pacifica seifina in omnibus judicibus, testemini. et testibus, sibi pertinat, sibi qui & quae habeant in Orleton pro eisdem. De res. & reg. 17. fol. 43. Edw. 3.  
Letters of Marq—See Marq and Repri- 

tals.  
Lebant and Coubant, Is, when Cartel have been so long in another Mans Ground, that they have lain down, and are riuen again to feed; in ancient Records Leantres & cubantes. See Ebad.  
Lebant facias, Is a Writ directed to the Sheriff for the levy of a Sum of Money upon his Lands and Tenements, who has forfeited a Recognizance. Reg. of Writs, fol. 298. b.  
Levaris facias, damna de difficultatibus, Is a Writ directed to the Sheriff, for the levy of Damages wherein the Defeatur has formerly been refunded to the Defeatur. Reg. of Writs, fol. 214. b.  
Levaris facias vendam debit, Is a Writ di- rected to the Sheriff, for the levy of the rem- 

nant of a Debt upon Lands and Tenements, or Chartels of the Debtor, that has been in part satisfyd before. Reg. of Writs, fol. 299.  
Levaris facias quando revertas returnavi, quod non habuit cumpesor, Is a Writ commanding the Sheriff to sell the Goods of the Debtor, which he has already taken and returned, that he could not fell. Reg. of Writs, fol. 300. a.  
Lebp. (Lewre) Signifies to gather, or ex- act, as to levy Money; and is sometimes used to creft or set up, as to levy a Mill. Kitchin, fol. 180. Also to raise or call up, as to levy a Ditch. Old. Nat. Br. fol. 110. And to levy a Fine, which is now the usual term; but I have seen a Deced, wherein William St. George Esquire covenant to rese a Fine of the Mannors of Brandon and Wycheham. Dat. 17 Hen. 6.  
Ler Berioise, The Law of the Britains, or marches of Wales, Lex Marchiarum. See Bretoyle.  
Ler deratnilla, reppius Deratifia, Is the proof of a thing, which one deemes to be done by him, and his Advertery affirms it; defeating and contounding the Affertion of his Ad- 

vertery, and shewing it to be without and a- 

gainst reason or probability. Furis inimicam est Nornanici, quod in prope eisdem Cumiana- 
a, ca 136. se deficitur. Deratifia autem est Lex quadam in Normanici constituta, per quam in frivolissimis querelle, infectio, sesequium quod a parte adversa si obiucrit, se non fecituri declarat. Vide pluram ibidem. & Drexym.  
Ley gager. (Anno 1 Car. 1. ca 3.) Wa- 
gar of Law. See Law.  
Ley, (Ley.) See Law.  
Libel, (Lidelius.) Literally signifies a 

little Book; but by use it is the original De- 

claration of any action in the Civil Law, An. 1 Hen. 5.
Licentia contrepandendi, (Ann. 1 Ch. 9. ca. 1.) See Kings: licentia.

Libido-Lapo, is grown to a kind of Proverb, to hang men full, and to indure them afterwards; to called, from a Town of that name in Cornwall, where a Court is held, which was herefore of great extent; the court whereof is very summary. The like being said of Ha-hfines in the County of York. See libido.

Lieutenant, or Lieutenant, (Loydno-ma,) The Kings Deputy. He that exercises the Kings, or any other persons place, or represents his person. As the Lieutenant of Ireland, Ann. 4. Hen. 4. ca. 5. and 2. Edw. 6. ca. 2., whence that Officer seems to take his beginning. Lieutenant of the Ordinance, Ann. 35. Edw. 6. ca. 27.

Life-rent. Is a Rent or Exhibition, which a man receives either for term or life, or for satisfaction of life. Nota quod Licentia terrarum feelliis part nunnun & fulling, (viz. his life-rent,) ipsa vivente compotata inter bonas mobilias. Skenemas ad quitue Attach ca. 18. ver. 7.

Lieges, and Liege-people, (Ligati.) The Kings Subjects, anciently so called, because they owe, and are bound to pay Allegiance to King: Ann. 3. Hen. 6. ca. 10. 14. Hen. 8. ca. 3. and divers other Statutes: yet anciently private persons had their Lieges.


Liberuit. See Lavoro.

Ligaei, (Ligata, From the Itall. Ligea, A League or Bond; Vinculum æquale inter judicem & Regnum utrumque intentioni comitendi sponde ad protectionem & guardians regem, id est ad tributum & debita subjectionem.) Is such a Duty or Fealty, as no man may owe or be held to hide that one Lord, and therefore it is most commonly used for that Duty and Allegiance which every good Subject owes to his Liege-Lord the King.

Soveraigne Law, That Henry First became your Subject and Liege Man, and promise to God and you, that hereafter I Faith and Truth shall bear to you, as to my Soveraign Leige Lord, and to your Heirs Kings of England of life and limme, and of earthly worshippe, to live and die ageing.
apostil all eebly People, and to You and to Your Commandements I shall be obedient, as God me help and the Holy Evangelists.

27 Oct. 9 Ed. 4. Clar. 9 Ed. 4. m. 13 in dor-
fo. Sec Lige

Ligence. (Ligeauatia a Ligande.) Is a true and faithful obedience of the Subject to his So-

vaignor. Sometimes it signifies the Dominion or Territory of the Liege Lord. As Anno
25 Ed. 3. Stat. 2. Childen born out of Li-

gence of the King. Also the same with Li-
genue. See Coke on Litt. fol. 129 a. and Call-


Limitation of Aisle. (Limitatio Aisle.) Is a certain time set down by Statute, wherein a Man must allege himself or his Ancestor to have been feit of Lands fored for by a Write of Aisle. See the Stat of Morten, ca. 8. and Vexst. 1. ca. 39. So it is used in Old Nat. Br.
fo. 77. in these words, "The Writ de Consequen-

dibus & servititis hved, where I on my Ane-

stor, after the limitation of Aisle, were not feit of the Caffours, &c." But before the limi-

tation of Aisle we were feit, &c.

Linarum. A place where Flax is grown, a

flax-plot. — Et messagium quod es justa cim-

teriam cum linario, quod pacti justa pradis-

sum Messagium. Pat. 44 Hen. 4. Par. 1.
m. 32.

Litera. As tres Cellidatas Literae, these Car-

tboards of Straw or Litter. Mon. Angl.

2 Par. fo. 53 b.

Liberr. (from Fr. Livre. 1. Infine. Gafanten.) Signifies a Hat, Coat, Cloak or

Gown, which a Noble or Gentleman gives to

his servants or fellows, with cognizance or

without, and is mentioned in 1 Rich. 2. ca. 7.

and 2 Car. 1. ca. 4. and divers other Statues.

Addem. After, before the Stat of 12 Car.

3. ca. 24. it did signify a delivery of poolefit-

of to those Tenants which held of the King in

Capite, or Knights-service for, the King, by

his Prerogative, had primier sefim, or the first

poolefit of all Lands and Tenements for the

holden of him. Stam. Prerog. ca. 3. fo. 14. it was in the

nature of a Restitution, says Sir Edward

Coke. And the Writ which lay for the Heir to ob-

tain the poolefit or sefim of his lands at the

Kings hands, was called his Livery. Fitz.

Nat. Br. fo. 155. But by the said Statute all

Wardships, Liveries, &c. are taken away and

discharged.

Livery of sefim, (Deliberatio sefima.) Is a

delivery of poolefit of Lands, Tenements, or

other corporeal things, (for, of things incor-

poral no Livery of sefim may be) to one that has

right, or a probility of right thereto.

For, (as Brabant favye, lib. 2. ca. 18. num. 3.)

Traditio debet esse vestiva, & non nuda. It is a Cer-

emony used in conveyance of Lands or Ten-

ements, where an estate in Feeimple, Freehold, or a Freehold pattem. And, it is a testimonial

of the willing departure of him, who makes the

Livery, from the thing whereof Livery is made.

And the receiving of the Livery is a willing

acceptance by the other party of all that where-
of the other hath devest himself. The com-

mon manner of delivery of Seftin, is thus: If

it be in the open Field, where is no Houfe, nor

building, and if the estate pafs by Deed, one

openly reads it or declares the effect of it, and

after that is sealed, the Vendor takes it in his

hand, with a cloud of Earth upon a twig or

bough, which he delivers to the Vendee, in

the name of Possession or Seftim, according to

the effect of the Deed: But if there be a Houfe

or Building upon the Land, then this is to be

done at the door of it, (none being left at that
time within the house,) and the King of the door

delivered to the Vendee, who enters alone,

flies the door, and presently opens it again. If

it be a Houfe, without Land or Ground, the

Livery is made, and Possession taken by de-

livery of the King of the door, and Deed

only. And where it is without Deed, either of

Lands or Tenements, there the party de-

clares by word of Mouth, before witnesses,

the estate he parts with, and then delivers Seftin

or Possession in manner aforesaid: And to the

Land or Tenement paleth as well as by Deed,

and that by force of the Livery of Seftim. See

Welf. parr. Symbol. lib. 2. fol. 156. and Coke

on Litt. fol. 48 a. This was anciently a Pair of

Gloves, a Ring, Knife, Ear of Wheat, &c.

was delivered in sign or token of Livery and

Seftim.

Local (Local.) Tied or annexed to a

place certain: As the thing is Local and annexed to the Freehold. Kitchin, fol. 150. An Aiton of

Trepauté for Battery, &c. is tranitory, not

local, that is, not needful that the place of the

Battery should be fet down, as material in the

Declaration, or if it be set down, that the De-

fendant should Travers the place set down, by

laying he did not commit the battery in the

place mentioned in the Declaration, and to a-

void the Aiton. And again, fol. 250. the place

is not local, that is not material to be set down in
certainty, or that the Aiton should be tried or laid in the same County where the Fact was
done. The gard of the person, and of the

Lands, differs in this; because the person, be-
in tranitory, the Lord might have his Reje-

ment de Gard, before he was tried of him, but not of the Land, because it is local. Perkis

Grants. 30.

Locus Partitum, Signifies a Division made

between two Towns or Counties, to make the

Lod SE, or in what fashion the Lord might have his Reje-

Cher de Gard, before he was tried of him, but not of the Land, because it is local. Perkis

Grants. 30.

Lodere, One of the Words, belonging to the:

Stomacium in Connaus; for which, see

Stomachus.

Lodermere. — Item en droit de Lode-

merere dans les avanizie faveu, que leur

fembell estos cafe, si ne seissent melindre advis

remais, mays que ce sois defons fir & faut par

mener guet conteuen en le Ley D'Oleron. Pryns

Animad, on 4 Int. fol. 116.

Logating.
Logating, An unlawful 'game', mentioned 33 Hen. 8, cap. 9, now disused.

Logwood, Is a kind of Wood, which divers use, otherwise called Blackwood, brought from Campeachy, and other remote parts, and was prohibited by Stat. 23 Eliz. cap. 99, and 25 Eliz. cap. 11. But since by Stat. 14 Car. 2, cap. 11, the importation and use of it is allowed.

Loch or Loch Firth, (31 Edw. 3, stat. 3, cap. 2.) And that no fish called Loch Fish, be caught or tried, but only in these parts, that is to say, Loch, King, and God.


Lollards (so called from Walter Lollard, a German, First Author of this Sect, living about the year 1315.) Were certain Heretics (at least, in the Opinion of those times) that abounded here in England, and in the days of Edward the Third, and Henry the Fifth, whereas the chief of this Nation, according to Stow in his Annals, fol. 425. They are mentioned Annales Hen. 5, cap. 7. Against these Lollards much was decreed by the Archbishops of Canterbury, in a Council at Oxford. See their Tenets in Spotswood's History of Scotland, fol. 41. The High Sheriff of every County, is bound by his Oath, to suppress them.

You shall (says the Oath) do all your power and diligence, to destroy, and make to cease all manner of Heresy and Errors, commonly called Lollardies, within your Bailiwick from time to time with all your power, &c.

The intention of the Heretics called Lollard, was to subvert the Christian Faith, the Law of God, the Church, and the Realm; so that the Statute of 3 Hen. 5, cap. 7, which was repealed 1 Edw. 6, cap. 12. See 3 Inst. fol. 41, and Cauburn's Cafe.

Lord (Dominus, Sax. Diapophis, signifying a Bread-giver, Bonitul, or Hopitabilis.) Is a word of Honor with us, and used diversely. Sometimes being attributed to those, who are noble by Birth or Creation, and are otherwise called Lords of the Parliament, and Peers of the Realm; sometimes to those who are so called from the curtese of England, as all the Sons of a Duke, or Marques, and the eldest Son of an Earl. Sometimes to Persons, Honorable by Office, as Lord Chief Justice, &c. And sometimes to an Inferior Person that hath Fee, and consequently, the Homage of Tenants within his Mannor; for by his Tenants he is called Lord, and in some places, for distinction sake, Landlord. In which last signification, it is most used in our Law-Books, where it is divided into Lord Paramount, and Lord Meyn. Lord Meyn is he that is owner of a Mannor, and by virtue thereof hath Tenants holding of him in Feces, and by Copy of Court-Roll; and yet holds himself of a Superior Lord, called Lord Paramount, or above him. Old Nat. Br. fol. 79. We likewise read of Very Lord, and Very Tenant, Very Lord is he, who is immediate Lord to his Tenant; and Very Tenant he the holds immediately of that Lord. So that if there be Lord Paramount, Lord Meyn, and Tenant, the Lord Paramount is not very Lord to the Tenant. See Administration of Estates.

Lord in Greats, Is he who is Lord, not by reason of any Mannor, as the King in respect of his Crown. Edw. Nat. Br. fol. 3. and 9. where also is a Cafe wherein a private person is a Lord in Greats. As a Man makes a Gift in Tail of all the Land he hath, to hold of him, and dies; his Heir hath but a Seigniory in Greats.

Lozirinae or Lextimines (Fr. Lorsines, from the Lat. Lurum.) Is one of the Companies of London, that make Bits for Bridles, Spur-g. and ditch font Small Iron ware. Annales Bev. cap. 12.

Lot or Loth, Is the thirteenth Dith of Lead, in the Darbyshire Mines, which belongs to the King, Pro Domino suo. —Presentation est in RMemmann per se de Alto Pecio, quod Rad. de Wynne fecit quandam Purpursam in solo Dominus Regis in Tattington & Pelcliffe, faciendo minerarum plumbi, unde Rex Molasse pertinere le Mot torni, tertium dictationem, &c. Rot. Raganem & de quo Warranto de Irin. de Derbi. 9 Edw. 1. —Et de minerar locutus in bujusmodi operis in fudo Dominus Regis, Dominus Rex habebit pro Domino suo tertium dictationem ducimus, qui dicitur le Loch, Eichheit. De anno 16 Edw. 1. num 34. See Capo.

Lothbairt alias Lepertwor, Is a Liberty or Privileg'd, to take amends of him that defies ones Bond-woman without Licence. Raislif Ex-pedition of Wales. According to others, it is an amends for lying with a Bond-woman. See Laurelin. Some think it should rather written Legovert, for LegÆp in Saxon, signifies a Bed; or Lockers, a pullet or pullet-ful for Lockery.

Lourgularity (Fr. Lourdeurie, i. Inhumanites, incurvitas.) in Statuto pro statu Londoni. impresso A.D. 1573. Art. 45. Causing any corrupt thing, appoisoning the Water, is Lourgurility and Felony; some think it a corruption of Bargurly. See Glisser, in loco Scriptorium, verbis, Barguria.

Louvelleries (Annales 23 Eliz. cap. 10.) Are such as go with Light and a Bell, by the fight whereof, Birds sitting on the Ground, become somewhat stupefied, and so are covered with a Net, and taken. This name is derived from the word Loto, which, in the Saxon, or old English, signifies a Flame of Fire. See the Antiquity of Warriour/s, p. 4.

Ludibroth or Ludshburgs, Was a base fort of Money coined beyond Seas, to the likenes of English Money, in the days of Edward the Third, and brought in, to decease,
ceive the King and his People. To avoid which, it was made Treaty, for any Man wittingly to bring in any such. Anno 25 Edw. 3. stat. 4, cap. 2. Part Instr. fol. 1.

M.

Every Person convicted for Murder, (or Man-slaughter) and admitted to the benefit of his Clergy, to be marked with an M. upon the Brawn of the Left-thumb. Anno 4 Hen. 7, cap. 12.

Maccrels alias Maccrews (Maccrews) Are such as willingly buy and sell fish from Fleet, knowing the same to be foul. Britton, cap. 39. In turnis Vico-com. 12 Juravos, inter alios, prescriptos — De Maccrellas achatumus (Cen- biaus) a eisunt charm embell. Cromptons Justice of Peace, fol. 793 a. Vide LL. Ine cap. 20. de carnibus juramenticis omnibus.

Malling-money: Old Roman Coys, sometimes found about Dunstable, are so called by the Country people 34, and retains the name from Magna charta used by the Emperor Antonine in his itinerary for Dunstable. Canm.

Macreemum, Is derived from the Old Norman word Marna, for Timber.

Re-—dicto — Roger de Horstey Consubi-

Mandemur ubi quod huncius partium pridem, nover in Cas-

Magna charta (From the Sax.

Maigae, Anciently a kind of Money. Eiusm

Maigae, Maigae, or Maigue (From the Fr.

Maiguaunum (From the Fr. Maignanum, i.

Maingle, Maing, or Maingaunum (From the Fr. Maignanum, i.
livered to the Viscount together with the Manor. And again, fo. 149, if the Defendant were taken with the Manor, and the Manor be carried to the Court, they in ancient times would arraign him upon the Manor, without any Appeal or Indictment. — si siti Servientes seu Balius fuit aliquem hominem pro aliquo quia ubiunque fuerit faciis, cum Manipece, in ea sedum Dominus sui predicit cereris seu attac. Et sive hic serviam illum curam quisque voluit, voluntarii cognitores, tunc hocat dictus Servitium seu Balius fuit dictam hominem decollar, et dictus Deus, (Lanc.) tunc habebit omnia bona suis, sec. Plac. apud Caen, 3 Ed. 3 de Quo War. in Maner de Hals. In Old Nat. Br. fo. 112, it is thus used, where a Man makes a thing by Manor, or leavvyng or eftopping, in such case he shall have Alifie, where it signifies handy-labour, and is but an abbreviation of Mainuoy.

Mainpernabile, Bailable. What Prisoners are Mainpernabile, and what not. Anno 3 Edw. 1. ca. 15. See Mainprise.

Mainpoze, Is a small tribute, (commonly of Leaves of Bread,) which in some places the Parishians pay to the Rector of their Church, in recompence for certain Tythes. See Wasbot, Vicaria de Wrangby, (in Com. Linc.) confinue in toto Attacage & in Coraggio, vulgariter dit. Wasbot in panibus vulgariter dit. Rampot & in incremento denariorum. Sandi Petri, vulgariter dit. Firethorpe. Spei-

Mainprise, (Manuscriptio,) of the Fr. Main. i. Manus & Prins. i. Captus. Signifies the taking or receiving a Man into friendly custody, who otherwise is, or might be committed to Prison, upon security given for his forthcoming, at a day assigned. As to let one to Mainprise, (Old Nat. Br. fo. 42.) Is to commit him to those that undertake his appearance at the day appointed. And they, that thus undertake for any, are called Mainpernors; because they receive him into their hands. Pl. Cor. fo. 178. Hence the word Mainpriseable, that may be thus bailed; For, in many cases a Man is not Mainpriseable, whereas see Brook, tit. Mainprise. And Fitz. Nat. Br. fo. 249.

Mainwood, (In his a Par. For. Law, pa.167.) makes a great difference between Bayle and Mainprise; For, he that is Mainprise, is already said to be at large, and to go at his own liberty, after the day he is set to Mainprise, until the day of his appearance; But, not fo, where a Man is set by Bayle to four or two men, by the Lord Justice in Eye of the Forrest, or any other Judge, until a certain 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 Prison all that time. So that, he that is so bailed, shall not be said by the Law, to be at large, or at his own liberty. Thus Mainwood.

Mainprise also is an undertaking in a sum certain; Bail answers the condemnation in Ci-

viv Caufes, and in Criminals body for body. Cogniti postsumma.

When Mainprise may be granted, and when not, see Corporations Jcifices of P. fo. 436. and Bruxton, fol. 78. The Author of the Mirror of Jucifices says, that Pledges are those, that Bail or redeem any thing but the body of a Man, and Mainpernors those, that free the body; That pledges therefore belong properly to real and mixt Actions, and Mainpernors to personal. lib. 2. ca. des Pledges & Mainpernors. See 4 Inst. fo. 179.


Maintaining, (Anno 19 Hen. 7. ca. 13.) Is he that maintains or secures a Caue in Sute between others, either by disbursing Money, or making Friends for either party, towards his help.

Maintenance, (Manutenentia,) Signifies the upholding or maintaining a Caue or Person, either by Word, Writing, Countenance or Deed; Metaphorically taken from the succoring a young Child that learns to go by ones hand; and is used in the evil part. Anno 32 Hen. 8. ca. 9. When a Man Act in this kind is by Law accounted Maintenance, and when not. See Brooke, tit. Maintenance and Kitchin, fo. 200. There lies a Writ against a Man for this offence, called a Writ of Maintenance. See Coke on Litt. fo. 369. b.

Mainton diu, (Fr.) An Hospital, or Alms-house. See Measen diu.

Make, (Fascere,) Signifies to perform or execute; as to make his Law, is to perform that Law, which he has formerly bound himself unto, that is, to clear himself of an Action commenced against him, by his Oath, and the Oaths of his Neighbors. Old. Nat. Br. fo. 267. Kitchin, fo. 322. Which Law seems to be borrowed of the Fedulus, who call those Men that swear for another in this Cafe, Saccamenta. The formal words used by him that makes his Law, are commonly these: Hece, 0 ye Juflices that I do not owe this sum of Money demanded, neither all, nor any part thereof, in manner and form declared: So help me God, and the Contents of this Book. To make Services or Cuffion, is nothing else but to perform them. Old. Nat. Br. fo. 14.

Maldicition, (Maledictio,) a Curfe, which was of old usually annexed to Donations of Land, made to Churches and Religious Houses.

—Si quis autem (quod non opinius) hanc donationem oryinare stopteptur, per pellit fit gelida glaciariii fideiit & maiaorum Spiriuirum territis verterntum cruciis opus, in quia qu aerfact, nihil prain in rigus paniertis gemens, & para condonationes amovendarit. Cat. Regis Athelstani Monali de Wiltuna. Anno 933.

Again —Beliafi si quis filius certam hanc jace non confiripsum immittis gels certaminne diffideranter, si non debitis, a cumin regis met ferventium, du rum cum Tunc Togus in Jope-
torum abdicatam & excommunicatum sine fine cruciandum, unde post mortem a Xarturrx raptus
Mindfrin, in profundum sepulcer mortui inferni flammigeratae consecravit in Domino, ridicem amandam
dam quam Valanci, figius proiecteur membris, qua
affide bullentem pie repleta eis effigie & ftam
1atibus frangentibus eum minimentibus intellectivam,
quieteque, ubi ad afferat suam sanctitatem nisi
hoc ante mortem pendentiae lunentiac audia
Carta Ecardedi Regis. Mon. Ang. 2 Par. fo. 687.

Audit uxor pot. hab. aliquis hert
Arm. moron in hac Ecdemiis a praetisa Ecclesia
affidit abitur, ex ore mei in compendi. Dei
sit ile maledictus, & in tremendo Indico, nisi
reviviscat, condemnatus. Amen. Carta Ro-
berti Camerarii Comitis Richamandii in Bibl.
Cotton.

Malefiance, (From the Fr. Malfaire, i.
To offend, or transgress.) A doing of evil, a

Malentem, or Malefice, (Fr. Malfetes, i.
Malefice) in the Statute called the Conjunction of the Liberties,
Sec. Ann. 25 Edw. i. ca. 7. It is interpreted to
be a Toll of 40s. for every sack of Wool.
Stored in his Annals calls it a Malifes, fo. 661.
See the Stat. de Tallica non concedita, Ann.
25 ejusdem. Nothing from henceforth shall
be taken of Sacks of Wool, by color of oc-
currence of Malentem. In France they had an
extraordinary Tax called Malefice.

Malin. See Male.

Malefic procuro, in Art. super Charit.
is. Is understood of such as use to pacate
Juries by nomination, or other practice or
procurement. 2 Inst. fo. 561.

Manbute, (Sax. Man-bot.) A remonstrate
for Homismatic, or a compensation due to the
Lord, for the slaughter of his Man or Vaflal.
Manbute, i. compensatio Domino perfol-
vende pro homine suo occiso. (Anglorum
Regi & Archipresbyteris tres Marcus de dominibus
seu prud. sec Episcopo ejusdem Comitis &
Comiti & dapifer Regis virginis Suolos, Baro-
nibus suis adhuc demum Suolos, Sec. Spel. de
Concil. Vol. fo. 622. See Hocden parvo par-
er. annal. fo. 344. & Bote.

Manca, (Charra Regis Eadgari Ecclef.
Sax. Paith. Anno 867, Indictione 15—cum
lato digno prato. 1. 1x. Mancae in uno prud. qua-
was a square piece of Gold, commonly valued
at 36 pence; & Mancia, was as much as a Mark
of Silver. Notes upon Canute Lawes. (Id eft,
Mancia, Couyd with the hand.)

Scapulie, (Maniceps — A Clerk of the
Kichin, or Caterer.) An Officer anciently so
called in the Inner-Temple) now he is called
Steward there, & still in Colleges, of whom
Jeffrey Chauver, our ancient Poet, an
Student in this House, thus

A Scapulie there was in the Temple,
Of which all Carours might taken
(entemple).

Mandamus, (A Writ that lay after the
year and day, where in the mean time, the

Writ called Diem clausit extremum had not been
535 b. See Diem clausit extremum. Mandam-
us was also a charge to the Sheriff to take into
the Kings hands, all the Lands and Tenements of
the Kings Widows, who against her Oath
formerly given, Married without the Kings
content. Reg. fo. 295 b. See Widows.

Mandate, (Mandatam.) He to whom a Comman-
dement of Charge is given. Also he
that comes to a Benefice, a Mandamus.

Mandate, (Mandatam.) Is a Command-
ment judicial of the King or his Judges, to have
any thing done for the dispatch of Justice, where
of you may see diversity in the Table of the
Register Judicial, on this word. The Bishops
Mandat to the Sheriff, Ann. 51 Eliz. ca. 9. 9.

Manent, Was anciently used for Te-
nants, or Tenants. Concord. Symudal, apud Cloe-
Cresc. et C. Higleaf, fo. 762.

Manning, (Manopera.) A days Work of a
Man; in some ancient Deeds I have been re-
fers so much Rent and so many Rannings.

Manno, (Manuum a Mancend.) of abating
there; because the Lord of it did usually
refide there. Es feudum nobilis partim se ca,
quo Tenentes secausum; ob certa servita con-
cessio; partim Domino in usu Familiae his,
cum jurisdictione in vaillalos, ob concessa praev
reveration. Que vaillalis conceditur alterius
domini tenementa, que domini secanum
dominicae. Totum esse feudum dominum ap-
pellant, olim Baronia, unde Curia qua haec
praeviurisdictione dicitur. Curia Baronis nono
reiner.

Touching its original, There was antici-
ately a certain compass of Ground, granted by the
King to some Baron, or such like man of worth,
for him and his heirs to dwell upon, and to
exercise some jurisdiction, more or less, within
that circuit, as he thought good to grant;
perforning him such services, and paying such
yearly rent for the same, as he by his grant
required; and that afterward this great Man
parcell ed his Land to other meaner Men, en-
joying them again such services and rents, as
he thought good; and by that means, as he became
Tenant to the King, to the inferioris became Ten-
ants to him. See Perkins. Registrations. 670.

And Horns Mirror of Jusites, lib. 1. ca. du Roy
Alfred. In these days a Manor rather signifies
the jurisdiction and Royalty incorporeal,
the Land or feite: For, a man may have,
a Manor in Gros, that is, the right and interest
of a Court Baron, with the Perquisites, and an-
other enjoy every foot of the land belonging to
it. Kuchin, fo. 4. Enlith. lib. 5. Toth. ca.
8. sec. 1. See Fee. A Manor may be com-
pounded of divers things, as of a Houfe, Ara-
ble Land, Fishure, Meadow, Wood, Rent, Ad-
vowzen, Court-baron, and such like. And
this ought to be by long continuance of time,
behind man memory; For, at this day, (as
some hold) a Manor cannot be made, because
a Court-Baron cannot be made, and a Mannor
cannot
Manumission, (Manumissi,) is the freeing a Villain or Slave out of bondage. The form of this in the time of the Conqueror, Launc in his Aischi, f. 2. 6. sets down in these words, Si quis violat servum suum liberam facere, tradat eum vicecomiti per manum dextram, in pleno comitate. Quum, aequum illam emansit debeat a jus servituti fue per manumissionem, & offendat eum libera serva, & suos, & tradat illis libera serva, & suos, & rende libre bono efforactus. Some also were manumitted by Charter. Vide Brooke v. Villeneu, f. 305.

Another way of Manumitting was, for the Lord, to take the Bondman by the Head, and say, I will that this man be free, and then shoves him out of his hand. There was also Manumission implied, as when the Lord made an Obligation for payment of Money to the Bondman at a certain day, or fixed him, where he might enter without Suit, or the like. See Nef.

EDWARDIS Dei Gratia, Rex Anglie & Francie & Domini Hibernie, Omnium ad quos præfentis Literæ nostra pervenit, Salutem.
Manapatus. Sache obtenu in forensi Bisp. pro famili & severitate Domiclani. Speleman. Ebat culpabilis sancum de Mannapato (Manwood, cap. 16. n. 6.) i. He shall be culpable, as of a thing done by one of his family. Gist in sc. Scription.


Shantworth (Sax. Cenapyphh.) The price or value of a Man’s Life or Head, every Man, according to his degree, being rated at a certain price, according whereunto, satisfaction was old made to his Lord, for the killing him.

Marches (Marchia) Are the Bounds and Limits between us and Wales, or between us and Scotland. Ann. 24 Hen. 8. cap. 9. Which last are divided into West and Middle Marches. Ann. 6 Hen. 5. cap. 7. and 22 Edw. 4. cap. 8. The word is used in the Statute 24 Hen. 8. cap. 11. generally, for the Present of the Kings Dominions: and may be derived from the Sax. Ocyto, i. Signum, nota, Charaller.

Marchers, Were the Noblemen that lived on the Marches of Wales or Scotland, who in times past (according to Camden) had their private Laws, like Petty Kings, which are now abolished by the Statute 27 Hen. 8. cap. 26. Of these Marchers, you may read Ann. 12 Hen. 4. cap. 18. — 26 Hen. 8. cap. 6. and 1 Edw. 6. cap. 10. where they are called Lord Marchers. See also 1. 2 & 3. Edw. & Ma. cap. 11.

Marchet (Marchetum) Condictus pecuniarum in Mancipiarum fidibus maritandi. Brasch. lib. 2. tit. 1. cap. 3. num. 2. Marchetum vero pro filia dare non competit libero homini. Exterm Manceri de Wivenho, 18 Dec. 40 Edw. 3. & alia 15 Edw. 3. Anno Dom. 1320. Ric. II. tenet unum Mancetum — Et debet Talamigan, Sellam Curie & Marchet hic modo, quod sit maritandi volunt petitum fidei cum quodam libero homine extra villam, facet pacem Domini pro maritandi, & si can maritandi rei Cunnamento Vlde, nil dubii pro maritando. This Custom is in divers parts of England and Wales, as also in Scotland, and the Isle of Gernsey. See Speaker, at large on it. Sir Edward Coke on Little, fol. 140. says it is called Marchet, as it were a Cere or Fine for Marriage. By the Custom of the Manor of Dencor, in the County of Cambridges (whereof Sir Edw. Rice is Lord) every Tenant at the marriage of his Daughter, pays x to the Lord, which in the British Language is called Gwade, Marchet, i. A Mides Feec. See Meiden Kents and Gwade-marshet.

Marchal (Marchalium) from the Germ. Marchalch, i. Equum Magister. With us there are divers Officers of this name, the chief is the Earl Marshal of England, mentioned Ann. 1 Hen. 4. cap. 7. and in divers other Statutes; his Office consists especially in matters of War and Arms, as well with us, as in other Countries; as you may read in Lappanis de Magnificatibus Franciae, lib. 1. cap. Marchalium.

The next is, the Marshals of the Kings Houses, whose special authority is (according to Britton) to hear and determine all Pleas of the Crown, and Suits between those of the King’s Houses, and others within the Vexillation, and to punish faults committed within the Vexillation. G. Camp. juri. fol. 120. Ann. 18 Edw. 3. sir. 2. cap. 7. and other Statutes. See more of this Office in Fleta, lib. 2. cap. 4.

There are other Inferior Officers of this name, as Marshal of the Justices in Eyre. Ann. 3 Edw. 4. cap. 13. Marshal of the King’s Bench (Ann. 5 Edw. 5. cap. 8.) Who hath the custody of the Prison, called the King’s Bench, in Southwark. I find also in Fleta, lib. 2. cap. 15. mention of a Marshal of the Exchequer, Ann. 5. Hen. 5. fol. 5. to whom the Court commits the custody of the Kings Debtors, for securing the Debts. He also affirms Sheriffs, Cenomans, and Collectors, their Auditors, before whom they shall account.

Marchaldis (Marchalitiae) Is the Court or Seat of the Marshal; also used for the Prison in Southwark, to call; the reason whereof may be, because the Marshal of the Kings House, was wont perhaps to sit there in Judgment, or keep His Prison. See the Stat. 9 Rich. 2. cap. 5. And 2 Hen. 4. cap. 23.

Marchague (Marchagnim) Signifies not only the lawful joying of Man and Wife, but also the interest of bestowing a Ward, or a Widow in marriage. Mag. Char. cap. 6. And it signifies Land given in marriage. Bradon, lib. 2. cap. 34. & 39. See also Skene on the word Marchagnim, which (according to Glaubri, lib. 7. cap. 1.) is that portion which the Husband receives with his Wife. See Dozer.

Marchaggio utnillo per defaultam, Is a Writ for the Tenant in frank-marriage, to recover Lands, &c. whereof he is disjoined by another. Reg. fol. 71.

Marchaggio perpetuado. See Forfissimam Marriage.

March (Mercus, from the Sax. Mejsh. i. Signum) In ancient time I find a Mark of Gold was eight ounces. Steven Annals, pug. 32. A Mark of Silver is now well known to be 1 s. 4 d. Char. Reg. Fob. de dote B. Regina (quando ux. R. Ricardus. Paten. 3. Fob. m. 71. 31. Affinitassum si de dote fuit annis marcam argentum, 13 s. 4 d. computari pro March. Marchaisel (Rebis Markergeld) — Et valent per am. le Streterward E Markergeld eruvit & eb. in omni terra pertinente ad Domum de Haulton. Ex Cod. M. S. in Bibl. Convitiam. It signifies Toll of the Merchant. The word Zedl importeth a payment. I finde it elsewhere Markethyeld. Plac. apud Cerdaniam. 15 Edw. 3.

March-penny. Was one penny paid at Maleton, by those who had Pipes or Gutterz laid, or made out of their Houses into the Streets. Hill. 15 Edw. 3. Mr. Phillips of Paceyard.

Marchet (Mercatus) Comes from the Fr. March, i. Emporium, forum mandatarum, and signifies
signifies the same thing with us; as also the Liberty or Privilege whereby a Town is enabled to keep a Market. Old Nat. Br. fol. 149.
So Bradlow uses it, Lib. 2. cap. 24. num. 3. & lib. 4. cap. 45. where he shews, that one Market ought to be distant from another. Six leues & dimidiem, & teriam partem atmodius. By Stat. 27 Hen. 6. cap. 5. no Fair nor Market is to be kept upon any Sunday, nor upon the Feasts of the Assumption of our Lord, Corpus Christi, the Assumption of our Blessed Lady; All Saints, nor Good Friday; except for necessary victual, and in the time of Harvest.

Marie (Marla.) Is a kind of Earth or Mineral, which Men, in divers parts of this Realm, call upon their Land, to make it more fertile. It is otherwise called Mainin. Anno 17 Edw. 4. cap. 4.

Marlclum or Marlbum, A Marlepit. Sciat —quod ego Rogerus de Zouba dedi. Hierico de Hogestort & berecum sua, &c. —Et quod habant omnem liberatem & liberam communiam in hujus, in planis, in vitis, in frutibus, in aquis, in molendinis, in brassis, in turrariis, in quarrer, in pisc. in Marclitis, & in omnibus aliis locis & aliamniis ad priditionem Manerium de Tonge feceram. —Et quod capiti Mariani pro voluntate sua adterritam funt marclent.

—Reddens inde annuam nain & legibus mei unum capellam Rofarium de Nativitate S. Jo. Baptizatis, fi in villa de Tonga fuerimus, si non ponamus super imaginem Biste Marie in Ecclesia de Tonge, pro omnibus servatis; Sine dat. peces Wil. Dugdale Arm. And in another Deed xx Acras terrae Marliani, Marledlands.

Marque (from the Sax. Meagal, &c. Signum.) Signifies in our ancient Statutes as much as Reprisals, as Anno 4 Hen. 5. cap. 7. Margins and Reprisals are used as Synonyms, and Letters of Marque in the same signification. See Reprisals.

Marquis or Marchets (Marchio, qui regiorum insignis incolumi excit.) Is a Title of Honor, next before an Earl, and next after a Duke. Marchiones Walliae, &c. Rogerus de Mortuo-marci, Jacobus de Audele, Rogerus de Clifford, Rogerii de Lichfield, Hano Exastreus & ille de Turbervilla, cum pluribus alis, qui de bello pridie de Lewes major fugaverunt, &c. Mat. Weilm. in Anno 1264. pag. 225.

Marshall. See Marchant.

Partial Laws, Is the Law that depends upon the just and arbitrary power, and pleasure of the King, or His Lieutenant in time of Wars; for, though the King does not, in time of Peace, make any Laws, but by consent of the Three Estates in Parliament; yet in Wars, by reason of the great dangers arising from small occasions; he hath absolute power, in so much, as His word goes for Law. Smith de Repub. Angl, lib. 2. cap. 5. See Law of Arm.

Watt (Glaues, Pessona) Gladii rummine con- tinuiter glans castanea, fagina, licus et ucres, & alia quasque edis & pasi poterunt praeter herbam. Bracton, lib. 4. 225. See Pellona.

Master of the Rolls (Magister Rotulorum) Is an attenant to the Lord Chancellor of England, in the High Court of Chancery, and in his absence heareth Causes there, and gives Orders. Compt. Jan. fol. 41. His title in his Parent's, Clericus parce bauer, Cudso Rotulorum; as also, Damius Conferjoram. Because the place where the Rolls of Chancery are now kept, was anciently the Houfe for Habitation of those Jews who were converted to Christianity. But his Office hath that title from the state keeping of the Rolls, of all Parents and Grants that pass the Great Seal, and of all Records of the Court of Chancery, &c. He is called Clerk of the Rolls, Anno 1 Rich. 2. cap. 2. And in Fortefcu. cap. 24. And no where Master of the Rolls until 11 Hen. 7. cap. 20. And yet cap. 25. Eyflem., he is also called Clerk, In which respect Sir Tho. Smith, lib. 2. cap. 10. Says, He may not unfrely be called Cudso Archivorum. He hath the keeping of the Offices of the Six Clerks, the Clerks of the Petitions, Examiners of Orders of all, and the Clerks of the Chappell. Anno 11 & 15 Hen. 8. cap 1. See Roll.

Master of the Mint (Anno 2 Hen. 6. cap. 1.) Is now called the Warden of the Mint, whose Office is to receive the Silver of the Goldsmiths, and to pay them for it, and to oversee all the rest belonging to his Function.

Master of the Court of Ward and Liberties, Was the chief Officer of that Court, named and affixed by the King to whose custody, the Seal of the Court was committed, &c. Anno 93 Hen. 8. cap. 33. But this Court, with the Officers, and Apparitions thereof, is abolished by 12 Car. 2. cap. 24.

Master of the Posts, Is he that hath the Rule and Charge of the Kings Stable, being an Office of high account, and always bestowed upon some Nobleman of great merit, and is mentioned Anno 39 Edw. 6. cap. 7. and 1 Edw. 6. cap. 5. This Officer under the Emperors of Rome, was called Comes facci Statului.

Master of the Posts, Was an Officer of the Kings Court, who had the appointing, placing, and displacing of all fach thorough England, as provided Post-horses for the speedy palling of the Kings Messengers, Letters, Parcels, and other business; and is mentioned Anno 2 Edw. 6. cap. 3. But now by Statute 12 Car. 2. cap. 34. One General Letter Office or Post Office is settled in London; the Master of which Office is appointed by the King, by Letters Patent, with Rates and Rules prefixed in the said Act, for carrying Subjects Letters.

Master of the Army, Is he that hath the care and over-fight of his Majesties Army, and mentioned 26 Edw. 7. cap. 7.

Master of the East House, Is an Officer in the Kings Household, of great credit, having the Great Plate used for the King of Queens Table, or any great Officer in Court; and of all Plate remaining in the Tower of London, or

Chains,
Chains, and loose Jewels, not fixed to any garment. **Anno 39 Eliz. cap. 7.**

**Master of the Kings Household** (Magister Hominum Regis) is otherwise called Grand Master of the Kings Household, and is called Lord Steward of the Kings most Honorable Household. **Anno 32 Hen. 8. cap. 39.** But Prima Maria, and ever since, he is called Lord Steward of the Kings Household; under whom, there is a Principal Officer of the Household, called the Master of the Kings Household, of great Authority as well as Antiquity.

**Master of the Ordnance** (Anno 39 Eliz. cap. 7.) is a Great Officer, to whose care all the Kings Ordnance and Artillery is committed.

**Waters of the Chancery** (Magistri Cancellarii) are affinities in the Chancery to the Lord Chancellor, or Lord Keeper, and Master of the Rolls. Of these there are some Ordinary, and some Extraordinary; of Ordinary there are twelve, (whereof the Master of the Rolls is accompanied one) whereof some sit in Court every day throughout each Term; and have referred to them (at the Lord Chancellor or Master of the Rolls direction) the Interlocutory Reports for stating Accomplices, computing damages, and the like; taking of Oaths, Affidavits, and Acknowledgments of Deeds and Recognizances. The Extraordinary do act in all the Country Ten Miles from London, by taking Recognisances and Affidavits, Acknowledgments of Deeds, &c. for the case of the Subject.

**Master of the Kings Warders** is a Martial Officer in all Royal Armies, most necessary, as well for the maintaining the Forces complete, well-armed, and trained, as also for prevention of such Frauds; as otherwise may exceedingly waste the Princes Treasure, and extremely weaken the Forces, &c. mentioned in **Edu. 6. cap. 2.** and **Mater-Mater General. Anno 35 Eliz. cap. 4.**

**Warder of the Wardrobe** (Magister Garderobae) is a Great Officer in Court, having his habitation belonging to that Office, called the Wardrobe, near Pudding-Wharf in London. He has the charge and custody of all former Kings and Queens ancient Robes, remaining in the Tower; and all Hangings, Bedding, &c. for the Kings Houses. He has also the charge, and delivery out of all Velvet or Scarlet allowed for Livestores, &c. Of this Officer mention is made **Anno 39 Eliz. ca. 7.**

**Sapido terres.** - Suni in sidonia marius 10. Donna plus quam ante juvenis. Domcisd. In Fr. **Majore de terre,** is a quantity of ground, containing about four Ongangs.

**Warder in Deed, and matter of Records.** Differ thus, (according to **Old Nat. Br. fo. 19.**) The first seems to be nothing else, but some truth, or matter of Fact to be proved, though not by any Record.

**Matter of Record** is that, which may be proved by some Record. For example, if a man be sued to an Exigent, during the time he was in the Kings Warrs, this is **Mater in Deed,** not of **Record,** and therefore he that will allege this for himself, must come before the **Scire facias** for execution be awarded against him 3 for, after all, nothing will serve but matter of **Record,** that is, some error in the Process appearing upon the **Record.** It is something that in a difference between matter of **Record,** and a **Specially** and **made Matter,** this being not of to high a nature, as either matter of **Record,** or a **Specially,** otherwise there called matter in Deed; Whereby it should seem, that **made Matter** is a naked allegation of a thing done, to be proved only by **Witnesses,** and not either by **Record,** or especially in **Writing** under Seal. **Cens.**

**Wagre,** Being compounded of two French words, **Mal** and **Gre.** 1. **Animus Iniquus,** Signifies with us, as much as in defilip, or in defligration of one teeth. As, the Wife mauger the Husband, (Lattisimo, fo. 114.) that is, whether the Husband will or no.

**Womb,** (Sex Male.) A kind of great Basket, or Hamper (of Books, or other Merchandize) containing eight Bales, or two Fine Books of Rates, fo. 3.

**Maxims in Law.** Are the foundations of it, or certain Rules or Positions, which are the Conclusions of Reason, and ought not at any time to be impeached or impugned. As, it is a **Maxim,** that, if a man have Issue, two Sons by divers mothers, and the one of them purchase Lands in Fee, and dye without issue, the other brother shall never be his heir, &c. See Coke on **Litt.** fo. 11.

**Mayor,** (anciently **Mayor,** from the British **Biret,** 1. **Bifloras.**) The chief Magistrate of a City, as the Lord Mayor of London. **Rich. 1.** (Anno 1189) changed the Bailiff of London into a Mayor. And by that example, King John, **Anno 1204,** made the Bailiff of London a Mayor, whilis the famous City of Norwich obtain not this title for her chief Magistrate till **7 Hen. 5. 1419.** See more on this word in *Spelmann Dios.*

**Seals-Rents.** Are certain Rents still called, but now payable in Money by some Tenants within the Honor of **Cumn,** which heretofore were paid in Meals, to make Meat for the Lords Hounds.

**Seal,** (Medius.) Signifies the middle between two extremes, and that either in time or dignity. Example of the first; the **Adjon** was mean, between the **Dificile** made to him and in recovery; that is, in the interim. Of the second, there is Lord, **Mean** or **Meane,** and Tenant.

**Lords mean,** mentioned in the Stat. of Assurance, or dwelling House. **Ebor. 14 Hen. 3.** and 21 **Hen. 5. ca. 13.** In some places corruptly called a **Nisfe,** and **Nisfe-place.** See **Mea** and **Mea.**

**Sealman.-** See **Mea.** **Seafon.**
**Me**

**Mebbo, (Sax.)** The reward and remuneration due, and given to him that made the discovery of any breach of Penal Laws committed by another; The Promoter, or Informer. See SAX. DIL.

**Meatories,** See TALE.

**Meaty, (Medic.)** At the Kings Menos, (Anno 1612.)

**Meat, Family, Household, or Household-servants.** See the Writ Diaem, which was extended by the Courts of Equity, where partial dealing was suspected, and was the basis of the Writ Diaem extrema.

**Men, are used for certain Obsecuracies, or remembrances for the Dead, in Injunctions to the Clergy, v. EDOX.

**Menials, (from Mania, the Walls of a Castle, or other buildings) Are Household, or Menial Servants; those who, as such, live under their Lord or Masters Roof, or within their Walls, mentioned Anno 2 Hen. 6. v. 21.

**Menura, Hoces, quod Princomabet menuras tam atrociorem quam liquidissimam signo Domini Regis, & quod nullas deberemus efo in foro sed vendere, nisi per thalas. Ex Regis Priorat. de Cokesford. Menura bald, a Bullet of Corne.

**Menura regalis, The Kings Standard of the Exchequer. Anno 17 Car. 1. v. 19. See MSER.

**Meridenlaghe, (Sax. Meidenlega, i. Mercatorum legis.) Camb in his Brit. pa. 94. sheweth, that in the Year 1016, this Land was divided into three parts; whereof the Wef-Saxons had one, governing it by the Laws called Wes-Saxon Laws, which contained these nine Shires, Kent, Suffolk, Southwark, South, Bark, Hampshire, Wilt, Somerset, Dorset, and Devon. The second by the Danes, which was Gave rules, by the Laws called Denlicale, and Danlicale, and that contained these nine Shires, York, Darby, Northumberland, Leicester, Lincoln, Northampton, Bedford, Buckws, Harforft, Ffex, Middlesex, Norfolk, Suffolk, Cambridge and Huntingdon. The third was Gave rules, by the Mercians, whose Law was called Meridenlaghe, comprehending these eight, Gloucester, Worcester, Hereford, Warwich, Oxenford, Chester, Salop, and Stafford. Out of which three William the Conqueror chose the best, and to them, adding such of the Norman Laws as he thought good, he ordained Laws for this Kondom, some of which we have to this day, and are called the Common Laws.

**Meridionatus Anglie, Was anciently used for the Cultom or Import of England.

**Mercy, (Mifericordia.) Signifies the Abatement, or Differation of the King, Lord or Judge, in punishing any offence, not directly confined to the Law. As, to be in the grievous men of the King, (Anno 11 Hen. 6. v. 2.) as to be in hazard of a great Fine or Penalty. See MIFER.

**Merce, Seems to be a corruption of, or a Law French word, for Martyrology. Vide 9 Hen. 7. fo. 14. b.

**Merce, See Magbote.
Mefi, (from the Gr. Mepon. i. Medium.) of
Herrings is 50 c., the half of a thousand.

Meine or Meine, (Medius, Fr. Meunière,) Signifies him, that is Lord of a Manor, and
has Tenants holding of him, yet holds himself of a superior Lord: and therefore it seems to be
properly derived from the Fr. Meune:\nMinor natur.

Mein also signifies a Writ, which lies where there is Lord, Mein and Tenants; the Tenant
holding of the Mein, by the same services,
whereby the Mein holdeth of the Lord, and the Tenant
of the Mein is disfrained by the superior Lord, for that his Service or Rent, which is due to

Meinat, (Mediatis, Fr. Meisme, i.
Tougeresh.) Signifies the right, or condition of the Mein, as the Meinat is extant. Old
Nat. Br. fo. 44. and Kitchen, fo. 147. Medi-
tate tenant feudal, quando aliquo persona in
tercesserat ex Dominium & tenenter, Et nos modo
tenenter omnes possineri, medianto ante nato.
Chambarry of Normandy.

Meinaring, A Mower, or Harverfer, Flota,
lib. 5. c. 75.

Mening, or Mergen, A Chamber of the Exchequer, is an Officer,
of which sort there are four in that Court, who are Pursuants attending the Lord Treasurer,
to carry his Letters and Precepts. See Pursu-
ants.

Melling, (Meisfluging.) A dwelling House,
(Maisflutjum habitacion cum aliquo
fundis adiacenties in ejusdem usu deputatis.) But,
by that name may also pass a Curtilage, a Gar-
den, an Orchard, a Dovchoue, a Shop, a Mill,
Cottage, or Toife, as parcel of a Meisfluging.
Bosken, lib. 5. c. 28. Poecody, fo. 193. 170.
yet they may be demanded by their single names.
Meisflugium in Scotland signifies, (ac-
cording to Skene,) the principal House, or
dwelling place within a Manor, which we call
the Mainou-house, and some the Scot. A Pre
cipe lies not de Donn, but de Meisflugio, Coke on
Litt. c. 8.

Mellote, olive. Meffine, Muncorna, Wheat
and Rice mingled together. & unnam gar-
bam frumenii, meffilona, & olona gene-
rum bladi. Pat. 1 Edw. 3. Part. 5. m. 6.

Mezagol, (Sex.) Cibarius veriges. A
Tract, or Rent, paid in Veithas; a thing usual
of old, as well with the Kings Tenants, as
others, till Henry the First time, who changed it into Money. Sex. Dist.

Mersbein, (British, Meddigin.) A kind of
Drink made of Wort, Hearty, Spice and
Hony boyld together, most used in Wales, mentioned
in the Act for Exche.

Miche, (from the Gr. Meces, i. Medium.) of
Herrings is 50 c., the half of a thousand.

Mile, (Miliare.) Is the distance of one
thousand paces; otherwise described to con-
tain eight furings, and every Furlong to con-
tain forty Lugs or Poles, and every Pole 6
foot and a half. Anno 35 Eliz. c. 6.

Milla, (Lat.) The Implements and Fur-
niture for Ware, mentioned 15 Car. 2. c. 2.

Milleate, (Anno 7 fac. c. 15.) A trench
to convey water to or from a Mill: Reilin, a
Mill-sequent. An unusual Word in Conveyances in
Devonshire.

Mineral Courts, (Caria mineralia.) Are
particular Courts for regulating the Affairs of
Lead Mines, as Mineral Cases are for Turn.

Minims, or Miniments, (Minimena, from Mioni, to defend.) Are the Evidences
on Writing, whereby a man is enabled to
defend the title of his Estate. An. 5. Rich. 2. c. 8.
and 53 Hen. 6. fo. 57. b. Waigford fays this
word Miniment includes all manner of Evi-
dences. See Miniment House.

Minister Regio, Extend to the Judges of
the Realm, as well as to those that have Minis-
terial Offices. 2 Inuff. fo. 208.

Mindeby, (Anno 7 R. a. c. 4.) Seems to
be compounded of the French Main, i. Mainu
and Ouvrier, i. Operari; and to signify some
trebas or offence committed by a Mans handy
work in the Forest; as an Engin to catch Deer.
Beiron. (ca. 40.) Uso the verb Minewaer, to
manare Lands; and ca. 62. Main-cure, for
handy work.

Mintrell, (Minifieal et Menefialis, from the
French Menefier.) A Fidler or Piper; mentioned 4
Hen. 4. c. 27. Lit. Par. 14 April 9 Edw. 4.
Quod Marskilli et Mintrelli predubi per se ferent et effe debere unum Corpus & una Communitas perpetua, sec. Upon a Qua
warrant 14 Hen. 7. Laurentius Domines de
Duton clamant, quod omnem Minifulli infra Ci-
vitatem Cefcria & infra Cefcriam manentes, vel
officia ibidem exservantes debent convenire cum
ipso vel Beneficio suo apud Cefcriam, ad Cefcriam
Nativitatis S. Johannis Baptista anuniam, &
dabunt fisba ad dictam Cefcriam quantam Lagens
vimi & unam Lantam; & in super quibus er-
um dabit fisba quatuor denarios & unum obolum ad
dictam Cefcriam, & barere de qualibet Meretric
infra Comitatum Cefcriam, & infra Cefcriam mo-
mentum, & officium Iunum exserverunt quatuor De-
nares per annum ad dictam Cefcriam predubium, sec. see
King of the Minifirs.

Mint, Is the place where the Kings Coin is
formed, be it Gold or Silver, which now is and
long has been the Tower of London: Though
it appear by divers Statutes, that in ancient
times the Mint has also been at Cairo, and
other places. Anno 21 Ric. 2. c. 16. and 5 Hen.
5. Stat. 5. c. 5. The particular Officers belonging
to the Mint, see in Coade Interpreter, verbo Min.

Minute tythes, (Minuta fisc minimi deci-
mas,) Small Tythes, such as usually belong to the

Wilderius, (Anno 1 fac. c. 24.) A kind
of Caroous, whereas Salt-Clothes, and other fur-
niture for Ships are made.
the Vicar, as of Herbs, Seeds, Eggs, Honey, Wax, &c. See 2 Part Inf. fo. 649, and Oldal & Tindall's cafe. Hill, 22. fac. where the right of Wood was adjudged to be munia dea. 3 Part Creeks Rep. fo. 21. See Tithe.

Misadventure, or Misadventure, (Fr. Mésadventure, i. Invention.) Has an especial signification for the killing a man, partly by negligence, and partly by chance. As if one, thinking no harm, carelessly throws a stone, or shoots an Arrow, wherewith he kills another. In this case he commits not Felony, but only looses his goods, and has a Pardon of course for his life. St. Pl. Cor. liv. 1, c. 8. Britton, c. 7. distinguishes between Adventure and Misadventure; The first he makes to be mere chance, as if a Man, being upon, or near the Water, be taken with some sudden fits, and so fall in, and is drowned, or into the fire, and is burnt. Misadventure he says is, where a man comes to his death by some outward violence, as the fall of a Tree, the running of a Cart-wheel, the stroke of a Horse, or such like. So that Misadventure in Stanhope's opinion, is contained somewhat more largely than Britton understands it.

Well part 2. Symbol. tit. Indictment. Sed. 49, 494. makes Homicide causat to be, merely casual, or mixt. Homicide by mere chance, he defines to be, when a man is slain by mere fortune, against the mind of the killer; as if one hunting, the Axe flies off the hand, and kills a man; And this is, 1. one with Britton's Misadventure. Homicide by chance mixt, he defines (Sed. 50.) to be, when the killers ignorance or negligence is joined with the chance; as if a man top Trees by a high-way side, in which many usually travel, and cast down a Bough, not giving warning, &c. by which Bough a man is slain.

Mischognant, Ignorant or not knowing. In the Stat. 3 Hen. 8. c. 9. against Champertee and Maintenance; it is explained that the Justices of Mischief shall twice in the year in every County cause open Proclamation to be made of this present Act, and of every thing therein contained, &c. to the intent, that no person should be ignorant of such cognant of the dangers and penalties therein contained.

Discontinuance, (Ritchin, fo. 291.) the same with Discontinuance, which fee.

Mifte, (A French word, signifying expense, or disbursements; sometimes written Miftheme in Lat. and sometimes Misst.) has divers significations; first, it is a kind of honourable gift, or customary present, with which the People of Wales are wont to salute every new King and Prince of Wales, at their entrance into that Principality. It was anciently given in Cartel, Wine and Corn, for full-tentation of the Princes Family; but, when that Dominion was annexed to the English Crown, the Gift was changed into Money, and the Summ is 5000 l. Sterling, or More; and it hoped to be thrice paid in King James's Reign, First, at his own coming to the Crown, and that Principality. Secondly, when Prince Henry was created Prince of Wales, and Thirdly, When King Charles the First succeeded him in that Principality.

Anna 27 Hen. 8. c. 45. it is ordained, That Lords Strasysall shall have all such Pisces and profits of their Lands, as they have had in times past, &c. Misce est comissum praferentiae, quae ob frondes priores inominat Cypria Palatins, subito non eumque Comitum impendere, l. 3000 Marks for that Country.

Sometimes Mises are taken for Taxes, or Tullages. Anna 25 Edw. 1. c. 5. Sometimes for Costs or Expenses, as pro misce & cussignis, for Costs and Charges in the Entries of judgments in personal Actions.

Mise is also a word of Art, appropriated to a Writ of Right, so called, because both parties have put themselves upon the mere right, to be tried by the grand Affiffe, or by barcel; so as that which in all other Actions is called an Iffue, in a Writ of Right in that case is called a Mise. But, in a Writ of Right, if a collateral point be tried, there it is an Iffue; and is derived from misces, because the whole case is put upon this point. Coke on Litt. fo. 294. b. Anno 37 Edw. 3. c. 16. To join the Mise upon the Meer, is as much as to say, to join the Mise upon the clear right, and that more plainly, to join upon this point; whether has the more right, the Tenant or Demandant.

Mise is sometimes used as a Participle, for or put upon Cotis & Rep. Sausal Cafe; and sometimes corruptly for Mese, a Meffage, or Tenement. As a Mise-place in some Manors is taken to be such a Meffage or Tenement as answers the Lord a Horiour at the death of its owner. Inl. fo. 552. which, in our French, is written Messe, Cafe Endenture te-magne que comut Will. Tire de Deumant tregie de Juan de Vier Comte d' Oxenford en Mises & Tes aere de terre, &c. date 74 Ed. 3. points Will. Andrew, Baronet.

Misserere, is the name and first word of one of the Prenimental Palmes, most commonly that which the Ordinary gives to such guilty Malefactors, as have the benefit of the clergy allowed by Law; and it is usually called the Psalm of mercy.

Misericordia, is used for an Arbitrary Amercement or Punishment imposed on any Person for an offence. For where the Plaintiff or Defendant in any Action is answered, the Entry is always Ide in misericordia, &c. And it is called Misericordia (as Fiske bartest says, Nat. Br. fol. 73.) for that it ought to be but small, and lest then the offence, according to the tenor of Magna Charta, cap. 14. Therefore, if a Man be unreasonably accused in a Court, not of Record, as in a Court Baron, &c. there is a Writ called Moderata Misericordia directed to the Lord, or his Bailiff, commanding them, that they take Moderate A- mercements, according to the quality of the fault. Est vna mistericordia Dominis Regis (Tay, Glaisw.)
Glanzeile) quod quis per juramentum legalisn
kommin d'volo vizonten, estraerno americianus ej
me aliquid de suo honorabiliter contenendae amittat.
And again, Mutella lenoe fecidelo, quod idem
summa imperium misfessoria; quia gravera enim
muliebres Finies vacant, atrocissimae, Redemptio-
tione. See Glaun. p. 75. a. And see Motaeeta Miserfosis Deo.—He shall be in the great
Mercy of the King. Westm. 1, cap. 15.
Misisflan, Misdoinings or Trespasses.
—fury to enquire of all Paragraphe & Misis-
flanis. 2 Part Coles. fol. 429. And Misisflan, a
Trespasser. 2 Inf. fol. 366.
Miserbery, Ei de ejfe qui de amoreme
zam per querela ou aucun Court devans qui que si
fist, ment ordinaire ou proprement demechre.
MS. LL. Temp. E. 2. See Absenserfling
and Miserbery.
Missermynis (Miseremynis, LL. Hen. 1
cap. 11). Ignora vel inquis in jus vocari ou
confessant iqui in Curia, vel insinuare. — Re-
monis etiam eum eum permissae Petriquis anti-
quarum Regum, atque ab reverentissimo Domino
infima perempta Venetii Maria Santique Bene-
dicta. Similariterque crescim, omnibusque futurus
Sweed Albae et in ost natofo Bonaflary, 
Sacram & Sacram Telescopiffe fumma in terra &
in aqua concedis, & Confluentibus, ut ab omnibus
apertis & pluribus inceptoribus. Anglice feritas,
sollicitudo, Misdongle, Feardwise, Firwite,
Blodbeite, Milerbery, Firbride, Hem-
sucke, Fattiafl, Fert(errone, Theepihange,
Hangufl, firmede, Ciltepe, Infonflens,
Thypere, Col. & Lem, abasque omni-
nes leges & Confluentibus quae ad me pertinent,
tam plene & tam libere, siue cas in manu mea bae-
bebam. Confirm Fundationis Monafh. de Ram-
fly per S. Edw. Conf. Mon. Angl. 1 par. fo
237.
Misterbery, Honis quis per querelia com-
quinque in tranfontione probata, MS. LL.
Rob. Cot. pa. 262. See Miserbery.
Missermony, (compounded of the Fr. Mei,
which in composition always signifies amifs-
fe, and nomin. i. nominare,) the using one
name for another, a misterming, or mis-
using.
Misprefion, (Fr. Meipref. i. contempt, or
neglect.) Signifies a neglect, negligence, or
overlight; as Misprefion of Tresfon, or Felony
is a neglect, or light account made of Tresfon
or Felony committed, by not revealing it, when
we know of it. Stan. pl. Cot. lib. 1, cap. 19, or
by sufferent any person, committed for Tres-
fon or Felony, or the Upon of either, to go be
before he be indicted.
Misprefion of Clerks, (Anna 8 Hen. 6 cap. 15.)
is a neglect of Clerks, in writing or keeping
Records. By misprefion of Clerks no Proces
shall be admitted or discontinued. 14 Edw. 3
ca. 6, Stat. 1. For Misprefion of Tresfon, the
offenders are to suffer imprisonment during the
King's pleasure, lose their Goods and the Pro-
fits of their Lands during their lives. Misprefi-
on of Felony is only Fumible by the Justices,
before whom the party is attained. Comm. f. of
Misleison, (Sax.) Miserfosa esse misdemodium.
Ms. In Wich salina redd. 30 mittas falsa
Domestris, tit. Fio. fere. Ego Wulfrum, (non
Antellisti) Singlei annus vixit mea ad Feijina S
beneficii, quod est in aste, decem mittas de
broafe & quantus de grunts quinquae mittis fari-
nas tristis & 8 ponsas & 16 esus. & duas vac-
cas pangen de terra mea. Dicelulion per scelis
anno cedere Ecclesiae, (Ramehenn.) procurari
decora. Lib. Rames. sect. 38. — Protera con-
cessio c: somitum Mittas Gallis queunte anno percep-
tendas apud Witz, Mon. Angl. 2 par. fo. 262. b.
Mittendo manuscritum pedis Finitis,
Is a Write judicial, directed to the Treasurer
and Chamberlains of the Exchequer, to search
and transmit the foot of a Fine, acknowledged
before Justices in Eyre into the Common-Pres,
& Reg. of Writs, fo. 14.
Mitlimus, Is a Write by which Records are
transmitted from one Court to another, as
appears by the Stat. of 5 Rich. 2. ca. 15. as out
of the Kings Bench into the Exchequer; and
sometimes by a Certiorari into the Chambery,
and from thence by a Mitlimus into another Court,
as you may see in 28 Hen. 8. Dyer, fo. 29, and
29 Hen. 8. Dyer, fo. 32. Mitlimus also signifies
the Precept that is directed by a Justice of
Peace to a Jailer, for the receiving, and sale
keeping a Felon, or other Offender, committed
by the said Justice. See Table of Reg. of
Writs, for other uses and applications of this
Word.
Mirt tithes, (decima mixta) Are those of
Cheese, Milk, &c. and of the young of beasts.
See Coles 2 Part Inf. fo. 642. and see Title.
Mochadur, (Anna 23 Eliz. ca. 2.) A kind
of stuff made in England, and elsewhere.
Moderate misericordia, Is a Write that
lies for him who is amerced in a Court-Baron,
or other Court not of Record, for any trans-
gression or offence beyond the quality of the
fault. It is directed to the Lord of the Court
or his Bailiff, commanding them to take a mo-
date Amortization, or the party, and is bound-
med upon Magna Carta, ca. 54. Equal mulu-
liber homin americorum, nisi secundum qualitatem
delitii, &c. the last touching this Write in
Fitz. Nat. Br. fo. 75. See Miserfodria.
Modo 4 forma, Are words of art in pleading,
namely in the Answer of the Defendant,
whereby he denies to have done the thing laid
to his charge, modo & forma declarata. Kitchin, fo. 232. The Civilians in like case, say, Nega
gat allegatae, prout allegantur, effer vero. Where modo & forma are of the substance of the Life, and where but words of course, see Coke on
Litt. fo. 281. b.

Tobias Berimand, Is either, when Land, or a yearly Penfion, fumma of Money, or other
profit belong to the Parfon, Viccar, &c. by composition or Composition, in satisfaction of
Tithes in kind. Ms. pennis. Autb. See 2 Inst. fo.

490.

Spleadinum bladonicum, A Corn-mill; for which in ancient Charters we also find Mol
denium bladum & Molendenium de blado. So a
Falling-mill is thus variously Latin'd in Rec
Records, Molendenium fulicicum, Mol fullicun
Mol. Fullere, Mol. Fullacium & Mol de Ful
leze.

A Windmill, Molendenium ad ventum, &
venti; Molendenium ventricicum, & ventrici
A Water-mill, Molendenium aquaticum &
aquarium.

A Horne-mill, Molendenium Equinum.
A Grindling, or Grieff-mill, Molendenium

Soliman. Prior. Lectus. pa. 21. - omnis Lan
tecta, omnis Lofman & omnis Molman (qui
non feter fager Geldand) debet peregere mun
remans de fines, &c. i. Uam nigiam vel tradam
reconos, &r. 45. of much.

Salace, (Anna 12 Car. 2. ca. 25.) Is the
retime syrup in the boiling of Sugar; with
which (by the said Statute) Wine is prohibi
ted to be mingled, or adulterated.

Monetarium, Fus & artificium cudendi noci
necete.

Paniers, or Panopodz (Monastici) Mi
nitores of the Mint, which make Coin, and de
liver out the Kings Moneys. Anno 25 Edw. 3.
ca. 20. Reg. of Writs, fo. 262. It appears that in
ancient time our Kings of England had
Mines in most of the Counties of this Realm;
and in the Tradets of the Eschequer, written by
Ocham, we find, that, whereas Sheriffs ordi
narily were ty'd to pay into the Eschequer the
Kings Sterling-Money, for such Debts, as they
were to answer, they of Northumbetland and
Cumberland were at liberty to pay in any fort of
Money, so it were Silver; and the reason is
there given, because those two Shires, Moneta
rias de antiqua institutiones non habet. Mone
yers are now also taken for Banquers, or those
that make it their Trade to turn and return mo
ney.

Strongor, Seems to be a little Sea-vessel,
which Fishermen use, Anno 13 Eliz. ca. 11.

Panopoly, (from the Gr. Mopos, munus &
Tano vendo,) Is an Institution, or allowance of
the King by his Grant, Commiflion, or
otherwise to any person or perones, of, or for
the sole buying, selling, making, working, or
using or any thing, whereby any person or per
sons are restrained of any freedom or liberty

that they had before, or hindered in their lawful
Trade; which is declared illegal by 21 Jac.
ca. 3. Except in some particular cases, which
see in 3 Inst. fo. 181.

Montras de boio, (i. Shewing of one or
right) Signifies a writ issuing out of the Chancery
to be referred to Lands or Tenements, that in
deed are mine in right, though, by some Office,
found to be in possession of one lately dead.
See Stamps. Prior. ca. 21, at large; and Cokes Rep.
lib. 4. fo. 54. Wards of the Sadler's Cafe.

Monstrarebat, Is a Writ that lies for Tenants that hold freely by Charter in ancient
Demaine, being dilutely for the payment of
any Toll or Impostion, contrary to the liber
ity, which they do, or should enjoy. Fiz. Nat.
By. fo. 14.

Month, or Moneth, (Sax Monak,) Shall be
understood to consist of 28 days. See Cokes,
lib. 8. fo. 61. b. And see Kalendar
monat.

Moott, (from the Sax Mootian, to treat, or
handle,) Is well understood at the Inns of Court,
to be that exercise, or arguing of Cages, which
young Barristers and Students perform, at cer
tain times, for the better enabling them for
practicl, and defence of Clients Cauces. The
place where Mon-cages were argued, was anci
ently called a Moot-hall, from the Sax Moot.
In the Inns of Court there is a Baffiff, or Sur
veyor of the Moots, who is yearly chosen by the
Bench, to appoint the Mooten for the Inns of
Chancery, and to keep account of performance of
Exercitcs both there and in the House. See
Ang. Jurisdict. fo. 212.

Monutmen, Are those that argue Readers
Cages, (called also Moot-cages) in the Houses of
Chancery, both in Terms and in Vacations.
Cokes Rep. 3 Part in Promem.

Moquar, or Demogatur in Lege. Signifi
es as much as he Demurrer; because the Party
goes not forward in pleading, but retifs or abides
upon the Judgment of the Court in the point in
which he deliberates, and take time to argue, and
delay thereupon. Whenever the Council learned
of the Party is of opinion, that the Court or Plea of the adverse party is insufficient in
Law; then he Demurr or abides in Law, and
refers the same to the Judgment of the Court.
Coke on Lit. fo. 71. b. See Demurrer.

Moziom, Is all one in signification with the French Morion, I Caiis, a head-piece, and
that from the Italian Mortone. Anno 4 & 5 Phil.
& Mary, ca. 2. now called a Pot.

Muolting alias Mouling, Signifies that Wool
which is taken from the Skin of a dead
Sheep, whether dying of the rot, or being
killed. Anno 4 Edw. 4. cap. 5. 3. and 2 Hen.
6 cap. 2. This is written Morin, Anno 3 Jac.
cap. 18. Mouling or Shorling, Anno 3 Ins.

Mowdancer, See Affixer.

Mortgage (Mortuum cadit vel Mortgation)
from the French Morti, Mortzand Gage, or Pignus
Signifies a Pawn of Land or Tenement, or any
Y

moveable
moveable things, laid or bound for Money bor-
rowel, peremptorily to be the Creditors for
ev'cry, if the Money be not paid at the day a-
reed on. And the Creditors, holding such
Land on such Agreement, is in the mean-
time called Tenant in Mortgage. Glanville (lib. 10.
cap.6) defines it thus, Mortuam volubilis dictur
ille, cujus fructus vel redditus interim percipis
volo ac acquiras. Thus it is called a Dead
Gage, because whatsoever profit it yields, yet
it redeems not it self by yielding such profit,
except the whole sum borrowed be likewise
paid at the day, the Mortgage by Covenant be-
ing to receive the profits, till default of pay-
ment. He that lays this Pawn or Gage, is
called the Mortager, and he that takes it, the
Mortage. This, if it contain excessive Usury, is
prohibited Annae 37 Hen. 8. cap.9.

Mortmain (Manus Mortuus, 1. Dead Hand. From
the Fr. Mourir, to Mort, and Main, i.
Hand.) Signifies an Alienation of Lands or
Tenements to any Corporation, Guild, or
Fraternity, and their Successors, as Bishops,
Parsons, Vicars, &c. which may not be done
without Licence of the King, and the Lord of
the Manor, or of the King alone, if he be
immediately holder of the same. The reason of
the name proceeds from this, that the services
and other profits due for such Lands, should
not, without such Licence come into a Dead
Hand, or into such a Hand, as it were Dead,
and to dedicate unto God, or pious uses, as
to be absolutely different from other Lands,
Tenements, or Hereditaments, and is never
to revert to the Donor or any Temporal or
common use. Mag. Charte., cap. 36. and 7 Edw. 1.
commonly called the Statute of Mortmain.
5 Edw. 3. stat. 2. cap. 3. and 1 Rich. 2. cap. 3.
Which Statutes are something abridged by
Annae 35 Eliz. cap. 5. whereby the gift of Land,
&c. to Hospitals, is permitted without obtaining
of Licences of Mortmain. Hotman in his
Commentaries De verno Feudal. vero Manus
mortuus, says thus. Manus mortus locutio est,
que afferatur de in quum posseto, ut in dic-
crea, immortalt ex quia nuncupatione
hanc dictum Sub. de causa res nuncupat ad
Priorem Dominum recepitur, nam Manus pro
possessione dictus, Mortua pro immortalis, &c.
And Skene says, That Dinitates terras ad Manu
Mortam, est idem atque dimittere ad multitudo
numinum in universitatem, quae nuncupatione
mortalis. The President and Governors for the
poor within the Cities of London and Westmin-
ster, may without Licence in Mortmain, pur-
chase Lands, &c. not exceeding the yearly
value of 3000l, Stat. 14 Car. 2. cap. 9.

Mortuary (Mortuariurn) Is a gift left by a
Man at his death, to his Parish Church, in re-
compence of his Personal Tythes and Oterings,
not duly paid in his life time. A Mortuary is
not properly and originally due to an Eccle-
siatical Incumbent from any, but those only of
his own Parish, to whom he ministers Spiritual
Instruction, and hath right to their Tythes.
But by Custom in some places of this Kingdom,
they are paid to the Incumbent of other Parishi-
s, in the Corps of the Dead Bodies passage
through them. See the Statute 21 Hen. 8 cap.6.
before which Statute Mortuaries were payable
in Beasts. Mortuarii (in Latinus) sic
dictum, est quia relictuarum Ecclesiae pro anima
doneatur. Custom in tracts of time, did for far
prevailing, as that Mortuaries being held as due
debts, the payment of them was enjoyed, as
well by the Statute De encampiis again, in
13 Edw. 1, as by several Constitutions. &c. A
Mortuary was anciently called a Cons-present,
(because the Beast was presented with the Body
at the Funeral) and sometimes a Principalis, Of
which see a learned discourse in Mr. Dugamett:
Antiquitates of Warwicke, fol. 679. And see
Stills History of Tythes, pag. 387. There is no
Mortuary due by Law, but by Custom. 2 Part
530.

Morts-Lodgers, Are a rebellious sort of
Malactors in the North of England, that live
by Robbery and Rapine: not unlike the Tories
of Ireland, or Bandits in Italy, for suppreッション
of whom, the Statutes 4 Jac. cap. 1. —7 Jac.
cap. 1. and 14 Car. 2. cap. 2., were made.

Mote (Mota) Sax. Gombe) A Court,
Place, or Convocation. As Mota de Hereford, 1.
Carta vel placita Comitatus de Hereford. Charta
Matildis et imperatori civium Regn. Hen. 1st. — Statuta
et jefficisse Milones de Gwentire, Comitem de
Hereford et dedici ei Motam Herefordiae cum
vario Castrui in Flandri et Hereditatis. Of this
there were several kindes, as Wirtenagemot, Folleygeht, Sciriageht, Burgendegmot, Wirteagalot, Wirteagemot, &c.

Hence to Mote or Mart, to To Plead, and
in Scotland they call it to Mote, as the Mote
Hill at Scone, 1. Mota placiti de Scone. But
we now most commonly apply the word Mote,
that practice of Pleading and Arguing
Cases, which young Students use in the Ins of
Court and Chancery.

Mota was sometimes used of old for a For-
tress or Castle, as Turri de London & Mota de
Windsor. Charta pacti inter Stephanum Regem
et Hen. Ducem posse Regem. See Mote.
Mote, Does also signify a Standing Water
to keep Fih in, or a great Ditch of Water
cumplaining a Castle or Dwelling House.

Hee Indentura falsa inter Regereum Gra\nClarex ex parte una et Thomas Hawordce
Clarex ex parte altera, testator, quod predict
Regereus tradidit prefato Ioanne viis flagra \& an
Motam Picturiam existen, infra manerium Domi
fii de Ethon Habend, Gencvd predicta viis flagra \&
predictam Motam cum viis flagris in eisdem \&
cum incremento possum in eisdem cum libero
surgente & egressu, &c. Dat. 18 Feb. 11 Edw. 4.

Mucheburn, — Habent bi quattuor usus rega-
gam potestatem, (faixa temere nobis nostrae pra-
ventia) quattuor in annis generales Forsae de-
demonstrationes & vividas & veneris jurisdictiones,
qua Mucheburn dict. &c. Conf. Cambr. de
Foresta, cap. 11.
Muller (as used in our Laws, seems to be corrupted from Melier, or the Fr. Melieu.) Signifies the lawful Ilive, preferred before an Elder Brother born out of Matrimony. Anno 9 Hen. 6, cap. 11. Smith de Repub. Angl. lib. 3. cap. 6. But by Glanville, lib. 7. cap. 1. The lawful Ilive seems rather Muller, then Melier, because begotten of Mullers, and not ex Concubina, for he calls such Ilives Filios mulieres, opposing them to Baffords. And Britton, cap. 70. hath Bree mulier. i. The Brother begotten of the Wife, opposite to Bree Bafford. This seems to be used in Scotland also: For Skene says, Mulleratus filius is a lawful Son, begotten of a lawful Wife. A Man hath a Son by a Woman before marriage, which is a Baffard and unlawful, and after he marries the Mother of the Baffard, and they have another Son, this second Son is called Muller, and is lawful, and shall be heir to his Father: You shall always find them with this Addition, when compared, Baffard egen & mulier pusnife. See Coke on Litt. fol. 170 b. & 243 b.

Mullarito, was anciently used as an Addition; As, Omnia — Donatia Johanna de Forre, Muller, fatu. Never universitas scis
durum, &c. Dat. 3 Regis. Edw. Filii Edw. Ex Autographo penses Autorem. By this it was doubted whether Muller signify a Wife, or a Woman born in lawful Wedlock. But the following Deed clearly shews it the former, and is conform to what Sir Edw. Coke says, 2 Inst. fol. 644. That, of ancient time, Muller was taken for a Wife.


Mullerie, or Mulrie, (Coke on Litt. fo. 256 b.) the being, or condition of a Muller, or lawful Ilive. Fai a remembre que Ostarr Paries engendra Reynald de Assiles in Baffardici, le quce Ostarr enseffa le dit Reynald in Feo en teste font temenn de Assiles, a lois a ses beves a toutz jours: le quce Reynald engendra Simon de Assiles in Mullerici, le quce Simon engendra Alice, Agnes & Margerie in Mullerici. MS penes Will. Dugdale Ar.

Mullia, or Mullura Episcopi, Is derived a Mullia; for that it was a Fine, or final satisfaction given the King, that they might have power to make their last Wills and Testaments, and the granting Administrations. See 2 Inst. fo 437.

Multiplication, (Multiplicatio) Multiplying, or Augmenting. It is ordained and established, That none from henceforth shall Use to Multiply Gold or Silver, nor the use the Craft of Multiplication, and if any they do, he shall incur the pain of Felonia, Anno 5 Hen. 4. ca. 4. which Statute was made upon a presumption that some persons skilled in Chinyfry, could multiply or augment those Metals, by Fissir or other ingredients, and change other Metals into very Gold or Silver. For, Letters Patents were granted by Henry the Sixth to certain persons, (who undertook to perform the same, and to find out the Philosophers Stone) to free them from the penalty in the said Stat. Rot. Pat. 34 Hen. 6. m. 15. Coke 3. Inst. fo 734.

Mulitude, (Multitudo) must, (according to some Authors) be ten persons or more: but Sir Edward Coke says, he could never read it restrained by the Common Law to any certain number, but left to the discretion of the Judges. on Litt. fo 257.

A Mulio tangi, or a Minors ad Maior, Is an argument often used by Littleton, the force of it thus, — If it be so in a Fidemont, passing a new right, much more is it for the restitution of an ancient right, 2d. Coke on Litt. fo 253 a. and 260 a.

Mullura, (Mullura vel Mullura) Signifies the Toil that the Miller takes for grinding Corn. — Et solam faciam Cumplamurum mern
rum qui ad aliquum molendinum dividam uum
molent, ad festum decorum oens, & brevum festum
fine Mullura. Mon Angl. 1 p. 1039 a. — And if that will grundy at his mine, to gread at trinit beffel. And for their spite neglect gigne Muller, 3d. An Award dat. 25 Hen 6.

Mundebreich, (SAX. Minis. i. Minuio, Defensio, & & Nuice. Fraatio vel violatio.) Si Rex Ecclesiam, Munsterium, Borgun, domini
tionem vel finam, corrompero aut produco in usuque separato possessione, diciabo hac onme & jujmvis quiocipias in Regno Mundi, Saxone
nume on Cynniemnui, cuius violatis tem Munches dta fo. 9. Protectione violato, aut date paro fraatio, qui in Anglorum leg 5 hiria plebiscitum. Speul. But Mundebreich is expounded in late times clauserum fratrimon, a breach of Munds, by which name Ditches and Fences are still called in some parts of Eng.

Mundehorn, (Mundehormium, from the Sax. Minis. i. Tuelia: Et Bois vel Both. i. Fedesfor.) Difensio est patrocinia fide

Munimentopaulus, (Munimentum) In Cathedral and Collegiate Churches, Castles, Colleges, or such like, is a House, or little Room of freights purposefully
NA

NA

Potassically made for keeping, the Seal, Evidence, Charters, &c. of such Church, College, &c. Such Evidences being called Muniments, corruptly Monument, from Munus, to defend, because inheritances and possessions are defended by them. Part Inf. fo. 170.

Murage, (Muragium, Anno 3 Ed. ca. 30.) Is a reasonable Toll, to be taken of every Cart, or Horse, coming laden into a City or Town, for the building or repairing the Walls of it, for the safeguard of the People, and is due either by Grant or prescription. Coke a Part Inf. fo. 224.

Murder, (Murdrum, from the Sax. Mopfen, or Brit. Mordom, Fr. Meurtrier, I. Internament) Is a willful and Felonious killing upon a prenounced Malice, whether secretly or openly, English man, or Forreiner, living under the Kings protection. 52 Hen. 3. ca. 75. ca. 4. Preneous malice is either express or implied. Express, when it may be evidently proved. There was formerly some ill will. By implied, when one kills another suddenly, having nothing to defend himself, as going over a Styke, or such like. Corp. Just. of P. ca. or Murder, fo. 12. Per pavo de Murder ex gravo, le Grandier clamans de aver amneissios de Murders. Broke tit. quod warrant, 2.

Muragery, Are two ancient Offices in the City of Chester, of as great antiquity as any other in that City, being two of the principal Aldermen, yearly elected, to see the Walls kept in good repair, and who receive certain Tolls and Customs for maintenance thereof.

Master, (from the Fr. Monstre, i. Species, Exemplum, as Faire monstre generale de toute fou arme, is as much as Instruere exercitum) the signification is well known. Mased of Record, (Anno 13 Hen. 6. ca. 13.) Is to be enrolled in the number of the Kings Soultiers. Master of the Kinys Modern. See in Master.

Master-mixer-general, (Anno 35 Eliz. ca. 4.) See Master of the Kings Modern.

Mute, (Matus) That speaks not; dumb. Speeches. A Prisoner may stand Mute two manner of ways. 1. When he speaks not at all, and then it shall be enquered, whether he stood Mute of malice, or by the act of God; if by the latter, then the Judge ex officio ought to enquire, whether he be the same person, and of all other Pleas, which he might have pleaded, if he had not stood Mute. 2. When he pleads not guilty, or does not directly answer, or will not put himself upon the enquett to be tried. Coke a Part Inf. ca. 12. Anno 37 Hen. 9. ca. 3. See Pain Fort & Dare.

either lawful or unlawful: Lawful Naum is a reasonable Diffirens proportionable to the value of the thing diftreined for; and this Naum was anciently called either Pay or Manet, quick or dead, according as it is made of dead or quick Charrels. Lawful Naum is so either by the Common-Law, as when one takes another Mans Beasts Damage Jespect in his Grounds; or by a Mans particular fact, as by reason of some contract made, that for default of payment of an Annuitie, it shall be lawful to disfrain in such or such Lands, &c. Born Mirror of Justice. lib. 2. ca. de Naum. See Withnemes, no leibit Naum immorre vel cedamnum, nec aversus suis impoerchante, Mon. Ang. 2 par. fo. 256 b. Nemo Naum capitis in fortu sentia vel estra Comitatum, pridie quod in Hundero fuis restitum fuis per quindecim L. Canari MS. ca. 18. quae inlucubrator de Namis capiendis. Quod sed reduci voluntur (debitores) nec ad satisfactionem venire, non ceree quisque debita fuerat debita, capiunt in Gratia, Namis fuerit, sec de comitatu in quos manet, qui debita debere. Chr. Hen. 1. delib. London. See Venitium Namum.

Namation, (Namatio) A disferring, or taking a disfret. In Scotland it is used for impounding.

Naperie, (Anno 2 Ric. 2. ca. 7.) (from the French, Nappe, a Table-cloth) we may call it lennen-clothery.

Pathwipye. Quod nec difficile Philippus de Averey, nec heredes sui de castro petere potest aliquia talagia, nec etam familiaris pleban, nec etam aliam dominam, qui vocant. Pathwipye. Carta 55 Hen. 3. m. 6. Perhaps, from the Sax. Nyl. i. Lewdness, and so it may signify the fame with Laidwite.

Pathwirp, (Nativitas) Birth; Calling the Nativity, or, by calculation, seeking to know how long the Queen should live, &c. made Eclony, Anno 23 Eliz. ca. 2. Nativitas was anciently taken for Bondage, or Villenage, terram, quam Nativi sui tenentur de se in Nativitate. Mon. Angl. 1 par. fo. 643 a.

Patho habendo, Was a Writ that lay to the Sherif, for a Lord, whose Villain, claimed for his inheritance, was ran from him, for the apprehending and restoring him to his Lord. Reg. of Writs, fo. 87. Eliz. Nat. Br. fo. 77.

He injustice here is, Is a Writ that lies for a Tenant, who is distrained by his Lord for other Services, then he ought to make, and is a prohibition to the Lord in it self, commanding him not to distrain. The special use of it is, where the Tenant has formerly prejudiced himself, by performing more Services, or paying more Rent without constraint, then he needed; For, in this case, by reason of the Lords object, he cannot avoid him in a Court, and therefore is driven to this Writ, as his next remedy. Reg. of Writs, fo. 4. Fitz. Nat. Br. fol. 40.

Histle (Anno 4 Hem. 7. ca. 21.) Seems to be the proper name of Hissford Haven in Suffolk.

He biceornes, Colere mandari Regis, quenquam amovem at polliemone Ecclesiasticum jutile. Reg. of Writs, fo. 61.

Silent comp. is an exception taken to a petition as unjust, because the thing defined in not contained in that Act or Deed, whereon the Petition is grounded. For example, one defers of the Court to be put in possession of a House, formerly among other Lands, &c. adjudged to him; The adversary party pleads, that this petition is not to be granted, because, though the Petitioner had a judgment for certain Lands and Houses, yet this House is not comprised among those, for which he had judgment. New Book of Entries, tit. Nient comp.

Hilis, (Anno 3 Edw. 4, ca. 3.) Both Council and Speechman have it without any explanation. I suppose it is a corruption from nihil, and signifies a Toy, or thing of no value.

Hibilis, or Hiclibis, (Anno 5 Rich. 2. Stat. 1. ca. 3. and 7 Eliz. ca. 3.) Are Issues, which the Sheriff, that is appoved, says, Are Nothing worth, and illivable, for the insufficiency of the parties that should pay them. Francis of the Exchequer, pa. 101. Acompis of Nihil shall be put out of the Exchequer. Ann. of Rich. 2. Stat. 2. ca. 13.

Hibilis bicie, is a failing to put in Answer to the Plaintiff's Plea by the day assign'd; which, if a Man do omit, Judgment passeth against him, as saying nothing why it should not.

Hibilis capit per hebe, Is the Judgment given against the Plaintiff, either in bar of his Action, or in abatement of his Writ. Coke in Litt. fo. 363.

Hili pius, Is a Writ Judicial, which lies in cafe, where the Enquest is panned, and returned before the Justices of the Bank, the one party or the other desiring to have this Writ for the cause of the Country, whereby the Sheriff is willing to bring the men empanded to Wemminster at a certain day, or before the Justices of the next Atlices; Nihil id hum an apud talium prius venirent, &c. See the form of it in Old Nat. Br. fo. 159, and see the Statute 14 Eliz. 3. ca. 15, and that of York, 2 Edw. 2. and Wili. 2. ca. 30. See Statutes of Nihil prior, and 3 Inf. fo. 161.

Hotes & Pontem de firma. We often meet in Domesday with tot Noties de firma, or 2.
forms to Noliams; which is to be understood of meat and drink, or entertainment for so many nights.

Novelty, (Novitates) With us compriseth all Dignities above a Knight; so that a Baron is the lowest degree of it. Smyth de Repub. Ang. lib. 1. ca. 17. v. Coke, lib. 9. Count of Salone, Café.

Praemunire. See Nulance.

Qui nulam, (Nonnatus) Is taken for a power, that a Man, by vecture of a Manor, or otherwise, hath, to appoint a Clerk to a Patron, or a Benefit, by him to be presented to the Ordinary.

Poulatency, Is an exception taken against the Plaintiff or Demandant, upon some cause why he cannot commence any Suit in Law; as from necessity, outlay, Villenage, professing in Religion, Excommunication, or because he is a stranger born, howbeit the last holds only in actions real or mixt, and not in personal, except he be a stranger and an Enemy. The Civilians say, such a Man has not Perfanam stand in judicio. See Brooke, hoc tit. and Fitz. Nat. Br. fo. 85. 65. and 77.

Pronimatus. See No admissus.

Pronis, Is all the time of a Marriage, under one and twenty years in some cases, or 14 in others, as Marriage. See Brooke, tit. Age. See Age.

Pron capiendo Clericum. See Clericum non capiendo.

Pron claim, Is an omission, or neglect of a Man, that claim not within the time limited by Law; as within a year and day, where continuall claim ought to be made, or within five years after a Fine levied. Vide Coke, lib. 4. in Parem, and Continuing Claim.

Pron compos mentis, Is a Man of no found Memory and understanding, or of which there are four parts. 1. An Idea, who from his Nativitie, by a perpetual infirmity, Is Non compos mentis. 3. He that by sickness, grief, or other accident wholly loseth his Memory and Understanding. 3. A Lunatic, that has sometimes his understanding, and sometimes not, ailing, and withal lucidus intervallum. Lastly, He that by his own act on a time deprives himself of his right mind, as a Drunkard; but that kind of Non compos mentis shall give no priviledge or benefit to him or his heirs; and a Deafent takes away the Entry of an Idea, albeit the want of understanding was perpetual. Coke, lib. 4.

Beverly's Café.

Pron diversendo, Is a Writ comprising divers particulars, according to divers cases, which you may see in the Table of Reg. of Writs.

Pron et culpabilis; Is the general Plea to an action of Trepsis, whereby the Defendant does absolutely deny the fault, charged on him by the Plaintiff, whereas in other Special Answers, the Defendant grants the fault to be done, but alleges some reason in his defence why he lawfully might do it. And, as this is the general Answer in an Action of Trepsis,

that is, an Action criminal civilly professed; so is it also in all Actions criminally followed, either at the Suit of the King, or other, where in the Defendant deniers the Crime objected to him. See Nuspe Book of Entier, tit. non Culpa & Stain, pl. Civ. lib. 2. ca. 62.

Pron est factum, Is a Plea to a Declaration, whereby a Man denies that to be his deed, whereupon he is impleaded. Brooke, hoc tit. sulus.

Pron implinendo aliquem de libero renemiento fine hodie, Is a Writ to inhibit Bailiffs, &c. from disfearing any Man, without the Kings Writ, touching his Freehold. Reg. of Writs, 171. b.

Pron intriuscendendo quando hodie Præcie in capite subsole imperator, Is a Writ, which had dependence on the Court of Wards, and therefore now obsolete, Reg. of Writs, fo. 4. b.

Pron merchandizando virtualis, Is a Writ directed to the Justices of Affiche, commanding them to enquire, whether the Officers of such a Town do sell Virtuals in gross, or by零售 during their Office, contrary to the Statute, and to punish them, if it they find it true. Reg. of Writs, fo. 184.

Pron molestando, Is a Writ that lies for him, who is molested contrary to the Kings protection granted him. Reg. of Writs, fo. 24.

Pron obstante, notwithstanding, Is a word or clause usual in Statutes and Letters Patent.

—All grants of such Fees, and every non obstante therein contained shall be void. Stat. 14 Car. 2. ca. 21. v. 3 Part Crakes Rep. fo. 196. and Plow Com. fo. 505. 525. In Henry the Thirds time (says Sir Richard Baker) the Capes non obstante (brought in first by the Pope) was taken up by the King in his Grants and Writings. See Pryns Animadversions on fourth Inf. fo. 139.

Pron omititas, Is a Writ lying, where the Sheriff delivers a former Writ to a Bailiff of a Franchise, in which he gives the party, on whom it is to be served, dwells, and the Bailiff neglects to do it: in this case the Sheriff returning, that he delivered it to the Bailiff, this shall be directed to the Sheriff, charging him to execute the Kings command himself. Old. Nat. Br. fo. 44. If this Reg. of Writs has three forts, fo. 82. b. 151.

Pron ponendo in Austasia & Jurisdict, Is a Writ founded upon the Stat. Wegen. 2. ca. 28. and the Stat. Articul super chartas, ca. 9, which is granted upon divers causes to Men, for the freeing them from serving upon Affiches and Jurisdictions as by reason of old age, &c. See Fitz. Nat. Br. fo. 165. and Reg. fo. 179. 181.

Pron procedendo ad Austrasiam præcis unciulato, Is a Writ to stop the Trial or a Caste appertaining to one, who is in the Kings Service, &c. until the Kings pleasure be further known. Reg. fo. 220.

Pron reposita pro Clericis Regis, Is a Writ directed to the Ordinary, charging him not to molest a Clerk employed in the Kings Service
vice, by reason of his Non-residence. Reg. of Writs, fol. 128, b.

Non Residuence. (Ann. 2 Hen. 8, cap. 3.) Is applied to those Spiritual Persons, that are not Resident, but do abstain themselves by the space of one Moneth together, or two Moneths at several times in one year, from their Dignities, Prebends, or Benefices. For Regularly, Personal Residuence is required of Ecclesiastical Persons upon their Cures. See 2 Part Jurispr. fol. 629.

Non tollendo pecuniam, ad quam Clericus multaturn pro non Residentia, is a Writ prohibiting an Ordinary to take a pecunary malt, imposed upon a Clerk of the Kings for Non-residency. Reg. of Writs, fol. 159.

Non-fite, (Non fite Profeccor, &c.) Is a Remittation of the Sute by the Plaintiff or Demandant, most commonly upon the discovery of some Error or Defect. When the Matter is so far proceeded in, as the Jury is ready at the Bar, to deliver their Verdict. Ann. 2 Hen. 4, cap. 7. See the New Book of Entries, serbo, Nonfit. The Civilians term it Leis Remittation.

Non-tenure, is an Exception to a County, by saying, that he held not the Land mentioned in the County, or at least some part of it. Ann. 25 Edw. 5, fol. 41, cap. 18. Writ, 'part. Syn. tit. Fine, fol. 138. Mentions Non-tenure general, and Non-tenure special. This is an Exception, alleging that he was not Tenant the day when the Writ was purchased. General, is, where one denies himself ever to have been Tenant to the Land in question. See New Book of Entries, serbo, Non tenure.

Non arm inforimatus. See Informatio non arm.

Non sance memorie (Non sanc memorandum) Is an Exception taken to any Abo, declared by the Plaintiff or Demandant to be done by another, and whereon he grounds his Plaint or Demand. And the effect of it is, that the party that did that Abo, was mad or not well in his wits when he did it, or when he made his Last Will and Testament. See New Book of Entries, tit. Non sanc memorandum. See Non compos mentis.

Nones (Nones) In March, May, July, and October, are the six days next following the first day of the Calends. In other Months they are the four days next after the first 3 but the last of these days is properly called None, and the other reckoned backward, according to the number different from the Nones, as the third, fourth, or fifth Nones. They are called Nones, because they begin the ninth day before the Ides. Dares of Deeds by Nones, Ides, or Calends is sufficient. 2 Inft, fol. 675.

Non-terminus (Non terminius) is the time of Vacation between Ten and Term. It was anciently called The times or days of the Kings Peace. Lamb, Archb. fol. 26. And what there were in the time of King Edward the Confessor, see there. See Peace of Cod, and the Church.

This time was called Jussio or Fino among the Romans, or dies nefasti. Britons appellari notum ei temporis ilud, quod fornicibus negabant & quem dicinga vacatur. Briffon. de verb. signifi. Hist. 6.

Book of Land (Noxa terre) — Universitas patet, quod ego Johanna qua fia: uxor Walteri de Blount — tradit — Bernardus Adamus unam Me. & unam notam terre cum pertin. in villa de Monte, &c. Dat. apud Solingdon, 5 Edw. 4.


Notary (Notarius) Ann. 25 Edw. 5, cap. 1 Is a Scribe or Scrivener that takes Notes, or makes a short draught of Contracts, Obligations, or other Instrunents. Cas. 15 Edw. m. 6. Schedule confusa eadem memb. de Notariis Imperatismus non admittendi.

Note of a Fine (Nota Fina) Is a Brief of a Fine made by the Chirographer, before it be engrossed: The form whereby see in Writs, par. 2. Symbol, tit. Fines, fol. 117.

Not guilty. See Non objec culpabilis.

Nobalde (Ex Cantularo Abbatissae de furness, in can. Lac. in Officio Duces, Lac. 121.) — Item nota quod Novalee et aegere nunquam praestit, et extra eorum significationibus in novatione, ubi Glanna dictus Novalee, terre de Noval in cultum remadid, cuquis non exist memoriam quod justa fidem idem: Et quod Novalee senet fuit, semper erit Novalee, quod deo communem retentionem vel solutionem. Land newly ploughed or converted into Tillage. — Excepta dicta Novalium cujusdam terre, quam de novo excolerunt. Par. 6 Edw. 3, pat. m. 19.

Nobel Affirmation (Norb Affirmatio) Is in an Action of Trepass, an Affirmation of Time, Place, or such like, in a Declaration more particularly then it was in the Writ, Books, tit. Deputies, nom. 12. And Trepass. 122, Sec Affirmation.

Noples (Ann. 21 Sec, cap. 18.) — Eo personall nut put any flockes, Novales, Thumus, Bat, or other decivabile thing into any good Woolen Cloth, &c.

Nude Contract (Nudum Pactum) Is here Contract or Promit of a thing, without any consideration given therefore: Ex quo no wetiue Asbo.

Nude Matter, See Matter.

Nummata terra, Is the same with Denariata terra, by some taken to be an Acre. Scientia ex (Wil. Longeke) deedit & concedid Eclesia Sancte Marie de Waddingham & Camnica, ibidem des servitutibus in perpetuum Electornam & Nummata terra in Waddingham, &c. See Fardinige.

Nuncapatable Wit. See Wit.

Numm (Numm) Signifies a holy or consecrated Virgin, or a Woman that hath by vow bound her self to a single or chaste life, in some place, or company of other Women, sepulchred.
Obedientia, was a Rent, as appears by
Hocetus Annals, parte poster, fo. 430. Ut ergo
eis, (fili, Regularibus) admitterunt opportunitates en-
gangai, problemata, ne rediunt quos obedientias
Occant, ad famam tencant — in the Canon Law
it is used for an Office, or the administration
of it. Whereupon the word obedientias
in the Provincial Constitutions is used for those
who have the execution of any office under
their Superiors, ca. 1. de statu Regular. It may
be some of these Offices called Obedientia, con-
fined in the Collection of Rents, or Penions,
and that therefore those Rents were by a Me-
tonymy called Obedientia, quia colliniebatur ab

7. ca. 9. A Funeral Sacrament, or an Office
for the Dead, most commonly performed at the
Funeral, where the Corps lie in the Church unner-
terul': Also the Anniversery-Office. Coke a
Part. fo. 51. Hollowayes Cafe. It was held
14 Edw. Dyer 1313. That the tenure of Oblat, or
Channoy Lands lieht of Subjets is extint by the
Act of 1 Edw. 6.

Oblata, Properly Offerings. But in the
Exchequer it signifies old Debts, brought, as it
were, togetherness from precedent years, and put
to the present Sheriffs charge. See the Practice
of the Exchequer, pa. 78. Also Gifts or Oblations
made to the King by any of his Subjects; which
were so carefully heeded in the Reigns of King
John and Henry the Third, that they were en-
tered in the Fine Rolls under the Title Oblatas
and, if not paid, estranged, and put in charge to
the Sheriffs; concerning which, you may see
Mr. Fabyan Philips Book of the Antiquity and
legality of the Royal Purveyance, Sir Henry
Spottamus Glossary, and Mr. Prin. Auctum Re-
ge.

Oblations, (Oblations, in the Canon-Law are
thus defined, Dicuntur quaquam pis fidele-
busque Christianum effuicentur De & Exclusa, fere
vis familia free mobilis sunt. See Spottam: Council.
Te. 1. fo. 629. Anno 12 Car. 3. ca. 11.

Obligation, (Obligation) Is a Bond con-
aining a penalty, with a condition annexed for
payment of Money, performance of Coven-
ant, or the like; And a Bill is commonly
without penalty, and without condition; yet a
Bill may be Obligatory. Coke on Litt. fo. 172.

Oblige, Is he that enters into such an Obli-
gation; and, oblige is he to whom it is en-
tered into. Before the coming in of the Norm-
ans, (as we read in Ingilipus) Writings Obli-
gatory were made firm with golden Crofes, or
other small signs or marks; But, the Normans
began the making such Bills and Obligations with
a Prius, or Seal in Wax, and to every
ones special Signet, under the express entit-
ung of three or four Witenoses. In former
time many Houses and Lands thereto pulshed by
Grant and Bargain without Script, Charter, or
Deed, only with the Landlords Sword or Hel-
mer, with his Horn or Crop: ye, and many Te-
cuments were demistified with a Spur or Curry-
comb, with a Bow, or with an Arrow, See Wang.
Obolata terra, Is (in the opinion of some Authors) half an Acre of Land; but others hold it to be but half a Perch. Thomassius says, Obolata terra contains ten foot in length, and five in breadth. See Earingdeal.


Occupant. If Tenent per tenes datur die dies, living eifuy que vie; he that first enters shall hold the Land during that other man's life, and he is in Law call'd an Occupant, because his title is by his first occupation. And fo, if Tenent for his own life grant over his Estate to another, if the Grantee dies, shall be an Occupant. Coke on Litt. ca. 5. sect. 56. and Bulloughs Rep. 2 Part. fo. 11, 12.

Occupation, (Occupation,) Signifies the putting a man out of his Freedom in time of War, and is all one with Distress in time of peace, finding that it is not so dangerous. Coke on Litt. fo. 249. b. Also Ufue, or Tenure, as we say, such Land is in the Tenure or Occupation of such a Man, that is, in his possession or management. See Tenue Tenant. Also Trade or Occupation. Coke on Litt. ca. 2. 18. But, Occupations, in the Stat. de Bigamia, ca. 4. are taken for Ultraparations upon the King; and it is properly, when one usurps upon the King, by using Liberties or Franchises, which he ought not to have. As an unjust entry upon the King into Lands and Tenements, is called an Intromission, to an unlawful using of Franchises is an Ultraparation. But, Occupations in a large sense, are taken for Per-protobufs, Intromissions, and Occupations. In Inf. 279.

Occupable, Is a Writ that lies for him, who is ejected out of his Land or Tenement in time of War: As, a Writ of Noel Distress lies for one ejected in the time of Peace.

October, (October) The eight day after any Feast inclusively. See Octas.

Odem tales. See Tales, & Book iii. Odo Tales.

Oiano &c., (Amo 3 Ed. 1. ca. 11.) anciently called Brice de bono & male, is a Writ sent to the Under-Sheriff, to enquire, whether a Man, being committed to Prison, upon suffocation of Murder, be committed upon Malice, or ill-coll., or upon just suffocation. Reg. of Writs, fo. 133. b. See Brion, lib. 3. Part. 2. cap. 20. and Stat. 26 Edw. 3. ca. 3. Also, is anciently written Hatts, or Hatys, for Hate, not Aria, qua Malitia est aedica, as Sir Edw. Coke has it in his 9 Rep. fo. 566. and in 2 Inf. fo. 42. See Spel. on Aria.

Office, (Official) Signifies not only the Function, by virtue whereof a man has some employment in the affairs of another, as of the King, or other person; but also an Inquisition made to the King's use of any thing by virtue of his Office, who enquireth. Therefore we often read of an Office found, which is such a thing found by Inquisition, made Ex Office. In which Inquisition his used Amo 55 Hen. 8. ca. 20, and in Stanf. Pet. 50. fo. 69. and, where to muzzle an Office, is to muzzle an Inquisition taken of Office before an Ecclesiaster. And in Kishin, fo. 177. to return an Office, is to return that which is found by virtue of the Office. See also the new Book of Entries, verbo, Office, pur le Roy; And this is by a Metonymy of the effect. In this Inquisition there are two sorts of Offices infilling out of the Exchequer by Commission, viz. an Office to entitle the King in the thing ensu'ed of, and an Office of Instruction, which read in Coke Rep. Pages 80. 

Office in Fee, Is that, which a Man hath to him, and his heirs, Amo 13 Ed. 1. ca. 25. Kishin, fo. 152. See Clerk.


Official, (Officialis) Signifies him, whom the Arch-deacon subtilitures for the executing his Jurisdiction, as appears by the Statute 2 Hen. 8. ca. 15. In the Canon-Law it is he, whom any Bishop does generally commit the charge of his Spiritual Jurisdiction; And, in this sense one in every Diocese is officially principalis, whom our Statutes and Laws call Chancellor, the rei, if there be more, are by the Canon-Law called Offices foran, but by us Consistories. The word is also by some modern Citizens applied to such as have the sway of temporal Justice.

Officialis non factiendis bel ambendis, Is a Writ directed to the Magistrates of a Corporation, willing them not to make such a man an Officer, and to put him out of the Office he hath, until enquiry be made of his Manners, according to an Inquisition formerly ordained. Reg. of Writs, fo. 126. b.

Digangfordel, — Enactum (rei) ad triplices Judicum, quod Angli Digangfordel vocant. Caniti. Caniti de Forci, ca. 11.

Dieron Lawes, or the Sea-Law of Dieron, So called, because they were made by King Richard the Firft when he was there, and relate to maritime affairs, Coke on Litt. fo. 260. b. This Dieron is an Island, which lies in the Bay of Aquitaine, at the Mouth of the River Charent, belonging now to the French King. See Seiden Merc Claudinum, fo. 222. 354. And Pryme Annalsineson on 4 Inf. fo. 126.

Olympiadi, (Olympus) The space of five years by which King Ethelbert, in a certain Charter of his composed the years of his Reign—Constitutions, signis et Jure Cruce subseptis in Olympiadi 4 Regni mi. Specim.
Dueranda quo rata positionis, is a Writ that lies for a Joint-tenant, or Tenant in Common, that is discriminated for more Rent, then the proportion of his Land comes to. Reg. of Writs, fo. 184. b.

Dnius impozitandi, i. The burden, or charge of importing, mentioned in the Stat. 12 Car. 2. Art. 28.

Dnius probandi, i. The burden or charge of proving, Anno 14 Car. 2. ca. 11.

Open Law. (Les manifesta, les apparentes) is Making of Law, which (by Magna Charta, ca. 28.) Bailiffs may not put men to, upon their own bare affections, except they have wit- nesses to prove their importunity. See Law.

Open theft, i. Open theft. Quumdam placitum vel crimina amnavi non possint, quia sunt Illic, Bexch, Bernet, Opdens, Eberemod, et Lapidusvictus. Sc. i. Hen. i. ca. 13.

Dni, (Egerstratius Nigellus Des Grauah Abbass Ber- man, in Capitula nofro & omnes fratres mi- trum, furum de Occore, Omne, bu conveni- mentum, ut unumquam anno nonas xx oras profutur, & promitit saltus eum bono nofro, & sine fine dat. This was Saxon-Money, or Coin, which valued xvi d. a piece, and often found in Domestick.

Dredel, (Anno 1 Reg. 3. ca. 8.) Orchel, (Anno 24 Hen. 3. ca. 2. and 3 & 4 Edw. 6. ca. 2.) Seems to be a kind of Cork.

Dedde, or Deddel, (Effusus materic metal- lica vel effusus metalis) from the Sax. Ope, Metalicum & Cælan, Effodere, is a word often found in Charters of Privilegges, and is taken for a liberty, whereby a Man claims the Ore found in his own ground. It properly signifies ore, lying under-ground; as a Delf of Coal is Coal lying in veins under-ground, before it is digged up.

Dedel. (Sax. Opbel. Lat. Ordinatum,) Signifies great Judgment, from the Sax. Ope, Magnum & Cæl, Judicium. It was used for a kind of Purgation practiced in the time of Edward the Confessor, and since even to King John and Henry the Third time, whereby the party purged was judged, Error criminis, called in the Common Law, Purgatio jurata. LL. Edw. Conf. ca. 3. There were two sorts of it, one by Fire, another by Water; Liber per forum candens, ro fluoride per aquam. Glav. lib. 14. ca. 1, pa. 114. This Ordinale Law was condemned by Pope Stephen the Second, and (to use Sir Edward Coke's word,) was out of force by Parliament, and hence appears Rot. Pet. de Anno 3 Hen. 3. Mon. 5.

Hinstrics (3:) De Graia Rex, Sc. dilexi & fideltius sunt Philippus de Ulecot & Sociis sui iure Judiciarii uterantibus in Comitatu Cambri- land, Weltmand, and Lancaster, Salutem. Qvis dubitatum sit & non determinavit ante inceptionum timentis eft, quo judicio deducendi sunt illi qui eftat sui de Latrocinio, Murocin- cendo & bun finimulo, cum prohibitus fum per Eccliasm Romanam Judicium Ignis & Aquae; Per- turbatione a Concilio nofro, ad presens, ut in ba Line, sit fide de reiijicit de bujusmodi seximum, viz. Quod illi qui relictuti sunt de criminibus prae- ditis majoribus, & de eis bassetma juxtapicio quod culpas est sint de conde relictuti sunt (de quibus actum liceit Regnum suorum absumentur ad quem juxtapicio (et quod poeica masculerent) seneantur in Pfalmo nofro, & salvo cujusdam iuris, quod non incertum periculum est vel memoriarn occa- sione prajona nofro. Illic vero qui ad miraculorum crimini- bus relictati fuerant & quibus competenter Judicium Ignis vel Aquae, si non exeptus prohibitus, & de qui- bus, si regnum nofro absumentur nulla fuerit poeica masculameni, & Regnum suorum absument. Illic vero qui minoribus relictati fuerint crimini- bus, nec de eis fuerit minus suofer, salvo & se- cules plegios inventum de fidelitate & pace nofro concessisti, & si deminuitur in terra nofro. Cum igitur inquis turio providet in hac parte Consilium nofro ad pressens, reiuniones discretionis tientis bunc Ordo praebet offerendum in hoc sinu ore, ut quas personas bominium forma vel, & ipsorum voluntas veritatem minimi cognoscere possit, hoc Ordo secundum discretiones & Convintium sviss in bujumini procedat. Ei in curia Rei Penitentiam, Sc. Xeile Domino P. Wimperngi Episcopo apud West. 28. de Anno regni nofro tertio. Per sumem & H. de Bargo Fustissium. See Specman at large upon this subject, fo. 436. Coke, lib. 6. de Strata Mercedis, & Sax. Difi.

Ordinance of the Forest, (Ordinatio For- satis) is a Statute made in the 34 year of Ed. 1. touching Forrest-matters. See Afhe.

Ordinary, (Ordinarius) Though in the Civil Law, whence the word is taken, it signifies any Judge that has authority to take Cognizance of Causes in his own right, as he is a Magis- trate, and not by deputation; yet in our Common Law it is properly taken for the Bishop of the Diocese, or he that has ordinary jurisdiction in Causes Ecclesiastical, immediate to the King and his Coers of Common-Law, for the better execution of Justice. Coke on Litt. fo. 14. Reft. 2. ca. 19. — 51 Edw. 3. ca. 11. and 21 Hen. 8. ca. 5.

Ordinatio contra secretabilia, is a Writ that lies against a Servant, for leaving his Master against the Statute, Reg. of Writs, fo. 189.

Ostilly, (from the Sax. Opp. Eucce, & trib.) Situtatu velit reddito) A delivery or restitution of Cattle. But Lambri Sayes, is a restitution made by the Hundred or County, of any wrong done by one that was in pledge. Arch. pa. 125. or rather a penalty for taking away of Cattle.

Ostraias, (Aurofrisatus) Frized Cloth of Gold, made and used in England, both before and since the Conquest, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King commands the Tempelors to deliv- er such Jewels, Garments, and Ornaments as they had of His in keeping, among which he names Dalmaticum velation de theftras. 1. A Dalmatique, or Garment, guarded with ostraias. And of old the Jacques, or Coat-armors of the
the Kings Guard were also termed Ordeals' because adorned with Goldsmiths work.


Digne, (Anno 31 Edw. 2. Stat. 5. ca. 2.) Is the greatest fort of North-sea-fish; (for the Statute says, They are greater than Lab-jiff.) In these days called Organ Ling, which is a corruption from Ormehay, the belt being taken near that island.

Dignitatis, In the Treasurers Remembrances, Office in the Exchequer, are Records, or Transcripts tent tuther out of the Chancery; and are distinguish'd from Records, which contain the Judgments and Pleasings in Suits tried before the Barons.

Diretli, Signifies the Claw of a Dog's foot, from the Fr. Diriel des pieds, i. Digier pedum, the Toes. Tis used in Papilla occult, Chap. de Char. Forstl. par. 5, ca. 22.

Dinomie, (Anno 32 Hen. 3. ca. 14. and I find in Speinsam Gulps; mention of a list of (Dinomi) Is that Oar, or Ironstone, of which Iron is made, and it seems was anciently brought into England.

Durch, (Anno 24 Hen. 8. ca. 13.) A kind of Collar, or Neck-lace of Gold, or such like ornament, worn by women about their necks: Sometimes used for a boll or button of Gold.

Doveramessa (Se qui sunt nobis delatores, i. cuius cura, aut curatorem enim sum, aut dominus, aut secundum, Warem splius fun, vel plena lada, i. vid. Leg. 1, qui con es faustum nescire: si qui audito clianore superfetat, reddat Doveramessa regni, aut plena si laudet. Lib. rub. ca. 34. This seems to have been an ancient Penalty or Fine (before the Statute for Hue and Cry) laid upon those who, hearing of a Murder or Robbery, did not pursue the Malefactor. 3 Inft. fo. 116d. and to be the name, which is elsewhere written Overygenesse, and Overytelle. See Cylites.


Dobert, (Aperitum faustum) An open plain, evident act 5 Inft. fo. 12, which must be manifeestly proved.

Dobert wod, (An. 1 Mar. Siff. 2. ca. 3.) An open plain word; from the Fr. Obert.

Dauter le main, (Fr. Ofer la main, i. To take off the hand) Signifies a Livery of Lands out of the Kings hands, or a Judgment given for him that Traverfel, or fixed a Monstrance le droit; For, when it appeare, upon the matter dispaused, that the King had no right nor title to the Land he seised, Judgment was given in Chancery, that the Kings hands be avowed, or taken off, and thereupon Annozous manum was awarded to the Ecclesiast, to restore the Land, & Stams. Praegr. ca. 24. It is written Ofer le maine, 25 Hen. 3. ca. 22. But now all Wardships, Liveries, Primselmiss, and Overytells, &c. are taken away and discharged by 10 Car. 2. ca. 4.

Dutter le mer, (Fr. Oltere, i. Utter, le mer, mare) Is a cause of excepte, or effit, if a man appear not in Court upon Summons, for that he was then beyond the Seas. See Effoin.

Duttet, (From the Fr. Ofer, to remove, or put out) Asufed of the poleffions. (Peck. Cai. Micb. 9. Car. 1, 3 Part Cocbes Rep. fo. 349.) that is, removed, or put out of poleffion.

Dutschantge, (From the Sax. Ut, i. Extra, Fanz, i. Capio vel Capus & popi, i. Forfuntiu, fur extra captus,) Is a liberty or privilege, whereby a Lord is enabled to call any man (dwellling in his Fee, and taken for Felony in another place,) to Judgment in his own Court. Ralphs Expofe of Words. Anno 1 & 2 Ph. & Ma. ca. 17. Per Dutschantge Edwardus Sutton milites Domino de Dudley, Sic. clamat quod quandoque aliquis latro, qui fit homo ipsius Edwardi de Domino suo prædicto, de aliquo solius comitteret sui voluntariam fuccest, pro qua sustinaturfactum, in quantum Curia ipsa feci fiet convinentius; ducatur ad fursum ipsum Edwardi per Ministrum suum, & insum fucceptarum. Pl. in Itin. apud Celticam. 14 Hen. 7.

Dutulio, (Sax Utulgoe. Lat. Utulato.) Significat bannicum extra legem. Picta, lib. 1. ca. 47. one deprived of the benefit of the Law, and out of the Kings protection. Forius faciat utulato omnem quos pacti sunt; quas a tempore quo utulato est caput genti impunitum, ita quos ab omnibus interfecta poeta & impune maxime fit, se defendere vel fugerit, &c. Bradon, lib. 3. Tratt. ca. 11. num. 12. & 3. See Utulio. But, in the beginning of Edward the Thirds Reign, it was resolved by the Judges, that it should not be lawful for any man, but the Sheriff only, (having lawful warrant therefore) to put to death any man Outlawed. Coke on Litt. fo. 168. B. See Capius utulatum.

Dutparers, (Anno 9 Hen. 5. ca. 3.) A kind of Theeves in Riding, that took Carr or other Booty without that liberty; Others think they were such as lay in wait for robbing any Man or House. See Intakers.

Dutribers, Are Ballifs errant, employed by Sheriffs, or their Deputies, to ride to the farthest places of their Counties or Hundreds, with the more speed to summon persons into their County, or Hundred Courts. Anno 14 Edw. 3. Stat. 1. ca. 9.

Dwelp, See Dulcy.

Dyng of Land, (Bovata terra) Is commonly taken for fifteen Acres; Six Ongies of Land are as much as six Oxen will Plough.

Dyng of Land, (Bovata terra) Is commonly taken for fifteen Acres; Six Ongies of Land are as much as six Oxen will Plough.

Dyng of Land, from the Fr. Oyer & Terminer, Is a Commission especially granted to certain persons, for hearing and determining one or more causes. This was wont in former times.
times be only in use upon some sudden Outrages or Insurrection in any place. See Gramp. Jurisd. fol. 132. and Wifem. 2. cap. 29. who might grant this Commission. And Fite. Nat. Br. fol. 100. for the form and occasion of the Writs, and to whom it is to be granted. And Brook hot titu. A Commission of Oyer and Terminer is the first and largest of the five Commissions, by which our Judges of Alitice do sit in their several Circuits. See Alitice. In our Staites it is often Printed Oyer and Determiner. See 4 Inst. fol. 163.

Oyer de Record (As I live Recordum) is a Petition made in Court, that the Judges for better proof fake, will be pleased to hear or look upon any Record. So likewise to demand Oyer of a Bond, Deed, or Covenant.

O Pea (a corruption from the Fr. oisez, t. Hear ye) is well known to be used by the Cryers in our Courts, when they make Proclamation of any thing.


Pachers (Anno 15 Car. 2. cap. 14.) Are those that barrel or pack up Herring, and they are to be sworn to do it according to the said Statute.

Paching Whites (Anno 1 Rich. 3. cap. 8.) A kind of Cloth so called.

Pactification (Pacification) Anno 17 Car. 1. cap. 17. A peace-making, quieting, or appeasing; relating to the Wars between England and Scotland, Anno 1658.


Pagemants. A sort of Frieze-cloth so called; I found it in the Journal Book of the Lords House of Parliament, in a Statute of 1 Eliz, not Printed.

Pain fort & our (Fr. Peine fort & dure) Signifies an especial punishment for those, that being arraigned of Felony, refuse to put themselves upon the ordinary tryal of God and the Country, and thereby are mute, or such in Interpretation of Law. This is founded upon Wifem. 1. cap. 12. Note, that this strong and hard pain shall be in this manner inflicted.

He shall be sent back to the Prison whence he came, and laid in some low, dark House, where he shall be nacked on the Earth, without any Litter, Rushes, or other Clothing, and without any

Pais. (Fr.) A Country or Region. Trial per pain, quad non intelligendum est de quarto populo, sed de Companegius, hoc est, curum ex eodem sunt Comitatu, quae majores nostri pagum discere, & locatus in. Pais g in 1221 y converso. Spelmanns Glossar.

Paltin. See County Paltin.


Palsley-cloth. —Custumum ibidem (i. e. Bovetor Cafile) vocat. Palsley-cloth, quod levii debent annuum in villa de Bovetor Librams, norriber, Gr. & aliis Hanlotiit. Etch. 23 Edw. 3. Dov mortem Gul. de Roos de Hamlake.

Palingman. (Anno 22 Edw. 4. cap. 23. and 11 Hen. 7. cap. 25.) Seems to be a Merchant Denizen 3 one born within the English Pale.

Palls (Anno 25 Hen. 8. cap. 20.) Are Pallecier Vesture made of Lambs Wool, in breadth not exceeding three Fingers, and having two labels hanging down before and behind, which the Pope gives; or fends to Archbishops and Metropolitans, who wear them about their necks at the Altar, above their other Ornaments. The Pall was first given to the Bishop of Offa by P. Marcus the Second, Anno 350. And the Preface to an ancient Synod here in England, wherein Odus, Archbishop of Canterbury prelaid, begins thus — Ego odus boulini & ex omnibus, ex omnibus,♕ largius, etc., alii Prebenda & Palli honor dominio, etc. Seldens Hist. of Tithe, p. 217.

Palmatry (Anno 1 & 2 Philadelphia, Ma. cap. 4.) A kind of Divination practised by looking in the Lines and Marks of the Fingers and Hands, a deceitful art used by Egyptians, mentioned in the Mait Statute, and there misprinted Palmistry.

Panostratis. Item utinam de Pandostratis, que non posset brisare five padoxnot

Pannage or Pannage (Pannageum, Fr. Panage, Pannage). Significat alimentum quod in Sylvis Cupulina, pecora, ab utroque diligens, ut Malt of Beest, Acorns, &c. Also the Money taken by the Aigle for the Food of Hogs, with the Malt of the Kings Forest. Grep, Trift. fol. 153. Wevide, cap. 24. Pannage (trys Maltwood, is most properly the Malt of the

Woods or Hedg-rows, or the Money due to the owner of the same for it. And Lintwood defines it thus: Pannagium est passum pecorum in renovatis & in sylvis, utroque deditus &c. et fructibus sylvestris. quorum frutibus alter non solent colli. Tit de Domini. Mentioned also Anno 20 Car. 2, cap. 9. Regam villa. Victis to passum, in renovam, passum, Pannage. Domestia, tit. Domesticm in benejacto. This word in ancient Charters, is thus variously written, Pannagium, Pannagum, Pannagium, Pannagium, and Pannagium.

Pape (Papa, from the old Gr. Patrios, signifying a Father) Was anciently applied to some Clergy-men in the Greek Church; but by usage is particularly appropriated in the Latin Church to the Bishop of Rome, otherwise called the Pope. A name very frequent in our ancient Year Books, especially in the times of those Kings, who, too much abandoning their Imperial Authority, suffered an Outlandish Bishop, that dwelt One thousand miles off, to take from them the disposition of many Spiritual Prefectures, sometimes by Laeps, sometimes by Prisession, or otherwise. For redress whereof divers Statutes were made, whilst this Kingdom was of the Roman Government; but his whole power was not taken away, till towards the later end of Henry the Eighth's Reign.

Parage (Paragon.) See Parciter.

Paramount (Compound of two French words, Pari, per, and monent, accompler) Signifies the highest Lord of the Fee. For there may be a Tenant to a Lord, that holds over of another Lord; the first is called Lord Mefi, the second Paramount. Fitz Nat. Br. 139. M. Some hold that no Man can finely be Lord Paramount, but only the King; for he is Patron Paramount to all the Benefices in England. Daller & Students, cap. 25. See Mefi.

Parapalamptata (in the Civil Law Paraphenalia) Are those Goods which a Wife, besides her Dower or Joynture, is after her Husband's death, allowed to have, according to her Chamber, wearing Apparel, and Jewels, if the be of quality: Which are not to be put into her Husband's Inventory, especially in the Province of York. See Tribunals of Wif, fol. 231.

Parabail (guise, par-avant) Signifies the lowest Tenam, or that is immediate Tenant, to the Land; and he is called Tenam Parabail, because it is preferred, he hath profit and assist by the Land. Leg. fus. fol 136. See Rep. Corp. Gay's Caff.

Parcella terre. A parcel or small piece of Land. Seint. —que ego Stephanus Wintoni de Roxom, pro viginti libros avviati unam pavilion terre nota cun pariment sacuin in Broome de G. Sine Dat. Parcell-maker. See Officer in the Exchequer that make the parcel of the Exchequer's accounts, wherein the Exchequer charges themselves with every thing they have levied for Bb b
the Kings use, since they came in Office, and deliver the same to one of the Auditors of the Court, to make up the Executors account therewith. See Praxis of the Exchequer, pag. 99.

Parceners (quaui Parcellers, i. Rem in Parcella dividens). See Coparceners.

Parcenerie (Participatio, from the Fr. Partir, i. Dissidium facere.) Signifies a holding of Land Pro indiviso, or by jointtenants, otherwise called Coparceners. For, if they refuse to divide their common inheritance, and chuse rather to hold it joynally, they are said to hold in Parcenerie. Litt. fol. 56 & 57. In Domesday it is thus said, Duo fratres tenentes in Parce,

Pardon (F. Es.) Is most commonly used for the remitting or forgiving a Felonious, or other offence committed against the King, and is twofold; one Exigenda Regni, the other, Fer cours de ley. Stanif. Pl. Cor. fol. 47. The first is that, which the King, in some special regard of the person, or other circumstance, gives, by his absolute Prerogative or Power. The other is that which the King grants, as the Law and Equity permit, for a light offence, as Homicide casual, when one kills a Man, having no such intent. See New Book of Entries, verbo, Pardon.

Park, (Parceus) Fr. Parc. Is a quantity of ground enclosed, and flored with wild beales, sum fespes, quam capereps, which a Man may have by prescription, or the Kings Grant. Cren. Jarif. fo. 148. A Park differs from a Chase or a Warren; for, a Park must be enclosed; if it lie open, it is a good cause of seizure of it into the Kings hands, as a free Chase may be if it be enclosed; and, the owner cannot have an Action against such as hunt in his Park, it lie open. See Forst.—Gulielm. Gibbon, pietram facit Ecclesiam de Belo de parte Parcenis. Spal. vide 15 Cor. 2. ea. 10.

Parco fratricide, Is a Writ that lies against him, who violently breaks a Pound, and takes out his Beales thence, which for some treasfips done were lawfully imprisoned. Reg. of Whirs, fo. 148 and Fitz. Nat. Br. fo. 100.

Park-bote, Is to be quit of enclosing a Park, or any part thereof. 4 Inf. fo. 398.

Parish, (Parochia) Signifies the prebends, or territories of a Parish-Church, and the particular charge of a secular Priest. For, every Church is either Cathedral, Conventual or Parochial. Cathedral is, where there is a Bishop seated, so called a Cathedral; Conventual consists of Regular Clerks, professing from Order of Religion, or of Dean and Chapter, or other Society of Spiritual men; Parochial is that, which is instituted for the paying of Divine Service, and Ministring the Holy-Sacraments to the People dwelling within the Parish, or a certain compass of ground, and certain Inhabitants belonging to it. Our Realm was first di-


Parliament, (Parliamentum, from the Fr. Pared,regon) Is the great Assembly of this Kingdom, consisting of the King and the three Estates of the Realm, viz. The Lords Spiritual, the Lords Temporal, and the Commons, for the Debating of Matters touching the Commonwealth, and effectually the making and correcting Laws which Assembly or Court is of all other the highest, and of greatst Authority, as you may read in Sir Tho. Smith de Repub. Angl. & Cam. Britan. pa. 112. Sic est aequalium specfis, et antiquissima, et dignissima, et honoris, et jurisdictionem, et capacissima. Coke on Lib. 2. ca. 10. Sel. 164. And see his fourth Part Inf. ca. 7. This great Assembly was ancienstly called Common Consilium Regni Anglia. As in an ancient Charter of King John — Nullum Scutagium vel sustitutum novum in regno noster, nisi per Common Consilium regn. noster, &c. The first Parliament in England, (according to Sir Richard Baker,) was held at Salisbury 13 April, 15 Hen. 1. But see Cotton Thes. fo. 15. and 9 Inf. fo. 283, where there is mention of Parliaments held long before that time.

The Abbot of Croyland was wont to call a Parliament of his Monks to consult about the affairs of his Monastery. Croylandensis ibi sacrum consilium — Conscississimorum Ecclesiae Senatus de Lege, qui tenetur coram Consilium in nostrum publicum Parliamento, et juriuramentum proferit, quod idem & sibi bono jure excitat, & Officium, &c. And at this day the Community of the two Temples, or Ills of Court, do call that Assembly, a Parliament, wherein they consult of the common affairs of their several Houses. See Gram. Jurisd. fo. 7. See Royal assent.


Parliamentum inchoatum, Was a Parliament held at Coventry, 6 Hen. 4. Whereunto, by special precept to the Sheriffs, in their several Counties, no Lawyer, or person sithed in the Law, was to come; and therefore it was so called: Walsingham, pa. 412. n. 30. Reg. Parl. 6 Hen. 4.

Parol, (F. Is us'd in Esthian, fo. 152. for a Plea in Court; and being join'd with Lathe, as Lathe parol, or Leaf parol, is a Leaf by
by word of mouth, contradinguinthid fro one in writing.

Parson, (Perfons) Signifies the Reefer of a Church; because he for his time represents the Church, and sustains the person thereof, as well in suing, as being sued in any action touching the same. See Ficta, lib. 9. & 12. Charta Hugonii Pufa, (alio Pafius & de Pataco, tempore Hen. II. Hugo de Gratia Dunelmensis Epifcopus omnibus Archidendissiis fuis Clerici & laici Epifcopatus fui salutem. Sesitias nos ad Praelectionem Roberti Capellani in Ecclesiam de Witfield, quae in feudo fui fata efi, Canonicarum imperfonsae Robertum nepotem fuis. Quare volumus & pricipium quatuor idem Robertus habet & teneat Ecclesiam praeordinatum libere & quiete, tan in decem quam in eatis occurrentibus, ficit, aliqui Clerici liberius & quiescit in Epifcopatu suouo Ecclesia jurante teneant; Satis e in omnibus Epifcopalis constitutinis testimonii, &c. Ensor deduxit, Prefetum Roberti de Kenefield.

Parson Imperator, (Perfona imperfona) Is the Rector that is in possession of a Church Parochial, be it presentative or impropriate, and with whom the Church is full; For, in the New Book of Entries, verbo, Aind in Anuary, you have these words, Et praedicom A. ducit quod ipsi ad Perfona pradita Ecclesia de S. imperfona in cadam ad praedicationem F. Patro- nus, &c. So that Perfona seems to be the Patron, or he that has right to give the Benefice, by reason, that before the Lateran Council, he had right to the Tythes in respect of his liberality in erecting or endowing the Church. Qua- si sufrinces perfonam Ecclesia; & Perfona imperfona, he to whom the Benefice is given in the Patronus right. For, in the Reg. of Writs judiciale, fo 34. b. Perfona imperfona is used for the Rector of a Benefice presentative and not appropriated; and Dyers, fo 40. num. 72. pays a Dean and Chapter, are Perfona imperfona, for a Benefice appropriated to them; who also, fo 221. num. 19. plainly shows, that per- fona imperfona is he that is indisposed, and in the possession of a Benefice. So that Perfona seems to be termed imperfona, only in respect of the possession he has of the Benefice or Rectory, be it appropriate or otherwise, by the act of another, Coke on Litt. fo 300. b.

Parter of Gold and Silver. See Fins.

Parterce Finis nihil habuerunt, &c. is an exception taken against a Fine levied. Coke Rep. lib. 3. Cafe of Fines.

Parterce terre. See Parterce terre.

Partitione faciendo. (Anno 31 Hen. 8. &c.) is a Write that lies for those, who hold Lands or Tenements pro indiviso, and would fev- er to every one, his part, against him or them that refuse to join in partition, asCoparceners, or Tenants in Gavelkind. Old Nat. Br. fo 142. Fitz. Nat. Br. fo 61. and New Book of Entries, verbo Partition.


Eduardus Kynec, Maria filia Roberti de Cam- mon Johannes Befote & Matilda tunc ejus & Johanna huc ejusdem Matilda petunt versus Jo- hannem Affrith de Ewarum nunm Tostis cum perim. in Ewarum, de quo Johanner Gerard, con- fumansque prohibetur Edwardi, Maria, Matilda & Johanna eis breves ipsi sunt; justis suis in dominico suo, ut de fedo, dicto suo, unde dicunt, &c.

Et Johanner venit & dictis, quod tenementa in Ewarum sunt partitibili inter matrimonii & familias, & dictis quod praevis Edwardus habet quod- dam Gunnaram, Maditiam, Christianam, Albred- dam & Eufemiam forvs & partitici ipsius Edwa- ri & aurorem potestatem, & quod tantum sunt habentes me in petitia factis, &c. & quod non nominatim in brevi, &c. & Edwardus & ait non pos- sunt huius judicio: Ideo consideratur quod praevis Johanner est inde: fine brevi, &c.

Particlitur, (Anno 14 Can. 2. &c 11.) See Mecadas ingenue.

Partlet, (Anno 24 Hen. 8. &c 13.) Was a kind of Band to wear about the necks both of Men and Women, now out of use.

Partite. See Parsafe.

Partbo numumento, Is a Write. See Nu- fanc.

Patchal Rent, Are rents or yearly tributes paid by the inferior Clergy to the Bishop or Arch-Deacon at their Eves-Visitation; called also Synodals, which vide.

Pallace, (Passagium) Is a French word signifying transitum, or to pass. In the Statutes 4 Edw. 3. &c 7. and Wepin. &c 25. It signifies the hire that a man pays for being transported over-Sea, or over any River. Charta, Hen. 1. de liberatis, London. Et omnes res curas per totam Angliam, & per portum maris de Theselandio & Pallegio & Laflagio, & omnibus aliis confectantium. Per Pallagium clamat esse quod, de omnibus palagiis in Comitatus & Fins pro omnibus carcelis, caroq, efius, equituum & summagin sui unervis. Ph. in Irm. apud Cen- triam. 14 Hen. 7.

Pallua. See Passe.


Pallagio, Is a Write directed to the Keepers of the Ports, to permit a man to pass over Sea, who has the Kings Licence. Reg. of Writs, fo 194 b.

Palle-post, (compound of two French words, Palleoir, I. Tranteis & Parl, I. Portus,) Signifies a Licence granted by any person in Authority, for the sale of assaye of any Man, from one place to another. Anno 2 Edw. &c 5.
Parlement, (Pariament.)—Differes Pariament & Pariamentum, nam Pariamentum orne genus parlementi significat, fives fat in pratice, fives in libelis, fives in agis, fives in campis; sed Pariamentum eff locus principaliter deputatus parlementis, ut pura in monibus, moris, mariticia & planis non cultis nec aratis. Lindisword, ibi. 5. Pariamentum. Angl. tit de Decemnis, cap. 1. Quamniam.

Patience, (Littera Patiem.)—Differes Patience, Gram. jur. 56. 576. The Cornerstone is made by Virtue, not by Patience. See Letters Patent in the Table of the Register, where you shall find the form of divers.

Patience, Is he, to whom the King grants his Letters Patent. Ann. 7 Ed. 6. cap. 3.

Patria, (Pro Composannibus.) Sic in Legum formulam, ubi dicitur inquitur per Patrias, et Afflitis vel recognoscit, idem est quod recognoscit Patriae. See bona patria.

Patron, (Patronum.)—Dittos, Canon and Common Law, signifies him that has the gift of a Benefice; because the gift of Churchmen and Benefices originally belonged to such good men, as either built them, or endowed them, and were a great part of their revenue. Patronum factum est, auctoritas quae adiuvat Ecclesiastica exercitio, aut altorum conipungere. fondationibus Ecclesiasticis. Authoritatem, id est, praestationis et officiis Clericorum, iuxta haec, quam Ecclesia vacavit postquam, & in ecclesiis residuit, sua vel unius, & S. C. Concilis in Canon, de Sacris, M. T. Materiam Pat. cap. 2. & F. cap. 2. Patron, in the Civil Law, is used for him that has manumitted a servant; and the Inhabitants, as used for authors, poets, artisans, &c.

Paragoge, (Qui Pat. 10 Edw. 3. m. 2.) Money paid towards the Paving of Streets on Highways.

Patent, See Pannage.

Patent, See Peace of God.


Peace (Pax.) In general, signification is opposite to War or Strife, but particularly with us, it signifies a quiet and inoffensive carriage or behavior towards the King and His people. Lamb, Exell. ibi. cap. 2. p. 97. Where any man goes and danger of harm from another, and makes oath at before a Justice of Peace, he must be secured by good Bond, which is called Binding of the Peace. See Commonwealth, full of Peace, fol. 188. m. 189. And see Frankpledge, and Consequent of the Peace. Time of Peace, is when the Courts of Justice are open, and the Judges and Ministers of the Peace may by Law protect Men from wrong and violence, and distribute Justice to all. Coke on Litt., fol. 249. 6.

Peace of God, and the Church (Pax Dei & Ecclesiae) Was anciently used for that rest and cessation, which the Kings Subjects had from trouble and fate of Law between the Tenors. See X. Pax Dei, Tempus dictum vacans, dicitur adhibendum, cæcum aitum, opponia obviam, Ditis Dominici, feoff & figliv conjuncta. Spel.

Peace of the King (Pax Regiae.) Anno 6 Rich. 3. fas. 1. cap. 17. Is that Peace and Security, both for Life and Goods, which the King promiseth to all His Subjects, or others, taken to his Protection. See State of the Kings Peace. There is also the Peace of the Church, for which see Sanctuary, and the Peace of the Kings High-ways, which is the immunity that the Kings High-way hath from annoyance or molestation. See Highways, Street. The Peace of the Plough, wherein the Plough and Plough-Carle are secured from forced labours, &c. which see Fes. Nat. Br. fol. 90. So Faure may be said to have their Peace; because no Man may in them be troubled, for any Debt, either contracted.

Petrogel (14 Car. 2. cap. 3.) Armor for the Breth, a bred-plate, or Petrel, from the Lat. Petreus, a Breth.

Peculiar (Fr. Peculiar, i. private, proper, ones own) is a particular Parish, or Church, that hath jurisdiction within itself, for the benefit of Wills, &c. exempt from the Ordinary and Bishops Courts. The Kings Chapel is a Real Peculiar, exempt from all Spiritual Jurisdiction, and referred to the Visitation, and immediate Government of the King himself, who is supreme Ordinary. It is an ancient Privilegde of the See of Canterbury, that whatsoever any Mannors or Advowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed Peculiarions, and of the Dioces of Canterbury.

Pecunia, was anciently used for Castle, and sometime for other Goods, as well as Money.

Pecunia, (L. L. Edw. Contell.)—Quis habetur 30 de subanum vivia Pecuniae. And in Donnoday Pecunia, is often used for Pecuniae.


Petar (Para. Fr. Pierre, Saxa, good or a word sold) Is a Forbearance made against the force of the Sea, or great Rivers, for the better security of Ships that lie at a Harbor to any Haven. So is the Petar of Dover described in Camp. Brit. pag. 359. Anno 14 Car. 2. cap. 27.
Perage. The Dignity of the Lords or Peers of the Realm; also, An Impartial Maintenance of a Sea-Peer.

Perag. Are those that are empanelled in an Enquiry upon any Man, for the convicting or clearing him of any offence, for which he is called in question. And the reason is, because the custom of our Nation is, to try every Man in this case by his equals or Peers. Wthn, c. 6. So R RR utcum it sul, 78, in these words — Mais si le amerestis fait affaire per paires. But this word is chiefly used for those that are of the Nobility of the Realm, and Lords of the Parliament. Stamt. Pl. Cor. lib. 3, cap. Trial per les Peers. The reason whereof is, because, though there be a distinction of degrees among our Nobility, yet in all public actions they are equal, as in their voices in Parliament, and in passing upon the trial of any Nobleman.

Pegen. See Forthe.

Pem for Cure. See Pain for Cure.

Pelle (Pelfa) — Tho. Fenables Arm. Clamat (quod si aequum intet, quiet defenditur) in dicta Dominum in eam Maniern in Kedderdown felicem faciem, & corpus ejus per ipsum Thomam super quatuor illam capitum, & convictur juris) habere Peltram: viz. Omnia bona & cattalia buynidid sibi ferere: Etenim quo Domino Conis, per tinat ad Castrum Ceprea, profantam, & habere omnia inventi, domi cum, & de omnibus bonis, eaurum, bisceolurum, juvencorum, parcurn, bidenturum cum, et melius. Et si de aliquo genere non baberiu nisi unus, clamat habere illud unus, cum alia minuta animalibus, ugdalum, gallum, eccus & buynidid, & omnes pannos, tailis, & animales, & omnes caeses antianes. Ut tum braumia in utrum quartos, & omnia bidenturum in utrum quattuor, & de quibum saepius clamat habere Groundost coniugio cum, & omnius, & omnia vix signo, omnia mappa, maneriosa, & omnia ad aequum partis, lucum & lanaci, & omnes carriusse, juxta illa apparet, & Plac. in It. apud Cretiam n Hen.7.

Pellora (Fr. Pelote) The Ball of the Foot: Tali autem expedita, & constat, & fi sit aequalis, & si sit in utrumque, & omnis, & pelota de pede antivertia. Char. de Forestia, cap. 7. See Cokes Inst. 4 part. fol. 268.

Pelletwol. Is the Wool pulled off the Skin or Pelt of a dead Sheep. Anno 3 Hen. 6. cap. 22.

Penigedlum. Denari alimenta ex quibus conorrectes pro facultate aliqua, vel privilegio habendo, possa in foro ait aut Spel.

Penston. A certain course Woolen Cloth, mentioned Anno 42 Eliz. cap. 10.

Pene. See Bay.

Pennon (Fr. Penson) A Standard, Banner, or Ensign carried in War. Anno 1 Rich. 2. cap. 1.

Penny (Pensio) That which in the Two Temples, is called a Parliament, in Lincolnse.
perdonatium utiaginari, is a pardon for him, who, for contempt in not coming to the Kings Court, upon His Command and Proceeds, is outlawed, and afterwards of his own accord yields himself to Prison. Reg. of Writs, fol. 29. 26 Edw. Conf. cap. 3 & 19.


Peritiae Intra, is a Dispensation granted to a Clerk, who being detected in his capacity to a Benefice, or other Ecclesiastical Function, is De Fide, admitted to it. And it takes appellation from the words, which make the jural and effectual to the party dispensed with, as if he had been actually capable of the thing, for which he is dispensed with, at the time of his admission. Ann. 25 Hen. 8. cap. 21. it is called a Writ.

Pertinac (Peritum) Est mendacium cum juramentum faciat; is a crime committed, when a lawful Oath is misused, by any that hath authoritit, by any person in any Judicial proceeding, who swears absolutely and fully in a matter material to the Issue or Cause in question, on their own oath, or by the subornation of others. And if a Man call me Peritum, Man, I may have my Action upon the Case; because it must be intended, contrary to my Oath, in a Judicial proceeding, but for calling me a Forsworn Man, no Action lies, because the forswearing may be Extra judicial. Cokes Inst. 3 Part. fol. 169. 2 Hen. 8. cap. 2. Excepted out of the Act of General Pardon, 12 Car. 3. cap. 8. How punished in Wales, Ann. 26 Hen. 8. cap. 4. 4 Edw. cap. 9.

Per my & per tauto, A Joyn-tenant is said to be feited of the Land he holds, joyntly Per my & per tauto. He is feited by every parcel, and by the whole. Littel. fol. 288. Tutom tenus & nobi teneo, sc. tatum conjunctum & nobi per se separation. Brad. lib. 5. 420.

Permutatione Archidobonatus & Eccle- stie idem annexum cum Ecclesia et Epis- hendi, is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice, upon exchange made with another. Reg. of Writs, fol. 307.

Permis of Profitis (From the Fr. Permis, a Take or Receiver) Is he that takes or receives the Profitis. Ann. 1 Hen. 7. cap. 1. Permis de profis, & cefe que afe, is all one. Cokes, lib. 1. Cas. Chuteley, fol. 125. See the Statute 21 Rich. 3. cap. 5. And Cokes on Latil. fol. 39 b.

Pernency (from the Fr. Pernery, to take) A taking or receiving. Titles in Pernency, 1. Titles taken, or that may be taken in kind.

Per quia servitut (Is a Writ Judicial, issuing from the Note of a Fine, and lies for the Cognizance of a Manor, Seigniory, Chief Rent, or other Services, to compel him that is Tenant of the Land at the time of the Note of the Fine levied, to return to him. Westminster, part 2. Symbol. iii. Fines, fol. 10. No New Book of Entries.

Perquisition (Perquisition) Signifies any thing gained by ones own industry, or purchased with ones own Money; contradicting from that which depends to one, from Father, or other Acestor; of Perquisition for, in Brahen, lib. 2. cap. 39. num. 3.

Perquisitions of Court, Are those profits that arise to the Lord of a Manor, by virtue of his Court Baron, over and above the certain and exclusive profits of his Land, as Fines of Copyholds, Harvests, Amortements, Woods, Eh- Frays, &c. Perkins, fol. 20. & 21.

Personable (Personable) Signifies as much as: as to hold or maintain Pec in a Court: As, the Demandant was judged Personable to maintain this Action. Old Nat. Br. fol. 142. And in Kehrick, fol. 214. The Tenant pleaded, that the Wife was an alien born in Portugal, without the Ligeance of the King, and Judgment was asked, Whether she should be answerd. The Plaintiff there, the was made Personable by Par- liament, that is, as the Civilians would speak it, Habeare personam in judicio. Personable is also as much as to be of capacity to take any thing granted or given. Fawdon, Cas. Cot- thib. fol. 27. 6.

Peronal (Personalis) Being joinyed with things Goods, or Chattels, as Things personal. Goods personal, Chattels personal, signifies any movable thing belonging to any Man, be it quick or dead. So it is used in West, para. 2. Symbol. tii. Indictments, fol. 58. in these words. Theft is an unlawful felonious taking away an- other Mans movable personal Goods. And Staunf. Pl. Cor. fol. 54. Contravio vi rei alienae is to be understood of things personal, for in things real it is not felony, as the cutting a Tree is not Felony. See Chattels.

Peronal Lites. Are Titles paid of such Profits as come by the Labor and Industry of a Mans person; as by buying and selling, gains of Merchandise and Handicrafts-men, &c. See Titles.

Personallty (Personallitas) Is an abstrait of Peronal. The Action is in the Personalty (Old Nat. Br. fol. 142.) That is, brought against the right person, or the person against whom in Law it lies.

Personae Breviarii ne heretic charges as Mainlunes, 1. Is a Writ that lies for Prebendaries, or other Spiritual Persons, being disenfranchised by the Sheriff or Collectors of Fifteenths, for the Fifteenth of their Goods, or to be contributory to Taxes. Eniz. Nat. Br. fol. 176.

Perticata
Perticata terra, is the fourth part of an acre; Contine in integra superficie 40 Perticas. See Perch.

Perticulas, The King granted to Luke Magasin de Infusa de Main Scholars; quondam Eleonoram vocatam Perticulas, ad substantiationem cujusdam paupers Scholastici de Infusa praebida ad exercend. Scholas, pro Progressione nostras, quondam Regis Angliae datam & concessam. Pat. 5 Hen. 4. m. 16.

Pertinence, Was anciently used Pro cogni
to vel consummatione. — Si quis cum pertinente sua faseet, emendet hoc sequendum cognominem modu; si vasta, si vasta, si omni pecunia. LL. Canuti. MS. ca. 48.

Perbitle, or Parbille (Perbusus, Perbice) non a paribus adicit sed a Gal. le parvis, — Sed tunc placentes (i. e. Polt meridien) so de
dantur ad Fervium, & aliis consuentes cum de
tius suis ad legem & aliis Confiniistes fuir. For
tes de laudibus LL. Angl. ca. 51. pa. 124., of which thus Chaucer. Prolog. 9.

A Serjeant at Law, ware and wife, What often had been at the Parbille.

Nam ibi Legis periti convenerint, ut Clientibus occurrerent, non ad tyrocinium juris, quia Motas vocant, excedenda, faves Spielman. Sedem (in his Notes on Forfet, pa. 56.) faves. It signifies an afternoon exercise, or Must for the instruction of young Students, bearing the same name originally with the Parfise in Oxford. Mr. Somner says Pertice signifies Palatium aeternum vel area sula, a fronte Aula Wesmis; best the Palace yard, volgo mercatoria. See his Gloss. in x Scriptorum. verba, Tristium.

Pest lesse. Nascendum est quod Pest Forfet 
iste aetatis tempore Ric. Oifell in avocatione vas

Pellage, (Pegantium) Custom paid for weighing Wares or Merchandize. MS. temp. E. 9. 3. For Passe we find used for Peasem; hence to Peifte or Pottle, Ponderer.

curs for Maft-time, or the fees when Maft is ripe; which, in Norfolk, they call Shocking-time.

— Quid habet decent portae in tempore de Peftone in boffoffe, Sec. fo. 113. 10.

Pellarable wares, Seem to be such Wares or Merchandize as paper & take up much room in a Ship. Ann. 32 Hen. 3. ca. 44.


Peter-pence, (Denarius Sancti Petri) other
cwise called in the Saxon Rompecod, i. The Feo of Rome, also Rome-Cote, and Rome-penning, was a Tribute given by Ina King of the West-Saxons, being in Pilgrimage at Rome in the year of our Lord 790, towards the maintenance of a Saxon School, which was a Pe
ty for every hoast. Lamb: Exploj Saxon words, verbo Numine. And fo. 128. In St. Edwards Law, num. 10 thus: Omnes quibus habebit 30 denarii vixi pecunia in duma sua, de suo proprio, Anglorum legi dati. Denarium Sancti Petri, & legi datorum, dimidiam marcan. Iste vero denarium debet summunari in solutissimæ A
pollorum Peeti & Pauli, & solijs ad fidechristiam, ter quod fiat dexterie in Vinula, sit ut ultra illam diem non detenatur; Sec. King Edgar Laws, fo. 73. ca. 4, contain also asharp constitution touching this matter. See Rompecot.

St. Peter ad vincula, (Anno 4 Edw. 4. ca. 1. & 17 Ed. 4. ca. 5.) See Gules of Aug
gust.

Petite cape, See Cape.

Petit larceny, (Parsimon iatamorium) See Larceny.

Petit-trashon, (Fr. Petis trashon, i. Pradisio minor) is Trafion of a letter of lower kind; For, whereas High-Trafion is an of
dence committed against the person of the King, and the Security of the King and Com
dom-wealth, Petit-Trafion is, where a Servant kills his Master, a Wife her Husband, a Secu
dar, or Religious Man his Prelate, Ann. Ex Edw. 3. ca. 2. whereas sec Clementis Just. of F. fo. 2. And, for the punishment of it, the Stat. 20 Hen. 8. ca. 14.

Petition, (Petitio) Signifies in general a Supplication made by an Interior to a Superior, and especially to one having Jurisdiction, Ann. Ex Edw. 2. ca. 65.


Petty-sopper, (from the Fr. Petit, Small; and Sax Eccep, A Wook, Suiter, or Solliciter) A silly Advocate, a petty Attorney, or Lawyer; or rather a trouble-Town; having neither Law nor Confidence.

Pharo, A Watch-tower. — No man can build or erect Light-houses, Pharos, Sea-markers or Beacons, without lawful warrant and authority. 3 Ind. fo. 204.

Philer. See Filer.

Picards, A kind of great Boats of fifteen Tun or upwards, on the River Severn, mentioned 34 & 35 Hen. 8. ca. 9. Also a Filibers boat, Anno 13 Eliz. ca. 11.

Piccage, (Pecquainum) from the Fr. Pique, i. Effingers, Esfoagers. Money paid in Fairs to the Lord of the Soil, for leave to break the ground to set up Booths, Stalls or Standing.
Pickle, i. Alum, venenis ad forum no-
serum de Rudge mam debus jual & frangendo
vel ptilando vel placanam in dicto foro. Prior
Elkibis inde redemption. Ex indicrio Pri-
rat de Coselcibord.

Pickards,—So Porton shall use any
Iron Cards, or Pickard in roving any
Wooden Lollars, upon pain to forfeit the
name, and x g. for every offence. Anno
3 & 4 Edw. 6 c. a. 2.

Pickle, alias Bightel. (Piddellum & Pig-
telum) A small parcel of Land enclosed with a
hedge, a little close; perhaps from the Italian
Piccola, i. Minusculum; which the common peo-
ple in four parts of England do usually call a
Pigle.

Preponder Court. (Curia ped. opus-
centum) From the Fr. Pec. i. Per. & Poulesbus.
i. Poulebusventum) is a Court held in Fairs, to
yield Justice to Buyers and Sellers, and for re-
dering of all disorders committed in them. So
called, because they are most usual in Summer,
and Spring to this Court are common coun-
try Clowns with dyke fets; or from the expedi-
tion intended in the hearing of Causes proper
thereunto, before the Duke goes off the Plain-
ths and Defendants feet. Of this Court the Read
the Statute 17 Edw. 4. c. a. 4. bkh. fo. 272. and
Group. Jur. fo. 221. This among our old Sax-
on was called Cepang-Kemoce, i. A Court
for Merchandise, or handling matters of buy-
ing and selling. See Justicia of the Pavement.

Pig of Lead. See Fisher.

Pike or Pick. See Poisem.
Pile of food or food. In the Coun-
ty of Lancashire. Anno 2 Hen. 6. c. a. 5.
seems to be a defance built on a Creek of the
Sea, and called Pile by the Idiom of the Coun-
try, for a Pile or Fort built for the safeguard
or protection of any place. This Pile was
erected there by the Abbots of Furness in the
first year of Edw. 3. Cam. Brit. Rex—De-
imus Henrico Comiti Northumb. Insignis,
Ca-
frann, Plemif & Dominium de Man, Sec. Rot Par.
Hen. 1. m. 36.

Pilop (Collistregram, or Collum stringem.
Piloxs, from the Fr. Pilex, i. Deslaculator).

Is an Engin made of Wood to punish Offenders,
well known. By the Statute of 51 Hen. 3. you
may fee who were then subject to this punish-
ment. In the Laws of Canina, c. a. 2. it is
called Halsfane. Sir Henry Spelman says, tis
supplique Machina ad ludibrium, magis quam pa-
ners. Item utere tenere Statuta Piferorum
omnia suis antecessores nobis tenentur, vix.
Quod si Piler in male agenda pusillum per tri-
ces ri, et posu terram monimentam culpabilis in-
semam, Balivi Captiis, si ipsam petitum
inserire, ipsam capiant & pro tuto pannum, & habe-
biti vis & obdile judicium de Collistregio, i. the
Pilop. MS. Codex de LL. & Coniectu-
Burgyville-Montom, a temp. Hen. 2. fo. 12.
b. See Halsfane.

Pioners, (Fr. Pionniers, i. Fossiers) Such
Labourers as are taken up for the Kings Army

to call up Trenches, or undermine Forts. Anno
3 & 4 Ed. 6. c. a. 20.

Pipe, (Pipes) Is a Roll in the Exchequer,
otherwise called the great Roll. Anno 97 Ed. 3.
c. 4. See Clerk of the Pipe. It is also a Mea-
sure of Wine or Oyle, containing half a Tun,
that is, five score and five Gallons. Anno 31.
R. c. 23.

Pirates, (Pirate) Is now generally taken
for one who supports himself by Pillage and De-
preciation at sea, a Sea-rover. But, in former
times the word was sometimes attributed to such
persons to whose care the Mole or Pec of any
Haven, (in Latin Pera) was intrusted; and some-
times also taken to pro milito maritimo, ac-

gording to the learned Spelmanns mentioned
13 Car. 2. c. 6. and the punishment of them, Anno
25 Hen. 8. c. a. 15.

Placard, (Piscarius) From the Fr. Peche-
varie, i. Pechevari. Is a liberty of fishing in
another man's waters.

Unsideus presenta literas inceretur Edmundus
his filius inclita recordation Hen. Regis
Angliae salutem. Sic in nos deicti & consen-
ssit Henrico Duxsen de Eborokobber totam Pan-
ciam nossum in flagro nostro supra maledi-

tionum sumum de Eborokobber. Habetemus, Sec.
in deo res Testamentum praenest firiap, in mo-
dam Cyrographi consensue, nos C. d. I. H. Injus-
hitias nostra alternatione apposimus. Dat. apud Tua-
cher. per manum Huagii de Clem Glorius nos-
ter ex iis justi, Anno regni Regis Edwardi ger-
mani clarissimi ii. Henae Walterum Kirchb-
Blount Ears.

Plancis, (Patricia) Is a small repast, or
a little retension of Fish or Flett. Joanne des
gratia, Sec. Neueri, Sec. nos effenflum nostrum
prehbue, Sec. de maniere de Madenhal, quod
manerie Sancti Edmundi, facis sua jejum con-
ceptionis, Sec. ista quod qui, pro tempore sacra-
facies, i.e. de reditu Altarum annuis, perfec-
tur Hospitali Sancti, S. Salvatoris qui ex eis extra
manu Sancti Edmundi, i.e. usus ecceorum, Sec. &
40s. ad rectificationem manecab BCE, qui ilis doicit
Ostica divina pro defunctis celebrabat, que re-
Regis Joh. pa. 2. Num, 135.

Pitching-pace. Is that Money, com-
monly a Pieny, which is paid for pitching, or set-
ing down every bag of Corn, or pack of any other
Merchandise in Fairs or Markets.

Placard, (Fr. Anno 2 & 3 Ph. & Mat. c. 7)
Is a Licence whereby a man is permitted to
shoot in a Gun, or to use unlawful Games; In
French it signifies a Table, wherein Laws, Or-
ders, & are written and hung up. And
Placcard in the Low-Dutch is an Edict or
Proclamation.

Plactia, I have seen in several Deeds of
Edward the third's days, Grants of Placita Me-
fianae, Placta praen. & Placita publica and
seems to signify a Piece or Parcel, of Land and
a Place, if a House or Measian. Place-

Plain, (Fr. Plainir, Lat. Praesid) Is the
propounding or exhibiting any action real or per-

personal, in Writing: So it is used in Brooking, tit. Plaintiff in Affizce. And the party making this Plaintiff is called Plaintiff; Kitchin, fo. 231.

Plate, A Hoy, or Water-Vessel so called. Anno 15 Eliz. ca. 15.

Plea, (From the Sax. Plego, or PlecD, i. freg attun) Signifies that which either party alleges for himself in Court, which from the Conquest was done in French, till Edward the Third ordained them to be pleaded in English, but to be entred and recorded in Latin, Anno 36. ca. 15. They are divided into Pleas of the Crown, and Common-Pleas; Pleas of the Crown are all Suits in the Kings name against offenses committed against his Crown and Dignity. Stamps, Pl. Cor. ca. 1, or against his Crown and Peace. Smith de Repub. Aug. lib. 2, ca. 9. And those seem to be Treason, Felonies, Miffprisions of either, and Mayhem, Coke a Part Inftr. ca. 10. —Edward the First enclosed Walter de burga in the Land of Ulster in Ireland, & c., excepting the Pleas of the Crown, to wit, Rape, Forfayl, willful Firing, and Treasoure vice. Cam. tit. Ireland. Common-pleas are those that are agitated between common percons; yet, by the former definitions those must comprehend all other, though the King be a party. Pleas may farther be divided into as many branches as Action, for they signify all one. Then is there a forcin Pleas, whereby matter is alleged in any Court that ought to be tried in another. As if one lay Ballardy to another in a Court Baron, Kitchin, fo. 75. By the Law of Scotland four Crimes are called the four Points or Pleas of the Crown; Willful Firing, Ravishing of Women, Murder and Robbery, or Riefs. Skene.

Pleas of the Stood. (Placita ad gladium) Ranulf the Third, Earl of Chester (2 Hen. 3) granted to his Barons of Cheshire an ample Charter of liberties, Exceptis placitis ad gladium numer permissimine, &c. Pat. Pat. in archivo vice regis in Carta Cessatoria, 3 Ed. 2, m.m. The reason was because King William the First gave the Earldom of Chester to his Kinfman Hugh, commonly called Lupus, ancestor to this Earl Ranulf, tenere sua libere gladium, sincerum fidei Wilhelmi tenet Angliam per Coronam. And confirmant theaenare, in all Inditements for Felony, Murder, &c. in that County-Palatine, the Form was anciently —Contra parcem Domini Consilii, Gladium & dignitates finst.

Pledge, (Plegio) Fr. Pledge, i. Fidejussion. A Surity or Gage; and Plegiato was used for the act of plemisthiphip. Pledger, (Corre) Fide jurebo pro sine quo. Glassolec, lib. 10, ca. 5. Plegiuti diversit per prouma qui se obligant ad bos, ad quos eas mittit tenentia. Grand Coult. Norm. ca. 60. This word Plegiis is sometimes used also for Franplege, as in the end of William the Conquers Laws. Omnium homini qui salutis se tenere pro libere, si in Plegio, ut plegium cum habet ad jusstatum, si quid offerentur, &c. And there are called capital pleges. Kitchin, fo. 10, See Franplegedee, and a Inftr. fo. 500.

Plegis acquietandis, Is a Writ that lies for a Surity against him for whom he is Surity, if he pay not the Money at the day, Fitz. Nat. Br. 10. 137, Reg. of Writs, 159.

Plena fortitudinis, And Plena voita. See Forcitue.

Plenary, Is an abstrait of the adjective plenus, and is used in matters of Benefices; wherein Plenary and Facitation are directly contrary. Stamps, Præst. ca. 8, fo. 33. Wills, 2, ca. 5. Institution is a good Plenary against a common person, but not against the Kings, without induction. Coke on Litt. fo. 344.

Plenum, (Plenea, From the Fr. Pleunea, i. A warrant, or allarence.) See Replin.

Plate of Latin, (Anno 3 E. d. 4, ca. 5.) Seems to be a Measure then in use, as Yard or Ell now.

Plonets, (Anno 3 Rich. 3, ca. 8.) A Kind of coarse Woolen Cloth, otherwise called Vereste.

Plow-almes, (Elecromina rurales) Which was anciently 1 A. paid to the Church for every Plow-land. —De qualibets Canuta miserabiles intra Tuscia & Pennsulcam uniones defuncta querimus Plow-almes, 1 Pat. Mon. Aug. 1575.

Plow-lands, (Cunacta terra) The same with a Hide of Land, which side.

Plurality, (Piacunator) Anno 2 Hen. 8, ca. 3. Morceille, or the having more then one, most applied to such Churchmen, who have more Benefices then one. Solden in his Title of Honor, fo. 637. mentions also Tributes and Quoadualities.

Plurises, Is a Writ that lies in the third place, after two former Writs neglected or disobeyed. For, first goes out the Original Writ, which, if it beed not, then the scire alia; and, if that fail, then the Plurises. See Old Nat. Br. fo. 33, in the Writ de Excus capiendo. See in what variety of cases it is used in the Table of the Reg. of Writs.

Pocket of Wool, I shall a Sack. Inftr. fo. 56. See, Sack of Wool.

Pole, See Perch.

Polebabies, A kind of Canvas, wherewith Sail-ware is made, Anno 1 Jec. ca. 24.

Polein, (Anno 4 Edw. 4, ca. 7.) Was a sharp or picked top set in the fore-part of the Shoe or Boot. This fashion was first taken up in the time of King William Rufus the Pick being made so long, as they were tied up to the knees with silver or golden chains, and forbidden by Ed. 4. —Tunc fexos cinnamin, tune luxur quicumque sera, tune ulius calceorum cum aureis acerbae suiorem caeteros, Malmes, in Will. 2.

Policie of assurance, (Assurament) Is a course taken by those, who adventure Wares or Merchandise by Sea; whereby they, unwilling to hazard their whole adventure, do give some other person a certain rate or proportion, 8, 6, 8, or 10 in the hundred, or such like, to secure the safe arrival of the Ships and so much Wares at the place agreeed on. So that, if the Ship and Wares miscarie, the Affurers or Insurers make good to the Venturer so much as they undertook to secure; if the Ship arrive safely, he gains D d D D
Ponendum in Galliam, Is a Writ willing that a Prisoner be halted in cases bailable. Reg. of Writs, fo. 157.

Ponendum fictium ad exceptionem, Is a Writ whereby the King willeth Justices, according to the Stat. of Wofen. 26. to put their Seals to Exceptions laid in by the Defendant against the Plaintiff's Declaration, or against the Evidence, verdict, or other Proceedings before the Justices.

Ponente, (Pontegnium) Is a Contribution towards the maintenance or redressing of Bridges, Wofen. 2, c. 25. Anno 15 Ed. 1. It may also signify that taken to the purpose of those that pass over Bridges, Anno 1 Hen. 8. c. 20. Hen. 8. c. 5. & 39 Ed. c. 24. For Pontegnium certain effe quiet. de proprie pentium. Plac. in lim. apud Cestriam 14 Hen. 7.

Ponente re preparandis, Is a Writ directed to the Sheriff, to will him to charge one or more to repair a Bridge, to whom it belongs. Reg. of Writs, fo. 155. b.

Pocca. See Ride of Land.


Poster of the doz of the Parliament-house, Is a necessary Officer belonging to that high High Court, and enjoys the privileges accordingly. Group, build. part 3.

Poster in the Circuit of Justices, Is an Officer that carries a Verge or white Rod before the Justices in Eyre; so called a Postano virgum, Anno 1 Edw. 1. c. 41. See Vegere.

Post-grebe, (Sax. Post-genepe, i. Portus vel urbs prefidum, Post in the Saxon signifies the same with Civitas, and Genephe, orhive, a Collector of the Reents; (as in divers Lordships at this day,) Is a chief Magistrat in certain Maritime Towns; and, (as Camden says in his Brittan. p. 325.) the chief Magistrate of London was so termed; in head of whom Richard the First ordained two Bailiffs; but, presently after him King John granted them a Mayor for their yearly Magistrat.

Carta Willelmi Congestoris Gorin-
tis. London.

William, King, Crete William Bis-
chop, and Godfrey Porgere, and all the Burgesses within London, French and
English. And I grant you, that I will that ye do all your Law work, that ye were Edwardes bapes the King, and I told
that Ich Child be his Fathers Son, and I
null utter, that any man you any wrong
behe, And God you hepe.

Ex libro peto vho, bene Will.
King, Ar.

Portioner (Porconarius, or Portionarius,)
—Fuit universus good ego Ioannes Betelez, 
Porconarius secundz porcionis Ecclesie de Bram-
ond, deili. 1. 17, Nifi. 2. Where a Porcon-
ager is served by two or sometimes three Mi-

ATORS.
Postmen (Anno 12 Eliz. cap. 24.) The Twelve Burgess of Ipswich, are so called. All the inhabitants of the Cinque Ports are termed, according to Camden Britannia.

Portmore (from the Sax Posice, i. Portus & Gemon, i. Conventus) is a Court kept in Haven-Towns or Ports as Saeanum in the Forest. Marswood, par. 1. pag. 111. It is called the Portmore Court. Anno 43 Eliz. ca. 15. Curia Portmororum, est curia in Civitate Caerse, circa Magna in sola Motorum tenenda. Pl. in Tity. ibid. 14 Hen 7.

Portside (Anno 35 Hen. c. 37.) is the name of the ship, presently upon its arrival in the Port or Haven.

Pottage (Poffetto, qualis, Podis poissad) is twofold, actual, and in Law; the first, when a man actually enters into Lands or Tenements to him dedicated; the other, when Lands or Tenements are dedicated to a man, and he hath not as yet actually entered into them. Before, or until an office is found of Lands Echanted by Attainder, the King hath only Pottage in Law, and not in Deed. St. Tract. fol. 54. There is also an Office of Pottage, which the Common law Confidentiamento. As if the Lord parolze the Tenancy held by Heriot service, the Heriot is extinct by Unity of Pottage, because the Seigneurie and Tenancy are now in one Mans pottage. Kitchin, fol. 24. See other Divisions of Pottage in Bracton, lib. 3. cap. 17.

Port. See Por.

Postcommunication was first inserted in the Kings Title by Edward the Third, Anno 1328. Claes. 2. Eliz. 2. in Dorst. m. 33.

Post Dism. Is a Fee by way of Penalty upon a Sheriff for his neglect in returning a Writ after the day assigned for its return; for which, the Cogist Brevisium hath four pence, whereas he hath nothing, if it be returned at the day; sometimes taken for the Fee it felt.

Post Dilectum (Poff Dilecta) is a Writ given by the Statute of Wissen. 2. cap. 26. and lies for him that, having recovered Lands or Tenements by Precept quod reddat, upon default, or reddition, is again differed by the former Dilectum. Fitz. Nat. Br. fol. 190. See the Writ that lies for this in the Reg. of Writs, fol. 208. n.

Post Fine. Is a duty belonging to the King, for a Fine formerly acknowledged before him in his Court, which is paid by the Cognizant, after the Fine is fully paid, and all things touching the same accomplished: The rate thereof is so much, and half so much as was paid to the King for the Fine, and is collected by the Sheriff of the County where the Fine lies, whereof the Fine was levied, to be answered by him into the Exchequer.

Post Term. Is a Fee or Penalty taken by the Cogist Brevisium of the Court of Common Pleas only, for the Filing any Writ by any Attorney after the Term, or after time, in which such Writs are returnable; for which the Cogist Brevisium takes the Fee of x x d.


Posteriority (Posterioritas) the being or coming after or behind) is a word of Conviction and Relation in Tenure, the Correlative whereof is Priority. For a Man holding Lands or Tenements of two Lords, holds of his Ancient Lord by Priority, and of his latter Lords by Posteriority. Starm. Tract. fol. 10. b. 11. When one Tenant holds of two Lords, of the one by Priority, of the other by Posteriority. &c. Old Nat. Br. fol. 94. See 2 Inst. fol. 392.

Postnau. — 7 Fac. It was by all the Judges solemnly adjudged, that those, who, after the defeat of the Crown of England to King James, were born in Scotland, were no Aliens in England. And on the contrary, the Antenauri, or those born in Scotland, before the said defeat, were Aliens here, in respect of the time of their Birth. See Calendar Cafe, 7 Report.

Pot (Anno 12 Car. 2. cap. 6.) A Hand piece, for War.

Pot Albes (Anno 12 Car. 2. cap. 4.) Are made of the best Wood-sails, and used in the making of Soaps; some are made in England, but the best come from beyond Sea.

Pound (Parrceu) Signifies generally any strong inclosure to keep in Beasts; but especially a place of strength, to keep Cattle that are disstrained or put in for any Trespass done by them, until they be replevied or redeemed; and in this signification it is called a Pound Over, or open Pound, being built upon the Lords Wife, and is called the Lords Pound; for he provides it for the use of himself and his Tenants. See Kitchin, fol. 49. It is divided into Pound Open, and Pound Cloae. Pound Open, or Over, is not only the Lords Pound, but a Backside, Court, Yard, Patacre-Ground, or whatever else, whither the owner of the Beasts Impounded may come to give them Meat and Drink, without offence, for their being there, or his coming thither. Pound Cloae is then the contrary, viz. Such a one, as the owner cannot come into, for the purpose aforesaid, without offence; as some Cloae-houe, Caite, Fortress, or such like place.

Pound-break. See Pound-brack.

Poundage (Poundandum) is a Subsidy granted to the King, of all manner of Merchandize of every Merchant, Denizen, and Stranger, carried out of this Realm, or brought into the same, to the value of Twelve pence in every Pound.
Pound. This was granted to Henry the Sixth for term of his life, and to King Charles the Second, Anno 12 Car. 2. cap.4.

Pourtrait. See Portrait.

Pour fair proclaimed, that null inject fines eu ondieres en folttes ou Riberes yps Cities, &c. Is a Writ directed to the Mayor, Sheriff, or Bailiff of a City or Town, commanding them to proclaim, That none call orth into the Ditches or places near adjoyning, and, if any be cast already, to remove it. This is founded upon the Statute 12 Rich. 2. cap. 13, Fitz. Nat. Br. fol. 170.

Pourpartie (Partis, Proparit; vel Proparie.) Is contrary to Pro indiviso; for to make Pourpartie, is to divide and sever the Lands that fall to Parsoners, which before Partition they hold jointly and Pro indiviso. Old Nat. Br. fol. 11.

Pourpresture (Pourprusera; from the Fr. Pourpur, a Clove or Enclosure) is thus defined by Ganevlyt, lib. 3. cap. 9. Pourpresture of property, when aliquan super Dominum Regem in jusque occupatur; ut in Dominicae Regis, vel in vicis publicis observatur, vel in aquae publicae transferiti a vultus caus, vel quando aliquan in creatis super regnum planum aliquan a commodo, vel personali. &c. Jurisdiction, vel jurisdictione Regis. Tenementis, vel Regia in creatis. And by Compton, in his Juris, fol. 126, th. 2. Pourpresture is properly when a Man takes to himself or encroaches any thing, which he ought not, nor whether it be in any Jurisdiction, Land, or Franchise; and generally, when any thing is done to the Nuisance of the Kings Tenants. See Kitchin, fol. 10. And Manwad, par. 1. p. 263, & Para. cap. 10. Some Authors make three forts of this offence, one against the King, the second against the Lord of the Fee, and the third against a Neighbor, by a Neighbor. See 1 Inf. fol. 78 & 272.

Pour lester terre la femme que tient en Pouvoir. &c. Was a Writ whereby the King stilled the Land, which the Wife of his Tenant in Capite, deceased, had for her Dowry, if she married without his leave, and was grounded upon the Statute of the Kings Prerogative. cap. 3. See Fitz. Nat. Br. fol. 74.

Pourhibant (from the Fr. Pourhibier, Ager, posifque) Signifies the Messenger of the King attending upon Him in Wars, or at the Council Table, or Exchequer, or in His Court, or at His Chamber, to be sent upon any occasion or mischief; as for the apprehension of a party accused or suspepect of any offence. Those that are used in Martial Causes are called Pourhibants at Arms; whereas there are four of special names, which see in the word Herald. Story, Speaking of Richard the Third his end, hath these words, p. 784. His Body was naked to the Skin, not so much as one Clout about him, and was trussed behind a Purhibant at Arms like a Hog, or a Calf. &c.

Pourbeque (Profer, from the Fr. Pourvoir, a prendre, Proposer) Signifies an Officer of the King or Queen, that provides Corn and other Vittual for their House. Mentioned in Magna Charta, cap. 20, and other Statutes, but the Office is restrained by Stat. 12 Car. 2. cap. 2. See Pourroyance and Abbat.

Pourroyance (Fr. Pourroyance) Is the providing Corn, Fuel, Vittual, and other necessaries for the Kings House. By Stat. 12 Car. 2. cap. 24, it is provided, That no person of the King's Action, or other persons, to be called by colour of buying or making proposition of Pourroyance for His Majesty, of any Queen of England, for the time being, or that shall be, or for His, her, or any of their Household, shall take any Timber, Fuel, Carve, Cote, Grain, Salt, Pay, Straw, Vittual, Carve, Carriage, or other thing whatsoever, of any of the Subjects of His Majesty, His Devis, or Successors, without the full and free consent of the Dower or Owners thereof, had, and obtained without Licence or Enforcement, &c. See The Antiquity of Preemption and Pourroyance, &c. And 3 Inf. fol. 83.

Pouder of the Country (Pouche Comitatus) According to Lambert in his Ens, lib. 3. cap. 10, fol 309. contains the Ayd and Attendance of all Knights, Gentlemen, Yeomen, Laborers, Servants, Apprentices, and Villains, and of other young Men above the age of fifteen, within the County; because all of that age are bound to have Names by the Statute of Winchester. But Women, Ecclesiatical Persons, and such as are Decretal, or labor with any continual industry, shall not be compelled to attend. For the Stat. 2 Hen. 5. cap. 8. says: That persons able to travel shall be affianc'd in this service, which is used, where a Person is kept upon a forcible Entry, or any force or refuge used, contrary to the Command of the Kings Writ, or in opposition to the execution of Justice.

Poundage. See Poleman.

Popings Law, Is an Act of Parliament made in Ireland by Henry the Seventh and so called, because Sir Edward Popings was Lieutenan there, when it was made; whereby all the Statutes in England were made of force in Ireland, which before that time were not neither are now in force there, which were made in England since that time. See Coles 2 Rep. fol. 109. Hid. 15 Febr.

Pop in Ayd. See Ayd.

Poseum falsum, A Meadow or Mowing-ground. — for dicere quod praebiles placea tempore quo — Fuit Popum falsum, utique ad praedictum annum quod praebili W. fudam avverat. Tinn. 18 Edw. 1. in Bano. Ror. 50.

Prebend (Prebenda) Is the Portion which every Member or Canon of a Cathedral Church, receives in right of his place, for his maintenance. Canonica Portio is properly used for that share, which every Canon or Prebendary receives yearly out of the common stock of the Church; and Prebenda is a feudal Benefit of the same Temporal Land or Church,
Church, appropriated towards the maintenance of a Clerk or Member of a Collegiate Church, (as the Prebends of Ryton, and Copper at Maldeby,) and is commonly termed of the place, whence the profit arises.

Prebends are either Simple, or with Dignity, Simple Prebends are tho' that have no more but the Revenue towards their maintenance, Prebends with Dignity, are such as have some Jurisdiction annexed to them, according to the divers Orders in every several Church, Of this see more in the Decretals, tit. De Prebendis & Dignitatibus.

Prebends was also, in old Deeds, used for Prebendar. See Cerede.

Prebendar (Prebendarium) Is he that hath such a Prebend; so called a Prebendo ausilium & consilium Episcopo.

Precentor, Days works, which the Tenants of some Mannors are bound to give the Lord in Harvest, which in some places are corruptly called Blind days, for Bidden days, from the Sax. Bican, to pray or interest. Balduinis una bosata pro illo & Dime, & ii. Gallinas, & xx. Ova, & iv. Precentior, in Autumno, cum uno hone, bis berbice, femel falsare, femel fouam lavare, &c. Mon. Angl. 2 par. fol. 59. a. See Bedevere.

Peces partitio, When a Sute is continued by the Prayer, Affent, or Agreement of both Parties. Anno 13 Edwd. cap. 27.

Pecore (Pecopium) Is commonly taken for a Command in Writing, ten out by a Justice of Peace, or other-like Officer, for bringing a Peerton, or Records before him; or which, you have example of divers in the Table of the Register Judicial: And sometimis for the command or provocation, whereby one Man incites another to commit Felony, Theft, or Murder. Stamf. Pl. Cor. fol. 105. Bradn (lib. 3. tritt. 2. cap. 19.) calls it Pecopium or Mandatum 5 where we may observe three diversities of offending in Murder, Pecopium, Foris, Convictum: Pecopium, being the Indignation used before hand; Foris, the Affranchise in the Fact, as helping to guide the party murdered or robbed; Convictum, advite either before, or in the Deed.

Pecopia (Pecopiae, Anno 32 Hen. 8. cap. 24.) Were Benefices in a kinde, and so termed, because they were possessed by the more eminent folk of the Temples, whom the chief Mifer by his Authority created and called Pecopiae Temporis. Stephani de Furthlib. lib. 4. cap. 12. mun. 27. Of these Pecopiae, I finde scarce recorded, as anciently belonging to the Hospitaller and Temples in England, e.g. Greifing-Temple, Bathal, Shengay, Newland, Trefrey, Wither, Temple-Brune, Wiltzington, Ankeley, Ovenden, Temple-Combe, Trebygh, Kipton, Mount S. John, Temple-Neweley, and Temple-Edwy. Mon. Angl. par. fol. 443.

Pecore quod reddat, Is a Write of great Divinity, both in its Form and Use, for which the Ingulphus and Entry. This Form is extended as well to a Write of Right, as to other

Writes of Entry or Prestiption. Old Nat. By fol. 3. And Itt's Nat. By. fol. 5. And it is sometime called A Write of Right Cloze, when it iffes out of the Court of Chancery Cloze, sometimes A Write of Right Patent. As when it iffes out of the Chancery, Patents, and open to any Lords Court, for any of his Tenants deforced, against the Deforcor, and must he determined there. Of which, read more at large in Itt's Nat. By. ca. 4. 24.

Pecope in Capite (Magna Charta, ca. 24.) Was a Write flowing out of the Court of Chancery, for a Tenant holding of the King in Chief, as of his Crown, and nor of the King, as of any Hony, Castle, or Mannor. Reg. of Writs. fol. 6. b.

Pecope de Contract (Anno 2 Edw. ca. 25.) Is a Contract made before another Contract, chiefly in Relation to Marriages.

Pecope de Ittis (Dictum Predate) Are those which are paid of things arising and growing from the Ground only; as Corn, Hay, Fruits of Trees, and such like. Anno 2 Edw. 6. cap. 15. See Cokes 2 Injus. fol. 649.

Pecope de Preemption (Preemption) Was a Privilege allowed the Kings Purveyor, to have the choice and first-burying of Corn, and other Provision before others, for the Kings House, which is taken away by Stat. 12 Car. cap. 24.

Pecope de Prae (Prae) We commonly understand to be an Archbishop or Bishop: But thus says the Learned Spelman, Petri Ecclesiae vocantur superiores, ut Episcopi, ad eum Incumbent, ut Archbishops, Bishops, and Bishops Ecclesiastum. See innum, &c. Universum tuum Cathedrall quomodo prope Aspecis, nec non Patam Ecclesiastum. Clerii & laicis per Regnum Angli. confitebatur ibi, &c. Pag. 476.

Pecopes. See Habendum.

Pecopes. (Pecopes.) A Reward or Remuneration. Among Merchants it is used for that sum of Money, as Eight or ten per cent, which the Enquirer gives the Enquire, for ensuring the fair return of any Ship or Merchandise. Anno 2 Car. cap. 1.

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bid the offender take heed; or from the severity or grievousness of the Punishment. Of which, a Reaion may be gathered from the Form of the Writ, in old Nat Br. fol. 143, Praemunire factus faciat praetum praemunitionis & J. R. procuraverint, &c. Quod tune fint corrupti, &c. Which words can be referred to none, but parties charged with the offence. See 3 Inst. fol. 119.

Pender (from the Fr. Prenetre, i. acceperre) is the power or right of taking a thing, before it is offered. — If he is in Pender, but not in Pender. Coke Repl. 1 Part. Sir W. Peters. Case.

Pender de Baron, Signifies literally to take a Husband but it is used as an Exception, to disable a Woman from puruing an Appeal of Murder, against the killer of her former Husband. Stann. Pl. Car. lib. 3, cap. 9.

Pepoind (Peposind) Forethought, as Prepondertalibus (Malitia Praegustata) when a Man is slain upon a sudden quarrel, yet, if there were Malice Prepondersly between them, it makes it Murder, or, as it is called (in the Stat. 12 Hen. 7, cap. 7.) Preponders Murder. See Murder, and 3 Inst. fol. 51.

Peposindus Celicissis. See Church-rece

Pepraritio Militis, It used sometymes for the Constable of a Town, or Petit-Constable. Comp. Juris. fol. 225. However, the same Author fol. 194. seems to apply it otherwise, for there Exctur homines Prepondertos, are those four Men, that for every Town must appear before the Justices of the Forest in their Circuit. It is sometymes used for an Head or Chief-officer of the King, in a Town, Mannor, or Village, or a Castle. See Rece. Animad & res antecens earum ipsae & Sacerdote jugenda erant. L.L. Edw. Conf. cap. 8.

Perrrivation of the King (Perrrivagia Regis, from præ, -ante, and reger, to 55 or demand. For though an Act hath pass'd both Houtes of Parliament, yet before it be a Law, the Royal Affent must be asked and obtained.) Is generally that Power, Prerimincence, or Privilege, which the King hath over and above other persons, and above the ordinary course of the Common Law, in the right of his Crown — Poste Rex est leges sui dignitas, condonarit velit, statim mortem prorsum. LL. Edw. Confis. cap. 18. The Kings Person is subject to no Mans Suit; His Police are not be taken from Him, by any violence or wrongful Distress; His Goods and Chattels are under no Tributes, Toll, or Custom, nor Distressable, with very many other Regall Rights, and Privileges. See Stann. Prerog. and the Statute of the Kings Prerogative, Anno 17 Edw. 2, and 2 Plowdan, Caufa, Mines. Speeman calls it Lex Regis Dignitatis.

Perrrivation Court (Caria Prerogativa) Is the Court wherein all Wills are proved, and all Administrations granted that belong to the Archbishop, by his Prerogative, that is, in case where the deceased had Goods of any considerable value out of the Diocess, wherein he died, and that value
is ordinarily s l. except it be otherwise by composition between the said Archbishop, and some other Bishop, as in the Dioceses of London it is so. And if any contention arise, touching any such Will or Administration, the cause is properly debated and determined in this Court; the Judge whereof is called The Judge of the Prerogative Court of Canterbury. The Archbishop of York hath also the like Court, which is termed his Exchequer, but far inferior to this in Power and Profit. 4 Inf. fol. 395.

Prescription (Prescriptio) Is a right, taking its substance of use and time allowed by the Law. As when a Man claims any thing, because he, his Ancestors, or they, whose estate he hath, have had, or used it all the time, whereof no memory is to the contrary; or when, for continuance of time, whereof there is no memory, a particular person hath particular right against another particular person. *Ric. 4 Edw. 2. cap. 4. S. 4. That a Judge or Clerk convicted for false entering of Pleas, may be fined within two years, the two years being past, he prescribes against the punishment of the said statute. So the statute *Anna 11 Hen. 7. s. 4. That he, who will complain of Maintenance or Embracery, whereby Perjury is committed by a Jury, must do it within six days, those six days ended, the parties prescribe: And divers other statutes have the like Limitations of time, whence may arise a like Prescription. See *Action Perpetual and Temporal. See *Lamb. *Lilin. *ibid. ca.5. pag. 469. Of this Prescription, and the Learning touching time, you may read *Cokes Rep. *Letters Cafe, Vol. 9. fol. 84. and *Latches Rep. fol. 110. *Prescription est quod commissum, quod temporo cognovit, autoritates legum sim incapax, penam agitansius infers et finem tutius impossum. — *Augsburgensis *Prescriptionem omnem pretium alienum exclusit. Reformatio Legum Eccles. pag. 246. See 2 *Inf. fol. 653.4.

Prescription (Presentation) Is used properly for the act of a Patron, offering his Clerk to the Bishop, to be instituted in a Benefice of his Gift, the Form whereof see in Reg. of *Wills, fol. 235. a. See *Patron.

Present, Is the Clerk that is so presented by the Patron. In the Stat. 13 Rich. 2. cap. 1. mention is made of the Kings Presenters, that is, he whom the King presents to a Church.

Prestent, Is a meer demanation of the jurors themselves, or some other Officer, as justice of the Peace, Confidant, Searcher, Surveyor, &c. (without any information) of an offence inquirable in the Court, whereunto it is presented. *Lamb. *Lilin. *ibid. cap. 5. pag. 467.

President (Presfes) Is used for the Kings Lieutenant in any Province or Function; as President of Wales, York, Berwick, President of the Kings Council. *Anna 23 Hen. 8. cit. 8. And 24 Hen. 8. ca. 3. & 14.

Preft, Is used for a duty in Money to be paid by the Sheriff, upon his account in the Exchequer; or for Money left or remaining in his hands. *Anna 2 & 3 Edw. 6. ca. 4.

Prem Money, Is so called for the French word *Preff, i. *Pouvoir, *Expedition; for that it binds those that receive it to be ready at all times appointed, commonly meant of Soldiers. *Anna 18 Hen. 6. 19. — 3 Hen. 7. 1. — 3 Hen. 8. 5. And 2 Edw. 6. 2.

Presfation Money (Presfatio, i. A performing or paying) Is a duty of Money paid by Archbishops yearly to their Bishop, Pro eiremi* Jurisdictione. — *Et quiets fini a *Presfatione Moragii. *Carta Hen. 7. Bures; *Montgomery. *Presfatio was also anciently used for *Ponente. See Mr. *Phillips Book on that subject, pag. 222.2. and see *Pretensions.

Presumption (Presumption) Is of three sorts. 1. *Violent, which is many times *Piena Presumption, as if one be run through the Body in a House, whereof he instantly dies, and a Man is seen to come out of the House with a Bloody Sword, and no other Man was at that time in the House. 2. *Probable, which moveth little. 3. *Lexis *futura *moratoria, which moves not at all. So in case of a Charter of Feoffment, if all the witnesses to the Deed be dead, then *Violent Presumption, which stands for a proof, is continual and quiet Possession. *Coke on *Lilin. *ibid. ca. 1. fol. 2. *Presumption *statis *in *dubio, it is doubted of; yet it is accounted *Serius comes *quatenus in contrarium nulli de *probatio, et *sagula *se *habet: *Statuunt *presumptione domo *presumption in contrarium. *Presumption was anciently taken for infruption. — *Australis, *Roboia, *Starbuck, *Presumption est *vel *presumption Regis. *Tresfurnum inventum, &c. *LL. Henr. 1. cap. 11. De quis sunt de *lure *Regia.

Presumed Right (Presumption) Is where one is in possession of Lands or Tenements, and another who is out, claims it; and sues for it; here the Presumed Right or Title is to be in him, who so does sue and claim.

Price. See Value.


Pride-gabel. In the Manor of Rodley in *Con. *Glover, is paid to this day, as a Rent to the Lord of the Manor, by certain Tenants, in duty and acknowledgment to him for their liberty and privilege of Filing for Lampros in *Severn. (Prid for brevity, being the later syllable of *Lamprod, (as anciently they were called) and *Gabel, a Rent or *Tributum.) *Taylor's Hift. of *Gloucester, fol. 1. 2.

Pirma Beneificio. See *Beneficio.

Prima Beneficium (Prima Beneficio) Is a duty due to the Mariners and Sailors for the Loading of any Ship at the setting forth from any Haven, which is in some places a penny in the
the pound 5 in others six pence per Pack or Bale, according to the Custom of the place.

Primus Seisin (Prima Seisinum) was a Branch of the King's Prerogative, whereby he had the first possession of all Lands and Tenements held of him in chief, whereas his Tenant died seized in Fee, and consequently the Rents and Profits of them, until the Heir, if he were of age, did his homage, if under age, until he was. But all charges arising by Primus Seisin, are taken away by the Stat. 12 Car. 2. c. 24.

Prince (Princis) is sometimes taken for the King himself; but more properly for the King's eldest Son, who is Prince of Wales; and the Eldest Son to the French King is called Dauphin, both being Princes by their Nativity, their Glory and Virtue, pag. 138.

Before Edward the Second was born at Carnarvon, and was the first Prince of Wales, the King's Eldest Son was called Lord Prince, Stat. Praecon. c. 22. fol. 75. See 27 Hen. 5. c. 26. and 28 Edw. 1. c. 3.

Principal (Principalitum) an Heir-lorn, Quad. side. In Oxenfield Con. Heref. certain Principals, as the best Bealt, best Bed, best Table, &c. pass to the eldest Child, and are not subject to Partition. Also the chief person in some of the Inns of Chancery is called Principal of the House. See Ancient.


Prise perpetual, or Dathe and removable. Anno 9 Rich. 2. c. 4. and 1 Edw. 4. c. 41. Lord Prince of Saint John of Jerusalem. Anno 26 Hen. 8. c. 4. See Abbot.

Prise of Alien (Prises Alieni) Were certain Religious Men, born in France, and Normandy, and Governors of Religious Houses, erected for Outlandish Men here in England; which were by Henry the Fifth thought no good Members for this Land, and therefore suppressed, and the Living were afterwards by Henry the Sixth, given to other Monasteries and Houses of Learning, (Stowe Annals, pag. 322 and 1 Hen. 6. c. 27) but specially to the esteeming of those two famous Colleges, called the Kings Colleges of Cambridge and Eton, 2 Part Inf. fo. 84.

Privity (Priviatis) signifies an Antiquity of Tenure, in comparison of another less ancient. As to hold by Privity is to hold of a more ancient than of another. Old Nat. Br. fo. 394. So to hold by Peculistry is used in Stat. Praecon. c. 2. fol. 11. The Lord of the Privity shall have the custody of the Body, C. Compt. Jurid. fol. 120. See Peculistry.

Privilege (Privis, Fr. Priis) is that Custom or Share, that belongs to the King, or Lord Admirals, or of such Merchandises as are taken at Sea, by way of lawful Price, which is usually a Tenth part. 31 Eliz. c. 5.

Privilege of Wines (Anno 1 Hen. 8. c. 5.) is a word almost out of use, now called Butterage, (because the Kings chief Butlers receives it) which is a Custom whereby the King challenges out of every Bark laden with Wine, containing Twenty Tuns or more, two Tuns of Wine; the one before, the other behind the Malt at his price, which is Twenty Shillings for each Tum; yet this varies according to the Custom of the place, for at Boston, every Bark laden with Ten Tuns of Wine, or above, pays Prigise. See Butterage, and Cattleb. Reports, fol. 120. And 4 Part Inf. fol. 30.

Memorandum, quod Rex habet eas antiquae confutundae de quatuor Nave Mercatoria Voins & Caracat. Applicat, in his alicujus partum Angiae de viginti dollis deu duo dolla et decem dollis unum de Priis Regis pro quodam certo ab antiquo constitut sevend. F. Rec. 20 R. 2.

Prise (Prisae) from the Fr. Prisere, i. Capere signifies in our Statures the things taken of the Kings Subjects by Purveyors. Anno 13 Edw. 1. c. 7. and 25 Edw. 1. cap. 2. It signifies also a Custom due to the King. An 25 Edw. 1. cap. 4. Reg. of Wris, fol. 117. b. In foras paginis antiquo (fays the Learned Spelman) Prise plurimum intelligenter de annuo vexque foenum qui aomini necessitatur, ad utendas infraueque candidas praestitae; nisi non & regium familiarum mini qui jam proe proest agricola ex pop. &c. In Repr. quodam Anno 3 Edw. 1. Norf, II. Regni de Monte alta, qui foranem & hanc dem Hugonis de Albinc, &c. disponaverat, clamin habe liberates bis subscriptas, &c. Castellum suum de Rijngem cum Priis 40 dorum, &c. Ubi Claudiam cum Priis 40 dorum intellige liberate capiendi vidissima que vocale act substantiae praeferendi militis Castri fami; ita quod pretium reddit intra 40 dies. See the Stat. 12 Car. 2. c. 24.

Prisoner (Fr. Prisionnaire) signifies one that is restrained of his liberty upon any Action, Civil, or Criminal, or upon Commandment. And a Man may be Prisoner upon Matter of Record, or Matter of Fact: Prisoner upon Matter of Record, is he, who, being present in Court, is by the Court committed to Prison, only upon an Arrest, be it by the Sheriff, Constable, or other. Statut. Pl. Cur. Lib. 1. c. 55. fol. 4 & 85.

Privation (Privation) A bereaving or taking away: Most commonly applied to a Bishop, or Reeve of a Church; when by Death, or other act, they are deprived of their Bishops or Benefice. See Coke on Littl, fol. 239.

Priby (Fr. Pris, i. Familiaris) signifies him that is partaker, or hath an interest in any Action, or thing; as Priby of Blood, Old Nat. Br. fol. 117. Every Heir in Tail is Priby to recover the Land instated. Eodem, fol. 173. Merchants Priby are opposite to Merchant Strangers. Anno 2 Edw. 3. c. 29. & 14. Coke (i.ibis. Walker's Cases, fol. 239. And ibis. fol. 143.) mentions four kinds of Priby, viz. Priby in Blood, as the Heir to his Father 3 Priby in

Repre.
Representation, as Executors or Administrators to the deceased; Privity in Estates, as he in Resi-

dition, and he in Reminiscence, when Land is
given to one or more, and no further in Fee; the
reason is, that for their Estates are created both
at one time: The fourth is Privity in Tenure,
as the Lord by Easement, that is, when Land Eas-
ements to the Lord for want of heirs. The Ex-
pounder of Law-terms adds a fifth sort of Privity,
whom Fee, and Coke on Litt. lib. ii. cap. 8.
See 161.

Privilegium (Privilegium) is a Seal that
the King willed to such Grants, or other things
as pass the Great Seal; First, they pass the
Privy-Council, then the Privy-Secr., and lastly
the Great Seal of England. The Privy-Secr.
also sometimes used in things of lesser con-
sequence, that do not all pass the great one.
No Writs shall pass under the Privy-Secr.,
which touch the Common Law. 2 Inso. fol.
534.

Privilege, (Privilegium) is either per-
sonal or real: A personal Privilege is that which
is granted or allowed to any person, either
against or beside the course of the Common-
Law; as, a Member of Parliament may not be
Arrested, nor any of his menial servants in the
time of Parliament, nor for certain days before
and after. A Privilege real is that which is
granted to a place, as to the Universities, that
none of either may be called to Westminster-
Hall, or prosecuted in other Courts. See the
New Book of Entries, verbo, Privilege, Privi-
legeum ejus sanguis, hoc ejus, privata lex,
guale bonum se loco, sed Collegio & similibus
aliis concedens.

Privy, (Fr. Privé) Private Familiarity,
Friendship, inward Relation. It is there be
Lord and Tenant, and the Tenant holds of the
Lord by certain services, there is a privity be-
tween them, in respect of the tenure. See Privi-

Probat of Testament, (Probatio testa-
mentorum) is the exhibiting and proving Law
Wills and Testaments before the Ecclesiastical
Judge, delegated by the Bishop, who is Ordina-
tory of the place where the party dies. If all the
deceased parties Goods, Chattels, and Debts
owing him were in the same Diocese, then the
Bishop of the Diocese, or the Arch-deacon (as-
cording as their composition or prescription is)
has the Probat of the Testament; if the Goods
were divers in divers Dioceses, so that there
were any sum of note, (as five pounds ordi-
narily) out of the Diocese where the party
died, then is the Arch-Bishop of Canterbury (or
York) the Ordinary by his Prerogative. This
Probat is made in two forts, either in common
form, or per tropis; The first, is only by the
Oath of the Executor, who swears upon his
credibility, that the Will by him exhibited,
is the last Will and Testament of the Party de-
ceated. Per tropis is, when, besides his Oath,
he also produceth Witenesses, or makes other proof
to confirm the same; which latter course is
taken most commonly, where there is fear of frie

or dispute about the Testators Goods: For, it
is held that a Will proved in common form one-
ly, may be call'd in question any time within
thirty years after. And, where a Will dispo-
ses of Lands, or Tenements of Freehold, it is
now usually proved by Witenesses in Chancery.

Procedendo, Is a Writ, whereby a Plea, or
Caule, formerly called from a base Court to the
Chancery, Kings-Bench, or Common-Placs, by
Write of Priviledge, or Certiorari, is released,
and sent again to the same Court to be pro-
ceeding in there, after it appears that the Defendent
has no cause of priviledge, or that the matter
comprised in the Parties allegation or sugges-
tion is not well proved. Brooke, hoc toto, and
Coke, volum. 6. fo. 62; See 2 Ann. 1st Rich. 2. cap.
11. Letters of Procedendo, granted by the
Keeper of the Privy-Secr., See what dividend
it is used in the Table of the Register of
Writs Original and Judicial. 2 Ann. 1st Inc.
ca. 22.

Proces, (Processus, a procedendo ab initi
uito ad finem) Is so called, because it pro-
ceeds (or goes out) upon former matter, ei-
ter Original or Judicial, and has two signifi-
cances. First, it is largely taken for all pro-
ceeding in any real or personal, civil or criminal
Action, from the Original Writ to the end.
Bruton, fo. 138. Secondly, We call that the
Process, by which a man is called into any Tem-
poral Court, which is always in the name of the
King. See Lamb, in his Tract of Processes
adjoining to his Eiren. Divers kinds of Proces-
ses upon Indictments before Justices of the
Peace, fine in Gram. Justice of P. fo. 134. Speci-

Procesuum continenda, Is a Writ for the
continuance of a Process, after the death of the
Chief Justice, or other Justices in the Writ or
Commission of Oyer and Terminer. Reg. of Writs,
fo. 128. a.

Procchein amp, (Fr. Procès en amiable, præmii-
num amicum) Is used for him that is next of kin to
a child in his nongage, and is in that respect al-
low'd by Law, to deal for him in managing his
affairs; as to his Guardian, if he hold in Scoage,
and in the redes of any wrong done him, 2 Stat.
Westm. 1. ca. 48, and Westm. 2. ca. 15.
and is, in the prosecution of any action at law,
per Gardianum, when the Plaintiff is an Infant,
and per præmii num Amicium, where the Infant
is Defendant. See 2 Inso. fo. 261.

Proclamation, (Proclamation) is a notice
publicly given of any thing, whereof the King
thinks fit to advertise his Subjects; so it is used
Ann. 7 Ric. 2. ca. 6. Hen. 8. ca. 8. Pro-
clamation of Rebellion is a Writ so called,
whereby publick notice is given, where a Man,
not appearing upon a Subpensa, nor an Attach-
ment in the Chancery, shall be reputed a Re-
bel, if he render not himself by a day assign-
ed in this Writ. See Commission of Rebel-

Proclamation of a Fine, Is a notice openly
and solemnly given at all the Affizes, held in

F F E
the County within one year after the ingrossing it; which Proclamations are made upon transcripts of the Fine, sent by the Justices of the Common-Pleas to the Justices of Assize, and of the Peace. Wpij. Part 2. Symbol. tit. Fines. Scrip. 132. where also you may see the form of the Proclamation. Proclamation of pardon & wafte clamarce. See Proclamations in divers cafes. New Book of Entries, verbo Proclamations.

Pro consulo, Upon a Bill exhibited in Chancery, where the Defendant appears, and is in contempt for not answering, and is in custody; upon a habeas corpus (which is granted by order) to bring him to the Bar, the Court adjuges him a day to answer, which being expired, and no answer put in, a second habeas corpus is likewise granted, and a further day adjused, by which day, if he answer not, the Bill, upon the Plaintiffs Motion, shall be taken pro confesso, unless cause be shewed by a day, within which the Court does usually give 3 and, for want of such cause shewed upon Motion, the Substance of the Plaintiffs Bill shall be decreed, as if it had been confessed by the Defendants Answer. As it was the case of Filmore and Denny Hill. 1664. or, after a fourth and insufficent Answer made to the Bill, the matter of the Bill, not sufficiently answerd unto, shall be taken pro confesso.

Procurator of the Clergy, (Procureurs Cleri) Are those who are chosen and appointed to appear for Cathedral or other Collegiate Churches, as also for the common Clergy of every Diocese, to sit in the Convocation House in the time of Parliament. The manner of their election see in Canons Interpreter on this word. See Procurator and Convocation, and see 4 Inst. fo. 4.

Procurations, (Procurationes) Are certain sumus of Money which Parish-Parishes pay yearly to the Bishop or Arch-deacon, votoe visitationis; they were anciently paid in necessary Visitations for the Visitor and his Attendant; but afterwards turn'd into Money. Procuration is defined by Vallesia, to be necessariums fimptum exhibitione, qua, votoe visitationis, defitor accincta vel manifesteri ei cui ex officio incumberat & unus visitant, seque se Episcopus seque Archebucanus, seque Decanum, seque Legatus, summis pontificis. Anno 1290. Mod. quod in Mercedis in Esco Santa Luca Evang. Dominus Episcopus capiit Procurationem sumum in cible & postibus apud Bordeley, & pertinet omnibus. Gift. fo. 264. See an Historical Discourse of Procurationes and Synodales, Printed Anno 1661. These are also called Proxies; as Archibucanatus Glouc. votoe clami in Proxii, Canz. & Pemiscop. per ann. 64. 1. 10. 0. Ex Record Primitivis. 36 Hen. 8. See Dies. fo. 273. b. and Clas. Rot. 31 Ed. 1. 13. 15. d. 10. Procurator, (Anno 3 Rich. 2. Stat. 1.c. 5.) See Procurator.

Procurator, Is used for him that gathers the fruit of a Benefice for another Man. Anno 3 Rich. 2. Stat. 1. 16. 5. And Procuracy for the writing or instrument, whereby he is Authorised. They are at this day in the West parts called Proctors.

Procuratus. See Maltese Procuratus.

Profe, alias Profe, Is used for an Enquest. Anno 28 Ed. 3. ca. 13.

Profe, (Promunium, vel Prosrum, from the Fr. Proceed, Proedere, Edicere, Agerari,) Is the time appointed for the Appointments of Sheriffs, and other Officers, in the Exchequer, which is twice in the year. Anno 51 Hen. 3. Stat. 5. which may be gathered also out of the Registrer, fo. 139, in the Writ De Attornato vicecominio pro prejor faciendo. We read also of Profe, Anno 92 Hen. 8. ca. 21. in these words: Trinity Term Hall begin the Monday next after Trinity Sunday, whensoever it shall happen to fall, for the keeping of the Ex Cortes, Proters, Returns, and other Ceremonies heretofore used and kept. In which place Profe signifies the offer or indenavor to proceed in an Action by any Man, concerned so to do. See Britton. ca. 26. fo. 50. b. 55. a. 58. b. and Edict. lib. 1. ca. 38. Seft. Utraligat & seq. —Proteres idem Henricus de Hallings, & unceffers suis solumae capace & de jure habere rationabiliter opus facturum Scaccarium munis annos pro Domino Profe faciendo & una compusa reddenda per annum, &c. Easact. Anno 39 Ed. 1. n. 19.


Prohibitions, (Prohibita) Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Cause there depending upon suggestion, that the cognition thereof belongs not to the said Court. Fiz. Nat. Br. fo. 39. G., but is now usually taken for that Writ, which lies for one that is impeached in the Court Christian, for a Cause belonging to the temporal Jurisdiction, or the Cognizance of the Kings Court, whereby, as well the Party and his Counsel, as the Judge himself and the Register are forbidden to proceed any farther in that Cause. See Brakbrooke, hor titulus, and Fiz. Nat. Br. fo. 93. and Britton, lib. 5. Tract. 7. ca. 1. juice ad. 12. who saies, that it lies not after Sentence given in any Cause. And the Stat. Anno 40 Ed. 3. ordains, that but one Prohibition should lie in one Cause. See the diversity of Prohibitions in the Table of the Register of Writs, New Book of Entries, on this Word, and 2 Part. Inst. fo. 601.

Prohibito de bando directa parti, Is a Writ Judicial directed to the Tenant, prohibiting him, from making Weils upon the Land in controversy, during the Sute, Reg. of Writs Jud. fo. 21. It is sometimes made to the Sheriff, the example whereof you have next following in the same Book.

Prohibito in obisio of Occupation of Lands or Tenements, belonging to two or more persons, whereof none knows his several portion; as Coparceners before partition. Britton, lib. 5. Tract. 2. ca. 11. Num. 7.

Prolocutor
Prosecutor of the Convocation House
(Praeceptor Domus Convocationis) is an Officer
chosen by Persons Ecclesiastical, publicly as-
sembled by verite of the Kings Writ at every
Parliament: And as there are two Houses of
Convocation, so are there two Prosecutors, one
of the higher House, the other of the lower;
the latter of which is, presently upon the first
Assembly, by the motion of the Bishops, chosen
by the Lower House, and preferred to the
Bishop for Prosecutors of the Lower House, that
is, the person, by whom they intend to del-
deliver their Resolutions to the Higher House,
and to have their own House especially order-
ed and governed. His Office is to cause the
Clerk to call the names of such as are of that
House, when he fees caute, to read all things
proposed, gather suffrages, and the like.

Prosecutors (Promotoris) Are those, who
in Popular and Penal Actions, do prosecute
Offenders in their name, and the Kings, having
part of the Fines or Penalties for their reward.
These among the Romans were called Legibus-
pulatores or Delatores. They belong chiefly
to the Ecclesiary, and Kings Bench. Smith de Re-
them Turbidium hominum genus. 3 Inst. fol.
171.

Promulgated (Promulgatus) Published, pro-
claimed. Ann. 6 Hen. 8. c. 44.

Promotor or Prothonotary (Promotori-
arius. 1. Primi notarius) Is a Clerk of the
Common Pleas, and Kings Bench, whereof the
first hath three, the other one for the Pro-
notary of the Common Pleas (Ann. 5 Hen. 4.
cap. 14.) is termed a chief Clerk of that Court.
He has the Kings Bench Records all Actions
Civil, as the Clerk of the Crown Office does
all Criminal Causes in that Court. Those of
the Common Pleas, since the Order of 14 Jac.
upon an Agreement made betwixt the Protho-
notaries and Fisculars of that Court (who before
did enter all Declarations and Pleas, where-
unto a Serjeants hand was not required) do enter
and enrol all manner of Declarations,
Pleadings, Affidavits Judgments, and Actions.
They make all the Judicial Writs, except Writs
of Habeas Corpus and Diffinings Jurors, for
which, there is a particular Office not much be-
yond the memory of Man existed, called The
Habeas Corpus Office. They also make all Writs
of Execution, and of Seisein, Writs of Privi-
ledge, for removing Causes from other Inferior
Courts of Record, in ease where the party hath
cause of Privilege. Writs of Proceedenda, of
Seize Executions in all Cases, and Writs to enquire
of Damages, and all Proceeds upon Prohibi-
tions, and upon Writs of Animas Querellas,
and False Judgment, Cum multis aliis. They
enter, and enrol all common Recoveries; and
may make Exemplifications of any Record in
the same Term, before their Rolls are made
up and brought into the Treasury of Records in
that Court.

Praetorius Liberandis, Is a Writ for
the Partition of Lands between Co-heirs. Reg.
of Writs, fol. 316.

Property (Proprietor) Is the highest right
that a Man hath, or can have to any thing, and
no ways depending upon another Mans curtefe.
Which none in our Kingdom can properly be
said to have in any Lands or Tenements, but
only the King in right of his Crown: Because
all the Lands throughout the Realm are in the
name of Fee, and hold either mediate or immedi-
etly upon the Crown. This word nevertheless
is used for that right in Lands and Ten-
ements that common persons have; because it
imports as much as Sale Dominiun, though not
necessari. See Fee.

Prophecies (Propheciae) Are in our Sta-
rates taken for wizzardly fore-tellings of Mat-
ters to come, in certain hidden and enigmatical
Speeches; whereby great commotions have
been often caused in this Kingdom, and great
attempts made by those, to whom such Speeches
promised good successe, though the words are
mythically framed, and point only at the Con-
spiracies, Arms, or some other quality of the
parties. Ann. 3 Edw. 6. c. 15. And 7 Eliz.
cap. 11. And 5 Eliz. cap. 15. But there for
disaffection sake, are called Fand, False, or Pla-
testarial Prophecies. 3 Inst. fol. 128.

Propounders. The 85 Cha. of Cates. 3 In-
situtes, is entitled, Against Monopolis, Pro-
ponders, and Proitors; where it seems to be
used onely as a Synonim to Monopolis.

Proprietary (Propriarius) Is he that hath
a property in any thing, leg. nullius arbitrio
off obnixia. But it was heretofore most com-
monly used for him that hath the Fruits of a
Benefice to himself, and his Heirs, or Succes-
sors, as in time past, Abbots and Priors had
to them and their Successors. See Appropri-
cation.

Proprietary Probands, Is a Writ that
lies for him, who would prove a property before
the Sircourt. Reg. of Writs, fol. 83. & 85. For
where a Property is alleged, a Replevian pro-

16 Car. 2. c. 6.

Pro rate portions. See Quaeranda partes
propriarum.

Pro rogare (Prora) To prolong, defier, or
put off to another day, to continue. Ann.
6 Hen. 8. cap. 6. The difference between a Pro-
rrogation, and an Adjournment or Continuance
of the Parliament, is, That by the Prorogation
in open Court, there is a Seifion, and then such
Bills as palled in either House, or by both Hou-
ses, and had no Royal assent to them, must
at the next Assembly begin again: For every
Several Seifion of Parliament is in Law, a se-
veral Parliament; but if it be but adjourned or
continued, then there is no Seifion, and con-
sequently all things continue in the same state
they were in before the Adjournment. 4 Inst.
fol. 27.
Prosecutor? Is he that followeth a Cause in an other name. See Promotor.

Protection (Protectio) Is generally taken for that benefic and safety, which every subject, denizen, or alien, specially secured, hath by the Kings Laws. Ann. 25 Edw. 3, cap. 22. And it is used specially for an Exemption or Immunity, given by the King to a person a ait Sates in Law, or other vexations, upon reasonable causes hath thereto moving, which is a Branch of His Prerogative. And of this Protection, Fitzherbert (Nat. Br. fol. 58.) makes two foils: The first he calls a Protection, cum clausulis, Volumus—Whereof he mentions four particulars. 1. A Protection, Quis protectione, for him that is passed over Sea in the Kings service. 2. Quis navigatus, for him that is abroad in the Kings service upon the Sea, or in the Marches. Ann. 7 Hen. 7, cap. 23. For the Kings Debtors, that he be not sued, till he be paid his debt. Ann. 15 Edw. 4. And 4. in the Kings service beyond Sea, or on the Marches of Scotland. Ann. 12 Ric. III, cap. 3, Reg. of Writs, fol. 23. And Briton, cap. 123.

The second form of Protection is Cum clausulis Nullae, which is granted mostly commonly to a Spiritual Company for their Immunity from having their Cattle taken by the Kings Ministers: But it may also be granted to a single person Spiritual or Temporal. Protection extends not to Place of Detention, Quare Impedit, or Anne into the Office of Novell Diffinit, Daretin Prenuntiat, or Place before Justices in Eyre. See New Book of Entries on this word.

Proto-Forester, Was he whom our ancient Kings made chief of Windfor Forest, to all claims of death or marriage there. Imp. Brit. pag. 243. A kind of a Lord Chief Justice in Eyre.

Protest (Protestare) Hath two divers Applications, one is by way of cælum, to call witnesses (as it were) or openly to affirm, That he doth either not at all, or but conditionally yield his consent to any act, or unto the proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oaths, further then he is by Law bound. Reg. of Writs, fol. 366. b The other is by way of complaint to Protest a Mans Bill: As if I pay money to a Merchant in France, taking his Bill of Exchange to be paid in England by his Factor or Assignee, if at my coming I finde not my self satisfied, but either delayed or denied, then I go into the Exchange, and Protest that I am not paid or satisfied by him. And therupon, if he hath any Goods within the Realm, the Law of Merchants allows me satisfaction out of them.

Protestation (Protestatio) Is (as Justice Wryth defines it) a defence of safeguard to the party that makes it, from being concluded by the Act he is about to do, that if he be not joined upon it. Plowden, fol. 276. b. It is a Form of pleading, when one does not directly affirm, nor directly deny any thing that is al-leaged by another, or which he himself al-legeth.

Pro bono nobili. See Promotor.

Proctor See Profe.


Provincia (Provincia) Was used among the Romans for a Country, without the compacts of Italy, gained to their subjection by the Sword, of which, that part of France next the Alps, was one, and still retains the name. But with us a Province is often usually taken for the Circuit of an Archbishops Jurisdiction, as the Province of Canterbury, and that of York. Ann. 32 Hen. 8, cap. 23, and 33 Epis. cap. 31. Yet it is often used in our Statutes for several parts of the Realm; and sometimes for a County. —De Placito Aggeste que fuit usque ad Rupinum de Berris et Provinciam desinere. Prior dictus, quod nulla villa est in Provincia illa, qua fuit vacatur. Placentia, de Juratis & Aliis apud Derby. Pass. 53 Hen. 3. Rot. 2.

Provincia (Provincia) Is a chief Governor of a Religious Order, as of Friars, & Ann. 4 Hen. 4, cap. 17.

Provocation (Provocatio) Is used with us, as it is in the Canon Law, for a provoking a Bishop, or any other person with an Ecclesiastical living, by the Pope, before the Incumbent be dead. It is also called Gratia expellentis or Mandatum de providendo. The great abuse whereof through all Christendom heretofore, you may read not only in Dunsden de sacra Ecclesia Ministeris & Beneficiis, ib. cap. 2. But also particularly in England, mentioned in divers of our Statutes. & 35 Edw. 3, cap. 22. stat. 4. & 5. commonly called the Stat. De Provisi onibus, & 27. & 38. Ejusdem. & 2. Ann. 2 Rich. 2. cap. 7. & 3. & 7. Ejusdem. & 2. Ann. 2 Hen. 4. cap. 5. & 4. & Ann. 3 Hen. 5. cap. 4. See Premunire.

Probabilis, Is generally taken for him that hath the care of providing things necessary: a Purveyor; but more especially in our Statutes it signifies one that is bound to the Court of Rome for a Provission, (which Vide supra.) Old Nat. Br. fol. 143. who were prohibited by Proclamation, 43 Hen. 3. Ann. 1258. Hol. pag. 259. b. 13. Provistiores dicuntur, qui velit Episcopatum seu Ecclesiarum abhinc Dignitatem in Romanam Custudem faciendam ad futurum, quod ex gratia expellentis nuncupatur, quae aegritudinem undique expellendum esset. Spel.

Probatio, Is a Condition inferred into any Deed, upon the observance whereof the validity of the Deed depends; it sometimes signifies a Covenant. Cokes a Rep. Lord Cronesel C. and
Café. It hath also another significacion in matters Judicial; as if the Plaintiff or Defendant be law or defilt in prosecuting an Action, by not bringing it to a Tryal, the Defendant or Tenant may take out the Venire Facias to the Sheriff, which hath in it these words Provo quod;—To this end, if the Plaintiff take out any Writ to that purpose, the Sheriff shall Summon but one Jury upon them both. In which case, we call it, bringing down the Record, or going to Tryal, by Provo. See Old Nat. Br. fol. 269. In Nisf Print.

Produt-Parrhal: An Officer in the Kings Pay, who hath charge of the Prisoners taken at Sea. Anno 13 Car. 3 cap. 37. art. 36. And is sometimes used for a like purpose at Land, or to seize or arrest any within the Jurisdiction of his place or office.

Pogge. See Synge. Quare, It be not the payment of French or Provisions.

Porter (Sir John Davies Rep. fol. 42.) Are yearly payments made by Parish-Priests to their Bishop or Archdeacon, Rations Visitationis. See Provisions, and the Case, Inter Regem et Sir Ambrose Park, in the Exchequer.

Poth. Is a kind of Service and Tenure.


Publick Faith, (Fides Publica.) Anno 17 Car. 1 cap. 18. Was a Rebellious Cheer, to raise Money of the induced People, upon the Publick Faith of the Nation, to make a wicked and useles War against a most Religious and Gracious Sovereign, which began in or about the year 1642.


Pudhecpe (Sax.) —Si Pudhecpe (i. nemoris cenho) Pasco Regis vel Forester siat. 50 mense, emendatur, nisi Proprietor proprie populus extinguat. LL. Hen. 1. cap. 38. But the Learned Spelman believes it to be falsely written, for the Saxon pubhecpe, i. Wadhepec, the W. in that Character being like the P. in ours.

Pudzeld (Coke on Litt. fol. 253.) The same with Woodwell; 3 for it seems to be a mistake of the Saxon pubzeld.

Purifie (Fr. Poufesse) Younger, Puny, born after. See Muther.

Pundbrecch (A Sax. Pund, i. Parseu & brecch, i. spruc) Si Pundbroch (i. Frattura Pare) sat in Curia Regis plena Wyta siat, aliis quantum maneat. LL. Hen. 1. cap. 49. It is the illegal taking of Cattle out of the Pound, either by breaking the Pound, picking the Loes, or otherwise.

Purchas (Purchass, from the Fr. Pourchafer) Is to buy Land or Tenements with One Money, or otherwise gain it by one industry, contrariwise distinguished from that which comes to one by desert from his Ancestors. Guifridus de Mandeville Comes Effexensis fundus Cambri Sancti Jacobis Waldestis in Charta prima —Consule, &c. comes Eecfisias inferius annotas, tam de Domino meo, quam de dopris & Purchatis, &c. Pontif-Purcus (conjugianum purpursium.) Reg. of Wris, fol. 145. Is where two persons or more pop in a Purchase of Lands.

Purifor of a Womans Dowry (from the Fr. Poufesse, Anno 35 Hen. 8 cap. 2.) A sort of trimming for Womans Gowns, then in use; it was made of Tinsel, or Gold-Thread, or Lace, and was also called Bauden Work. So Cam, tis Shilling, speaks of a Mantle or Shag-rug, with a deep fringed Purse.

Purgation (Purgatio) Is the clearing ones felt of a crime, whereas he is probably and publicly suspected, and thereof accused before a Judge. Of this there was great use in England, touching matter of Felony imputed to Clerks in former times, as appears by Stanf. Pl. Cor. lib. 2. cap. 48. and Wolf. pl. cap. 2. See Clergy. It is still observed in matters pertaining to the Ecclesiasticall Court, as supplication or common fame of incontinency, or such like.

Purgation is either Canonical or Vulgar; Canonical, is that which is prescribed by the Canon Law; the form whereof, is usual in the Spiritual Court, the person suspected taking his Oath, that he is clear of the Fact objected; and bringing to many of his honest Neighbors, not above Twelve, as the Court shall affign him, to swear upon their Confidences and Credulity, that he swears truly: The Vulgar, and ancient manner was by fire, or water, or by combat, used by Infidels and Christianes, till by the Canon Law it was abolislhed. But Combat, though now difufed, may be still practiced by the Laws of the Realm, in Cafes doubtful, and where there is a want of evidence, or other proofs, if the Defendant shew rather the combat, then other tryal. See Ordal and Combat.

Purification Beate Marie Virginis. (Anno 35 Hen. 8 cap. 21.) See Candelma.

Purile or Purilee (from the Fr. Pur, i. Pur, & lieus.) Is that which is ground near any Forset, which, being made Forset by Henry the Second, Richard the First, or King John, were by Perambulation granted by Henry the Third, however from the same, and became Purile, i. Pure and free from the Laws and Ordinances of the Forset. Mansword, Par. 2. For. Laws, cap. 25. See the Stat. 33 Edw. 1. stat. 5. And the Perambulation whereby the Purile is Deascribed, is called Purulace, i. Perambulatius. 4 Init. fol. 53.
Penwortham, qui est quaedam Cella Albatiæ de Everham, pro se & Ministris, equo & garceoibus sui, per annum dicti & duas menses, de tribus septimainis in tres septimanias, viz. de viabilium, ut in effectuini, & poculinitati, ad eum Priusam præfìiti, indebito.

Pyner alias Pyear, A Kind of Ships mentioned Anno 31 Edw. 3. Stat. 2. ca. 2.

Pirate. See Pirate.

Quadragesima Sunday, Is the first Sunday in Lent, and so called, because it is about the fortieth day before Easter. See Quinquagesima.

Quadranta Terra. See Fardesia.

Quadratura Terra, A Team Land; Quo quæque equum agitis. — Willelmos Prior de Tuttebek. & omnes Monaci ejusdem loci concessi illum & procuras Urnas de Aeciur & herbaciu; suis unam Quadraturam term que assinit ad Manse de Matheia Jolam & quiasam jecum renitit in diebus Henri de Ferr. Sec. pro eis so. redd. per ann. ad Esam S. Martinii, &c. Sinct dat. M. S. Will. Burgale At.

Quinque, Was a Writ that lay where an Inquisition had been made by an Exchequer, of such Lands or Tenements, as any man died seized of, and all was supposed not to be found by the Office; this was therefore to enquire what more Lands or Tenements the party dyed seized of. The form see in Reg. of Writs, fr. 293, and in Fiz. Nat. Br. fo. 595. This Writ is now made useless by taking away the Court of Wards and Offices from mortmain. Anno 12 Car. 2. ca. 62.

Quiræns non inbibis plegiium, Is a return made by the Sheriff, upon a Writ directed to him, with this Condition infected. Si A. Secet B. Securum de clamato suo prosperso, Sec. Fiz. Nat. Br. fo. 38.

Quæte leticia, Is a Writ. See Per qua sevisita.

Quam diu se bene geste, Is a Clause often used in Letters Patent of the Grant of Offices, as in these to the Barons of the Exchequer; which must be intended in matters concerning their Office; and is no more then the Law would have implied, if the Office had been granted for life. A Inf. fo. 147.

Quæte judic., Is a Writ Judicial, that lies, where a man of Religion has Judgment to recover Land, before execution is made of the Judgment; for this Writ must go forth to the Exchequer, between Judgment and Execution, to enquire whether the Religious Person has right to recover, or whether the Judgment be obtained by Collusion between the Demandant and Tenant, to the intent that the true Lord be not defrauded. See Writs 2. 63. 53. The form of
Quantum meruit, 1. How much he has deserved; an action of the Caeo so called, grounded upon a promise to pay a man for doing anything to much as he should deserve or merit.

Quaere ejecta terram ineditam, Is a writ that lies for a Leeffe, in a case where he is cut out of his farm, before his term be expired, against the Feoffee or Leffor that ejected him 3 And it differs from the Ejection form 5 because this lies where the Leffeor, after the Leafe made, ente-off another, who ejects the Leffe, the Ejection form lies against any other stranger that ejects him. The effect of both is all one, which is, to recover the residue of the term. See Fitz. Nat. Br. fo. 197, and Reg. of Writs, fo. 227.

Quaere impedit, Is a writ that lies for him, who has purchased an Advowson, against him that disturbs him in the right of his Advowson, by preventing a Clerk thereto, when the Church is void. And it differs from the Writ called Affisa ultima Presentationis, because that lies, where a man or his Ancillors formerly present ed 3 and this for him that is the purchaser himself. Where a man may have that Affisa, he may have this Writ, but not conversive. See new Book of Entries on this Writ, Brasen. lib. 4. Trall. 2. et 4. Fitz. Nat. Br. fo. 32. and Wescan. 2. ca. 5.

Quaere incumbidit, Is a writ that lies against the Bishop, who, within six Months for the vacation of a Benefice, consulted to his Clerk, whilst two others are contending in Law, for the right of presenting. Old Nat. Br. fo. 30. Fitz. Nat. Br. fo. 43. and Reg. of Writs, fo. 122.

Quaere intrust matrimonio non satisfacta, Is a writ that lay for the Lord against his Tenants, being his Ward, who, after convening Marriage offer’d him, marrying another, and enters nevertheless upon his Land, without agreement first made with his Lord and Guardian. But all Wardships being taken away (by Act 12 Car. 2. ca. 24.) this Writ is become useless.

Quaere non permissit, Is a Writ, that lies for one, that has right to present for a term against the Proprietary. Flita. lib. 5. ca. 16.

Quaere non admittit, Is a Writ that lies against the Bishop, refusing to admit his Clerk, who has recover’d in a plea of Advowson, Fitz. Nat. Br. fo. 47.

Quaeren tæ habenda, Is a writ that lies for a Widdow to enjoy her Quaeren tæ, Reg. of Writs, fo. 175.

Quaerentæ, (Quaeren tæ,) Is a benefit allow’d by the Law to the Widow of a Landed Man deceased, whereby she may challenge to continue in his capital Mesuage, or chief Mansion-House, (to it be not a Castle) by the space of 40 days after his decease. Brasen. lib. 2. et 4. And, if the heir, or any other attempt to eject her, she may have the Writ of Quaerentæ habenda, Fitz. Nat. Br. fo. 161. Now next (vidua) in Capitalis Mea iuris maritis sui per quadragesimam dies post obitum mariti sui,infra quos dies assignatur ei, non prius assignatus fuerit.
Questus et nobis, sic is the form of a
Writ of Nance, which, by the Statute Anno
13 Ed. 1, ca. 24, lies against him to whom the
House or other thing that breeds the Nance is
alienated; whereas before the Statute this Act
lay only against him that first levied, or
caufed the Nance to the damage of his Neigh-
bor.

Quita impoible, Seems to be a Superficiel
granted in the behalf of a Clerk of the
Chancery, sued against the priviledge of that
Court, in the Common-Places, and parted to
the Exigend, or in many other places, where a
Writ is erroneously fixed out, or misaddressed.
See Dict, fo. 33. n. 13.

Quid juris clamat, is a writ Judicial, issu-
ing out of the Record of a Fine, which re-
mains with the Cauxos Brevis of the Com-
mon-Places, before it be engrossed: (for after it
cannot be had,) and it lies for the Grace of a
reversion or remainder, when the particular Te-
nant will not quitum. Weil. 179, 2. Symbol. tit.
Fines. Sc. 113. See New Book of Entries, on
this Writ.

Quid pro quo, is an artificial Speech, signi-
ifying as much as the Greek ouvndom, amon-
g the Civilians, which is a mutual performance of
both parties to a Contract, or a giving one
thing for another, as to a for a Horie, Ritschtn,
fo. 184.

Quintancia ficta Humbly, & Wishesmore
Per has voca Johannes Stanley Ar. divisor
quod ipsi & tenentes suo non tenentur venire ad
Curiam illum, Pl. in Itham. 1n Kawellian 14
Hen. 7. See Acquaintance.

Quintancia Nuisiforum Super Nuisiforum
Per has voca Johannes Stanley divisor, quod
ipse & tenentes & residientes su non possint in
Affaribus nec possint in Affari. Plac. ut supra.

Quintus, (i. Freed or acquitted,) is a word
used by the Clerk of the Pipe, and Auditors in
the Exchequer, in their Acquittances or Dis-
charges given to Accountants; usually conclu-
ding with admodo rectissim quisitum, which is ca-
called a Lectum off, and is mentioned in the Act
of general Pardon, 12 Car. 2. ca. 13. and 1 Car.
ca. 22. A Quintus off granted to the Sheriff,
shall discharge him of all accounts due to the
King. Anno 1 stat. 4. ca. 5.

Quinqueginta Sunday, Is that we call
Snes-Cunday, and is so called, because it is
about the fifteenth day before Easter; of which
you may read in Dunsdi Rationale Decimorum,
cap. de Quinqueginta, and mentioned in Brit-
on, and other ancient Law-writers.

Quinque portus, The Cinque-ports, which are,
Hastings, 2. Ronde, 2. Heibe, 4. Dover, and
5. Sandwich. To the first Wellsford and
Rye belong, which are reckoned as part or mem-
bers of the Cinque-ports.

Servium quid
Barones Quinque Portum proscriptorum recogni-
sionem facere ad summationem Regis per an-
num, si consenti per 15 dies ad ejusdem cumoa
proprium, si quid primum dixit computate a die
quo velum maximum creatus, usque pari ad quos
renders
A mod Clerici beneficiarii de Cancellaria, Is a Write to examine a Clerk of the Chancery, from contributing towards the Profits of the Clergy in Parliament, Reg. of Writs, fol. 745 a.

A mod persona nec Prebendarii, Se. Is a Write that lies for Spiritual Persons that are disquieted in their Spiritual Profittions, for the payment of a Fifteenth, with the rest of the Paroch. Eiz. Nat. Br. fol. 176.

A mod non permitterat. See Consuetudines & Servitium.

A mod jurce. Is a Write, that lies for him who hath Land, wherein another challengeth Common of Palue; time out of mind; and it is to compel him to shew by what tittle he so challengeth it. Eiz. Nat. Br. fol. 238, and Britton, cap. 59, at large.

A mod minister. Is a Write that lies for him, who hath a grant of Hope-bote and Hope-bote, in another Mans Woods, against the Granter making such Waifs, as the Granter cannot enjoy his Grant. Old Nat. Br. fol. 148, and Lytekin, fol. 78. This Write also lieth for the Kings Farmer in the Exchequer, against him to whom he sells any thing by way of Bargain, touching his Farm, or who oweth him any Money, or against whom he hath any cause of Personal Action. Perkins, Grants 5. For he supposeth by the Vendees detaining any due from him, he is made left able to pay the King Rent. Under which pretense any one, who pays the King a Fee-farm Rent, may have this Write against any other person for any debt, or damage, and bring the Case to tryal in the Exchequer.

A mod Warrant, Is a Write that lies against him, who utters any Franchise or Liberty against the King, as to have Waifs, Stays, Fairs, Markets, Court-Baron, Leet, or such like, without good Title. Old Nat. Br. fol. 149. or else against him that intrudes himself as heir into Land. Britton, lib. 4, trall. 2, cap. 19. And 4 Edw. 1. 6, & 25. And 3 Edw. 3. 3, & 5. And so Elyson. See also the New Book of Entries.

A quorum, Is a word often mentioned in our Statutes, and much used in Commotions, both of Justices of the Peace, and others. As for example, where a Commotion is directed to five persons, or to any three of them, whereof A. B. and C. D. to be two, in this Case A. B. and C. D. are said to be of the Quorum, because the rest cannot proceed without them. So a Justice of the Peace and Quorum is one, without whom, the rest of the Justices in some cases cannot proceed. Ann. 3 Hen. 7. cap. 3. And 2 Hen. 8. cap. 45.

Aupke, Was anciently used for a Live or Quick Beast. John Brache's of Hinningsbury Esq: in his Will, dated 7 Hen. 6. Ordained, that his heff Quyke should be taken in the name of his Mortuary.

Hhh R. Ra.
forri, aus duello. Confounded whereunto it is to this day vulgarly said by one, who taketh the Goods of another injuriously, and by violence: He hath taken all he could Rap and \textit{rap}, from \textit{rapi}, to snatch.

\textbf{Rang} (from the Fr. \textit{Ranger}, i.e. Order, array, or dispose of,) is used in the Forrest Laws, both as a verb (as \textit{to range}) and as a Substantive (as to make \textit{range}). Char. de ForÊche, cap. 6. The Ranger is a sworn Officer of the Forrest, of which fore, there are Twelve, \textit{idem.} cap. 7, whole authority and power as described by his Oath, be set down by Munro, \textit{ibid.} pag. 50, but more particularly, in Para. cap. 49, num. 15, 16, 17. His Office chiefly consists in these three points, \textit{ad primum} quam per terras desforrafitas, ad videntiam, \textit{inducendam} \& \textit{suscitandum} de malefallax, quam de malefallax in Bullin]i]ius; \textit{ad regnandam} fevas forae\, tan\, contra Chaste de teris desforrafitas, in terras affractitas \& \textit{ad praem} tantum \textit{trans} transforrafitas Foreste in terris desforrafitas fallax, ad proximam Curias illius Foreste tantae. This Ranger is made by the Kings Letters Patent, and has a Fee of 20 or 30L. paid yearly out of the Exchequer, and certain Fee-Derect.

\textbf{Rantome} (Redemptr., Fr. Renecr.) Signi\textit{fies properly the sum paid for redeeming a Captive, or Prisoner of War, and sometimes a great sum paid for the pardoning some heinous crime.} \textit{Ann. i. cap. 4, and 11 Hen. 6, cap. 11.} When one is to make a Fine and Rantome, the Rantome shall be treble to the Fine. \textit{Comp. 6.} \textit{Th. of Peace, fol. 142. a. And Lamb. Eire. ibid. cap. 16, pag. 556.} Horn (in his \textit{Mirror of Justices}) makes this difference between \textit{Amercement and Rantome;} that Rantome is the redemption of a corporal punishment, due by Law to any offence. \textit{L.} cap. \textit{de Amercement taxable.} See Coke on Littl, fol. 129. a.

\textbf{Rape} (Raps vel \textit{Rapa}) is a part of a County, signifying as much as a Hundred, and sometimes \textit{Quad planes in fe contint Hundredos: As, all \textit{Suffe} is divided into \textit{fix} Raper only 3.} The Rape of Chechester, Arundel, Bramber, Lewes, Pevensey, and Hastings, every of which, besides their Hundreds, hath a Castle, River, and Forrest belonging to it. \textit{Cam. Brit. pag. 225, \& 229.} These parts are in other Countes called \textit{Thinde}, \textit{Lorbes}, or \textit{Wapentakes}. \textit{Smith de Rapub. Angl. ibid. cap. 16.}

\textbf{Rape} (\textit{Rapse}) Is when a Man hath carnal knowledge of a Woman by force, and against her will: But if the Woman conceive, it is no \textit{Rapse}, for he cannot conceive unless the content. \textit{Coke on Littl. ibid. cap. 11. fol. 129.} This offence is Felony in the Principal, and his Alders. \textit{Ann. 13 Rid. 2. \textit{stat. cap. 11 Hen. 6. cap. 13.} \& \textit{Edw. 5.} sm. \textit{Winif. 2. cap. 13, and shall not be allowed Cleery. \textit{Ann. 18 Eliz. cap. 7. But} Ely \\textit{lays, the complaint must be made within forty days, else the Woman may not be heard, \textit{Lid. cap. 5. fol.}}\text{\textit{Pratres.}}} And carnal knowledge of a Woman under
Rape of the Forester (Rapetus Forester) Inter dextéra numeratur, quorum cognitio ad unicum Regem feudat. L.L. Hen. 1, cap. 10. —Violentes conductus, Rapetus Forstera, Revolutions Baronumorum, &c. Treasons committed in the Forestry, by violence.

Rapine (Rapina) To take a thing secretly against the owners will, is properly Theft, openly, or by violence, is Rapine. Anna 14 Car. 2, cap. 22, and 3 Etiam, cap. 3.

Raptus heredis, is a Writ lying for the taking away an heir, holding in Socage of which there are two sorts, one when the heir is married, and the other when not. Of both see Reg. of Writs, fol. 163, b.

Rat (Ratiza) — Toll shall be taken by the Raft, and not by the Sheep or Cantell. Ordinance for Bakers, Brewers, &c. cap. 4. It seems to have been a measure of Corn, now disused. Dehen in annua eadem et alle Ratzeri avene et fæn Ratrici ordinis, &c. Spec.

Ratex Lynhe. Is where Sheep or other Cattle are kept in a Parish for less time than a year, the owner must pay Ratex for them per ovem, according to the Custom of the place. Eich. Nat. Br. fol. 43. Book, Difin. 8. Proxatica dimissum pro proportionem, vel proportionali. Lindwod.

Ratification (Ratificatio) A ratifying or confirming. It is particularly used for the confirmation of a Clerk in a Probate, &c. formerly given him by the Bishop, &c. where the right of Patronage is doubted to be in the King. See Reg. of Writs, fol. 304.

Rationabilis parcus bonum, is a Writ that lies for the Wife, against the Executors of her Husband, denying her the third part of her Husband's goods, after Debts and Funeral charges paid. Eich. Nat. Br. fol. 22, 23. who there cites the 18 Chapter of Magna Charta, and Glateralis, to prove that, according to the Common Law of England, the goods of the deceased, his debts first paid, should be divided into three parts, whereof his Wife to have one, his Children the second, and the Executors the third; and this Writ lies as well for the Children, as for the Wife which appears also by the Reg. of Writs, fol. 142, b. Yet it seems to have use, only where the Custom of the Country serves for it. See the New Book of Entries, on this word.

Rationabilissimus, Biblia, is a Writ, that lies where two Lords have their Seigneuries joyned together, for him that finds his Wife encompassed within the memory of the other, against the encroacher, thereby to vest the bounds of their Seigneuries in which respect, Fitzharris calls it, in its own nature, a Writ of

Right. The Old Nat. Br. says this may be by jure suzis, which may be removed by a Pierce out of the County, to the Common Bench. See Fitz. Nat. Br. fol. 129.

Reabatement (Rapetus, Fr. Ravissement, i. Dicretus, rapio) Signifies an unlawful taking away either a Woman, or an Heir in Ward. Sometimes it is also used in one signification with Rape.

Rabhipoc (Rapter) He that deflowereth a Woman by violence. See the penalty for Ravishment, or being Ravished, does afterwards complain, in the Statute of 6 Rich. 2, cap. 6. See Rape.

Rap, Seems to be a word appropriated to Cloth, never coloured or dyed. Anna 11 Hen. 1, cap. 6. Worlde. Ray. Anna 17 Rich. 2, cap. 3.

Reaffirmation, Is where a Writ hath been disaffirmed, and again made Forsety; as the Forsety of Dean by the Stat. 20 Car. 2, cap. 3.

Reaply, Is an abstract of realty and is contradictionified from Fyprally.

Reaundable Apy (Rationalis auullium) Was a duty, which the Lord of the Fee claimed of his Tenants holding by Knights service, or in Sogace, to marry his daughter, or make his eldest Son a Knight. Wifem. 1, cap. 39. But see the Stat. 12 Car. 2, cap. 24.

Reattachment (Reattachment) Is a second Attachment of him, who was formerly attached, and disaffirmed the Court without day, as the not coming of the Justices, or some such faculties. Brook, 3o. Scit. Where he makes Reattachment General and Special, General, is where a Man is reattached for his appearance upon all Writs of Affiche lying against him. Brook codex, num. 18. Then, Special must be for one or more certain. Reg. of Waste, fidel. 353. See the New Book of Entries, on this word, Reattachment.

Rebellion (Rebellion) Did anciently signify a second resistence of such, as being formerly overcome in battel by the Romans, yielded themselves to their subjection. But now we use it generally, for the traitorous taking arms against the King, he it by Natural Subjects, or by others, formerly subdued. Rebel is sometimes attributed to him that willfully breaks a Law. Anna 25 Edw. 3, cap. 6. And 3 Etiam, fol. 23, cap. 3. Sometimes to a Villain disobeying his Lord. Anna 1 Rich. 2, cap. 6. Commission of Rebellion, see in Commission.

Rebellious Assembly, Is a gathering together of Twelve persons or more intending to going about, practising, or putting in use unlawfully of their own authority, to change any Laws or Statutes of the Realm, or to destroy the encloure of any Park or Ground enclosed, or Banks of any Fishponds, Pool, or Conduit, to the intent the same shall remain void, or to the intent, unlawfully to have Common, or Way in any of the said Grounds, or to destroy the Deer in any Part, or of any Warren of Conveys, Dove-Houses, Fish
any Ponds, or any Homesteads, Barns, Mills, or
Bays, or to burn Stacks of Corn, or to abate
Rents or Prizes of Virtues: Anna 1 Mar.
cap. 12, and 1 Eliz. cap. 7. See Wills, par. 2.
Justice of Peace, fol. 43, b.

Rebutter (Fr. Bouteur, i. Repeller. To repel or bar.) A Man grants Land to the use of himself, and the issue of his Body, to another in Fee with Warranty, and the Donee leaseth out the Land to a third person for years, the heir of the Donor implicates the Tenant, alienating the Land was in Tayl to him: The Donee comes in, and by virtue of the War-
rantry made by the Donor, repels the heir, be-
cause though the Land was installed to him, yet he is heir to the Warrantor likewise: And
this is called a Rebutter.

Again, if I grant to my Tenant to hold 
Sine mixtiones rights, and afterward implicate him for Waite made, he may debar me of this Action, by thowing my grant, which is likewise a Rebutter. Brook tit. Bar. num. 22 & 25. See the New Book of Entries, write, Rebutter. And Coke on Litt. fol. 345 a.

Reception (Reception.) Signifies a second 
Distret of one former, disfrained for the same cause, and also the Plea grounded. on the former Distre. It likewise signifies a Writ, lying for the party thus disfrained, the term and further use whereof, see in Eliz. Nat. Br. fol. 75. Reg. of Writs. fol. 86. and Reg. Judicial, fol. 69.

Receiver (Reception and Receptor.) Is used 
commonly in the evil part for such as receive 
Stho Goods from Thieves, and conceal them; but annexed to other words, as Receiver of 
Rents, &c. It signifies an Officer of good ac-
count, belonging to the King, or other great Perfonage. Crown. 4555, fol. 8. There is also an Officer called the Receiver of the Fines upon 
original Writs in Chancery.

Receiver-General of the Dutches of Lan-
caster, is an Officer belonging to the Dutchy 
Court, who gathers in all the Revenues and 
Fines of the Lands of the said Dutchy, and all 
Forfeitures and Affeations, or what else is thence to be received. Anna 39 Eliz. cap. 7.

Receiver-General of the Witter Rolls, 
Anna 35 Eliz. cap. 4.

Recite. See Referre.

Recluse (Reclusus.) Is he who being enter-
ed into a Religious Order, is shut up there, 
and stirs not out of the House or Cloister. 
Littl. fol. 92.

Recognizance (Fr. Recognizance; i. Re-
ognizio) Is a Bond or Obligation, to signify
the Recognizor to ow the Recognizee a sum of 
Money, and is acknowledged in some Court of 
Record, or before some Judge, Matre of 
Chancery, Justice of Peace, &c. Anna 29 Hen. 
8. cap. 6. Some Recognizances are not sealed, 
but enrolled; and Execution by force thereof, is of 
all the Recognizors Goods and Chattels (except 
Draught-Bealls, and Implements of Husband-
ry,) and the Moey of his Lands. Wills,

Par. 1. Symb. lib. 2. sect. 145. And Reg. of Writs, 
fol. 49, 151, & 252.

Recognizance hath another signification, as 
appears in the Statute of Deem. cap. 56. For 
it is there provided and agreed, that if any 
Man be attainted of Disaffin alone in the time 
of the King that now is, or for taking any 
maner of Goods, or Moveables, and it be 
found against him by Recognizance of Affiliate 
of Novel-Difference, the Judgment shall be, &c. 
where it is used for the Verditt of the Twelve 
Men impanelled upon an Affiliate; which Twelve 
are also called Recognizors of the Affiliate. Littl. 
fol. 72. Boston, lib. 5. tit. 2. cap. 9. num. 2. 
and lib. 5. tit. 1. cap. 11. num. 16. See the 
Statute of 20 Eliz. 1. stat. 4, and New Book of 
Enteries, write, Recognizance.

Recognize, Is he to whom one is bound 
in a Recognizance. Anna 1 Hen. 6. cap. 10.

Recognition (Reconityo.) An acknowledgment. 
It is the title of the first Chapter of the 
Stat. 1 Jose.

Recognitione adquillanda per him a du-
ritium facit, Is a Writ to the Judges of the 
Common Bench, for the sending a Record touch-
ing a Recognizance, which the Recognizer 
agrees to have been acknowledged by force and 
hard dealing; that if it to appear, it may be 
disannulled. Reg. of Writs, fol. 132.

Recognizor (Reconyto.) Is a word used 
for the Jury impanelled upon an Affiliate. The 
reason why they are so called, is, because they 
acknowledge a Difference by their Verditt. 
Boston, lib. 5. tit. 2. cap. 9. num. 2. See 
Recognize.

Record (from Recordare, to remember.) 
Signifies an authentical and uncontrollable 
semeony in writing, contained in Roll of Parch-
ment, and preferrd in Courts of Records, and 
they are said to be vetustiit & veritatis scelus. 
Coke Pref. to Rep. An Act committed to writ-
ing in any of the Kings Courts, during the 
Term wherein it is written, is alterable, and no 
Record; but that Term once ended, and the 
Act duly enrolled, it is a Record, and of that 
credit, that admits no alteration or proof to 
the contrary. Book tit. Record, num. 60 & 22. 
yet see Cokes Rep. lib. 8. Lawls in Cae. fol. 44. b.
The King may make a Court of Record by his 
As Queen Elizabeth by her Charter, dated 26 April, Anna 3 Regni sui, made the Con-
Subs. of the Court of the University of Cambridge, a 
Court of Record. There are reckoned three 
forts of Records, viz. A Record Judicial, as 
Attainder, &c. A Record Ministerial upon Oath, 
as an Office or Inquisition found ; A Record 
made by Conveyance and Convent, as a Fine 
or Deed enrolled, or the like. Coke lib. 1. Og- 
net. Cae. fol. 44. b.

Recordare facias, or Recordari facias, 
Is a Writ directed to the Sheriff, to remove a 
Caufe, depending in an Inferior Court, as 
Court of Ancient Demesne, Hundred or County, 
at the Kings Bench or Common Pleas. Fitz. 
Nat. Br. fo. 71. B. C. Where, and in what
Cae.
Cafes this Writ lies, read Brook, 3d. Recorde & Pume. It seems to be called a Recondarve, because it commands the Sheriff, to whom it is directed, to make a Record of the proceedings by himself, and others, and then to send up the Gaule. See the Register, 2d. Recorde, in the Table of Original Writs.

**Recondarve (Recorder)** is he, whom the Mayor, or other Magistrate of any City or Town Corporate, having Jurisdiction or a Court of Record, within their Precincts by the Kings Grant, does authorize unto him, for his better direction in matters of Justice, and proceedings according to Law. And he is for the most part, a person well-see in the Common Law.

**Recondato & Procesci Mittendoris, Is a Writ to call a record, together with the whole Proceedings in the Gaule, out of an Inferior Court into the Kings Court.** See the Table of the Register of Privis.

**Recondato unlagariis mittendos, Is a Writ Judicial, which lies in Reg. Judic. fol. 83a.**

**Recover (Recovero, from fr. Recovero, r. Recoverare.) Signifies an obtaining any thing by Judgment or Treal of Law, as it is done among the Civilians. But there is a true Recovery, and a feigned. The true one is an actual or real Recovery of any thing, or the value thereof by Verdict and Judgment. A feigned Recovery is a certain form or course set down by Law, to be observed for the better alluring Lands or Tenements unto us; the end and effect whereof is, to discontinue and destroy Estates in Remainder and Reversion, and to bar the Intails thereof. And to this Formality, there are (in a Recovery with single Voucher) required three parties, the Demandant, the Tenant, and the Voucher. The Demandant, is he that brings the Writ of Entry, and may be termed the Recoveror. The Tenant is he, against whom the Writ is brought, and may be called the Recoveror. The Voucher is he, whom the Tenant Voucheth, or calls to Warranty for the Land in demand. A Recovery with double Voucher, is where the Tenant voucheth one, who Voucheth another, or the Common Voucher; and a Recovery with triple Voucher, is where three are Vouched. See Writs, par. 2. Symb. 11. Recoveries, fol. 1.

But, to explain this Point: A Man, that is dehorm to cut off an Estate-tail in Lands or Tenements, to the end, to fell, give, or bequeath them, causeth (by the contrivance of his Council or Attorney) a feigned Writ of Entry, Sur Diffisien in le Pofs, to be brought for the Lands, of which he intends to dok, or cut of the Intail; and in a feigned Count or Declaration thereupon made, pretends he was dispossessed by him, who, by a feigned Fine or Deed of Bargain and Sale, is named and supposed to be Tenant of the Land. This feigned Tenant, if it be a single Recovery, is made to appear and vouch the Bag-bearer of Writs, for the Cubio Breviatio, in the Court of Common Pleas (in which Court only the said Common

**Recoveries are to be suffered) who makes default; whereupon a Judgment is, by such Fiction of Law, entered, That the Demandant shall recover, and have a Writ of Seisin, for the possession of the Lands demanded, and that the Tenant shall recover the value of the Lands against the Lands of the Vouchee-Bag-bearer, a poor unladen and illiterate person, which is signified to be a satisfaction for the Heir in Tail, though he is never to have or expect it; one Edward House, a Bag-bearer, and Common Voucher, having in the space of 25 or 30 years, pulled or suffered to be recovered against him, by such fictitious Actions and Pleadings, a considerable part of the Lands of England, and obliged his own Lands, when he had none at all, to answer the value of the Land, recovered against the Tenants or Remainders in Tail. This signified Recovery is also called a Common Recovery; because it is a beaten and Common Path to that end, for which it is ordained; viz. To cut off the Estates above specified. See New Book of Entries, verbo, Recoveries.

**Recope (from fr. Resuper, i. To cut again) also to reply quickly and sharply to a presumptuous Demand.** We use it to Deny, or Difficere. As, if a Man hath Temporand issuing out of certain Land, and he dispute the Tenant of the Land in an Affidavit brought by the Difficere, the Dictor shall Recover the Rent in the Damages.

**Recreant (Fr.) Cowardly, faint-hearted. Hence Recusante, See Crassent.**

**Rete, Is a Writ, called a Writ of Right, which is of so high a nature, that whereas other Writs in Real Actions, are only to recover the possession of the Lands or Tenements in question, which have been lost by an Ancestor, or by the Party Demandant himself, this aims to recover both the Seisin, and the Demandant himself had; and also the property of the things, whereas the Ancestor died intestate, or, if he was not intestate, and whereby are pleaded, and tried both their Rights together, viz. That of Possession and Property. And if a Man once loses his cause upon this Writ, either by Judgment, Affidavit, or Barrat, he is without remedy, and shall be excluded. Per exceptionem vis judicata. Bracton, lib. 3. tracts. 1. cap. 1. 3 sqq. where you may read much on this subject. See Right.

It hath two species: Resum Patents, a Writ of Right Patent; and Resum Clauses, a Writ of Right Close. The first is so called, because it is sent open, and is in nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands sued for, and not for any other. And when it lies for him that challenges Fee-simple, and in what Cafe, See Finc. Nat. Ee. fol. 1. C. whom see also folio. of a special Writ of Right in London; otherwife called a Writ of Right, according to the Customs of London. This Writ is also called Rese degrandio de Reo. Reg. of Privies, &c. and Fleas, lib. 8, cap. 52, sec. 1.
A Writ of Right close, Is a Writ directed to a Lord of ancient Demeni, and lies for those, who hold their Lands and Tenements by Charter, in Fee-fimple, or in Fee-tail, or for term of life, or in Dower, if they are ejected out of such Lands, or dispossessed. In this case a man or his heir may pursue this Writ of right close, directed to the Lord of ancient Demeni, commanding him to do him right in his Court. This is also called Brexit parvum de Rebus, Reg. of Writs, fo. 9. and Branne, ca. 120. in fine. See also Fitz Nat. Br. fo. 11. 5 seq.

Yet, note that the Writ of right patent seems to be extended farther in use than the original intention: For a Writ of Right of Dower, which lies for the Tenant in Dower, is patent, as appears by Fitzher, Natur, Brevium, fo. 7. 5. The like may be said in divers other cases, of which see also the Table of Reg. of Writs, verbo, Rebo. This Writ is properly tried in the Lords' Court between Kimynam, who claim by one title from their Anc attorney. But, how it may be thence removed, and brought either to the County or Kings Court, see Fisc, lib. 6. ca. 5. 5. & 5. Grams seems to make every Writ, whereby a Man sues for any thing due unto him, a Writ of Right, lib. 10. ca. 1. lib. 11. ca. 1. lib. 12. ca. 1.

Meta de dote, Is a Writ of Right of Dower, which lies for a Woman, that has received part of her Dower, and proceeds to demand the Remain in the same Town, against the Heir. Of this see more in Old Nat. Br. fo. 5. and Fitz. fo. 7. 8. Reg. of Writs, fo. 5. and New Book of Entries, verbo, Droit.

Meta de dote unde nihil habet, Is a Writ of right, which lies in cases where the Husband, having divers Lands or Tenements, has affred no Dower to his Wife, and the thereby is driven to sue for her Thirds against the Heir or his Guardian. Old Nat. Br. fo. 6. Reg. of Writs, fo. 1. 2.

Meta de rationabilis parte, Is a Writ that lies always between privies of Blood, as Brothers in Castilekind, or Sisters, or other Co-perencers, as Nephews or Nieces, and for Land in Fee-simile. For example, if a man leave his Land for Life, and afterwards dies, leaving issue two Daughters, and after the Tenant for life likewise dies, the one Sister entering upon all the Land, and so deforcing the other, the Sister so deforced shall have this Writ to recover her part. Fitz. Nat. Br. fo. 4. Reg. of Writs, fo. 3.

Meta quando Dominus remittit, Is a Writ of right, which lies in cases where Land or Tenements that are in the Seigniory of any Lord, are in demand by a Writ of right. For, if the Lord hold no Court, or otherwise, at the Prayer of the Demandant or Tenant, shall send to the Court of the King his Writ, to put the Cause thither for that time, (having to him at other times the right of his Seigniory,) then this Writ issues out for the other party, and has its name from the words therein comprised, being the true occasion thereof. This Writ is close, and must be returned before the Judices of the Common-Bank: Old Nat. Br. fo. 16. Reg. of Writs, jo. 4.

Meta de adsectione Ecclesiæ, Is a Writ of right, lying where a man has right of Adwosen, and the Parson of the Church dying, a stranger prefers his Clerk to the Church, and he not having brought his Action of Quanto imperdi, nor darren pensionem within six Months, but suffice'd the Stranger to usurp upon him. Which Writ he only may have that claims the Adwosen, to himself and his heirs in Fee and, as it lies for the whole Adwosen, so it lies also for the half, the third or fourth part: Old Nat. Br. fo. 24. Reg. of Writs, fo. 29.

Meta de culdeia terre & hereditis, Is a Writ, which, by the Stat. 12. Ca. 2. ca. 24. is become useless, as to Lands holden in Capit or by Knight-service, but now there is Guardian in Scaiger, or appointed by the lait will and Testament of the Auncellar. The form of it see in Fitz. Nat. Br. fo. 33. & Reg. Writs. fo. 161.

Meta duro disclaimer, Is a Writ that lies, where the Lord in the Court of Common-Place, does avow upon his Tenant, and the Tenant Disclaim, to hold of him, upon which Disclaimer he shall have this Writ, and, if the Lord avow and prove, that the Land is holden of him, he shall recover the Land for ever. Old Nat. Br. fo. 15. 5. which is grounded on the Statute of Wifian. 3. ca. 2.

Metcoc, (Lat.) Signifies a Governor: And Revisor Ecclesiae parochialis, Is he that has the Charge or Cure of a Parish-Church, qui tan- tum jus in Ecclesiae parochialis habet, quantum Praebus in Ecclesiis Collegiata. It has been over-ruled, that Revisor Ecclesiae parochialis is he that has a Parsonage, where there is a Vicarage endowed, and he that has a Parsonage without a Vicarage, as called Parson. But, the distinction seems to be new and subtle. It is certain Eboron uixit other wise (lib. 4. tra. 3. ca. 1.) in these words, Et fiduciam, quantum Revisor Ecclesiarum parochialium competit, ut quisque fascinum seruitut Episcoporum & ordinarii, ut persona. Where it is plain, that Revisor and Parson are confounded. Note also these words there following: Item dii possunt Rectores Canonici in Ecclesiis praebendi. Item dii possess Rectorum, vel quosque Abbatres, Prates & aliis, qui habent Ecclesias ad proprios usus. See Tiar.

Metzegg, (Relia) Is taken pro integra Ecclesia parochialis, cum omnibus suis juris, praedii, deconis, atque proventis speciebus, Spiein.

Metius in Curia, 1. Right in Court: Is he that stands at the Bar, and no man objects any offence against him. Smith de Repub. Angl. lib. 2. ca. 3.

Medebonum, Is used substantively for the clause in a Leaf, of whereby the Rent is referred to the Lettor. Coke, lib. 2. Grammachi cafe, fo. 73. b.

Mediation, (Reduction) Is a judicial confessions and acknowledgment that the Land or thing in demand belongs to the Demandant, or at least
not to himself. *Anna 34 & 35 Hen. 8. 3. ca. 24.

Redemption. (Redemptiones) Mulier gra-

vissima, utque pro affirmatione capitis ipsum
delinquentiam impingitur, Anglia Rambou.
See Mytforda.

Redesign, (Redesigna) Is a Design of

him, who once before was found and ad-

judged to have devisd the same Man of his

 Lands or Tenements: for which there lies a

special Writ, called a Writ of Redesign, Old.


New Book of Entries on this word. The punish-

ment for Redesign see in the Stat. 52 Hen.

3. ca. 8.

Redmans, or Radmans, Domsday in fine


*Reg. E. tenant Pennevertam. Ib 11 Car. 1st

in Dominio 8c & Burgensc 8c Radmans, & 8c Vif.

& 4 Bovar. These Redmans may be the same

in figuratione as the Red or Rad Knights, Men,

which by the Tenure, or Custum of their Lands

were to ride with, or for the Lord of the Man-

nor about his business or affairs.

Redubois, or Rambois. Are those that

buy fox in Cloth, and, to the end it may not

be known, turn it into some other Colour or

Fashion. Briton. ca. 29. and see a Lop. fo. 134.

Re-current, (From the Fr. Reurent, i. Barfus

invoce) Signifies the resuming or res-taking that

possession, which we had lately foregone. As if

I make a Lease of Land or Tenement, I do

thereby forego, or quit the Possession; and, if

I condition with the Lessee that for non-pay-

ment of the Rent at the day, it shall be lawful

for me to re-enter; this is as much, as if I con-

ditioned to take again the Land into my own

hands, and to recover the possession by my own

fist, without the assistance of Judge or Pro-

cutor.

Rex County. See Ries County.

Regent, is the second Extent made upon

Lands or Tenements, upon complaint made

that the former Extent was partially executed.

Bouch. to Extents. fo. 313.

Regal fish. (Anna 1 Eliz. ca. 5.) Are

Whale and Sturgeon 8c some add Perpussa. The

King by His Prerogative ought to have every

Whole cat on shore, or Wrecked in all places

within this Realm (unless granted to Subjects

by special words) as a Royal-fish. The King

himself shall have the Head and Body, to make

Oil and other things, and the Queen the Tail

to make Whalebones for her Royal Vessells.

Pat. 1 Edw. 1. m. 25. desq. See Trial de

Aun Roye, pa. 127.

Regalia. (Anna 1 Eliz. ca. 16.) Declar-

turn pros omnin ad jfjumallia : The Rights of

a King, which the Civilians say are six:

1. Power of Judicature. 2. Power of Life and

Death. 3. All kind of Arming. 4. Materi-

als Goods. 5. Affeignaments. 6. And the va-

lue of Money. See Regalities. Also the Crown,

Sceptre with the Cross, Sceptre with the Dove,

St. Edwards Staff, few several Swords, the

Globe, the Orbe with the Cross, and other such

like usef. at the Coronation of our Kings, are.

called Regalia. See the Relation of the Coro-

nation of King Charles the Second in Baker's

Gron.

Regalia Jujuria, — Item pretiosus Bab-

ones, (ie. Quingue Portum) habere debent, ut

affirmant, pro Chiarina suam Regalem Jujuriam

in villa Germanci, tempore Errico et cum Bal-

vo fou Præposito villa præditæ, viz. Cognitionem

Affes partis, alienarium, ponderium & alienarum

mercatorum, & similiter boiœ Servœ & Domœ,

secundum conflictiones suas usitatas, 8c. Rot.

Part. 8 Ed. 2. N. 262.

Regardant. Villian regardant was called

regardant to the Manor, because he had the

charge to do all base, villainous services within

the same, and to see the same freed of all filthy

and loathsome things that might annoy it, Coke

on Litt. fo. 180. This word is only applied to

a Villian or Nefi, yet in old Books it was some-

times applied to Services. ibid.

Regard, (Regardum & Regardans) from the

Fr. Regard, 1. Afferre, to affett. though it has

a well-known general signification of any

care or respect, yet a special affection, wherein it's

used only in matters of the Foresit, and there

were two ways: one for the Office of the Regarder,

the other for the compas of ground belonging to

the Regarder charge, Crompt. Jurif. fo. 175.

39. Touching the former, thus Manswood.

The Eyer, general Scions of the Forest, or

Justice, is to be kept every third year; and, of

necessity the Regarders of the Forest must be of

their Regard, which must be done by the Kings

Writ. And, the Regarder is to go through the

whole Forest, and every Beaver, to see and en-

quire of the Escape's thereof, ad videndum, ad

inquirendum, ad imbrevisandum, ad clementiam,

2. Part 1. Ed. 134. & 136. Touching the

second, the compas of the Regarders charge is

the whole Forest, and that is, all the ground

which is parcel of the Forest: for, there may be

Woods within the limits of the Forest, which

are not part thereof, and those are without the


Ann. 2 to Car. 3. 83.

Hercules Rex Anglorum omnibus foedcratis

suo de Gloschfyrth. salutem. Statiae et

concilliis & pretentiis compta consensiit Ecclesia S.

Jacobi de Brittowa (in qua sepultus est Robert-

us Comes Glocetrisse & suum regnum) & Mo-

narchi edem Deo serventibus, pro salute suo, &

pro anima ipsius Comitis, quod terra ipsius Eccle-

sia, & monachorum in ca Deo servientium de Gof-

scefa, & boves ejusdem terras, fina quieta de Re-

gardo & decessiones exigentis pro Eßariis. Ex

prohibe ne inter Affaria ambo competatur. Teste

Roberto Episcopo Winon.

Regarder, (Regardans, Fr. Regardoir. 8c.

Spectator) is an Office of the Kings Forest, who

is sworn to make the Regard of it, as it has been

used in ancient time; and, to view and enquire

of all offences of the Forest, as well of Vectas as

of Venison, and of all concealments of any

offences.
offences or defaults of the Foresters, and all other Officers of the Kings Forest, concerning the Execution of these Offices, &c. More particularly of the Regarder Office, how he is chosen, and the form of his Oath, see in Manwood, part 1, p. 188, 195, &c. 267. Crespin. Jur. fol. 153.

**Regio Anglic.** Is a Writ, whereby the King gives his Royal Affiende to the Election of a Bishop or Abbot. Reg. of Writs, fol. 294 b.

**Registri** (Registri, from the old Fr. Gisfer, i.e. to register, sue aut conscrivere) Signifies the Office, Books, and Rolls, wherein the proceeding of the Chancery, or any Spiritual Court, are recorded. The Writer and Keeper wherein, is called the Register, in Latin Registrarium.

Register is also the name of a Book, wherein are expressed most of the Forms of Writs used at the Common Law, called the Register of the Chancery; of which, thus Spelman — Codex dictus que Brevia Regia, saevo originalium qui judicis ab initio formulatur,建立了. Buiss Codex, habet usum Wifel. 2. cap. 24. & 25. This Register is one of the most ancient Books of the Common Law; according to Coke on Little, fol. 157.

**Register of the Parish Church** (Registri Ecclesiae Parochialis) is that wherein Baptisms, Marriages, and Burials are, in each Parish, every year ordered Registered. Which was laudably instituted by the Lord Cromwell in September, Anno 1538. While he was Vicar-General to King Henry the Eighth.

**Regius Professor** (Am. 2. Car. 2. cap. 2.) Henry the Eighth founded Five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law, & Physics; the Readers of which Lectures are called in the University Statutes, Regii Professoris.

**Regator** (Registrar, Fr. Regrateur) Did anciently signify such, as bought by great, and sold by retail. Am. 2. Edw. 3. Stat. 1. cap. 2. But now it signifies him that buys and sells any Wares or Vixeals, in the same Market or Fair, or within four miles thereof. Am. 5. Edw. 4. & Eliz. 2. In the Civil Law he is called Dardaniarius, a Dardano quodam duodecim autem author. In ancient time, both the Inquirer and Regator were comprehended under the word Fornicator. 2 Inst. 151.

**Re habere faciam lefimnam quando Alcicome liberatam lefimnam de maior parte quam debet, is a Writ Judicial. Reg. of Writs Fidel. fol. 133 a.** There is another Writ of this Name and Nature, fol. 354.

**Re habitation.** (Am. 25. Hen. 8. cap. 21.) Is one of those Extasions mentioned in the said Statute, to be claimed by the Pope heretofore in England; and seems to signify a Dol or Breach, for refusing a Spiritual Person to exercise his Functions, who was formerly disabiled; or a removing to former ability.

**Rejoinder** (Rejoindre) Signifies an Answer to an Exception or a Replication: For first, the Defendant puts in an Answer to the Plaintiffs Bill, which is sometimes called an Exception. The Plaintiffs Answer to that, is called a Replication, and the Defendants Answer to that, a Rejoinder with us, especially in Chancery. Wesf. par. 2. Symbol. tit. Chancery, sect. 56.

**Relicens.** continued. Rob. Dunelm. Episc. Am. 1276. cap. 2. — Per patres suis sanction adjungere, quod si placuerit liber proprium habentes, in parentem pariter familia viante, ad demonstrat qui nuncupatur Relicens sine minimo accretione, cumque communiti intrinsecus aliquam a parenti, sic in extrinsecus ab eisdem accretione pariter se defendat.

**Relation** (Relatio) is, where, in consideration of Law two times, or other things are considered, as if they were all one; and by this, the thing subsequent is said to take his effect by relation at the time preceding: As it A. deliver a writing to B. to be delivered to C. as the Deed of A. when C. hath paid a sum of Money: Now when the Money is paid, and the writing delivered, this shall be taken as the Deed of A. at the time when it was first delivered. So Bills of Parliament, to which the King accents on the day of Parliament, shall relate, and be of force, from the first day of the beginning of the Parliament. Coke (lib. 9. Black's Case) says it is Fidel juris.

**Release** (Relaxatio) Is an Infrumulation, whereby Eatives, Rights, Titles, Entries, Actions, and other things, are sometimes extinguished, sometimes transferred, sometimes abrogated, and sometimes enlarged. Wesf. part. 2. Syn. lib. 2. sect. 150. And there is a Release in fide, and a Release in Law. In fide, is that which the very words expressly declare; in Law, is that which accuits by way of consequent, or intendement of Law; an example whereof, you have in Perkins, Grant 71. How these are available, and how not, see Littleton at large, lib. 3. cap. 8. And of divers sorts of Releases, see New Book of Entries, vol. 2.

**Religion.** (Religio) Signifies a certain sum of Money, which the Tenant, holding by Knight's-ervage, Grand Serjeanty, or other Tenure, for which Homage or Regal非法 was due, and after the death of his Ancestor, paid to his Lord at his entrance. Mag. Charta, cap. 2. 26. Stat. 1. 2. Stat. lb. 2. cap. 35. It says it is called a Religious, as in the Latin, baratudum, que jacet post et Angellorum necessitatem, releutam in manum baratudum, & proper fallam relationes, facienda est ab herede quodam praefato, qui dicitur Religionum. See the Stat. 2. Car. 2. cap. 24. A Religious is likewise paid in Socages, Tenures, or Petit Serjeants, where a Rent, or any thing is paid, by rendering as much as the Rent, or payment referred.

**Relocation** (Relocation) A causing to move, or a forsaking the Realm for ever; Relocation is taken for a moving for a time only. Coke on Little, fol. 233.
Remainder, _Remanentia_.) Signifies an Estate limited in Lands, Tenements, or Rents to be enjoyed after the ESTATE of another expired. For example, a man may grant Land to one for term of his life, the remainder to another for life of his. Lit. ca. 11. 11. 9. And this Remainder may be either for a certain term, or in Fee-simple, or Fee-tail, as by grants by Buck, tit. Done & Remainders, fo. 245. —Clandescis, lib. 7. ca. 1. in usu, has these words: Notandum, quod nec Episcopatus, nec Abbatius, quia exinde Baronum sunt de Lemovigio Don. Regi, & antecessorum ejus, non possunt de Dominici suis aliis partem dare ad remanentiam, sive effeunio & conversione Domini Regis. In lit. foro Bracton ues it, lib. 2. ca. 29. & lib. 4. Titull. 2. ca. 4. no. 4. See New Book of Entries, verbo Remainder. In 1207, different Remainders or Reversions: huc potestum terminum ad donacionem vel heredes suos (qui in situ - etiam ad tertiam quaempsam (sae eem extramum) progredior. Spemn.

Remembrancers of the Exchequer, (Rememoratores Scaccarii) are three Officers; one called the King's Remembrancer, (Anno 35 Eliz. ca. 5.) The second the Lord Treasurers Remembrancer, upon whose charge it lies, to put the Lord Treasurer, and the rest of the Justices of that Court in remembrance of such things as are to be called on, and dealt in for the King's behoof. The third is called the Remembrancer of the First-fruit, (Anno 5 Rich. 2. Stat. 1. ca. 14 & 15. Thefe (Anno 37 Edw. 3. ca. 4.) are called Clerks of the Remembrancer.

The Kings Remembrancer enters in his Office all Recognizances taken before the Barons for any the Kings Debts, for appearances, or observing of Orders; he takes all Bonds for the Kings Debts, for appearance or observing Orders, and makes Proces upon them, for the breach of them. He writes Proces against the Collectors of Cautions, Suits, and Fines, and for their accounts. All Informations upon Penal Statutes are entered in his Office; and all matters upon English Bills in the Exchequer Chamber remain in his Office. He makes the Bills of Compositions upon penal Laws, and takes the payment of Debts; he has deliver'd into his Office all manner of Indentures, Fines, and other Evidence, that concern the affuirng or paffing any Lands to or from the Crown. He yearly in Crasso annuearum reads in open Court the Statute for election of Sheriffs, and gives them their Oaths; he reads in open Court the Oath of all the Officers of the Court, when they are admitted.

The Treasurers Remembrancer makes Proces against all Sheriffs, Escheators, Receivers, and Bailiffs for their accounts: He makes Proces of *Fisici Fiscus* and Extents, for any Debts due to the King, either in the Pipe, or with the Auditors; he makes Proces for all such Revenues, as is due to the King by reason of his Tenures. He makes Record, whereby it appears whether Sheriffs and other Accountants pay their Profits due at Easier and Michaelmas. He makes another Record, whether Sheriffs and other Accountants keep their days of Prefixion. All Efects of Lines, Revenues, and Recoveries, that are in any Courts of Welfminister, or at the Assizes or Sessions, are certified into his Office, and are by him deliver'd to the Clerk of the Efects to make out Proces upon them. There are also brought into his Office all the Accompts of Customers, Conveyances, and other Accountants, to make entry thereby on Record. See Repository of Records, fo. 127.

The Remembrance of the First-fruits takes all Compositions, and Bonds for First-fruits and Tents, and makes Proces against all such as pay not the same.

Remitter, (from the Lat. Remittere, to restore, or send back,) Where a man has two titles to Land; and is seised of the latter, and, that proving defective, he is restored to the former more ancient title; This is a Remitter, Fitz. Nat. Br. fo. 149. F. Dyer, fo. 69, num. 32. and see Brook, tit. Remitter. If Land descend to him that has right to it before, he shall be remitted to his better Title, if he will. Doctor and Students, ca. 9. fo. 19. 12. See Terms of the Law, on this word, & Coke on Litt. H. 3. c. 14.

Renter, (from the Fr. Rendres, & Redress, Retribuere) and so it signifies with us, As in the case of a Landlord, who lets out a rent, he is the Tanne, and the Tenant reserves the rent.

Reneged, For Reneged Johnstone* Stanley Ar. clamat habere de qualibet bonum terra infra fratum de Alford i, & excipit Dominici terris & terris in feodo prides ad Hundred de Mac- elefeald. Rot. Plac. in Linn. apud Celfium, 14 Hen. 7.

Renembant, (from remevo, to renew, or make again.) —The Parson sued one for Tisbe to be paid of things renovant, but this Hasle, being only for labor and travel, would not renew, &c. Croce 2. Part fo. 45. 2.

Rents. (Reditus.) Is a summ of Monys, or other Considerations, issuing yearly out of Lands.
or Tenements. Peddew, Caste, Browning, &c. fo. 12, b. 138. a. & 141. b. Of which there are three forts, Rent-service, Rent-charge, and Rent-seck. Rent-service is, where a man holds his land by fealty, and certain rent, or by Fealty, Service and Rent. Litt. lib. 3, ca. 12. fo. 44, or that which a man, making a Leaf to another for years, reserves yearly to be paid him for the same. Rent-charge is, where a man charges his Land or Tenements, by Descendent, either in Fee, Fee-tail, or for term of life, with a sum of Money to be paid to the Grantee yearly, with clause of disferring for not payment thereof. Litt. &c. supra. Rent-seck, otherwise Dry-rent, is that, which a man, making over an Estate of Lands or Tenements by Descendent, reserves yearly to be paid him, without clause of disferring, mentioned in the Indenture. See more on this subject in the Terms of the Law; and the difference between a Rent and an Annuity in Doctor and Student, ca. 30. Dit. 1.

Rents resolute. (Reditius resolutus) are reckoned among the fee-farm Rents, to be held by the Stat. 2 Car. 2, &c. and are such Rents or Tenures, as were anciently payable to the Crown from the Lands of Abbies and Religious Houses, and, after the dissolution of these Abbey-lands being demised to others, the said Rents were still reserved, and made payable again to the Crown.

Remittant — It is the common names latrones & Remittantiores luminum, &c. Trin. 22 Ed. 3. Ebor. 37. q.

Relaciones facienda. Is a Write that lies in divers cafes, whereof one is, where there are three Tenants in Common, Join-tenants, or pro indiviso, of a Mill or House, which is fall into decay, and the one is willing to repair it, the other two not. In this case the party willing shall have this Writ against the other two, Fitz. Nat. Br. fo. 177, where you may see the form, and many uses of it, as also in Reg. of Writs, fo. 153. b.

Repeal, (From the Fr. rappel, i. revocatio) Signifies the same with us, as the revoking or disannulling it. Book uses Repellance in the same sense.

Re-pleader, (Replacatio) is to plead again, that which was once pleaded before. See Book and New Book of Entries, verbo, Repleader.

Replegiare de abertis. Is a Write brought by one, whose Cartel are disfrained, or put in pound upon any cause by another, upon surety given to the Sheriff to pursue, or answer the Action at Law. Ann. 7 Hen. 8. ca. 4. Fitz. Nat. Br. fo. 68. See Reg. of Writs for divers sorts of this Writ; New Book of Entries, verbo, Replicatus, and Dyer, fo. 173. mun. 14.

Replegie, (Platica) Is derived of replique, to re-deliver to the owner upon pledges or securit, and signifies the bringing the Write called Replegiari faciunt, by him that has his Cartel or other goods disfrained by another for any cause, and putting in Seurity to the Sheriff, that upon delivery of the thing disfrained, he will pursue the Action against him that disfrained,
mandant. See Brook Tit. Respectit, fo. 205. and
Perkins, Dover, 449. Respectit is also applied to
an admission of Plea, though the controversy be onely between two. Brook tit. Elijah
pelt. Coke on Litt. fo. 152. b.
Respecti of homage. (Receptio Homagii) is
The Lord's receiving Homage of his Tenant at
his admission to the Land. Kitchin, fo. 148. See Homage.

Rescitois, (Rescusiis) From the Fr. Rescusi,
1. Liberator, vedemptio) is an illegal taking
away, and setting at liberty, a Defendant,
or a person arrested by Process, or course of
Law; which is a Rescusi in Deed: And,
where a man has taken a Defendant, and the Cattle
distressed, as he is driving them to the Pound,
happens to go into the House of the owner, if he
took the Defendant demand them of the owner,
and he delivers them not, this is a Rescusi in
Is also used for a Writ which lies for this fact,
called Breve de rescusi, whereof you may see
both the form and use in Fiz. Nat. Br. fo. 101
Reg. of Writs, fo. 125, and New Book of
Entrees, verbal Rescusi. This, in some cases, is
Trespass upon matters of Trespass, and in some
Felony, in cases of Felony. Comp. Justici, fo.
524. b.

Rescutio, is he that commits such a Rescusi.
Cokes Rep. 2 Part, fo. 419.

Resfeiter, (Rescnsier) Is a taking again of
Land into the King's hands, whereas a general
Livery or Dower is main was formerly mis-
used, contrary to order of Law. Stani-

Reservatio, (Reservatio) A providing for
flour; as when a man departs with his Land,
but reserves or provis for himself a rent out of
it for his own livelihood. Sometimes
it serves to reserve a new thing, and
sometimes to except part of the thing in esse
that is granted. See Perkins Reservations, per-
tomum.

Resitcance, (Resistantia) From the Fr. Restant
vel rescant, i. Rescident, signifies a Mans
abroad or continuance in a place, Old Nat. Brs.
85. Whence also comes the participle rescant,
that is, continually dwelling or abiding in a
place, Kitchin, fo. 33. It is all in one truth
with resitance, but that custom ties this only to
persons Ecclesiastical. Veteri autem jure nostro
ei & Scito alium signification, ut mortem
validum fecuritatem, quo quin excive de suis
aditus prohibet. Eiusdem signior quod de mala
lethi nuncupatur; hoc est excusatio, quod ratione
infirmatius sitare vi in jure non valent, eiusdem
nuncupant de rescantia. Gianvile, lib. 1, ca.
11. — Quandoque intervenit (Essismum ex
infirmitate de rescantia. Ubi in marginie nota-
tut, Eissium de rescantia idem valeat quod essi-
nium de mala lethi. — Et Galli aperitius dix-
unt Eissium de mala lethi. Spelm.

Residence (Residentia) Is peculiarly used
both in the Canon and Common-Law, for the
continuance or abode of a Parson or Vicar up-
on his Benefice: The defect whereof (except
the party be qualifi'd and dispenst with) is
the los of ten pounds for every moneth. Anno
28 Hen. 8. c. 17.

Resignation. (Resignatio) Is used particu-
larly for the yielding up a Benefice into the
hands of the Ordinary, otherwise called renun-
ciatio by the Canonists. And, though it signify
all one in nature with the word Surrender, yet it
is by use restrained to the yielding up a Spiritual
Living as aforesaid, and Surrender to the
yielding up Temporal Lands into the hands of
the Lord. And, a Resignation may now be
made into the hands of the King, as well as of
the Diocesan, because he has Supremus Aut
oritatem Ecclesiasticam, as the Pope had here
in times past. Fowden, Cota Grendon, fo. 498.

Resort, or Resolfit (Fr.) Is a word used
properly in a Writ of Trespass or Conflagae, as
Defent in is in a Frit of right: In French it
signifies the Authority or Jurisdiction of a Court.
—Sicco tamen tam resortto quam aliis jure
foris, & jure etatis aliena. Lit. Pat. Philipe
Hardy R. Franc.

Respondeo comput brecconiii habendo, Is a
Writ for the requiring a Sheriffs account,
upon just occasion, directed to the Treasurer
and Barons of the Exchequer, Reg. fo. 139, and
179.

Respite, (Respitius) Is used for a delay,
forbearance, or continuation of time. Precipio
sit, quod praefite in respitiis etiam ad al
dem terram conscriptam. Gianvile, lib. 12,
ca. 9 in Brevi Regis.

Respite of homage, (Respicii Homagii) Is
the forbearance of Homage, which ought oft
of all to be performed by the Tenant, holding
by Homage; but, it had the most frequent use
in such as held by Knight-service in Copiauge,
did pay into the Exchequer every fifth Term;
some Small Sum of Money to be respited, the
doing their Homage, see the Stat. 12 Car. 2, ca.
24, whereby this Respite of Homage is taken
away, as a charge incident, or aleving from
Knight-service, &c.

Respondeat superior, Where the Sheriffs
are removable, as in London, for insufficiency,
respondeat superior, that is, the Mayor and
Commonalty of London. For insufficiency del Beit
Bif d'un Liberei, respondeant Dominus liberta-
tus, 44 Ed. 3. 12. See 4 Inf. fo. 114.

Responsalio, (qui Responsus decept) Is he
that appears for another in Court at a day a
signment, Gianvile, lib. 12, ca. 1. But Vesta,
(lib. 6, ca. 11) makes a difference between Ar
turnatum, Eronatorem & Responsalio; as if E
sonator came only to alledge the cause of the
parties absence, be he the defendant or tenant;
and Responsalio came for the Tenant, not only
to excuse his absence, but to signify what trial
he meant to undertake, viz. the Combat or the
Country. See Attorney.

Responsiones, (Responsumes) Seems to be a
word used particularly by the Knights of St.
John of Hierusalem, for certain accounts made
to them by such as held their Lands or Stocks,
Anno 32 Hen. 3, ca. 24.
Restitution, (Restitutio) Is a yielding up or restoring any thing unlawfully taken from another. It is also used for the setting him in possession of Lands or Tenements, who had been unlawfully dispossessed of them which, when to be done, and when not, see Gramp. F. fo. 144. s. 149.

Restitutione extracti ad Ecclesiæ, Is a writ to restore a Man to the Church, which he had recovered for his Sanctuary, by being suspected of Felony. Reg. of Writs, fo. 69. a.

Restitutio temporalium, Is a Writ that lies where a man, being elected and confirmed Bishop of any Diocese, and has the Kings Royal assent thereto, for the recovery of the Temporalities or Barony of the said Bishoprick. Which is directed from the King to the Escheator of the County, the form whereof you have in Reg. of Writs, fo. 294. and in H. c. Nat. Br. fo. 269.

Refutamions, (Refutamionis) Signifies a second Summons, or calling a man to answer an Action, where the first Summons is defective, or suspended by any occasion, as the death of the party, or such like. See Brook tit. Refutamions, fo. 214. See of these four forts, according to four divers cases in the Table of Reg. of Writs judicatiss, fo. 1. and New Book of Entries, etc. Reattachment & Refutamions.

Refutamion, (Refutamio) Is particularly used for the taking again into the Kings hands such Lands or Tenements, as before, upon false Figgulation or other Error, he had granted by Letters-Patent, to any Man, Brook tit. Repelance & Refutamion, fo. 298. And so it is used Anno 31 Hen. 6. cap. 7. & 19 Hen. 7. cap. 10. See Ref. Sefer.

Retail, (Anno 24 & Ed. 6. cap. 21.) Quem integram omnem, per minutias eam partes dispartum. Anglice, to buy by great, and sell by Retail, i, by parcels.

Reteller, (from Retenero) Signifies a Servant, not merely nor familiar, that is, not continually dwelling in the house of his Lord or Master, but only wearing his Livery, and attending sometimes upon special occasions. This Livery was wont to confit of Hats (or Hood's) Badges, and other frouge of any Garment by the year, and were given by Lords and great Men many times on purpose for maintenance and quarrels, and therefore have been justly prohibited by many Statutes, as by R. 2. cap. 7. upon pain of imprisonment and grievous forfeiture to the King. And again, Anno 16 ejusdem, cap. 4. & 20 ejusdem, cap. 1 & 2. and Hen. 4. cap. 7. By which the Offenders herein should make Ranom at the Kings will; and any Knight or Esquire hereby dully attainted, should lose his said Livery, and forfeit his Fee for ever, and which Statute is further confirmed and explained, Anno 2 Hen. 4. cap. 21. and Anno 7 ejusdem, cap. 3. & Anno 8 Hen. 6. cap. 4. And yet this offence was so deeply rooted, that Edward the Fourth was forc'd to confirm the former Statutes, and further to extend the meaning of them, as appears by 5 Edw. 4. cap. 2, adding a special pain of five pounds on every man that gives such Livery, and as much on every one for retained, either by Writing, Oath, or Promiss for every Moneth. These by the Pundits are called Affidavius: And, as our Reteniers are here forbidden, so are those Affidavius in other Countries. But, most of the above mentioned Statutes are repealed by 3 Car. 1. cap. 4.

Retinemnum, (from Retine) A withholding, retaining, or keeping back. —Sinulatoe retinenum was a frequent expression in old Deeds.

Retractat, It is called, because it is the emphatical word in the Entry 3 and is, where the Plaintiff or Demanand comes in petition alone, or with the Defendant into Court, and says, He will proceed no further, which is peremptory, and a perpetual barr, and may be pleaded as such to the Plaintiff in the same Action for ever.

Qui femei. Affidavit, amicus repetit non potest. Coke on Litt. lib. 2. cap. 11. § 208. where you shall find the difference between Nonfact and Retractat.

Returi, (Returne or return.) From the Fr. retour, r. Retirer. recesso) has two particular applications, namely, the return of Writs by Sheriffs and other Officers, which is a Certificate made to the Court from whence the Writ was issued, of that which they have done, touching the execution of the same Writs. Or returns in this signification, speaks the Statute of Writs a. cap. 39. So is the Return of a Commission, a Certificate, or answer to the Court of that which is done by the Commissioners, Sheriff, Bailiff, or others, unto whom such Writs, Commissions, Prerogatives, or Mandates, are directed.

Also certain days in every Term are called Return, or Days in Bank, As Hilary Term in four Returns viz. Ohabis Hilarii, Quindena Hilarii, Clarifio Purificationes, Ohabis Purificationes, Last Term five, viz. Quindena Pafeche, Tros Pafeche, Menfe Pafeche, Quose Pafeche and Clarifio Affenfionis Domini Trinitat, Return Term four, viz. Clarifio Trinitatis, Ohabis Trinitatis, Quindena Trinitatis, Tres Trinitatis, And Michaelmas Term six Returns, viz. Tres Michaelis, Menfe Michaelis, Clarifio animarum, Clarifio Marinii, Ohabis Marinii, Quindena Marinii. See the Statutes of Days in Bank, Anno 5 Hen. 3. 38 Hen. 8. cap. 21. and 17 Car. 1. cap. 6.

The other Application of this word is in case of Replevin; for, if a man drain Carrel for Rent, and afterwards saul justifie or avow his act, that it is found lawful, the Cattel, before delivered to him that was disraialized, upon securitie given to follow the Action, shall now be returned to him that disraialized them, Brook tit. Return d'avers & hommes, fo. 218.

Returno habendo, Is a Writ that lies for him, who has avowed a Distrefs made of Carrel, and proved his Distresses to be lawfully taken, for the return of the Cattel disraialized unto him, which before were releived by the party disraialized, upon securitie given to pursue the Action, or when the Plaintiff or Action is removed by Recordari 5 or Accedens ad Curiam, into the Court.
Bill of Rebidas. Is where a Bill hath been exhibited in Chancery against one, who answers, and before the Caute is heard, or if heard, the Decree be not enrolled, and either party dies: In this Case a Bill of Receiver must be brought to the end, the former proceedings may stand Reived, and the Caute be finally determined.

Revocation (Revocatio) Is the recalling of a thing granted: Of which, you have divers in the Register of Writs. As, Revocationem brevi de andando & terminando, fol. 124. Revocationem Praesens, fol. 104, 325, 6c.

Ridet (Anno 43 Eliz. cap. 10.) So as the same Closes, being put in water are found to spink, Rewey, Squally, Cockling, Light, and notable faulty. C. Unevenly wrought, or full of Rees.

Ridva (Fr. Ribre) A Rogue, Rafield; Fornicator, Whoremonger. Rot. Parl. 50 Edw. 3. num. 61. Petition against Ribaids and sturdy Baggers.

Ride-Kill. See in Roll.

Ridge or Knig of Land (Riga) Terram quam a pluribus facta in agrum servis aramant, ut in secta fides fraudem habitat, Romani fitrigan (auque unde agros fitriganos) nos, a Ridge of Land. Spel. Yet I have seen in the Exemplification of a Writ of Partition, Anno 40 Eliz. Jefc Jacobo Dyer Mil, quam servum terrae arabilis, contineat, quinque potes terrae Anglice 10 Ridges.

Ridings. Are the names of the Parts or Divisions of Yorkshire, being three, viz. Easte-Riding, West-Riding, and North-Riding, and mentioned in the Statute of 22 Hen. 3. cap. 55, and 43 Elizdem, cap. 18. In Indictments in that County, it is requisite, that the Town and the Riding be expressed. Vizt, parz. Symb. tit. Indictments, fol. 70. 6.

Riens paille le fait. Is the form of an Exception taken in some Cases to an Action. See Brook, tit. Effraung ad fictum on Record.

Riens en arrear. Is a kind of Plea used to an Action of Debt upon Arrears of Account, whereby the Defendant does allege that there is nothing arrear. Book of Entries.

Riens per descent (i. Nothing by descent) Is the Plea of an Heir, where he is sued for his Ancestors Debt, and hath no Land from him by descent. See 3 Port Cates Rep. fol. 159.

Riens define le gars. Was a challenge to a Jury or Enquest within London, &c. But it is abrogated by the Statute 7 Hen. 7. cap. 59.

Riher Count (Retro comitatus) From the Fr. Arriere, a Esquerie) in the Stat. 2 Edw. 3. cap. 55, is opposite to open County; And by comparing that Statute with Wolsey. s. cap. 98, it appears to be some publick place, which the Sheriff appoints for Receipt of the Kings Money, after the end of his County. Fleta says it is, Dies crasfienus post consuetud. Lib. 2. cap. 67.

Right (Jus) In general signification, includes not only a right, for which a Writ of Right lies, but also any Title or Claim, either by force of a condition, Mortgage, or the like,
Placita coram Domino Rege apud Ebor. de Termino Pasche Anno Regni Regis Ricardi Secundi, 18.

Quamplurimi de Cotingham & Villis circumfacentes indicantur, quod ipsi alligati fuerint quidlibet ad alterum in surrem fuisse & manuteneriium omnes quæres suas verò pro seque: Et quod modo guernam obidantur villam de Kington super Hull, & partes circumfacentes diripuerunt, ut quod nullus ire vel redire possit ad dicitum villam, ac infirmeriorem Rimam in Angliis verbis, & dictam Rimam publica apud Beverley proclamari fuerint die, & cæ. qua Rimam sequitur in eis verbis.

And on that purpose, yet we stand,
Who so doth us any wrong,
In what place it fall.
Yet he must also wake,
Als habe I hope and heale,
Wee againe us all.

Sec perdonneraut 8 cex e.
Record, contain quiter Boteler.

Kinghead (Anno 43 Eliz. cap. 10.) An Engin use in strechinge Woolen Cloth.

Kator (Fr. Riotes, quod non solita rissam & jurium signat) sed vinculum citem, quod plura in num, falsitatum minar, coligitur.] Significat the formidable doing an unlawful act, by three or more persons assembled together for that purpose. Weô, par. 2. Symb. tit. Indictments, sect. 65. The differences and agreements between a Kator, Kout, and Unlawful Assembly. See in Lamb. Even. lib. 5, cap. 5, Stat. 1 Mar. cap. 12, and Kitchin, fol. 19, who gives these Examples of Kouns: The breach of Enclosures, Banks, Conduits, Parks, Ponds, Houses, Barns, the burning of Stacks of Corn, &c. Lamb. ubi suprad mentions these: To beat a man, to enter upon a Possession forcibly. See Kout and Unlawful Assembly; see also, in Group, Justice of Peace, divers Cafés of Kiors. Anno 17 Rich. 2, cap. 8, and 13 Hen. 4, cap. 7. See Kout.

Ripartie (from Rips, a Bank) in the Statute of Wipens, cap. 47. Signifies the Water or River running between the Banks, be it Salt or Fresh r. Indig. fol. 473. The word occurs also in Rot. Cart. 3 Edw. 2, num. 12.

Ripiers (Riparii, e Eiseclia, quæ in deschehts piflesus utuntur. Anglice a Kip.) Are those that use to bring Fith from the Sea Coast to the inner parts of the Land. Camb. Brit. pag. 234.

Ridger-Beasts (Anno 7 Edw. 6, cap. 13.) See Ridger-Beasts.

Robbery (Rabaria) from the Fr. Robe, i. Vifin.) Is a Felonious taking away another Mans Goods from his Person, Presence, or Eftate against his will, putting him in fear, and of purpose to steal the same. Weô, par. 2. Symb. tit. Indictments, sect. 60. This is sometimes called Violent Theft, which is Felony, of two pence. Kitchin, fol. 16. & 2. See Comptons Justice of Peace, fol. 30. b.

Robbers (Robatorum) Were so called originally, because they only took away the Robes or Cloaths from Travellers; Latrones validi, qui in personas hominum insipientes, bona sua dirigunt.

Robbersmen or Robbersmen (Anno 5 Edw. 3, cap. 14, and 7 Rich. 2, cap. 5.) Lambers interprets them to be Nabys Thores: Even. lib. 2, cap. 6. Sir Edward Coke in his Third Infiit. fol. 197. says, Robbi-Boold lived in Richard the First's time in the Borders of England and Scotland by Robbery, burning Houte, Rape, and
and Spoil, &c. And that these Robertaetom took
name from him.

Rod (Roda terra) Is otherwise called a
Pearch, and is a measure of sixteen foot, and a
half long; and in Staffordshire twenty foot, to
measure Land with. See Pearch.

Rod Knights alias Rad Knights (from
the Sax. paed, angl. Road, i. Equitum, c. ence,
i. pier, minifter, famulati; quasi qui vel mini fieri equitantes) Were certain Servitors, who held
their Land by serving their Lords on Horse-
back. Debent equitari cum Dimonio fo Man-
nerio in Mannerium, vel cum Domini Uxore.
Bratton, lib. 6. cap. 35, num. S. Not much unlike
our Retainers.

Roite-pile alias Treat-pile, Is that Tyle
which is made to lay upon the Ridge of the

Rogues (Rogan, from the Fr. Rogns, Ar-
rogains) Signifies an idle sturdy Beggar, who
(wandering from place to place without Paftour,
after he hath been by Justices, beingt, or offerted to be bellowed on some certain place
of abroad) is worthily so called; who for the
first offence, is called A Rogue of the first degree,
and punished by whipping and boring through the
Griffel of the Right Ear, with a hot Iron, an
inch in compass; and for the second offence is
called A Rogue of the second degree, and put to
death as a Felon, if he be above eighteen years
old. See the Stat. 14 Eliz. cap. 5, and 15 E-
judform. cap. 3, and Anno 36 cap. 17. See Lamb.
Eiron. lib. 4. cap. 4.

Rogues (Lat.) A great Fice; also a Pile of
Wood. — Mandatum est confribulnoe caferi de
Divis. Et confoldi Forisde Cipitatis, quod
fieri fac. omnem Rogum in Foris praebit ad
operationes: Cauferi praebatic, prout ministerer
vidit bonum expediens, &c. T. x. Mai. Clau. 54 Hen. 5. m. s.
Rogus cum conlibratus, pira et congresi signi-
um ad conburnandum. Vocab. urdisque.

Rull (Roules) Signifies a Schedule of
Paper or Parchment, which may be turned or
wound up with the hand to the fission of a
Pipe: Of which, there are in the Essequer
several kindes, as the Great Wardrobe Roll, the
Coffin Roll, the Subsidy Roll, &c. Of which, see
the Pracrice of the Essequer Court, vol. 75.

Rider-Roll (Nay's Report, fol. 84.) The
Court Ex Officio may Award a Certomari ad in-
formationem conferentiae and that which is cer-
tified, is to be annexed to the Record, and is
called a Rider Roll. Or a Rider Roll is a Sched-
ule or small piece of Parchment, not seldom
fewed or added to some part of a Roll or
Record.

Rolls, or Office of the Rolls in Chancery-
lane, anciently called Domus Concellorum, Was an Houfe built or appointed by King
Henry the Third, for such Fees as were con-
verted to the Christian Faith. But King Edward
the Third, in the One and fifteenth year of His
Raign, expulred them for their wickednes,
and departed the place for the Cudford of the
Rolls, and Records of the Chancellor, the Ma-
fter whereof, is the second perfon in Chancery
and in the absence of the Lord Chancellor, or
Lord Keeper, sits as Judge, being commonly
called The Master of the Rolls.

Romeseok (Romeseok, Romepen, (Sax. Pompeok, i. Nummum Rome datum, nampe of nummos, pecunia, fipidifam, pompenes, Rome De-
arius; Penning enim (bodie £ penney) of Den-
arvus. Rode Romeseok.

Romeseok (Romebyok vel Romefex, Rome-
pen, alias Denarius Sancti Petri & Herib-
pens) Is componed of Rome and Scot, from the
Sax. farc, i. Cenfur, pecunia, quafti, num-
num Rome daters. It was an annual tribute of
one penny from every family or household, paid
yearly to Rome at the Feast of St. Peter at
Vincula, 1 Aug. It was given by Jus, king of
the West-Saxons, Ann. 725, as an Alms, being
in Pilgrimage at Rome, and was prohibited in
the days of Edward the Third. It amounted to
Three hundred Marks, and a Noble yearly.

Romeseok in Esgo Sancti Petri ad Vincula debeet
redde — Quin super tenebit, reddat Episcopus
Denarium illum, &c 30 Denarios addit, &c
Regi 50 solidos. LL. Hen. 1. cap. 12. See Peters-
ence.

Rodd of (Rotta terra) Is the fourth part of an
Acre. Ann. 5 Eliz. cap. 5.

Rotherseok (Sax. Hylpepen) Under this
Name are comprehended Oxen, Cows, Steers,
Heyfers, and such like Horned-Beasts. Ann.
22 Jac. cap. 28. And in Hertfordshire, the
Dung of such Beasts is still called Rother-
seok.

Rutus Wintonezes, Doneby Roll Book so
called, because it was of old kept at Wicheafter,
among other Records and Monuments of the
Kingdom. See Doneby. Some say there was
a more ancient Record or Book, of like nature
with Doneby, but made long before by King
Alfred, called Rutus Wintonezes.

Rouge Crofts. See Horsald.

Roundtre. See Renter.

Roue (Fr. Rout, i. A company or number)
Which signifies an Assembly of three persons,
or more, going forcibly to commit an unlawful
act, though they do it not; and is the same
which the Germans yet call Rout, meaning a
Band or great company of Men gathered toge-
ther, and going to execute, or are executing
indeed any Riot, or unlawful act. See the Stat.
3 Edw. 3. flat. 1. and 2 Rich. 2. cap. 6. It is a
Rout, whether they put their purpose in execu-
tion, or no, if they go, ride or move forward
after their meeting. Book. iii. Rout. 4. 5. So
as a Rout seems to be a special kind of unlaw-
ful Assembly, and a Rout, the disorderly act
committed generally by any unlawful Assembly.
Howbeit, two things are common both to Rout,
and Unlawful Assembly: The one, that
three persons at the least be gathered together
the other, that they being together, do disturb
the Peace, either by words, shew of arms,
turbulent gelture, or actual violence, &c. See
Lamb.
R

Royal Ament (Regius Amentius) is that Ament or Approbation, which the King gives to a thing formerly done by others, as to the election of a Bishop by Dean and Chapter, which given, then he sends a Special Writ to some person for the taking of the Fealty. The form whereof you may see in Fitz Nat. Br. fol. 70. C. And to a Bill passed in both Houses of Parliament. Comp. Jur. fol. 8. Which Ament in Parliament being once given, the Bill is Enforced with these words Le Roy Veuil, i.e. it pleases the King. If he refuse to agree to it, then thus Le Roy Acceüse, i.e. The King will Adverse upon it.

Royalties (Regalia vel Regalitates) are the Rights of the King, otherwise called the Kings Prerogatives; some of which are such as the King may grant to common persons; some so high, as may not be separated from his Crown Prerogative, as the Civilis term it; though some may be Cumulative. Vide Bracton, lib. ii. cap. 5. And Mathew de Austin, upon the title of the Feud, Quæ sunt Regalia, where are set down Twenty five particulars, or several sorts of Royalties. See Prerogative and Regalia.

Kedge-made Shepway. Is that which is made of Fleece-wool, walked only on the Steeps back. Anno 35 Eth. cap. 10.

Kummos (from the Irl. Runmos) is used in Donemday for a Load-horse, or Sumpter-horse; and sometimes a Cart-horse, which Chaucer calls a Robinie.

Kure (from the Sax Runge, i.e. A Courtie or Running) A water-course, so called in the Marches of Somersbyshire. Hist. of Inhabiting and Draining. fol. 164 a.

Kynlet alias Roundlet, is the certain Measure of Wine, Oyl, &c. containing Eighteen Gallons and a half. Anno 1 Rich. 2. cap. 13.

Rural Deanes (Decemi Rurales) Sum Decani Temporales ad aliquod ministerium sub Episcopo vel Archiepiscopo exercendum constitui, qui nec habet Institutionem Canonicam secundum Decores. Hos eosdem esse existimo, qui in LL. Eduardi Confess. cap. 31. Decemi Episcoporum appellantur. See Dean. Each Deans hath in it one or more Arch-Deacons, for dispach of Ecclesiastical busines, and every Arch-Deacon subdivided into Rural Deanes, fewer or more according to the bignes and extent thereof. Heleins Confess. fol. 504. These were anciently called Archi-Prisci, et Decemi Canonicis. See Dean.

Rufca. When the King himself fays Donemday, fit Coffer, came in per Donemday, every Carrucata yielded him two hundred Heath's, and one Ton of Ale, and one Rufca of Butter. Quere What the quantitty was? Rufca spum is a Hive of Bees.

S

Sabbatum, in Domcday, is used for Peace, Pythagoras Willibrordus Rex sedeunt, & celebrat in Sabbato, & Willibrordus Mutil et feritium postumum nostr. Cum domin. De Eia, &c. Tit. Suffolk.

Saco (Saccul vel Sacca) is a Royalty or Privilege, which a Lord of a Manor claims to have in his Court, of holding Pleas in Causes of Debate, arising among his Tenants and Vassals; and of imposing and levying Fines and Amencements touching the same. But Ralfr, and some others define Sac to be the forfeiture itself. In the Laws of King Edward, set forth by Lamberti, fol. 144. it is written, (Saco.) Sacca autem, si quislibet aliquem nominatum de aliquo calumniis fuerit, & ille negaretur, fors divisa probatorium vel negationis (si eversit) sui crim. Which may be called the Amencement paid by him, who denies that which is proved against him to be true, or affirms that which is not true. Fleta says, Sack signifies acquisitionem de jure ad Comitatu & Hunderedom, lib. 1 cap. 47. Sac is a Saxon word, and signifies Cafla, lb. certame, as we still say For Christ sake, &c. Pro causa Christi. See Kilwys Rep. fol. 145. Praeceptum S. Benedicti de Rammista in bene & ubere habebat Sacum & Sacam. &c. Breve Hens. 2 Juristicas de Norfolke. V. Saks.

Sacaburth alias Sacabere, Is he that is robbed, or by their deprived of his Money or Goods. Britton, cap. 15 & 25. With whom agrees Braidon, lib. 2. Est. cap. 22. Saco. fortum vero manifestum e, ubi lapo deprehensae fuerit quia est aliquid latrocinium. S. Houndaburg & Sacaburth, & Infecteda fuerit per aliquem cumis suis fuerit, qui dictus Sacaburth, &c. It may come from Zac or Zac, i.e. one that piques, pretends, and buffs, pignus; quia maius fuerit quam causa pignus, hoc est, fuerit Symbolum. Spelman. But Sir Edward Coke says, Sacabere, or Sacabher, is derived of Sac and Bere, that is, He that did bear the bag. 3 Inst. fol. 69.

Saccus cum bochia, Was a Service or Tenure of finding a Sack, and a Broach to the King, for the use of his Army. Braidon, lib. 2. cap. 16. num. 6. & lib. 3. Est. cap. 1. See Broach.

Sacrebergh or rather Stickerberg, Stcurus Plegius. A sufficient Pledge, or Cautioni-ner. Skene. See Sacaburth.

Sack of Whal (Saccul Lante) Contains Twenty six Stone, and a Stone Fourteen pounds. Anno 14 Edw. 3. Est. cap. 22. See Sparlar. In Scotland it is Twenty four Stone, and the Stone Sixteen Pound.

Sacrafeld Rents, Are certain small Rents paid by some Tenants of the Manor of Chur- ton in Com. Somerset, to Sir Charles Waldegrave, Lord thereto, but why so called, Quere.
Sacramento Kedipiendo, quod vidua
Regis te non maritarius fine licentia Regis,
was a Writ or Commission to one for the
taking an Oath of the Kings Widow, that
she shall not marry without the Kings Licence.
Reg
ef Writs, fol. 295.

Sacrobarbara. Libri MS. de Officio Coronat
orum — acquirendum ei per 12 aureos pro Reg
super Sacramentum fuisse, quod declareret presen
bant sale una coniunctura sine fortuna (ob
Tortum sectato) abjurationem. Appello, Mur-
des. — Sacrobarbara, felonias facias quoque &
quo, &c. Quaere, If Sacrobarbara be not the
name with Sacrobari.

Safe Conduct (Salve Condutus) Is a se
curity given by the Prince, under the Broad
Seal, to a stranger, for his quiet coming in
and passing out of the Realm: Touching which,
you may see the Statutes Anno 15 Hen. 6. cap. 23.
& 18 Ed. 3. cap. 8. & 23 Hen. 8. cap. 1. and
the Form of it in Reg. of Writs, fol. 25.

Safe-guard. See Sauda-guarda.

Safe-pledge (Salus Plega) Is a Surry
given for a Mans appearance against a day a
signed. 
Bridg. lib. 4. cap. 2. num. 3. Where it is
also called Certus Plegus.

Sagittara alias Sarcharo. The name we
now call Saffiriniana: It signifies as much as
Vr canvaten vel casinis & bisnis prepositus.
Lit. i.e. Regis Anglo-Saxonos, cap. 6. MS.

Sagittas Barbata, A Bearded Arrow.
Redendo inde annum in medi servitio se
Sagittas Barbatas ad Elyum Sancta Michaelis,
&c. Carta Hugonis de Logis, fine Dat.

Sailing Mare (Anno 1 Rich. 3. cap. 2.)
Seems to be Canvas, or such kinds of Cloath
as Sails or Ships are made of.

Saha, hospit. Quad Prior habet eundem
& americanus de transferrationibus hominum
saurum in Curia sua litigantiun, tan liberorum,
See Sax.

Salary (Salarium) Is a recompence or
consideration made to a Man for his pains or
industry, bestowed on another Mans busines.
The word is used Anno 23 Edw. 3. cap. 1.

& Mar.) From the Fr. Salle, 1. Salu. Men
tioned also in Rich. 2. cap. 1. viz. Salley or
Scul of Iron. &c. Otherwise called a Musum
or Pot.

Salarium (Lat.) Custom paid for Salt.
Cadmum.

Salina, A Salt-pit or Vate, a Houfe or
place where Salt is made. — In Herbarius &
Piscarium, in Salinum & Fabricium, in minus
fer,r. &c. Carta 1 Edw. 2. num. 29.

Salique Latu (Lex Salica) De terra Salica
nulas partes hereditatibus oneri veniat, sed ad
actum factum toras tota hereditatis provisit, &c.
Was an ancient Law made by Pharamond,
him of the Franks. Part of which, appears
to have been borrowed by our Bish the Firth,
in compiling his Laws, as Cap. 39. — Qui tec
securit. secundum Legem Salicam memorat., &c.

Salmon Pipe (Anno 25 Hen. 8. cap. 7.) Is
an Engine to catch Salmon, or fish like Fif.

Salmon Debtor. Seems to be the young
Fry of Salmon, Quisnis Salmon issue. Anno
13 Rich. 2. cap. 19.

Saltatorium, A Deer-leap. Gramat habe
liberum Parvum etum apud Halton cum dubius
Saltatorius in oden. Pl. apud Cefirianum 31.
Edw. 3.

Saltus. Highwood. See Bofcu.

Salsa Guarda, Is a Protection given by
the King to a stranger, fearing the violence of
some of His Subjects, for seeking His Right by
course of Law; the form whereof see in Reg.
of Writs, fol. 26.

Salvage Money. Is a recompence allowed
by the Civil Law, in lieu of all damages sustained
by that Ship thatrefuses or saves another,
which was set upon by Pyrates or Enemies.

Salute (Salus) Was a Coin made by our
King Henry the Fifth in France, after his Con
quests thence, whereon the Arms of France and
England were quarterly stamped. Baker's Chron.
fol. 187.

Sanctuarium (Sanctuarium) Is a place pri
viledged by the Prince for the Safe-guard of
Offenders living, being founded on the Law of
Mercy, and upon the great Reverence, Honor,
and Devotion, which the Prince bears to the
place whereunto he grants such Priviledge. See
Stamf. Pl. Cor. lib. 2. cap. 32. P. Bonfisus 5.
justit. Aras Et Ecclesiae esse delibera, says Pla
tina. Among all other Nations, our ancient
Kings of England seem to haveattributed most
to these Sanctuaries, permitting them to shelter
such as had committed both Felonies and Trea
tions: So that within forty days they acknowl
edged their faults, and submitted themselves
to banishment. During which time, if any
Layman expelled them, he was excommunicat
ed; if any Clerk, he was made irregular.
But after forty days, no Man might relieve
them. See New Book of Emiritis, &c. San
tuary, and Fleeta, lib. 1. cap. 49. How by
degrees they have been taken away. See the Stat
tures 26 Hen. 8. cap. 13. and 23 Edw. 3. cap. 7.
32 Edw. 3. cap. 12. and 39 Edw. 1. cap. 5.
— Edw. 6. cap. 12 & Edw. 2. cap. 2. & 33.
and 5 Edw. 1. cap. 10. See Adjuration. Saint
Folone of Beverley in Yorkshire, had an eminent
Sanctuary belonging to it, which the Saxons
called Fridehol, or Fride Ham. So had St.
Martin in Grand in London; 21 Hen. 3. cap. 16.
And Rappin had the Blew, for which see Frod
merst.

Sand-gable, Is a payment due to the Lord
of the Manor of Baddesby in Com. York, for
Liberty granted to the Tenants, to dig Sand
II. 113.

Sapling of Tuit (Saplings Lata) (otherwise
called a Pocket) Is half a Sack; a Sack,
eighty Tad; a Tad, two Stone; and a Stone
fourteen Pound. See Fleeta, lib. 2. cap. 12. This
in Scotland is called Seathake, and contains
Mun.

eighty
eighty Stone. See Skene, verb, Serpliak, and 3 Part. of the y. p. 96.

Salis (Ann. 16 & 17. Cat. 2. c. 12.) is a kind of Wain with Fouldgate, mostly commonly
ly in Navigable and Cut Rivers, for the dam-
ing and flooding of the stream of Water, as oc-
casion requires, for the better passing of Botes
and Earges to and fro. This in the Wett of
England is called a Lock, and, in the River Lee (leis properly) a Turnpike, and in some places,
So tice.

Saterdale-place. Is a space of time in which
of old it was not lawful to take Salmons in Scot-
land, and the North of England; that is, from
Evenfong on Saturday, till Sun-filing on
Monday, M3.

Sauker default. To excuse a default which is
properly when a man, having made default in
Court, comes afterwards and allegodes good
cause why he did it, as Imprisonment at the
same time or the like. New Book of Entries
on this word.

Saumkhn, (from the Fr. Sang, 1. Saun-
shes & Finis,) is a word used by Britton,
35. 1719, for the determination of the end of
the linear Race or descent of a Kinsman.

Sauklinage, or Saturlennage, (Stenennage)
lex Saxonum. See Merchilage.

Scandulmum Magnatum, Is the special
name of a Scandal, or wrong done to any high
Personage of the Realm, as Proletate, Duked,
Earles, Baron, or other Nobles, as also the
Lord Chancellor, Treasurer, Steward of the
House, Clerk of the Privy Seal, Justice of either Bench,
or other great Officers, by false news, or Mis-
gages, whereby Debates and Disputes betwixt
them and the Commons, or any Scandal to their
persons may arise. Am. 3 Rich. 4. c. 1.
and hath given name to a Writ granted, to recover
damage thereupon.

Scabage, Sbacbage, Sbacbage and
Sbaccabung (From the Sax. scadban, offen-
dore) is a kind of Toll or Custom, exacted by
Mayors, Sherifs, or Merchant strangers, for
Wares over or offered for sale within their
liberties, which is prohibited by the Statute
19 Hen. 7. c. 8. In a Charter of Henry the Se-
cend to the City of Canterbury, it is written
Scevings; and (in Mon. Ang. a Par. fo.
890. b.) Screaving. The City of London
does still retain the Custom, to a good yearly
profit. Of which Custom the tail end all
apportained to the Sheriffs, and the other
half end unto the Hops, in whose Hous-
es the Marchants ben lodged. And it is
true, that Scabage is the Snew, because
that Sheriffs have over unto the Sheriffs
Schipmopple of the toboe. Cullums ought
to be taken, one that any thing thereof be
sold, &c. Out of an old printed Book of the
Culloms of London.

Scevenger, (From the Belg Scabian, 1.
To scrape, or have away.) Two in every Pa-
riah of London and its Suburbs are yearly cho-
en into this Office, who hire Men, (called
Rakers) and Cars to cleanse the Streets, and
carry away the said dirt and filth thereof, mention-
ed in 2 Car. 2. c. 3. The Germans call him a
Breckhim, from one Simon, a noted Sce-
tenger of Marburg.

Secre facias, Is a Writ judicial, most com-
monly to call a man to the Court to, whence it
issues, why Execution of a Judgment
pafted should not go out. This Writ is not
granted before a year and a day paft after
the Judgment given. Old Nal. Br. fo. 151. See
ca. 7. And see other diversities of this Writ in
Reg. of Writs, and new Book of Entries.

Scte, (Anno 32 Hen. 8. c. 20.) See
Site.

Scharkalla, or Scharkella. — It was es-
specially given in charge by the justices in the,
that all Jurys should inquire of hire, that the
Sire of his Bailiffs. (Says Cazenovia out of
Math. Verv. illid dicunt, quod ex diverso
rebus in unam accetum aggregant. Anno
22 Hen. 8. c. 2.) — Bearing neither Sec.
Lot no2 other charges, &c. Anno 33 Hen.
ca. 9. In Records it is sometimes written
Sct.

Scott and Lot, (Anno 33 Hen. 8. c. 9.)
Signifies a customary contribution laid upon
all Subjects, according to their ability. Bordem,
in principio Hen. 2., 2. writes it Anlote &
Ancote; in the Laws of William the Conqueror
fet forth by Lambert, you have these words,
(c. 125.) &c. Non Francigena, qui temporal
Edwardi propinguus ne toto in Anglia, parti-
caps Confinuimium Anglorum, quod dicere
Anlote & Ancote per omnium secundum iem
Angloven. Again — Rex est inimici
Clomiton interdixit. Hoveden, in anno
1088. Scott from the Sax. ceat, ut supras Lot,
Sax. Loc. i. Sore.

Williamus Rex Anglonum Hercerto Nor-
wichensi Episcopo & coniun. Barioum finit
s de Nordolti & Sodali. Stamen. Scire me de
diffic Saebala Trefentiis Noviiceni Ecclesiis, regnat
Rogi Bigotti, terram Michilis de Unumulme-
rio & terram de Tancham, quod ad adem
terram pertinet, quatem semper & liberam ab omni
Scottis & Geldris & omnia aliis Confinuim
bus. T. Eudone Dapifier apud Wefam.

Scotcal, or Scotale, (Scotala & Scotalam)
Is a word used in the Charter of the Foret,
ca. 7. Nullus Forestarius vel Bedellus faciit Scot-
tals, vel Garba collaris, vel aliquam Collatium
feci, &c. Manwood, Par. i. p. 216. defines it
thus A Scotal, is where any Officer of the
Forest keeps an Alehouse within the Forest, by co-
lor of his Office, causing men to come to his
House, and there to spend their Money, for
fear
fear of displeasure. It is compounded of Scot and Ais, which by transliteration of the words is otherwise called an Athos, and by the Welshman Cymouth.

M. Eoromandum, quod praebiit dementem, (de South-malling) de censibus sub iure dominii. Ita quod de linguis feci denarios de servis et ob. ad potumcum cum Beddul Domini Archipiscopi super praebiit dementem. Ex vetere Conferre Haudario Manerio de Southmalling in Archivis Archiep. Cantuar.


Scratage, (Scratagum, Sax. Sclilpeinis) Hen. 3. for his voyage to the Holy-Land, had a Tenth granted by the Clergy, and Scratage, those marks of every Knight's Fee by the Lady Baker in Hen. 3. This was also granted to Henry the Second, Richard the First, and King John.

Scotgang habendo, Was a writ that lay for the King, or other Lord, against the Tenant that held by Knights' Service, to serve by himself, or a sufficient man in his place, in War against Scots or French, or else to pay, &c. Fitz. Nat. Br. fo. 83.


Secregemot, (Sax. Secregemot) Was a Court held twice every year (as the Sheriff's Turn is at this day) by the Bishop of the Dioceses, and the Ealdorman, (in Shires that had Ealdormen) and by the Bishops and Sheriffs, in such as were committed to Sheriffs that were immediate to the King; wherein both the Ecclesiastical and Temporal Laws were given in honor to the Country. Selens Tales of Honor, fo. 628. See Conflation.

Seal. (Sigillum) Is well known. The first sealed Charter we find extant in England is that of King Edward the Confessor upon his foundation of Malmesbury Abbey, in the year 1085. Yet we read in the MS. History of Offa, King of the Mercians — Rex Offa literae Regni Sigillii sui munimine consecrata cibum Nuncius commissus defendidur. And that Seals were in use in the Saxons time, see Tayler's Hist...

Secta de Bircium, Is a Writ that lies against him, who refuseth to perform his Suit, either to the County or Court Baron. Fitz. Nat. Br. fol. 158.

Secta factiendi per illam que habet aniciam partem, Is a Writ to compel the Heir, that hath the Elders part of the Gobiers, to perform service for all the Coparencers. Reg. of Writs, fol. 177. a.

Secta Molendinum, Is a Writ lying against him, that used to grind at the Mill of B, and after goes to another Mill with his Corn. Reg. of Writs, fol. 153. Fitz. Nat. Br. fol. 122. But it seems by them, that this Writ lies especially for the Lord against his Frank-tenant, who held of him by making Sure to his Mill. See the New Book of Entries on this word. Secta de Molendinum, and Afflicits of Nusance, are now much turned into Trespasses and Actions upon the Cafe.

Secta de juridicat faciendam (Breolin, ph. 2, cap. 16, num. 6) Is a Service which a Man is bound by his Fee to perform.


Secta unica tantum faciendi pro pluribus h-reditatibus, Is a Writ that lies for that Heir, who is disinherited by the Lord to more Suits than one, in respect of the Land of divers Heirs descended to him. Reg. of Writs, fol. 177. a.

Sectis non faciendis, Is a Writ that lies for a Woman; who, for her Dower, ought not to perform Suit of Court. Reg. of Writs, fol. 174.
Secundus super operatione Pasture, is a
Writ that lies where Admesecraement of Pasture hath been made, and he, that first for-
charged the Common, does it again, notwithstanding the Measurement. Reg. of Writs, fol.

Secondary (Secondarium) A Second Of-
fisher, who is next to the Cheif Officer : As the
Secondary of the Fine Office. Secondary of the
Comptor, who is next to the Sheriff of London
in each of the two Comptors. Secondary of
the Office of the Privy Seal. Anno 1 Edw. cap.
1. Secondaries of the Pipe, two. Secondary
of the Remembrancers, which are two Officers in
the Exchequer. Camden, pag. 115.

Securitatem inveniendi, quod se non
obterret ad partes exter nas sine Licitentia
Regis, is a Writ that lies for the King, against any of His Subjects, to stay them from going
out of His Kingdom. The ground whereof is,
That every Man is bound to serve and defend
the Commonwealth, as the King shall think

Securitate Pars, is a Writ that lies for one
(who is threatened death, or danger) against
him that so threatens, and is taken out of the
Chancery, directed to the Sheriff, whereof the
form and farther use, you may see in Reg. of
Writs, fol. 83. b. and Fitz. Nat. Br. fol. 73.

See Defendendo, is a Plea for him,
who is charged with the death of another, saying,
He was forced to what he did in his own de-
defence; the other, so assailing him, that if he
had not done as he did, he must have been in
danger of his own life: Which danger ought
to be so great, as that it appears to have been
7. And although he justify it to be done in his
own defence, yet is he driven to procure his
pardon of course from the Lord Chancellor,
and forres, notwithstanding, his Goods to the
King.

Seignior (Dominus, Fr. Seigneur) Signifi-
ger generally as much as Lord; but particularly
it is used for the Lord of the Fee, or of a Man-
nor, as Dominus or Senior, among the Feudists,
As he who grants a Fee or Benefit out of the
Land to another; and the reason is, because (as
Hatton says) having granted the use and
profit of the Land to another, yet the proper-
ty (i. Dominium directum) he still retains in
himself.

Seignior in Grofs, See Lord in Great.

Seigniory (Dominium, Fr. Seigneurie, i.
Dieu, Dominatus, &c.) Signifies a Manor or
90. Seigniorie in Grofs, seems to be the title of
him who is not Lord by means of any Manor,
but immediately in his own person: As Ten-
nure in Capite, whereby one held of the King,
as of His Crown, was Seigniorie in Grofs. Iden.
fol. 206.

Seigneurage (Anno 9 Hen. s. filiat 2. cap. 1.)
Seems to be a Regality or Prerogative of the
King, whereby he challenged allowance of
Gold and Silver, brought in the Mails to His
Exchange, to be coined.

Seisin (Sei ins, Fr. Seine) Possession;
and Primier Seisin is the first Possession. Seisin
is twofold, in Fact, and in Law. Perkins, Douer,
369 & 370. Seisin in Fact, is, When an Actual
Possession is taken: Seisin in Law, is, When
something is done, which the Law accounts a
Seisin, as an Involvement. Seisin in law, is as
much as a right to Lands and Tenements,
though the owner be by wrong defeated of
them. Perkins, Tenant par le Courtefie, 457, 478.
Coke, lib. 4. fol. 9. a. Calls it Seisin in Law, or
Seisin Actual.

Seifina habenda, quia non habuit annu-
um, dem, &c. batum, is a Writ that lies for
Delivery of Seisin to the Lord, of his Lands or
Tenements, who was formerly convic
ted of Felony, after the King, in right of his
Prerogative, hath had the Year, Day, and Wake.
Reg. of Writs, fol. 184. a.

Sedla. (From the Sex. Sela, a Seat,
Stool, or Settle) — Adjusa Menuramentum
Anno 9 Rich. 1. apud Hoveden. — Prohiben
ne me quis insector pretendat Sela, qui usus pan-
nos vel migris, vel demet vel aliqua alia ab qua
vietus emperium spee dignitatem, et bunum
pannum eigendum. In Majoribus Chronicis
ubi loco his vertitur; Sella Catholicae exposi-
tura, says Spelman. But by what follows, it
seems clearly to signify a Shop, Shed, Standing,
or Stall. —Seiunt pradescentis & futuri, qui ego
Domenum de Breymead Bili. — Thomas
Perfetui Vicario Ecclesie de Breymead unus Sei-
dam de Benci jacentem in Breymead pridie. apud
le Congerebein. Sec. Dat. die Luna proxime
post festum Sancti Egidii Abbatus, Anno 11
Hen. 6. — Et necedit inter annis Sei le, vocat
328. a. Sir Edward Coke (in Little, fol. 4. b.)
takes, or rather mistakes Sela for a Sella
Pit.

Seisnion of Land (Seio terra) Fr. Sillon,
i. Terra clara inter duos fulcros, in Latin Poets,
in English a Sichie, or Ridge of Land, and in
some places only called a Land; and is of no
certain quantity, but sometimes half an Acre,
more or less. Therefore Crompton in his juris
fol. 231. says, That a Seisen of Land cannot be
in demand, because it is a thing uncertain.
It seems to come originally from the Saxon ful or
ful, i. aridum, whence also the Fr. Sillanneur,
i. arace. —Charta vites Auberouaga maketh six
Seisins and a half, to be but one Acre. Seiunt
pradescentis & futuri quod ego Margerita filia Wilhel-
mus de Rysley dedi. C. Emma fissa mea pro
beneagio & servitio tuo sumam arem terram in campo
de Camurth, fol. Illas sex Selines & demud.
cum forser & sepe & soffino, quae jacent in Alde-
wic juxta terream. C. See Haide.

Seme (Summa, summagium) A Horfe-load: —A Seme of Cern is eight Eukels. Frateres Pro-
dicator. (Heref.) pro 2 Sumagins vocat. Semes
de foceae pescipend, quodiss de busco de Hay-
wood pro termo 20 annurnre. —1 Hen. 5. par 2.
m. 18. See Sumage. —Habundat stani
June
Sequestro habendo, Is a Writ Judicial for the dissolving a Sequestration of the Fruits of a Benefice made by the Bishop, at the Kings Commandment, thereby to compel the Parson to appear at the Suit of another: For the Parson, upon his appearance, may have this Writ, for the Release of the Sequestration. Reg. of Wris Judicial, fol. 36. a.

Serceant (Sericios vel Servian) Is diversely used and applied to sundry Officers and Callings. First, a Sergeant at Law (or of the Court) otherwise called Sergeant Cotoner, is the highest degree taken in that Profession, as a Doctor in the Civil Law: And to these, as Men best learned, and best experienced, one Court is severally to plead in by themselves, which is that of the Common Pleas, where the Common Law of England is most strictly observed; and where they are not so limited exclusively to others, but they may likewise plead and be heard in other Courts, where the Judges, (who cannot be Judges until they have taken the degree of Sergeant at Law) do sit with them Brother, and hear them with great respect, next unto the Kings Attorney, and Solicitor General. These are made by the Kings Mandant, directed to them, commanding them upon a great penalty, to take upon them that degree, by a day certain therein alleged. Dyer, fol. 72.

Sementia (Welsm. 1. cap. 51.) Is always the Fourth Sunday before Quadragesima, or the Fifth Sunday in Lent, from whence it takes its numeral denomination; as Quinquagesima is the next before Quadragesima, then Sexagesima, and then Septuagesima; which are days appointed by the Church to Acts of Penance and Mortification, and are a certain gradation or preparation to the devotion of Lent, then approaching. See Quinquagesima.

Sepuitar (Latin. fuisse) is a Writ that lies where a Summons Ad Warrantiam is Awarded, and the Sheriff returns, that he hath nothing whereby he may be summoned; then goes out an Alias and Parietes, and if he come not at the Parietes, this Writ shall issue forth. Old Nat. Bri. fol. 169. Cake on Little, fol. 101. b.

Sequeial Curie, Suit of Court. Et quaest fuit ibert a Sequial Curie. Mon. Angl. 2. part. fol. 252. a.

Sequestration (Sequestratio) Is a separating a thing in controversy from the possession of both
The next is a *Serpent at Arms*, or of the *Mace (Serpents ad Arms)* whose Office is to attend the person of the King, *Ann. 7 Hen. 7. cap. 3.* to arrest Traitors or Persons of Condition, and to attend the Lord High Steward of England, sitting in Judgment upon any Traitor, and such like (*Pl. Cor. lib. 3. cap. 3.*).

Of these by the Statute of Rich. 2. *cap. 6.* there may not be above thirty in the Realm. Two of them, by the King's allowance, do attend on the Two Houses of Parliament, while the office of the House of Commons is the keeping of the doors, and as of late it hath been used, the execution of such commands, especially touching the apprehension of any offender, that the House shall enjoy him. *Comp. Jur. fol. 39.*

Another of them attends on the Lord Chancellor or Lord Keeper, in the Chancery. And one on the Lord Treasurer of England. One upon the Lord Major of London, upon extraordinary solemnities; one attendeth upon the Lord President of Wales, and another upon the Lord President of the North.

Another sort of *Serpents*, are the Officers, who execute several Functions or Offices within the Kings Household; of which, you may read many in the Statute of *33 Hen. 8. cap. 12.*

There is also a more inferior kind of *Serpents of the Mace*, whereof there is a Troop in the City of London, and other Corporate Towns, that attend the Major, or other Head Officer, chiefly for Matters of Justice. *Rict. lib. 4.* And these are called *Serpents of Chanc., New Book of Entries, &c.* Serjeants in Maingens, *cap. 5. fol. 53.*


*Serjeant* (*Serjeant*) — A Service that cannot be due to any Lord from his Tenant, but to the King only; and it is divided into *Grand Serjeanty and Petit.* The first is where one holds Land of the King by service, which he ought to do in his own person, as to bear the King's Banner, &c. Petit Serjeant is where a Man holds Land of the King to yield him yearly some small thing towards his Wars, as a Sword, Dagger, Bow, &c. of which read *Bralton, lib. 2. cap. 6. c. 37.* And Britton, *c. 66. num. 1. 2.* Inter sedes, servitut succumt et efficacissim, quod nec Patronum aliqua agnoscit praest Regem. See the Learned *Spelman.* *Lib. MS. Flens. de Balduinio de Petrum, qui tenet terras in Henington in Com. Suff.*, at Serjeant, pro qua Debat sive die Natali Domini singuli in coram Dominum Regis Angelis, Salutum, Serjionem & Petram, at unus Salutum, unus Suffatum, & unus Bumbulum. And Sir Richard Rockesley held Lands at Sutton by Serjeanty to be *Patriarius Regis.* The Kings Fore-footman when he went into Gascoigne, Dines per eam dat partia soluturum priscis 4 d. until he had worn out a pail of shoes of the price of 4 d. Which Service, being admitted to be performed, when the King went to Gascoigne to make War, is *Knights Service.* *Coke in Litt. fol. 69. b.* See the Statute of *12 Car. 2. cap. 24.* Whereby all Tenures of any Honors, Manors, Lands, &c. are turned into Free and Common Suggestion; but the Honorary Services of Grand Serjeanty are thereby continued.

*Serjeant* (*Serjeant*) — *Ann. 1 Rich. 2. cap. 6.* See *Serjeant.*

*Serjeant* (*Serjeant*) Is that which the Tenant by reason of his Fee is owed to his Lord; which is sometimes called *Suggestion,* as *Ann. 1 Rich. 2. cap. 6.* One ancient Law-Book makes divers Dissolutions of Services, as into Military and Bafe, Personal and Real; *Intrinseca* and *Extrinseca,* &c. But since the Stat. *12 Car. 2. cap. 24.* Whereby all Tenures are turned into Free and Common Suggestion, much of that learning is set aside. *See Coke, lib. 4. Brev. Capt, fol. 9. a.* See *Suggestion.* *Thomas Leigh Eftiquis* (at the Coronation of King Charles the Second) brought up to the Kings Table a Mels of Pottage and Dillogrout, which Service had been adjudged to him by the Court of Claims, in right of the Manor of Addington in Com. Surrey; whereupon the Lord High Chamberlain presented him to the King, who accepted the Service, and afterwards Knighted him.

*Serjeanty* (*Serjeant*) Are certain Writs touching Servants, and their Masters, violating the Statutes made against their abuses, which see in *Reg. of Writs, fol. 89.* &c. 194.

*Serjeanty* (*Serjeant*) — *Ann. 1 Edw. 4. cap. 1.* Worldly Service, contrary to Spiritual or Ecclesiastical.

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by the High Constable of every Hundred for the placing of Servants. Anno 3 Edw. cap. 4. See Statute Sessons.

**Sealcour (Anna 25 Edw. cap. 6.)** Seems to signify the affixing or rating of Wages.

**Severance**, Is the slaying or fearing two or more, that joyin or are joyned in one Writ, as if two joyin in a Writ De liberate Probanda, and the other afterwards be non-fasire, here Severance is permitted, to as, notwithstanding the non-fasire of the one, the other may severally proceed. Fitz. Nat. Br. fol. 78. and Brown. Severance & Summones, fol. 238. There is also Severance of the Tenants in an Affile, when one, two, or more Differences appear upon the Writ, and not the other. New Book of Entries, fol. 238. And Severance in Attains, codem, fol. 238. And Severance in Debt, fol. 238, where two Executors are named Plaintiffs, and the one relieves of prosecution. Severance of Corn, is the cutting and carrying it from off the Ground, and sometimes the setting out the Tythe from the rest of the Corn is called Severance. See Cookes Rep. 2 Part, fol. 332.

**Severall Capl (Talium Separatum)** Is that whereby Land is given and entailed severally to two: For example, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten, the Dones have joynt-effect for their two lives, yet they have severable inheritances; because the issue of the one shall have his moysty, and the issue of the other, the other moysty.

**Severall Tenancie (Teura Separata)** Is a Plea or Exception to a Writ, that is laid against two, as Joynt, who are indeed seater. Brook bos iii. fol. 273.

**Sedler (Scotia & Sevence)** Eilisse in locus palmierius rustic et aqua electanian. &c. A Passage of Gutter to carry Water into the Sea, or a River. Anno 6 Hen. 6. cap. 4. and 1 Cora. cap. 26. And Commissions of Sevence are such as, by authority under the Great Seal, see Drums and Ditches well kept and maintained in the Marith and Fen Countreys, for the better conveyance of the Water into the Sea, and preferrewing the Francis upon the Land, for Food of Cattle. See the Statutes 15 Cora. cap. 17. and 17 Ejsdem. cap. 31. Touching the Draining the Great Level in the Fens, called Bedford Level, and the authority of the Governor, Bailiff, &c. As Commissioners of Severence.

**Sectaries (Sectarii)** Was an ancient Measure, containing about our pint and a half (according to the Latin Dictionary) the City (now Town) of Leicester paid (inter alii) to the King yearly Twenty five Measures called Sectaries of Honey: as we read in Domesday, and in Claufl. 4 Edw. 3. m.c. 2. we finde mention of Trioccem Sextarios Vini. — Et eum Sextarium Saim adpul Wassinr. Mon. Angl. 2 part. vol. 849. b. Decem Mittas bratii, quatum Sextarios Avenue ad prudence. Iden, 2 part. fol. 136. b. Where it seems to have been used for a much greater quantity. A Sextary of Ale, contained xvi Lagones. See Tollestef.

Of the Antiquity and Authority of this Officer, read Coke's Rep. lib. 4. Mottns Canon, & Speculum Galliocrum, 1. Vicork. The Sheriff was anciently chosen in the County Court by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See Fortescue, cap. 24. fol. 52. Vicecomes, dictum, qui vicem Comitiis jubilatus in placentitis suis habitus comites ex sui dignitatis ratione participat cum Rege. Niger lib. Sacarum. The Form of his Oath, fect in the Reg. of Writs, fol. 338 b.


Shirelapy (Anno 14 Car. 2. cap. 20.) The time of ones being Sheriff.

Shire Clerk, Seems to be the Under-Sheriff. Anno 14 Hen. 7. cap. 15. Sometimes taken for a Clerk in the County Court, Deputy to the Under-Sheriff. See Coke's Rep. lib. 4. Mottns Canon.

Shire more. See Sheriff and Town.


Shorting and Mortling. Seem to be words to distinguish Fells of Sheep: Shorting signifying the Fells after the Fleeces are shorn off from the Sheep's back; & Mortling alias Mortling,
Silk-throver or Thawoller (Anno 14 Car. 2. cap. 5.) Is a Trade, or Mystery, that wind, twist, and spin, or throw fill, thereby fitting it for use, who are incorporated by the said Act: Wherein there is also mention of Silk-winders and Doubilers, which are Members of the same Trade. Anno 20 Car. 2. cap. 6.

Silva Cedi. See Sylla Cedia.

Simnel, (Simeonis vel Symnius) Panis purius, sic diximus, quod una familia, hoc est, plurimi farinae parte effusi. Panis similis, que Simnel calentur, It is mentioned in Abissa Panis, and is still in use, especially in Lent. Bread made into a Simnel shall weigh twopenny shillings and then Melchisedec bread. Stat. 51 H. 3. see Cocker.

Simony, (Simony) Vindicat rei sacra, a Simone Magi dicitur. It was agreed by all the Justices Trin. 8. 30. That if the Parson present any petition to a Benefice with Cure, for Mony, That such Petitionment, &c. is void, though the Prefecture were not privy to it; and the Statute gives the prefentation to the King. Cates 12 Rep. fo. 74. Simony may be by consent, or by custom, between strangers, without the privity of the incumbent or Parson. Grotius, 1 Part. fo. 321. Basarides C. H. Rep. fo. 165. Nisus Rep. fo. 22. Pannoll, Cafe, 3 Inf. fo. 153.

Simulacrum - Carta simplex, A Deced. Poli, or Single Deed - Ricardus Maydon de Sutton per Cartam simplicem hac indumenta indumentis, dedit, &c. Dat. 15 Edw. 2.

Sine attestu Capitolis, Is a Write that lies where a Dean, Bishop, Prelate, Abbot, Prior or Master ofHospital, aliens the Land held in the right of his House, without the consent of the Chapter, Covent or Fraternity; In which case his Successor shall have this Write, Fitz. Nat. Br. fo. 155.

Sine die, s. Without day. When Judgment is given against the Plaintiff, he is said to be in nisi prius in causa clausum suo, et causa in fine die, i.e. He is dismissed the Court.

Si non omnes, Is a Write of association, whereby, if in all in Communion cannot meet at the day appoinct, it is permitted that two or more of them may finish the busines. See Association, and Fitz. Nat. Br. fo. 185. &c.

Si recognoscant, Is a Write that lies for a Creditor against his Debtor, who has, before the Sheriff in the County-Court, acknowledged himself to owe his Creditor such a sum receiv'd of him in pecunias numeratas. The form of which Write is this - Rex viicum, firmam Precept, ubi quod fo. A. recognoscant fo debere R. 40 solidi fine ulteriores dilatationes, une plura de strunganis ad pridem dulimum idem R. fine dilatationem reddendum, Toye, &c. Old. Nat. Br. fo. 83.

Sic, or Scit, (Siam) The setting, or banding of any place, the Seat, or Scutation of a Capital House or Mellelage: a Territory, or quarter of a Country. As we often find the Sic of the late dissolved Monastery of, the Place where it stood. The word is found in the Stat. 32 Hen. 8. ca. 20. &c. 22 Car. 2. ca. 11. and is there written Scitum - Dedi Stratum huius, in quo dominus sua sata. Mon. Angl. 2 Par. fo. 278. b.

Sithcrwomman, (Sax.) Sichridwun, cujus paganus interpretatur. Lamb. exp. verb. 29. Such a gentleman as had the Office to lead the men of a Town or Parish, E claue nibulum crat, says Samaur.

Serpitum, (Anno 27 Hen. 6. ca. 2.) Signifies the precipices of Caieow.

Scimil (Anno 31 ca. 3. & Pat. 16. 13. & 1. Iral. jmaiul) Is that of which Painters make Blew Colour.

Smoke fiber, Tenementum Neufeld e cum portum. Sec. in villa de Staple brazil in Cam. tenantur de manu eri East-greenwich per prefectu- um tamm in libero Sacrago, per Pa, dat. 3 Febr. 5 Edw. 6. And by the payment for Smoke-fiber to the Sheriff yearly the sum of six pence. Notes for Lord Hounson Oflice, 163. There is Smoke-flower and Smoke-penny paid to the Ministers of divers Parishes, conceiv'd to be paid in lieu of Thirds. Or, it may, as in many places at this day, be a continued payment of the Remeast, or Peter-pence. See Smokey-money.

Soc, (Sax.) Signifies power, authority, or liberty to minister Judge, and execute Laws: Also the Shire, Circuit, or Territory, wherein such power is exercised by him that is endowed with such a privilege or liberty. Whence our Law Latin word Socia for a Seignory or Lordship, enfranchised by the King, with the liberty of holding or keeping a Court of his Sucknem, or Seagree, i.e. His Tenants, whose tenure is hence call'd Sogae. This kind of liberty is in divers places of England at this day, and commonly known by the name of Soke, or Soken. Skene says Soke, (an old word, used in Charters and Feoffments, which are in many old Books, containing the Municipal Laws of this Realm) is called Soca de heminiu in cuiria fe- cundum constitutionem regni, &c. See Brabon, lib. 3. Tract. 2. ca. 8, where he makes mention of these liberties, Sec. Soc, Sec, Tel, Team, Infanthead, &c. Fantech, LL. Hen. i. ca. 29. - Seive Socum totaliter habent, fve non. Socia id quod Frank cberra do sianhus, lus. Locups privilegium, libertas, immunitas, refugium, alysum, Santuarii, a Sax. Sceon & Jucne, ha edips significatius.

Sogage, or Sogaccage, (Sogacium) From the Fr. Sec, i.e. Power, a Plowhare, or Coulter Is a tenure of Lands, by or for certain inferior or Husbandry services to be performed to the Lord of the Fee. See Institutes of Common Law. 31 Brabon, (libr. c. 35. n. 11.) Describes it thus, Dies poterii Sogagium a Socco, & inde tenentes qui sement in Sogage, Socco mandi dies poterii, id est deputatis suos, &c. et destinat tautummodo ad culturam, & quorum suadida & maritadia ad preparandas parentes jure fanguimque perimunum, &c. Skene says, Sogace Is a Tenure of Lawes, whereby a man is insoiled freely without Wardship or Marriage, paying to his Lord some small rent, &c. which is called free-sogage, there was also Late Sogage, O o o otherwise.
otherwise called Villenage. — Braham adds — Socagium liberum eis, ubi sit servitium in dehac Eius Dominis capitablis, & ubi inde omnino datu ad sedam in servitium & servitium Reus. This free Socage is also called common Socage, Anno 37 H. 8 ca. 20. Other divisions there are in our Law, Writers of Socage in Capite, &c. But, by the Statute 12 Car. 2. ca. 24. all Tenures from and after 24 February, 1645, shall be adjudged and taken for ever to be turned into free and Common Socage.

Socagium, or Soamen, (Soceamn) Are such Tenants as hold their Lands by Socage Tenure; But, the Tenants in ancient De- mean seem most properly to be called Soamen. Fitz. Nat. Br. fe. 14. b. Britton. ca. 66. n. 2. — Precedentis Simonis Bocles, omnium sua in Houlton per liberum Socagium sacrum tenerent, & qui praes de Stil Carriuam, Confessitundam, &c. etiamiam. Lib. — S. Albani Tit. Houlton. Tiral. 14. The word Soamen is found in the Statute of Wards and Relief, 28 Edw. 3.


Socane, signifies a Custum of grinding at the Lords Mill; & there is Bond- Socome, where the Tenants are bound to it, & Love-Socome, where they do it freely out of love to their Lord.


Sothen, (Socna) See Soc and Ramsken.

Soberarde, Seems to be the Lords Rent-gatherer in the Soke or Soken. Fleta, lib. 9. ca. 55.

Sobla. — Pretat — quod nos Johanne Romayne senio de Leominstre, & Johanne Romayne junior de orde remansus — Johanne Meule vicario Ecclesie de Wymere Ricardor Escobell Consubelario, Castra de Wymere, & Fonke Spenig- hause tamen in suo norrie & clamas — in una Sola cum pertinencia in Leominstre, fictum in alto vice eter Soldan quandam Ricardor Spieler & Soldan quod fuit Philippu Callinge, &c. Dat. a. October 2, 19 Ria. It seems to be the same with Soldan, a Shop, or Shed.

Solet & Debem. See Debet & Solet.

Soletenam, (Solemnum) Is he or she that holds only in his or her own right, without any other joynd. For example, if a man and his wife hold land for their life, the remainder to their Son; here the man dying, the Lord shall not have heriot, because he dies not sole-te- nant, Cistechy, fe. 138.

Solecitum. (Solecitator.) Signifies a man employed to follow and take care of Suits depending in Courts of Law or Equity; formerly allowed only to Nobility, whose mental Tenants they were; but now also commonly used by others to the great increase of Chancery, and Maintenance and Damage of the People.

Soleitata terre. See Tundagiall of Land. Soleitata signifies also the pay or stipend of a Solicitor. Et quis terram non habet & armas habere possunt, ille veniam ad capiendam soleitatae moiras. Breve Regis Johannis viceregent- rus Angliae. Anno 1218.

Solimus terrae. In Donatius Book contains two Ploiwands, and sometimes less then a half; for there it is said: Septem Salvini terre sunt, 17 Carnes.

Soller, or Solar. (Sorum.) A Chamber, or upper room. Duoli — unam Shoppan cum Solario super adijcto, Exect. camer.

Sollutione feod in militiae Parlamentii, and Sollutione feod in Burgen. Parlamentii, Are Writs whereby Knights of the Shire, and Burgesses may recover their allowance, if be deny d, Anno 35 Hen. 8. ca. 11.

Sonnams, See Sunnams.

Sontage, Was a Tax of forty shillings laid upon every Knight Fe. Stev. ps. 284. In some places the word is used for coarse Cloth as bagging for Hops, or the like. Systema Agriculture.

Soccer, (Socceri) Withcraft, or Di- vination by Lots: which is Felony, by 1 fac. ca. 12. Sottilegus, quasi utius fictum in causantionem Demanii. 3 Inf. fo. 43. Soccer & descente sunt mens de Hersby. Mirror, ca. 1. Sect. Excepted out of the Act of General par- don. 12 Car. 2. ca. 11.

Sorbale. In Brazen. (Lib. 3. Inf. 2. ca. 1.) It is written Sobalai, but both conceived to be mistaken for Scotalae, which vide, Henricus autem tercius utitur hoc subulam esse conficti ex Brus- byen.

South-Miccon, (Sub-victiones) The under-Sheriff, Copm. jur. fo. 5.

Sobon, Is a corruption from the Fr. Soueu- ne, 1. Remembered. For the Stat. 4 Hen. 5. ca. 7. in the Original French, lach de Effraste mient souevne, which, by turning the two single u v into w, was first made Soewen, afterwards Sobon which properly signifies remembered; And such Effrastes and Casualties as are not to be remembered, ran not in demand, that is, are not leviable. It is used as a word of art in the Easlequer, where, Effrases that foul are, such as the Sheriff by his industry cannot get; and Effrases that foul, are such as he may gather. 4 Part. Inf. fo. 107.

Speaker of the Parliament, Is an Officer in that High Court, who is, as it were the Common-Mouth of the rest, of which there are two, one
one remedied, the Lord Speaker of the House of Peers, who is most commonly the Lord Chancellor of England, or Lord Keeper of the Great Seal; the other, (being a Member of the House of Commons) is called the Speaker of the House of Commons. The duties of which two you have particularly described in a Book, Entitled, The Order and Usage of Keeping the Parliament. See Parliament.

Special matter in evidence. See General Evidence, and Brooke, tit General Affairs and Special Evidence.

Specialitas. A specialty, is usually taken for a Bond, Bill, or such like instrument.—Presentantium sui per fostrares — qua qualis habet Johannes de Pratis habet quod habet amicabiliter de causa specialiter, Willielmus, filius Henrici Moleundiarii, et familiae qualitatem aliqua maiore factore fuerunt; et hoc prout quidem factores venerate ad leonem sibi Johannes, ut jacet, et ipsam transtum ad eadem, et ipsam abinde datum et tenetur, sic praedicta Willielmus concussus cunca, P. coronae Regis apud Ebor. Mich. 1 Ed. 3. Rot. 123. Here it seems to be used for special, or particular acquittance.

Spintiner. — Pollard miles et jujie. habet tibi quisquis cunclis in tumulo suo, et in tussin filias suas deputatas. Spelman in his Assyriaca, fayeres — Antiquissimorum usque Regine usus usque sunt, unde hodie nomina famosa Spintiner dicta sunt. It is the Addition usually given to all unmarried Women, from the Vicsounts Daughter downwards. Yet Sir Edward Coke fayeres Generosita, is a good addition for a Gentlewoman, and, if they be named Spintiner in any Original Writ, Appeal, or Indictment, they may abate, and quasi the same. > Inf. fo. 668.

Spiritualities of a Bishop. (Spiritualia Episcopi) Are those Profits which he receives, as he is a Bishop, and not as he is a Baron of the Parliament. (Stat. Pl. Car. fo. 132.) Such are the duties of his Vitiation, his benefit growing from Ordaining and Instructing Priests, Prefeitation Money, that is, Judicium charitatve, which, upon reasonable cause, he may require of his Clergy, the benefit of his Jurisdiction, Ec. Iudicium Stephanius de Juris. lib. 4. ca. 14. num. 14.

Spittle-bourne, (mentioned in the Act for Subsidies, 15 Car. 2. ca. 2. 9.) is a corruption from Hospitale, and signifies the same thing; or, it may be taken from the Teutonic Spirale, an Hospital, or Almes-house.

Spoliations, (Spoliatio) Is a Writ that lies for an Incumbent against another Incumbent, in case where the right of Patronage comes not into debate. At it a Parish be made a Bishop, and has dispensation to keep his Registry; and afterwards the Parish presents another to the Church, who is instituted and indicted; The Bishop shall have against this Incumbent a Writ of Spoliations in Court Christian. Tit. Nat. Br. fo. 36. See Benevolence.

Spillers of Pyre. (Anna 1 Maria, Parl, ca. 7.) Are tryers of Yarn, to see if it be well spun, and fit for the Loom.

Stalley. (Anna 42 Eliz. ca. 10.) See Realty. It is a note of fairines in the making of Cloth.

Stableland, (Stabulis statis, vel potius, fabris in fabricis) is one of the four Evidences, or Presumptions, whereby a Man is convinced to intend the stealing the King's Deer in the Forest. Man. Lib. 2. ca. 18. num. 9. The other three are: Dogstall, Bachstall, Bleedstall. The Stableland is, when a Man is found at his standing in the Forest, with a Crofs, or Long-Bow, bent, ready to shoot at any Deer, or else standing close by a Tree with Greyhounds in a Leafe, ready to stop.


Stagnome, (Stagnus) Ponds, Pools, or Standing Waters; — mentioned, Anna 5 Eliz. ca. 21.

Stalboth. A kind of Fishers-hoat. Anna 27 Eliz. ca. 21.


Stallage, (Stallium) From the Sax. Staell, or Statium, Statia, the liberty or right of pitching or erecting Stalls in Fair or Market, or the Money paid for the same. Qualis si aliquis possessorius starum ad foem et poenitentiam super stallum, faciat redemptionem pro eo qualitate locum, vel seiel pro totio anno. Ex Registro Priorat de Coksfeld. See Scovage. In Scotland it is called Stallages, and among the Romans it was termed Sigillatio.

Standard. See Efsandard.

Standle, is a young store-Oake-tree, which may in time make Timber; twelve such are to be left standing in every Acre of Wood at the setting thereof. Anno 35 Hen. 8. ca. 17. and 13 Eliz ca. 25.

Stannaries, (Stannia, from the Lat. Stannum, 1. Tin.) Are the Mines and Works where this Metal is got and purified, as in Cornwall and elsewhere. Of which read Camb. Brit. pa. 119. The liberties of the Stannaries, granted by Edward the Fifth, before they were abrided by the Statute of 50 Edward the Third. See in Plowden, causa Mines, fo. 327, and Coke 13 Eliz. fo. 99. And the liberties of the Stannary-Courts, see Anna 17 Rich. 1. ca. 12.

Staple, (Stapidium) Signifies this or that Town or City, whether the Merchants of England were by Act of Parliament to carry their Wool, Cloth, Lead, Tyne, and such like Staple Commodities of this Land, for the utterance of them by the great. The word comes from the Fr. Efaire, t. Forum vivarium, a Market, or Staple for Wines, which is the principal Commodity of France. And, in an old French Book, thus — A Calis 5 avoet Efaire de la lane, Sec. 1. The Staple for Wool. You may read of many places appointed for this Staple
in our Statutes, according as the King thought fit to alter them, from 1 Ed. 3. c. 9. to 5 Ed. 6. c. 7. What Officers the Staple had belonging to them, you may see Anno 27 Ed. 3. Stat. 2. c. 21. The Staple Commodities of this Realm are, Wool, Leather, Woollens, Lead, Tin, Butter, Cheese, Cloth, &c. as appear by the Stat. 12 Ric. 2. c. 21. as some allow only of the five first. See a Lk. fo. 268.

Star-chamber, (Camera stellata, Otherwise called Chamber des Etoiles) was a Chamber at Westminster, so called, because at first all the roof therof was decked with Images of gilded Stars. Anno 25 Hen. 8. c. 1. It is written the Starred Chamber, Henry the Seventh and Henry the Eighth ordained by two several Statutes, (viz. 3 Hen. 7. c. 1. and 21 Hen. 8. c. 2.) That the Chancellor, assisted by others there named, should have power to hear complaints against Retainers, Embracers, Misdemeanors of Officers, and such other Offences, which, though the power and countenance of such as did commit them, did lift up the head above other faults, and, for which inferior Judges were not to meet to give correction and the Common Law had not sufficiently provided. And, because that place was before dedicated to the site service, it was still used accordingly. See Camden, pp. 112. 113. But, by the Stat. 17 Car. 1. c. 10., the Court commonly called the Star-chamber, and all Jurisdiction, Power and Authority thereto belonging, &c. are, from and after 1 August. 1641. clearly and absolutely dissolved, and determined.

Starling. See Sterling.

Statute, (Statuum) Has divers significations. First, it signifies an Act of Parliament made by the King and his three Estates of the Realm; in which sense it is either general or special. Coke, lib. 4. Holland's Case. Secondly, Statute is a short Writing, called a Statute-merchant, or Statute-Staple, which are in the nature of Bonds, Anno 5 Hen. 4. c. 12.) and are called Statutes, because made according to the form expressly provided in certain Statutes, which direct both before what persons, and in what manner they ought to be made. Wits, par. 1. Symbol, lib. 2. Sect. 151, defines a Statute-merchant to be a Bond acknowledged before one of the Clerks of the Statutes-merchant, and Mayor of the Staple, or chief Warden of the City of London, or two Merchants of the said City for that purpose appointed, or before the Mayor, chief Warden, or Mayor of other Cities or good Towns, or other sufficient Men for that purpose appointed, sealed with the seal of the Debtor, and of the King, which is of two pieces, the greater is kept by the said Mayor, &c. and the less by the said Clerk. The form of which Bond Eliza, (lib. 2. c. 64, Sect. 2.) thus delivers:—Noninum universi me N. de tali Comitatu tenui M. in Centum Marcii, solvendo eodem M. ad Februm Pent. Anno Regni Regis, &c. Et mihi faciam aliquid quod curant super me & heredes mei edito & pena praevia in Statuto Domini Regis satis apud Westminster, Datum London. tali die. — The Fee for the Seal is, for Statutes acknowledged in Fairs, for every pound a half penny, and out of Fairs farthing. The execution upon Statute-Merchant is first to take the Body or the Debtor, if he be lay, and can be found, if not, his Lands and Goods; and is founded on the Statute 13 Ed. 3. Stat. 4. See New Book of Entries, verbo, Statute-Merchant.

Statute-Staple is either properly so called, or improperly so called, is a Bond of Record acknowledged before the Mayor of the Staple, in the presence of one of the two Confinables of the same Staple; The Fee for the Seal is, of every pound, (if the same exceed not 100 l.) a half-penny, and if it exceed 100 l., a farthing; By virtue of which Statute the Creditor may forthwith have execution of the Body, Lands and Goods of the Debtor, and this is founded on the Statute 23 Ed. 3. c. 9. A Statute-Staple improper is, a Bond of Record, founded upon the Statute 23 Hen. 8. c. 6. of the nature of a proper Statute-Staple, as to the force and execution of it, and acknowledged before one of the Chief Justices, and in their absence before the Mayor of the Staple and Recorder of London. The forms of all which Bonds or Statutes fee in Westminster, Part 1. Symbol, lib. 2. Sect. 152—154, &c.

Statutes, Is also used in our vulgar Discourse, for the petty Sessions, which are yearly kept for the disposing of servants in service, by the Statute 5 Eliz. c. 4. See Recognizance.

Statute-Sessions, Otherwise called Petty Sessions, are a meeting in every Hundred of all the Shires in England, where, by custom, they have been used, whereunto the Confinables do repair, and others, both Holders and Servants, for the debating of differences between Masters and their Servants, the rating of Servants Wages, and the bestowing such Persons in service, as being fit to serve, either refuse to serve, or cannot get Masters, Anno 1 Eliz. c. 4.

Statuto Stupula. Is a Writ, that lies to take his Body to Prison, and to seize upon his Lands and Goods who hath forfeited the Bond, called Statute-Staple. Reg. of Writs, fo. 151.

Statutum de labaro. Is a Writ Judicial, for the apprehending such Labourers, as refuse to work, according to the Statute. Reg. Fidic. fo. 27 b.

Statutum mercataeum, Is a Writ for the Impounding such Bond, that has forfeited a Bond called Statute-Merchant, until the Debt be satisfied. Reg. of Writs, fo. 146 b. and of these there is one against Lay-persons, another against Ecclesiastical.

Stemmesterch, — Nec non libertate multarum sua in melindimo iugis Roberto, etc. quod fact Stemmefrach & Christenbroch. Mon. Ang. 1. 2. Map. 3. 937. b. guere.


Stenrich, alias Strehreich, Is the breaking, obstruction, or diminution of a way, or the turning.
turning it out of its right course; from the old English word Stre, 1. Via, and Stechb, stræt, volatilis; hence to go astray, or as we now write it stray, I. To go out of the way. Strechb 100 fol. auct. sed. Leg. Hen. i. ca. 81. 
Strechb of, si quia sita frangat, condensat, vel revertenda, vel sordidus, MS.

Sterling. (Sterlingium, and in old Records Sterlingien) Was the ancient Epitheton for money (properly of Silver) current in this Realm; Stat. of Purveyors, ca. 13, and took name from this, that there was a certain pure Cowan, stamped first in England by the Easling, or Merchants of East-Germany, by the command of King John. Accordingly Hocson does it lettering: And, in several old Deeds I have seen vitiates et strchingas. By the Stat. 31 Ed. i. the Penn, which is called the Sterling, round, and without clipping, weighs 33 grains of Wheat, well dried, and twenty pence make an ounce, and twelve ounces a pound, and eight pound a Gallon of Wine, and eight Gallons a Buffet, which is the eighth part of a Quarter. —The word Sterling is now much diffused, in stead of five pound sterling, we say five pound of current, or lawful English Money. See more of this word in the Sax. dix. verbis, Steppan.

Stews, or Stews, are those places, which were permitted in England to Women of professed incontinency, for the proper of their bodies to all comers; and is derived from the Fr. Étouves (i. Therme, Balcaum) because wantons are wont to prepare themselves for venereal acts by bathing; And, that this is not new, Homer shews in the eighth Book of his Iliad, where he reckons Hec Baubo among the efficaciously potent of pleasures. See the Statute of 11 Hen. 6. ca. 1. —Hence the Eight about the year 1446, forbid them for ever.

Stewarx. (Stewadis) Is compounded of the Sax. Scada, a Room, Place or Strewd, and Ward, as much as to say, a man appointed in my place or head; and hath many applications, yet always signifies an Office or Title account within his Jurisdiction. The greatest of these is the Lord High-Steward of England, which was anciently the inheritance of the Earls of Leicester, till forsook by Henry the Third by Simon de Montfort; but, the power of this Officer being very great, of late he has not usually been appointed for any long time, but only for the dispatch of some special business, as the Arrangement of some Noble-man in cafed of Treason, or such like, which once ended, his Commission expires. Of the High-Steward of England, you may read 4. fol. 59. Then is there the Steward of the Kings Household, Anno 24. Hen. 8. ca. 13, whose name was changed to that of Great-Master, Anno 32. eduardo, ca. 39. But this Statute was repealed by 1 Mar. 2 Parl. ca. 4. and the Office of Lord Steward of the Kings Household revived, where you may read much of his Office, as also in Fitz Nat. Br. fo. 244. b. Of this Officers ancient power read Fleta, lib. 2, ca. 3. This word is of fo
great diversity, that there is in many Corporations, and in all houses of Honour, throughout the Realm, an Officer of this name and authority. What a Steward of a Manor or Household is, or ought to be, Fleta fully describes lib. 2. ca. 71. & 72. Though Seneclerus be now the usual Latin for Steward, yet I have seen a Copy of a Court of Roll of Madox in Hereford, (17 Edw. 4,) concluding thus, —Ex hunc Copiae figurarum Documentum est appometum.

Stilpax, (Gauh-hold Leicesterum) Anno 19. Hen. 7. ca. 23. —20 Hen. 8. ca. 8. and 32 eduardo, ca. 14.) Was a place in London, where the fraternity of the Easinge-Merchants, otherwise called the Merchants of Havens and Almain, (Anno 1 Edw. 6. ca. 13.) had their abode. See Geld. It was so called of a broad place or Court, wherein Steel was much sold, upon which place that House was founded. See Havens.

Stoc and Stredel. —Praterea si homines de Stanzb dieli Abhainn inuenit fuerint in bocca praeventi W. cum fortitum ad Stoc & ad Stredel, (al. Stobene) & aliquid quemque corporationis in terram per eos saepe fuerint, malefacit pro delictis, qui taliter inuenetus est, reddes tres solides, Simul in concessum est, quod si aliquis inuenitus fuerit cum brandiae quercum, vel cum alio minus bovent, cum fortitum ideo ad Stoc & ad Stredel, malefacit illud reddes sex denarios. E quadam Carta conventui inter Will. de Bray & Abbat & Conv. de Oiney. See Zuche.

Stockkind. See Gauh-kind.

Stortall. —Alto modoque we have granted, in amendment of the City, that they bin all quitt of Bryzcobel, of Childwir, Zeregen, and of Stortall; so that no Sheriff of London, neither none other Barley, make Stortall in the Franchises aforenamed, See. This I find in an old Printed Book, which delivers it (inter al.) As the Charter of Hen. I. to the City of London; but, the word is without doubt muttered for Scotal.

Stone of wool, (percla lana, Anno 11. Hen. 7. ca. 4.) Ought to weigh fourteen pounds yet in some places by Gollon it is more, and in some places it is but twelve pounds and a half. Le Chasse de plumbos contat ex 30 formello & quelibet formelato continent 6 peiras except duobus libris, & quelibet Petra contat ex 12 libris. Compluvio iter pondebatur. A Stone of Wax is eight pounds. And, at London, the Stone of Beef is eight pound. See Weights and Measures.

Strobene. See Zuche.

Strobag, (From the Sax. Strop, Locus) Is the Room or place where Goods are laid, or the money that is paid for such place.

Strait or Streets (Anno 18. Hen. 6. cap. 16. and 1 Keb. 3. cap. 8.) A fort of narrow, Courte Cloth, or Kersey, anciently so called.

Stranged (from the Sax. Stoph, i. A Shore or Bank of the Sea, or great River) Is when a Ship is by tempest, or ill stearing run on Ground, and so perishes Stat. 17 Car. 1. cap. 14. See Strond.

P p p

Stray
Strumpet (Mercia) Was heretofore used for an Addition. For, presen, Ce. God Johannes de Mayenwardge de Whereto de Com. Cessia de Leg. Laurentius de Waren de Denvien Eust, Ce. Hugo de Sanderhame. Toman, Hopkin, Norman de Com. Cessia. Husband-Knave, Williamus de Birkenode de Clyve-Knave, cum pluribus aliis, & Agnes Carus de Mede. Picto de Comitatu Com. Cessia. Strumpet, Tali die de domo Randalp Mulock et armis, intergerant, & Pla apud Celtriam Hen. s.m. in dorso. Suet — Liber rendend d extents, quam in Cessa, quam in Comitatu & Vicini, ubi non fuit lex alta, omnia fine Toll & Studi, cum taller fi & equos, Ce. Mon Angl. 2 Par. 1082 b. It is probable this is the same, which is otherwise written Sthth. Sthth — Per Sthth clamat esse quiet. de excoliore pecunia et jugulato. — Per Vicoce Comit. Cessia. Pl. in Lin. ibid. 14 Hen. 7. Submarin (Submariscal) Is an Officer in the Marysalis, who is Deputy to the Chief Marishal of the Kings-houfe, commonly called the Knight Marishal, and hath the custody of the Prisoners there. Croom. Jurisd. fol. 164. He is otherwise called Under Marishal. Subnomination (Subnomatio) A Secret or an under-preparing, infringing, or bringing in a false witness; or corrupting or alluring unto leudants. Hence Subnomination of Perjury (mentioned in the Act of General Pardon. 12 Car. 2. cap. 8.) is the preparing, bringing in or alluring unto Perjury. Subnomination of Witnesses. 32 Hen. 8. cap. 9. — 3 Part. Infinit. fol. 177. Subpana, Is a Write whereby common persons are called into Chancery, in such Cause only, where the Common Law fails, and hath not provided: So as the party, who in equity hath wrong, can have no ordinary remedy by the Rules and course of the Common Law. 3 many examples whereof you may read in West, Par. 2. Symbol. in. Proceedings in Chancery, fol. 14. But Peers of the Realm in such Causes are called by the Lord Chancellors Letter, giving notice of the Sum issued against them, and requiring them to appear. There is also Subpana de Testificandum, which lies for the calling in of Witnesses to testify in any Cause, as well in Chancery as other Courts. And the name of both these proceeds from words in the Writ, which charge the party called to appear, at the day and place alligned Subpana Centum librarum, & C. Croom. Jurisd. fol. 33. Anno 15 Hen. 8. cap. 4.

Subsidium Cathedralicum. See Cathedr.-

Subsidy (Subsidium) Signifies an Aid, Tax, or Tribute, granted by Parliament to the King for the urgent occasions of the Kingdom, to be levied of every Subject of ability, most commonly after the rate of 4 s. in the pound for Land, and 2 s. 6 d. for Goods.

I do not find, that the Saxon Kings had any Subsidies called after the manner of those this day but they had many Cessions whereby
they levied Money of the people, or personal service, in the building and repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called Burgbote, Brigöte, Herefale, Horegeld, &c. But when the Danes oppressed the Land, King Egbertus in the year 843 yielded to pay them for redemption of Peace 10000 l., which after was increased to 36000 l., then to 19000 l., and at last to a yearly tribute of 48000 l. This was called Danegeold. It Danica foliotno.

And, for levying it, every house of land, that is, every Ploughland, was efted 12 3. years, the Church-lands excepted; and therupon it was after called Hydalgum, which name remained afterward upon all Taxes and Subsidies imposed upon Land; for, sometimes it was imposed upon Cattle, and was then called Horegeld. The Normans called both these Taxes, according to the Latin and Greek Word: Taxes, sometimes, according to their own language: Tallerii, or taller, to cut or divide; and sometimes, according to the word usitato beyond the Seas, auxilia & subsidia. The conqueror had these kinds of Taxes or tallages, and made a Law for the manner of levying them, as appears in Emendationibus quibus, ps. 124. sect, volumus & hoc fornimus, &c. After the Conquest these Subsidies seem to have been granted in other manner then now they are, as, every ninth Lamb, every ninth Fleece, and every ninth Suet, Anno 1 Edw. 3. Stat. 4. cap. 20. Of which you may see great variety in Raffals Ab. Tit. Taxes, Tenoris, Fictitious, Subsidies, &c. sect. 4 and Inf. fo. 28. & 29. whereby you may conclude there is no certain rate, but as the Parliament shall think fit. Subsidy is, in our Statutes, sometimes confounded with Cuipone, Anno 11 Hen. 4. cap. 7. See Benevolence, and 25 Car. 2. cap. 7.

Sucking. Per Sucking, loco foro furabi de illis americaones quatenus &c. is extortion, for the benefit of the King, that he may be paid his taxes, &c. Sucking is to be paid for every saddle, &c. &c. &c. &c. Chumfides vel commen Medow, & prumant, faciunt ad impumg et faciendo, clau- form. tallas eorum cum vicini jure, ille qui non sit in salut prenominis americanus et at prope tumultum vires emit, Anglice a Sucking, pra- ti qua non donari, & hoc quasi faciendo prumant, non veneit. Pla. in Itin. apud Certiain, 14 Hen. 7.

Surety of peace, (Securitas pacis, so called because the party that was in fear is thereby secured) Is an acknowledging a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the Peace. This peace a Justice of Peace may command, either as a Minister, when he is willing to do so by a higher Authority, or as a Judge, when he does it of his own power, derived from his Commission. Of both these see Lamb. Ewem. lib. 2. cap. 2. ps. 77. See Peace and Supplication. It differs from Surety of good abating in this, that whereas the Peace is not broken without an affray, battery, or such like; Surety de bono gesto may be broken by the number of a man company, his Weapons or Harne.

Suffragan, (Suffraganus) Is a titular Bishop, ordained to assist the Bishop of the Diocese in his Spiritual Function. &c. &c. 

Surette, or Sute, (Soluta) Fr. Sute, inc. Con- fluenter, sequitur. Signifies a following another, but in divers fences, the first is a Sute in Law, and is divided into sute real and personal, which is all one with Action real and personal. 2. Sute of Court, or Sute fornitor, is an attendance which a Tenant owes to the Court of his Lord, (Anno 7 Hen. 7. cap. 2.) 3. Sute Covenant, is, when your Ancestor has Covenanted with mine to pay to his Court. 4. Sute Cuipone, when I and my Ancestors have been left of your and your Ancestors Sute time out of mind. 5. Sute real, or real, when men come to the Sheriff's Turn, or Leet. 6. Sute signifies the following one in Chate, as in free-sute, Welfin. 8. cap. 46. Lastly, it signifies a Perpetuita made to the King, or any great person.

Suit of the Kings Peace, (Suis pacis Regis) Is the pursuing a man for breach of the Kings Peace, by Trespassions, Insurrections, or Trespfeas, Anno 9. RIch. 2. Stat. 2. cap. 1. and 27. Estimo, cap. 15. & 5 Hen. 4. cap. 15.

Sut-wy, See Sute-silver.

Suling. See Suling.

Summation, or Summige, See Summation, &c.

Summation, or Summige, (Summation & Summigeum, a Hertford) Toll for carriage on Hertford. Comp. Jur. fo. 91. Fereus caput — pro uno quod qui portat summigum, per dimidium annus obolum. —Charl. de Fere, cap. ant.-penit. & Char. Ewem. tom. 17. 27.

Summoner, (Summonitor) Is a Small Officer that calls or cites men to any Court; There ought to be but few summoners, that is in Picta's Judgment, liberti, banniti, &c. &c. qui sunt senescentes, qui deceptus coram tabulis iuxta ordem & leges, secundum mandatum summitori viciniae direction, certum habe facit recognitionem. lib. 4. cap. 5.

Summons,
Summons, (Summonnis) Signifies with us, as much as invocatio in jus, or Citatio among the Civilians; and hence is our word Summer, which in French is Soumoneur, (i.e. vocator, monitum.) Summons of the Exchequer, Anno 2 Edw. i. ca. 19. How Summons is divided, and what circumstances it has to be observed. See Fleta, lib. 6. ca. 6. 7.

Summons in terra petita, (Kitchin, fo. 286.) Is that Summons which is made upon the land, which the party (at whose suit the Summons is sent forth) seeks to have.

Summons ad Warrantianandum, (Dyer, fo. 69. note 35.) Summons ad warrantianandum, is the Process whereby the vouchee is called. See Coke on Litt. fo. 101. b.

Sumptuary Laws. Are Laws made to restrain excess in Apparel, and prohibit costly Cloaths, of which we have already heard many in England, but all repealed, Anno 1 Jac. See 3 Inq. Reg. fo. 199.

Super institution, (Super institutione) One Institution upon another, as where A. is admitted and instituted to a Benefice upon one Title, and B. is admitted, instituted, &c. by the precentor of another. See Hutchinson's Casks in Cokes Rep. 2. Par. fo. 463.

Superemancipation of himself, is a Write Judicial that lies against him, who is impeached in the County, for the over-burdending a Common with his Cartel, in a case where he was formerly impeached for it in the County, and the Cause is removed into the Kings Court of Westminster.

Super praegrapha Regis, is a Write which lays against the Kings Widdow, for Marrying without his Licence. Fitz, Nat. Br. fo. 173.

Superindeam, is a Write, which lies in divers cases, and signifies in general a Command to stay or forbear the doing of that which ought not to be done, or, in appearance of Law, were to be done, were it not for the cause whereon the Write is granted. For example, a man regularly is to have security of Peace against him, of whom he will Swear he is afraid, and the Justice, (if required) cannot deny it, yet, if the party be formerly bound to the Peace, either in Chancery, or elsewhere, this Write lies to stay the Justice from doing that, which otherwise he might not refuse. See the Table of the Reg. of Writs, and Fitz. Nat. Br. fo. 326. for preventing the superseding Executions. See the Statutes 16 & 17 Car. 2. ca. 8.

Super Statuto Edw. 3. est lapsus Servientis and Laboueurs, is a Write that lies against him, who keeps me Servants departed out of my Service according to Law. Fitz. Nat. Br. fo. 167.

Super Statuto de Postr. quo nihil fera berteller, &c. is a Write lying against him, that uses Vidualluing, either in Grofs, or by Retail, in a City, or Borough-Town, during the time he is Mayor, &c. Fitz. Nat. Br. fo. 172.

Super Statuto, 1 Edw. 3. ca. 12 and 13, is a Write that lay against the Kings Tenant hold-
Surrender, A second Rebutter, or a
Rebutting more then once. See Rebutter.

Surrender (Suffum rediitio) Is an Instrument in Writing, testifying with apt words, that the particular Tenant of Lands, or Tenements for Life or Years, does sufficiently consent and agree, that he, who hath the next or immediate Remainder or Reversion thereof, shall also have the present estate of the same in Possession, and that he yields and gives up the same unto him: For every Surrender ought forthwith to give a possession of the thing surrendered. Viz., Par. 1. lib. 2. sect. 552, where you may see Chyrs Presidents. And a Surrender may be of Letters Patent to the King, to the end he may grant the estate to whom he pleaseth. But there may be a Surrender without writing; and therefore there is said to be a Surrender in Deed, and a Surrender in Law:

The first is that which is really and sufficiently performed; the other is, in intention of Law, by way of confituent, and not actual. Perkins, Surrender, fol. 656. As if a Man have a Lease of a Farm, and during the term, he accept of a new Lease, this is a Leas in Law, a Surrender of the former. Coke 6 Rep. fol. 13. There is also a Callantay Surrender of Cophold Lands, for which see Coke on Litt., sect. 74.

Surrogacy (Surrogatit) On that is full-
filled or appointed in the room of another, most commonly of a Bishop, or the Bishops Chancellor.

Surfeit (Superfie) Seems to be an especial name used in the Cattle of Dovers, for such Penalties and Forfeitures, as are laid upon those that pay not their Duties or Rent for Cattle-ward at their days. Ann. 32 Hen. 3. cap. 48. But let it be in a general signification. Lib. 3. tit. 2. cap. 3. num. 3. and 38. lib. 5. cap. 4.

Surpoxoq (Superiis) Is compounded of two French words, Sur, i.e. Super, and Voir, i.e. Courser, insinues. Signifies one that hath the over-seelig, or care of some great persons

Lands or Works. As the Surveyor-General of the Kings Mannors. Corp. Jurisd. fol. 106.

And, in this signification, it is taken Ann. 33 Hen. 8. cap. 9, where there is a Court of Surveyors erected.

Surpoxoq of the Kings Exchange (Ann. 9 Hen. 5. tit. 2. cap. 4.) Was an Officer, whose name feems in these days to be changed into some other; or the Office it self (being very ancient, legal, and profitable for the Commonwealth) dilibed.

Surthoe (from the Fr. Surteoir, i.e. Super-
ef) Signifies the longer liver of two Joyn-
tenants. See Brook, tit. Joyn-tenants, fol. 39; or of any two joyned in the right of any thing.

Suberin. See Galli halpince.

Subpuncte or Subpension (Subpensa) Is a Temporal flop or hanging up, as it were, of a

Man's right; as when a Seignory, Rent, &c. by reason of the Hity of Possession thereof; and of the Land, out of which they flow, are not in effet, for a time, or year, or years, but may be revived or awaked, and differ from an Extinction, which dies for ever. Coke on Litt. tit. 3. cap. 10. sect. 553. Brook, tit. Extinction and Subpension, fol. 314. Subpension, Is also sometimes used by us, as it is in the Canon Law, Pro minori communicatione, Anno 24 Hen. 8. cap. 11.

Suffreatment (from the Lat. Suffravit, i.e. Duce
e re juris) Seems to be a Spring of Water, passing under the Ground toward a Conduit or Cistern. Anno 32 Hen. 8. cap. 9.

Sute. See Sute.

Suffiz-iter, Is a Small Rent or sum of Money, which, if paid, does excuse the Freeholders from their appearance at the Court Baron within the Honor of Clun in Shrop-
shire.

Swan-heard. See Kings Swan-heard.

Swanimote or Swaimote (Swainamote) From the Sax. Swan, i.e. (as we now call our Butchets) A Country Swan, a Beulman, A Freeholder, and Simote, i.e. Conventus; (the sax. Sw. being usually turned into i or y) signifies a Court touching matters of the Forest, kept by the Charter of the Forest thrice in the year, before the Fetherman, as Judges. Anno 3 Hen. 6. cap. 8. What things are inquirable in the same you may read in Group jurisdi. fol. 80. And is as incident to a Forest, as a Court of Propreder to a Fair. See Lambert's Explication of Saxom words, verbo, Conventus. Nul-

num Swainmotum de cetero tenenatu in Regno 
age, nisi in Anno, vis. In Principio quam-

Swain-mone. The Swain-money is one penny half-penny, it must be paid before the rising of the Sun, the part must go thither about the Croft, and lay the Swain-money, and then take билет, and lay it in the hole; and when ye have done, look well that your billins do not decease you; for if it be not paid, ye give a great forfeiture s-s, and a White Bull. This Expidition was found in an old MS. containing the Rents due to the Catches in Lulbrooke, and other places in Warwickshire. But conceived to be mistaken for, or to signify the fame with Warby-money. See Ward-penny.

Sweapage. (Coke on Litt. fol. 4.) Is the crop of Hay got in a Meadow, called also the Sweep in some parts of England.

Swelling or Swelling of Land (Salingas, Salingas, vel Swelling terra), Sax. Salong, from full vel. full, i.e. Aeratun, as to this day in our Western Parts, a Plough is called a Sut. And a Plough-fall, a Sut-paddle.) Is the same with Curwata terra, that is, as much as one Plough can Till in a year; a Hide of Land, Q. q other.
and Register private Contracts and Obligations: His Office in some Countrys did formerly differ from that of Notary, but now they are grown, or made one. Quamvis Tabellionum usus in Regno Anglico non habetur, proprie quod magis ad Sigillum autem cavatur et referebit, ut corum copia facienda habatur, futurum esse Sigillum habenti non solum Archi Episcopi et Episopi, sed corum Officijalium. Matth. Paris. fol. 454. de Anno 1266.

Tabling of Fines. Is the making a Table for every County where His Majesties Writ runs, containing the Contents of every Fine, passed in any one Term, as the name of the County, Towns, and places, wherein the Lands or Tenements lie, the name of the Demantand and Deponent, and of every Mannor named in the Fine. This is properly to be done by the Chirographer of Fines of the Common Pleas, who every day of the next Term, after the ingrossing any such Fine, does fix every of the said Tables, in some open place of the said Court, during its sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, a fair written in Parchment, a perfect content of the Table, so made for that Shire in the Term next before the Assizes, or else between the Term, and the Affixes, to be set up every day of the next Assizes in some open place of the Court, where the Justices sit, to continue there so long as they shall last, &c. If either the Chirographer or Sheriff fail herein, he forfeits 5l. And the Chirographers Fee for every such Tabling is 4d. Anno 23 Edw. cap. 3.

Tail (Fr Taille, i. Bèche) Signifies two things grounded upon one reason. (Powned. Caufa Wilton. fol. 51.) First, it is used for the Fee, which is opposite to Fee-fimple, by reason it is so minced (as it were) or pared, that it is not in the owners tree power to dispose, but is by the first giver cut or divided from all others, and tied to the issue of the Donee. Coke, lib. 4. in Provost. And this limitation or Tail is either General or Special.

Tail General, is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten, and it is General, because how many Women forever the Tenant, holding by this title, shall take to his Wives one after another, its issue by them all have a possibility to inherit one after another.

Tail Special, Is that whereby Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two bodies begotten, because, if the Man bury his Wife, before issue, and take another, the issue by his second Wife cannot inherit it the Dard. Also, if Land be given to A. and his Wife B. and to their Son C. for ever; this is Tail Special. See Fee, and Latt. lib. 1. cap. 4. and New Book of Entries,verbo Tail.

Tail, in the other signification, is that we vulgarly call a Tally: For, One Talle de Bees is a cloven piece of Wood to nick up an account upon: For in the Star. 10 Edw. 1. cap. 11.
it is termed a Tail; and so in Brooks. Abridg. iii. Tail d'Exchequer, fol. 247.

Tallis (Talista) Are in these days called Talists, explicated before: Of these we read in our Statutes two forts, long used in the Exchequer. The one Tails of Debt (Anno 6 Rich. ii. cap. 8, which are a kind of Acquisition for Debt paid to the King. For example, the University of Cambridge pays yearly toll for such things as are by their Charter granted them in Fee-farm, 5 l. at the Annunciation, and 5 l. at Michaelmas. He that pays these, receives at each day a Tail or Talis for his discharge: with both which, or notes of them, he repairs to the Clerk of the Pipes Office, and there in head of them receives an Acquisition in Parchment for his full discharge. The other, Tails of Reward, (mentioned Anno 27 Hen. v. cap. 11. and in other Statutes) which seem to be Tail or Talis of allowances or recompence made to Sheriffs, for such Matters, as (to their charge) they have performed in their Office, or for such Moneys as they, by course, have call upon them in their accounts, but cannot levy, &c. See Anno 2 & 3 Edw. cap. 4.

There are also Tails of Debt used among Subjects. — Et si equidem hactenus Talists, oporit creditori pro parte illam per conveneriarum fines vel per alios, per quam fidemstatum Talis & aliis praetereat illo tempore in Coria nitnandos baretum, & c. Sit de Credito para debitum per rectum sicut simplicem, tunc debitor potest effici ad quan etiam manifestum. MS. Codex de L.L. Statutes, &c. Birgsville Mountgomer, a Temp. Hen. vi.

Tallage. See Tallage.

Tallit (Asinum, Fr. Teinte, 1. Inflata. Tallite) Signifies either a Conviction; or a person convict of Felony or Treason, &c. See Astroize.

Tales (a Latin word of known signification) is used for a supply of Men, impannelled on a Jury or Enquiry, and not appearing, or at their appearance, challenged by either party, as not indifferent; in which case, the Judge upon motion grants a supply to be made by the Sheriff of one or more such there present, equal in reputation to those who were empannelled. Whereupon the very act of supplying is called a Tales de Circumstansibus. But he that hath had one Tales, either upon default or challenge may not have another to contain so many as the former: For the first Tales must be under the principal Pannel, except in a Cause of Appeal, and to every Tales less then other, until the number be made up of such as are without exception: Yet you may find some exceptions to this general Rule in Staple. 11. Cor. 12. cap. 5. These commonly called Tales may in some forts, and indeed are called Melisses, &c. When the whole Jury is challenged, as appears by Brook, iii. 102 talis & other tales, fol. 103.

Tales, Is also the name of a Book in the Kings Bench Office (Coke, lib. 4. fol. 193. b.) Of such Jury-men as were of the Tales.

Tallage (Tallagium) From the Fr. Taille, which originally signifies a piece cut out of the whole, and metaphorically a share of a Man's substance paid by way of Tribute, Toll, or Tax. Stat. De Tallage non concedendo. Tempore Edw. i. And Sismon Annals, p. 445. Thence comes Talliger in Chancer for Tax or Toll-gatherers. See Subsidy. These Tallages were anciently called Cuttings, which word is still retained in Ireland, in a not much different sense. Tallage (taws Sir Edward Coke) is a general word, and includes all Taxes. 2 Inst. fol. 532.

Tallies, See Talier.

Tallit or Tallendo, (Tallatura) Is Firewood, clear and cut into Billers of a certain length. Anno 35 & 36 Hen. v. cap. 3. and An. 7 Edw. 6. cap. 7. Cereb Tallit marhe one, being round bored, hall contain fifteen inches of Ash in compass, &c. Anno 43 Edw. 2. cap. 4.

Tangier, An ancient City of Barbary, lying within the Kingdom of Fezze, and distant from the Straits about Thirty Miles; mention in the Statute of 15 Car. 2. cap. 7. And is now part of the Dominion belonging to the Crown of England.

Talifer, Is a Law, Tenure, or Cufdom in some parts of Ireland, of which thus, Sir John Davies in his Reports, fol. 28. b. Quam sic hominem moritur sejus des aequum Castellum. Manorium, terres et tenementum de natura tenure de Talierte, quae doget in eo quidam de Castellis, &c. deo se desiderare, & de tempore donum non est uti se de defendere Seniori & dignitatis vero tagnaominis & cognominis de tali moritur sejus, & ut se habeat in eo quidam sejus moritur de tempore seminon, ut fuerint in tributis de tali terres et tenementum, ut de aequum part de eis. The name seems to be derived from Taino. See Sir James Ware Antiquitates Barbarorum, p. 289.

Tappa, See Bosphorus.

Tare & Tret. The first is the weight of Box, Straw, Cloth, &c. wherein Goods are packed. The other is a consideration allowed in the weight for wait, in emptying and refilling the Goods. Book of Rates.


Talium, A Mow or Heap 3 from the Fr. Talier, to heap or pile up. Communio satis fuit Roberto Hadam ad tendenda. haldes & alia bona devarum Abbatisam abhacennanur, qui venieti & cognosieti quod rendita haldes Prima de Tickford in garbin in duas Talies existit. pro 10 l. Gr. Hill. 25 Edw. 3. Cornam Rege. Rot. 13.

Tal (Tana), from the Gr. Αταλος, Quod non foliatur ordine, sed uelut uolatilum, temperatur, temperatura uolatilum in uolatilum imponum) Was such a Tributum, as being certainly rated on every Town, was wont to be yearly paid, but now not without content in Pattala,
ment, as the Subsidy is. And it differs from Subsidy in this, that it is always certain, according as it is set down in the Exchequer Book, and levied in general of every Town, and not particularly of every Man. It is also called a Fifteens, Annu. 1 Edw. 3. fol. 1. cap. 20. and 5 Hen. 6. cap. 7. It seems, that in ancient time, this Tax was imposed by the King at his pleasure, but Edward the First bound Himself and his Successors from that time forward, not to levy it, but by content of the Realm. Annu. 25 Edw. 1. cap. 5. See Gill, Subsidy, and Fifteens.

Taratia bladgum, An Impostion on Corn.

Taxes, Two Officers yearly chosen in Cambridge, to see the true gage of all Weights and Measures: The same took beginning from Taxing or Rating the Rents of Houses, which was anciently the duty of their Office.

Tea (Anno 1 Car. 2. cap. 15.) is a kind of parable liquor, lately introduced in England from China, and the East Indies, and is made of the Leaf of a Shrub, growing in those parts.

Team and Thame, or Leem and Thame (from the Sax. Thymen, i. Propagare, to team, or bring forth) Signifies a Royalty granted by the Kings Charter to the Lord of a Manor, for the having, restraining and judging Bondmen, Neets, and Villains, with their Children Goods and Chattels in his Court.

Them, i. Quod habeat totum generationem villarum existentum, cum eorum servis & cabellis ubicunque inventum in Anglia inventum fuerint. Ex Registo Priorat. de Cokesford.


plus ad nos venecat. Teste W Epf. Duncham. Where Leinlanda seems to signify, Terra beredatrix & colonorum servitorum non abnormis. In Domasay, Land held by Knights-service was called Leinland, and Land held by Soccage, Kebleton. Coke on Litt. feol. 117.

Tiers, is the third part of a Pipe, viz. Forty two Gallons. See There.

Teller, is an Officer in the Exchequer, of which there are four, whose Office is to receive all Monies due to the King, and to give the Clerk of the Palls a Bill to charge him therewith. They also pay to all persons any Money payable by the King, by Warrant from the Auditor of the Receipts, and make weekly and yearly Books, both of their Receipts and Payments, which they deliver to the Lord Treasurer.

Telunium, See Telunium.

Temples, or Knights of the Temple (Tempularis) Was a Religious Order of Knights-hood, instituted about the year 1119, and so called, because they dwelt in a part of the Buildings belonging to the Temple at Jerusalem, and not far from the Sepulchre of our Lord: They entertained Christian-strangers and Pilgrims charitably, and in their armor led them through the Holy Land, to view the Sacred Monuments of Christianity, without fear of Infidels. This Order continuing and increasing for near two hundred years, was far speeded in Christendom, and particularly here in England. But at length some of them at Jerusalem, falling away (as some Authors report), to the Saracen from Christianity, or rather because they grew too potent, the whole Order was suppressed by Clements Quintus, Anno 1309. And by the Council of Vienna, 1382. And their Substance given, partly to the Knights of Saint John of Jerusalem, and partly to other Religious. Caefin. de quinque mundi, par. 5. Conf. 5. And see Anno 1 Edw. 1. cap. 24. These flourished here in England from Henry the Second's days, till they were suppressed. They had in every Nation, a particular Governor, whom Braden, lib. 1. cap. 10. calls Magnificum Militia Templi. The Master of the Temple here was summoned to Parliament, 49 Hen. 3. m. 14. in Schedule. And the chief Minifter of the Temple-Church in London is still called Master of the Temple. Of these Knights, read Mr. Dugdale's Antiquities of Warwife in, fol. 746. In ancient Records, they were also called Francus Militia Templi Solomonis. Mon. Angi. 5 par. fol. 554. b.

Temporaries of Bishops (Temporales Episcoporum) Are such Revenues, Lands, Tenements, and Lay Fees, as have been laid to Bishops Sees, by Kings, and other great Persons, of this Land, from time to time, as they are Barons of Parliament. See Spiritualities of Bishops.

Tempus pinguedinis & firmationis:—Et si estendunt quod Tempus pinguedinis bis computatur
Tenancies (Ann. 23 Edw. cap. 4.) Are Houses for habitation, Tenements, or places to live in, held of another.


Dart. Celcfirix 16 Augusti, Anno Regni Domini Regis Patris nostri 49.

Lend, Seems to signify as much as to endeavor, offer, or shew forth; as to lend the effect of the party of the Demandant. Old Nat. Br. fol. 123 b. To lend an Averment. Britton, cap. 76.

Lender (Fr. Tendeur) Signifies carefully to offer, or circumspectly to endeavor the performance of any thing belonging to as as to tender Rent, is to offer it at the time and place where and when it ought to be paid. To tender his Law of Non Summons (Kitchin, fol. 137.) is to offer himself ready to make his Law, whereby to prove, that he was not summoned. See Law, See Make.

Tenementis Legatis, Is a Writ that lies to London, or other corporation, where the Custom is, that Men may demit Tenements, as well as Goods and Chattels by their Last Wills for the hearing any Controversy touching the same, and for rectifying the wrong. Rg. of Writs, fol. 244 b.

Tenement or Tenant (Tenens) Signifies him that holds or possesseth Lands or Tenements by any kind of Right, be it in Fee, for Life, Years, or at Will. Tenant in Dower, is the that possesseth Land by virtue of her Dower. Kitchin, fol. 160. Tenant by Statute Merchant, that holds Land by virtue of a Statute forfeited to him. Tenant in Françai marriage (Idem, fol. 158) that holds Land by virtue of a Gift thereof, made to him upon marriage. Tenant by the Custodie, that holds for his life, by reason of a Childe born alive and begotten by him of his Wife, being an Inheritorix. Tenant per Eligite, that holds by virtue of the Writ Eligite. Tenant in Morsage, that holds by virtue of a Morsage. Tenant by the Verge in Ancient Demein (Kitchin, fol. 81) is he that is admitted by the Rad in a Court of Ancient Demein. Tenant by Copy of Court Roll, is one admitted Tenant of any Lands, &c. within a Mrighton, which time out of mind have been demisible, according to the Custom of the Mannors. T. & C. Par. 1. Symbol. lib. 2. fol. 86. Tenant by Charter, is he that holds by Feoffment, or other Deed in Writing. Very Tenants, that holds immediately of his Lord; for if there be Lord, Mon, and Tenant, the Tenant is Very Tenant to the Manor, and not to the Lord above. Kitchin, fol. 99. Tenant Pursuant, see Pursuant. Who, tenants, that have equal Right in Land, by virtue of one Title. Little lib. cap. 2. Tenant in Common, that have equal right, but hold by divers Titles. Particular Tenants. Stains. Pro- rog. fol. 13, is he who holds only for his term, See Coke in Sir Will. Pelhams Case. Libra, fol. 79, called also Tenant for Life, or Years. See Blowen. Case, Colchester, fol. 15. b. See Tenants. Kitchin, fol. 134, he that hath no other joined with him. Several Tenant is oppoiste to foyn-tenant or Tenant in Common. Tenants in Prac- tice is he against whom the Writ Pracst is brought. Coke, lib. 3. Cafe of Francis, fol. 33. Tenant in Deem in (Ann. 32 Edw. cap. 19.) is he that holds the Deem of a Manor for a Rent without Service. Tenant in Service (Ann. 30 Edw. fol. 6.) is he that holds by Service. Britton, cap. 39 & 36. Tenant by Execution (Ann. 35 Hum. c. 8.) is he that holds Land by virtue of an Execution upon any Statute, Recognizance, &c. Tenant in Fee-super (Kitchin, fol. 176.) Tenant in Fee-saile. Tenant at the Will of the Lord, according to the Custom of the Mannon. Tenants at Will by the Common Law. Idem, fol. 156. Tenant upon Sufferance. Tenant of Estate of Inheritance. Stains. Pro- rog. fol. 6. Tenant in Burgage. Tenant in Servage. Tenant in Franck-fee, &c. with divers others.

Tenement (Tenementum) Signifies most properly a House or Homestead, but in a larger sense it is taken, either for House or Land that a Man holds of another; and joined with the Adjective Frank, it contains generally Land, Houses, or Offices, wherein we have Estate for Life, or in Fee. For Kitchin, fol. 41 makes Frank-tenement, and bate Estite, opposit; and in the same sense Britton ufs it, in Chap. 27.


Tenentibus a Minis non onerandis, &c. Is a Writ that lies for him to whom a Difficor hath alienated the Land, whereof he differed another; that he be not molested for the damages Awarded, if the Difficor have wherewith to satisfy them himself, Rg. of Writs, fol. 214 b.

Lenten indictionm mentiendo, is a Write whereby the Record of an Indiction, and the Proceeds thereof, is called out of another Contingent in the Chanery. Reg. of Wills, fo. 269., 2.

Tenths, (Debitum) is that yearly portion of Tithe, which all Living Ecclesiastical yield to the King: For, though the Bishop of Rome does originally pretend right to this Revenue, by example of the High-Priest among the Jews, who had Tenths from the Levites. Nucomb., c. 3, Hieron. in Ezek. yet we read in our Chronicles, that these were often granted to the King by the Pope, upon divers occasions, sometimes for one year, sometimes for more, until, by the Statute 26 Hen. viii. 8, they were annexed perpetually to the Crown. See Dibdin. It signifies also a Tax levied of the Temporality. Inq. fo. 24a.

Tenure, A freeholder, renter, or prover, who Dyers and Clothes are used. Ann. Rich. ii. c. 3. But prohibited by the Stat. 39 Eliz. c. 20. Tenure, (Tenurio) is the manner whereby Tenants hold Lands and Tenements of their Lords. What makes a Tenure, and what not, see Perkins Reformation, &c. where you shall find many of those Thores vexed, which are now in England. C. P. fo. 300. Tenure is a Board of Enquires, verbo Tenure. Mr. Fabian Philip Book, entituled Tenenda non Tullenda, and the Stait. 62 Car. ii. c. 24. The Family of Babanum hold the Manor of Newe Belfingston, in the County of Kent, by this tenure, when the last Difh of the second Courie to the King's Table, at His Coronation, presenting Him with three Maple-cups, which was performed at the Coronation of King Charles the Second. Terminus, (Terminus) Signifies commonly the bounds and limitations of time; as a Leave for term of Life or Years. Bract. lib. c. 6. nu. 4. But more properly it is used for that time, wherein the Tribunals or places of Judgment are open for all that lift to complain of wrong, or to seek their right by course of Law or Action. The rest of the year is called Vacation. Of these Terms there are four in every year, during which time matters of Justice are dispached. One is Hilary Term, which begins the 23d of January or, if that be Sunday, the next day following, and ends the twelfth of February. The next is Easter Term, which begins the Wednesday fortnight after Easter-Day, and ends the Monday next after After-feast-Day. The third is Trinity Term, beginning the Friday next after Trinity-Sunday, and ending the Wednesday fortnight after. The fourth is Michaelmas-Term, which annually began the ninth of October, but, by Stat. 17 Car. i. c. 12, contradicted to the 3d of October, and ending the 30th of November. Terminum apud nos dictum est, et anno passus obitum habi ne designavimus. See Stat. As originis et nationis Temporiterium forensi-um.

Lernionland, Seems to be the Glebe-land, or Land of the Church's antiquity to called.

Lentos, (Terminus ex domo) he that holds for term of years, or life. Kitching, f. 439. Litt. f. 506., 2.

Terra Clitophanta, Land held by the Tenants by paying a Curly-flower, MS.

Terra clausenda, is a Write directed to the Exchequer, viz. willing him to inquire and find out the true yearly value of any Land, &c. by the Oath of twelve Men, and to certify the hear Extent, into the Exchequer, &c. Reg. of Wills, fo. 295. b.

Terra fruenda, (Continens) are terra fruenda, pastures, &c. Mon. Ang. i. 1. 427 b. Fresh-land, or such as had not been lately plowed. This is elsewhere written Terra fruenda.


Terra bettia, Is used in ancient Charters, for Land toun with Corn.

Terra fabulosa, (Lat. treval) or, in fantastic Land. Et quandex in arte et terra extinxerit, per annum xiiis solis, &c. quia est terra fabulosa. Inq. 10 Edw. 3. 5. 5. Norr. in Tur. Lord.

Terra puritata. See Fatur.

Terra lucetabilis. Terra in Moris, quia in terra lucetabilis & Maris, quam omnibus servat. Mon. Ang. i. 1. Par. fo. 466. b. Land that may be gained from the Sea, or inclosed out of a Wait, to particular use.

Terra ecurtabilis. Totam ullam terram excurtibilis, quam habuit apud Noriaum in Campi. Mon. Ang. i. 1. Par. fo. 466. b. Land that may be till'd or plow'd.

Terra culta, Land that is Till'd, or manured; and terra inculta, the contrary. See Wacthe.

Lerage, (Tervagium) Edward the Third granted by Patent to John of Gazant and Blanche his Lady, for their lives. Queest, qui eite de Thocelme, Savages, Pallagio, Lelinog, Pullagio, Carovan, Priglow, Pbagio & Tervage, which seems to be an exception, a Bractaria, etc. Boons of Plowing, Reaping, &c. and perhaps from all Land-Taxes.

Terra, (Terrarium, vel Catalogus terrarum) In a Book, Survey, or Land-Kroll, wherein the several lands, of a single person, or of a Town are described containing the quantity of Acres, boundaries, Tenures names, and such like. Lutum & Edw. i. 17. In the Eschequer there is a Terra of all the Glebe-lands in England made about 1 Edw. 3.

Leris, bonis et callitis reddendis post purgationem, is a Wurr that the Cover Clerk, to recover his Lands, Goods, or Charters formerly seized on, after he has cleared himself of that Felony, upon justification whereof he was formerly convicted, and declared by his Ordinary to be purg'd. Reg. of Wills, f. 53. b.
TERRIS LIBERANS, Is a Wr. that lies for a Man convicted by attaint, to bring the Record and Process before the King, and to take a Fine for his imprisonment, and to deliver him his lands and Tenements again, and to release him of the Stripes and Whips. Reg. of Writs, fo. 222. a.

TERRIS & CATALLIS TENIS ULTRA DEBITUM TEBARUM, Is a Word Judicial, for the restituting Lands or Goods to a Debtor that is detained above the quantity of the Debt. Reg. Jud. fo. 38. b.

TERRAE TENTAT, (Tere tenta.) Is he who has the natural and actual possessio of the Land, which we otherwise call the Occupation. Anno 39 Eliz. ca. 7. For example, a Lord of a Manor has a Freeholder, who lets out his free-land to another, this other (having the actual possession) is called the Tere tentat. Wet. Par. 2. Sym. Statutes, S. 157. Comp. Jurispr. a. 1545. Britton, ca. 29. Perkin Footw. 229.

Ters. See Tere.

TERRIAN, A Measure, containing fourscore and four Gallons. Anno 1 Rich. 3. ca. 13. & 2 Hen. 6. ca. 11. So called, because it is the third part of a Tun.

TERRITUM DENARIUM. See Third-penny.

TESTAMENT, (Testamentum.) What it is in the common signification see in will. It was anciently used (according to Speelman) to Scripsa, charta vel instrumentum quo praeventes res renunce absumus transactio transiciens facit dictum quod de eavem testimonium jure, vel testamentum nominas continetur. ——quae contra mea autoritatem Testamentum aliquod machina- ri impedimentum praestipserit, & c. Charta fundationis Croylandiz ab Ethelbaldis Reges, Anno Dom. 716.

Testator, (Lat.) He that makes a Testament, as being the Will of all Testaments, and see Will.

TESTATUM, Is a Wr. in personal Actions; As if the Defendant cannot be arrested upon a Capitul in the County where the Action is laid, but is returned sum of inventum by the Sheriff; This Wr. shall be sent out into any other County, where such person is thought to have whence to satisse; which is termed a Testatsum because the Sheriff has formerly testifid, that the Defendant was not to be found in his Bailie. See Echines return of Writs, fo. 295. b.

Teste, Is a word commonly used in the last part of every Writ, wherein the date is contained, which begins with these words, Teste me teo, &c. if it be an original Writ, or of judicial, Teste Johan Kinge Militiæ Ioannes Vaughan Mili. according to the Court, whence it comes. Yet we read in Glassie, (lib. 1. ca. 6. & 19. & lib. 2. ca. 4.) The last Clause of an Original Writ to be Teste Radulpho de Glassieup apud Clarendon, &c. and divers times in the Reg. of Writs, Teste Collado. Angliæ, as namely in the Title Prohibition, fo. 43. a. & Consultation, fo. 54. b.

Testimonial. (Anno 39 Eliz. 17.) Is a Certa facta under the hand of Justice of Peace, as to the place and time, when and where a Souther or Mariner landed, and the place of his dwelling and birth, unto which he is to pass, or such like. See Inf. 85.

TESTIMON. (Anno 2 & 3 Ed. 6. ca. 17.) A sort of Money, which, among the French, did bear the value of 18 Deniers, and to perhaps formerly in England; but, in Henry the Eighth, time, being made on Easte, highly gilt with Silver, it was reduced to 15, and, in the beginning of Edward the Sixth to 9d, afterwards to 6d.

Teach-tile, (Anno 19 Edw. 4. ca. 4.) Otherwise called Plain-tile, which are laid on the flise of a House.

Thagam of the King, (Domagum Regis) Signifies a certain part of the King's Lands or Property, whereas the Ruler or Governor was called Thane, Domains, or Thaggia, idem significant, Sayes Skene.

Thane, or Thesp (Thanus, from th. Saxon pessan,) Signifies sometimes a Nobleman, sometimes a Free-man, sometimes a Magistrate, but more properly an Officer, or Minister of the King. This appellation was in use among us before the Norman conquest, as appears by Domesday, and by a certain Wr. of William the First, Williamus Rex solutus Hermanum Episcopum & Stephano & Eirici & omnem Thomas necos in Dorsetfrisi pago amicilibit, MS. de Abacusburi. Skene fays it is the name of a Dignity, equal with that of the Son of an Earl. Cambren. fays, They were enabled only by the Office which they administered. See Mill. of Nobilitatis, fo. 152.

Theft, (Furtum) Is an unlawful taking away another man's moveable and perishable Goods against the owners will, with an intent to Steal them, which is divided into Thefts, simply so called and, petit Thefts, whereof the one is of Goods above the value of 12d. and is Felony, the other under that value, and is a Misdemeanor, but called petit Theft. See Leasing and Felony, and Thefts from the person, or in the presence of the owner, is properly called Robbery. See Wet. Par. 2. Symb. Leg. Incidents, S. 39, 39, 60.

Theftbore, (Sax. Pepp. Furtum & Bocce, compennis.) Is quant bome prifh chatedel de La-vone de les favare & maintenur & meny amautem. 42 Atti, p. 93. the receiving Goods from a Thief, to the end to favour and maintain him, the punishment whereof is random and imprisonment, and not loss of life or Member. Stat. Pl. Cas. lib. 1. ca. 43. Antiqua factur, pretium quo juris venit eximmitti a dispens. si, deas venas de dicus venis justitie bona a laevone inceptis, exierunt suavem genia, qui sustine boce prax praclae, at his factum inlegakum effi. In Prerogativum obiatur ubi Theftbore creded, idinim quia effe eucta jurisfutura, fine consideration Curia Dominus Regi. Theftbore, inquit Statutum Waliae. Anno 12 Ed. 1. See dit. eucia jurisfutura, sine consideratione Curia Dominus Regi. Spec. And see 3 Inf. fo. 15.
Communication, dum morum inter ipsos fecerint. MS. Codex de L.L. Statutis & Contectud. liberii Burgi, villa Mountgomeri. fol. 26 l. See Deuth.

Third, perty Denarius teius est, ea parte multa varum foretumque multum, pra, in consuetudinem eum sedebat Comitii, Rect agit utus persipere. L.L. Edw. Conf. cap. 2. Rex habebit 100 solidos & Confid Comitati 50, qui territum habebit, Deiorem de forefamari, et. And was anciently so fact and appropriated to an Earlom, as the Earlom of Osford in the Reign of King Henry the Second, passed by the Grant, of Terosium Denarius commoner de, us sit inde Comitii de qua vide Selinds Titulos de Honor.

Thores (Anno 2 Edw. cap. 2.) Thores or Fith with broken Bellies &. are not by the Fait Statute to be mixt or packed with Turtles.


Thorough Toll. —Bough in Vereshe; a little village, where in times past the Earls of Richmond had a pretty Castle, and a certain Custum called Thorough Toll (Says Camden.) See Toll.

Thrope of Toff (from the Sax Thape), i. a bundle, or the British Deba, i. Twenty four) is in most parts of England Twenty four Shaves, or four Shocks, six Shaves to the Shock. Anno 2 Hen. cap. 4. Yet in some Countries they count but Twelve Shaves to the Thrane. As in the Case of the Burgesses of Derby. —Huius autem ad Fesam Sancti Martinus reddabit Regi duodecim Tribus annorum. Domini, de Buregibus Derby. See Tier-Corine.

Thornia (from the Sax. Thump, quod terrae iuris significat) Signified or old a piece of Money of Three fillings, according to Lambert, or rather (according to Seiden) the third part of an filling. Tit. Of Honor, f. 64. See Wergeld.

Thribbing (Thribbingum) In the Statute of Merton, bigithes a Court which consists of three or four Hundreds. Coxi & Part. Inst. fol. 99.

Thyrover. See Silkebreuer.

Thwett. —Edwatar, &c. —Concubinis eisam, quod Villarum nobis aus brevium afororum qui pro tempore fuit in in Comitatibus, de queo facta est executione pro dehini recuperationis & recognitum in Comitatibus vel Stacecum Certi, aut in simi re Iuliae fiduciam, qui pro tempore fuerit, absque aliquo capiendo pro excezione benefiscum fratres, hic idem praeteresse temporibus uitam fuit, propter per certam habens. Si Community (fol. Cefcrexen) quod si aliquus in Curia nisera cum afori fuerit, per Thwettms se defendere possit? quia hoc defiensa est comam.
vita legi Comuni, nutrit malorum, pacis omula & damnati popula pacis. Valumit cian de consensi & regimione dicit Comunitatis, Ordinatio & praecipium, quod dicta desinere per

De unum de eorum non alienato, sed annuit

tertius & damaus, &c., Rot. Cart. de

Ann. 11, 12 & 13 Regis Ric. a, num. 11, per

Inspec.

Iudicium (Anno 14 Car. 2, cap. 1.) Are certain Officers that belong to the Custom-house, and are appointed to watch, or attend upon Ships till the Custom of the freight be paid; and they are so called because they go aboard the Ships at their arrival in the Month of December, and come up with the Tide.

Ferce (Fr. tiers, a Third, or third part). A measure of liquid things, as Wine, Dye, etc., containing the third part of a Pipe, or forty-two Gallons. Annu. 32 Hen. 8, cap. 14.

Ligii or Legio (San, teq.) A Cloae or Enclosure, a Croft. In vectis Charta Ecclesiae Cantuari, Clausula. Manesonium quoque qui est in aquationibus parte Doroberno & claustulo quum Angli discunt Legae, quem pertinet ad praedictum manseum, &c. The word Tigh is still used in Kent in the same sense.

Timber of Skin, is forty Skin. Dr. leight Tyme of Fische venal. Ed. Pat. 10 Ric. 2, pars. 1 m. 30. Hac civitas (Sc. Cefin) tunc reddedette de fero 45 libras & tres Limbes pollich Martainram. LL. Ed. Conte.

Timberlocale (San, Timbhelace) Servitia genus, quae vassallii obtineri materiam seu lignum de foio, ubi provinnri, ad Domeni sui Domus defere. Gloss. in x Scriptoris.

Lemon or Limmen, Was of old a Petty Officer in the Forest, who had the Noutural care of Vert and Venison, and other servile employment. Constitutio Fontina Comuni Regis, cap. 2.

Listatt (San, Sax. lesthol, i. Forst, Bas-

culus) Is one of the Warden of the Forest men, that attends the Kings Courts with a Painted Staff, for the taking in to Ward as are committed by the Court, and to attend such Prisoners as go at large by Licence. There are other wise called Bajons. Annu. 1 Ric. 2, cap. 12, and 8 Eliz. cap. 23.

Lithes (Decima, from the Saxon Teopor, i. The Tenth) Are the Tenth part of all Fruits Prebadi, Personal, and Misc, which are due to God, and consequently to his Churches Ministers, for their maintenance. Levit. 27, 30. Omnium bonorum huius quattuor pars des, Diversa constitutiones, debita.

Pafche, i Jac. Rot. 1119, in Comuni Banco.

It was resolved,

Que Decimorum tres sunt species, qua-

dam Personales, que debentur ex opere

personali, ut Artificia, Scientia, Militia,

Negotiation, &c. Quadam Pradali, que pro-

venient ex praedii, i. Ex frutibus praediorum,

ut Blada, vinum, fumum, linum, cannabum,

&c. Seu ex frutibus arboreum, ut Poma, Prun,

Voltes, Cerisa, & frutibus hortorum, & quaedam Mixtae, ut de Cafea, Lafe, &c. aut ex

frutibus animalium, quae sunt in pastibus, &
geatim pasturunt, ut in Agri, Vitis, Hudson, 

Caprellis, Pulvis, &c. Ex Pradali sunt quaedam Majores, quaedam Minuas. Majores,

et frumentum, filio, zizania, &c. Minuas,

Seu Minuas sever Minuas, quae sunt preveniant ex menta, amelo, oleaibus, & simili-

bus jacta illud dictum Dominus, Liber. 45. 12. 

Vae, qui Decimatis mentam & ratam, &c. A-

lis discund, quod in Anglia constituit Decem

minuas in linum, que sunt Prebadi, & Lan-

n, laete cafein & in Decimis animalium, agra,

pullus, & ovibus; Decimae etiam melie & cete

numerator inter Minuas, quae sunt Mixtae.

Vide Lindwood cap. de Decimis.

Laymen (in these later times) taking small ocassions to withdraw their Tithes, (as Sir Edward Coke observeth, a Inf. fol. 64.) by the Statutes of 27 Hen. 8, cap. 20. — 29 Edw. 7, cap. 7. were made to enforce the payment thereof; which former times required not, when more was often given, then was either due or demanded, as appears by these, and many other Recorded Donations.

E Ga Willielmus de Brocto et concedo

Ecclesiae Sanka Maria de Bergavenny,

Monachis ibidem Deo servitutem, omnem Deci-

mam de Castello de Bergavenny, &e. De Panes, de

Vino, de Cervesia, &c. &e. De omnem gener-

em potu, de canibus, de piscibus, de seco, de mel-

te, de cera, de feve, &c. &c. Donorum gener-

alitatem, tam parvum quam Magna Castelli jam praebiti, de

Dennarii quomodo adquiritis & habitis, de

placiti, de auxiliis, de praebitionis, de libris, de

vocis, de poctis, de voibus, de cassis, de equis, &

de omnibus rebus, & de omnem omnem quomodo

moveri jam dedit Castello. Mon. Angl. 1 par. fol. 558 a. De Decimis omnium present

uum Placitorum, Testatorum, Donorum, Lu-

corum & redditionum mensum, &c. Quinti

potus, & potus expensae de Castello Ebrachie

de Haya, Carta Rogeri Comitis Herefordiae. Sinc Dat.

And recently many Men were so scrupu-

ously careful in their payment of Tithes, as they at their Death bequeathed a Soul terr

or Skul to their Parish Priest, in lieu of any Tithes forgotten; and at their Funerals caufed their heft Ox or Horse to be led with the Corps, and, as a Mortuary or Oblation, given to the Priest, in recompence of any Tithes which might be forgotten.

Lething or Letthing (Ithungum, from the

Saxon Teophunga, which signifies Decurrum) Is the number of company of ten men with their Families, cleft or knit together in a Society, all being bound to the King for the peaceable be-

havior of each other. Of these companies there
was one chief person, who of his office was called Leithing-man, at this day in the West parts: Leithing-man, but now he is nothing but a Contable; for that old discipline of Leithing is left long since. Leithing is also used for a Court, Mag. Chan. cap. 25, and Morton, cap. 10. See Chief-Pledge, Frank-Pledge, Decemning, and Tithing.


Leod of Wool, Contains twenty eight pounds, or two Stone 3 Mentioned in the Stat. 12 Car. 2. cap. 37. It comes from the Fr. Tolles, a Wrapper, within which, by usage, two Stone of Wool is fold. 3 Libi fol. 36.

Leof (Insum) A Milestone or place where a Mileage hath floor, but is decayed, and a word much used in Fines. Welf. par. 29. Symbol. t. Treas. fol. 36. — Capitale Toffman & Crofmann quam fact Walters Petis Est. Carta Petri de Bras in Bibl. Cotton. Societ. & Tolts. Anno 22 Car. 2. cap. 11.

Leifmann (Toffmannus.) The owner or possessor of a Leif Toffmannus simillimus operans in a Santello Michelius utique ad antiquitum, et in antiquum a 6 kohinedavos, enaugaque boli made per a dies, Ut. Pet. Law. pag. 18. See Molman.

Toll (Tolere) As it is a Verb, signifies to detain or to take away. Anno 6 Hen. cap. 9. As to Tol the Entry, 1. To take away the right of Entry.

Toll (Tolsumum ad Theolimnion) Is a Saxon word, and hath two significations. First, It is used for a Liberty to buy and sell within the Precincts of a Manor; Secondly, For a Trade or Custom paid for Palfage, Buying, &c. Branden. lib. 2. cap. 24. num. 3. interprets it to be a Liberty as well to take, as to be Free from Tull (for they who are enhanced with Toll are Custom-free, says Scene). Toll his est, quod visus est de tota Homagio visus sunt quid de omnibus mercis. & de Tolnoto de omnibus rebus emptis & venditis. Of this freedom from Toll, the City of Coventry holds of an ancient Charter, granted by Leofric (or Leofric) Morecamus Comes, who at the importunity of Godricus, his venerate friend, granted this Freedom to the City, and in Richard the Second's time, (according to Mr. Dugdale in his Description of Waroftyke), the picture of him and his Lady was set up in the South Window of Trinity Church there, holding in his right hand a Charter, with these words written thereon.

I Lucisca for the lobe of this,
Do make Coventry Tolstia.

Some Authors make mention of Toll-through, which is Money paid for palfage in, or through some High-ways; or over Ferries, Bridges, &c. Toll-travellers, for passing over a private Mans Ground, and Toll-turn, which is Toll paid at the return of Beasts from Fair or Market, though they were not sold. Ploendun, Caju Viltum, fol. 256. Ritchie, fol. 124. By the ancient Law of this Land, the Buyers of Corn or Cattle, in Fairs or Markets ought to pay Toll to the Lord of the Market, in confirmation of the Contract there lawfully made in open Market, because private Contracts were held unlawful. Boyns Mirror, fol. 121.

Tollage (Anno 17 Car. 1. cap. 15.) See Tally.

Tollett—Per Tollet, clamaret esse quid, de redimend. unum Sextarium Cerfei quod continebant. Legiones, de novo cerrota minu-rata, defunctis us Shabellis pro licentia brunissil cerrof. per totum annum. Ext. Roll. Plac. in Titu. apud Ceftrim, 14 Hen. 7. The same word occurs in Carta 55 Hen. 3. m. 6. See Corel.

Toll (Tolts) Is a Well, whereby a Cause, depending in a Court Baron, is removed to the County Court, and so called because it does Tollaque Inquitum, from the one Court to the other. Preface to Coke 3 Rep. Plac. Coram Regis. Cap. 22. Edw. 1. Rol. 18. Tolts plautus significant proquis primus causae a jurisdictione juris temporalis tollitur.

Toltray — Vendita salis, que debet facere i. Hujuspl. in dimid. salis per mensuram 4 d. MS de Temp. Edw. 1.

Tonn. See Ton.

Tort (Fr.) Injuries, injury. As, De for tort enfor, in his own wrong. Coike Rep. White's Caju, fol. 20. Wrong or Injury is properly called Tort, because it is wicked or crooked. Coke on Lit. fol. 178 b.

Tortrassio (Fr. Tortrassio) A Doer of wrong, a Trespasser. Coike 2 part, fol. 383. num. 21.

Tories quotes (Anno 19 Car. 2. cap. 4.) As often as.

Totted, A good debt to the King, is by the Foreign Appellators, or other Officer in the Exchequer, noted for such, by writing this word ror to it. Anno 48 Edw. 3. cap. 9 and 1 Edw. 6. cap. 15. See Practice of the Exchequer, pag. 71.

Tottenag, Was a Customary payment of four pence for every Buffel and a half of Corn, sold at Maldon in Essex. Hill 15 Edw. 1. Tour. See Tonnage.

Tournement point & uncoze eff, (i. Always ready, and is so at this present) Is a kind of Plea in way of excuse, or defense for him that is sued for any Debt, or Daily belonging to the Plaintiff. See Brooks Adv. fol. 95 b.

Towage (Tragium, Fr. Tonnage) Is the towing or drawing a Ship or Barge along the Water by Men or Beasts on Land, or by another Ship or Boat, without the Labour, that Money or other recompence, which is given by
by Bargemen to the owner of the Ground, next a River where they tow a Barge, or other Vessel. The word may probably be derived from the Saxon tecon; Duces, traders. — Dominus Res habet & habere debet Thowagium maximum & basatolum majorum & minorum in auge & Tyne, &c. Pla. Cocam Rega & ejus Concil. Parl. 18 Edw. 1. in Torre London.

Transact, See Justices of the Peace, and see the Copies of several Commissions granted to them by Edward the First in Spelmans Glossarium, &c., Transact. The common people in those days called them Transact, and some Tral. Thalactum Edward the First in his Thirty second year (sive Sir Rich. Baker) sends out a new Writ of Inquisition, called Transact, against Intruders on other Mens Lands, who, to oppose the right owner, would make over their Lands to great Men; against Barterers hired to beat men, Breakers of Peace, Ravishers, Incestiaries, Murderers, Fighters, False Affirmers, and other such Malefactors; which Inquisition was so strictly executed, and such Fines taken, that it brought in exceeding much Treasurie to the King. Chron. fol. 111. See Plac. Parliamentaria, fol. 329. And in a Parliament 1 Ric. 2. the Commons of England Petitioned the King, That no Communion of Eyre, or Transact, might be injured, during the Wars, or for Twenty years to come. Rot. Parl. 1 Ric. 2.

Traipsing (Traditor, Prodisto.) See Transact.

Traiterous Possessions, Of taking Arms by the Kings Authority against his person, and those that are commissioned by him, and condemned by the Stat. 14 Car. 2. cap. 23.

Transcript (Anno 54 & 55 Hen. 8. cap. 14.) Is the Copy of any Original, written again or exemplified. As the Transcript of a Fine.

Transcriptio Recognitionis (late coam Justiciarum iterantibus, &e.) Is a Writ for the certifying of a Recognition into Chancery, taken before Justices in Eyre. Reg. of Writs, fol. 152 b.


Transgrisonne. Is a Writ, commonly called a Writ or Action of Trepass. Of which, Fitzherbert hath two stories; one, Vizinaito, so called, because it is directed to the Sheriff, and is not returnable, but to be determined in the County. The form whereof differs from the others, because it is written in these words: Quare et Ambo, &c. Nat. Br. fol. 84. G. The other is termed a Writ of Trepass, which is to be filed in the Common Place of Kings Bench, Nat. Br. fol. 93. B. See Trepass, and the divers uses of this Writ in the Table of Reg. of Writs &c. infra, fol. 119.

Transiere (Anno 14 Car. 2. cap. 11.) Is used for a Custom-house Warrant, or Let pass; from Transire, to go forth, or let pass.

Trantum, Is the opposite to Local. See Local.

Trantory. So in some Mannors they call the Money arising by Ameinnations of Alienists and Vintners, for breaking the Affice of Bread and Ale, as at Luton; and other Mannors in Herefordshire, especially those belonging to the Bishopric of Hereford. But why so called Quare.

Treason (Fr. Transfras, i. Transfugis) Signifies sometimes to deny; sometimes to overthrow or undo a thing, or to put one to prove some matter, much used in answers to a Bill in Chancery; or it is that which the Defendant pleads, or faith in Bar to avoid the Plaintiff's Bill, either by conjecturing and avoiding, or by denying and transgressing the material parts thereof: The formal words of which Travers are, in our French,sans ecou in Latin dissipe hos, in English without that. See Kitton, fol. 257. and 259. To Travers an Office is nothing else but to prove, that an Inquisition made of Goods or Lands by the Escheator, is defective and unmade truly. So to Travers an Indemnity, is to take issue upon the chief matter, and to confess or deny some point of it. As in a Prefentment against A. for a High-way overthrown with Water, for default of shovring a Ditch, &c. A. may traverse either the matter, that there is no High-way there, or that the Ditch is sufficiently shovred; or otherwise he may Travers the Cause, &c. That he hath not the Land, or that he and they whole estate, &c. have not used to shovr the Ditch. Lamb. Eiren. lib. 4. cap. 13. pag. 551. 552. See the New Book of Entries, &c. Travers.

Treatise (Fr. Trabasun, i. Pruatah) Is divided into high and petit. Anno 25 Edw. 3. fl. 2. cap. 4. High-erasure Is defined to be an offence committed against the Secrety of the King or Commonwealth, whether it be by imagination, word, or deed; as to compass or imagine the death of the King, Queen, or Prince; or to deliver the Kings wife, or his eldest Daughter unmarried, or his eldest Sons Wife, or levy War against the King in His Realm, adhere to His enemies, counterfeite His Great Seal, Privy Seal, or Money; or unwittingly to bring false Money into this Realm counterfeited like the Money of England, and utter the same: To kill the Kings Chancellor, Treasurers, Justices of either Bench, Justices in Eyre, or Affice, or of Oyer and Terminer, being in their places, doing their Office. (Edw. 3. cap. 4.) Forging the Kings Seal, Manuscript or Privy Signer, Privy Seal or Foreign Coyn current here (Anno 2 Mar. cap. 5.) or diminishing or impairing current Money (5 Eliz. cap. 11. 14 Eliz. cap. 3. and 18 Eliz. cap. 1.) Or to say, the King is in Haste or Papi, that he intends to introduce Papistry, &c. Anno 13 Car. 2. cap. 1. And many others, which you may read there, and in other places.
places particularly expressed. In case of this Treason a Man shall be hanged, drawn, and quartered, and forfeit his Lands and Goods to the King, it is also called Treason Paramouny. 

Anne 25 Edw. 3. cap. 2.  

Petit Treason, Is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior to whom he owes Faith and Obedience, and in how many other Cases Petit Treason may be committed. See Crisp, J ust of Peace. This kind of Treason gives forfeiture of Effeets to every Lord within his own Fee. See Bratton, lib. 6. tract. 2. cap. 2. num. 2. 2. There is also mention of Accumulative Treason, and Consecutive Treason, in the Stat. 14 Car. 2. cap. 29.  

Treasure-trove. (Br. Treas.-trov. i. Treasure-found) Signifies veterem depositiwm pecuniae, cypus non extant membris, ut jam dominum non habeas — And, though the Civil Law give it to the finder, according to the Law of Nature, yet, our Law gives it to the King by His Prerogative, or to some other, who claims by the King’s grant, or by prescription, as appears by Bratton, lib. 3. tract. 2. ca. 3. tit. 4. The punishment for concealing Treasure found is imprisonment and fine. But, if the owner may any ways be known, then it does not belong to the King’s Prerogative. Britton, (ca. 17) says, it’s every Subject’s part, as soon as he has found any Treasure in the earth, to make it known to the Coroners of the County. &c. See Ritchie, fo. 40. Anno 2 & 3 Ph. & Mary, ca. 15. This was accordingly called Findarings, or finding the Treasure. L. & E. Hen. 3. ca. 11. See 3 Inst. fo. 132.  

Treasurer, (Tesaurarius) Is an Officer, to whom the Treasure of another is committed to be kept, and truly disposed of; The chief of these with us is the Treasurer of England, who is a Lord by his Office, and one of the greatest men of the Land; under whose Government is all the Princes Wealth contained in the Exchequer, as also the Check of all Officers any way employed in collecting Impress, Tributes, or other Revenues belonging to the Crown. &c. Smith de Rennh. Angl. lib. 2. ca. 14. See Anno 20 Ed. 3. ca. 5. and other Statutes relating to this Great Officer. There is also Treasurer of the Kings Household, who is also of the Privy-Council, and, in the absence of the Steward of the Kings household, has power, with the Controller and Steward of the Marshalsea, without Commision to hear and determine Treasons, Murder, &c. committed within the Kings Palace. Stam. Pl. Cor. lib. 3. ca. 5. There is also in the Statutes mention of Treasurers of the Exchequer, Treasurer of the Navy, Treasurer of the Kings Chancery, Treasurer of the Kings Wardrobe, Treasurer of the Wars, &c. And, most Corporations throughout the Kingdom, have an Officer of this Name, who receives their Rents, and disburses their common expenses.  

Treat (From the French Train, i. Emulsion) Signifies as much taken out, or with-
and other Ecclesiastical matters, shall be try'd
by the Bishop's Certificate. Of the ancient man-
ner of Trials by Combat, and great Affizes, see
Combat and Affize. See Stamps, pl. Civ. tit. 2.
c. 4, 5, 6. And Elizabeton Men. Triailo of exac-
sions, suis curiis, cures justice, per due decen-
vurale factum ex ventione, exaltation. Pat. 3. R. Joh.
2. in fidelitate Leulini. Statutum de tritiatione
necessitatis duodecim Leulini, &c.
Tribuc & Tribune. (Tribuctitum) A Tumbo,
Cocksington, or Goggingtroke. — He nonis,
concedimus de Ecclesie Santi Albani, cum Saca & Sacra,
on Stronde & Streme, in Wilde & Fello, Toll & Tym,
Triube, Hau-
fsken, Murder, Forestall, Dawendil, Infangenthef
& Ufangenthef, Flemensforthe, Bloke, Wrick, &c.
Carra Joh. Regis, Dat. 11 Junei, Anno 4 Regni.

Tribune, or Tributing, (Sax. Tipinga) contains three or four Hundreds, or the third part of
a Shire or Province. Also a Court held within
that Circuit, which was the same we now
call a Court-leet, which is above a Court-Baron,
and inferior to the County Court. Breve de A-
stituendo de losquis, &c. Regiit. 1566. — Provi-
sium frequens judicium libero honore libero petit.
facere Astituendum fuerit ad losquis et prouen-
danda et defendenda notis in Tribunyngis,
Co-
mittitibus, Wapentachtis, et aliis Civis fine breve
novae. Sur le Statut de Merton, ca. 10, Fiat
autem usus de Francipiego fice, vix, quod par
notrae trecenta, & quod Tributinga sint integra, si
esse constanter, &c. Mag. Char. ca. 36. See
Fleta, lib. 2. ca. 61. & Origin. Jurid. fo. 24.
See Lat. — Et voe quod digni Monachi sint
quieti & soliti ab omnibus foedis, Gelo, auxiliis
cum convitandis, Hydatis, & a sella in ovaris,
wapentachtis, Hundredis, Tribunyngis, et omnibus
aliis Civis & seculi oneribus universis. Carra
Hedehd Regis Anno 948. Albh. & Monachi
Croftian.

Trinity-house, Is a kind of College at
Chertford, belonging to a Company, or Corpora-
tion of Sealing Men, who have power by the
Kings Charter to take knowledge of those
who destroy Sea-marks, and to redress their doing,
as also to correct the faults of Saylors, &c.
and to take care of divers other things belonging to

Tribus, Is a kind of Tribbing-net, or an Engin
to catch fish. Anno 2 Hen. 6. ca. 15. Coke 12

Triburers, Are such who are chosen by the
Court to examine whether a Challenge made to
the Panel, or any of them be just, or no. Brook
158.

Tribula — In quo Rex cum easteri superiori
consistit, secondum legem demanda, qua sub
Tribula vacant, suffecti procedunt cum suis
canius finguis loca delegat, ut absit unde kinh
hisset, ubique eligit existim, inventus existim,
&c. Decem Scriptores, fo. 367. Servitium
vel Office plane dict, fulicia mixtum; Or-
go, in fallot a nostrantium Civis. Globs. in x
Script. See Tribris.

Tribulis, Tribus & Tribula, (from Tribus,
I. Tribus) Is an immunity, whereby a Man is
freed from his attendance on the Lord of a For-
rest, when he is disposed to chafe within the
Forest, and shall not be compel'd to hold a dog,
follow the chafe, or stand at a place appointed,
which otherwise he might be, under pain of
amercement. Mason, par. 1, p. 86. — Ei
sunt quiete, &c. de corrigendo, Bonde-pene,
Buckhal & Tribulis, & de omnibus norimbertis,
&c. Privileg. de Selvingham. 4 Inf. 126.

Tributing. (Tributingum) In the Statute of
Merton, ca. 10, signifieth a Court consisting of
three or four Hundreds, in Inf. fo. 99. See
Tribing.

Tunage, (Tranquium) Is Custom, or Toll
takea for weighing Wool. Fleta, lib. 9, c. 12.
S. Item unus, iyayes, that Tuns is a Beam to
Weigh with, mentioned in Wesc. 2. ca. 25.

Tromatex, (from Troma, i. Statera) An Of-
icer in the City of London, who weighs the
Wool that is brought thither. See his Oath
in the Book of Oathes, fo. 231.

Trooper, (Fr. Trouser, i. Invenire) Is the
name of an action, which a man hath against one,
who, having found any of his Goods, refuseth
to deliver them upon demand. See New Book of
Entures, verbo Trover. Actions of ditione are
of late much turned into Actions upon the Cafe,
for Trover & Conversion. Preface to Rolls A-
bridgment.

Troy-weight, (Pondus Troia) See Weight.

Drugs. — Tres Trugge frementis vel avena
faciunt: 1. Buffolius infra Prientam de Hunder-
ton in Ecclesie Heres. MS. de temp E. 3. And,
at Lempster at this day the Vicar has Trowe
allow'd him for Officinating at some Chappells of
cafe, (as Sike and Dunkley) within that Par-
ish; Haply it may come from the Sax. Tipin
which signifies a great hollow Vessel, or Trough.

Tumbeheal, (Tumbebellum, turbicibus,) Is
an engine of punishment, which ought to be in
every liberty that has view of Frankpledge, for
the correction and cooling of Scolels, and un-
quiet Women, Ritchin, fo. 13. See Cucking-
house. Item, si aliqua, qui in libertatem nostram,
per aumenium & connuencium Cumburgensium nostrum,
adsumus fuerim, recettis aliquo delictum, per
quod ad penam publicam sunt aed judiciam, ut
ad Collitriptum vel Tumbebellum, vel aliquo aliquo
heriussi, adjudicatus fuerit, pro primo reputa-
atur, & quo facto amittit libertatem suam. MS.
Codex de L.L. Statutis & Confessit. Bardi vil-
lie Mounton. fo. 11.

Tun, Is a measure of Oyl or Wine contain-
ing twelve score and twelve Gallons, or four
ca. 11. and 12 Car. 2. ca. 4. A Tun of Tim-
er is 40 solid feet; a Load 90.

Tumygebe, (Sax. Tunmytheghe, i. Ville
proropin.) A Reeve, or Bailiff 3 qui in villis (5
et dico Maneris) Domini possessam sustinet, I
Tt
U.

Vacation. (Vacatio) Is all the time respectively 2 between the end of every Term and beginning of the next 2 when such times began and ended in our Ancestors days. See ibidem. Annals, Par p. l. 34, 3, where you shall find that this interval was called Pax des & Ecclesie. Also the time from the death of a Bishop or other Spiritual person, till the Bishopsrick, or other Dignity be supplied with another, is called Vacation. Woffin. c. 1, c. 18, & 1 Edw. 3, c. 4. & 4. See Plenarit.

Vatta, See Vaga.

Vagabondo, (Vagabundos.) One that wanders about, and has no certain dwelling, an ute Fellow. Rogues, Vagabonds, and Hardy Beggars, mentioned in divers Statutes. — De Vagabundis & aliis hominibus mendicibus qui se nominant, Travelsmen, &c. Charta, 22 Hen. 6, m. 32, n. 26. Item usum, quod nullus Vagabundus satis se absolvit de nullis in villa seu suburbio ejusdem post pulitationem Compara
tum nostra communi, vocata Coberfin. Et aliis quidem caputis post pulitationem dictae Com
cursei ducatur ad Casulum Domini Regis, & ibi in
dabitati usque in crassum. ut naevia profers fun
debatur, & censenda fasset ad voluntatem Bili
corum & Conurbatorum, & per Bilius Capita
tes liberet, fo bre petet. MS. Codex de Legislxi & Statuta Burgi-villae Montgomeri, a tempo
re, Hen. 2.

Valeat, Valet, or Valeat, (Valetus vel valedict.) Qui justa dominum vaddt seu ministrat. Fr. Valet.) A Servitor, or Gentleman of the Privy-Chamber, according to Caenok. In the accounts of the Inner-temple it is used for a Blessers Clerks, or Servant; The Butlers of the House correctly call them Vallery. In Reg. of Writs, 25. b. Valetus. If the Sheriff be a Va
deflet of the Crown, &c. Coke on Lit. 115. 156.

Samam — Quod ego Henricus Comes Lanca
dria & Leicest. Sensibilis Angliae Dedito — Dilecto Valete nostro Johanne le Blount nou
von acros terion cum perpet. in Holland in Pontide
novera de Duffield, &c. Dat, quod Hugon Blum
eo tres diei juneti Ed. 5. b. Pene Wal. Kirkham
Blount Bar.

Valeat was anciently a name specially denoting young Gentlemen, though of great defence or quality, but now given to those of the rank of Tenen. Stilens titles of Honour, fo 821.

Value, (Valutis, Valore) is a known word; but, Value gives us a nice difference between va
tue and price. — The value, says he, of those things in which offences are committed, is usu
al contemplied in Indictments, which seems necessary in thefe, to make a difference from petit Larceny, and in Sefsef to aggravate the faults, and increase the Fine; but, no price of things for nature may be expressed, as of Beer, Hares, &c. if they be not in Parks and Wars
eens, which is a liberty. Anna 8 Ed. 4. fo. 5. nor of Charters of Land. And, where the number of the things taken are to be exprest in the Indictment, as of young Doves in a Down
dhouse, there must be said pretis, or ad valentin
um; but, of divers dead things, ad valentiam, and not pretis. Of Coin not current, it shall be said pretis, but of Coin Current it, shall neither be said pretis, nor ad valentiam, for the price and value thereof is certain, &c. Par. 2. Symbol
tit. Indictments. 8ch. 70. V. W.

Value of Marriage, (Valore matrimonii) Was a Writ that lay for the Lord, having proved a Covenanted Marriage to the Infant, and he requi
ring it, to recover the value of the Marriage. Old. Nat. Br. fo. 90. but taken away by the Sta
tute 12 Car. 2. 24.
The Lands that a Varaflor held — Quod dictor de Baronia non est observandum in Varaflor, vel alius manus- 


The Tenants of one of the Times of Damor at the Manor of Bradford in Co. Westby, pay a yearly Rent by this name to their Lord, the Mercur. of the House, which is in the office of Yeal paid formerly in kind.

Vexors (Vizors, from the Fr. Voeur, i. Corne, nature, nature) are those that are sent by the Court to take view of any place in question, for the better decision of the right. Old Nat. Br. M. 113. So Brahan uses it. Lib. 5. tral 2. cap. 8. It signifies also those that are sent to view such as Edifice themselves, whether they are in truth to foes, as they cannot appear, or whether they counteract: Brahan, lib. 5. tral 2. cap. 18. & 12. Lastly, it is used for those that are sent or appointed to view an offence, as a Man murdered, or a Virgin ravished. See Vexa.

Venditione exponas, is a writ Judicial, directed to the under-sheriff commanding him to sell goods, which he hath formerly, by commandment, taken into his hands for the satisfying a Judgement given in the Kings Court. Reg. Judic. fol. 33. And Ann. 14 Car. 2. cap. 21.

Venditutum facias, is a Writ Judicial, going out of the Record, and lies where two parties plead, and come to issue for then the party Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the truth upon the Issue taken: And if the Enquest come not at the day of this Writ returned, then shall go a Habecas Corpora, and after a Diffid, until they come. Old Nat. Br. fol. 157. See how diversely this Writ is used in the Table of the Register Judicial. There is also a Writ of this name, that is original, as appears in the Reg. of Writs, fol. 200. Which Lambard in his Processses annexed to his Even. says, is the common Process upon any Preference, not being Felony, nor specially appointed for the suit presented by Statute, whereof he sets down an example in the same place. See also the New Book of Entries, 1669, Enquest, fol. 553. And the Stat. 35 Hen. 3. cap. 5.


Venditutum insipientes, is a Writ for the search of a Woman, that says she is with child, and thereby withholds Land from him that is next Heir at Law. Regist. of Writs, fol. 237. a.

Venditutum insipientes (Vicistum al. Vinctum) is taken for a neighboring or near place, Luca quae vicinum habitannt. For example, Twelve of the Afflute ought to be of the same Venditutum, where the Demand is made, Old Nat. Br. fol. 115. Ann. 4 Hen. 4. cap. 26. And 24 Hen. 8. cap. 6.

— And also shall return in every such place upon the Venir facias, of sufficient Hundreders, at the least, if there be to many within the Hundred, where the Venire lies. See Vincit.

Venditum (Venditum, quod idum certitum) is a Judicial Officer of the Kings Court, chosen by the Kings Writ in the full County of the same shire, within the Forest where he dwells, and is sworn to maintain and keep the Afflutes of the Forest, and to view, receive, and enrol the Attachments and Preemptions of all manner of Treafakes of Vert and Venison in the Forest. Manwood, part. pag. 322. His office is properly to look to the Vert, and fee it be well maintained. Comp. Jurispr. fol. 65. His Oath, Fee, and Authority, see in Manwood supra, and fol. 51.

Verdick (Veredicum, quid dicendum certitum) is the Answer of a Jury or Enquest made upon any Cause, Civil, or Criminal, committed by the Court to their trial; which is twofold, General or Special. Stamy. Pl. Car. lib. 3. cap. 9. A General Verdick, is that, which is given or brought into the Court in like general terms to the General Issue; as in an Action of Differin, the Defendant pleads, No wrong, no Diffisien: Then the Issue is General, whether the Fact be a wrong or not, which being committed to the Jury, they, upon consideration of their evidence, come in and say, either for the Plaintiff, that it is a wrong and Differin, or for the Defendant, that it is no wrong, no Differin.

A Special Verdick is, when they say at large, that such a thing, and such they find to be done by the Defendant or Tenant, so declaring the course of the Fact, as in their opinion it is proved, and as to the Law upon the Fact, they pray the Judgment of the Court. And this Special Verdick, if it contain any ample Declaration of the Cause; from the beginning to the end, is also called a Verdick at large; wherein read divers examples in Stamy. sb. supra. New Book of Entries, 1669, Verba, Verdick. And Coke on Litt. fol. 428. a. Item usitatiss. quod Baldus & Coronates Burgi sustinere sujicit & ab urbe utuntur recuper Veredicum Duobus insinuatione ex qua quacunque causa infa. Burgum nostrum pre- dicimus seu qua libertatem emergemus sive contingit, sesefals praemissima nulla modo capiatis. MS. Codex de L.I. & Statuta Burgi-villar Montgomeri, fol. 15.

Verge (Verga) is used for the compass of the Kings Court, which bounds the Jurisdiction of the Lord Steward of the Kings Household, and of the Coroner of the Kings House, and that seems to be twelve miles compass: Anne. 12 Rich. 2. Inst. cap. 3. Briston. fol. 68. & 69. Coke Rep. lib. 4. cap. 147. See the Stat. 35 Hen. 8. cap. 12. Eliz. lib. 2. cap. 4. febr. 1. This compacts about the Court is called Verga, a Verga, quam Marischallus portavit at signum sua potestate.
Verge is also used for a Stick or Rod, whereby one is admitted Tenant, and, holding it in his hand, swears Fealty, to the Lord of a Manor, who is therefore called Tenent by the Verge. Old Nat. Br. fol. 17.

Verger of Land (Anno 39 Eliz. 1., Statute of Wardys.) Verger tera, See, t. 22. In old Nat. Br. fol. 42. You have these words—And know ye that in taking of Leases, six things are necessary, viz., Very Lord, and very Tenent. Service behind; the day of the taking; Seisin of the Services and within his Fee. And, that a Man is not very Tenent, until he be attainted to the Lord by some Tenet.

Viert (Fr. Verd, i. Vivid.) Otherwise called Greenhue, signifies in the Forest Laws, every thing that grows and bears green Leaf within the Forest, that may cover a Deer. Manwood, a Part, fol. 6. & 32. Vert is divided into Over Vert, and Neather Vert. Over Vert is that which our Law-Books call Haut Bior, and Neather Vert, South-bios. And of this you may read Manwood, 2. par. cap. 6. per tontum. Vert is also sometimes taken for that power which a Man hath by the Kings Grant to cut Green Wood in the Forest. See 4 Inst. fol. 317.


Vestis (Vestes) Plenam, passasem non tumelas sed praedae manerio. & vestimenta dative, & incolae. Says Spelman.

Vestimenti (Anno 15 Car. 2. cap. 5.) Are a feate number of the chief Parliamioner of every Parish within the City of London, and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its concerns, so called, because they usually meet in the Vestry of the Church.

Vestire (Vestor) Signifies a Garment, but we turn it Metaphorically to betoken a Pollack, or an admittance to a Pollack, or Seisin: So is it taken in Vesp. 2. cap. 25. And in this significance it is borrowed from the Fenland, with whom Intercistus, imports a Delivery or Pollack by a Spear or Staff, and Vestiurus, Pollack it felt. Houtmans, Verba, Intercistus, Vestiurus terra, 1. S. c. quibus terra Vestiurus. MS.

Vesture of an Acre of Land (Anno 14 Edw. 1. stat. 1. is the profit of it. So in Extensa Manorii & Edw. 1. It is iniquitable, how much the Vesture of an Acre is worth, and how much the Land is worth, when the Wood is felled.

Vetitium namium. Namium signifies a Taking or Dilletres, and Vetiitum, forbidden; as when the Bailiff of a Lord Delights, bees on Goods, and the Lord forbids his Bailiff to deliver them, when the Sheriff comes to Replevy them, and to that end, drives them to places unknown, or when, without any words, they are fo designated, as they cannot be reliev'd. Divers Lords of Hundreds, and Court Barons have power to hold Piea De Velito Namio, in old Books called De Velit. Inf. fol. 140. Sir Henry Spelman says it is Angliae juris nisi loco, & brevis Regis nomin. See Namio.

Vesario often occasions customary Recognitionis, Sec. Is a Writ that lies for a Spiritual Perfon, imprisoned upon forfeiture of a Recognizance, without the King's Writ. Reg. of Writs, fol. 147.

Vestis & beneficia Fundandis, Is a Writ that lies against a Major or Bailiffs of a Town, Sec. for the clear keeping their Streets. Reg. of Writs, fol. 267. b.

Vexar (Vexior) The Priests of every Parish is called Rector, unless the Predial Tithes be imperfectly, and then he is called Vexor, Quasi vice jungen Rectoris. Soiati, n. 490. Johannes Webbe perpetuus Vivaria Ecclesae Parochiales de Bromyard Doce Dominus David de Audley ante usque terrae, &c. Dit. 8. Hen. 5. They filled themselves Perpetuo Vivaria because every Vexarius hath a constant Succesion, as a Corporation, and never dies. The Conunists mention four species of Vexora: Quod fum perpetuo, ad Parochiales Ecclesias constituere; quod fum non perpetuo, sed ad aliquos altius constituere, ut temporales; &c. tit. de dictu, mercenaria: Quod fum speuisa, non ad curam, sed ad custum locus, articulum vel alium constituere: Quod non nec perpetuo, sed ad curam, sed ad certum locum, sed generale damnum ad omnia. See Vexor. utrisque Juris, verba Vivaria.

Vice-Chamberlain, called Under-Chamberlain (Anno 1 Edw. 2. stat. 1.) Is a great Officer in Courts next under the Lord Chamberlain, and in his absence hath the command and controlment of all Officers whatsoever, appertaining to that part of his Majesties Household, which is called the Chamber, or above stairs.

Viceregent (Anno 31 Hen. 8. cap. 10.) A Deputy or Lieutenant.


Vicinorum. See Vincio.

Vicount alias Vicutum (Vicorum) Signifies as much as Sheriff. Between which two words, I finde no other difference, but that the one comes from our Conquerors the Normans, the other from our Ancetors the Saxons, of which, see more in Sheriff.

Vicount also signifies a degree of nobility next to an Earl, which Camden (Brit. pag. 170) says, is an old name of Office, but a

Wicciontei, (Viccicunnii) Are certain Firms, for which the Sheriff pays a rent to the King, and makes what profit he can of them. Stat. 32. & 34 Hen. 5. c. 16. — & 2 Ed. 6. c. 4. & 4 Hen. 5. c. 2. Writs Vicciontei are such Writs as are tried in the County, or Sheriff's Court. Old Nat. Br. fo. 129. of which kind you may see divers Writs of Nullity set down by Fitch, in his Nat. Br. fo. 128. b. See Add. & Rich. c. 8. ca. 3.

Wicciontei Kings, Mentioned in 2 Car. 2. ca. 6. for Vicciontei.

Adlifus, (Adlifus 16 Hen. 6. c. 5.) See Innomineis.

Wied, (Pr. Venue, i. Vitis, confident) Signifies the act of Viewers: For, when any Action is brought, and the Tenant knows not well what land it is that the Demandant asks, then he may pray the view, which is, that he may see the land which is claimed, of this Britton writes, ca. 45. This course of proceeding we receive from the Normans, as appears by the grand Cofmumy, ca. 6. & 80. This view is used, as in other cases, to an Affile of rent- service, rent charge, or rent fee. Fitz. Nat. Br. fo. 178. and in a Writ de Civia claudenda. Idem, fo. 129. In a Writ of Nullity, idem, fo. 183. In a Writ of Jury, idem, fo. 128. In the Writ de rationibus desjusid. Idem, fo. 129. And, in the Writ de siel ad oculis et noxias. Idem, fo. 123. See the New Book of Entries, verbo, view; and, how this view is made, in Fletts, lib. 4. ca. 6. See Fletts, and Viscum. 2. ca. 48.

Wied of Frankpleeg, (Vips Francis plegit) is the Office which the Sheriff in his County Court, or the Bailiff in his Hundred performed, in looking to the Kings peace, and seeing that every man be in some pledge. This is called by Braden, dat. quasi sacra, quia solam personam Regis resipicit, & introduxat pro pace & communis utilitate. Lib. 2. ca. 16. num. 8. See Frankpleeg, Lect & December. See New Book of Entries on this word.

Wi fata removendo, Is a Writ that lies for the removing a tolerable pohtion of a Benefice, kept by Lay-men; and is sometimes granted upon the Certificate of the Bishop into the Chancery, that there is such a force in his Diocese, sometimes only upon a surmise thereof, made by the Incumbent himself, and has a several form for either case. Fitz. Nat. Br. fo. ca. 4. Reg. of Writs, fo. 59 & 60.

Wigil, (Vigilia) Amos 2 & 5 Ed. 6. ca. 19. is used for the eve or day next before any solemn Feast; because then Christians of old were wont to watch, fast, and pray in their Churches.

Vill, (Villa) Is taken for a Manor, and sometimes for a Parith, or part of it. Villa;
they shall not be of any credit afterward, nor lawful for them in person to approach the Kings Court, and that their Lands and Goods be seized into the Kings hands, their Trees rooted up, and their Bodies imprisoned, &c. And, at this day, the punishment appointed for Perjury, (having somewhat more in it then corporal, or pecuniary pain, stretching to the discrediting the testimony or the Offender for ever) may be partake of this name. This and such like is elsewhere termed vile & abhorr'd Judicium. See Taliun.

Willein_Title, (Anna 11. Lib. 2. ca. 8.) are the edges of Wool, that are shot from Kahal Athrop. Willegne, (Villaggio) Signifies a servile kind of tenure of Lands or Tenements, whereby the Tenant was bound to do all such services as the Lord commanded, or were fit for a tenant to perform; ubi servit non potest responser, quod servitutem jure debet manere. Reason, lib. 2. ca. 8. num. 3. The division of Villaggio was villaggio of Blood, and of Tenure. Tenure in Villaggio could make no Freeman's tenant, if it were not continued time out of mind; nor land make Villaggio free. Villaggio is also divided by Estallon (ubi supra) into Parum Villaggio a quo praestatur servitutem incontinenti & indeterminate, as above is said; and Villaggio Sacchium, which was to carry the Lords Dining into his Fields, to blow his ground at certain days, Sow and Reap his Corn, &c. and even to empty his Jakes; as the Inhabitants of Bickton were bound to do those of Cim Caffile in Skrephyr, which was afterwards turned into a Reen, now called Bickton ferry; and the villaggio service executed.

Placita de Banco a die Paiche in 15 dies, 34 Hen. 3. Rot. 20 Berks.

Will Maynard, qui tennis terras in Honfl. cognoscit et seff Villanam Abbatis de Abhendon, & tenere de eo Villaggio & per villaggias, constamment, viz. per servitutem 18 d. per annum & Dani Marbignam & Marchemum profilia & foro Deus, ad sollucionem ipsius Abbatis, & faciendae omnes villaggias constamment. Copyholder, or Tenants by Copy is but a new name; for anciently they were called Tenants in Villaggio, or of Bacc, Tenure, Fitz. Nat. Br. fo. 23. C.

Ulniet, (Anna 1. Car. 2. ca. 32.) A kind of mower or border, with which Printers use to garnish printed leaves.


Utridario elidendo, Is a Writ that lies for the choice of a Persecutor in the Forest, Reg. of Writs, fo. 177.

Unlock. See Alnage.

Uncoke petit, Is a Plea for the Defendant, being made for a debt due at a day past, to save the forfeiture of his Bond; saying, he tendered the debt at the time and place, and that there was none to receive it, and that he is also ready to pay the same. 7 Edw. 6. 63 Dyer. See Unoke proff.

Wincough (Sax.) Unknown. It is used in the ancient Saxoom Lawes, for him that comes to an inn guest-wife, and lies there but one night, in which case his Host was not bound to answer for any offence he committed, whereas he was a guilti of the same. See Lamb. Archai. fil. 1. 12. num. 7. — Item secundum antiquam concessio dicam potest diem aulicam, qui hodie fuerit cum aulo per tres motes; quia prima potestis dicam Wincough. Secundus vero est Gult, tertius est Hugobenein. Briston, lib. 5. cap. 10. num. 2. See Inistique. See W iches. petit.

Wine debe habet, Is a Writ. See Date unde habet.

Under-chamberlain of the Exchequer, Is an Officer there, that clears the Tallys, written by the Clerk of the Tallys, and reads the same, that the Clerk of the Pells, and the Comptrollers thereof may see their Entries be true; he also makes searches for all Records in the Treasury, and hath the custody of Downsly Book. There are two Officers there of the same name.

Under Sheriff. (Subsecrcs.) See Sheriff.

Under strai, Is an Inmate. See Inmate.

Underwriters. Were such as were employed by the Kings Purveyors as their Deputies. Anno 15 & 2 Phil. & Mar. cap. 6. And such as undertake any great works, as draining of Fens, &c. Anno 45 Eliz. cap. 11.

Under Treasurer of England. (Vicelborum Angliae) Anno 35 Eliz. cap. 7. This Officer is confounded in other Statutes with Treasurer of the Exchequer, as in 35 Eliz. In the vacancy of the Lord Treasurers Office, he does all things in the Receipt that the Lord Treasurer doth. Anciently he did Chefs over the Kings Treasury at the end of every Term, and note the content of Money in each Chefs, and see it carried to the Kings Treasury in the Tower, for the ease of the Lord Treasurer, &c.

Uniformity (Uniformitas) One form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of England; prescribed by the Statutes 1 Eliz. cap. 9. And 14 Car. 2. cap. 4.

Unlikely (unio) Is a combining or confluating of two Churches in one, which is done by the consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it, as when one Church is made subject to the other, and when one Man is made Rector of both, and when a Convivial is made Cathedral, as you may read in the Glosse of the Chapter, Lect et locutio & cumbilat, in Lyndwood Provincialis, &c. &c. In the first signification, by the Statute 37 Hen. 8. cap. 51. It was made lawful to make an Union or Conflvation of two Churches in one, whereof the value of the one is not above six pounds in the Kings Books of the First Fruits, and not above one mile distant from the other. And by another Statute 17 Car. 2. cap. 3. It shall be lawful for the Bishop of the Diocess, Major, Bif, &c. of any City or Corporate Town, and the Patron or Patrons, to unite two Churches or Chappels in any such City, Town, or the Liberties thereof; provided such Union shall not be good, if the Churches so united exceed the sum of One hundred pound per annum, unless the Parishioners desire otherwise, &c.

Unity of Possession, Signifies a Joynt-possesion of two Rights by several Titles; As, if I take a Leaf of Land from one upon a certain Rent, afterwards I buy the same free simplex; this is an Unity of Possession, whereby the Lease is extinguished, by reason that I, who had before the occupation only for my Rent, am become Lord of the same, and am to pay my Rent to none but myself.

University (Univeritatis) Is most usually taken for those two Bodies, which are the Universities of Learning and Liberal Sciences in this Realm, Oxford and Cambridge, endowed with great favors and privileges, as appears not only by Anno 2 & 3 Phil. & Mar. cap. 15. 15 Eliz. cap. 1. & 18 Eliz. cap. 6. But much more by several Charters, granted by divers pious and munificent Kings of this Land. Anno 14 Car. 2. cap. 4.

Vintag (Sax. Un-higa) A wicked or unjust Law. In which fence the word occurs in L. Hen. 1. cap. 34. 84.

Unlawful Assembly (Illicitia Congregatio) Is the meeting of three or more persons together, with force to commit some unlawful Act, and abiding together, though not endeavoring the execution of it, as to assault or beat any person, to enter into his House or Land, &c. Welt. par. 2. Symbol. lit. Indictments, sect. 65. Lamberti in Eiren. cap. 19. By the Statute of 16 Car. 2. cap. 4. And 28 Eliz. cap. 1. If five persons or more shall be Assembled together above those of the Family, at any Convivial or Meeting, under colour of any Exercise of Religion, it is unlawful and punishable by Fines, and otherwise, as in the said Statute is expressed.

Unques petit (i. Always ready) Is a Plea whereby a Man protests himself always ready to do, or perform that, which the Demandant requires. For example, A Woman files the Tenant for her Dower, and he, coming in at the first day, offers to aver, that he was always ready, and will to perform it. In this case, except the Demandant will aver the contrary, he shall
shall recover no damages. When this plea will serve to avoid charges, and when not, see Kitchin, fol. 243. Sec Uncore prpf.

Assurance (Vactato) is a want of an Incumbent upon a Benefice, which is twofold; either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually deprived. Book, tit. Quæ supersedit, num. 51.

Volumus, is the first word of a Clause in the Kings Writs of Procreation and Letters Patent. Anno 1 Rich. 2. cap. 8. and 19 Jas. 2. Of Proclamations some are Cum clasibus Volumus; and of these there are four kinds, viz. 1. Quia professed. 2. Qua visionem. 3. Qua inedebatur nobis existit. 4. When any one, tent to the Kings service beyond Sea in War, is imprisoned. Coke on Littell, fol. 119.

Voucher (Oecamis) is a Word of Art, and is in the understanding of Law, when the Tenant calls another into the Court that is bound to him to Warranty, and that is either to defend the right against the Demandant, or to yield him other Lands, &c. in value; and extends to Lands or Tenements of Freehold, or Inheritance, and not to any Chattell Real, Personal, or mixt. He that Vouchers is called the Voucher (Vocans); and he that is vouched is called Vouched, (Warrantus.) The Proces whereby the Voucher is called, is a Summons ad Warrantandum, &c. A Recovery with a single Voucher is, when there is but one Voucher; and with a double Voucher, is when the Voucher voucher over, and for a treble Voucher. There is also a Foreign Voucher, when the Tenant being impeached within a particular Jurisdiction, (as in London, or the like,) voucher one to Warranty, and prays, that he may be summoned in some other County out of the Jurisdiction of that Court; which might more aptly be called a Voucher of a Foreigner, De fornicis vocat ad Warrantandum. Coke on Littell, fol. 119. Sec Recovery.

Voucher, is also used in the Statute (19 Car. 2. cap. 1.) for a Lienger Book or Book of Accompt, wherein are entered the Acquittances or Warrantts for the Accontants discharget.

Upland (Uplandsa) High Ground, or as some call it Terra firma, contrary to Moorith, Martih, or Low Ground. — Dumagge terram novum Militiam pro aquam, de Uplanda, id est de superiori terra, jefatibus defervi, & paludibus commissorum jusfij. Ingulph. Hitt. Croyland.

Usage. See Preemption.

Use (Usa) A Deed consists of two principal parts, namely, the Premises, and the Confession. The Premises is the former part of it, being all that which precedeth the Habendum, or Limitation of the Estate, which are the person contractors, and the thing contractted. The Confession is the Habendum, in which are two Limitations; the one, of the Estate or Property which the Party Passive shal receive by the Deed; the other of the Use, which is, to express in the said Habendum to, or for what use and benefit he shall have the same Estate.

And of the Littimization of such Uses, you may read many Presidents in Jewes, tit. 2. par. 1. fol. 308. These Uses were invented upon the Statute of Wefjon. 3. Quia emptores furuam, before which Statute, no such Uses were known. And because in time many defects were inventd, by setting the possesseon in one Man, and the Use in another. Anno 27 Hen. 3. cap. 1. it was enacted, That the Use and Possession of Lands should always stand united. See Coke, lib. 3. 209. Chedleys Case.

Utter de Action. Is the pursuane or bringing an Action, in what place and County it ought to be. See Book, tit. Lieu and County, fol. 64.

Utter (Fr. Hutter) a Door-keeper of a Court. Is an Officer in the Exchequer, of which there are four that attend the Chief Officers and Barons at the Court at Westminster, and Justices, Sheriffs, and all other Accompannt in the Pleas of the Court. There are also Uteres in the Kings Court, as of the Privy Chamber, &c. See Blackford.


Utrustment (Ustrapius) The enjoying a thing by continuance of time, or receiving the profits; long possesseon or preemption.

Ustruarius (Ustruarius) One that hath the use, and reaps the profit of any thing.


Utpra (Usara) Is the eighth day following any Term or Feast, as the Utpra of S. Michael, the Utpra of S. Hilary, &c. whereof you may read Anno 53 Hen. 7. Statute concerning General days in the Bench. And any day within the Feast, and the eighth day is said to be within the Utpra. The use of it is in the return of Writs, as appears by the Statute. At the Utpra of the Dole Trinity. Preamble to the Stat. 42 Edw. 3.

Utrenne (Fr. Utrenne) Any thing necessary for our use and occupation; Housethould.

Uttinghche (Sax. Uttinge-caupe) For extra capitu, sit. Extra dominium vel juril- ditionem) Is an Ancient Royallty or Privilege granted to the Lord of a Manor by the King, which gives him power to punish a Thiefs, dwel-
ing, and committing their out of his Liberty, if he be taken within his Fee. Utrangthief. Dictor extraneum, veniens alieno de terra aliena, qui captus juri in terra suis, qui tales habet libertatis. Bracton, lib. II. tit. II. cap. 26.


Utagato cæpiendo quando urtagatur in domo Comitati & posset fugit in altum, is a Yryst, the nature whereof appears in the words of its name. See Reg. of Wills, fol. 192.

Uland (Sax. s. terra externa) Diesbat terræ servitiis fei tenementalis, quod de principiis terrarum Dominicales, quæ Inland noncuparet funt, in exteriore agrum reperiantur, Vide Island.

Utral or Utralby (Utralgaria vel Uralgarn) is a punishment for him, who, being called into Law, and lawfully fought, does (after an Original Writ, with a Nikil habet, Three Writs of Capias, Alias, and Pluries; Returned by the Sheriff with a Non est inventus, and an Exigent with a Proclamation thereupon Published) contemptuously refuse to appear. He must also be called at Five County Court days, a Moneth between each one; and if he appear not within that time, two exege testibilib, sum princiis qui sedent nec legit, & ex tune Uralgibitar, that is, he shall be pronounced to be out of the King's Protection, and deprived of the benefit of the Law: The effect of which is divers. For if he be outwaded at the suit of another in a civil Cause, he shall forfeit all his Goods and Chattels to the King; if upon Felony, then all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels. Ex tunc certat Lupinum, ut quod sine judicio impugnationis vice perget, & seum sumum judiciis ponti, & mecum sine iuste perget, qui securum negat diversum rectum. See Bracton, lib. III. tit. II. cap. 11. A Minor or Woman cannot be outwaded; but where a Man is termed outwaded, a Woman is said to be warded. Now an Outlaw is inhaled again, and reformed to the Kings Peace and Protection. See Bracton, lib. III. tit. II. cap. 11. And Plata, lib. II. cap. 27. & 28. See Outlaw.

Ulepe. Significant stispium, hoc est, Evangelium larum, Flata, lib. II. cap. 47. & 48. Hen. 6. Pat. 2. m. 22.

Utrum. See Affræ.

Uitter Barraffers (Forcensculi). Are such, who for their long study and great industry, beenow upon the knowledge of the Common Law, are called out of their contribution to practice, and in the view of the World, to take upon them the Protection and Defense of Clients. In other Countries, they are called Licencistis in Kere. The time, before any one ought to be called to the Bar, by the Ancient Orders, was heretofore eight years, now reduced to seven. And the exercise done by him (if he be not called Esgrata) was Twelve Grand Moats, performed in the Inns of Chancery in the time of the Grand Reading, and Twenty four petty Moats at the Inns of Chancery in the Term times, before the Readers of the Respective Inns of Chancery. A Barrister newly called, is to attend the six next long Vacations, the Exercise of the House, viz. In Lent and Summer, and is thenceupon for those three years called a Vacation Barrister. And they are called Uitter Barraffers, i.e. Pleaders without the Bar, to distinguish them from Benchers, or those who have been Readers, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

W.

Wforsa (Waforsa) Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent (esp. Edw. 4. Membr.) files Cupidus, Consolator, and Waforsa; and these were strictly to guard our Seamen on the Coast of Norfolk and Suffolk. We still retain the word to Waifs over, i.e. To Convey or Conduct over Sea.

Waga alias Waga, A Weigh, which is a Measure of Cheese, Wool, &e., containing Two hundred fifty six pound of Averdupois, according to Cowell; tor by the Statue of 9 Hen. 6. cap. 8. a Weigh of Cheese ought to contain Thirty two Cloves, and the Clove eight pound, though some lay but seven. — Undum Wagamfali de jain. See de Territorum, Mon. Angl. 1 par. fol. 513. See Weigh.


Wager of Law. See Law.

Waif or Wolef (Vainium) Or goods wast of, are those which a Thief hath stolen, and being pursed or over-charged with the burden, flees and leaves the goods behind him: Then the King's Officer, or the Bailiff of the Lord of the Manor (within whose jurisdiction they were left) who by prescription or grant from the King, hath the Franchise of Waif) may seize the Goods to his Lords use, except the owner come with trehe tute after the Felon, and sue an Appeal within a year and a day, or give in evidence against him at his arrangement, and he be attainted. In which Cause, the owner shall have restitution of his Goods, though Waif is properly spoken of Goods stolen; yet it may be also of Goods not stolen; as if a Man be pursed with hue and cry, as a Felon, and he
he flieDs and leaves his own Goods, these shal be forfeit, as Goods stolen; and are properly called Fugitives Goods. See Coke, lib. 5, Fugitives Cafe.

Waste, Things lost and Effray'd muf, by the Lord of the Franchise where they are found, be caus'd to be cried and published in Markets and Churches near about, else the year and day does not run to the prejudice of him that lost the M. Brinon cap. 17. — Plac, coram Joh. de Berewel & Socinis suis Justic. Itin. apud Salop in Ottab. Sanetti Michaelis in Ed. 1. Rot. 29. in Dorco. Richardus fil. Alani Comes Arundel hujusmouint sui ad regendam. Domino Regi de placito quod Warrannis clamavit labeat placita Corona & habere Wasp in Manerio suo de Upont situum Hawetman, &c. în Com. Salop. Et Comes dicit quod ipse clamat labeat Intangeneth & Wasp, & eadem placita & libertates habuerunt, ipse & omnes antecessores sui, & eisdem usi sunt a tempore quo non est memoria & cecor Warranthon clamavit, &c. Et Hugo de Lowther qui sequitur pro Domino Rege dicit quod Wasp est quoddam griffum de Coto, iust Corone Domini Regis annexum, quod nullius co gaudere possit, nisi inde exspectasse Warranthon a Domino Rege vel antecessoribus suis con- cesso. Wasp, si aliquis adueuerit aliquis animalia, ut uestes, boves, equos & suinum, vel aliquas altas res, & inde situllorum & avenistatius fuerit a Baiern Priori donec probatur per si- des homines, quod iles res foras non forsan, & ille dimissius non redietis: Dilecti res seu animalia seue lustramentum per annum & annum diem, & si ille non rediet & res suas esse probaverit, erunt Priori. &c. Si aliquis alterius, &c. & res suas legitime esse probaverit, datae expensis habebit. Ex Registro Priori de Cookstede.

Winnable, That may be Ploughed or Manured, Tillable. — Debusin, in loco quo vocatur Shipnale de Morvic, & la terre Winnable, & la Buree, & Car. Rogeri de Scales. Ste dat.

Winnage (Winnagine) From the Sax. Pen, i. Paneum, Veicumium.) Mag. Char. cap. 14. — And any others Villain, then ours shall be likewise amerced, fiding his Winnage, if he fall into our mercy. Sir Edward Coke (2 Part Infinit. fol. 28.) says it signifies the Constemnt or Countenance of the Villain. But quarte whether it may not rather signify, the furniture or appurtenances of the Cart or Wain, where with he was to do Villain service. See Gainage and Winnage.

Wattefts, Thos. Spelman, Filius Johannis, obit in March, 1 Eliz. & dicatur in Inquisitione tenene Manerium de Norsmarsh, cum terris partes Advocacionis Eccles., de Dunham Regis in Manerio suo de Wygrove per feerimentum Militarum, & per reditum in si. Vapetrae et Captlogarde, & vasa clara per annum 30 l. 17s. 10d. quadrivi. Part in Schedule liberations Joh. Spelman fratris sui, 7 Aug. 5 Eliz. Perhaps a Fee to exoner his Wasting or giving Attendance at the Castle.

Wabiaria muteris, Is as much as Wile


Wald (Walds) See Wald.

Walkers, are those who are otherwise called Foresters. Comp. forisj. fol. 145., where there are Foresters assign'd by the King, who are Walkers within a certain space of Ground assign'd to their care.

Walla or Sea-ball (Walla vel Walla.) See Waterage.

Walletheria or Wallachera. — Quod quator situla proprisq; loco ubi caufer bonum erat inforcritum contigent, tenenti ad proximam Continentum, una cum inventore & Walletheria, i. Parentela bonum inter se j, illeque prope ecclesiam & caufer inforcritum, & Repori (sae Spelman) in quodg ad A. Walletheria, i. Parentela inter se j, illeque unus ex parte patriis & alias ex parte materis. Et conclude;us with — Significat Wallaca pars ad dietam.

Wang (Sax.) A Field ; also the Check or Jaw, wherein the Teeth are set. Hence with Chaucer we call the Check-Teeth or Grinders Wang and Wang-teeth, which is also notified in that old way of spelling writings.

And in witness that this is doth, I bite the War with my Wap tooth. See Hng.

Wangenbeeck — Manoirium de A. fist quintum de Gelch & Scob, de Weczco & de Wavingsy & Danegeld, &c. Patroni 22 H. 4. par. i. m. 32. Quire.


Wapentakes (Sax paper-gece, & Arma tractatu.) Is all one with that we call Hundred, as appears by Bedlam (H. 3. trull. 2. cap. i. num. 1.) Conuertens ipsumdomum serviorum & Bailiw Hundredrodomus & per ordinem
Waranty, (Warantty) is a promise or Convenant by Deed, made by the bargainer for himself and his heirs, to warrant or secure the bargaining and his heirs against all men, for the enjoying anything agreed on between them. And he that makes this Waranty is called Waranty by Brathen, lib. 8. ca. 18. & 37. It past feth from the Seller to the Buyer, from the Offer to the Feoffee, from him that receafeth, to him that is released from an Action real, and such fide, and the form of it is thus Et ego vero prafatius A. & heredes meos praebendi quinque ac terras eae cum pertinentiis suis prafatius B. hereditibus et affignatis font contra annos gentes warrantizamini in perpetuum per praeftantes. See Gleaflie, lib. 3. per ium. Brathen, lib. 5. Tract. 4. Briton, ca. 105. & Coke, lib. 4. Notes Cafe, fo. 81. a.

Waranty, Is either Real or Personal: Real, when it is annexed to Lands or Tenements granted for life, &c. and this is either indeed, as by the word Waranty expressly; or in Law, as by the word Dedi, or some other amplification: Personal, which either respects the property of the thing folved, or the quality of it. Real Waranty, in respect of the Estate, is either Linell, Coaheral, or conquente by Domino, for which see Littleton in the last Chapter of his Tenants, and Coke, lib. 2. Farmers Cafe, fo. 78. a. Under this word heredes are comprifed all fuch as the firit Warranters Lands afterwards come unto, either by decesce, or otherwife, ex canka noctura. Warrantzare nihil adhuc effo quinadominis defendentes. Pela, lib. 5. ca. 15. Sel. 1. Brathen, lib. 2. ca. 18. & 20. To what by words in a Feoffment a Feoffor shall be bound to Waranty, see the Statute of Bigamy, Anno 4 Ed. 1. ca. 6. See Coke on Litt. fo. 305. a. & 387 b. Item utinam, quid fi aliquis gau- rum molestum in aliquo caufa Tenementia noftri tangat, vocatur ad Warrantizandum, non ten- tur Warrantizare nisi fuit quamodocumque antequum. Ms. Codex de L. & Statutes Bagwell, Gomber a tempe. Hen. 2.

There is also a Warant of Attorneys, whereby a man appointed another to do something in his Name, and warrant his Action; which seems to differ from a Letter of Attorneys, which paffeth ordinarily under the hand and Seal of him that makes it, before any credible Witnesses; whereas a Warant of Attorneys, in a personal and mixt Action, and many real Actions, is of course put in by the Attorneys for the Plaintiffs or Defendants; but, a Warant of Attorneys, to suffer a Common recovery by the Tenant or Vouche, is acknowledged before such persons, as a Commission for the doing thereof directly. West. Thes. Symb. Th. Recovers, st. 1. F. See Attorney, and Letters of Attorneys.

Wards, (Sax. Pepe, i. Figl. item Cyfia.) Hans, direct applications, as a Ward in London, Latined Warda, which is a portion of the City committed to the special charge of one of the twenty-four Aldermen, &c. See Stock Survey. Secondly, A Forest is divided into Wards, Manwood, part. 1. pa. 97. Thirdly, A Person is also called a Ward. Laitly, The heir of the Kings Tenant, holding by Knights-service, or in Capite, or of any common performer by Knights-service, was called a Ward during his nonage. Anno 52 Hen. 6. ca. 46. But, this last, with the Court of Wardz, and all Wardships, is taken away by the Stat. 12 Car. 2. ca. 24.

Wards and Libraries, (Wardz & Librature) was a Court first erected in King Henry the Eighth's time, and afterwards augmented by Him, with the Office of Libraries, and therefore called by Him, The Court of Wards and Libraries. now taken away & discharged by Stat. 12 Car. 2. ca. 24.

Warrantia Chartz, Is a Write, that he is properly for him, who is enchofed in Lands or Tenements, with Clause of Warrantz, and is impleaded in an Affiz, or Writ of Entry, where he cannot vouch, or call to Warrantz 3 in which case his remedy is, to take out this Writ against the Feoffor or his heir, Reg. of Writs, fo. 157. Fitz. Nat. Br. fo. 214 & Pela, lib. 6. ca. 35.

Warrantia diez, Is a Write being in execz, where a man, having a day assigned personally to appear in Court to any Action wherein he is sued 3 is, in the mean time, by Commandment, employed in the Kings Service, so that he cannot come at the day assigned, the Writ is directed to the Judiofes to this end, that they neither take nor record him in detail for that day, Reg. of Writs, fo. 18. Fitz. Nat. Br. fo. 17. & Gleaflie, lib. 1. ca. 3.

Warrantia Cultedza, Is a Writ judicial, that lay for him, who was challenged to be Ward to another, in respect of Land laid to be helden in Knights-service, which, when it was bought by the Wards, Ascendants, was Warranted.
to be free; from such thraldome and, it lay
against the Warrantor and his Heirs. Reg. jud.
pr. 56. By the Statute 2 Car. 2. ca. 243. it is
now become ufeles.

**Wardage, (Wardangum)**—Se¢d fent quivi
de quohiit Tholociù, Tallag, Paffago, Pedagio,
Lafagiù, Hiadago, Wardagiù, & omnibus Geldiù,
Fengeldiù, Horfgeldiù, Forcheldiù, Fenfedii,
Tennyfeniù, Gunferenigis; Suewene-
lig, Suenaliengis, Gittbinnis, &c. Carta
Gibertis Tifon fumus Ventilatoni Anglic. sine
Dat. It seems to be the fame with Wardpen,
which fe.

**Wardpsal.**—Louverum Mamor in Essex
is held by Service of the Wardpzas, se calves to
carry a Load of Straw in a Cart with five Horses,
two Ropes, two men in Harneis to watch the said Wardpsals when it is brought to the Town of

**Widthoh, or Wardhog.**—Stati presentes
et futuri nobiis circundantes de la Morion dedi-
ige rogo de Forsal & effalbe uos fac pro duodecim solidis & six denarivs que mii dedet-
unt per manibus unum acem in vico de tribu-
bus feliciter, &c. Redendo inde annuatio ad
Efsaq Sanche Michaele mit & heredibus meit
unum denarium pro omnibus servitio, berietio,
fruerefio, acres, regali servicio, Wardalp & pro omnii
moda fesla Caris mei & heredum & affigii-
orum meim & pro omnibus confedertui
& caufonibus, &c. Sin Dat. It signify-
fy the value of a Ward, or the money paid to
the Lord for his redemption from Wardpzas.

**Warden, (Gardean)** is all one with the
Fr. Gardein, and signifies him that has the
keeping, or charge of any person, or thing by
Office, as Warden of the Fellowships in Lon-
don, Amon 14 Hen. 8. ca. 2. Warden-Court,
31 Hen. 6. ca. 5. Warden of the Matches, 4 Hen.
7. ca. 8. Warden and Commonalty of the lands
contributory to Roche-for-Bridge, 18 Eliz. ca.
7. Warden of Peace, 2 Ed. 3. ca. 3. Stat.Nor-
thampton. Warden of the Wilt-Marches, Cana-
Brit. pa. 966. Warden of the Forcl, Manswood,
Par. 1. pa. 42. &c. Warden of the Almorte
18 Hen. 6. ca. 16. Warden of the King's Ward-
robe, 51 Hen. 2. Stat. 5. Warden of the Ta-
bles of the Kings Exchange, 9 Edw. 3. Stat.
ca. 7. & 9 Hen. 5. Stat. 2. ca. 4. Warden of the
Rolls of the Chancery, 1 Ed. 4. ca. 1. & 5.
Warden, or Clerk of the Hamper of the Chanc-
ery, ibidem. Warden of the Kings Writs and
Records of his Common Bench, ibidem. Warden
of the Kings Armour in the Tower, 1 Ed.
ca. 1. Warden of the House of Convicts,
12 Car. 2. ca. 30. Warden of the Stumpers,
14 Car. 2. ca. 3. See Gardan.

**Wardmote, (Wardomato)** Is a Court kep
in every Ward in London (Amon 32 Hen. 8.
ca. 17.) ordinarily cal'd among them the
Wardmot Court vide Cart. Hen. 3. de liberta-
tibus London, there where are 12 Wards, which
are in hundreds, and the Parishes as Towns
4 Inf. f. 243.

**Wardpen, alias Warpen & Warthpen.**
Denariues commis vel sibiu Castellanns perfunli
ab caffrouram præsidium, vel execubius agendo.

—Concede eitem adem Excelfe h Carna circun-
quaque adjacentem libera, & quietam ab omnii
geldo & fedo & Hiadago & dangeilo & opere
posiitum & Castellum & parcicum & omnium
auxilii, placitii, & querelii, & item & Hundred-
diis cum faco & faco & Idol & Thom. & In-
fangreb & Warthpen, & Leage, & Ham-
Conq. Excelfe S. Martini de Bello. — Re-
inuero mii & heredatueru nullam Warthpen &
Peterpen, de prædicta terra. Carta Ber-
trian de Verdun, panes W. Dagdall Ar.

**Warriort, & terra marcata. (Fr. Terre
garde) Land that has been neglected, and long
untended. Fellow ground. Tempus warrie,
in ancient Records, signifies the time wherein
Land lies Fallow, the Follow year, or year for
Fallowing Land. — In Warrettis, in houres,
in houres, in maneris, in defunctis, in omnibus
—nuu acres non quosque anno ad feminandam et
tuadum ad Warenandum. Idei. 1. Par. fo. 523. b. See
Teernaginum.

**Waren, (Warena, from the Germ. Wahren.
1. Cupdisf.) Is a Franchise, or place pro-
vided for, either by prescription or grant from
the King, to keep Beasts and Poule of Waren,
which are Hares and Conies and Partridges and
Pheasants. If any person offend in such Free-
common, he is punishable for the same by the
Common Law, and, by Statute 21 Ed. 3. called the
Statute de malejubrarius in parcis et chaccis, &c.
Videtur tamet Jufitifiarius ite et Concilii Dom.
Regis, quod Caprarii iunt before Warenna et
non de foresta, o quod sugem ales before de

**Warmoth, —Inter Record, de Recept.
Stat. Temp. 33 Ed. 1. Libr. 46. cum Regis, I
find it to be an ancient Custum, whereby, if
any Tenant, holding of the Castle of Dover,
falling in paying his Rent at the day, he should
forfeit double, and, for the second failure, treble,
&c. And, in Mon. Angl. 2. Par. fo. 539.
a. — Terre cuittis & terris de Warmoth
Warcie. Was the contribution that was made
towards Armory, or War, in the Saxons
time. Sin ante, esse prazerlum quos medicos
et inuinent, liberris, et quietis ab omnibus pro-
vincialibus, communimmonibus et populosis pla-
citis, non Hundredla. Angli decant, si abomini
armorum separus quod Warmoth Angli di-
cent et fornicationes curiae. LL. Forch. Cantu
Regis. num. 9.

**Warribic. —See Warwhoit.**

**Walde (Vedum, Sax. pepe)** Hath divers
figurations; first, it is a poop made either
in Houses, Woods, Lands, &c. by the Tenant
for life or years, to the prejudice of the Heir,
or of him in the Reversion or Remainder.

Kitchin, vol. 168, &c. Whereupon the Writ of
Y y y Warfis.
Wife is brought for recovery of the thing waited, and treble damages. See Wife, Wife of the Forest, is most properly, where a man cuts down his own woods within the forest, without Licence of the King or Lord Chief Justice in Eyre. See Manwood, a Part, cap. 8, num. 5.

Secondly, Wife is taken for those lands which are not in any one Mans occupation, but lie common, which seem to be so called, because the Lord cannot make such profit of them, as he does of his other lands, by reason of that use which others have of it, in passing to and fro. Upon this none may build, cut down Trees, dig, etc., without the Lords Licence.

Thirdly, Year, day, and Wife, (Annae, Dietis, & Vpsum) is a punishment or forfeiture belonging to Petit-Trefan or Felony, whereof you may read Stat. Pl. Cor., lib. 3, cap. 30. And see Year, Day, and Wife.

Wife-ground (Vpsum jandum) is so called, because it lies as Wife, with little or no profit to the Lord of the Manor, and to distinguish it from the Demesne in the Lords hands. 2 Part Inf. fol. 646. See Wife.

Waffles (Anna 5 Edw. 3, cap. 14.) Were a kind of theve so called. There have been (says the statute) divers Bann-Spraints, Felonies, and Robberies done by People called Warders, Waifelers, and Ditchmen; 6 Hen. 4, cap. 17.

Waffle Bread (Anna 5 Hen. 3, Statute of Bread.) For a Wife, Belgium sejourn; unde Wafflesiabilum, Shrowdstone. Vox autem unde venit, non liquet, says the Gloss. in x. Scriptores. See Cocket.

Water-stilts, Seem to be Officers in Port-Towns, for the searching of Ships. Anna 2 Hen. 6, cap. 5. Also an Officer so called belonging to the City of London, who hath the supervision and search of Fifth brought thither, and the gathering of the Tolls, rising from the Thames. He also attends on the Lord Mayor for the time being, and hath the principal care of Marshalling the Lutes as his Table, and doth Arrest Men for debt, or other personal or criminal Matters upon the River of Thames, by Warrant of his Superiors.

Watergage (Watergagua & Aquagagua) A Sea-wall or Bank to stop or restrain the current, or overflow of the Water, and also an Instrument to measure the profundity or quantity of any Waters.

Watergang (Watergangium, Sax. gelegen, i. Decurios aquum) A Trench, Trough, or Course, to carry a Stream of Water: Such, I conceive, as are usually made in Sea-walls, to leave and drain Water out of the Marshes. Some Authors confound this with Watergage, but they seem to have different significations. Carta Hen. 3. De ordinatione Marrish de Romency, &c. Ad reparandum Wallias & Watergangas ejusdem Marrish contra Mann periculum. Omnibus multis haeretique, Roberinis de Corei salimento, Mando nobis atque pra-

Watergaller, — Henricus — Rex, salut. Stone tus suis de dedit. Alleluia & fidelis nostra Huberto de Barro, Comito Cantuarii, & Margaritae uxori sui de redditum XXX. & iv d. quos bonum cuorum Huberti & Margaritae de Mannaro sui de Elmore novis reddere solent in singulis annis per annum Baiari nofri de Mentrevorth, nonim Watergaller, Habend, &c. Dat. 13 Hen. 3. This was a Rent paid for fishing in, or other benefit received from, some River or Water.

Waterstret (Anna 39 Eliz. cap. 2.) Is one of those four ways, which the Romans are said to have made here, and called Condules, Praetoria, Militares, Publicas. This Street is otherwise called Verlamstreet, and leads from Dover to London, Denfable, Twitford, Atten ohn, and the Severn, near the Wychyn in Shropshire, extending it to Anglesey in Wales.

The second is called Beulastreet, stretching from Southampton over the River, the Newbridge thence by Canlend and Lytchfield, then it palleth the River Dervent near Derby, to Bolsover Castle, and ends at Tintern.

The third was called Waif, because in some places it was never perfected, but lies as a large Ditch leading from Coramn, through Devonshire to Tetbury, near Stone in the Wold; and besides Coventry to Leicester, Newark, and to Lincoln, etc.

The fourth was called Ermin or Eringame street, stretching from S. Davids in Wigt-Wales unto Southampton. See Ll. Edw. Conf. cap. 2, whereby these Chattres Chemins, or Four Public Ways had the privilege, of Pas Regis.

Warboret or Warforst (Coracianum) Tributum quod in Ecclesia pendebatur ad submissamCommune core & luminarium. War, care & Shot, fysymbol. Hac autem folium multa se contentant immunes ossa a minoribus quasque desinunt perfutundis. Ejusdemque genere sunt, quae alias Cock, & War, alias Mainport appellant. Specul. This Waforst was anciently paid there towards the charges of Candles in Churches.

War, See Chima.

Wode (for so they anciently wrote) Wold. See Stred.

Waeod or Wile (Sax. Penda, i. Sylla, defientum) Is the Woody part of a County, as the Wold of Kent, Cam. Britan, pag. 247. Annae 26 Hen. 8, cap. 7. In the Collection of Statutes, 14 Car. 2, cap. 6. It is mit-primed Willes of Surrey, Suffolk or Kent, for Wolds.

Wear or more (Werd & Ward, Sax. peti) A Stank or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the stream to a Mill. —关于 Waram & Jurau Culaestas cum Dominio & priva.

Man.
Weigh (Waga) Is a Weight of Cheeke or Wool, containing two hundred fifty six pounds of Avoir du pois. See Waga. Cokes 12 R.p. fol. 17. mentions Eighty Weigh of Bay-Salt. See Waga.

Weights (Pondera) There are two forts of them in use with us: The one called Troy Weight, which hath Twelve ounces to the Pound, by which, Pearl, Precious Stones, Elecharies, and Medicinal things, Gold, Silver, and Bread, are weighed: The other Avoir de pois containing Sixteen ounces to the pound, by which all other things are weighed, that pays by weight. See Agricult in his Learned Treat De ponderibus & Menibus, pag. 233, contains the Pound of Twenty ounces Librae Medicinae, and the other Libram Grammam, saying thus, Medicus et Creditus Librae, non unius gradus uncionum different. By these words Avoir du pois are sometimes signified such merchandise as are bought and sold by this kind of Weights. The first Statute of York, 9 Edw. 3. in Poseriel. 27 Edw. 3. flat. 2. cap. 10. and 24 Hen. 8. cap. 13.

All our Weights and Measures have their first composition from the Penny Sterling, which ought to weigh Thirty two Wheat Corns of a middle fort, Twenty of which pence make an ounce, and Twelve such ounces a Pound; but Fifteen ounces make the Merchants Pound, (Fitza, lib. 2. cap. 12.) which (though an ounce left) should probably be all one in figuration with Avoir du pois 5 and the other Pound, called by Fitza, Trone Weight, plainly appears to be all one, with that we now call Troy Weight. See Troneage. From henceforth shall be one Weigh, one Meature, and one Pard, according to the Standard of the Excise, throughout all the Realm. See Anno 17 Car. 1. cap. 19.

Weights of Monocel (Anno 14 Edw. 3. flat. 1. cap. 12.) See Anneal Weight.


Wend (Wendus, i. Perambulatio, circuitus, from the Sax. Penedan, to Wend, Meare) Procedus terra amplexus, plussin in je continent. Remule Regalis Maneri de Wy, pag. 21. — Tres sunt Wendeli, ete. Domunicipi, Chilones penses, to Wend (Wendus, in quo libris Wendus sint accusa jugae, & sic in tribus Wendés sunt 30 jugae, quinque 30 juga & dtimid. suns in Wy, eti. infra. Librari Wendus factus servus sumum dei tribus septimns in tres, etc.

Wend alias cicerie (Sax. pepe & serva, i. prastum) Significae assim as affitum capit or iucinum bonius, that is, so much as one paid in ancient time for killing a Man: when such crimes were punished with pecuniary multa, not death. In L.L. Edw. Conf. cap. 11. We read — Were item id est, Precium sale redemptionis, his random. — Si quis adire Comitum in placito pagusensi, 10 ademem sejand sejond in specinis suis & jurisdictament, quod Anglia dicent pepe & pice. Can. L.L. Ms. pag. 150. In which words the Saxon P (w) is often mistaken into p, and written Pepe and Pice. See Peep and Pice, and see Galesett.

corvegetalch. Significat laborum qui redim. patit. Fleta, lib. 1. cap. 47. 50.

corvegild. corvegild (Vergiliius) Precium fuer adquirere hunc officium, bonitagium prasium, which was paid partly to the King, for the loss of his Subject, partly to the Lord, whose Valia he was, and partly to the next of kin. — Quod dam (remina) emendaris non poessis, quod sunt Husbach, Werner & Opecht, & corthder. & Latalbith. & infraestia pacis Ecclesias, vel per basium Reij in per huncia. L.L. Hen. 1. cap. 13. In which Chapter, the crimes are enumerated, which might be redeemed per Veram. — De unqauue fere per totam Sermon et corvegild 30 iascus & una puccia, free fuerit librae hominum fere sestern. Reg. Majest. lib. 4. cap. 19. The corvegild of an Archbishop and of an Earl was 15000 Shiptes. Selden's Titus of Honor, fol. 624.

corvetor. — Et fuit quinti de communi misicordia Comitatus, de Wardenpny & Averpny, de Hundeppny, & Thnderpny, de corvetor & de Forfing. Carta Hen. 1. from the Sax. pepe-cojus, 1. To take a ranom or price for killing a Man. See Here.


sero Sumonage aliarmc wctt Serenage, was the Law of the West Saxons. See Marchage.

sehminster (Wescmannsterium) Sax. Werc-


sehaber (Whesbera) Is a broad plain place near a Creek or Hither of the Water, to lay Wares on, that are brought to, or from the Water. New Book of Entries, fol. 3. Anno 12 Car. 2. cap. 4.

sehabreage (Whersbargian) Is Money paid for Landing Wares at a Wherfa, or for Shipping or taking Goods into a Boat or Barge, from thence. It is mentioned Anno 27 Hen. 3. cap. 26. And 22 Car. 5. cap. 11.

sehabertinger,

IN nomine Patris & Filiæ & Spiritus Sancti. Amen. The seventeenth day of September, the yer of our Lord Christ a thousand four hundred and foure, I Lowys Clyftorth falde and repent to my Lord God, and to alle the blessèd company of Heaven, and ungodly to be cleepped a Cristian man, make and obserue my Testament, and my last wishes in this maner.

At the begynninge, I moit ungodly and Godjys trauers, recomend my wyrcible and seffile Sawle body to the grace, and to the grete mercer of the blessed Eruptrice; and my wyrcible carpine to be beref in the firste corder of the Churchyard, in whiche pariss my wyrcible fould be departed fro my body.

And I pay and charge my Suddbye and my Executors as they wolden answere to fole God, as all myne bole trekt in this mature is in hem, that on my wyndying carpine be neuer seyd clothes of gold ne of fike, but a blyke clorhe, and a flage at myne bed, and another at my fete, ne tone ne other thing, whereby myn en man may witte where my sprynge carpine lytter.

And to that Eruptrice do myne Executors all things which owen duty in such cas to be done, without eny meke colt fast to poze men.

And also I pay my Suddbye and myne Executors that enp. dert that enp. man kan ar me by true title, that hit be paid. And if en man kan trewe pay that I bade to him enp. harne in body og in good, that he make largely his grc. bobles the goods bole treecry.

And I dole also, that none of myne Executors meddle ne mutipile enp thing of my goods withouten appley and content of my Superbrides og sum of hem.

And last first I bequeath to Ser. Phylpe la Vache Abysty my Halk-doke, and my Portos 5 and my doke of Tribulacion to my daughter bys bult.

Et quiqual reclamum fuerit omnium & singularum honorum & ceterorum superius in inferiori non legatorum, do integre & lego Philippo la Vache, Johann Ceyneye & Thome Clanvoy militibus libere sibi potestudinem, etc.

Probation, Ec 5 Dec. An 1494. a


inches (Anna 29 Ec. cap. 2.) A kind of Engin to draw Barres up the Water against the Stream.


b. Quere.

b. Quere.
Wiglithes. (Valc royal, pa. 113.) Perhaps misspelled for Wergildes, which see.

Wit, (Sat.) Punishment, pain, penalty, a fine or malt. Hence our wits, witners, one of the terms of Privilege granted to our Punishments, signifying a freedom or immunity from Fines or Amercements; not, (as it is vaguely accepted and confused among them) from being liable to be held for tools for lack of wit or understanding. Sax. Dict. See Witte & Glafs, in x. Scripture.

Wisteria, a wild Wisteria & Wisteria. A kind of taxation among the West Saxons, imposed by the public Counsel of the Kingdom. For pite and pican signifies majoris regnis, and juxta concinnat. Charis Elhelvilli Regis catholicae, apud Malum de gest. R. lib. 1, pa 41. — Manuf. (C. quavis Ecclesiæ atque ab omnibus secutariis, hoc non regulari situ, majoribus & minoribus, sine taxationibus, que nos diximus Wisterianæ. see.

Wisterinum, (Vitium namum, Sax. pycep, contra & Rami, capito, i. 1. Pastoralis) is the taking or driving a disturber to a Hold, or out of the county, so that the Sheriff cannot, upon the Replevin, make deliverance thereof to the party disinterested; In which case the Wist of Wisterinum, or de esto nostro is directed to the Sheriff, for the taking as many of his Beasts as he could thus unlawfully disfigure, or as much goods of his, till he has made deliverance of the first disturbers: Also, if the Beasts be in a Fortet or Castle, the Sheriff may take with him the power of the County, as appears by the Statute: WiWafter, in. ca. 40. & 39. Wisterinum, (in Bradly, lib. 3. tra. 2. ca. 37. and in Wisterinum, ca. 2. 3.) seems to signify an unlawful disturber, made by him that has no right to disinterest. Anno 13 Ed. 1. cap. 2. See the New Book of Entries on this word.

Woad, (Glansum) Is an Herb like Plantain, growing in some parts of England, the parts of Tolosæ in France, and in Spain; much used for the dying a blue colour, Anno 7 Hen. 8. ca. 9. we call it woad, from the Italian Guado.

Woad, (Sat.) Lat. Wolds, A Plain, a Down, an open Champion ground, Hilly, and void of Wood; as Wowe, the Wolds, and Wosfield in Gloucestershire. This is sometimes misunderstandingly confounded with Woad.

Woody, (Sat. p. 130) A Field. Tres acer cori jaceunt in lez, vovento, i. In campo opio fumantibus, magis quam paucis, spei spel. So in an ancient Charter of Garraden-Abbey in Leicester, this, there is mention of the Ahcher, which is an ellipse of enclosed field, lying before the Abbey-gate, still retaining the name See Wapun.

Woodgelde, (Wodgeldeum) Seems to be the gathering, or cutting wood within the Forest, or Money paid for the same, to the Foresters. And the immunity from this by the Kings Grant by Gropion called woodgelde, or P. 157. and (on Litt. 1253. 2.) fayes, it signifies to be free from payment of money for taking of Wood in any Forest.

Woodmen, Are those in the Forest, who have charge especially to look to the Kings woods. Com. Far. 5. 146.

Woodmote Court, Is the Court of Attachment of the Forest. Man. Part. 1. pa 95. See Attachment.

Wood-plea, A Court held twice a year in the Forest of Chien, in Com. Salop, for determining all matters of wood and afforestation there; and, was anciently perhaps the same with Woodmote Court.

Woodward, (Woodwardus) Is an Officer of the Forest, whose function you may understand by his Oath, set down in Com. Far. 94.

You shall truly execute the Office of a Woodward of B. woods, within the Foref of W, so long as you shall be Woodward there; but you shall not conceal any offence, either in W or V, that shall be committed or done within your charge; but you shall truly present the same, without any favour, affection or reward: And, if you see or know any Malefactor, or find any Deer killed or hurt, you shall forthwith do the Verder to understand thereof and you shall present the same at the next Court of the Forest, be it Wsmiourne, or Court of Attachments? So help you God.

Woodwards may not walk with Bow and Shaft, but with Foref Bills. Manwood, par. 1. pa. 2. 189. Arcum & calamus geseare in forset, non loco, sed (ut recipis in usus verbis) Hacchum tantamus. Sic Term. Hill. Anno 13 Ed. 3. Elor. rot. 106.

Wood-Divers, (Anno 6. & 7. Ph. & Ma. ca. 13.) Are those that buy Wool, abroad in the Country, of Shepparmers, and carry it on horseback to the Clothiers, or to Market-Towns to sell again.

Wood-Stamp, (Anno 51. Hen. 3. Stat. 5.) That City or Town where wool was sold. See Stamp.

Wood-vinders, Are such as wind up every Fleece of wool that is to be packed and fold by weight, into a kind of bundle, after it is cleaned in such manner as it ought to be by Stature; and, to avoid such deceit, as the owners were wont to use, by thyroning in locks of refuse wool, and other drofts, to gain weight, they are Sworn to perform that office truly between the owner and the buyer. See the Stature 6 H. 6. ca. 22. — 23 Hen. 8. ca. 17. and 22 Eliz. ca. 25.

Caranglands, Seems to be a mispronounced Trees, that will never prove timber. Kuchin, 96.

Carreck, (Vevescus et v. Sax. Phale, i. Deportyr, abscutactum) Is, where a Ship is peril'd on the Sea, and no man escapes alive out of it, if any part of the Ship, or any of the Goods that were in it are brought to Land by the Waves, they belong to the King by His Prcero-

Z 2
Writer of the Letters. (Scriptum Taliarnum)

Is an Officer in the Exchequer, being Clerk to the Auditor of the Receipt, who writes upon the Letters the whole Letters of the Tallyers' Bills.

Woolbecker. See Puddbeek

Woolbecker, Contrafamul Wolseleyhead. (Sax. Wulceyhead, caput.) Was the condition of those, who were outlawed for Criminal matters in the Saxons time, nor yet yielding themselves to Justice. For, if they could have been taken alive, they must have been brought to the King; and, if they for fear of being apprehended did desert themselves, they might be slain, and their heads brought to the King; for, their head was no more to be accounted of than a Wulceyhead.

Woolseleyhead & Wulfereford, are all one. Coke on Litt. fo. 58. b.

Wolpe, (Wysta) A Farm, or little Village.

- In ilio Wyken cum canibus, Sec. Mon. Angl. 2 Par. fo. 154.

Worpe, or White, (Wysta vel Wysta. Sax. pice, 1. Paene, multa.) Saxones duo multitudines generaliter ullam; etiam et apparent. Werm morte rogat et gravissimaeissantur librationem. Wyta melius & levissimis dedita situ et voce, noncerta sed pro qualitate committit, alius gravissimae, alius levis; sed utnam tempus contente


X.

Xenia, Discursum manufaculque a Pro- nunciation, Provincia provectionis, cun- cesserat. Vox in Privilegiorum Chartis non in- itia; ubi quito cetera a Xeniis, immo mutat ab bacculodi manucribus alilique Dominos Reges vel Regnas profandos, quando sub praeda Privilegiis transitum, ut in Chart. Dominus Saplingham. Principes enim aliis fuit in morte, a subsidio vel in villa mutua extinguer. In Iura ab hoc juro liberam facit Ecclesiae

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Y.

Pard (Vinge) is a well known measure of three foot in length, which (according to Sir Richard Baker) Henry the First ordained by the length of his own Arm. See Vinge forens.

Pard Land (Vingeata Terra, a Sax. Gypol, i. Vinge) is a quantity of Land, various according to the place. As at Fimbiston in Surrey it is but 15 Acres, in other Counties 20, in some 24, in some 30, and in others 40 Acres. Vingeata Terra contine 24 acres, & a vingeata constituent unus Hidam. & quannque Hidam contentum fudum militum. MS. Abbatia Malmb.


Year and Day (Annum & die) is a time, that determines a right in many cases, and is in some an ubiquit, and in others a prescriptive; as in case of an Easement, if the owner (Proclamation being made) challenge it not within that time, it is forfeit. So is the year and day given, in case of Appeal, or Defeasance, after entry or claim, of Non claim upon a Fine, or Writ of Right, of the death of a Man, for humanized or wounded; of Protections, Estuages, in respect of the Kings Service; or a Wreck, and divers other cases. Coke, Vol. 6, fol. 107. b. and 3 Infr. fol. 53.

Year, Day, and Twelve (Annum, die, & vacium) Is a part of the Kings Prerogative, whereby he challenge the profits of their Lands and Tenements, for a year and a day that are attainted of Petit-Treazon, or Felony, whosoever is Lord of the Manor, whatever the Lands or Tenements do belong; and with the twelve days, 5 weeks, except the Lord of the Fee agree with him for redemption of such Wapse; afterwords restoring it to the Lord of the Fee, whereof you may read at large Stampf. Prerog. cap. 16. fol. 44.

Pelting or Pelding, and Paping (Reddena & jovenda) Is a corruption from the Sax. jedan and ylven, solvere, prefecte. And in

Domesday Gillard, is frequently used for forces, redresse; the Saxan & being often taken into Y.

Peme, is an ancient corruption of Heroe, Winter, as I have seen in an old Deed. Reddena. — Ad Pemum S. Martini in Peme, &c. And in another of 4 Edw. 3. Thus, —Reddena quando bis quatuor aera ante seminatum feminai Yemalii, duodecim Bullum, doni & legati frumenti ad Pesimal Purifications. &c.

Peben or Pobbon (as we use at the end of Indentures, and other Instruments, Townes the day, and year first above written) Is a corruption from the Saxan Geoflan, i. Dore, and is the same with Green. So Dibunum de Redeworth concludes with —Pobbon and proclaimed in the Castle of Redeworth the day before the Calends of Nov. Ann. 1256.

Peman or Paman (from the Sax. Seeman, i. Commoni) These Camens in his Britian, pag. 105. placed next in order to Gentlemen, calling them ingenui, whose opinion the Statute affirms. Ann. 6 Edw. 4. cap. 4. And so Paman, cap. 4. Sir Tho. Smith in his Repub. Angliae, cap. 22. calls him a Paman, whom our Laws call Legenum hominum, which (sayes he) is in English a Freeman born, that may dispense of his own Free-land, in yearly Revenue to the sum of Forty Hillinge Sterling. Versegian in his restitution of Decayed Inheritance, cap. 25. writes, That Gemeen among the ancient Teutonic's and Gemeen among the Modern, signifies as much as Common, and that the first Letter G is in this word, as in many others, turned into Y. and so written Yeman, which therefore signifies Commoner. Paman signifies also an officer in the Kings Housle, in the middle place between the Serjeants and the Groom; as Yeman of the Chaundler, Yeman of the Scally. Ann. 33 Hen. 8. cap. 12. Paman of the Crown. Ann. 3 Edw. 4. cap. 5. The word Pongman is used for Yeman in the Statute of 33 Hen. 8. cap. 10. And I have seen it written Yeman in old Deeds. See Seaman.

Pingeman, L. L. Hen. 1. cap. 16. Danagallin quod aigua Pingeman habatur, i. 12 de unagallo cida per annunmun, si ad terminum non reddatur, Wira exeditur. The Learned Speelman thinks this may possibly be mistaken for Englishman or Englishman, though he finds it written Pingeman, both in Sir Rob. Cotton Collefr, and his own.

Poenægantium (from the Fr. Præterent). The Winter-faution was Anciently used for the Winter-Seedcorn or Sefon for Sowing Corn. Dibunum tero William de & heredes sau arbatum unam Seedon ad Veygunitum, & unam Seedon ad Semon quadragesimale, & unam Seedon ad Warzonom, &c. Carta Ricardi de Harrebut peptides Tho. Woldfort Arm. Sine dat.
Zuche (Zucca) Seps fuscus & aridus, 
A withered or dry flock of Wood. 
Et. Quae accipimus per Inquisitionem, quoad
non est ad damnum seu prejudicium nostrum, 
aut alterum, si concurrimus dite Reo valibus nostris 
Ric. de Stolley omnes Zucheos aridos, qui Angli 
vocantur Sogenex infra Espanam nostram 
de Becherwood, quae est infra Forstam nostram de 
Shirwode, St. Pla Forestiz in Com. Not. de 
Amo 8 Hen. 3. — Auxilium faciend. Burge 
seribus Salop, de veteribus Zuchis & de nostro 
boic, Oc. Clauh 4 Hen. 3, m. i.e.

FINIS
CORRIGENDA.

A Bet, read, from the Sax. a, i, ad. Chancemedley, r. party might.
Clerk of the Ax, dele totum, and read Clerk of the Aëtes, is an Office of good account in the Navy Office, who receives and enters the Commissions and Warrants of the Lord Admiral, and Registres the Aëtes and Orders of the Commissioners of the Navy. Anno 16 Car. 2, cap. 5.
Consolidation, r. usum fructum.
Contrabanded, r. or exported.
Cordage, r. general appellation.
Cuckingfool, r. salpingcole.
Defend, r. Fence-moneib.
Defence, r. hath his thare.
Divorcce, r. a divorcendo.
Ebereemurder, r. Ebeuemophy.
Fardingdeale, r. Sax. focophy.
Farthing of Land, r. peopling.
Fitchewyte, r. consention or
Forathe, r modo—fidelem.
Franc-allenoin, r. terresfrial.
Frabarugh, r. Fidejusfo.
Frumfol, r. Hommesall. LL.
Furca, r. ten Calefuresia.
Gabel, r. Chaplal. gapel.
Gardian, r. gappung.
Gavelkind, r. nunnatans. Hect terra;
Gultwit, r. for Gultwite.
Haga, r. de quingue solidi.
Hamfocken, r. Dampfcone & Fridbeice.
Hokedaie, r. senecallus Curia de.
Honore, r. Chun, Raleigh.
Horgeld, r. Sax. Dofin.
Imparlance, r. the like Clause.

Infangthef, r. S. Ben. Rams.
Infidentiores viaram, r. arc words.
Institution, r. no Francementem.
Jury, r. publick or private.
Knave, r. Sax. cnapa, in every place; &c.
Knight, r. by Divines.
Landa, r. a Lawnd or.
Landecheyp, r. Sax. Landscap from ceapan.
Livery of Seisin, r. there was—delivered—Magna Charta, r. Sir Edm.
Manumission, r. Sigillo Comitatus nostri.
Mifs, r. Lords Parchers.
Naum, r. quod inceptibux.
Nutance, r. Verouncil.
Precariz, r. iv Precarice in.
Saka, r. See Sac.
Sea-rover, r. See Pirates.
Serjeant, r. Countor, is.
Serjeanty, r. Donec perpetu.
Sharping Corn, r. Harrow Times.
Shirt-tooth, r. & terris in.
Soc, r. Scia de.
Socage, r. Tenure of Lands.
Solida terra, r. Vicemiumbus.
Specialitas, r. abolenum.
Suffragan, r. (sinfraguanus)
Team, r. Children, Goods.
Tereage, r. Taxage, Paflagio.
Theft, r. Perfunal goods.
Theftbote, r. emenda juris.
Tribe, r. mis fallor.
Wainage, r. contentement or
Warranty, r. tenementa nostri.
Xenis, r. ut omnia.