Mount Stuart

Laud 2nd Philosophy

B, 8, 1.
A Chart of the Ocean.

If the Marine Pilot is not familiar with the description of the various objects on the Ocean, he will have great difficulty in avoiding the dangers of navigation. It is therefore necessary to have a Chart of the Ocean, which should be kept constantly in his possession.

The Chart should be made on a large scale, and should be divided into sections, each section representing a certain part of the Ocean. The Chart should also be divided into zones, each zone representing a certain direction of the wind.

The Pilot should be able to read the Chart, and should be able to interpret the various signs and symbols used on it. He should also be able to understand the different symbols used to indicate the depth of the water, the presence of shoals, the location of islands, and the location of reefs.

The Chart should also be kept up to date, and the Pilot should be able to consult it at any time. He should also be able to locate the various landmarks, such as the positions of the sun, the moon, and the stars, as well as the positions of the various ships that have been seen in the vicinity.

In addition to the Chart, the Pilot should have a compass, a sextant, and a chronometer. These instruments should be kept in good repair, and should be regularly checked and calibrated.

The Pilot should also be familiar with the various charts and tables that are available, such as the charts of the various ports, the charts of the various shipping routes, and the charts of the various shipping lanes.

By following these precautions, the Pilot can be sure that he will be able to navigate safely through the dangers of the Ocean.
A Catalogue of Books.

The Law concerning Estates, Tail and Remainder and Reversions expectant, thereupon illustrated the Statute de Donis Conditionalibus, and what Estates of Inheritance may be intailed, explained and demonstrated; the Doctrine of perpetuities fully cleared; approved with variety of Authentick precedents and select Cases, proper to each particular, and general Cases applicable to the whole by H. Carfon of the Inner Temple, in 8vo.

The Office and Duty of Executors, or a Treatise directing Testators to form, and Executors to perform their Wills and Testaments, according to Law originally compiled by that Judicious Author Tho. Wentworth, and now enlarged with a supplement by H. Carfon of the Inn-r-Temple, Gent. in 8vo.

Landlords Law, a Treatise very fit for the perusal both of Landlord and Tenant, the 5th Edition, by George Meriton Gent. in 12mo.

The Parson's Councillor, with the Law of Tythes, or Tything, in two Books, the first sheweth the Order every Parson, Vicar, &c. ought to observe in obtaining a Spiritual preferment, &c. The second shews in what manner all sorts of Tythes, Offerings, Mortuaries, and other Church Duties are to be paid, &c. the 6th Edition, Written by Sir Simon Degge Knight, in 8vo.

The Law of Executions, or a Treatise shewing and explaining the Nature of Executions in several Rules, and who may sue Executions, or not, and against what Persons, &c. illustrated and explained in sub-divisions by our Book-Cases, Reports and Precedents, in 8vo.

Pleas of the Crown, or a Methodical Summary of the principal matters relating to that subject, by Sir Mathew Hale Knight, to which is added, a Treatise touching Sheriffs Accounts, and a Trial of Witches, in 8vo.

The New Return Brevium, collected from the many printed Law-Books extant, concerning the Return of Writs, in the Courts of Chancery, Queen's-Bench, &c. With a Compleat Alphabetical Table, respecting the said several Courts in their Order, in 8vo.

Modus Intrandi placita Generalia, in 2 parts, being a Collection of such Precedents of Declarations and other pleadings with process as well Meane as Judicial, as are generally used in every days practice, by William Brown Gent. the 3d Edition, in 8vo.

The Modern Conveyancer, or Conveyancing improved being a Collection of Precedents on most Occasions, drawn after the manner of Conveyancing now in use by the greatest hands of the present Age, in 3 Vol. in 8vo.

Officium Clerici pacis, a Book of Indictments, Informations, Appeals, and Inquisitions, the 2d Edition with large Additions of Modern Indictments, Appeals, &c. in 8vo.

A Treatise of Fines upon Writs of Covenant and Recoveries upon Writs of Entry in the Po, the fourth Edition, in 8vo.

Lex Cultumaria, or a Treatise of Copy-hold Estates in respect of the Lord and Copyholder by S. C. Barrifler at Law, the 2d Edition with Additions, in 8vo.

Of Last Wills and Testaments, a Common-Law Treatise, containing several Rules for the Construction of Last Wills, &c. in 8vo.

A Treatise concerning Trefpaffes, Vi & Armis, by the Author of Lex Cultumaria, in 8vo.

Style's practical Register, begun in the Reign of K. Charles the First, concerning the practice of the Common-Law in the Courts at Westminster, particularly the Queen's-Bench, the 4th Edition with large Additions, in 8vo.

The Rules and Orders of the Court of Common-Pleas at Westminster, from Michaelmas Term, 1654, to this present Hilary Term, 1707, examined by the Original Rules and Orders, by Mr. Milles Clerk of the Treasury of the same Court, in 8vo.

A Law Dictionary: OR, THE INTERPRETER OF Words and Terms, Used either in the Common or Statute Laws Of that Part Of Great Britain, call'd ENGLAND, AND In Tenures and Jocular Customs:

First Published by the Learned Dr. Cowel, and now very much Augmented and Improv'd, by the Addition of many Thousand Words, as are found in our Histories, Antiquities, Cartularies, Rolls, Registers, and other Manuscript Records, not hitherto to Explain'd in any Dictionary, to the Year 1708.

WITH AN APPENDIX,

Containing the Antient Names of Places in (that part of Great-Britain call'd) England, very necessary for the use of all such, that Converse with Ancient Deeds, Charters, &c.

LONDON:
A NEW DICTIONARY
OF THE
INTERPRETER
OF
WORDS and
TUNES

COMPILED OF EXTRACTS
OF ODEMS and other
VERSIFICATION, called FEDERAL
AND
IN TUNES and INDIAN COUNTRY

WITH AN
APPENDIX

Containing the American Nonsense Places in the East of the
Great-Waters called N安vay, and the Names for the

COUNTRY and

EDUCATION

[Elaborate text in a large font]

[Additional text in a smaller font]
The PREFACE.

T

Here is only this justice due to the Reader, to give a plain Account of the first Author, and of the present Improvements of this Work.

The first Author was Dr. John Cowell, born in Devonshire, and bred at Eaton School, where by good Parts and agreeable Industry, He distinguished himself from other Boys, and appear'd worthy to be elected a Scholar of Kings College in Cambridge, 1570, possibly committed to the Tuition of his Name-sake and Relation John Cowell, Fellow of that House, who had been one of the University Professors in the year 1561. (b) Our Author seems here to have applied himself heartily to Books, and a good Digestion of them. By which studious and virtuous course of Life, He grew up to so much Reputation and Interest in the University, that he had the Honour to be choos One of the Professors for the year 1585. And having past the two Degrees in Arts, he applied himself to the study of the Civil Law, by the advice and importunity of that eminent and able Prelate Richard Bancroft, then Bishop of London; (c) who had Judgment to find the Genius of our Author, and knew the great necessity our Church was in, to have Men of Abilities and Integrity in that Profession. Being regularly admitted to the Degree of Doctor of Laws in his own University, He made a Visit to Oxford in the year 1600, where he was incorporated by the same honourable Title L.L.D. (d) His Reputation was now so established, that the Government thought it Justice to prefer him: He was made the King's Majesties professor of the Civil Law in the University of Cambridge: and wear the same time Master of Trinity-Hall, which two Stations in that Place of Residence, had as much Honour and Profit, as were possible to be there bestowed on a Man of that Profession. He executed the Office of Vice Chancellor of Cambridge 1603, 1604.

His chief Patron Bishop Bancroft was advanced to the See of Canterbury in December, 1604, where projecting many things for the Interest and Honour of the Church and State, He knew the greatest Art in promoting publick Service, was to employ men in their own Way. Upon this motive, he solicited Dr. Cowell (e) to show himself an Antiquary, and an useful Man, by giving the Interpretation of such Words and Terms, as created most difficulty to the Students of our Ecclesiastical, Civil, and Common Laws.

The Doctor would not dispute the Archbishops Authority, nor excuse himself from serving the Publick: And therefore fell upon the Work with so much Edge and Application, that in proper time he put his collections into fit method, and published them in Quarto at Cambridge under this Title:

The INTERPRETER, or Book containing the Signification of Words: wherein is set forth the true meaning of all, or the most part of such Words and Terms, as are mentioned in the Law Writers, or Statutes of this Victorious and Renowned Kingdom, requiring any Exposition or Interpretation. A Work not only Profitable, but Necessary for such as desire throughly to be instructed in the Knowledge of our Laws, Statutes, or other Antiquities. Collected by John Cowell Doctor, and the King's Majesties Professor of the Civil Law in the University of Cambridge. In legum obscuritate captio. At Cambridge, Printed by John Legate, Anno 1607.
The PREFACE.

The Author thought it just and Gratitude to commend his Book to that Patron, by whose advice and encouragement he wrote it; and therefore prefix’d this modest Dedication.

To the most Reverend Father in God his especial good Lord, the Lord Archbishop of Canterbury, Primate and Metropolitan of all England, and one of his Majesties most Honourable Privy Council.

Afer long deliberation, I hardly induced my self to crave your gracious protection toward this simple Work: Valuing it at so low a price, as I think it hardly worth the respect of any grave Man, much less the favourable aspect of so Honourable a Personage. Yet the remembrance of those your honourable Provocations, whereby, at my coming to your Grace from the University, you first put me upon these Studies, at the last by a kind of necessity enforced me to this Attempt; because I could not see how well to avoid it, but by adventure the hateful note of Unthankfulness. For I cannot without Dissimulation, but confess my self persuaded, that this poor Pamphlet may prove profitable to the young Students of both Laws, to whose advancement that way, I have of late addited mine endeavours; else were I more than mad to offer it to the World and offer it without mention of him, that by occasioning of this good, more or less, deferveth the prime thanks, were to prove my self unworthy of so grave Advice.

And therefore howsoever I account this too much boldness in respect of the Subject, yet could I be exceedingly glad, it might please your Grace to ascribe mine intention to the integrity of my Duty. For he that meaneth truly well, and cannot perform much: must needs rejoice at the good acceptance of that little which he performeth.

All I crave for this at your Graces hands, is Patience and Pardon for this Enterprize, with the continuance of those your many Favours, that hitherto to my great comfort I have enjoyed. And to my long observation of your judicious Disposition, having taught me, what small delight you take in affected Complements, and Verbal Commendation, without more Words, in all true humbleness, I beseech the Almighty long to continue your Grace in Health and Prosperity, to his Glory, and the good of his Church.

Tour Graces at all Commandment,

John Cowell.

He prefix’d likewise to this First Edition, a Preface to the Readers, which being omitted in later Editions, is the more proper to be now inserted. Any Reader that has a relish in these matters, will be content that full Draughts and Originals, should be recover’d and prefer’d.

To the Readers.

Gentle Readers, I here offer my self to your Censures, with no other design, than by you to be admonished of my Faults. For though I do profess the amplifying of their Works, that have gone before me in this kind, and have both gathered at home, and brought from abroad some Ornaments for the better Embellishing of our English Laws; yet am I neither so vain, as to deny my Imperfections, nor so passionate, as to be offended at your Charitable Reformation. Nay, my true end is the advancement of Knowledge, and therefore have I published this poor Work, not only to impart the Good
The PREFACE.

thereof to those young Ones that want it; but alio to draw from the Learned the supply of my defects: and so by degrees, if not my self to finish this Model, yet at the least by the heat of Emulation to incende some Skillfuller Architect thereofunto. Yea I shall think my pains sufficiently recompenced, if they may be found but worthy to stir up one Learned Man to amend mine Errors.

The Civilians of other Nations have by their mutual industrious raised this kind of Work in their Profession, to an unexpected Excellency. I have seen many of them that have bestowed very profitable and commendable pains therein: and lastly one Cabrius a Doctor of Heidelberg, like a Laborious Bee, hath gathered from all the former, the best Juice of their Flowers, and made up a Hive full of delectable Honey. And by this Example would I gladly incite the Learned in our Common Laws and Antiquities of England, yet to lend their advice, to the gaining of some comfortable Lights and Prospects toward the beautifying of this Antient Palace, that hitherto hath been accomplished (howsoever substantial) yet but dark and melancholy.

Whosoever will charge thefe my Travels with many oversights, he shall need no solemn pains to prove them, for I will easily confess them. And upon my view taken of this Book thence the Impression, I dare affure them that shall observe most Faults therein, that I by cleaning after him, will gather as many omitted by him, as he shall shew committed by me. But I learned long thence out of famous Tully, that as no Man's Errors ought to be followed, because he faith some things well: so that which a Man faith well, is not to be rejected because he hath some Errors. No Man, no Book is void of Imperfections. And therefore reprehend who will in God's Name, that is with sweetness and without reproach. So shall he reap hearty thanks at my hands, and by true imitation of the most Judicious that ever wrote, more soundly help on this point of Learning to perfection in a few Months, then I by toiling and tumbling my Books at home, could possibly have done in many Years. Experience hath taught me in this my INSTITUTES lately set forth, by publishing whereof I have gained the judicious observations of divers Learned Gentlemen upon them; which by keeping them private I could never have procured. By which means I hope one day to commend them to you again in a more exact purity, and so leave them to future times for such acceptance as it shall please God to give them.

I have in some towards a Tract (De Regulis Juris) wherein my intent is, by collating the Cases of both Laws to shew, that they both be raised of one Foundation, and differ more in Language and Terms than in Substance, and therefore were they reduced to one method (as they easily might) to be attained (in a manner) with all one pains. But my time imparted to these Studies being but stolen from mine Employments of greater necessity, I cannot make the half I defire; or perhaps that the Difficultie may delver, Wherefore until my leisure may serve to perform that, I intreat you lovingly to accept this.

One thing I have done in this Book, whereof, because it may seem strange to some, I think to yield my reason, and that is the inferting not only of Words belonging to the art of the Law, but of any other alfo, that I thought obscure, of what fort forter: As Fifth, Cloath, Spices, Drugs, Furs, and fuch like. For in this I follow the example of our Civilians, that have thought it their part to expound any thing they could meet with in their walk. And indeed a Lawyer proffefeth true Philosophy, and therefore should not be ignorant (if it were poiffible) of either Beasts, Fowls, or Creeping things, nor of the Trees from the Cedar in Lebanon, to the Hyfop that springeth out of the Wall. And therefore if I have either omitted any hard Word within my Circuit, or fet it down not expounded, I give you good leave to impune the one to my negligence, the other to mine ignorance, and so commend thefe me Pains to your best profit, and you unto God, Nov. 3. 1667.

John Cowell.

At the Publication of this Book, the World was satisfied that nothing could more facilitate the Studies of the Law, than such a familiar Exposition of the obsolete Words and ambiguous Terms. And that no method could be more proper to make it useful and serviceable, than to throw the Words into an Alphabet, and so make it a standing Glossary or Dictionary to consult upon all occasional Readings.
I know of no offence, that was immediately taken at this first Edition: tho’ it was infinitely hard to speak of Prerogative, Property, Government, Laws, and mutual Rights, with that caution and regard, as not to make some to murmur, and others to insult; especially where Parties and their Passions were even then prevailing.

This performance satisfied his Patron A B P. Bancroft, that he was a Man of Parts, Industry and and Courage, truly capable of Truth and Office. And therefore in the following Year, upon the Death of Sir Edward Stanhope, Vicar General to the A B P, departing this Life on the 16. March, 1608. His Grace conferred that Honourable Place on our Dr. (a) Contin. Hatton, Catalog. Ms. Cowel, who had professed before as an Advocate in the Arches. (a) In this Station he carried himself with that Fairness and Integrity, that Equity and Honour, as raised him no Enemies, and left him no Friends. And if he was afterwards Invidious as a Writer, he was still blameless as a Judge: For when the warmest objections were made against some Expressions of his Book, there was not a word to be objected against his Administration of Justice.

The greatest Offence and Provocation given by his Book was indeed this. He had spoke with too much Liberty and too sharp Expressions of the Common Law, and some Eminent Professors of it. At this, the Gentlemen of that Robe thought themselves and their whole Faculty affronted. He had not jar’d the Oracle of the Law, Littleton. He had recited Hottomans Reflections on his Treatise of Tenures, and by so reciting them was thought to make them his own. This especially gave fire to Sir Edward Coke then Chief Justice of the Common Pleas, who was more particularly concern’d for the Honour of Littleton, and valued himself for the Chief Advocate of his own profession. There seems to have been another reason that brought Dr. Cowell out of favour with this Judge, within Two Years after the Publication of his Interpreter, A B P. Bancroft grew sensible, that the Jurisdiction of the Spiritual Courts was perpetually obstructed by the Grant of Prohibitions from Welminster-Hall. He thought the Discipline of the Church could not be effectually executed without redressing this Grievance. He found the Ancient Privilege of the Clergy of England, when called to attend in Parliament, was to draw up a model Remonstrance of such Grievances and to present them to the King, with Petition for Relief, and the King with advice and consent of his Council in Parliament, the Barons or House of Lords, did answer the Complaints and Requests in such manner, as was most Lawful and Reasonable. Very many of these Precedents remain upon Record, and were commonly called Articuli Cleri. The Spiritual Commonalty, or Parliamentary Convocation, having in this respect a like Privilege with the Temporal Commons, to grant or refuse their Subsidies and Taxes, according as the King was pleased to oblige or deny their Petitions of Right. The Archbishop thought it proper to take a like Method in the present Case, and seems to have employed his Right Hand Dr. Cowell in drawing up those Reasons and Exceptions against the too frequent Grant of Prohibitions, which were delivered to the King in time of Parliament, under the fame Title of Articuli Cleri; the King ordered these Articles to be Argued by the Judges, and their Arguments against them are printed by Judge Coke in his XII. Report, who had the chief hand in them: and was nowmore and more incendiary against Dr. Cowell, whom he took for a profest Enemy to the Welminster Courts, and therefore directly or obliquely reflects upon him in several Pages of his last accurate Works.

But Paper Reproofs were to little satisfaction; Sr. Edward Coke was of some Authoritie with the King, and had good Interest in the House of Commons: By those Advantages, he represents Dr. Cowell as an Enemy to both. He knew nothing would excite the Kings Jealousie so much as to touch upon the question of Prerogative, and therefore he suggests, that this Author had disputation too nicely upon the Mysteries of this his Monarchy, nay in some points very derogatory to the supreme power of his Crown. (a) It was further represented to his Majesty, that this bold Writer had affected, that his Royal Prerogative was in some Case limited. (b) As if this could be any offence to an English Monarch. And I suppose it paffed for a common Report what a severe Author has delivered in his Court and Character of that Prince, that in the Interpreter it is said, that King took not the usual Oath all Kings are bound unto at their Coronation. (c) His thus incurring the Royal displeasure, might have markt him out for Degrace and Ruin. But I believe the King was wife, and the Archbishop faithful; and so this Plot miscarried.

(a) Kings Proclamation. 25. March 1610. (b) Athen Oxon. vol. 1. col. 784. (c) Anth. Welden. p. 191.
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Upon this disappointment, his Adversaries (who knew how to bring in a Man guilty of Felony, when he was accused of Treason) turn the Tables, and resolve to make him a Betrayer of the Rights and Liberties of the People, thinking this Accusation would do more with the Parliament, than the other had done with the King. It is natural enough to imagine, that by giving offence to both Parties, he meant no harm to either. Nothing can dispel the two opposite sides, but Moderation.

However the defike against him was carried on in the House of Commons by Men of Part, and Interest, and it came to this Issue, that the Author was committed to Coffin, and his Books were publicly burnt. I want opportunity to consult the Journal of the Two Houses, but a Report from them is thus given by the Learned Mr. Petty in his Miscellanea Parliamentaria, p. 64.

Anno 7 Jacobi, 1607. Dr. Cowell Professor of the Civil Law at Cambridge, write a Book called the Interpreter, Kathly, Dangeroufly, and Perniciously affecting certain Heads to the overthrow and destruction of Parliaments, and the Fundamental Laws and Government of the Kingdom.

He was complained of by the Commons to the Lords, as equally wounded, who resolved to censure his Errors and Boldness: but upon the interposition of the King, who declared that the Man had mistaken the Fundamental Points and Constitutions of Parliaments, promised to condemn the Doctrines of the Book as absurd, and him that maintained the Positions, they proceeded no further. His Principles with the evident Inferences from them were these.

1. That the King was solutus a Legibus, and not bound by his Coronation Oath.

2. That it was not ex necessitate, that the King should call a Parliament to make Laws, but might do that by his absolute Power; for voluntas Regis (with him) was legis populati.

3. That it was a favour to admit the consent of his Subjects in giving of Subsidies.

4. The Doctor draws his Arguments from the Imperial Laws of the Roman Emperors, an Argument which may be urged with as great reason and upon as good Authority, for the reduction of the State of the Clergy of England to the Polity and Laws in the time of those Emperors, as also to make the Laws and Customs of Rome and Constantinople to be binding and obligatory to the Cities of London and York.

I have no Authority, nor indeed inclination, to contradict this Report of Mr. Petty. And I must confess these Positions are so gross and intolerable, that no English Man would defend them or excuse them. I mean if they are as gross and positive in the Author, as they are in this Relation, But I think I have run over part of the first Edition 1607, and find no such abominable Assertions in Words at length, there be many things too undisguisedly express, which a wise Author would have omitted, and a wise Government might have defined. But alas, when a suspected Book is brought to the torture, it often confesseth all, and more than all it known.

However the King acted with Prudence and Honour in JFKing out his Royal Proclamation for suppressing the Book, and confining the Writer. And because it is the best light of History in this matter, and but rarely seen, I shall here give the whole.

A Proclamation touching Dr. Cowells Book called the Interpreter.

This latter Age and Times of the World wherein we are fallen, is so much given to verbal profession, as well as Religion, as of all commendable Moral Virtues, but wanting the Actions and Deeds agreeable to so specious a Profession, as it hath bred such an unalterable curiosity
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in many mens spirits, and such an itching in the tongues and pens of most men, as nothing is left unsaid to the bottom both in writing and speaking. For from the very highest mysteries in the Godhead and the most intractable councils in the Trinity, to the very lowest pit of hell, and the confused actions of the devils there; there is nothing now unsaid or by the curiosity of mens brains. Men not being content to have the knowledge of so much of the will of God as it hath pleased him to reveal; but they will needs sit with him in his most private closet and become privy to his most intractable councils: and therefore it is no wonder, that many in these our days will not spare to name in all the deepest mysteries that belong to the persons of state of kings and princes, that are gods upon earth; since we see (as we have already said) that they spare not god himself. And this licence that every talker or writer now assumes to himself, is come to this abuse, that many phormos will give counsel to hannibal, and many men that never went of the compass of cloisters or colleges will freely name, by their writings in the deepest mysteries of monarchy and political government: whereupon it cannot otherwise fall out, but that when men go out of their element, and meddle with things above their capacity; themselves shall not only go astray and stumble in darkness, but will mislead also divers others with themselves into many mistakes and errors; the proof whereof we have lately had by a book written by dr. cowell called the interpreter: for he being only a civilian by profession, and upon that large ground of a kind of dictionary (as it were) following the Alphabet, having all kind of purposes belonging to government and monarchy in his way, by medling in matters above his reach, he hath fallen in many things to mistake and deceive himself: in some things disputing too nicely upon the mysteries of this our monarchy, that it may receive doubtful interpretations: yea in some points very derogatory to the supreme power of this crown: in other cases misstaining the true state of the Parliament of this kingdom and the fundamental constitutions and privileges thereof: and in some other points speaking unrespectfully of the common law of England, and the works of some of the most famous and ancient judges wherein: it being a thing utterly unlawful to any subject, to speak or write against that law under which he liveth, and which we are sworn and are resolved to maintain. Wherefore upon just considerations moving us hertunto, for preventing of the said errors and inconveniences in all times to come, we do hereby not only prohibit the buying, uttering, or reading of the said book, but also will and strictly command all and singular persons whatsoever, who have or shall have any of them in their hands or custody, that upon pain of our high displeasure, and the consequence thereof, they do deliver the same presently upon this publication to the lord mayor of London, if they or any of them be dwelling in or near the said city, or otherwise to the sheriff of the county where they or any of them shall reside, and in the two universities to the chancellor or vice chancellor there, to the intent that further order may be given for the utter suppressing thereof. And because there shall be better oversight of books of all sorts before they come to the press, we have resolved to make choice of commissioners, that shall look more narrowly into the nature of all those things that shall be put to the press, either concerning our authority royal, or...
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It is one of the detections of Roger Coke Esq; that the Proclamation could not call in those Books, but only seemed to make them more taken notice of. The only truth that drops from that Gentleman in his Relation of this matter: for how can it be proved that Dr. Cowell published his Interpreter the next year after the 7th. of the King, when it was indeed the 7th. of the King? How can he tell the Doctor wrote the Book to supply the Kings Necessities? How does he know that he was not doubt set upon it by Bancroft, and those call the Church? Where does he find the Proclamation published during the Session of Parliament, and that it had not the desired effect of getting more Money, when there was no such Proclamation till Three Months after the Dissolution? Secret History should be wrote with a very good memory. Roger Coke Esq; was descended from the Lord Chief Justice, and by right of Inheritance had a feud against Dr. Cowell, and by the same hereditary right was to be no good Historian, for that Oracle of the Law, was at least no Oracle in matters of Fact. His Opinions may be excellent, but his Stories are most of them Trifles and Falshood.

To return to our Author Dr. Cowell, when he had thus felt the displeasure of the King, and the indignation of the People, like a wise Man he took his leave of the Prést, and retired to his College and his private Studies, and lived inoffensive and in good repute, not once to serve the Publick, when he was called to any Advice or proper Service. Soon after he died upon the operation of being cut for the Stone.

A considerable Benefactor to the College of which he had been Fellow, to the Hall of which he had been Master, and to the University of which he had been Governor. He lies buried under the Altar in the Chappel of Trinity-Hall, with this Inscription, as I receive it with some other Notices from the Honoured Master, and a worthy Fellow of that House. Johannes Cowell LL. D. Cufcos Hujus Collegii, Juris Civilit, in hac Academia Cantab. Professor Regius, Vicarius Generalis Cantuariensis Provinciae sub Domino Ricardo Bancroft. Archipifcopo Cantuarenfi, hic expefar Reftitutiolem. Oblit undecimo die mensis Octob. Ann. Dom. 1611.

This condemned Book was known to be very useful, and therefore has been often reprinted, in the Reign of Ch. I. under the Administration of Cromwel, and after the Restauration. But in all the later Editions, those passages that were dubious or offensive have been corrected or omitted.

Archbishop Laud, who was to bear the blame of every insidious thing, was charg'd with giving countenance or connivance to an Impression of this work. Of which all and effort of malice, his own account is the better that can be given. Hist. Tribu. and Tryal of ABP. Laud, p. 235.

Cap. XXIII. 2d. Day Art IX. Then was changed upon me the printing of Books, which affected the Kings Prerogative above Law, &c. The influence was in Dr. Cowells Book Vero. * Rex. That this Book was decryed by Proclamation; that complaint was made to me, that this Book was printing in a close house without Licence, and by Hodgkinson, who was my Printer, that I referred them to Sr. John Lamb, that they came to me again, and a third time, and I still continued my reference; which Sr. John Lamb answering, the Book came forth, The Witnesses to this were Hunt and Wallye, If I mistake not their Names.

1. For this Book of Dr. Cowells, I never knew of it till it was printed, or so far gone on in Printing, that I could not stay it: and the Witnesses say, it was in a close house and without Licence, so neither I nor my Chaplains could take notice of it.

2. They say, they informed me of it, but name no time, but only the year 1638. But they confess I was then at Croydon, so being out of Town, (as were almost all the high Commissioners) I required Sr. John Lamb, who being a High Commissioner, had in that business as much power as myself, to look to it carefully, that the Book proceeded not, or if it were already printed, that it came not forth. If Sr. John discharged his own duty and my command (as themselves say) He is living and may answer for himself; and I hope your Lordships will not put his neglect on my account.
The PREFACE.

As for Hodgkinson he was never my Printer, but Badger was the Man I employed, as is well known to all the Stationers; nor was Hodgkinson ever employed by me in that kind or any other, upon just complaint, I turned him out of a place, but never put him into any: And therefore those Terms which were put upon me by my Hodgkinson and my Sr. John Lamb, might have been feared, Sr. John was indeed Dean of the Arches, and I employed him as other Arch-bishops did the Deans which were in their time, otherwise no way mine: And Hodgkinson had his whole dependance on Sr. Henry Martin, and was a meer stranger to me. And this Answer I gave to Mr. Brown, when he summ'd up the Charge. Nor could any danger be in the Printing of that Book to mislead any Man; because it was generally, made known by Proclamation, that it was a Book condemned, and in such particulars: But for other things the Book very useful.

As to the Additions and Improvements in this present Volume, I cannot boast of them. But in short, I have left the last Edition by Mr. Manly, as the allowed Text, entire and whole: I have not corrected the Citations, I have not added any References, I have not fill'd up the Defects, nor explained the Ambiguities, I have amended no Faults, but literal, nor all of them. So as he who buys this Impression does at least buy the Last: and if he finds no More, he can complain of nothing Less: which yet has been the fault and fraud of many new Editions, so mangled, inverted and purged, that a later Impression serves often for little else, than the make the former more valuable.

All I pretend to, is to augment the work by the cases addition of many thousand Words, which neither Author nor Editors had before observ'd. And indeed a work of this nature is no more to be rais'd up, in one Impression, than Rome in one day. What have all sorts of Glossaries and Dictionaries been at the first projecting of them, but rude and modelling Draughts, but meer Scaffolding to carry up Materials, to build higher in due time and order.

Yet I think I have not done, as many other Alphabet Writers, who have traded purely in transferring of Stock, and have pick't out the words of one Dictionary to insert into another. I have indeed thrown in from Du Fresne, &c. most of those words that bear relation to English Laws and Customs, but then I have explain'd them with more familiarity, and confirm'd them with more Authority: and have often adjust'd the mistakes of that very Learned Writer, who was a Foreigner in this Cause, and wrote sometimes of English matters with a French Air, loose and at large. But a very great number of the terms here interposed and distinguish'd with ☼ are new to the present Age, and were occasionally gather'd up from many Manuscripts and old Records, more to satisfy my own private Curiosity, than with any design upon the Publick.

But since the Proprietors of the old Copy call'd upon me, to lend them some Additions and Improvements for a new Edition, I communicate the heap of Collections to them and the World; and dare say, they will be serviceable to the Antiquary, to the Historian, to the Lawyer, to any Scholar, nay to every English Reader.
A

Is the first Letter of the Alphabet with the Hebrews, Greeks, Latins, and other Nations, and called by the Heb. Aleph; the Arab. Alif; Chaldees and Syria, Olifh; Armenians, Alp; Assyriam, Alph; and Greeks, Alpha. A, prefixed to words in English stands equivalent with an in French; as a Man, an abonne, But A, prefixed according to the Greek acceptation becomes privative, and signifies as much as without. As, in Greek, Oo, a name, by prefixing A, it becomes Atov, done, done, without a Name, or that will not own his Name.


Abaco, Abaco, a partnership, or indeed dealers of Cattel, or more. Deum, or by the Heb. Nat. 2. 148. the Appeal abated by Couinage, that is, the accualation is defeated by decree. 2. 111. 6. 115. The Judices shall cause to be abated the said Writ, and hence cometh a Word of Art Abatamentum. Vide Intrusion.

Abatement, Derived from the French Abatement, sometimes signifies the Act of the Abator, as in the abatement of the Heir into the Land before he hath agreed with the Lord, Old Nat. Bre. 61. Sometimes the effusion or putting of the thing abated, as abatement of the Writ. Kitch. fol. 214. And in this signification, it is as much as exceptio dilatoria with the G. T. L. Brit. cap. 41. or rather an effect of it, for the exception alleged, and made good, works the abatement. And this exception may be taken either to the insufficiency of the Matter, or to the uncertainty of the allegation, by the misnaming of the Plaintiff, Defendant, or Parties; to the Variance between the Writ and the Specialty, or Record; to the uncertainty of the Writ. Count or Declaration; or to the Death of the Plaintiff or Defendant before Judgment had; and for divers other cases. Upon which defaults the Defendant may pray that the Writ or Plaint may abate, i.e. the Plaintiff Sute against him may cease for that time. New Terms of the Law, verbo. Abatement of a Writ &c. To prevent abatement of Writs of Error. See the Stat. 15. Car. 2. cap. 2. 206. 4. 206. 2. 519. &c. Abatement is called in Latin intrusio, but it may rather be called Interpofito, or intratio per interpofitionem, to distingui from intrusio after the Death of the Tenant for life: And in his Com. on Lit. fol. 277, he shews the
difference between Abatement, Diffusion, Intrusion, Defacement, Wraction and Purpurement. He that will read more of this, may read the New Book of Writs, verb. Brief. See also Abbis, Missifac and Variance, and the Book called, The Digest of Writs.

Among others, Is he that abates, that is, introdus into a House or Land, set by the Death of the former Possessor, and not yet entered, or taken up by his Heirs, Old Nat. Ech. fol. 115, Perkins, fol. 75.

Abberio, In Latin Absterro, or Abstrahis is the Governing of Religious Houses, with the Revenues and Profits subject to an Abbot, as a Bishopric is to a Bishop.


But let the reader be well assured that the difference between the words is not to be taken as to the meaning: As the word Abberio is sometimes used for the Abbeys, the meaning is the same.

Abberro, Abberdonian, Abberdonians Plain or right to Murder, as distinguishing from the legal crimes of Manslaughter and Mutine-murder, are the Abberro, apparent, notorious, and Merd. Murder. So Abber, Thyn, a bare, evident, notorious Thief. This Abberdonian was declared a Capital Offence, without Fire or Condemnation by the Laws of Cambus cap. 93 of the Law Cap. 19. cap. 93. of the Law, and the Declaration was repeated in the Laws of Kent.

Abbery, Abbe, in English Abbe, is a Spiritual Lord having the Rule of a Religious House, according to our Common Law; though the English Librarians derive it from the Saxon Abbis, Peter Psalter. Novel Consilia, 184. Set! Ueberroen, terms him Archimandrito; others Cenobarchus, or Archimandrites, Bishom in our Laws. Of these, some here in England were Mitered, some not, See Annals, pag. 44. 45. Where it is evident, were exempted from the Jurisdiction of the Dioceses, having themselves Episcopal Authority within their Limits, and were also Lords of the Parliament. Of this kind, thus Faircourt, Abbot Abberton, hereafter called the Bishop of Llandaff, is said to Fie his Pleas per personali, and was exempted by the king in Parliament, as the Monasteries Episcopos nihil ventris, capi. ex quo. And these were called Abbots Superior, & R. cap. 4. And Abbots Generals, as Mr. Mr. Nortce in his Glory of Generals, un. 136. The other last were subject to the Bishops of the respective Dioceses, cap. 128. 138. cap. 95. cap. & co. vestidos, cat quaestiones fides, diem. Unum 16. Qual. 7. & co. curvatus, extra de re. legibus dominus. And as Allots 10. to were there Lords Privies also, who both had exempted Jurisdiction, and were Lords of Parliament, as Sir Edward Coke makes out, De jure Eccles, fol. 28. Of which Lords Abbots and Prior that sat in Parliament, some reckon but twenty Six, but Sir Edward Coke says, they were Twenty Seven Abbots and two Priors, Co. Star. fol. 97. In the Parliament R. 2. there were but twenty Five Abbots and two Priors; But Ann 4. Ed. 5. in Darf Coaf. essefim, Am. membrum, 41. More are named in de Librarians, which is to confirm the Reader, Such as an Abbey with the Monks of the same house, being called the Ceveat, made a Corporation; but such Abbey was not chargeable by his Predecessors Age, but by their common Seal, or for such things as came to the use of his House, neither for the Debt of his Monks before his entry in Religion, tho' the Creditor had a Specialty. See for this the Abbeys Abbotment.


Abbis, An Arrow or Steward of the Stables; The Word was sometimes used for a common Fether, pronounced short in the middle Syllable, which distinguishes it from the genitive of Abis, an Abbot. As in this old Line.

Abbitis ad cenem dat equis Abbitis avorum. Speciman in vacuo.

Abbetor, See Abet.

Abbetment, (Abbetmentum) In a forrelding of such a Market or Fair, by bringing the Wares before they are exposed to Sale in the Market or Fair, and then vend them again by Retail. M. S. ii. of Places. cura Rege Ed. 3. Penn. 1. Trevor Mil.

Abbotinis. (From the French Abbatier, that is, to lay the Bishops, and fundings of Land either to the Bail, Well, North or South, shew-
Abetum appelatum praeclavin fallum, si & pro diversi
di in loco & in honore & de pericab. & Abater &
Abetor (Abator) for him that encourageth, or feteth
on. Old Nat. Breiv. fol. 21. but both Verb and Noun
are always taken in the wofe finte. As Abetaries
of Murder, are fuch as command, procure, or counfel
others, to commit a Murder; and in the litle of such 
Abetaries shall be taken as Principals, in other but as
Accesories; and their preference or abfence at the
during the Baf, diftances the Caffe. There are also 
Abetaries in Treafon, but they are as Principals; for,
there are no Accesories in Treafon, See Flota, lib. 6. sect.
Stamford's Plea of the Crown, Raphael's Expedition,
&c.

Abatgeries, Abatgeries. The Alphabet or A. B. C.
As Mat. Wifum, reports St. Patric: Abatgeries you
did to the form of a Litigation, to the end to
befemblc that of the Grand
of

Some refembls that of the
lings therein,
the Grand

Homes Mirror

of St. Patric

the Devotion

for

the Realm,

Abjuration, (Abjuration) is a renouncing by the

and expiring in our Law a sworn Banditium,
or form

of the Realm; Stew. Pl. Cur. lib. 2 cap. 49. 
Cith out of Poljs. Virgil 1. So great was the Devotion
among the Church in King Edward the Coflfer's Time,
tills the 22 of H. S., that if a Man having committed
Pefony, could got into the Churchyard, or Churchyard be
fore he were apprehended, he might not be taken thence
to the iual Trial at Law, but confenting his Faute to
the Juftice at their coming, or to the Coroner, might be
admitted to his Oath, to abjure or banana the Realm,
Ann. 7 H. 7. cap. 7. The form and effect of this you
have in the Old Abridgment of Statutes; an ancient
Tract, De officio Coronerum, Cunpton's Office of Co-
roners. fol. 2 cap. 1. New Bokk of Enters, verbo

Aborigines. Horne's Mirror of Sufcnces, lib. 1. cap. Del. Office del Co-

er. Quando aliquis abjurator Regnava, Crux ei libera-
ta fuit in manus sua portanda in intcrei fias per fawon
Regia, & vicinum veritam Skictale Eccliefe, Eber, 
Plac. Hl. 26. Ed. 7. This part of our Law was in
some far practiced by the Saxons, as appeareth by the
Law of King Edward, fet out by Mr. Lombard, num.
10. but more directly by the Normans; evidenced by
the Grand Coflfer's, cap. 24. where the form of the
Oath is likewife fet down with the relief of the
proceedings therein, very agreeable with Ours. This Clemen-
cy something refembls that of the Roman Emperors
thowards fuch as fled to the Church, Lib. 1. Co. Hl. 12.
or to the Images themfelves, End. 22. 24. And that of
the Cities of Refuge mentioned by Mofes, Exod. 21.
all the Circumstances belonging to this Abjuration, read
the New Forms of Eke Law, and Stew. abjura. But
this grew at last to be a perpetuaf continuity of the
Offender to some Sanctuary, wherein upon abjuration
of his Liberty and free Habitations, he would chufe to
spend his life; as appears Ann. 22 H. 8. cap. 14. And
by the Nunnery of St. Catherines it was in like manner awaf
and consequently Abjuration, 2 inf. fol. 629. See

Abridgment, (Abridgment) See Abridger.

Abridger, Abridger. To diem or repel; 21 to
abridge a Law, that is, to lay aside, or repel it, Ann.
5 of E cap. 3.

Abridger, To detel and avoid. As in the form
of Oath among the Saxons, recorded by Mr. Somers.
In the Dei H. 5 cap. 10, he filanches in the
law to effe non Dominus nos N. fidelis & credibilis, 
& amore amatis & abjuratione quod abjurator, To deli reum,
& fede compendorum.

Abridgers, or Des Abridgers, A Parliament as
called, held at Dublin on, May 28. H. 3. and menun-
fol. 35. 1

Abridgments, See Abridges.

Abridger ab Curiam, Is a Work that lies for him
who has received false Judgment in a Court-Baron or
in a Hundred Court, being directed to the Sheriff, as appear-
earth by Dor, fol. 160. num. 20. Like as the Work de
fris Hafdein lies for him that has received false Judgment
in the County-Court: The form you may fee in
F. B. fol. 18. 4. And in the registra fol. 8. 5 where
it is laid, This Work lies as well for Juftice delayed, as
Judgment falfy given it is a Species of the Work Re-
cords, Reg. Orig. fol. 5. 7 F. N. B. adi fife.

Abridger ab ino-Curiam, Is a Work diretled to
the Coroner, commanding him to deliver a Work to the
Sheriff; who having a Few delivered him, sup-
pressed, Reg. Orig. 89.

Abridgment, is a thing in good part, and as it were
a kind of appreft to been Act done before, which
might have been undone and avoided if such acceptance
had not been: For example, If a Bishop before the Staret. 1 Eiz, leave part of the Possessions of his Bishop-
rich for term of ten years, referring Rent, and dies, and
after another is made Bishop; who accepts, that is,
takes or receives the Rent when it is due, and ought to
be paid; by this acceptance the Lease is made good,
which elle the new Bishop might have avoided: The
like is, if Baron and Fever, founded on Land in night
of the Fire, suffer and make a Lease or Feoffment by

B 2

Deed
Deed, Requiring Rent: the Baron dies, the Feene re-

cieves or accepts the Rent: by this the Feoffment or

Leafe is confirmed, and shall bar her of bringing a Ci
de in vias. Co. a Lit. fol. 211. 1.

Article 7. or Article, (accusation vel Accusatwn) Particurcr crimina is used in our common Law other-

wise than among the Civilians; for whereas with them it is generally taken for any thing depending upon an-

er, here, tho' it be to know him, yet most commonly and

notoriously it signifies a Man guilty of a Felonious

Offence, not principally; but by participation, as by

command, advice or concealment. And a Man may be

accused to the offence of another after two forts; by

the Common Law, or by Statute; and by the Common

Law two ways also, sixe, either before or after the

Fact; before the Fact, as where one commandeth or ad\n

vise, another to commit a Felony, and is not preferit at the execution thereof; for his presence maketh him also a Principal, wherefore there cannot

be an accused before the Fact in Man-Slaufter, because

Man-Slauffer is sudden, and premeditated, Co. Lib. 4.

fol. 44. 2. Accusation after the Fact, is, when one receiv-

eth him whom he knoweth to have committed a Fel-

onious Offence, by Statute; it, that he abetteth, coun-

selleth or concealeth, committing or having committed a

offence made Felony by Statute; for tho' the Statute make no mention of Accusation, yet they are by

inference included. Of all these consis, stand,

Pl. Cor. lib. 1. cap. 45. 46. 47. 48. There is also an ac-

cusation of an accused, as he that willingly receiveth an

assistance to a Felony; but a Woman in such case shall not be an accused for helping her Husband, i.e.


cap. 48. And the Law of England is, that so long as

the Principal is not attainted, the Accusation may be

deeded with, Stmpf. ad legg. Co. Lib. 4. fol. 43. 5. In

the highest and lowest Offences, there are no Accusation,

but all are Principals; as in Treason, crimine lato Ma-

jestyis, the highest; and in*Riots, Forcible Entries, and

other Trespas, Pri & Arsanc, the lowest. Co. a Lit.

fot. 71. Of this Subject, read more in Camp. Jall.

fol. 35. 36. 37. If a Man counsell a Woman to mur-

ther the Child she hath in her Womb, and afterward the

Child is born, and then murthred by the Woman, in

the absence of him that gave her the counsel; yet he

is accussed by his counsellor, before the Birth of

the Infant, and not countermanding it, Dors, fol. 185.

Anconot, (Commut) Is in the Common-Law taken

in its proper Signification, but it is likewise against a Man, that by means of Office or Busines undesigned, is to

render an account to another, and refolute; as a Bailiff to

wards his Master, or Guardian in Soccage towards his

Ward, and the like; as you shall find particularized in Fta. Nat. Brev. Fol. 112. And by the

Statute of Wofon. 2. cap. 1. If the Accompt be found in

acrant, the Auditors that are appignd to him, have power to award him to Prioon, there to remain, till he

may make agreement with the Party. But if an Accom-

pant be not allowed reasonable expense and Costs, charged with more Receips than he ought, his next

Friend may sue a Writ of Ex party tain out of the Chanerice, directed to the Sheriff, to take four Main

promisers, to his Body before the Lord of the Manor of the

Exchoquer at a certain day, and to warn the Lord to

appear there the same day.

Accrord, That is, Agreement between Two or more, to

satisfie a Trespas or Offence done by one to another.

Any Writ brought in form of a new Action, is a

compence; which shall be a good Bar in Law, if the oth-

er after the Accord performed, should commence any

new Action for the fame Trespas, Tornis de la Ley,

fol. 144.
AC

Dicharge in Writing of a sum of Money, or other Duty which ought to be paid or done. Alto the Verb (capit. 3. fol. 261.) Noxin (acquittem) signifies a discharge or clearing from an Ob- 


tal. This Word differs from that which in the Civil Law, a discharge from a Debt is called by word without Writing, and is nothing but a fined Pay-

ment and Dicharge, where no real Payment is laid. Nor can it be laid to be Apost, which is a writiting the payment or delivery of Money, which discharges not, unless the Money be paid. Terms of Law, verb Acqui-

tience. It was the common form in Deeds of Sale, Gift, or other conveyance—\textit{Nos autem—Warranti-

zatioh, acquititum, & defeendentes in perpetuum}. Pro hac autem warrantia acquititum & defeenden-


tum—\textit{Hoc hanc to quit any claim or pretension. To get quit of any danger or trouble. Quiet, i.e. perfectly or en-

tirely, as quite Discharged. Quite Dead, etc., to quite or part, to lastaife or to quit. His Stomach is quite gout-

ed.}

Acre, From the German \textit{Acker}, that is, \textit{Ayer}, is a quantity of Land containing in length forty Perches, and four in breadth, or according to that proportion, be the length more or less; and if a Man ereed any New Building, in the manner of an Acre, or about that Measure, \textit{Anot 31 Ediz. cap. 7}. With this Measure a-

grees Campton, in his \textit{Jus dictation of Courts, fol. 222.}


\textit{tho' he faith alfo, That according to the Cunions of divers Countries the Perch differeth, being in some pla-

ces, and met ordinaril but 15 Ege and a half, but in Staff, 24 foot, as was adjudged in the Exch. in the Cafe between Sir Ed. A. and Sir Joe. B. In the Stu-

tate made concerning trowing Flax, 34 H. 8, 4, eight score Perches make an Acre, which is forty multipli-

ed by four. Alto the ordinance of Measuring Land 35. Ed. 1, agree with this Account. The word \textit{Acre} at


first signified not a determined quantity of Land, but any open ground, especially a wide Campaign from the

Saxon \textit{Ere}, a Field, and this antique word is seems preferv'd in the Names of Places, \textit{Calfe-Ares, Wilt-

Ares, &c. in Cam. Norf. When the Word was applied to the measure of Ground, the quantity was still various,

but determined by the statutes of 3 Ed. 3. fol. 1. Ed. 1. 54.

H. 8. For the different computation of Acres, observe this Note in a Terrier of the Estate belonging to the

Prior and Convent of Baflefe Com. Ocon. A. D. 1639. 1. H. 4. \textit{\& Qualler Acres contines deaies fationem cum annulis Patrimonii—Exceptis vinar & battie, oman vinar virga fatum unus Acrum, & aliquando plures. Simi-

lar aliquando uinar battae, aliquando quing aliaplen-

do de sex ; aliquando fetticon, aliquando 7fetus fatum unus Acrum, &c. Paroch. Antio. p. 534. note at the great

Doomsday Inquisition, the common Parliure feems measured by hides, the Arable-Land by carucates, and

the Meadow by Acres.}

\textit{Acre, An old fort of Dale fought by single Con-


tbatants, En/ and Scotch, between the Frontiers of their Kingdom with Swood and Lance. In Es abis obesi de volutante & eunctus Damni Reipul Anglia & Scotia, non fiam famipes Civitas lib. in abbates & Prinzes in Dierck. Renf.] 5. \textit{spectile furint ab aliqua de Regio Statut ne re alijor, et e concubinum coitare 

larum & Gladiis alias orturim duellum, quod dictur 

Acram Commitemre inter fores atrarum regii—

Moneispierigus stragam Regular. \textit{Quod tam detestabile abscis quan perpetum Bilefiojus non fortaret. Annal. Barco, fol. 185. Hecum, Whereas the fortress of Judith Dilling was call'd Camp-fight, and the Combatants Champions from the open Field that was the Stage of Tryal, so \textit{Acre} among the Steaks being the fante with \textit{Campus}, The Borderers on Stra-


\textit{Ardun, Alius, is defined by Britton, lib. 3. cap. 1.


and 3. In the same manner as by \textit{Richardson} lib. 4. in-

lit. titulo de Alfinus, vix. Alius which with \textit{vz} gain

prospers in judicio juxta alius debent, & is di-

vided in four Share, or fiftres, & tinters, Co. fol. 2. 

fol. 40. A personal Act is that which one Manly may

have against another, by reason of any Contract for 

Money or Goods, or for any Offence done by him, or

some other, for whose Faft he is answerable, Britt.

lib. 3. cap. 3. 8. a. 3. And every Actual real or either Perffify, that is, of his own Poftoion and Seifin, or \textit{Aceefiijon of the Seller or Po-

litioner of his Accesor, Co. lib. 6. fol. 3. Writ of Right, 

\textit{Writ of Entry, &c. And their feveral Appendices, as 

Grand-crafts, Petit-craft, Receipt, View, Ant-Pryper, 

or enacting, being real Actions, took place, and fiew'd 

the Titles of our Year Book, hereobteros, but now grown much 

out of use.}

\textit{Ardun miri, That which leyth as well against or for 

the thing which we seek, a against the Perfon that

we are call'd, and is called \textit{Miri}, as having a relation to 

the thing and the Perfon, Britt. lib. 3. c. 8. a. 3. 

For Example, The division of an Inheritance between 

Co-heirs, or Co-partners, called in the Civil-Law \textit{(Alius 

familia eataxuada: ) Secondly, The division of any 

particular thing being common to more, called allo 

\textit{alle de communi dividendo :} which Britton, Capi-

t. 5. 30. \textit{Wvonobinum, allow to be miri: of which Britten 

discovered in large in his 51. Chap. In the Terms of 

the Law, verb. \textit{Ardun miri: It is laid to be a Suit 

by the Law, to recover the thing demanded, and 

damages for the wrong done ; as in \textit{Aliz of No. Diff. 

which, Wit, if the Diffiere make a Footement to an-

other, the Diffiere shall have against the Diffiere, and 

the Poife, or other Trecant, and thereby shall reco-

ver Seifin of his Land, and Damages for the mean Pro-

fit, and the wrong done ; and is an \textit{Acton of Wait, and 

Quare Imp.}

\textit{Ardun, It is also divided by the Civillant into Civium 

& Prerution, whereas one ariseth out of the Civil-Law 

in general, the other from some \textit{Prerution Ediz.} 

And a division not unlike this may be made in the 

Common Law of England, one part growing from the 

ancient Civilians, the other from the Statute, Br. tit. 

\textit{Ardun for. io Stat.}

\textit{Ardun, Alios are divided into civil, penal and m-

iris, 6 Co. fol. 61. 6. \textit{Ardun civil} is that which tends only to the recovery of that which by reason of 

any Contract, or other like caufe, is due to us: As if a 

Man by \textit{Ardun} seeks to recover a sum of Money for-

merly lent, etc.}

\textit{Ardun Penal, Alios at some penalty or pa-

nishment in the party sued, be it Corporal or Re-

\textit{Ardun} as in the \textit{Acton Legis Aquilia, in the Ci-

vil-Law ; and in the Common-Law, the next friends 

of a Man feloniously slain or wounded, shall pursue the 

Law against the Offendor, and bring him to confin 

punishment, Br. tit. 21. 9.}

\textit{Ardun miri}, Seeks both the thing whereof we are 

deprived, and a Penalty for the unjust detention. As 

in an \textit{Ardun for} Tythes upon the Statute of 22 3 E. 

C. cap. 15. Item of alia \textit{Ardun mixta, the dictur \textit{Ardun} 

equalis expropriandi, for tan habilet taxa in quae communis 

bene hortetur etiam. \&c. See Co, on Lit. fol. 262. b.}

\textit{Ardun, It is also (according to the form of the \textit{Writ}) 

divided into such as are conceived to recover either the 

the simple value of the thing challenged, or the double, 

treble,
treble, or quadruple Bract. lib. 2. cap. 2. ann. 6. So doth a Dictum tamen łye against Embracers, F. N. B. fol. 171. And against Jurors that take Money for their Verdict of either or both Parties: And any other Adition upon a Statute that punishes any Offence by retribution of fine proportionally to the Punishment.

Action, Alio is Prædictabili (otherwise called Preparatory or Principal. Prejudicial, is that which grows from some doubt in the Principal: As if a Man sue his younger Brother for Land defended from his Father, and it is objected, that he is a Baffard, Bract. lib. 2. cap. 4. ann. 6. For this Point of Bailury must be tried, before the Cause can further proceed, and therefore termed prejudicialia, quia præjudicant.

Action, is either Amicorum or Perpend, Stann. Pl. Cr. 49. Amicorum seems to be that which we have by some right defending from our Accessor: and that Personal, which has being in and from our selves, There is also Alium Amicorum Directuri, and Alium Action perpend, which see in c. 2. lib. 1. 294.

Action upon the Cause, Alio fayer capera, is a general Action given for redress of wrongs done without force against any Man, and by Law not especially upon Laws, for when you have any occasion of Suit, that neither hath a fit, nor certain form prescribed; then the Clerks of the Chanery in ancient time conceived a fit form of Action for the Faht in queftion, which the Civilians call Alium in fallum, and the Common-Lawyers, Alium fayer capera. And whereas in the Civil-Law, there are two sorts of these Actions; one termed Alium in fallum praescripta verbis; the other, Alium in fallum praestans, the former grounded upon words said in Contract, the other more generally upon any Fact touching either Contrasts, or Offence formerly not provided against: This Action upon the Cause femeth more to resemble the Alium Praestans in fallam, than the other; because in the penal of the Book of Entries, &c. E. A. Abatement I find that an Action upon the Cause lieth well against Offences, as breach of Contract, See more of this in Triplas Action upon the Statute, Alium fayer Statutem, is brought upon the breach of a Statute, whereby an Action is given that lay not before 3 where one commits Perjury, to the prejudice of another, he who is endangered, shall have a Writ upon the Statute, that is, where the Statute gives the Suit or Alium to the Party griev'd, or otherwise to one Perfon certain: and this Alium seems to be like any Alium in the Law Imperial, either upon Edictum Precorum, Plebsiam, or Statuutum, the other, to the common people in Guomii, and the Senators or Nobility, in Curia or Senator, had power to make Laws whereupon the Pretor, or other Judges permitted Action: So our High Court of Parliament may Suit Statutum, against such Offences as are either newly grown, or more and more encresed, and the Judges are obliged to entertain their Pleas that commence Actions against the Breackers of them.

Action is personal or temporal (perpetua vel temporaria) and that is called equitable, whose force can not be determined by time; Or of which first were all civil Actions among the Romans, ury. Such as grew from Laws, Decrees, or Constitutions of the Emperors, or Senate, to the common people in Guomii, and the Senators or Nobility, in Curia or Senator, had power to make Laws whereupon the Pretor, or other Judges permitted Action; So our High Court of Parliament may Suit Statutum, against such Offences as are either newly grown, or more and more encresed, and the Judges are obliged to entertain their Pleas that commence Actions against the Breackers of them.

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Action, is further divided into Aliumem bone fide or per se juris, which division hath good use in the Common-Laws, and the terms must be to be found in any of their Writers; therefore we refer them to the Civilians, and particularly Wifdom, in his Parallels, De oblig. et et.

Action of acert, Is a phrase of speech used when one pleads for matter, by which he pleads the Plaintiff had no cause to have the Writ he brought, yet it may be that he may have another Writ or Action for the same matter. Such a Plea is a Plea to the Action of the Writ, whereby by the Plea, it is declared appear that the Plaintiff hath no cause to have an Action for the thing demanded, then it shall be called a Plea to the Action, Terms de Ley.


Acts of Parliament, Are positive Laws, which consist of two parts, that is, the Words of the Act, and the Sense and Meaning, which both joyn together make the Law.

Alien Jurari, A Statute so called, made 13 E. 1. Anno. 1265, ordaining the Statute Merchant, and was so termed from a place named Alien Burrow, where it was made, being a Calee sometime belonging to the Family of Burnel, afterwards of Lervel, in Shropshire.

Alius, The Proctor or Advocate in Civil Courts or Causes Aler Dominus, was often used for the Lord's Bailey, or Attorney. Alius Eclesia, was sometime the forkeard term for the Advocate or pleading Patron of a Church. Alius villa was the Steward or Head-Bayle of a Town or Village.

Alius Narratensis (in Coel) Is the Clerk or Writer, that Registers the Canons and ordinances of the Convocation.

Addition, (Additio) Is both the English and French word made of the Latin, and signifieth in our common-Law a Title given to a Man besides his Christian and Sir-name, shewing his Estate, Degree, Myltery, &c. and a place of Dwelling, &c. As for Example, Additions of Estate are Tenants, Gentlemen, Ejąus, and such like; Additions of Degrees, are names of Dignity, as Right-Hon. Earl, Marquis, Duke: Additions of Myltery, as Advowson, Rector, Vicar, and all other of like nature; for Myltery is the Craft or Occupation, wheroby a Man gets his Living: Addition of Towns, as Lend-
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ient Records, that not only in the Days of Edward the First, but also of King John, all Caufes of Merchants and Mariners, and things happening within the main Sea, were ever tried before the Lord Admiral. To this pur-
pose, he hath his Court of Fanta and a Court of Admiralty for the purpose of the Deaf or Mayhem of a Man committed in any great ship riding in great Rivers, beneath the Bridges of the same next the Sea; all to a chief Ships in great Streams, for the Voyages of the King and Realm, and hath Jurisdiction in each Stream during the time it was
es, and the Merchant, in his Admiracula, in Cap. In-
flammation of certain Persons who before the Patent or other
Great Bridges of his fame next his Court, was
Cognizance of things happening upon all the

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Hence addretiandum no Regis vas eis conftituerit, ad reflum faciendum &

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curitatem digni, Lib. Rom. 7, ept. 49. But when
they give a negative answer, or more Men of no Interest or
Ability in the Courts of Justice, then the Religious
began to retain a Law-Advocate, to sollicit and pro-
Advolvendas dictarum, is a Write that lies for the
Claim of the fourth part, or upward, of the Tythes
belonging to any Church, Orig. fil. 254, b.
Advowsoy, Vide. Adulatory.
Adnbc, Alias Avox, advocat, cometh of the
French word Advoway, alias avant, and signifies, as
much as, I put my Hand. In Act formerly done:
For Example, One takes a Distrefl for Rent, or other
thing, and he that is disfratned such a Replevin;
now he that took the Distrefl, or to whose use the Distrefl
was taken by another, justifying or maintaining the
Act, is said to be a Patron, &c. Hence comes
Advowant and Advowry, Old Nat. Breo. fil. 42. 
Bagot uses the Latin word in the same significance as
Advocato Diijinio) lic. 4, enr. 26, and CoFament, de
confitute, Bg. 1210 utiis advocate in the same sig.
nification. And pag. 1217, the Substantive adfoce-
nenntum, for a distrefving, or refusal to avow.
This word Advowse or Avoise (in Latin Advosius)
is used for him that has right to present to a Benefices,
25. E. 3. Stat. 5, where we find also Advowse for amounts,
for presenting, from the Latin, as the Advocatus of
ad quem punitur (S) Ecclesiae always Allusive Egiews, at
ad Ecclesiam, nomine proprium, non ulit pretensere, Ede.
Neoc. lib. 5, enr. 14, Fiz. Nat. Breo. fil. 29, with the
sense of a Benefice.
Advowse Parament. By the Statue of Prov-
ence, 24, E. 3, is taken for the King, the highest Patron.
Advowson, Or Advowson; Advocatio signifieth in
our Common-Law a right to present to a Benefices,
and is much as, I patronize in the Common-Law; The
Reason why it is so termed, proceeded from this,
because they that originally obtained the right of present-
ing to any Church, were Maintainers of, or great Be-
nefactors to that Church, either by Building, or in-
creasing the Endowment. Sometimes termed Patrons
ni, sometimes Advocates, and sometimes Diffauers, cap.
4. & 2. de jure Patronatn in Diftrall. And the
word that is being an old Bafheat French Word, is used for
the right of presenting, as appeared by the Statue of
Wills, 2 enr. 2. Now Advowson is of two sorts: First,
Advowen in charge; that is, sole or principal, not be-
longing to any manor, as a parcel of its right; and
secondly, Advowen appentant, which depends upon a
Manor, as appertenent to it, termed therefore by
Knight an Incident, that it may be separated from the
subject. Of thi Mr. John Skene, de suo Ver go hath these
words, Dicatur Advocatio Ecclesiae, vel quia Patronus
suum Ecclesiae ratione sui juris accedit, ad eadem Ecclesi.
a et officiis in eadem hore sui Patronatui,
ecum ejus sui quidquid dictus, vel patris sum sigilias
(suone Patronatus) advocat alium jure suum ad Ecclesiam
vacante cumque loco aliorum (veluti ultimae) prefer-
tat, & cuncta exhibet. No Church could be Canti-
cially Conferred, without an attollment of Manse and
Glebe, made generally by the Lord of the Manor,
who thereby became Advoceo Patron of that Church;
so as the Lordship of the Manor, and Patronage of the
Church were most generally given up to religious Pur-
soses. It hath been more to the Honour of this Church and Nation, if
Advowsons had all continued appentant to the
Manor. For then the Patronats had been as (they first were) Pa-
rochet Bishopricke, and a Bishopricke jurisdic- tion in each respective Parish. Whereas the dividing the
Lorship from the Advowson of the Church, has enabled Yeomen and Mechanics to pur-
chase the Dignity of Patrons from the Nobility and
Gentry to the prejudice of the Church, and the great
advantage of Degrees and Qualities.
26. The Vocation of Religious Houses, As those who
built and endow'd a Parish Church, were by that title
made Patron of it: so those who founded any House of
Religion, had thereby the Advowson or Patronage of it.
Sometimes the Patron had the sole Nomination of the
Benefice, the Bishop or Prior; either by Indueatio or
Delivery of a Palloral Staf: a William Marshall E. of
Fennerby to the Abbey of Noli, Com. Tick. A. D. 1200.
Or by directly Presentation to the Dux: At Richard
E. of Elyin, in his Charter to the Prior of Old Nortn
Cambr. 1201, Non loco autem praetent miisuis, quod
 Daemon illa de mafsia donatio eff., & nos in pro-
repe amovere dohas, &c. If a free Election were left to
the Religious, yet a Conge d' office, or Licentia of Elet-
ting was rather to be obtained by the Patron, than
was confirmed by him. The Patronage of a Con-
vent lapied to the Lord of the Honour, if the Family
of the Founder were extinct; so Edmund Earl of Car-
swell became Patron of the Nunnery of Garway, Com.
Oxon, by another Title, than that he had been within
the Honour of Wallingford: So Mr. Kennet's
Parish, Antiq. p. 147, 152.
Advocatus, Præstis Eleemosynarijs, fillet, Denui
is, Petri, Vide Advowson.
Aire is John of Gournvde, (Aeri occipitur.)
Is the proper term for Hawks, for that which other
Birds we call a Neft. Thus it is used, 9. 8, c. 12,
In the Charter of the Foret, and divers other places.
It comes from the French word (Aire) indicating
the space as much as, (the) for in Latin, or (a pace)
where the Hawk is kept, and therefore when the French
Man faith, un homme de bonne aires, he means a Man coming from a good
Fayre, that is, a good Father and Mother. 17. This Deriva-
tion is all Fancy and mistake. Aeri is indeed from the
French Aire, the proper term for a Hawk's Neft, So
Airet laid to signifie in Irish. But Spelman more pro-
bably derives it from Saxo Egle, which the Germans
and Normans melted into Egy, an Ege; whereas Eye-
t, was a common name (of the) Patron Neft that place or repository of Eggs.) Hence to the Eye,
or Brood of Phlegans. The Liberty of keeping these
Ajettes of Hawks, was granted as a Privilidge to some
greater Persons, as in a Charter of Henry 3, to the
Church of York, 
- benevse de Bildebodo, ahor-
bat Archijsyסיס & Canonicis de Eker, propriis Forfal-
itas suis, &e. & a rei & ariocipitur & &enium, 
Rege, f. Romani Arcy Eger. M. I. 9. 1. The pre-
erving the Ares, in the King's Forests and Woods,
was one sort of Surnom, or Tenure of Land by ser-
vice. So An. 20 Ed. 1. Simon de Redaston & all te-
rent terras in Raghein, Cambr. by annexation ca-
stituendi Aerie Actuatorem Domini Regis.
Advowson, Vide Advowson.
17. Estimation capitis, Sexur, n. i. pretium bani-
itorum, King Aethelvin in a great Assembly held at Easier,
declared that Multis were to be pay'd pro foanation
capitis; for Offences committed against several Persons,
according to their Degree. The Estimation of the
King's Head to be 36000 Twining, of an Archbifhoo,
or Saraph, or Prince 10000, or a Billion or a Senator
3000, or a Priovt, or a Thoufand, &c. L. E. H. E. 4.
Estates palace, Is a Write that the King's Tenant
holding in chief, by Chivalry, and being Warder, by
reason of Nonage, obtaint to the Exchequer of
the Countey where he warrors, or where the Land lyeth,
so as to make it of full Age, to receive his
Recents, and Lands into his hands, as fubject to the
Kings jurisdiction. Vide. Bg. fil. 253. & 257, he faith that this Writ is sometimes
feedback to the Sheriff, to imprisone a Jury against a Day
observation, before Commissioners authorized under the
Great Seal, to deal in such a Case.
Aftermen. (Affiratus etiam Afficrarii.) May probably be derived from the French (Affirer) that is, affirmare, confirmare; and signifies in the Common-Law such as are appointed in Court-Leets, upon Oath, to set the Fines on such as have committed faults arbitrarily punishable, and his Oath by Privity appointed by the Common-Law. The form of their Oath, you may see in Kitchen, fol. 45. The Reason of this Denomination may seem to be, because they that be appointed to that Office, do affirm upon their Oaths, what Penalty they think in Consistory the Offender hath deserved: Another probable Derivation may be from (fore) an old English Word signifying a Companion, as (Gofri) doth among the Saxons, by Mr. Lambard's testimony (verb contemporanei), in his Explanation of Seven Words; and so it may be gathered that Kitchen takes, cap. Amendments, fol. 73. in these words, Artiuel amicament fiat affirm per pares; where (pares) is affurers, and the reason hereof may be, for that in this Business they are made Companions, or equals. We find this word used, 2 Ed. 3. Stat. 7. tit. The same Judges before their Ruling in every Session, shall each to be afforced the Amencements; and also to the fame effect, 26. H. 6. c. 6. And in Kitchen, fol. 78. joyo these three words together, as Symonnius, viz. Affidare, affirmare, and Afficrare. And in the Common-Law, it is used for Fidem dare, ca. fina, de cognation, de spirit, in Decretal. &c. super eo de testibus. Bradon hath Afficrare mulierem, to be betrothed to a Woman, lib. 2. cap. 12. But in the Common-Law of Normandy, c. 39. this word (Afficrare) is affurred to the Latin Interpreter expresses by (Testarum) that is, to fit the value of a thing, and the same with affirmare, &c. which seems indeed the best Etymology. See Cle. i. Ed. 8. fol. 40. b. Afficrari. To plight one's Faith, or give Fidelit. viz. Fidelity, by making Oath, &c. Maker accepta de offa cervicis profa post facere num suum suere legi voluisse, id est, affidare in nono testibus &c. esse quies, quod non suiceret affidare, anumeritland per Edilum. Cons. Fortiduam. Dom. de Farendon M. S. 1.


Affidari, seu Affidarii ad arma. To be multered and enrolled for Soldiers, upon an Oath of Fidelity. fide dis. — Cum Cognoverimus ad dis jurgis, previdendum quod annus Finances de Com. Berks. — Equitatum & aliis armis competenter munientur, & ad arma affidantur, & armatur ut jam in priorius Statutis. Com. For. Dom. de Farendon. M. S. 1. 54. Affirm. Affirmare, signifies to ratifie or confirm a former Law or Judgment: So is the Substantive (affirme) used anno 8. Ed. 6. c. 12. and so is the Verb it itself by Wifl. part. 2. Symbo., tit. Finis, fol. 152. if the Judgment be affirmed, &c. and also by Compton in his for. fol. 156. El. 7. cap. 12. Affirare. — Is the plighting of Troth between a Man and a Woman, upon agreement of Marriage to be had between them; the Latin Word (Affirare) from whence this is derived, is usum, as fider in aliquo dato, and this Word is in use by Littleton &c. — Am. 2. cap. 39. Affidabit, in Law signifies an Oath, as to make of fideltatis, is to testify a thing upon Oath. Affidavit. Apprond or val'd, as things verifiable in a Fair or Market. — Reinstit. Rex potestatem parandum & omnidae eritam upna afforati, quae ne afforata, tam de si quam de omnibus ministeriis. Cartul. Glos. M. S. 1. 59. Affiramentum Curiae. The Calling of a Court upon a certain and extraordinary occasion. — Pro Man. in Stat. 4. Ed. 4. et alios. Albarus de Humpton, &c. ad Curl. Bredggen, & ad Eftum S. Martin. & ad affiramentum Curiae, quatuoretempore loco adjudicandis fuerit, vel quam aliqua locuta ibi fuerit, quam termini non potuerit sine affiramentum Curiae, Cartul. Glos. M. S. 45. 59. Affirantur, A Fortes of strong hold, or other Fortification. "Pro segebatione manarum" et aliis affiramentorum de omnis civitatis. Prim. Arm. ad Col. 1. 18. 59. Affirreth, is to turn a piece of Ground into Forest, Charta de feraff, cap. 12. cap. 99. M. S. 3. What that is, see more at large in Forest. Affrap, Cometh of the French word (Efrayer) terror, to affright, and therefore may be without word or blow given, but is the Word used in the Statutes at Northampton, 2. E. 3. It is commonly taken for a skirmish, or Fighting between two or more: In our Books it is many times confounded with an Affrari, as appears by Lanher, in his Erudicion, lib. 2. cap. 3. & lib. 1. cap. 17. yet as it is there laid, they differ in that, where in an Affrari it is but a wrong to the Party, an Affrari is a wrong to the Commonwealth, and therefore both punishable and punishable in a Leet. It may be laid likewise, that an Affrari is but of one side, but an Affrari is the fighting between two. In the construction already mentioned, it may be taken for a terrous wrong in the Subject by an unlawful Fight of Violence, &c. as if a Man threw himself unfurried with Armour or Weapons not usually worn, it may be the like to or to some unarmed, 2. E. 3. cap. 4. H. 6. c. 10. E. 8. 4. 5. Affrariamentum. The Freight of a Ship, from the French Frez, which signifies the Tuna: — Statius usu cauri, ut accipemus muner in quadam causae marinae promissoria vacebatur & cujus librarum praeconis Affrariamentum mediatis, cuiuslib. Crania vocata La Chrisphor de Barjon, &c. Pat. 11. H. 4. cap. 1. m. 12. Affrri, Vel Affra, Bullocks or Beasts of the Plough, Pluvamus librum et caudi damnat, exis librus bos & Affri carnis, Will. 2. cap. 15. And in Ayskerned to this Day, they call a bull or bow Horse a fals Apur, or Aver, Spelm. Whereby also with probability enough may be drawn the word Hefer for a Young Cow. Affr. Adr. Am. Am. F. Frome, and signifies, in the language of the Norman French, the animal, at the right hand, the proper of the Vulgar a Man's Life, from his Birth to the Day of his Death; but in the Common-Law it is particularly used for those special times, which enable Men and Woman to do that, which before was wrong. In Age and consequently of Judgment, they might not do: And their times in a Man's two, at Fourteen Years he is at the Age of Discretion, Twenty one Years he is full age, Littleton lib. 2. cap. 4. the Law takes notice of him at several other ages, as at Twelve years, to take the Oath of Allegiance in a Leet; at Fourteen to content to Marriage, and in Saxon to horse his Guardian, Dyer, fol. 162. At Fifteen for the Lord to have an aid for fair Echiel, Fen. N. B. in brevi responsum veritatis. In a Woman they be fif, Bre. Gild. 7. First at seven years old, age, her Father being the Lord, might heretofore disfigure his Tenants for aid for male servit, for at those ages she may content to Matrimon, Bratt. lib. 36. m. 3. Secondly, at nine years old, she is Double, forthen, or within half a year after, she is able Tenderam datum & virum feraff, Lib. 3. cap. 23. Lit. lib. 1. cap. 5. which Braden late estate does notwithstanding limit to twelve Years. Thirdly, at twelve years she is able to ratifie and confirm her former consent given to Matrimony. Fourthly, at fourteen years she is enabled to receive her Lands into her own
own Hands, and shall be out of Ward, if she be at that Age at her Ancestor’s Death. Fiftyth, at sixteen Years she shall be out of Ward, though at the Death of her Ancestor she was under fourteen. The Reason is, because then she may take a Husband and able to perform Knight-Service. Sixthly, at twenty one Years she is able to alienate her Lands and Tenements; besides, as to a Man we may add, that at fifteen Years he shall be sworn to keep the King’s Peace, Ann. 84. E. 1. Stat. 1. The Age of twenty one did heretofore compel a Man to be a Knight that had twenty Pound Lands per annum in Fee, and that by 1 E. 2. Stat. 1, which is since repealed by 17 Car. 1. cap. 20. That Age also enables him to control and deal in his estate, in the management of his Estates, which until that time cannot he do with security of those that deal with him. The Age of twelve, binds to Appearance before the Sheriffs and Coroner for Enquiry after Refractory, Ann. 52. H. 3. cap. 28. The Age of fourteen enables him to enter into an Order of Religion without Consent of Parents, Ann. 52. H. 4. cap. 17. See Ca. on Lit. fol. 78 b.

Age prior, (Aestim praece, or atatis praecepta) Is a Petition or Motion made in Court by one in his Majority, that being to have a Land bought and sold him for Lands coming to him by Defent or that the Action may cease, till he arrive to his full Age, which the Court in most Causes ought to yield unto; This is otherwise in the Civil Laws, which enforces Children in their Minority to answer by their Tutors or Curators; W. de minor. 25. an.

Agent. See Hoc nomine. Agent and Patient, is when a Man is the doer of a thing, and the Party to whom it is done, as where a Woman endows her self of the fairest Poffession of her Husband; Alfo if a Man be indented to another, and after makes the Party, to whom he is so indented, his Executor, and dies; The Executor may retain so much of the Goods and Income, as is fit for the Husband of the Party’s Debts; amounts to, and by that Retainer be is Agent and Patient; that is, the Party to whom the Debts is due, and the Party that pays the same. Sed saepe de fuo, for that it is resolved, Cl. ib. 9. 138. in Johanne’s Case, that a Man shall not be under fourteen; Quem in quoem eft aliquem sui rei eft iudicium.

Agnans. See Hoc nomine. A G A G is the case, or the Word to be done in any Case, except 2. Wills of the Person that left the Goods, but not the Goods, is the case, or the Word to be done, except 2. Wills of the Person that left the Goods, but not the Goods.


Aggiiat. Ägypt. i.e. a Hereward or Keeper of the Herd of Cattle in a Common-field, sworn at the Lord’s Court, by solemn Oath, of which the Form is delivered by K. of Courts, 46. The Office of Aggiatius was of two sorts; First, the common Ägypt of a Town or Village, to superintend and guard the greater Cattle, or common Herd of Kine and Oxen, to keep them within their due Bounds: He was otherwise called Bulicus, the Cow-ward (crow turn’d into a Name of contempt and reproach, a stupid Coward) Against he was a Cottager, or other little Tenant, he was exempted from all Civilian Works and Manual Services to the Lords; because he was presumed to be always attending on his Herd, as a Shepherd on his Flock, who had therefore the like Privilege. — Sent 1200. Cot. 303. With ali sunt Bulicus, bis fuit Lector, quia fum effegi, debet et qui vitat humour sumus opus fugitissimum per annum. Cartular. Gleam MNS. 6c. 40. Secondly, the Aggiatius of the Lord of the Manors, or of a Religious House, is to take care of the Village, Fencing, Harwell-Work, &c. and to take therefore his Encomiums, or Trepakis committed on that particular Distrikt. The same in effect with that Officer, who has been since called the Field’s man. See Mr. Kenyon’s Paroch. Antiq. p. 534. 575.

Aggitio, From the French (Gift) A Bed, or Reclining Place, &c. A gift or patrimonial Gift, a Word proper to a Dean, cum suo minuto Ministeri et locis aviditas in quibus deliciarum emigratio in locis delibera stabulatur inspiat; unde condemaye proprio in patrimonio. Baudius in Defer- tor. Lib. Thesagene. It signifies in our Common-Law to take in, and keep the Cattle of Strangers in the King’s Forell, and to gather the Money due for the same to the King’s wife, Charta de Forfia, an. 9. H. 3. cap. 72. The Officers that do this, are called Aggiatius, in English Goftolakers, Comp. par. fol. 146. These are made by the King’s agents or Rectors and the Governor of the King’s Lands, of whom the King hath four in every Forell, where he take any Patiance; Monsonius’ Forfia-Law, cap. 11. fol. 59 a. In what their Office consists, see the same Manus, part 1. p. 356. Their Function is termed Aggiatian, as Aggiatian upon the Steed-bank. Ann. H. 6. c. 9. This Aggiat is also used for taking in of other Mens Cattle into any Ground at a certain rate per Week. See 4 part. 6nd. fol. 293.

Aggittor. The Aggiat or Forest Officer, who is the Officer or Keeper of the Cattle thence-adjacently, whether they belong to Tenants within the Forest, who had free aggiatment, or to Foreigners who paid a common Rate. These Aggiatianes in an Old Version of Charta de Forfia, are called Giatchters, or Withers. Hence our Graziers now call the foreign Cattle which they take in to keep by the Week, Giuffites, or Juiceitians (pronounced like the Jokes in Building, corrupted from the French adjutement, the Goft-pieces of Timber to be done, or fitted, to make the Frame of the Floor.) And to give or judge the Ground, is then the Occupier feeds it not with his own proper Stock, but takes in other Cattle to agji, or pasture it in all. The Gaffographees agree to derive this Word from the French adjutement, or the Flemish Giatchter, taker of the Bank and Walls in Romans-March, was call’d Adjutament; and the laying such a Proportion of this Duty upon the several Lands, was call’d Aggiatius; and he who was the Collector and Expendeer of it, was termed Adjutator. See Gloffary to Paroch. Antic. in voco Aggiatius.

Aggiso Animalium in Forfia, The Drift of Beasts in the Forest. Leges Forfia.

Aguis Dei. A small Cake, or piece of white Wax, commonly in a Flat Oval Form, fanned with the figure of the Lamb of God, and confecrated by the Pope, and then given or fold for a precious Trifle of Superstition.

Agreement. (Agreement) which is according to Bludow, aggregatio mentium; is a joining together of two or more Minds in any thing done, or to be done; and this is threefold; 1. An Agreement executed already at the beginning, and of what mention is made, 25. E. 2. Cap. 3. of Cloathis, which faith, That the Goods bought by foresters, being thereof attainted, shall be forfeited to the King, if the Buyer had made Crew with the Seller; Where the Word (cures) which otherwise the Agreement executed, that is, payment for the thing, or satisfaction, 2. An Agreement after an Act done, by another, and is executed also; this is where one does an Act and another agrees to it afterwards, 3. An Agreement executory, or to be done in future, for which see 25. E. 3. cap. 5. And this may be divided into two parts, one which is certain at the beginning, the other when
the certainty doth not appear at first, and the Parties agree that the thing shall be performed or paid upon the certainty known.

* Agraria Leg. Was a Law made by the Roman for the distribution of lands among the common People.

1. *Satsmnt. is also to signify, with the French (Aide) and differs only in pronunciation: But in our Law it is applied to divers significations, as sometimes it signifies a Shadow, as 14 E. 3. Stat. 2. cap. 1. sometimes a Pretzation due from Tenants to their Lord, to wards the Relief due to the Tenant, Gavelous, lib. 9. cap. 8. This the King or other Lord, might of old lay on their Tenants for Knighting his eldest Son at the age of fifteen Years, or marrying his Daughter at seven, Reg. Orig. fol. 97. 4. and that at times desired: If the Statute of S. 25 E. 1. ordained a restraint for an unlimited Demand; and 25 E. 3. Stat. 2. cap. 11. provides, That the Rateist due by the former statute, should hold in the King as well as other Lords; of which mention is made 25 E. 5. cap. 10.

This imposition seems to have descended to us from Normandy (or rather from a more ancient Original, The Feudal Law) for in the Grand County, cap. 55, you have a Tractate intitled, Des aydes Chevre, i.e. avails quicksilver, for the benefit of the King. Hence we do find here, in the Statute, a pretense. See Stat. De longis thereunto, the King's Herter mentions this word as a pretense of Lands among any Party, as a pretense of Tears, The second, or as a pretense of Tears, The second is, forbid by Writ, to marry any Person, or in any matter as well, as to take from the King's Tenant, and the King's Tenant's Tenant, a pledge for his own Right, except it be prevented; as when Tenant for term of Life, by Court, Tenant in Tital after possibility of the event, for term of Years, at will, by Eights, or by a Statute Merchant, being imposed to the Tenant, in such manner as any person, that is, Pray in aid of him in the Rever- don: that is, define the Court that may be called in by Weit, to allude what he thinks good for the maintenance both of his Rights, and his own. Terms de ley. But this Court has been much diluted. For herbert mentions both Prior in Ayde, and Prior Ayde de Pat- tern, with a special vobis a Patern, Not. Brow. 50. d. And the New Book of Entries, verbo Aide de parties, 211. cap. 4. And in N. 13 B. 2. 17. This Aide prior is sometimes also used in the King's behalf, that there may be no proceeding against him, until the King's Council be called and heard, to lay what they think fit for avoiding the King's prejudice or loss; as if the King's Tenant holding in chief, be demanded a Rent of a common Perform, he may Pray in Ayde of the King; Also a City or Borough that has a Fee-Farm of the King, any thing being demanded against them which belongs thereunto, may Pray in Ayde of the King, &c. Terms de Ley, 25. 56. Of this you may read the Statute De Hisignam, in 14 E. 1. 1. cap. 1. 2. &c. in 14 E. 3. Stat. 1. Cap. 14. The Civil-Law in Suits begun between two, allow a third to come in (pro interesse) and he that comes in for his Intercit, comes either affluens, or appendens, &c. See 15 Cap. 2. cap. 8. Vide Requis.

April, (Avis) Comes of the French Word (Aide) and signifies a Writ, which lies where the Grand Father, (called by our common Lawyers Bifajed) but in true French (Bajade) was termed in his Dictionary, that of Fee of any Lands and Tenements in Fee-sample the Day that he died, and a Stranger abates or enters the same Day, and dillipoffeth the Heir, F. N. B. fol. 222. Pex Com. fol. 445. 5

This is a Law and See Avis.

Alfaments, Alfiaents, Efjijaments or Conve-
nientes, from the French Aids, Easy 5 or from the Saxon Eith, easy or ready, which Chaster calls Eith and Eth, and the Northumbrians call the Bed. In Grants of Conveyance and Demise, Aijaments did include any Liberty of Pallage, open-way, Watercourse, or other customary Bereits, for the ease and accommodation of the Owners and Inhabitants of any House, or the Tenants of any Land. Hence an House of Office is called an Esenity, commonly a House of Eys.

Almaranzro, Robertus de Chedworth, Vice-Com. Longs therefor to, the King's Herbert mentions this word as a pretense of Tears, and the King's Tenants, being imposed to the Tenant.

Alba firma, Consuls anualis qui Centurias fall De-
minus Hunders pindar. Idea Alba dicit, quod non et maior pretii facet in annum quam black-mail nan-
pus facit (but oh, consuls viro insigni, juramento, Dicat confilia confilia, ciuitatis, &c. juramento, 2. Alba, was a Dog well known to the Ancients, in Spain till called Albus, (the same I present with our English Spanish) and therefore thinks Almuteres to be the Keeper or Manager of such Dogs, for the Sports of Hawking.

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Almamum, is derived from the French word Almater, i.e. accordees, and denotes one that by his Trade coloureth or painteth upon Paper or Parchment; And the reason of the French word Allammut is from the French word Allay; As it is used to denote those who do without the assent or licence of another to ornament themselves or any other things, from one Man to another. And in some Cases a Man hath Power so to do without the assent or licence of another, and in some he is said by Capitance to alien his Estate without the King's licence, then by the Stat. of 15. R. 2, cap. 5, a reasonable Fine shall be taken, whereas at the Common-Law before that Statute, they were held forfeit, C. & N. lib. 6, cap. 25. But if a Man shall alien Land in Fee-imple to a Religious House, or Body-Corporate, it behoves him to have the King's Licence to make this Alienation, otherwise the Lands shall be forfeit, by the Stat. of 15. R. 2, cap. 5."
Almestheof or Almesstheof, Saxon; that is, Alms-Money: It was taken for Peter-Frnce, antiently paid in England, on the first of Anguly, and first given by the King of the West-Saxons. It was called also Rome-foth, Romfloth, and Hertiaprent. Selden's Hist. Times, p. 177.

Almud, Almadum, is well known to every Man's fight, being the Kernel of a Nut, of which Nature and Diversities, see Gerald of Herba, lib. 3. cap. 87. This is Noted among Merchandises, that are to be garnered, anno 4. cap. 10.

Almund: Furnace. At the Silver Mills in Cardiganshire, they have a particular Furnace, in which they melt the Slags or Refue of the Limahrge not flamped, with Char-coal only, which they call the Almud, or Almund-Furnace. Perhaps Almighty, Sax. All-monys, mix all together.

Alnage, French Alnage; the measuring with an Ell, 17 5. 4. cap. 5: See alnager.

Alnager, Alnegar, Alnegar, Alnegere, the Latin, Alnegere or Eligat, that is, a Measurer by the Ell: It may be derived from the French word Anel, an Ell, and signifies a publick sworn Officers of the King's, who by himself, or his Deputy, looks to the 3. parts of Clothing, as that were both made through the King, and to the Seals for that purpose ordained, 25 Ec. 3. Stat. 4. cap. 1. and 3. 2. cap. 2. who is accountable to the King, for every Cloth so treated in a Fee or Culfom thereof being

brought to be examined, anno 17. R. 4. cap. 29. The same is read of this more, 25 E. 4. Al. 4. 13. 17. E. 4. 10. 11. E. 4. 12. H. 4. 4. 11. H. 6. 3. 4. H. 64. 4. 4. 1. E. 4. 14. H. 1. 3. 8. There are now three Officers belonging to the Regulation of Clothing, all which were antiently comprised in one Peron. There be the Diflinct Names of Starke, Meafter, and Ainger; which last, though in a several Language, it be the same with Meafter; yet long since Alage and Culfom have brought them to dinitifh Of- ficers, and that which was antiently called Alnager, is now become Collector of the Subby Grant to the King, by the formerly mentioned Statutes, still holding the same Name; because the Collection of that Subby was by Edo. the Third committed to the Alnager, and he neverthelefs not abridged of measuring, till by his own neglect corrupted; Insomuch as there is now a peculier Meafter to every particular Cloth made in Eng- land and Wales: And to prevent Abuses, an Officer of Meaching is established by an Act of Parliament, who ought by peculiar Seal, to denom the Defects which each Cloth contains. All these were antiently under the Cognition of the Alnager, as you may read at large in a Treatise, entitled The Golden Fleece, Printed in 1556. See 4. fol. 3. 8. 25. Alder-Trees grow, Downe-Flye-Book.

Alouion, Signifies a Manor, and Alifardis or Alifarii, the Lords of the same Manor. The old Transla- tion of these Saxon Laws useth this word for Backland. And Alouin, or rather, as I believe, Alouinus, for them that hold Backland or Chartered Lands, Yp Quandu po- nitur Alodarii. Res inde habet revolutionem terrae, &

Downeflye. Rent. and Cob's 1. leg. fol. 1. and 5. See Fee.

Altrarage, Altagram; This word includes not only the Offerings made upon the Altar, but also the Piot that arises to the Priest by reason of the Alt- lar Obteinio Altaris, as appears by an Order made in the Term of Michael 11. 25. The same, in the Exchequer, be- tween Turner Vicar of Wifhchadon, in Corn, Northam- parton, and Andrews, whereby is declared, That by Ahtaragum is meant Tithes of Wool, Lamb, Colt, Calf, Pig, Gollins, Chickens, Butter, Ceste, Hemp, Flax, Hone- y, and other things; and other such fash Nails, with Offerings that shall be due in the Parish of Wifhchadon, See the Order at large, Later ordinis cuninus Reg- iorum, Reg. ibid. And the like Cale was for Norton in Northamptonshire, of a later Date, Obtensions five num- merum five pannas, tali et talis Altari, et in Echegurm, vel ex confertione, et a Parchan, aut ab extraneis fide Altagarig marinis, confertauit, Giofi in Mat. Paris. The word Altagram might signify at full no more, than the caftal Profits arising to the Friz, from the People voluntary Oblations at the Altar. Or some of these Culinary Dishes, the Religious affigned a portion to the Vicar; but in such different Quantity and Method, that since the Reformation, several Disputes have arose, what dues were comprehended under the Title of Al- tagram; which was remarkably determined to connote all Offerings and small Tithes, in a Tryal in the Exchequer, in Mich. Term 21 Eliz. Which Judgment, I presume, might be grounded on this and other Authori- ties: The Ordinance of the Vicarage of Tissoll by Walter Grey Archibishop of York, anno D. 1549, unus ad licentiam fide— habet tertam Altagrammum, quod quam minus Altagarigma continenter annos oblevit, Declinere & proventur ipsas Eclesiae de Tissoll, exceptis Deum blandi legumini, & fumi, & terris ad dictam Eclesiam, et aliquos habere, si summae ratione antiquitatis & fide Altagarigmus. Mon. Ang. Term. 3. p. 153. 5. Hence, tho' it seems to be certain, That the Religious when they first allotted the Altagram in part or whole, to the Capellane or Vicar, they meant only the Arbitrary or Asumed Offerings at the Altar, and not the whole of the tanding Tith, whether Prielal or Mirth. Yet it being usual for the Religious to content themselves with the greater profits of Glebe and Tenth of Corn and Hay, and to leave the inconsiderable small Tithes to the Ordaining Priests: Hence Altagram by de- grees was supposed to include all Dues, except as before excepted.

Altar Fasso, or in Altar in Basso, By this is meant the absolute Sollution of all Differences, small and great, high and low Tithes, Exc. and W. T. de Y. & T. de R. pavorum fide in alto & baso, in arbitrio quaorum hominum, et de quadam querdla, &


Ambræ circumscripsit Wallæce
plenæ ambar bustris. — Leges Adelanti Regii Tit.
3. de duobus meis primis, dixit sigillibus monibus ambæ plena
staine.

Atque, Vide Amam. — From the French word Ammer, Addo-
cere, to lead unto; or as some Ammendans, deducting from (Min)
a hand it signifies Truthful, that may be led or governed. It is applied in our Law-Books to a Woman, that is governable by her Husband.

Ammendam, Amended, signifies in our Common-Law, a Correction of an Error committed in a Process, and cipied before Judgment. Ténes de la ley Brot. A. Amendment per tot, but if the Fault be found after Judgment given, the party that will redress it, is driven to his Writ of errors, Bro. tit. Errors.

Ammencam, Ammolamentum, Signifies the pecu-

nary Punishment of an Offender against the King, or other Lord in his Court, that is found to be in Missi-

cordia; that is, to have offended, and to fland to the

Mercy of the King or Lord. There seems to be a differ-

ence between Ammencaments and Fines, Kitchen fol.
3. 95, for Evasis, as they are taken for Punishments, be

certain, and grow expressly from some Statue, but

Ammencaments are such as be arbitrarily imposed by Af-

faires, which Kitchen, fol. 79, in some manner confirms in the Statute, L.4. Ammencament 4 off. per pacem. Mec-

tured in his Forth-Law, par. 11, fol. 166, faith, An Amm-

encament is more easy, or more mercifull penalty, and a

Fine more sharp or grievous. His words are these, if

the Frides for such a Triflous do appear by common Sum-

mons, but, not the Defendant himself, then the Pledges for

shall be imprisoned for that default of the Defendant. But

otherwise it is, if the Defendant himself do appear and be

ready in Court before the Lord Justice in Eyre, to receive

his judgment, and pay his fine. But if such Frides do

makedefaults, in that Case the Pledges shall be Ammenc-

ed, but not Fined. The Author of the New Terms of Law,

faith, That Ammencament is properly a Penalty assailed by the Peers, or Equal of the Party amerced, for an Offence done; for which he putTHESE himself upon the

Mercy of the Lord. But he also makes mention of an

Ammencament-Real, and defines it to be a pecuniary

Punishment laid upon a Sheriff, Coroner, or such like

Officer of the King, by Juries for such Offence. Rut-

cott Baron of the Exchequer, 2. R. 71. 7. See Misser-

cordia. If the Ammencament were too grievous, i.e.

disproportion'd to the nature of the Office, or the abili-


ties of the Offender, there was a Relase to be flashed

by a Writ called Misdici Misericordia. Ammencamen-

da illusorites, were such Aermencaments as truly Poverty;

or escape of the amerced, became deregrave Deeds,

and were deducted in the Accounts of the Bailliff, or

Steward, or Collector of Rents and other Dues. So A.

D. 1425, the Prior and Canon of Bury St. Edmunds, allowed

to the Receiver of their Rents at Kithington, in

allocatus idem pro Ammencamts illusorites hae ammis.

See Mr. Kent's Paroch. Antiq., 573, and GIFF-

sary, in one Ammencament.

If Ammirete tegem terras. To forfeit the Liberty of

swearing in any Court, (as we Mr. Edw. Coke lays) to

become infamous, is also deduced by Glamer, lib. 2, cap. 7

for the Punishment of the Champion, overcome or yielding

in Battle, upon a Writ of Right, and of Jurores found
guilty in a Writ of Attaint. Seluden's Titles of Honour.

If Ammobagium. — Richardas de Patryfyl-

sum, tenet terras in Worthbury in partibus de Master-

lays, Niecu in Con. Fliti, que tenantur de Domino Regis po-
certaraevis, ut per Ammobagium quod ad quinque janser-
des extremitatem com accidit. — Pat. 7. Ed. 21. m. 7.

Ammoniation, Ammonitizaz, French Ammonishment;

off praedum transtato in Manum mortuam quod tu.
...by the Verse at the Will of the Lord, according to the Custom of the Manor, Britton, cap. 65, num. 8. The benefit of this Tenure consists in the 6 Points: 1, if his Tenants holding by Charters, cannot be impelled out of their Mannor; or if they be, they may abate the Writ by pleading their Tenure. 2, They are free from Toll for all manner ofues, and are not subject to any extraordinary. They may not be impelled upon any Quittance, F. N. S. fol. 14, d. 29, fol. 228, 297, by whom it appears, those Tenants held originally by Ploughing the King's Lands, ploughing his Hedges, or such like, towards the maintenance of his Household; for which Cautre they had such Liberties granted. No Lands ought to be elected Antient Denomy, but such as are held in Succeed. See Mensurament and Domes. Antiquity, (French Anciennete, that is, Antiquity) It is said in Statute Librari, 14 Ed. 3, for Seniority. As the eldest sister can demand so much as her other Si...
After Dio litteral
habere
Officio
tertius,
the Procedure
of thereof.
Dat.
Officio
dilatorium
in
totius
yours,
breaks
that
section,
by incroaching,
or otherwise:
As also, for the
Writ that is brought upon such transgression; whereas
see more in Nuptiae: This Word Nuptiae, you may
find, anno 52. H. cap. 6.

Ante weight. See Angel
Appellare Leges, 3 Appellata Leges. Hilk
be to break or trasgress the Laws, Leg. 1 Edw. Conf. cap.
35. Tit. de Heresim Quis leges Appellaretur. — were
found
and
Regem, as taken in R. 1 Edw. 1. cap. 13, where
Appellatur
is read Appellat, Spelman.

Appellata repulsiva. Is a Writ that lieth against one,
that having entered and protest'd the Order of Religion,
broke out again, and wandered up and down the Country,
contrary to the Rules of his Order; for the
Abbacy or Prior of the House, certifying this into the
Chantry, under this Common Seal, and praying
that Writ directed to the Sheriff, for the Apprehension
of such Officer or Deliver of the same, as his
Abbacy or Prior, or their lawful Attorney, were wont to
obtain the same, The Form whereof, with other Circum
stances, you may find Reg. Orig. fol. 71 & 207.
and Fiz. Nat. Bract. fol. 233 c. This is now out of use.

Appellant, 21 H. 8. 4. Signifying a Messenger
that cries OFFENDERS to appear in the spiritual Court,
and serves the Process thereof. — The Office of an Appear-

Dat. apud Lunulab. S. Id. Mart. 1316. — 3 Apparatus Contempit. There was an allowance to the Sheriff of Bucks, of a considerable yearly sum, ut apparet, Commissum. There was an Order of Court in Q. Eliz. time, for making that Allowance; But the Custom and the Reason of it are now altered, Viz. Hales in Sheriff of Buckingham Account, p. 102.

Apparition. Conch in the French Penitence, that is, Similitur, Perioda, Bedem, in English likewise; it signifies a resemblance or likeness, ut Apparition of War, 2 R. 2 Stat. 1. cap. 5.

Apparitio Firma. Apparitio Dominus clamet subre annus carrellis serva non ligatas, ut cura

Apparitio cum teta Apparatura, Pictur in Life apud Carlot-

Apparitio domini Seticulius in this Life, ut reddat Dominus Regn, 1316, cap. 10. Plast iconos Dominum Regn, ut D

Appeal. Appeal, Cometh from the French word
Appeler, that is, Accire: It signifies in our Common
Law as much as Accusat, with the Civilians; for as in the civil Law, Cognizance of Criminal Causes is taken
either upon Information and Denunciation or Accusation
in Ours, upon Indictment or Appeal's Indictment com-prehending both Insinuation and Denunciation: And
Accusation or Appeal, is a lawful Declaration of ano-
other Man's Crime in great things: But if Bratton
shall be Felony at the head) before a competent Judge, by one that testeth his Name to the Declaration, and undertakes to prove it upon the penalty that may ensue of the contrary.
To declare the whole course of an Appeal, is not proper for this place; I refer you to Bray, 1 Edw. 2. cap. 13. Barn. Britton, 22. 23. 24. 25. Smith, 5. 4. Repub. Angl. 4. 3. 4. Staun. Pl. Cre.
lib. 2. cap. 6. 7. 4. cap. 13. An Appeal is commenced two ways, either by Writ, or by Bill. Stent. lib. 4. 3. Appeal, and it may be joined with another. See 148. But that an Appeal by Writ is, when a Writ is purchased out of Chancery by one to another, to this end, that he
Appeal a third of some Felony committed by him, finding
Pledges that he shall do it, and deliver the Writ to the
Braffon to the Sheriff, for the
Hannah, or the other party, offering to undergo the
appealing that person therein named. This point of our
Law, among others, it taken from the Norman, as appears
plainly by the Grand Constabury, cap. 68, where there is a solemn Discourse both of the Effects of this Appeal, viz. The Order of Convict, and of the Tryal by Inquisition: of either of which it is in the Defendant's power to make choice. See New Book of Entries, verbo Appell. Lib. 11. Edw. fol. 70 & 72. pro. ingl. fol. 131. — 7. Appellat to Rome were do great an interruption to all English
Judges, that even in those times of slavery, this Era-
fion of National Justice, by appealing to the Pope, was
forbid and severely punished. So when Gilbert de
Segrave, Archdeacon of Oxford, in 33 Edw. 1. appealed from the Sheriffs Court to the Pope of Rome, he was
summon'd to William, and Obed'd to renounce his Appeal by Oath, and to find Pledges for appearing at
the next Parliament.

Appeal of Magnus. Appellum Multum, is an ac-
cusing Power, otherwise, an Appeal. Appealum Multum, or Appeal from an Action of Tres-
pus, because there is nothing recover'd but Damages.
Bratton calls this Appellum de plagis & Multumis, and
writes a whole Chapter about it, lib. 3. trall. 2. c. 34. Feria Cen. lib. 14. V. 49. & 50. In King John's time, there was an Appeal recorded against a Jew, Qui quidem
a quibusdam quosdam non sequuntur.

Appeal of wrong imprisonment. (Appellum de pace & imprisonment) is used by Bratton for an Action of Wrong imprisonment, where he writeth lib. 3. trall. 2. c. 26.

Appeal. (Appellatio) Many times used in the Common
Law, as it is in the Civil Law, which is the removing a
Custody from an Interior Judge to a Superior; as Appeal to Roman 24. B. 3. ca. 22. and 3 Eliz. c. 1. So St. Paul appealed from Felix to Caes. But more commonly for a private Accusation of a Murderer, by a Person who had Interest in the party murdered, or of any Fel-

Any other of his Complies with him. And those that are so appealed, are called Appellati, 29. E. 3. See Appeal.

Appellatio, or Appellant. He who has committed some Felony or other Crime, which he contenteth, and now appeals, i.e. accuses others who were complices with him.— Accire. Cari Angliati et alii. Bratton, lib. 8. Regn, 1316, cap. 10. Placta iconos Dominum Regn, ut
Appendix b. The Appendages or Pertinences to an Estate, 8vo. So Simon Earl of Northampton gave to the Knights Templars, his Manor of Morton, Cut. on, common Assiduidate xst. Mr. Kenney Paroch. Antiq. p. 110. Hence our Parites, or Port-Suits, or Port-Stocks, Appidittis domus, 8vo.

Appendages, or Appendage, French, A Child's part, properly the Portion of the King's younger Children in France, where they have a Law which they call, The Law of Apparations, whereby the King's younger Sons have Duties, Counties, or Barrenies granted to them, and their Heirs, or Heirs-Mates of their Bodies, the Reversion referred to the Crown, and all matters of Regality; or Civagage, Levying Taxes, and the like: it is derived both appendages, or from the German word Appendage, which signifies a Partion, or a Portion, or Ward of Hydol, or Hydol's Gift, in wars Appendagium.

Appendure. The payment of Money at the Scale, or by weight. — Dedit Regi frate apparium novem libras arm bruni et jus sunnae pandi Norman. Wood, 2, 12. 5. 13.

Apparition, (Pertinence) Is derived from the French word Apparitons, Pertinents, to belong to. It signifies in the Common-Law both Corporal, belonging to another thing, as the more Principal; as Hamlet's a Chief-Mate, Common of Pallure, Turpary, Pipare, and such like; and Incorporal, as Liberti, and services of Tenants, Bril. cit. 39. Where we may observe, that he accounts Common of Pallure, Turpary and Pipare, to be things Corporal, Vides Corporal.

Apparitionum, Apparition, A dividing of a Rent into parts, according to the Land, the whole Rent infeather, is divided among two, or more. As if a Man hath a Rent-Service issuing out of Land, and he purchases parcel of the Land, the Rent shall be apportioned, according to the value of the Land. So if a Man hold his Land of another by Homage, Fealty, Eacuate, or any other Tenure, if the goods wherein the Land is holden, purchase parcel of the Land, the Rent shall be apportioned. And if a Man let Lands for Years, referring Rent, and after a Stranger receivs part of the Land, then the Rent shall be apportioned, and the Lessor shall pay, having respect to that which is recovered, and to that which remains in his Hands, according to the value. But a Rent-charge cannot be apportioned, nor things that are entire: As if one hold Land by Seward, to pay his Lord yearly at such a Feast, a Horle, a Hawle, a Roe, or a Cherry, etc. these cannot be divided or apportioned, without damage to the Entirety. In some Cases, Rent-charge shall be apportioned; as if a Man has a Rent-charge issuing out of Lands, and his Father purchase parcel of the Lands charged in Fee, and dies, and this parcel descends to his Son, who hath the Rent-charge; there this Charge shall be apportioned, according to the value of the Land; because such portion of the Land purchased by the Father, comes not to the Son by his own act, but by defeat, and course of Law, Common Apparition is of Common rights, and favorable; and tho' the Common-purchase parcel of the Land, whereunto the Common is appontent, yet the Common shall be apportioned, But in the Case, Common Apparition, and not Appendant by such Parochial is extent, Co. lit. 8. fol. 79. Termes de Leg. 42. 429.

Appartement. — in good profun mensuris prod. didi nomine Apparti quantitatem anno prof. fo. in ibidem, signification fist feicventarum anno 22 Ed. 1. It seems to be derived from the French Appartement, which besides the Common, signifies the Revenue, Gain, Profit, which a thing brings in to its Owner, and in the place cited, it is used for an Augmentation given to any Abbot, for his better support out of the Profits of a Manor. The word was used for a Corody or Person. — Nicolaus Gana Prior de An¬ dovers, debet ex Marcus de quodam Appart, ad capitato¬ dei Dominum ejusdem Priorius, in partibus transmarinis, in tempore post devo, Ex Regjro evidentiarum Collegii, Wincham judicabat, scripsisse. S. Sm. vii. fo. 1. 8. filiius termis Prioratum Alliungnum solvit nobis apro¬ panto, et profutn Prorsus adiuit dominus superiori future tenetur. Cl. 14. E. 3. The Word might at first signify any Profit or indemnity apportioned or brought to another. And the appertaining or obliterable in the Calendar of Rhodes, Appart was the Portion which the Wife brought to the Husband.

Appatule of Soffriffes, It is the charging them with Money receiv'd upon their account in the Ex¬ change, and this Par. 2. All for better recovery of Frains due to his Majesty.

Appr, See Foreign-enapper.

Apprentise, (French) As a Fee or Profit Appra¬ des, &c. 3 Edw. 6. cap. 8. A Fee or Profit to be taken, received.

Apprentiss, Apprentiss, (French Apprentis, and that from appendees, to learn; whence their Appren¬ ticeship, and our Apprentihio signify with us one that is bound in Word or commonly used, to serve another Man of Trade for certain Years, upon condition to the Artticer, or Master shall in that mean time in¬ dower to instruct them in his Art or Mystery, Smith de Rep. Aug. 62. cap. 9. They are a Kind of Bond¬ men, differing only, as in Henry 7. Edmund Ill, se¬ quitur terms Prioratnm Alliungnum solvit nobis apro¬ panto, and profutn Prorsus adiuit dominus superiori future tenetur. Cl. 14. E. 3. The Word might at first signify any Profit or indemnity apportioned or brought to another. And the appertaining or obliterable in the Calendar of Rhodes, Appart was the Portion which the Wife brought to the Husband.

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Approbation, in the meaning of the term, signifies the consent or approbation of a higher authority to an act or plan. In the context of the Church, this could mean the approval of a Church officer or a higher Church authority. The text mentions that in every Licensé of Approbation made in Chancery, it should be expressly contained, that the Diocesan of the place should provide a convenient Sum of Money, yearly to be paid out of the Fruits, towards the subsistence of the Poor of that Parish, and that the Vicar should be well and sufficiently endowed, 15 R. 2. cap. 6. Touching the first Institution, and other things worth the learning about Approbations, read Blund, in Grendon's Cases, fol. 496. & fec. As also Trum's de Lex verbo Approbation. To an Approbation, after the Licensé obtained of the King in Chancery, the consent of the Diocesan, and the Patron and Incumbent are necessary, if the Church be full; but if it be void, the Diocesan and Patron may conclude, Plural. alti juris. To dissolve an Approbation, it is enough to present a Clerk to the Bishop, and he to inculcate and induce him: for that once done, the Benefice returns to the former nature. F. cap. Nov. Brev. fol. 39, and Ca. 7. fol. 13. See the Methods of Approbation, and the fatal abuse of thus robbing Church and Clergy, and the lawable ways and means of reforming Improprivations to the better maintenance of Parish Praxis, &c. discours'd at large, in Mr. Rennet's Paroch. P. 336.

Appropriation, in the meaning of the term, means to apply or assign something to a particular use or purpose, typically for the benefit of a specific entity or individual. In the context of the Church, this could mean the allocation of resources or funds within the Church for specific purposes, such as charitable works or the support of clergy. The text mentions that if the Church be full, but nevertheless sufficient, Mr. Rennet's Paroch. fol. 607. F. 54. Appropriation, it is enough to present a Clerk to the Bishop, and he to inculcate and induce him: for that once done, the Benefice returns to the former nature. F. cap. Nov. Brev. fol. 39, and Ca. 7. fol. 13. See the Methods of Approbation, and the fatal abuse of thus robbing Church and Clergy, and the lawable ways and means of reforming Improprivations to the better maintenance of Parish Praxis, &c. discours'd at large, in Mr. Rennet's Paroch. P. 336.

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ARMAGNÆ.

Not only a Title of Dignity, but the common Appellation of Servants, especially in Convents. I suppose the better for Servants, yet such as were Livaries in the Priory of Bervert, where in a Hen. 6, the Prior and Barlar accounted — and in blodes paper pro Aragineri & velud Prioris de Johannæ Bandiæ de Magna-Tue, Parnario ergi Natirlo De¬mini; bin anno 7, lib. 15, fol. 11. Parn. Arch. Antiqu. p. 376. This is the same livery Office, wherein Henry Spelman is called quod specter Araginerum in the Abbey of Battle, Com. Suff. where the Abbot and Convent granted Hugoni Franyzi Araginerus, a yearly Prelection or Wages, and a cultulatory Livery.

Armen, Armen: In understanding of Law, is extended to any thing that a Man in his wrath or fury taketh into his hand, or wears for a defence, wherewith to call at, or strike another, Comp. Tafk of Pote, fol. 56. 

Argentum Album, Silver Coin, or current Money. By Dooms-day Tenure, some Rents to the King were paid in Argentum album, common Silver pieces of Money, other Rents in littera or prestant, in the Mon¬tal and full weight and purity. So the King's Manor at Brecht, Com. Buck, reddebat per annum 36 libras de al¬bo argento, & prestantia 12 libras in argo & prestantia. Parch. Antiqu. p. 165. Hence in the next Age, that Rent which was paid in Money was called Blank-silver, and afterwards White-silver, and what they paid in provision was termed Black-mail.

Argentum Dei, God's Money, That is Money given in earnest upon the making of any Bargain.

Ararat. An old sportive Exercit, which seems to have been the fame with Running at the Quintain, or Quintal. Vide Quinta.

Arrabia, Armenia: A sort of Dishes, that makes the Hair fall off, like the Allogers, or like Di¬lemper in Fones. Arratia redux in agrigandiu, quam Arrabiam vocant, in quibus ad mol¬sin aperare laborantes capites fiss desparatur. Rog. Ca¬ved. Rea. 1, 693. & Brenmont, col. 2101. Cum inter Rex Ricardo per aliquam dies ibi morabat fes, graumminum faire agricultura, quod ad Arrabiam vocatur, ex ignoto regi et quin multi opes comuni
cuali complexionis minus conscendente. Gaufridi Vinetos, Ricardus Rege, hier Hier., c. 4, p. 5. 

Argens, Argyn, English Argent, signifies an Acre, and according to the old French Account mentioned in Dooms-day Book, one hundred Perches make an Ar¬gent, 18 P. Foot a Perch, 12 Inches a Foot, Colon. 11.7.1, 12 Perches they take for Jargon, or物种. ARAR

Ararat, To Dub or make a Knight, An. Dom. 11.4, to Ararat Regi Britanniium Comitis gesserunt Rex Henrici matricis, ut caele arma dedisset domum. So Arma capers, to be made a Knight. A. D. 1276. 31. Ed. 3. A de quo dicit, Comes (i.e. Henricus de Lestrygon military) a Domus Henrici Rege date nau¬

Ararat, To rent, or set at a certain Rent, Ricardus de Araratime Bullionis normarior muri de Kingesford, multarier & per voluntatem dixit Religiosis de eodem pietatis ejus, i.e.andomis so arretarii, feit in 12. Ed. quam dominus per 6 annos recepit. Confessabat, Damus de Farenden, NS. i. 53.

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AR

AR, (Array, also Arrangement) Cometh of the Obiitum Præmiss. ARRES, that Ordiis, it staye
probably be derived from Res, Linse: It significeth in a
legal acceptation, the ranking or setting forth of a Jury
or Enquet of Men empanneled upon a Caufe, 18 H. 6.
c. 13. Thence we say to Array a Panell, Old N. B.
for, it is the place where the Judges are, and the Qual
future, every an in Allifiz ought to be made up four
days before, Bro. in Phil. Paul. wa. ro. To challenge
Array, Nitchin, fol. 92. See Challenge. To lead and con-
duct Perons armed and arrayed, 14 Car. 2 c. 3.
**ARRESTatus Præmiss**, the arraying of Foot

ARRAYRES, is dued 2 R. 2. c. 5. for such Officers as
had care of the Soldiers Armour, and to be them duly
accustomed in their kind. Such were the Commissioners
of Array, appointed by St. Churche the 16.2. And
Edward the thirde, in the First Year of his Reign, appoint
lished such commissioners to array Men against the Stas.

Arlignt Arrainse, From the french arranger, that is,
to set a thing in order in his place, and the same sig
lication it hath in Law: For example, he is said to have
Arrayd a Writ of Newel Distress in a County, that
seteth it for Trial before the Judges of the Circuit,
Old Nat. Brev. fol. 105. 1st. pag. 76. the word in the
other end of the Sence of Newel Distress. To array the Aigne, is
to caue the Taint to be called, to make the Plaint, and the Caiue in
such order, as the Tenant may be enquired to answer thereto, Co. on Lit. fol. 37. A. a Taint is said to be
arrained, when he is indicted and brought forth to his
Tryall. Arraigned within the Verge for Mur
er, Stamf. Pl. Cor. fol. 150. The method of this Ar
rangement you may read in Sir Thomas Smith, de Rep.
Ang. Lib. 2. c. 21. The famous Spelman thinks it should be
Arraine, and that derived from Arrauna, an oblo
lete Latin word, proceeding from the old French ar
naur, jurre, folomner præfecti : but we rather think to
the old and common Writing.

**ARRETEUS, Suspected, Accused.** Office.
Cerums, — Si aen aliquo arretatis futur sit de morte
dilinus persecutus, & imprisimus. From the old
Noman Rette, Wifom. cap. 1. Quant Clerk eyr
prech for rete de felim. — Com quanp font enduits de
tel rette per feleno impiq. So cap. 21. Spelnum.

Arrayges, ARRAIGNGE: Deduced from the French
Arrageages, as that from arrayres, a rette, behind: it
signifieth the remainder of an Account, or sum of Mo
ney, to which an Officer is accountable. It is used some
times more generally for any Money unpaid at a due
time, as Arrageges of Rent. That this word is bor
rowed from France, appears by Tyraquel de arriage re
traff, fol. 3 v. 1. 32. min. 2.

Arraunges, Accused, Accused. — Stephanus Bar
zas, Viz. Lit.ra. arretatus, et ad rationem pote de leuo,
& Ret. Parl. 21 Ed. 1.

Arrauntion, From the Spanish Arrendare, which is
as much as ad certam resitum dimittere, it is mentioned
Ordin. Forfes, 34 E. 1. c. 6. Signifieth the licencing of
an Owner of Lands in the Forei to enclude them (hills
base or paro Fyllo, with a Hedge, and a little Ditch)
under a yearly Rent : Bving of the Arrauntions, is
having Power to give such Licences for yearly Rest.
Arrif, ARRELES, Cometh of the French Arfifer,
that to flop or lay, and is metaphorically used for a Decree,
or Determination of a Caufe debated, or disputed to
and fro: As Arif du Senat is Placuit Carte : In our
former day, taken most of all for a flay or lye, as a Men apprehended for Deba, &c. is said to be Arreled.
To move or plead in Arreles of Judgment, is
to flaye cause why Judgment shou'd be flay'd, though
the Res be good in it self: To plead in Arreels of
taking the Enquet upon the former lyes, to flew

caufe why an Enquet should not be taken, Br. tri. Re,
Blender, (viz. Mr. Lambert, Eraenie, fol. 2 v. 2.
p. 64.) in his Greek Commentaries, thineth that the
french word Arrefis which with them (as we fay) fig
nifieth the Decree, or Judgment of the Court, took be
ginning from the Greek ἀρρῆσθαι, a. pl. Plataim as we
may lay the French Interpreter was right: By the Statute,
ther that we receive the fame from the Nomans Law,
because we use it in the fame fene with them: For
commonly with us an Arrefis is taken for the Execu
tion of the Commandment of some Court, or of some
Officer of Justice ; but however the Name
began, an Arrefis is a certain relaint of a Man's Perfon,
depriving him of his own will, and binding him to be
obedient to the will of the Law : Preeeps, and
Writs of the higher Courts of Law, do use to express it
by two several words, as (Ceppan) and (Aatchus) to
take or catch hold of: And it seems, this word is spread
farther than France; for Gkis, a German Writer, wetheth by
his Tradate, De Arrefis imperii, that it is used in the
Imperial Territories, in the large significan, 1. 1.
for preventing Arrieffs of Judgment, fo 16 & 17. Cor.
2. c. 8.

Arrendanz bonæ on déflinentur, Is a Writ which
lies for him, whofe Cattell or Goods are taken by ano
ther Person, where the former hath taken the Goods
make them away, and will hardly be able to make Arri
fion for them afterwards, Rep. Orig. fol. 125. b.

Arralfando thepum sui Premium recepit ad proficien
dam in ufficiis Regis, &c. Is a Writ that both for the
Approhension of him that hath taken thefl Money
towards the King's Wars, and hides himself when he
should go, Rep. Orig. 24. b.

Arrejfo fadus bona mortuorum alienigenerate, Is
a Writ that lies for a Deacease against the Goods of
Strangers of another Country, found within the King
dom, in remorseps of Goods taken from him in that
fol. 129. a. This among the Civilians is called Clariga
na, but now barbarishly Regrefalita.

**ARRIETTED, ARRILSUS**, Is he that is convented before
a Judge and charg'd with a Crime, Stamf, Pl. Cor. Lib.
2. 4. 1. Arrilsuces may be a Compound, paff. ad re
Ueum usus cur. It is sometimes used for impriued or laid
unto: As No loly may be arrsett to him being under
age, Lit. cap. Remit or the Latin Sublinitatek Rett
un is used in the Rep. Orig. And Chaiuer uetheth the
Verb Arrirathed, that is, lay blame, as it hath been in
expected, with some fear, that that word is the same with the Reufum ; because Erufus
faith, Rettum habeb MaldbBire; that is, to have the Malefactor forth-coming, to as he may be charg'd, and
put to this Tryal, lib. 3. tral. 2 c. 10. And in the fame Ch. 3, A. Retest is, a morte bonite, that is, charged
with the Death of a Man.

**ARRIPENNA, ARPENNEN.** The same with Ar
pena, Arpena, Arpen. — — Ego Bernardus de Novo
Mercato confecns Hen. Regia, pro ania. To Patris facru-
deli Studiï. Tantisit Sactio, Martinus de Bello in Gudia
fiber Litum propti Fluentius, paul Tilia dicter tres Ar
peniæ. Prætorum, Cartular. S. I. de Brecon. M.S.
Arpura, The Tryal of Money by Fire, after it was co
victed. WHERE it is laid in Daunier, Reddi
ssel libri ad defonm, it is mean't of Lawfull and approued
Money, whose Allay was tried by Fire.

**ARRITUS, An Article, or Complaint exhibi
ted by way of Libel, in a Court Christian, some
times the Religious bound themselves to Obeye the Or
tenpunt, with such formal Precocis; As Dom. 1572.
For the Prior and Convént of Dunfer submitted themselves
to the Office of Lincoln, &c. and said to be or were
seasitors per omnum canonum Ecclesiasticum ad omnium
& singularum praeemium observationem affine Artic.
ultoribus, seu Libellibus petitionibus, & quaecumque

Arium, A place where Reeds grow; we find it
mentioned in the Book of Doosday.

X. Artel, Anno 26 H. 8. c. 6. is a British word,
and more truly written Addelo, which the South-Wales
Mens write Addilo, and Signatures (according to Dodsor
Doxoro Dictionar) Affigories, affirors, in English to A-
ronch. O delir du at Inded wyt eu lan, than did do
gei Addello, &c. that is, if a Man be taken with
when God's in his hands, he must be allowed a law-
full Addelo (Vouched) to clear him of the Felony, which
is part of the Law of Howe Dda; but probably
so abased in Harry the Eight his Time, by the delay,
or exemption of Fellows, and other Criminals from
Justice, that provision by the forementioned Statute
was made against it.

X. Artel, Supper, Feast or Entertainment given
at Funerals, which Culfome is still retained in some of
the North, and North-west parts of England. So Arv-
brad, the Lovers dames, is the Poor at such Func-
oral Services. And Artel, Artels, Artel, are used
for the Burial or Funeral Rites. As

Come, bring my Jerkin Tibh, It is to the Artel,
Ten Men's dae Stay Stew, it makes me Marvul;
Yorkshire Dial. p. 58.

X. Arura, pro Artura, Ploughing: Una arura
One day's work at the Ploughing; in old Fyldian
Herice in Wiltsphere to ear is to plough, and
Earing is a day's ploughing. in which
lefe word the face occurs in many parts of the Old Textu-
ments, as Gen. 41. 4. Dial. 21. 4. 3 Sam. 9. 8. 12. 

Map of Measures and Weights, Derived from
the French Fijffy, i. e. a Proof or Trial, is the Examina-
tion used by the Clerk of the Market, Reg. Orig. fol.
279, As Afffum & afffnum panis, vini & cireculis, Faten,
37. H. 8. This Morn. 15. Lat. Affiesses, Res omnibus,
&c. Exce super confr stimus dirext pautro aefbro Roberto
de Poles, Oficum Affiess Uinaici de Wordeth, in ciiitare
Nurwich, quia ramin intelligamus quod Afiis hayfangi
Sconis de possis de Wordeth, &c. Cart. 3. Ed.

X. Auffae. Affaiis, Affaiis. A Custom of Pur-
manship amongst the Affiis, by which the party accold
left or purge himself, upon the Oath of 300 Men
which Culfome prevailed to 1. H. 4. where a Statute
cap. 6. reports it thus, As Am. forense Anglos (Ang-
lo) tan quid et tenet de eorum sedem & argo, de eorum
sero qui vortur se excerc (de le mort des tels
Rebelle esfymes) per un Affaith saign de Cuffome de Gales
cet a dire le preefen du ees humas, &c. which
custom for the future is forbid. Symnun.

Allerger of the Binge, (Alliagor Regis) French Af-
fiases; is an Officer of the Mint, for the due truyal
of Silver, indifferently appointed between the Malet of
the Mint, and the Merchants that being Silverthief for
Exchange, 2. H. 5. cap. 12. Veilish of Gold thall be
iel. &c. good consecratis in preseption sua omnium Monete-
ris Assayatoribus, &e. de monies Regis London, &c.
providacione & talis, &c. &c. &c. in Rics. &c. &c. &c. 
During the Ee, Chrift. 17. 20.

X. Alliher, Infalas or affalas, Cometh of the French
verb affable, i. e. adnirer, invidier, and that French
word may be derived from the Latin afflare, that is,
very otter, affecter. It signifies in Law a victim's Payment of a
higher na-
ture than Battery; for it may be committed by offer-
ing of a Blow, or by a threatening Speech, Lambr. Eikon,

lib. 1. ch. 5. As to threaten a Collector with harsh
words, so that he dares not for fear execute his Office,
has been reckoned an Affault. To strike at a Man,
though he be not in Such his Body, hath been
forementioned, the 22. Lib. Affis Pl. 65. That Affault doth not al-
ways imply a Blow or Striking, appears, in that in
Trefps for Affault and Battery, a Man may be found
guilty of the Affault, and excused of the Battery, 35.
Ecc. 24. The Rudois call this Affiissum, and define
it thus, Assalas eff imperius in perfumption actum, fuit
for pedius fat, vel quatuor machinis, aut quaque
viae de afferatur, Zafius de Feud. p. 10. no. 23. &
affilee of viam adderess, Lib. Feud. 1 t 5. fef. 1. 17. Lat.
Affiissum. — Scatius de ftauii in tis poffisione sua
iunum Affiissum de Affuits, & mur-
dris, & fretis, de jummemia effignific, & Patis infradatione.
Cart. 1. Hen. 1. in Cariar, Abbatis, de Radinges,
Ms. R. f. b. The word Afferatus does in the like sence
occur in the Laws of Edw. Conf. t. 12.

X. Affart, Scemeth to be a Welsh Word, and to sig-
nifie, so much as a kind of Excelle, or strange Purga-
tion, by the Oath of 300 Men. This of old was used in
Wales; for so I find it explications in an old Manno-
seca. Scripta, Affart of the Men, for the Gales, but now
it is utterly out of use, 1 Hen. 5. c. 6.

X. Affart, Affartum; In the opinion of Monswod, part.
c. 2. c. 9. m. 5. Of the Foref Forest, comes, from the French
affaire to signify to make plain, Affartum of
good redigum, &c. of culture, Fleta lib. 4. cap. 21.
under rendezvous: It is, in faith the fame Monswod, ca. 9.
no. 1, an offense committed in the Forest, by pulling up
by the roots the Woods, that are Thickets and covert for
the Deer, and by making them plain as fit for the Game.
This is reported the greatest offence or Trefpaf, that
can be done in the Forest to Vert or Venison, con-
taining in it Wolf, or more: for whereas Wolf of
the Forest, is but the falling and cutting down of the
Covered Forest, at some time again, if a Man affart,
is a plucking them up by the Roots, and utterly de-
stroying them, that they can never grow again.
And this is confirmed out of the Red Book in the Exchequer,
in their words, afferata terrae vexare nemorum, quandas,
&c. Afferat mensura volt demans, fessis & latere-
bus ferarum opsum succubitare ; quibus sanctis &
radicibus usufer terrae subervient & executor.
And again, out of the Reg. Orig. fol. 259. 4. 5. in the West
ad good dominam, lett out in eado where a Man takes
for license to Affart his Grounds in the Forest, and to
make it several for Tillage; so that it is no offence, if
done with Licens. To this also may be added, lib. 4. c. 7.
m. 11. where he faith, That the words
Efferat effigere ad tempus quidem caucatus 
radicibus usufer terrae subervient & executor.
And in Monwod, part. 1. p. 171. The word is used
for. E. f. p. 2. Stat. 1. in the same signification. That which we call
Affartum, is eile where termed Distibatio; Dist Geno.

X. Quinty de Erfart, we find in a Charter of Henry
the First to the Abbot of Rames, Sada. 158. & in Pat.
was also anciently used for a parcel of Land affarted by
appears by a Charter of Roger Earl of Martine, with-
out date, which is in the Colloidy of Dr. Thomas Bridge-
water. 7. The word Affartum or Effartum, is by
Selden drawn from Efferatus, in which he was un
else where found or rooted up. Some derive it a farris
from Weeding or Cleaning Fields. Skimmer runs into more
farcile Conjectures, &c. Exs. Exsartorius, &c. aces
finu ramos arbore arbore dominatus, arborum destruens, vel
it navigat & a Exsartorius affartum in afferatius, transmutatur.
Mr. Somer is much more rational and
happy, who thinks Exsartum to be a contravention of

X.
Heirs, and therefore unto Affewiare, in their Hands. to Man Ajfets in a hat hath that wear do gal fenfe satisfiyng the Regis Patris Domini in vetustioribus Milclines.

— Carterul, Abiir Glaiion Ms. f. 57.

Affewiare, Affere, to affine or make seare by Pledges, or any Tolumn Interpretion of Faith. In the Charter of Peace between Eor, II. and his Sons, recorded by Exaratum, feb. 16174. Affescurzus in manu Domini Rei Patris sui, quid quis eis serviret ut in malum ut Dominum aliquid de cefa faceret.

Affinely unfruitful. Coming from the French Assembler, i. c. Agregares, to flock together; whence also is the Subtantive Assembly, Congregatis; in a legal sense signifyng the meeting of three or more Persons, to do an unlawful Act, although they do not, Lamb. Eiren. lib. 1. c. 19. See Unfruitful Assembly.

Affet, From the French Affes, i. c. Susis, Brall. lib. 5. trall. 2. c. 8. n. 2. And although this word wear the Vizard of a Substantive, yet it is in truth but an Emblem of a Publick Good enough to discharge that barthen, which is call upon the Executioner or Heir, in satisfying the Tellators or Anccestors Debts and Legacies. See Br. ii. Asses per defent, that whomsoever whosoever upon Affetns, intend thereby that the party charged doth or shall dispirit the gusion, or come to his hands, to discharge the thing in demand. The Author of the New Terms of Law, maketh two forts of Asses; Asses per defent, and Asses enter mayes: Asses per defent is when the Land is bound in an Obligation, and thus fraught of Land in Fee-simple, which destined to his Heir, then his Land shall be called Asses, that is enough or sufficient to pay the same Debt, and by that means the Heir shall be charged as far as the Lands so to him destined will extend. But the Heir alienated before the Obligation he put in suit, he is discharged. Also when a Man feazed of Lands in tail, or in the right of his Wife, aliens the same with Warranty, and hath in value as much Lands in Fee-simple, which destined to his Heir, when his Heir is not in tail, or Heir to the common, now if the Heir after the decease of his Ancester, bring a Writ of Foredmen, or far cui in uita, for the Land so alienated; then he shall be barred, by reason of the Warranty; and the Land so destined, which is as much in value as that which was sold, and so thereby he hath received no prejudice; therefore this Land is called Asses per defent. 2. Asses enter mayes is when a Man indebted makes Executors, and leaves them sufficient to pay, or some commodity or prize is come to them in right of their Testament, this is called Asses in their Hands.

Affemarde, To draw or drain out Water from Marshy Grounds. — Quad sihi aemarnam praeludium Affemare, & securum margini marginis includere & in cultumium rediger, — et mariimi idam in Affesarium includere, & in cultura reddidum covertur, Mor. Ang. 2. Vol. 2. fol. 344.

Affes, Affes, it has two signification, one general as to acquire or appoy, or duty over a right onto another; in which sense Britten faith (fol. 122.) This word was first brought into use for the favour of Ballards, because they cannot pass under the name of Heirs, and design Goods enough to give the name of Affesper. The other signification is special as to point at, or fit forth, so we may say to affes Errors, Old. N. B. fol. 15, that is, to shew where the Error is committed. To affenisse Judgment, Id. fol. 17. is, to de declare how and where the Judgment is unjust. To affenisse a Law, 6c. fol. 172. is, to declare a Party unjust. Per. Ann. 6. R. 2. cap. 3. To affenisse the Coffin, Old. Nat. Brev. fol. 1331. To shew how the Plaintiff had ceased or given over. To affenisse Right, is to shew wherein especially the Waffe is committed, Reg. Orig. fel. 72. Affes in a general fortification is used, see 1. E. 1. and 11. H. 6. c. 2. in these words, Tulliers affeged to take affes. And the Substantive affenisse hath the same signification Wiff. Symbols. jud. 1. lib. 2. fol. 495. As the affenisse of a needy, is the setting over the Interest to another. In which manner is used also the word Affeser, Affesens, for one that is appointed or deputed by another, to do any Act, or perform any Baines, or enjoy any Commodity. And such an Affeses may be either by Deed, or in Lawe: Affeses by Deeds, is he that is appointed by a Perfon; as when a Leafe of a Term affeges the same to another, he is his Affeses by Deed: An Affeses in Law, is he whom the Lawe makes, without any appointment of the Person, Deed, fel. 6. n. 5. So an Executor is Affeses in Law to the Tellator. Perkins (late) Greeting, that an Affeses is he that occupie a thing in his own Right, and Destroy it is that doth it in the Right of another.

Affeses caderes, To be Non-fruitful. In what Case such Non-fruit is suffered, see Fleta lib. 4. cap. 15. & lib. 5. cap. 6.

Affeses, Cometh of the French Affhes, which in the Grand Cullumary of Normandy, ca. 22. is thus defined. Affes was an Assembly of Knights, and other substantial Men, when one of them, or several of them, was at a certain place, and at a certain time appointed: And again in fol. 55. Affes is a Court, in the which, whatever is done, ought to have perpetual strength. This Word is properly derived from the Latin Verb affeges, to fit together. Littleton in his Character of Rents faith, That it is Aequinum, setting down three several signification of it; one, as it is taken for a Writ; another as it is used for a Jury; the third, as for an Ordinance. Affes then is taken or for a Writ directed to the Sheriff, for the recovery of possession of things immovable, whereas any one or his Ancestors, have been deferrfed. And this is as well of things corporeal, as right incorporeal, being of four sorts, as here follow in order.

Affes de Robel Bilfrin, Affes Nova Dijefes, lies where a Tenant in Fee-simple, Fee-tail, or for term of Life, is lately deferrfed of his Lands or Tenements, or else of a Rent-service, Rent-fief, or Rent-charge, of Common, of Pature, of an Office, of a Toll, Trage, Pafage, Pawning, or for a Nuncul levied, and divers other like and similar Information whereunto he may read Glaubius, lib. 10. cap. 2. Brall. lib. 4. trall. 1. per tenant, Britten, cap. 70. &c. Reg. Orig. fol. 177. F. N. B. fol. 117. 178. 179. New Book of Entrails, fols. 74. col. 2. Wl. 3. 2. 25. an 15 E. 1. And to this may be added the Bill of Frest force, which is directed to the Officers, or Magnificate, of Cities, or Towns Corpor: being a kind of Affes, for Recovery of Possession in such places, within forty Days after the force, as the ordinary Affes is in the County, F. N. B. fol. 74. This the Civilians, call Judicium Possessionis coprincipis.

Affes de Feir n’ancet, Affes morz antecedens. Lych where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Lands, Tenements, Rents &c. that he had in Fee-simple, and after his death a strainger abateth: And it is good as well against the Abator, as any other in Possession. How this may be extended, see Briten lib. 4. trall. 3. per tenant. Brit. cap. 70. F. Nat. Brev. fol. 114. Reg. Orig. fol. 223. This the Civilians call Judicium Possessionis adsubstractum.
Affix of Darrein Prezentment, Affix ultimate presentment, Lies where I and my Assignor have presented a Clerk to a Church, and after the Church being void by his Death, or otherwise, a Stranger presents li his Clerk to the same Church of me; and how otherwise this Writ is used, See Brazil lib. 4. trall. 2. Reg. Orig. f. 195. Affix de utrum, Lyeth for a Partition against a Layman, or a Lay-man against a Parson, for Land or Tenement doubtfull, whether it be Lay-dece, or free-suits. And of this, see Brazil lib. 4. trall. 5. cap. 1. Brit. cap. 95. The reason why these Writs be called Affixes, may be divers, First, because they bethe Poffession, and to an outward right in him that obtaineth them. Secondly, they were originally executed at a certain time and place formerly appointed. For by the Norman Law, the time and place must be known forty days before the Justices put upon them: And by our Law likewise fifteen days of preparation, except they be tried in those hundred Courts of the King at Westminter, as appeared by P.N. B. fol. 177. Lastly, they may be called Affixe, because they are tried most commonly by special Courts, let and appointed for that purpole, as it is most commonly proved, none other than the Cunveniaries of Normandy, but our Books also; which shew, that in ancient times, Justices were appointed by special Commission to dispatch Controversies of Poffession, one or more, in this or that one County, as occasion fell out. But as the Difficulties were offered, and that as well in Term-time as out of Term: Whereas, of latter days we see that all the Commissiones of Affixes, of Elys, of Oyer and Terminer, of Goal-delivery, and of nisi prius, are dispight at one time, by two several Circuitis in the year, out of Term, and by such as have the great efficacy of Justice, being all of them either the King's ordinary Justices of his Benches, Baronis of the Exchequer, Surgeons of the Law, and such like; concerning which, we hear the learned Lord Verulam in his Life of the Law, fol. 13. ad. 21. All the Counties of this Realm (says he) are divided into six Circuits, and two Men learned in the Law are offered by the King's Commission in every Circuit, who ride twice a Year through these Shires allotted to that Circuit: these we call Justices, or Judges of Affixes, who have five Sevices the year, by which they live. The first is a Commission of Oyer and Terminer directed to them, and many others of the sort be their account in their Circuits. But in this Commission the Judges of the Affixes are of the Quorum, so as without them, there can be no proceedings. This Commission gives them power to deal with Treasons, Murders, and all manner of Felonies and Misdemeanors; and this is their largest Commission. The second is of Goal-delivery, and that only to the Judges themselves, and the Clerk of the Affix, by the Commission they are to deal with every Prisone in Goal, from what Defence sooner he be there; The third Commission is directed to themselves only, and the Clerk of the Affix to take Affixes, by which they are called Justices of Affixes; and the Office of these Judges, is to right upon Writs called broote, brought before them by such as are wrongfully thrust out of their Lands. The fourth Commission is to take Nisi prius, directed to none but the Judges themselves and their Clerks of Affixes, by which they are called Justices of Nisi prius. This Commission is given in the Beginning of the Year, and no more. And all the Justices of Peace, having no lawful impediment, be bound to be present at the Affix, to attend the Judges, as occasion shall fall out; if any make default, the Judges may set a Fire upon their Churches and buildings: The Sherriff, or mayor of every Shire, is able to attend in person, or by a sufficient Deputy, allowed by the Judges, who may fine him, if he fail, &c. Affix, in the second significatiou, according to Litton, is used for a Jury; For to use his own Exempl, it is mentioned in the beginning of the Record of an Affixe of Novell Diffisyon, as Affixe venit recognitum, which is as much as to say, Juratores venient recognituri: And the reason why the Jury is called Affixe, he giveth to this, because by a Writ of Affixe, the Sheriff is commanded, Quod falsus dixeruntque per legales de scientie, &c. Where testamentum liber, et nomina eorum inbreniari, & quod summunnet eos per bona summationum, quod fort eum justicierum, &c. parati inde facere recognitum, &c. This is to speke that the Affiexes of Metamorpha could gat them are called, the Affixe, because they are summoned by virtue of the Word so called. And yet the Jury summoned upon a Writ of Right, is likewise called the Affixe; though it be not an Affixe, but is termed aperuerfatio, or abusively, Affixe. An Affixe of Goal summoned upon a Writ of Right, by a Judge and a Clerk, is called an Affixe, in respect of the Grand Affixe; for the Law of Eves is grounded upon two Rights; one of Poffession, the other of Property. And as the Grand Affixe serteth for the Right of Property, to the Petit Affixe serteth for the Right of Poffession. Here's Mirror of Jaly, lib. 2. cap. de St. Hons. In this Kingdom, as we see, according to the same Littinlaw, is an ordinance or Statute, as the Statute of Bread and Ale, made 51. H. 3, is termed The Affixe of Bread and Ale, Affixe Panis & Corofo. Reg. Orig. fol. 279. The Affixe de Party, among others, whereby those be accused of any heinous Crime, and not able to purge themselves by Fire and Water (perhaps Ordal, Ordalism) but must abjure the Realm, had liberty of forty days to fly, and thereof to take all their Goods and merchandises towards their suflenance in Exile, Stamp. Pl. Cor. fol. 118, which he seemeth to have taken out of Brazil. lib. 3. trall. 2. cap. 16. num. 2. See also Roger Hoveden, parte 1. fol. 10. 29. and St. Hum. 2. fac. 13. 4. 13. in Hen. Secundo. Affixe of the Fourr, Affixe of Perjuries, is a Statute or Condition, touching Orders to be observed in the King's Forrest. Moonward Forrest Laws, part 1. p. 35. 35. camp. in the Court of Justices of the Forrest, per tatum, fol. 14. 14. 14. And the Affixe of the King, anno 18 Ed. 1. Stat. 1. called the Statute for view of Prank-pledge. And these be called Affixe, because they set down and appoint certain Measure, Rate or Order in the things they concern. Of Affixe, in this significatiou, Glanville (peaks, Lib. 1. cap. 13. in free. Generaliter erat de quod quidquid placuit quod in consuetudine doctoris vel miniatur, seminaria erat unde provenit, societatem deliberatur. Quod quietum fuerat, per nunc Alamum generali determinatione quod et thus much touching Litton's Division. But it is well the Writers of the Law, we shall find this word Affixe more diversely used, than he (Littinlaw) hath noted. For it is sometime used for the Measure or quantity it fell (that, and that for Metamorpha of Affixe) because it is the very canting described or commanded by the Ordinance; as we say, when Wheat, &c. is of such piece, then the Bread, &c. shall be of such affixe. This word is further taken for the whole Produce in Court, upon the Writ of Affixe, or for the same part thereof, that is written in the Index of the Jury: For Example, Affixe of Novell Diffisyon, &c. shall not be taken, but in their Shires, and after this manner, &c. Mag. Chart., c. 12. and so it seemeth to signify, Wolf, 2. cap. 25. 13. Ed. 1. in their words, Let the Diffisyon be defignated to the Shires, whereas, the taking of the Affixe may be defignated, &c. And 34. Ed. 1. Stat. 2. If it be found by Affixe, the Affixe is required, to every by the Affixe, the Affixe by their defaults shall pass against them.
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King makes three Judges of Affairs, and afterwards one or two others, where the King may grant a Patent of Affidavit to another, to associate him to the two, in place of him that is dead, and a Writ which shall be close, directed to the two Judges that are alive to admit him, f. N. 138. & 111. The King has also many none, and some letters hereof, may be found in several places, but particularly in Rexgift. Orig. fol. 201, 202, 205, 206, 207, 221, 224.

Afflute, (Adjuture) Signifies to deliver, or set free from an Excommunication, Stains, Pec Ev. Corr. lib. 16, cap. 13. fol. 74. whole words are to this effect, otherwise the Defendant should remain in Prison, till the Plaintiff were absolute, that is, delivered from his Excommunication. So that in f. 4, cap. 10, mention being made of King Edward the Third, it is added, When God afflutes.

Afflumfit, Is a voluntary Promise made by word, whereby a Man afflutes, or taketh upon him, to perform or pay any thing unto another. This word included any verbal Promise made upon considerations which the Citizen exprest by divers words, according to the Nature of the Promise; calling it sometimes Paffum, sometimes Sympniam, sometimes Promisum, Title. This word, or the like, is derived from the Latin Verb asumptum, and bears the sense of He hath assumed, or undertaken.


Alfarthite, or Alfartheit, Is a Saxon word, and denotes, say LE. Divi Edwardi, cap. 30. Et qui cum hac Regis habet, est mens ou bro, &c. Quod si minimis confedent in pace quam habet, per securum alienarum rerum, dominum vigent, etiam remandum, quod Angli vocat Alfarthite. See Hudson. p. 696.


Abel, Adon, A Power or Privilege of effecting and annulling Oath, in some Cases of Property and Right. From the Saxon Ath, Foraminium, Ordo. Among the Privileges granted by Eden, 2, to the Monks of Glaseburn, — Hadet queque locum Exidia Saxon and the next inquiry may be, Does it not appear, on Wedes and in Fried, on Erithrace, on Marchbre. Abes, Ortlaes, Rellia- hards, &c. the same Privilege call'd Others in another Charter to the same Abey, — Abbas & Conventus habitant hundred Seton, Others and Others, Eides, Tweides, &c. Carthar. Albat, Glaunon, MS. fol. 14 & 77.

Ego Atager, A Sort of Weapon among the Saxons, Flera, Wigerin. hib. anno 1040, and from him, Meadan fab cadem anno. — Humana setia cluvia, crucem et clavum crucee cruciatus, in destra lanceae, qui theo, ingentem Atager appellation. It seems to have been a Hand-dart, from Saxon, to fly or throw, and pass, a Weapon, Spelman.

Atia. See Odia & Attia.


Attae, Attabile Cometh from the French at, and the Root 8. sigre, setia, CG. In the Common-Law, it is used, we believe, by Commandment of a Writ or Precept. Land, in his Ebracsh. lib. 1, cap. 15. maketh this difference between an Atteff, and an Attestation, that Atteff procedeth out of lower Courts, by Precept; and an Attestation out of higher Court, by Precept or Writ; and that a Precept to At- rell hath their formal words, ( Deus factus) and a Writ of Attestation these words, (Preceptum tibi quia.) At- tesa is made in cases of males, &c. Whereby it appears, that he which arretthe, earneth (or ought to carry) the Party arrested to a Demand of higher Power to be diposed of forthwith; he that attests, keepeth with the Party attested, and protects him in Court as the day assigned. Yet we may take Notice, That an At- tesa shewed out of a Court-Baron, which is an Interior Court; Kitchein, Attestation in Court-Baron, fol. 79. 2. At- tesa is made in cases of males, &c. Whereby it appears, that in a Court-Baron, a Man may be attached by his Goods, but a Copy is not to go out thence. Secundary, a Copy is (the great Copy, or the Copy Copy) taketh hold of incommerable things, as Lands or Tenements, or the like; and the Act comparatively as may be gather'd from their Forms, F. N. B. whereas Attestation hath place rather in Personal Actions, B. & F. lib. 4, titul. 4, cap. 4, n. 5, See Sigle, de vero Signi. attestation. In the next place, out of an Attestation, may be a Differ, Kitch, fol. 70, holds, That the Proceeds in a Court Baron, is Summons, Attestation and Differ, old. Nat. Born. fol. 27. That the Proceeds in a Quare impedit, is Summons, Attestation, and one Differ, and fol. 28. speaking of the Writ Notory, is that it is, a Writ, which is Prohibit, and upon that Attestation and Di- ffer, and fol. 32, in a Writ of Indictor, after the Attachment returned, the Differ shall go out of the Rolls of the Julius. Brachon, fr. other side, fol. 3, titul. 3, cap. 4, n. 9, at least, that Attestation and Copies, and Sergens, and Sergens, and Sergens, and Sergens, and Sergens, and Sergens, and Sergens, is one Prohibit, and upon that Attestation and Differ, viz. That an Attestation reacheth not to Lands, as a Differ doth; and a Differ toucheth not the Body (being properly taken) as an Attestation doth. Yet are the former sometimes contended, as appeareth in the formermentioned places; and Glosa. Lib. 15, cap. 3, and Helio. lib. 2, cap. 66. But to Conclude; in comm on the Description of Law, an Attestation is an Appropriation of a Man by his Body, to bring him to answer the Action of the Plaintiff. A Differ is the taking Goods, for some real Caes, at Rent, whereby to force him to Reply, and to become Plaintiff in an Action of Trespas against him that distrained him. There is also an Attestation out of Chancery, and may be had of course upon Appeal, made of the Service of such posts, and the Defendants not appearing, or elseillus upon not performing some Order or Decree: And they are of two sorts, one simple, which is before mentioned, originally set out for apprehension of the Party; The other, after return made by the Sheriff, Quod Defendens sum capiti inventus in Bellevue fac, with Proclamation made through the whole County, that the Party appear by a day appointed, that he be attached nevertheless, if he may be found. This second kind hath nothing to do with the Commonwells and mediis at which if the Party appear not, he is Excommunicate; and with the Commonwells, Vis & mediis, sum capiti inventus; for it is no more than an Attachment, with Proclamation, A Writ of Schilling often used with, Writ of the Privy Seal, being the English form of Attach- ment, proceeding out of the Court of Chancery.
As to the word *Attaele*, to *attache*, or take into custody, the Learned *Dux-Fius* supposes it derived from the old Gailc *Tafio*, *Tafichs*, the Rent of Land or Tenement; from the Britsh *Tafs*, *Tafit*, Collov. *Tafie*; *Tafier*, Duty, a *Tafier*, or Day-Labourer, a *Tafue-mather*, &c. So *as attacher* was no more at first than to gather Rent, or collect Tribute, and upon refusal to take it by force, as a Debt and Forfeiture, &c.

At fine, particular as to Attacheing, or its being done, is when made upon the Goods or Chattels of any, fixed for Personal Effe or Debts, by the Legal *Attachitores* or Raybifie, as a security to answer the Action. It was a Priviledge granted to the Abbot and Convent of *Difney*, to have the Arrears of the Goods of their Tenants Quitted claim'd or releas'd, &c. See *Parth. Antig.* p. 156.

*Attituamra de Spiritis a Maffe*, The Privilege granted to the Officers of a Forfeiture to take in their own for their Thorns, Bruffles, and Wind-fall, within such Precincts or Liberties committed to their charge, So *John Fitz Nigel Forrester of Bermondsey*, A.D. 1250.


*Attituation* is by the Privilege of a Man's Priviledge, to call another into that Court whereby himself belongeth, and in respect whereof he is privileged, *Næw Book of Entries,* ver. Priviledges, *fo, 431.*

The *Court of Attachment*, which is a Foreigner's Goods found in foreign Liberty or City, to satiate any Creditor of his within such Liberty or City. And by the Custom of London, A Man may attach Money or Goods in the hand of a Stranger, while he is within the Jurisdiction of this Court. If A owes B, ten Pounds, it may attach this ten Pounds in the Hands of C. *Calterop's Rep.* pag. 86.

There is also an *Attachment of the Forfeiture*, which is one of three Courts there held, *Manwood*, p. 95, & 59. Which is to have the Goods of such as therein is by the Middlemen as one, the *Subnumites*; the highest, the *Justifce in Eye* State; *The Court of Attachment* seemeth to be so called, because the *Verderors* of the Forfeiture have therein no other Authority, but to receive the *Attachments* or *Condition* against *Vert* and *Vesores*, taken by the roff of the Officers, and to enroll them, that they may be presented and pinned at the next *Justifce-State, Manwood*, *Part. 1.* pag. 57. And this *attaching* by three means; 1. By the Body, *Pledge* or *Subnumite*, and *Mainprize*. 3. By the Body only, This Court is kept every forty days, See *Crompon* in his Court of the *Forfeiture*. For the Diversity of *Attachments*, *Reg. Orig. verbo Attachituatione, in Indicy.*

*Attainder, Attain*, is used for a Writ that lieth after Judgment, against a Jury, that hath given a false Verdict in any Court of Record, be the Action Real or Personal, if the Debt or Damages amount to above the sum of forty Shillinges. For the Form and use of it, See *F. N.* B. fol. 109, and the *New Book of Entries*, fol. 54, col. 1. The reason why it is so called, seemeth to be, because the Party that lieth it out, endeavoureth thereby to flain the Jury with Perjury, by whole Verdict he is griev'd, whole Punishment by the *Common-Law* confiistieth in these Particulars: 1. *Quod statit librum Ligeum in perpetuum*, He shall never be received as Witnes, or admitted a Juror, &c. 2. *Quod forticatus amitus bona suae & catellae*. 3. *Quod terrae & tenementi obligatur Domini Regis eigniament*. 4. *Quod exercet & liber ex teneo damas effe eigniament*. 4. *Quod bonas damas effe eigniament*. 5. *Quod exercet & liber ex teneo damas effe eigniament*. 6. *Quod damas effe eigniament*. 7. *Quod praebet eigniament*. 8. *Quod corpora eigniament carrier conscriptur*: *Co. om. Libb. 3. cap. 8. sect. 514.*

The ancient Law touching the Punishment and Conviction of Clerks, is altered by 23 Eliz. cap. 2 as you may read farther in *Clery.*

*Attainder, attain*, and *attaintur*: Is when a Man hath committed Felony or Treason, and Judgment is passed upon him. The Children of a Person attainted of Treason, cannot be Heirs to him, or any other Ancestor; and if he were noble and Gentle before, thereby his Poteility are Degraded, and made Base; and this corruption of Blood cannot be falsed, but by Act of Parliament. See *Attain*, *attain*, and *Peno.*

How far the Tenures of *Gavelkind* fals in this case, we will not dispute, only let down what Tenants in that kind have among themselves as a Maxim, &c.

The *Father to the Bough*, *The Son to the Plough.*

But many of these Tenures are within the fall Century altered by Statute; the Reasons whereof are not to our purpose here.

*Attar-ferefin*, The Inhabitants and Miners of Cornwall, call an old defeterd Mine that is gotten over by this name of *Anglesford*, i. e. the Leaves of the *Saxons*, or *Saxons.*
Attend. Attendance. Signifies one that oweth a Duty or Service to another, or a fort dependeth on another. For Example; There is a Lord, Master, and Tenant; the Tenant holdeth of the Master by a Penny, the Master holdeth over to a Tenet. The Master receiveth the Tenant all the right he hath in the Land, and the Tenant dieth; His Wife shall be endowed of the Land, and she shall be Attendee to the Heir of the third part of the Penny, not of the third part of the two Pences; for she shall be endowed of the less Part. P. P. H. Wickwane, and Kitchin, fol. 109, faith.

That where the Wife is endowed by the Guardian, she shall be Attendee to the Heir at his full Age: With whom agrees Perkin in Dewey, 423d.

**Attaining**.

Act of attaining; An act that will part'y. Termining of their Debt, shall be just into the Exchequer. Ordinatio de libertatis perquirundis. Anno 27 Ed. 1. It comes from the French attenir, i.e., that hath a time or term granted for the payment of a Debt. So in this Statute, it seems to refer to the purchasing or gaining a longer time for Payment of a Debt. 


**Attalus Equus**. A Horse with his Geers, or Harrow, or on the Gear or Cart or Plough. 


**Attention attenuatio et recipiendo est,** a Wit; which a Man owing duty to a Country, Husband or Appexntate, or other Court, and desiring to make an Attorney to appear for him, whom he doubts, whether the Sheriff or Bayliff will admit, or not, purchaseth to command him to receive and admit him. The Form thereof, see F. R. fol. 115. 

**Attention rem.** To Attam or Turn upon Money and Goods; i.e., to affign or appropriate them to some particular use and service. — quos eadem quantus solidus — attorev ad unum payment faciendum in commuo Ofrinigo, Porch. Archip. p. 293. Vide Turn.

Attramentum, Atturnementum. Signifies the Tenant's Acknowledgment of a new Lord; for otherwise, he that buyeth any Lands or Tenements which are in the occupation of a third, cannot get the Possession. Yet see 27 H. 8. cap. 15. the words used in Atturnamentum, are set down by Littleton, lib. 3. cap. Atturnament 12 V. 1 INDEX TO THE Grant made to you, &c., or, more usually, Sir, I attorne to you by virtue of the late Grant; or, if became your Tenant, or else deliver unto the Grantee a Penny by way of Atturnament: You may in the same place fee divers other Cases, whereas Atturnement appertaineth, and that it is the transposing those Dates that the Tenant ought to his former Lord unto another, and is either by Word, or by 48, &c. etc. 

Also is voluntary or compulsory, by the Writ termed, Per vos fortis, Old. Nat. Breve, fol. 155. Or sometimes by Diffra, F. N. 3. fol. 147. Lastly, Atturnament may be made to the Lord himself, or to his Steward in Court.

Kitchin, fol. 70. There is also Atturnament in Deeds, and Atturnamenti in Law, Co. Vol. 5. to 113. a.

Atturnament in Law is an Act, which this he intended to express Atturnament, yet in interdiction of Law is all.

**Attorney.** Atturnamentu Contech of the French word (Tourno) vettore. Thence come the Participle (Tourno) verus, conceruus, and the Subjunctive (tour) usis; as Chofan a fious, Quibus fas vit. It signifies in a Legal acceptance, some appointed by another Person to do his unheard, and is as much as Pro- occasion or Syndicus in the Civil Law; W. S. Syn. Part. 1 lib. 2. fol. 155. defines them thus, Attorney be fuch Persons, as by the Consent, Commandment, or Request of another, do take up his Cause, and do anything in his Name, to have Business in their Absence. And it teemeth that in ancient time, those of Authority in Courts, had it in their Power, whether they would suffer Men to appear or sue by any other than themselves; as it is evidence in the Writ Delinuus Petitionem de Attarum faciendo, where it appears, that Men were forced to procure the King's Writ, or Letters Patent, to appoint Attorneys for them; but since that, it is provided by several Statutes, that it shou'd be lawful to be able to do it without any such matter, as it was H. 3. 5. 6. E. 1. cap. 87. E. Stat. 2. Ed. 2. 1. 15 E. 2. cap. Unius, 7 R. 2. cap. 11. 7. H. 4. 13. 7. 2. 1. 15 E. T. 1. 15 E. 2. cap. Unius, 7 R. 2. cap. 11. 7. H. 4. 13. 7. 2. 1. 15 E. T. 1. 15 E. 2. cap. Unius, 7 R. 2. cap. 11. 7. H. 4. 13. 7. 2. 1. 15 E. T. 1. 15 E. 2. cap. Unius, 7 R. 2. cap. 11. 7. H. 4. 13. 7. 2. 1. 15 E. T. 1. 15 E. 2. cap. Unius, 7 R. 2. cap. 11. 7. H. 4. 13. 7. 

And it may seem great diversity of Writs in the Table of the Rogues, wherein it is allowed to the Writ, Commanded the Judges to admit of Attorneys, whereby there grew at last to many skillful Attorneys, and so many Mischiefs by them, that Provision for restraining them was requisite. Wherefore anno 45.4. Ed. 15. It was ordained, That no Attorney was to be endowed for the King's Writs and Implements of Husbandry — Williamus Primus Eboracensi vols. ut regnament in Ballivos Chirchdon 2 equi carreliari, cum carde & 36 boves ex 4 caruis & Attillus. An. D. 1283. Ex Regill. Will. Winckam Archip. Ebor. M. X. 4, 46th. The word Addile, for Military Harrenl or Accointments, occurs in the Stat. of Rob. 1. King of Scots, cap. 27. The French now use the word Outils, for any fort of Instruments.

**Attorney General.** Is, that by general Authority is appointed to manage all our Affairs or Suits: As the Attorney General of the King, which is much as Procurator Caesars was in the Roman Empire. Attorney General of the Duke, Comp. Forfal, fol. 105. Attorney Special or Particular, is he that is implo'd in one or more Cases particularly specified. Attorneys General be made after two forts, either by the King's Letters Patent, or by Appointment before Judges, in cases in court. Claville, lib. 11. cap. 1. Britton, cap. 125. There be also in respect of the divers Courts, Attorneys at large, and Attorneys Special, belonging to this, or that Court only. The Name is borrowed of the Normans, who appear by the Customary. And the word At- Lournis, or as done read it Turnus, is found in the fame signification, in the Title De fulta regulariam, con unici, fol. perfo in facios, where the GlossSafe, That Turnus diemest, Practuam, and allo confirmes: Our old Latin word for it, seems to be Repensfitis: Brall. lib. 4. 31. & lib. 5. part. 2. cap. 8. And it is in Scot- land at this Day, but especially for the Defendants At- turnor, Signe de ver. foest. Repensfits, as Siginius witreffith in his first Book, pag. 11. De Regio Iustia, it was in ancient time the Title of the Pope's Ambassador.

**Attorney of the Court of Wards and Liveries.** Atturnamenti Regni in Curia in Werdum and Liverum. Is the third Officer in that Court, as his Admission into the Office, he takes by an Oath before the Mafter of the said Court, well and truly to serve the King, &c. But the Court of Wards and Liveries, being it self taken away by the Statute, 12 Car. 2. cap. 24. this Office is gone, and therefore we will by no more of it.

**Attorney of the Court of the Duchy of Lancaster, At-**
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uation. Curis Ducis Lancastris, is the second Officer in that Court, and seizes for the skill he has in Law, to be then placed as Affessor to the Chancellor of that Court, being for the particular some Honorable Person, and chosen rather for some special Trust reposed in him; to deal between the King and his Tenants, than for any great Learning; as was usual with Emperors of Rome, in the choice of their Magistrates.

An Account or Shew to the Common Payment which every Tenant of the Manor of Writtle in Essex, upon St. Leonard's day, the sixth of November, pays to the Lord, wit, for every Pig not a Year old, a half-penny; for every Yearling Pig, one Penny; for every Hog above a Year old two pence, for the privilege of Pastage in the Lord's Wood.

An Ante-mail. The Vanguard or Front in an Army.

A Fund of Exchequer, is the Difference between their Receipts and Charge, and their Allowance, commonly termed Admissions. As namely, the Auditors of the Exchequer take the Accounts of those Receivers, who collect the Revenues of the Augmentation, as also of the Sheriffs, Escheators, Collectors, and Customsmen, and let them down, and price them, concerning which, see the Stat. 32, H. 8, cap. 32, and 4, Hf. f. fol. 106.

Auditors, Conventual, Collegiate, &c. The Religious had their Auditors, or Stated Officers appointed to examine and pass the House Accounts. Hence the Auditors, Audit-bills, Audit-time, in Cathedral and Collegiate Bodies.

Auditors of the Privy or Imperial. Are also Officers in the Exchequer, who take and make up the great Accounts of England, Durnick, the Audit, is the fitment of any Money impelled to any Man for the King's Service. See Practice of the Exchequer, p. 83.

Auditors of the Receipts, Is also an Officer of the Exchequer, that files the Teller Bills, and makes an Entry of them, and gives the Lord Treasurer a Certificate of the Money received the Week before. He makes Debentures to every Teller, before they pay any Money, and take their Accounts; He keeps the Black Book of Receipts, and the Treasurer Key of the Treasuries, and seeth every Duty, and gives any Man his Certificate of the Money."
in another Man's Ship, do pay the Master of it, for his care over and besides the Freight: For in both of Lading, they usually lay, "Paying so much Freight for the said Goods, with Primage and Average accepted.

— Abridge of Corn-Fields. In the North they use this word Aver-sy, or Aver-sy, in other parts the Edlage, in Wales the Allagh, in some Countys the Raghings; i.e. the Stubble or remainder of Straw and Grass left in Corn-Fields, after the Harvest is carried in.

— Averse. Th. Salmas interprets to carry Goods in a Wagon, or upon loaded Horses, a Duty required of some customary Tenants. But I question whether it did not sometime signify to drive Averre, Cattle or livestock in a fair or Market. — Omes homines (i.e. de Kyngdom) debent se averare ad Bruidium. Cartular. Glais. MS. f. 3.


— Avers. Con. A removed Rent in Land, paid to Religious Houses, by their Farmers or Tenents; which Mr. Smuer deduces from the Fr. Ours, or Ouvrage, as if Corn drawn to the Lord's Granary by the working Cattle of the Tenant. But it seems more natural (like Aversu) from mainly quod Aver-sy, a portion of the fertility of Corn. I suppose the Custom owing to the Saxon Cynric-Scat, Church-Scat, a Measure of Corn brought to the Priest on St. Mary's day, as an Oblation for the first Fruits of the Earth. Under which title the Religious had Corn-sett paid yearly, in an Inquisition of the Estate of the Abby of Gloucester, A. D. 1201. — ad ubi redit in gubito afferre usq. sed ubi sal. — de Church Scat. vel as sonere & dimid. frument. Cartular. Glaian. MS. f. 39 which Church-Scat, by a Norman Epithet, might easily in some parts be called Aver-Corn, especially in Kent, where by Composition the Tenents of Meniffe, were to pay to the Abbat and Convent of St. Austin, their Avercorn in a certain and determined Measure, A. D. 1257. — Neurinus unusq. quod a mortuis renovatis quantum Tenentes Abbas sancti Angliquini, in manere de Meniffe, quoddam feruamentum annuo quod Aver-corn vocant. fac nonres. minus cert. Vidi Chron. Wm. Thurn, inter scripsi. 1512.

— Avers, Cattle, Sir Henry Stixman deduces the word from the French Ours, Work, as if chiefly working Cattle. But more probably from Auvor, to have or receive such a quantity of seed or fertility of Corn. I suppose the Custom owing to the Saxon Cyric-Scat, Church-Scat, a Measure of Corn brought to the Priest on St. Mary's day, as an Oblation for the first Fruits of the Earth. Under which title the Religious had Corn-sett paid yearly, in an Inquisition of the Estate of the Abby of Gloucester, A. D. 1201. — ad ubi redit in gubito afferre usq. sed ubi sal. — de Church Scat. vel as sonere & dimid. frument. Cartular. Glaian. MS. f. 39 which Church-Scat, by a Norman Epithet, might easily in some parts be called Aver-Corn, especially in Kent, where by Composition the Tenents of Meniffe, were to pay to the Abbat and Convent of St. Austin, their Avercorn in a certain and determined Measure, A. D. 1257. — Neurinus unusq. quod a mortuis renovatis quantum Tenentes Abbas sancti Angliquini, in manere de Meniffe, quoddam feruamentum annuo quod Aver-corn vocant. fac nonres. minus cert. Vidi Chron. Wm. Thurn, inter scripsi. 1512.

— Auger, to weigh, by a balance. — caput pro conditio capitum a quo auger effus, & de gabilitate librae de averio ponderis, tres denarios, Cart. 3 Ed. 2. — Auger, A Gilleron for Water. — A. D. 1451. 20 Sep. Episcopos Ruthm Well, consecutis Gratias Walkebrigges, annum capit pro conditiis aquarum auger insufficiendis & certor machinis, hab. & fap. terrarum. — Auger, a kind of Wage, being a kind of Weight with Scales hanging, or Hoods fastened to each end of a Staff, which a Man lifting up by the Fore-Finger, or Hand, determines the quality or difference between the Weight or in the thing weighed. In which, because there was too great deceit, it was forbidden by several Statutes, as 25 Ed. 3. Stat. 5. cap. 39. and 34 Ed. 3. cap. 5, and S. 2 Ed. 6.
Aurifilium ad filium militrem fortitudinem a filio matronandi, est a Wat, largely directed to every County, where the King or other Lord, hath Tenants, to levy of them reasonable aid towards the Knighting of his Son, and marriage of his Daughter. See Aides, and F.N. fol. 82. But this is utterly taken away by a Statute of the 21st Car. 2 cap. 21.

13. Aurifilium Curiae, A Peace or Order of Court, for the citing or consenting of one Party at the suit of another. — Vide aide at Instantation Faciatur: Builder, Wills. MS. 

Aurifilium pendantur, See Ancient Demesne.

Aurifilium, hath a double signification: the one, when a Benefice becomes void of an Incumbent; the other when they say in Fleadings in Chancery, confessed, or avoided, transferred, or denied in tras, &c. See Vincent.

Aurifilium, Advocatus, See Advovatus: Britann, cap. 29. faith, That, Ave rece is he whom the Right of Advovatiun of any Church appertaineth, so that he may present in his own Name; and is called Ave rece, for a difference from those that sometimes present in another's Name, as a Guardian, that presenteth in the Name of his Ward; And for a difference also from those, which have the Lands, wherein an Advovat appears, not at their own, but by Indenture, or by Difforn. 

Aurifilium, is where one takes a Differs for Rent, or other thing, and the other thing Replein, then the latter shall have the Plea for what cause he took it, and if in his own Right, he ought to have it, and avow the taking. But if he took it in the right of another, then when he has flown'd the Cause, he shall make Cognizance of the taking, as Bayllor or Servant to him, in whose Right he did it: Terms of Ley. 72. &c. 21. 11. 8. cap. 15. For the more speedy and effectual proceeding upon Differses and Avowryes, see 17 Car. 2 cap. 17.

Avoir du pain, it is true French Avoir du pain; which is, Habere panis, or quis ad panes. In Law it signifies two things: First, a lord of Weight divers from that which is called Troy-weight, containing twelve Ounces to the Pound, whereas this contains fifteen. And in this respect it may probably be confecrated. That it is so called, because it contains a greater Weight than the other. Secondly, it signifies such Merchandize as are weighed by this Weight, and not by Troy-weight, as in the Statutes of Turkey, 9. Eliz. 2. in Proceed. 27. E. 3. Stat. 2. cap. 10. 9. R. 2. cap. 1. See Weight.

Aurum Regale, The Queen's Gold; Reg. Est. 52 H. 3. m. 6. Vid, Queen gold.

Stoffartung, A Golfhawk: In some Deeds there is referred a Rent to the Lord, quon Amicitiam.

Amato, 17 P. 2. cap. 1. Seems to be that which we now call Way-laying, or lying in wait to do a Mischief.

Amare, May be derived from the French Aimard, and is properly the Judgment of one that is neither aligned by Law, nor appointed by the Judges, for the ending a Matter in controversy, but is cluded by the Parties themselves that are at variance. And may seem to be called an Amare, because it is imposed on both Parties, ad collusionem et obviam. Spelun. 

Amans, Mention'd in fac. cap. 32. and in Car. 2. cap. 4. and a Mischief of Rhein-swine, containing forty Gallons; yet you may read in an old Printed Book these words, — — The Reed of Rhein-swine of Darkwright is ten A вечare, and every A вечare is fifty Gallons. Item, the Reed of Antwerp, containing fourteen A вечare, and every A вечare is thirty-five Gallons.

Baring, A Canopy supported by Iron Staves, hanging over a boat or pair of Oars in the River Thames. It is the common word used by the sea-men for the Sail in hot calm Weather, set transverse over the Deck for Shade.

Aurifilium ad filium militrem fortitudinem a filio matronandi, is a Word largely directed to every County, where the King or other Lord, hath Tenants, to levy of them reasonable aid towards the Knighting of his Son, and marriage of his Daughter. See Aides, and F.N. fol. 82. But this is utterly taken away by a Statute of the 21st Car. 2 cap. 21.
W. Rennet
XJ'

Rumfortnum in or on the reason of the four Circumstances aliquem cujus deprehensus
ford, An. bus mvrcis quia frimi word gather, those GIS; triumph Dcminum Rcgem regaliter Baronage. Fiftivilate one notluque perpetuo in cinis, i.f. medietatem tenent and Knights Fees within D.
Bananet. 4. ca. 5. Sta. bloody-hand in which place wording.

Wartoni Ang. ardentia

XJ"3 and argenti, is!

f. ex ardentia Sarcinia, jlparrjeio?, Bacchalaureus, Cometh of the Statute.

Wartoni Ang. ardentia

It is exempted in the Statute of Corn from the Punifhmcnt of

Sarcinia, jlparrjeio?, Bacchalaureus, Cometh of the Statute.

Wartoni Ang. ardentia

It is

It is

It is

It is

It is

It is

It is

It is

It is

It is
times call'd Bailiff, a Baylywick: As in Return of a
West, where the Person is not named, he faith, be
fummary fum. A. 11. and this invents in a Baylywick
into Hundreds, within which it is manifelt, That
formerly the King's Subjects had Bailiffes miniftred to
them by the several Officers of every County.* These were called baiUyfs. See Lynes on *Magiftrates, &c. lib. 2. cap. Bailiffi. And the Grand Culfumny of Nor
mandy, cap. 1. And the truth herof Bradfn attests, lib. 3. &c. cap. 34. num. 1. Where it appears, That
Bayllf of Hundreds might hold Plea of Appeal and
Approvers. But since that time, their Hundred-Counts (certain Franches excepted) are by the Statute of 14
E. 3. Stat. 1. cap. 9, divide in the County-Court, as you read in County and Hundred. And the Bailiff, Name and Office is fitted within this confent, that now they are only Officers to ferue Writs, and do fuch habe Offices within their liberties, Crews, Jfl. of Peace, fol. 42a. 2. The Name is still in good esteem other
when, as the Bayllfes in divers Towns be call'd Bayliffs; as in Ifînham, Tarlifne, Colchifte, and other places 1. And there be other to whom the King gives the Cufmody of his Caffles, which are call'd Bayliffes in the French, as in the Balliff of the French Bailiff, to deliver, or commit. Bailiff was the Perfon to whom an Authority or Trial was committed within such a District. Bailiff was the whole District, within which the said Trial was executed. A whole Coun
try was to call'd, in refpeft of the Sheriff, infra Ballifam
Touam. A whole Baronry, in refpeft of the Lord or Bar
ron; a Hundred in refpeft of the Chief-Challenger, a
Mannon, in refpeft of the Steward: a Circuit of Vill
ages and Hamlets, with refpeft the Capital Mannor.

Bailiff, Bail, or Delivery out of the hands of a proper Bayllf or Keeper, of the Goods to deliver'd.

Bailiffes for writs, &c. See Bailiffs. Banns, See Banns. Banns, a formal writ to call Lots by. As A. D. 1619. 12 Apr. De
nuff Exchequer Writings & Canons Relating to the
Series of the French Bailiff, for the French Bailiff,
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Bank, Proceeds from the Saxon Bank, a Murderer, and signifies the deliberation or overthrow of any thing. 


BA

Bankert, 


BA

Banneret, 


BA

Bancus, Cometh of the French Banque, i.e. Money. 


BA

Bankers, The Ulcers and Money!'s Godsmiths first got the Name of Bankers, &c. by the words of an Act of Parliament, An. 22, 23. 


BA

Bank, or Bench of Judgment; as a Bank is roy, the King's Bench; Bank of Common Pleas, the Bench of Common-pleas; Kitchen, fol. 102. called also in Latin 


BA

Bancus, A Stall, a Bench or Table, on which Goods are expos'd to tale, as Lib. Deem-don, in Ebor. Civitate. 


BA

Bantra, Cuthens, or like Coverings of ease and ornament, for Benches or other Seats. 


BA

Banner, or Bank, also for a Mortal Prejudice by anything, we commonly say, Such a thing was his Bank. 


BA

Bancuss, 


BA

Bankrupt, or Bankruptcy, is literally translated to make Bankrupt. And by a Stat. cap. 41, A Bankrupt is thus describ'd: All and every such Person afof, that shall sell ut the Trade of Merchandish, by way of Bargaining, Exchange, Barter, Cheque, or otherwise in Goods, or by seeking him, her, or their Trade of Living, by Buying and Selling; and being a Subject born within the Realms, or any of the King's Dominions or Duties, who at any time since the first day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep him, her, or his House or Houses, or otherwise, to offer him, or any person in his stead, to sell or jujf him or her self willing to be arrested for any debt or other thing, not grown or due, for Money delivered, Wares paid, or any other p'fl or lawful cause, or good confederacy or purpoze, to have his, her, or any of his, her, or their Goods, Chattels, or Moveables, or be made any Fraudulent Geans, or Conusaunts of him, her, or their Land, Tenements, Goods or Chattels, to the intent, or whereby his, her or their Creditors, being Subjects born, are defrafuld, shall, or may be defrauf'd, or delay'd for the recovery of their just and due debts; or being arrested for Debts, shall after his or her Arret, &c. in Pris'm for Month, or more, upon that Arret, or any other Arret or Detention in Pris'm for Debts, shall be arrested and adjudg'd a Bankrupt, to all intents and purpoze. But the later Act, 14 Car. 2 cap. 23, hath provided, that no Person whatsoever, that shall adventure in the East-India or Gaine-Company, or in the Royal Fidning Trade, shall be esteemed a Merchant or Trader within any Statute of Bankrupt, or liable to the same.


BA

Bannisi, An Outlaw, or Bandit Man. 


BA

Banius, The Form of Expulsion of any Member, from the University of Oxford, by affixing the Sentence in some public place, as a Denunciation or Prejudication of being a Subject born or Trader within any Statute of Bankrupt, or liable to the same.
Barons. See Barkes.

Barberries, (Oxyacantho) A Thorny Shrub, known to molt Men to bear a Berry or Fruit red, and of a sharp Taffe. These Berries, as also the Leaves of the said Tree, are medicinable, as Garrard swetheth in his Herbal, lib. 3, cap. 1, you find them among Drugs to be garbled, Anno 1. Fac. cap. 9.

Barbian, Barbican, A Watch-Tower, or Bulwark, Mandament of, Cæ. Ceoldi, Caesar Regis et Henricis de P. quaddim Barbicanum ante portam, etc. in edem Barbicano quaedam portam cum ponte verticatili, de noua facier, etc. T. Rege 10 Aug. Claud. 17 E. 2. m. 35. 1264. A Barkery, or Barkhouse, or to place Bank for the use of Tanners, New Book of Entries, lib. Abi, Cor. Polit. 2.

Barratrum, Barcaria, A Barkery, a Sheppwalk, or common for a Shepwalk. See Barkes.

Barren or rather Barquattai, May be called for Shepherds; for we usually say, Barcaria a Shepheard, and both seem to come from the French word Barquier.

Bar, A Bar, and Barons, or rather Barquentai, May be called for Shepherds; for we usually say, Barcaria a Shepheard, and both seem to come from the French word Barquier.

Barrattus, Barcaria, A Barkery, a Sheppwalk. See Barkes.

Bargain and Sale, As it is called by W. Synth, Par. 1. Lib. 2. Stil. 436. it is properly a Contract made of Mannors, Lands, Tenements, Heridiments, and other things transferring the Property thereof from the Bargainer to the Bargaine; where to the Author of the New Terms of Law addeth, That is ought to be for Money; say withal, that it is a good Contract for Land, etc., and that Fee-simple paleteth thereby, tho' it be not laid in the Deed, To Have and to Hold the Land to him and his Heirs: And tho' there be no Livery and Seisin, made by the Vendour, so it be by Deed indented, seal'd and inroll'd, either in the County where the Land lies, or within one of the King's Courts of Records at Westminster, within six Months after the date of the Deed, according to 27 H. 5. cap. 12. 1672.


Baron, (Bare) A French word, and hath divers Significations here in England. First, it is taken for a Degree of Nobility next unto a Viscount, Brist. Lib. 1. cap. 8, num. 4, faith, They are call'd Barones, quisque baron. Hie. And in this Signification it is borrowed from other Nations, with whom Baronie be as much as Provincia, Pet. Bellega in fiscal. Princip. fol. 119. So then Barons be such as have the Government of Provinces, as their Fee-holden of the King; none having greater, some Leffer Authority within their Territories: Yet it may be probably thought, that of old Times here in England, they were call'd Barons that had such Signiories, as we now call Court-Barons, as they be at this Day in France call'd Signoires, that have such Magna Potesta in their Territories. But those that now be called Barons have afferm'd, That soon after they Conquerr'd, all such came to the Parliament, and fate as Feers in the Upper-House. But when by experience it appear'd, that the Parliament was such pelted by fish multitude, it grew the cullow that none should come, but such as the King for their extraordinary Wildness and Quality, thought good to call by write; which Write also they can from time to time, as occasion serveth, to add to the Title of their Dominions, and to fix in the particular Person, that shall lose his Life and Member, if a Clerke do so, he shall be banish'd, Stann. Pl. Cor. fol. 117. This Punishment is also of our Modern Civilians called Benomma


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tion of certain Receivers Accounts, and examine the Letters and sums of such of the former Accountants as are brought unto him. The Fourth Baron is always a Curator of the Court, and hath been chosen of some one of the Clerks of the Remembrancers Offices, or of the Clerks of the Pipes Office: He at the Day of Pec-
fition, takes Oath of all High-Sheriffs, and their Under-
sheriffs, and of all Echeators, Bayleiffs, and other Ac-
countants, for their true and faithful Oath of the
Oath of all Collectors, Controllers, Surveyors, and
Serjeants of the Couth-Houses, that they have made
two true Entries in their Books. He opposeth all Sheriffs
upon their Summons in open Court: He informeth
the rest of the Barons of the Course of the
in any matters concerning the King's Prerogative: He
likewise, as the other Barres, taketh the Declaration
of certain receivers Accounts, and examineth the Letters
and sums of such of the former Accountants as
are brought unto them.

The Barons of the Exchequer are ancient Officers
for I find them nam'd, Wiffam. 2. cap. 11. Anno 1. E. 1.
and they be call'd Barres, because Baron of the Realm
were to be employed in that Office. Friso. lib. 2.
cap. Old Statuts, and of them, that their Office
is to look to the Accounts of the Prince, and to
that end they have Auditors under them, as also to
decide all Caules appertaining to the King's Profts, coming
into his Exchequer. This is proved in
by part of the Statutes of 20. E. 3. cap. 2. 27. E. 3.
and hereupon they have of late been Men learned
in the Common Laws of the Realm, wherein ancient
time they were others, viz. Majores & daturae in
Regno, five de Cevro eisst, five de Curia. Otheman in his
Lections, De Ffii Regii rationes. Burns Mirror of
Justice, That the Barres were wont to be two,
and they written. Cap. de la place Efheghes.

There are also Barons of the Cinque Ports: 3. E. 2.
3.2. and 33 H. 8. cap. 10. which are two of every
the seven Towns of Haylings, Winchelsea, Rye, Rameney,
Hilbe, Dover, and Sandwich, that have places in the
Lower-Houses, Comte. Sar. fol. 25.

Baron in the Third Signification, is as'd for the Huf-
band in relation to his Wife, which is so ordinary in all
Law-Boothes written in French, that it would be vain to
mention any one.

The Chief Magistrates of London were also call'd Bar-
rons, before they had a Lord-Mayor, as will appear by
several ancient Charters, particularly one of H. 3. in
these words, Honoram Rerum in diem & noctes & bar-
prasens Charta nostra confirmatum Baroniam nostri de
Civitate Londoni, quod eligatur filii Mayor de fictis fo-
egals canon. &c. See Spilman's Gloss. at large upon
this word.

Baronet, Baronezz, is a Dignity or Degree of Ho-
nor, and hath precedency before Baronets, Knights of
the Bath, and Knights Bachelors, excepting only such
Baronets as are made feudal Vexilla Regiae in aperto Bello, &
ife Perse personaliter praestiti. This order was ere-
ced by King James, 1511, as may appear in Rot. Par. 10.
Fac. per toman. 8. & 14. Rot. Par. 2. m. 4. with an As-
bendunn filii & Hereditas m. afaulns. Therefore we may
believe, that where the word Baronets is mentioned in
our Old Statutes, and ancient Authors, it is mistaken
for Baronets, 2. iuf. fol. 657. And Sidon's Titles of
Honours, fol. 716.

Barony, (Baronez Baragnium,) is that Honour that
gives Title to a Baron, under which Nation are con-

tained, not only the Earls and Barons, but such
offees of Royal Bar-

rists, but of Bishops, who have two Elites, one
as they are Spiritual Men, without Possession, as was the
Title of Leuc among the lllustrius, being full'd only
by the Fhirt-Fruits and Tenants of the other Tribes,

This other reft which they have growthen
from the Bounty of our English Kings. Whereby they have
Baronies at the leaf, and by that are Lords of
Parliament. Their Titles in to Sirs. Lib. 2.
cap. 34. is a right invisible, and therefore if an
inher-
tance be to be divided among Copareneris, the same Ca-
pital Meffages may be divided, yet, Se capitale Meffag-
jum & capi est Constatum, et capi Baronum: the faith
They may not be parcelled. The reason is, No fec-
cut for pars particularis dividatur, & pars Jura Con-
tatum & Baroniarum devinent ad nihilum, per quid
deficit regnum, quam ex Constatum & Baronii dicitur
ef similitudinem. There is other Barons which bear
that Title to this day, but are no Barons of Parliament.
Such were those constituted by Hugh Lync Earl of Che-
sters, in the Country Palatine there; as the Baron of
Malpe, the Baron of Kingstron, &c.

55 Sarraras, A Heir or FreeBSD for a Barrier,
or Mound in Land, in folemn quia fratrum Bati-

S. Johannis Jerusalem, de pars parum inter utres Hain
de Halvevode, in Nottingham fature quid Winkhein vle
vix etis & dimid. & de fina Sarraraux fuce, de se vifta

53 Sarrara Avt, vel Avesti: A Bar of solid
Metal.

Barber, Barra, Cometh of the French (Barre) or Bar-
riers, that b, Reguamul, Oyes Vifla. In the Legal
fence, demen's Barmes, Barmes against a Decease
or Plate, and is by the Author of the Terms of the Law
fai'd to be such a Plea, as is sufficient to destroy the
Action of the Plaintiff for ever: And is divided into
a Barre to common Intendment, and a Barre Spes. A
Barre to common Intendment, is an Ordinary or General
Barre, that ordinarily disfabel the Declaration or Plea
of the Plaintiff. A Barre Special, is that which is more
than ordinary, and falleteth out in the Cafe in hand, upon
some special Circumstance of the Chic, Scot Comotith's
Cafe, fol. 26. c. a. As for Example, an Execor be-
ing fixed for his Tefator's Dece, Pleadeth, That he
had no Goods left in his hands at the day the Writ
was taken out again him: This is a good Barber to
common Ibetween, or (prima fpecie.) But yet the
Cafe may to fall out, that more Goods might fall to his
hands since that time; which if the Plaintiff can show
by way of Replication then he has a more efpecial Plea or Barber to be alledged, he is to be con-
demned in the Action. See also Plea. de efs. supra con-
sul,fol. 25, and Birt. ti. Barre, num. 101, and Kittich, fol.
241.

Barre alfo in the same Signification, is divided into
Barre Material, and Barre at large, Kitchin fol. 68.
A Barre Material, as it is fecemeth, may be otherwise call'd
a Barre Special; As when one in the floop of the Plaint-
iff Action, pleadsome particular matter, as a De-
fect from him that was the undoubted owner, a Feec-
ment made by the Ancestor of the Plaintiff, or fuch like.
A Barre at large is, when the Tenant or Defendant,
by way of Exception, doth not traverse the Plaintiff's Title,
by Pleading Not Guilty, nor confels or avoid it, but
only making to himself a Title in his Barre. As in an
Action of New Diffiibus, the Tenant Pleads a Feec-
ment of a Stranger unto him, and gives but a colour
only to the Plaintiff; of this, there may be an Example
found, p. 7, fol. 29. Barre is also in regard of the ef-
fec, divided into Barre Perpetually, and Barre in Tim-
per: Perpetual is that, which overthroweth the Action
for ever. Barre pro tempore is that, which is good for the
present, and may fall hereafter. See Bros. ti. Barre
and fol. 27. There to that plead Plea administra-
A is good, until it may appear, that more Good come
to the Executor's hands afterward: which also holdeth
or an Heir, that in an Action of his Ancestor's Debt,
Pleadeth Rien per defent. This word is also used for
a. Material Barre, as the place where Serjeants or Coun-

tollers stand to plead Cases in Court, or Prisoners to an-

tive be heard. In the Old Testament, it is called Bara-

ners, &c. Lavers are termed Barriers, Anno 24 H. 8. cap. 22.

Baratia or Barratia, (Bareater, French Barre-
tar) a Deceiver; Signifies a common Wrangler, that

teathe Men at odds, and is himself never quiet, but at

Bratler. To this effect you may receive.

Baron-House it self, and

Bar forfe, because they that chop and change in this

change of

or

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Gloffary

England, which

Swords, within certain Barres

signifieth

the

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See alfo

acquitted of Felony payeth

Cavalcanm in his Thre7. de

in

the Italian word Barrataria,

faith, That

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Champerty,

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Barrow.

Trees

rais'd

is,

Barbar. Antiq. in the word

was

commonly taken for

a

that which the French

Barrow.

many,

Barrel of Ale but Thirty

Barrel of Beer containeth Thirty

Veffel feemeth

Co.

Bracbio Regio,

Tun,

Mr.

Barbar. Antiq. in the word

is,

Barlars

Barrators

Barrators

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Barraters

Barraters or Barrattos, Barrow. See Utter-

nu. 2.

Barre, or Barraty, Barratrix. See Utter-

The reafon

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Waved, fub Anno 1180.

shoulder, is made

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Degree of Bachelor

hold in

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York,

all that the Lord will

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Bafe Tenants

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which

Bafe Tenants

hold

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and

the will of the Lord, Kit-

chos, fel. 41. makes Bafe-tenure and French tenure, to

be confider'd as auditory. Fee to hold in Villingen, is to

do all that the Lord will command. So that a Copy-

holder hath but a Bafe Estate, not holding by doing

every Commandment of his Lord, he cannot be laid

to hold in Villingen. And I will not undertake to de-

termin, whether Copy-holders by Culm, and Con-

tinuous of time, have shaken off that extrem Servi-

tude, wherein they were at first, althro' Fees, Sec cuatas, 

faith, Tenure by Copy hath grown but of late Years.

Baflets, Baffell, A fort of Coyn, abolish'd by Henry


Baflebt, Baflebt, By the Statute 12 R. 2. cap. 6.

is made to fignifie a Weapon, which Mr. Stielp in his

Expiration upon Chancers, call'd Pagatinum vel Siam.

Bafes, Baffes, Baffes, A. D. 1100. Nunc Mentes currit in


Waveri, lub Anno 1180.

Bafentum, A Bafnet, or Headnet. By Inqu.

22 Ed. 3. after the death of Laurence de Haries Earl of

Penbedy thus: Quod quidem manerum (i.e. de Alton

Canloux) per fententia de Domine Roye in capite per se-

vitam incendii usum hominum peditem cum arum fax

chorda, cum uno balneato, fine capita per an dies funtiam

fam propriam, metum far fuit garrus in Wallia.

Baff, A Collar for Cart Horfees, made of

Straw, Sedges, Ruthe, &c. D. A. D. 1425. The Barfers of

the Priory of Bafberton Cam. Oxon. account, in tri-

unus coloris, uno haflo, cum tribun campiforii u. &c. de

Paroch. Antiquities, p. 574. Hence the Baffe for

neeling in Churchers.

Baffa Temura, Bafe Tenure, or holding by

Villingen or other Commonalty Service, as diffiguited

from Alla Tenure, the Higher Tenure in Capite, or by

Military Service, &c. Manrefum de Chepping Farendon,

cum pertinentim et de antiquo dominio carme Domini Re-

gis, unde orbd praffiduit innumera functe palfcolae, & de

baffa temura empphan manerii. Confolet, Domus de Pa-

fargons, Mr. W. 11.

Baffus, Per hisam toleratum caper, To take

Toll by Strike, and not by Heap, per hafium being

copposed to in commun vel cantala. — Toleratum ad na-

mendum fu secundum confectionem regni — mefia

per
Baftardy,

Inheritance no

him that calleth

Special is

ftardy General:

Warden of the
Baftardy is the
Bifhop
begotten
inherit,

Husband be
the Child's Birth, yet
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per quas
cap. 3, 4,

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Tryal by Combat
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Stat. 10

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(H5?ounB,

lBdflarD,

tolnetus capi

n. 29.

Englijh

Brall. lib.

And Sir Thomas Smith de Rep.

Ground,

/Confuetud.

Domus de Farendon,

/dice

Baftard;

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is

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and therefore is

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the Britifli Baftard, that

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for which, in regard

heftam.

Hugo Wake, isfc.

Jul. r8. Regni. See

Bottom.

a

in

Sax. Bat, Boat, and Swaine

Boat.fwaynes, vulgarly the Bofon of

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Bates, which

for ftandagc

for ftandagc

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Water coming

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two pence

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Bates, as it is

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Anonimus Epi-

figurarum

Baldekimom,

figurarum

Hugo Wake, isfc.

Figures in Silk,

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Hugo Wake, isfc.

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Anno 13

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tent inu mitts remunet, dites sestem de cotero un Berufia-
rias, fid Persus curnum nonpar. Pat. 21 Ric. 2, par.
3. m. 10. per Infpeif.

Verghnafter, From the Dutch Berg, a Hill; Is a chief Officer among, who also performs the Duty of a coroner, justice dictat, good in pricipio quando Miners chorum in campu minerum
quanto, inventa mineris conittit ad Baltivm, qui dicit bergmgulph, & permitt ob so das Miners. C.fr. de Art.
16. E. 1. 12, 34. in Turne Land. See Berkmuth.

Berkmuth, or Berghumtor, may be deduced fcm the Saxon Berg, a Hill, and Geneta, an Assembly; which is as much as to say, an Assembly, or Court upon a Hill. Juratites eisum desit quantum plattis des Berg-
mut, debit teneri de tribus festination in tres septimnes
figur mineri de Pecce. Ecr. 16. E. 1. ut. fipro. Hear what Mr. Mower s ingenious Treateile of the Custom of
Miners, faith.

3 E. 6, Art. 9. — And falt for One may be in Berghumte Court.
15 E. 1. c. 2. Thither for, Miners. Miners refet, ecc. 3. E. 6, Art. 10. And a great Court of bergmuthers ought to be
in corn 300 upon the Miners. In turnum Land. To
Weber Bergmuthers that they faithfully
Perform their Duties in the Minery, &c.

Berber, Incendiary, Cometh from the Saxon Berian, to burn: It is one of their Crimes, which by the Laws of H. 1. cap. 13. Eminentum nonfunt. See Openeth.

Berr or Berris, Signifies a habitation, which is still made out in the name of places, as Edmunderbury, 
So we usually fay, That in a Warren there are Camp-
Barries, or Camp-Berries. Ancielly it was taken alo for a Sanctuary.

Berris, Berer, Berre, Berrc. Moft of our Glosso-
graphers in the Names of Places, have confounded the Termination of Beris, with that of Bury, and Bergh, as if the Appellative of ancient Towns. Whereas the true fonde of the word Beris, Eng. Berel, is a flat wide
Campanoe, as from sufficient Authorities is proved, by the Learned De-ferfina in his Glossary, in nse. Beria, and in his Notes on the Life of St. Lewis, p. 99. where he obserueth, That Beris Sotete Edmundis, mentiond by Man. Parisiis, and 1074. is not to be taken for the Town, but for the adjoining Plain. To thice and other his Remarks on that word, may be added, That many flat and wide Meads, and other open Grounds, are hiil
called by the Name of Beris, and Bericfield. So the Gaueries are mentioned and their right in the Regn of K. Athelstane called Beris E. Bury. T. M. Sec. 2, 293. As now the laffest Paftpure Ground in Guernary, Chin. Bury, is known by the name Beris Field. And such indeed were the Beris Meadows, which the Sir Henry Scillons interprets to be the Demuchie-Meadows, or Muntant
Meads, yet were they truly any flat open Meadows, that lay adjoining to any Vill or Farme. The name with Berris, in that Floa between the Bishop and Prior of Carlisle, 19 E. 12, 9 quod Res in Beres [as praedilla, folia de legemdelos] posth Villas adfমctae, Efloias confuerfis, Berras affutraris, & Eflorias illas cum decima tenorvium librum pro voluntate fuo omnino voluntar conferre are beris. ffetio, must be to be ador to Plow up the plain open Heathls, or Downs. Here the Termination of many Places, situate in a more open Campagne; as Misberie, Cemouth, &c.

Berra, A plain open Heath, Berris affutraris, to groap up fuch as Muncum Heathls. See Berre.

Berrithath, in the Court-Rolls of the Manor of Chuton, in Com. Somers, is ufd for Litter for Horses.

Berris, Fr. Biets. A Limit, Companu, or Bound.

Pulchrum duum tamen pr tamen Beram, in
fol. 210. 3.

Berfaries, A Rocke, From the French Berces, to Rocks. — Res = fatis, paul pro bono servitio paul
quiufque, quiufque pro Deo Patrife, Beristores.

Comes Celfur. Filius nepfis = tertium surnem Matildis
deum marcas perpendicas fugitis annis ad Sanctum
as. Pat. 10 Edw. 3. p. 1 m. 30.

Berrffere, Berffes. A Mountain. — Alb ber-
quantum in Forcis canem aduersus, & fex berfesites.
Cart. Reg. de Quiney.

Berrtonarv, — Cam Bertonar teris, & tene-
menta que Berotonari made tenent ad voluntatem. Cart.
Joh. Epif. Exon. dat 34 Dec. 1337. Farmers or Ten-
ants of Beron.

In December they call a great Farm a
Berton, & small Farm a Living.

Berton, Is that part of a great County-Farm,
where the Bants, Stable, and other Inferior Offices
are kept, and the hand, and 
So we usually fay, That in a Warren there are Camp-
Baries, or Camp-Berries. Ancielly it was taken alo for a
Sanctuary.

Berta, Berra, Berre, Berreys. Moft of our Glosso-
graphers in the Names of Places, have confounded the Termination of Beris, with that of Bury, and Bergh, as if the Appellative of ancient Towns. Whereas the true fonde of the word Beris, Eng. Berel, is a flat wide
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Pulchrum duum tamen pr tamen Beram, in
fol. 210. 3.
Bidding of the hands was a Charge or Warning that the Parish Priest gave to his Parliamons at certain special times, to try some particular Prayers, or do other Acts of Devotion, in behalf of some deceased Friend's Soul; in imitation of what was, or the Charm of what was, communed by the Canons on the Sunday precedent, to give Notice of the Festivals in the following Week, that the Parliamons may the better observe them; this is mentioned 27 H. 8. cap. 26. We may easily find bidding in the Sax. word hidden, to pray or desist, and lead a Prayer.

Bennet. Two Yearlings, Tags or Sheep of the second Year—Will Lonsd. A.D. 1234, granted to the Prior and Canons of Canterbury—F☞T Bonus ut ad laudationis dictius, censium confirmatis. Paroch. Antiqu. p. 216. The Wool of their Sheep being the first sheering, was sometime claimed as a Heredit to the King, on the death of an Abbot.

Bigars, Bigara. Properly a Cart with two Wheels, and not as some have offered, a Chariot drawn with coupled Horses; these words have it sufficiently, Et quod cantitatis Bonus et curiosus super turbas Testamentorum, &c. Mon. Angl. fol. 255 b. This biga, or Cart, with two Wheels, and the practice thereto, by which was more express Refutation of the above-mentioned Conjecture. King H. 3. confirmed to the Prior of Repton Com. Dere, anag. quam cum uno equo femel in die in bis bis in de die. The biga, or Cart, was not added, as it stands in the Codex, ad监d ad at last prefixed to the Anted. Mon. Angl. tom. 2. p. 280.

Bigarnus. Is any Person that hath at several times married two or more Wives, successively after each others Death, or a Widow; as appears by the Statutes, 13 Ed. 1. p. 1. and Ed. 1. cap. 2. Ed. 3. cap. 3. 6 Ed. 3. cap. 9. The bigarnus, Bigarna. Signifies a Double Marriage, being a compound Greek word; it is used in Common-Law, for an Impediment that hindeth a Man to be a Clerk, by reason he hath been twice married, 4 Ed. 1. 5. which seems to be grounded upon hebdomadal law. Paul to Timothy, Epfl. 1. cap. 5. verf. 2. Operator ergo Epiphanius preponendum off. & unus xeris vicum. The Canons have founded their Doctrine upon this, That he that hath married a Widow they reckon to have been twice married. Both which they do not only exclude from holy Orders, but also deny them all Privileges that belong to Clerks. But the Author of the New Terms of the Law faith. This Law is abolished by 1 Ed. 12. and to that may be added, 18 Ed. 17. which alloweth to all Men that can read as Clerks, go not within Orders, the benefit of Clergy; even in case of Felony, not especially excepted by some other Statute. So is Brook, lit. Clergy, pl. 20. to the same purpose.

Bigarnus. See bigarnus.

Bilantia seu Biflagnus. See by-law.

Bilitaniae seu Bilitaniae. Bilitaniae is a Writ directed to a Corporation, for the carrying of Weights to such a Factory, there to weight the Weights that such a Man is leaved to transport. Reg. Orig. f. 270. a

Bilantia, or rather Biflantes, Biflatus. Lat. Bil. agns. So call'd by the Greeks, the Swedes the Danes and Saxons; from By, which in all the Languages signifies a Town; and Leu or Leuher, which signifies Law; as Gravus Saccus, and our Saxon Authors teliffe: And the Formanous, a Spanish Greek writeth after the Spanish corruption, Biliatges: yet we in England keep the very Radical and word it Biflantes. W. Spelman. of Fees, cap. 2. That 1. Laws madealter, or by the By; such as are made in Court-Leets, or Court-Barons, for the peculiar good of that place that make them, farthermore the Biflantes are by Law confirm'd. The like are generally allowed by Letters Patents of Incorporation to any Guild or Fraternity, for the better Regulation of Trade among themselves; or with others.
Billiot, Bulion, Bulk, is Bullion of Gold or Silver in the most before it coy'd. — Volume quad armatis argento billionis, & transf updated & to librum Statuari, retentis ad opus nummorum pro cubilibus & specimina & firma nostra dedecum dianum de argentis de Can- donus, Mem. in Seantor. Term. Miche, 5 Edw. 1. by Sir John Montague.

Bird of Prerogative. See Stick of Edils.

Biorthendian. This is among the Privileges granted to the Monastery of Celfinby

So & So, horrid, bewilering, & biorthendon, on Strand and on Streame, Cartular. Abbott, Glaiston. MS. f. 87. 2


Black sheep. See Bisham, and Bylaw.


Bircrurus, The Cap or Cowl of a Judge, or Serjeant at Law. The Honorable Life of it is thus de- scribd by Fortes. De Land. Leg. Ang. cap. 50. In- famum quod omnium futilitarius ibi taliter extant gradata, qui vetus turris tentans uterar duos in Cortes Regis sedent; Bircrurus alio de ferino, quod primum & praeium est de Infinibus Thalibus quaerentiates ad Legum, in corum cres- tationem decorant. Non Bircrurus itud futilistarius, igitur nec fortunis ad Legem unam depat, quod cap tosum in dato disip serpentatem in praelia Regis, et Spec. Bircrurus, a Oal. Bible, Certa major, a Hird. — de- creto omnium gentium qui, deo, dedit coebris bludie damis, por- cis de lite. Mon. Ang. vol. 1. f. 648. 2

Biffertif, Bifertif, Vulgarly call'd Leap-year, be- cause the fifth day before the 25th of March is twice reckoned, viz. on the twenty-fourth and twenty-fifth of February; so that the Bifertif-year hath one Day more than other Years, and happens every fourth Year. This Inter calation of a Day was first Invented by Julius Cau-sor, to make the Year agree with the Course of the Sun. And to prevent all ambiguity that might grow thereupon, it is ordain'd by the Statute De Anno Bif- fertif, 21 H. 3. That the Day increasing in the Leap-year, and the Day next before, shall be accounted as their own dit, and not as the Day and the Night. 1 Eliz. 345.


Black mail, is half English, half French; for in French Mail signifies a small piece of metal. It do- nate in the Counties of Cumberland, Northumberland, Wlufetland, and the Billiprick of Durham, a certain rate of Money, Corn, Cattle, or other Confederation, paid unto some inhabiting near the Borders, being Men of Name and Power, ally'd with certain known to be great Robbers, and Spell-takers within the Coun- ties; to the end, to be by them protected, and kept in safety, from the danger of such as usuallily rob and steal in those parts. Ann. 42. Edw. 25. See Magd. These Robbers are of old Years call'd Men of Power, and several laws made against them.

Black Rod, Is the Ulter belonging to the Garter, so call'd of the Black Rod that he carrieth in his Hand; He is Gentleman Ulter to the King, and also Ulter of the Parliament. He is call'd in the Black-Boo, fol. 255. Later verapixe, and Hiftapius; and elsewhere, Virgi- biblius: His Duty is, In portam inestorem eum de- fine Regis, ad Feiam Sancti Georgii infra Calumra de Windhore. He also keeps the Chapter-House-Door, when a Chapter of the Order is fitting; His Habit is the same with the Regifter of the Order, and Garter, principal King at Arm, which he weares only at the feven- tines of that Festival of St. George. He carries, as we said, a Black Rod, on whose top is a Lyon, Gold, His Fee is 30 l. per annum, and hath annually been made by Letters Patent under the Great Seal, and hath a great Power; for to his Custody all Noblemen, call'd in question for any Crime, are first committed.

Blandarius, A Corn-monger, Meal-monger, or Corn-Chandler. The word is old in our Records for such a Retailer of Corn. Pet. 1. Ed. 3. par. 3. m. 13.

Blade, Blackam: Spelman 1575. De seife tantum in- telligence in the Saxons, it signifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. Hence Bladice is taken in an Ingenious of Corn or Grain; This may appear by a Release of We, de Montain to his Brother, of all the Mannor of T. Sivio infalculo & blado, excepting his Stock and Corn on the Ground.

Blanč Firms. In old times the Crown- Firms, were many times refervd in Libris Alibus, or Bland Firms, in which Case the Buyer was holden Decurier firmast; that his house Mayn, or Coyn worrie than Standard, was molten down in the Exchequer, and reduc'd to the finewds of Standard-Silver; or (in finibl thereof) he pay'd to the King twelve Pence in the Pound, by way of Addition, Vid. Lowndes' Elyaf upon Coyn, p. 5.

Blanke, French Blanc, that is Candidus, white: It signifies a kind of Money coynd in the parts of France by Henry Fifth, that were subject to England, the value whereof was eight Pence, Stow's Annal p. 356. These were forbidden to be current within this Realm, 2 42. 6. cap. 9. The reason why they were call'd Blanks, may, becauf the time the'ree were in France, there was also a Piece of Gold Coynd, which was call'd a Solas, of the value of 22 Shillings, from which this Silver was distilled by the Colour.

Blinden, Is the Title of a kind of Tenure of Land, as to hold Land in Brench, is by Payment of a Sugar-Loaf, a Bever-Hat, a couple of Capors, and such like; if it be demanded in the Name of Brench, identify no more, who gives. See Albus, 66.

Bliete, French Bleche: Pete, or combustible Earth, dug up and dry'd for burning. — Minifter & Ferretis de Knareborough, potent quod 12 & curum Tonentes fuldum turbos & béetas, in Forfa de Knare- borough, 1515, 3 E. 4. 5.

Blockwood. See Logwood.

Blodz, Sax. Blood, deep red Colour. Hence Blood and Bloated, is Sanguine and high-coloured; which to the Kent it call'd Blooding Colour, and a Blood is there a Red-faced Wench. The Prior of Glastonbury, A. D. 1425. gave his Liverys of this Colour. — Et in Vide foame empo pro Armigeris & Valifia Prioris de
Bona, Chains, or Fetteris, properly what we call Bondia, or a lease of capite, or capite liberatis, or a
rogans geneae fumus quis, quibus S. Brittannia legis fait
Boutar, or Bullar of Salt, A Salt-houde, or Salt-pit, where Salt is borne, Co. on Lit. fol. 4. 6.
Boutar, or Bullar of Salt, A Term of a land w洗礼 in a Loosay land, by which they contend private Arguing of Cases, the manner of it is this, An Ancient and two Barristers as Judges; three Students bring each a Case, out of which the Judges choose one to be argued, which does, the Students begin and argue, and after them the Barristers. Bulting hath also a more common reception, which Country Houlewives say is the Serving of their Meal or Flour thro' a bag, to make it finer; which bag they call a Boller; And why may not the Law-Term be drawn hence? because the Bulting of Cases is the Through-fitting, and debating of them.
Bout, A Bolt of Silk or Stuff, seem to have been a long narrow Piece.
Bout, in the Accounts of the Priory of Burcefter, A. D. 1347. —
Bout, or a hole rable Say, and Stercbrushes, proper aynathum factum
Boutler, See Bult, Bult.
Bout, That is done Bond fad, that is done really, with a good Faith, without Fraud or Deceit. It is mentioned 12 Cor. 2. cap. 18, and 15 Cor. 2. cap. 5.
Bona geoffura, Good Abearing, or good behaviour.
Bona, or Bults, are Multis montationes rerum retiner inviniae, foferentum. Facit de fua boia geuffa erga Bullianum et Comunegos — apres
diuris ejuscitur. Codex MS. de L. Statitis & Confo
diuris, Burgi Ville Montegnor.
Bunafh, or Bunagry, An Exaction in Ire
land, imposed at the will of the Lord, Antiqu. H. p. 52.
Bunam, in his Brit. tit. Desmond, says, That James’s Earl of Desmond imposed upon the People the most grievous Tributes of Coyn, Livery, Cocherings, Bonafigy, etc.
Bona naturalia, Are such Goods as a Party dying hath in another Dioceses, than where he died, amounting to 5l. at least, which, whoo hath, his Will must be proved before the Archbishop of the Prov-
cence, unless by Composition or Custody, other Di-
ceeses are authorized to do it, where Bona naturalia are rated at a greater Sum. Book of Canons, 1 fl. cap. 92.
Boukens, see Probate of Testaments.
Bonna, or Bass, A Rent of a Country-Man, or good Neighbours. See Agfionf, Agfiony, Agfiony.
Bonna, or Bonnagry, or Bonafigy. Are fifteen Students, and Twenty, or more, are chosen out of the Country to pass upon an Affict, and they are call’d Juraretes, be-
Bonde, A Bond, or a Bond. The Prior and
Boutar of Bifhor, Com. Oxon. An. D. 1425, account to the
Houde, — Et in daddo banci aluei diee, — for two bookes or rophets of Osions d. P. heanus derives it from the Dutch Bokjes, the tops of Hills. It seems rather from the old Latin Bonus, Buona, a Rising Bank, for the Term of Bond of Fields. Hence the word Bona is used in Normandy, for Swelling or Rising up in a bunch or tumour, 47.
Bonds, or Bonds, and Bondem: The Book of Bonda-
days calls Bondemen Strivy, and differencs them from
Villages, Villages. Et de tatemdenome quod de 16 tavos in
Bondonago, 8c. Mon. Angl. 2, par. fol. 629, 2.
Bona non ambivius, is a Writer to the Sherifs of London, etc. The two Students being out of Judgment in a Nation, and protesting a Writer of Er-
ror, he be not suffer to remove his Goods, until the
Error be tryed by Reg. Orig. fol. 131. b.
Bunting, or Bunting Corn, Certain Rant Corn an-
ciently so call’d; The Tenants of the Manor of H. in
Rochefter, Antiquity of Purveyances, fol. 418. See Botto.

Perhaps it was so called, as being paid by the Tenants, by way of Boat (Boat we fill call it) or Compensation to the Lord, for making them faithful and other similar services.

Boatmen, Be Tenants that occupy part of the Demesne, which are called Bordlands.

Bordagium, The Tenure of Bordlands, which see. Item ordinarium et quod annus qui terras & tenementa tenet per Bordagium, habebat super angulis Bordagium, 

per praedialum frevisium tenetarum, capitem quantum minimum in loco ad hos confess, & Ordin. Juil. 11th, in Insula de Jerle.

Bordarti, lex Bordamendi: we often meet with these words in Devonsey; some think they are Peasants, Husbandmen, or Cottagers. Dixon Bordari, quod in Taurus (qua otagia vocant) habitabant, & Spelman. See Bordards. 3. Some derive it from the old Gull, Bords, the Limits or Extreme parts of any Extent: As the Borders of a Country, and the Borders of Inhabitants in those Parts; whereas the Bordure of a Garment, and to imbrider, which we Corrupt to imbroder. But our old Bordarii, Bord-men, were rather to call'd from Sax-Bard, a Horse.


Boord, A Plank or Board... See Victim-Flos. Solusam. Exicies publicae praemulac ne quis --- moraturium eligant, sed Bordas aliquas aptas pro navibus faviendis, extra regnum usorum ad partes exterior suas, vel curari faciat. Rot. Clas. 10. Edi. 3.

Boordmother. The firm, or quantity of Food, or Provisions which the Bordary, or Bord-men pay'd for their Bord-Land. The old Scots had the term of Bard, and Meet-bard, for Virtualls and Provisions; and Burden-Sack, for a Sack full of Provisions. From whence probably comes our English Burden at first; only a load of Meat and Drink: which we seem full to retain in the Proverb, He has got his Burden, i.e. as much Drink as he can bear, or carry off.

Boordet, Lit. Bordulum. At first it figur'd any small Cottage, which growing infamous for a licentious Ale-house, and the common habituation of Prostitutes. Thence by degrees a Bordel, or Metathyle a Bordel; Brothel and Brothel-house came to signify a lewd place, a Strump. From which Bremser-brothel, a common Whore. Hence in Chaucer, a Bordel-man, contraction of Brothel-man, a lote idle Fellow; and Broel-folk, Drunkards, and Epicures, which the Scotch now call Brothel-Folk. In the Dialogue between Dives and Pater, Printed in Lond. 1642., Div. 3. And I declare that full offence by such ill rejs Gooddes House is made a Tavern of Gluttons, and a Bordel of Lechers.

Borghirch, or Broogh-Brych. The French or Flemish of Surchtpny, or Pledge or mutual Fidelity among the Saxons.

Boirea, Bordaire, Bordere. To excrute the Fees of Arms in Juls, Tournaments, or other Military Sports.

Bordland, Ant. concurrens ad terram, vulgo bordum, nec ad alias quacumque avunculat. See bord of Arms, iv. Hen. 2. Bordere was more properly bordurium, for fielbus dimicant, to play at Cudgel's. Chaucer uses the Word Bordage, for larger Steds in Cudgels: The old French bordun, as a Pilgrim's Staff; Bordarice, were the telemn Challenges and Charges at Quarter-Staff; Cudgel-Play, Back-Sword, etc. De terraeibus & borducis non torvatis. -- Ne quis prajuit

Borough, or borough. In Latin Burgus, Burgum; May be deriv'd from the French burh, i.e. pages; or from the Scirish burh, fi. It signifies with us a Corporate-Town, that either is not a City, 2 E. 3.cap. 3; namely, such as fend Burgesses to the Parliament, whole number you may fee in Comp. Jurisd. fol. 25. It may probably be conjectur'd, That anciently it was taken for those companies confiding of ten Families, which were to be Pledges for one another. See Bratt. lili. 3, tatt. 2, cap. 10. See Head-borough, and Borough-head; Lamb. Duty of Conil. pag. 8. Linwood upon the Provincial, (also fudales de foedibus) speaks to this Effect. In the old Saxon, teneure Burgus, of which you derive it from the Greek word τηνειον, that is, Terris. See Signe de verb, Signum, Vergeen, in his Resolution of Decay'd Intelligences, faith, That Burgh or Burgh, whereof we take our Borough, Metaphorically signifies a Town havingicers, or some kind of Cloister about it. All places that in old time had amongst our Ancelors the Name of Borough, were one way or other tinct'd or fortify'd, Lit. fo1. 164.

Borough-head, alias Headborough, c Geneura Bleugas, made up of a Pledge, and Head, Lamb Duty of Confittables; where in the Explication of this and other Saxon Words of that Nature, he rehearst some ancient Customs of England, during the Reign of the Saxons. This Borough-head was the chief Man of the Decary, elected by the reit to speak, and do in their behalfe those things that concern'd them. See Boardholders.

Borough-hold, alias Boardholders; Be (after) Borborholders, and signifieth the fame Officers that be call'd Boorow-heads, Lamb. Duty of Conil. Bruffon call them Bordgny-Aldere, lili. 3, tattl. 2, cap. 10.

Burgin English, Is a Customary Defent of Lands or Tenements, whereby in all places where this Custom holds, Lands and Tenements descend to the Youngest Son; or if the Owner of the Land have no issue, then to the Younger Brother: As in Edmund, one part of Richmond, and other places, Kithin, fol. 102. And the reason of this Custom, (Says Littleton) is, for that the youngest is profum'd in Law to be least able to shift for himself.

Burgin Coobs tribulat. I find these Words in the Statute of Alan Burme, 11 E. 1. cap. unio: 3 And supposeth those that as before the Statute of 32 & 34 H. 8. no Lands were devisable at the Common, Aliquy interprete-

Volo breax, According to Com. Jur. fol. 201. It is a.beloved Officer of the Forest, from to the true performance of his Office, in these words: 'I will true

Man be to the Matter Forest of this Forest, and to his

Lieutenant; and in the Abence of them I shall truly

oversee, and true insinuation made to well of them Men

for. Be it known in every Haltwood, both in the North

Ball and South Ball of this Forest; and of all manner of

Trepsuses done either to Vert or Venion, I shall truly

endeavour my self to attack, or cause them to be atac-

ted in the next Court of Attachment, there to be

preferred, without any concealment had to my know-

ledge. So help me God.

Bratane, See Rufinus.

Brattats, Hounds, or rather Beagles of the

smaller and better kind. -- Rex constater J. L. M.
giffarum canum vacuarium Brattatus, dem ei tu-
pectioni expeendi effe canes, nec in balendi &* sa-
ciendi cum eis /e/ beatas, rixtas infra foresfas 

& chaus quasi /o/ S/ S/ e/ere celeberrimum pro ex-
peditione & informatione dierum canum. -- Pat. 1.


Bratuts. Brachetus, Fr. Brachet, Bacus Comis

Luperi, indagator Leporum. Fr. Brae.

Brace, small and

tached in the

'j

experiendi eefdem

Jce, praf.

Comput. de Anno

i
d. computato.

pro

d. quos

is quatuor

the large Fleet Hound, Brachetus

Ric.

2.

jus, brathia, is aliis

pertinentiis,

It

of Leesof Wine

bofcum ad ficcandum.

unum

manerio de

panis, vini is) cervifia, is) bujufmodi

brafti


1669. by

Mf. Upon

Man

Si qua

a

Service

prefented, without

as

and in

South Bail

Yj=

315rarclettfl, Hounds,

Xjj

fuasfrout fibi fore videbitur

refolved

Officer of the

315;ali5rir,

Brafinaria, taken for

2.m.

mandat Baronibus

Re.

Braconier.

2.

Braconier. kdieS.

ac

Braconier. &

Winch, being the

Capital

of

Maltster, 18

£.

Brandy

companagiip five leguminis,

of

wine, is cerevifia,

vino, is cerevifia,


Bo.

refulv'd,

fignifie

quifcunq-

17.

Brafratorh taken for

21.

Braconier. &

Winch, being the

Capital

of

Maltster, 18

£.

Brandy

companagiip five leguminis,

of

wine, is cerevifia,


Bo.

refulv'd,

fignifie

quifcunq-

17.

Brafratorh taken for

21.

Braconier. &

Winch, being the

Capital

of

Maltster, 18

£.

Brandy

companagiip five leguminis,

of

wine, is cerevifia,
Et fuit ille in Brigham, quæ, ita he made a fight about the Land, Eur. Hill. 18 E. 2. Rot. 28., or be his Beaufort wood; from whence is used & of & Mr. W. 2. So confume it with & Hерege, and others with Beaufortine, which is a different thing, being a fight falling Veulfud at Sea, being long, but low built. 

Beaufort, or Beaufortis, fup quartz de saxo sonante dando ad refependam Pontis. Fleta. lib. 1. cap. 47. It is compounded of brig, a Bridge; and bote, a Compensa- 

tion or yielding of Amendis. See Bote, and Bruckler, fol. 622. 

Exhibit. K. Hen. III. in a Charter to the Citi- 

zens of Lond. dated 16 Arts. An. Reg. XI. - Ad en-

dationem Civitatis London. eis concessimus, quod omnes 


Britoen, Was a famous Lawyer, that liv'd in the 

days of King Edward the First, at whole command, and 

by whole Authority, he Witt a Learned Book of the 

Law of this Realm, and hath been ran in the King's 

Name, as it had been pen'd by himself; anervorable 

to the Infrunctions which Tullianus affurneth to himself, 

the compo'd by others, Stump, præc. fol. 6. & 21. Sir 

Edward Coke faid, That this Britton wrote his Book in 

the first Year of Edward the First. Lib. 4. fol. 126. 

& lib. 6. fol. 67. e. Mr. Gains, in his Preface to his 

Reading, mentioneth, That this John Britton was Bishop 

of Hereford. 

Brooke, Is commonly taken for the wages or hire of 

a Broker. In 12 R. 2. cap. 2. it is taken 

meant by a Speakeman. Anno 1st cap. 21. It is written 

Brokerage. See also 11 Hen. 4. n. 28. not printed. 

Bractus; An Awl, or large packing Needle, 

carry'd in the Hand to mend Sacks, Saddles, 

and other Hore-geer. From the French Broche, a Spik 

which in some Parts of England is call'd a Broche. 

Whereas to broach or pierce a Barrel: Lat. Broches, 

Brocha, Gall, Broches Armat. Brocam, were sharp wooden 

Skeins, as we understand it from the Sea-banks in Romney 

March, are call'd Needles. It is true the Learned Spel-

man did confume the word Broche, or Brochs, to a 

fort of Can or Pitcher, to hold liquid things, as Sours 

to carry dry things: As it is rendred in the following 

word Brothia. But it seems much rather to signifie, as 

I have before expre'd it, an Awl, or a Needle, 

which was certainly an Iron Instrument, as in this Authority, 

which being taught them by orlennonts Morton, 

Cum, Effex, per Strangianum inveniuntur unum hominum, 

cum uno, usque, et quatuor ferris equis, 

us quo facto de corse, uero broche ferris. 

Anno 13 Ed. 3. 

Brocarius, — dddi unam brocellam vocant 

Rahigs. Reg de Thurgotan. MS. Dr. Thoroton interprets 

it a Wood. I have not elsewhere met with the word, 

nor know I whence to derive it. (So Blore.) The word 
did properly signifie a Ticket or Correct of Blifes, and 

Beaufort; from the obsolete Lat. brocis, brosa, ter-

res brofas, brotis; French broche breche. Hence our 
brosse, or broach of wood, and brazening of Cattle. 

Brodma, A great Can or Pitcher, Bratton. lib. 2. 

tit. cap. 4. hath their word, Si quis tractat per fer-

vitiata inveniuntur Domino Regis, certissim et temporibus 

unum hominum unum equum, & fatum can brochis; 

by which it seems he intendment Sua to carry dry, 

and Brocho Liquid things. See Sarcas, and Brochis. 

Brodachlaw, In the Cattle of Brochis, and in Brodalpeny, and in others Brodalh peny. It signifieth to be quæ of a cer-

tain custom excuted for letting up of Tables or Boards in 

Fairs or Markets: and those that were fined by the 

King's Charter of this Cumm, had this word put in 

their Letters Patentes, by reason whereof at this Day, 

the Freedom it self, for brevity of Speech, is call'd Broad-
hedwig. It seems to be deriv'd of three Saxon Words, 

Brodi, best or he best, and Sisters, and others the 

behalf of, as we say in Latin (quos res gratia et gratia, 

nend a Toll, which in all makes a Toll in behalf of, or 

for a Reward. 

Brookes. See Brook. 

Brooks. A commonall call'd Sir Robert Brac, was 

a great Lawyer, and Lord Chief Justice in Queen Mary's 

time, Comp. Juft. of the Peace, fol. 22. h. He made an 

Abridgment of the whole Law, from him intituled 

Brooke's Abridgment. 

Brooke. Brocarius, Sceneth to come of the French 

word Breur; that is, Trois, a Grinder or Breaker into 

small pieces; because be that is of that Trade, to deal 

in matters of Money and Merchandize, between English- 

men and Strangers, draws the bargain into particulars, 

not forgetting to grind out something to his own Pro- 

fit. These Men be call'd Brogers, 10 R. 2. cap. 10. 

In Scotland they be call'd Broomar that is, according to Sloane 

dignis, verb, Mediator, or Intercessor in any Trans-

action, Pateron or Contractor in Buying, Selling, or 

Contracts of Marriage. Broggers of Corn, are us'd in 

a Proclamation of Queen Eliz. for Badgers, Baker's 

Chron in her Reign. He that will know what these 

Brokers were wont and ought to be, let him read the 

Statute 1. H6v. 3. I. Inc. 1. 

Brothers. See also Broome, and Hum. In the 

Proclamation, as also of some Libritores & Meditores, ti-

de Provincis. There is another fort of Brokers, 

commonly call'd Pawn-brokers, who commonly have 

a Shop, and let out Money to necessitious People upon 

Pawns, not without Extortion: These we may call 

more properly Fipopers, and are neither of that Anti-

quity or Credit as the other; nor does the Statute allow 

them to be brokers, tho' they are so vulgarly call'd. 

Brothers, This may take his Derivation from the 

French Brodads, and that of Bordere, Tmbria, the 

Edge or Hen of a Garment, which we yet call Border, 

and that because it is usuallily difguifh'd from the told 

fome concened or costly work; He that worketh it, is 

known amongst us by the Name of an Embroiderer. 

Brue, An old fort of Sword or Dagger, 

sarcramentum, quod Johannes de Monemere Miles per Robertum Armingarum, et-

peaft Adam Gilber Copeludium de Wilton, in quatuor guio-

dum glidio, qui dicitur brocher, per quod juvenatum erat morti, &. Rot. Parl. 35 E. 1. 

Brosiuor, Bruisd, or hurt with Blows, Wounds, 

die der Vierter, et Manderum est Domino Regis, 

nuo quidem brocnon hispan in Odonia — Claud. 12. 


Brockel houyes, King Henry 3. by Proclamation 30 

March, 37 Year of his Reign, suppresse'd all the Snew, 

or Brochel-houses, which long had continued on the 


14 R. 2. n. 32. 

Bruckel or Bush, is compounded of two German words, 

Bruck, Pins, a Bridge, and Bote, Compenfation, Reward; 

it signifies with us a Tribute or Duty, toward the 

mending or re-edifying of Bridges, whereof many are 

freed by the King's Charter; and thereupon the word 

is used for the very Liberty or Exception from this 

Tribute, See Patience, and Bridges. 

Brud, Brouder, Embrodioured. Ramphius 

Epipathos German, content Monarbis quodam sovinitam 

crocam, cupam filiétum & cuam desera falsi imaginis 

bruado, & duxit: — Adam benem braduam. 


P. r. p. 624. 

Brue, We call that which the Latines name Broc, 

and signifies Heath: Bruna 2. Incarum longitudinem & 

latitudinem: Domino-day. Ext extem applicationes forfes 

unum flerics cumpliment Erison in edidit, Spelun. 

Bruz
Bulla Dominici Pape fatis, image Pauli a decretis Gratii in medio Bullis figuratis, & Petri afofritis. But row, as we leaid, they are diluided among us, and therefore need no further mention. The ancient abey&Dagger;$, covered by Verdich against Athos, Nation of the Church of Bagian 10 libraries, pro fabricatione unius Bullis Papalis de artrimis, uterius Bullis de legitimatione, & tertium Bullam de eruditionibus pro Absuedis Autoscriptis \( \text{funt} \) furum, Placet Trim, a Edw. 3. Rot. 1. 1co.

Bullington, The Commons Petition, that certain Commissions ill'd to Cities, for preparing Boats and Swellers may be repeal'd, the Parliament not having confirmed thereto, Res. Parl. 1 H. 4. q. 22.

Bullion, Cometh of the French Bullion, the Ore, or Metal whereof Gold is made: It signifieth with us Gold or Silver in Marks or Billets, 8 Est. 2. cap. 2. And sometimes the King's Exchange, or place whither fuch Gold in the Lumps is brought to be'd, or exchanged, Ann. 27 E. 3. Stat. 2. cap. 14. H. 4. q. 10. Se Skene de torbur. Signifi. usu Bullion, Germs of Tilbury fayas, (writing of the Salt Springs in Worclifher) That of old they call'd a certain quantity of Salt, Bullions.

Bullcrufa, a Small Caps or Thicket, a little Wood. — Dedimus Williniano Briver licentiam claudendi duas bullULLETOS, qui sunt extra regardam Foresta nostra, quorum unus inter Swinburn & Eltorigr. Cart. Ric. 1.


Bucharium, A Backer. — Et good mañufctores multorum sani gladiis & bucklariis, ad altis aruis, &c. Claudi. 26 Est. i. m. 3. intot.

Bull of 1473. — This is said to have been a Deer- bay, Toyles, or Large net to catch Deer; which by that Statute none may keep, but he that hath a Park of his own, under the Penalty of 30 l. What is to be quitted of Buckles, see 4. 256.

Buchweat, is mentioned in Cap. 25. Est. 2. cap. 4. and in truth the same with French Wheat, and well known in many Countries as of late Years.


Buck of Court. See Buck of Court.


Burgany, According to C. Resp. 12 puce. 56. Comes from the Italian Buganare. It hath been dived to be Carpini cusque centra naturam, & hoc vel per confusu num Spiterum, s. a Man or Woman with a brute Beast; vel Stierum, a Man with a Man, or a Woman with a Woman; see Levit. 18. 22, 23. This Offence committed either with Man o Beast, is Felony without benefit of Clergy, being a Sin against God, Nature, and the Law. Elyc. 17. This was brought into England by the Lombards, as appears Rot. Parli. 50. E. 3. num. 48. See F. N. B. 269, and Delton. In ancient times such offenders were to be burn'd by the Common Law. This molt detestable Sin was mostly extinguiñht excepted out of the Act of General Pardon, 12 Car. cap. 2. made after his Majesties Happy Restoration.

Bulg, Bulgis, A Budget, Port-monute, or any other Continent for Portable Goods. — Bulgaq & manacas rerum effarti, & expendij iust Will Malmebar, de Gefris Papp, lib. 1. See Budget of Court.

Bull, Semeth to be deriv'd from the Greek Bou, Coniunx, as Thuleor Vifit faith, De laym, Rot. lib. 8. cap. 2. It is an Infrument to call'd, granted by the Bishop of Rome, and is general, but is made with a Seal of Lead, containing in it his Decrees, Commandments, or other Acts, according to the nature of the thing for which it is granted: And their Infruments have been heretofore as the Lord of force in this Land; but by the Statute of 28 H. 8. cap. 15. It was Enacted, That all Bulls, Briefs, Faculties, and Dispensation, of whatsoever name or nature, had or obtain'd from the Bishop of Rome, should be altogether void; see Rot. 325. The word is often in other Statutes, as in 1. 2 P. M. Lib. 9. 13 Eliz. cap. 2. Mat. Paris. 1327. describes it's Seal than., in


Buurtrinns, A small Capps or Thicket, a little Wood. — Dedimus Williniano Briver licentiam claudendi duas bullULLETOS, qui sunt extra regardam Foresta nostra, quorum unus inter Swinburn & Eltorigr. Cart. Ric. 1.
C.

Doom-f-day, Mr. Agar.

To proceed, see Maimood's pamphlet.

Litana, or Lituriae. See Elyae, Signe de Sigils. 25th F. 33. -- Elye, An Habitation, Downf-day.


Lithod, Caballia. Among the Writers of the Forrill Law, signifyeth Bruhwold. Comp. Forril. fol. 165.

Maimood's pamphlet is an admirable piece, but not as proper a subject as the others.

Cadam, or Cadam. See Sermon in Walterum.

Cadam or Cadam, because of old written adhufium, from caderes.

Catalba. Belonging to Horfe; from the Lat. word Cadella: Downf day, Mr. Agar.

Cado de bona Cifpanima.

Cathepolli. A Purfveant, a Batchypl, a Batchpole.

In fipendium Galliwm xiii. 10. do not fpendend unus quidem ipfitatis xxi. xxii. di. in fipendium unus Cathepolli pro fel. xxix. 2. directed. Contulit, De Euredia. 4. 2. 23.

Cade, or Herring is 400 s. Spratts book. Cade.

Cadruus Sulhis. The falling-follicle, or Epigone.


Calanturn. Is a Cane, Reed, or Quill: the divers kinds whereof you have in Girard's Herbal, lib. i. c. 24, This is compiled of a very considerable number, and Drugs to be gaft by 1. 36. cap. 19.

Calenising of Cowildes, Spoken of 5 H. 5. cap. 4. and 35 El. 8. cap. 5. It signifies to smooth, toew, and give them a Glofs: and is a Trade ufed both in London and Norwia.

Calanugum, Challenge, Claim, or Dispute: Sciens, et. quod eft Godefridis. nam quidc (if he be in the lighted calagam, & fforum qui fut in calangio. Littor Jfeum & Watcium. Mon. Angl. 2. parol. 252. b. Caltra, Calicret. A Road or Highway maintaître and repair'd with Stones, and Rubbifh; and in the Lat. Calter, Callica, French Chulk; where their Chaffier, our Goffhear or Path rais'd with Earth, and paid with Clach-thunes, or Gravel. Calacum, was the Tax or Contribution pay'd by the Neighbouring Inhabitants toward the making and repairing fish common-roads, Calacumn operæ, were the work and labour done by the adjoining Tenants; from which Duty some Charter, were by the Royal Charters, especially exempted. See Mr. Kran's Glossary.

Callerna, or Calretas, A Cavey, or Caveilway: perhaps to call'd oua pedis caleret far.

Callati, a Calæron, or Copper. -- Inhabitants, from the Latin maximum in frangium undecimbus lignales & fragellatim spinos & pellis, fœlætes, fiæfætes, delis & fignatae, pæbes & fiæfætes & cal-


Calendae, Calende. Was among the Romans the first Day of every Month, to which it was added at Pridine, it is the last Day of August; if any number be left before it, as December, May, July and October, the Calends begin at the Sixteenth Day, in other Months at the Fifth. See in Epitome's Concordance, pag. 59. See also Idun and Hild. Desion de Kestworth is dated the Day before the Calends of November, 1456. In the Days of Deeds, the Day of the Month by Nevits, Ides and Calends, is sufficient, 2. inf. fol. 675.

Camera, from the Old German Cun, Cammer, Croocked; whence our English Kem, Arm in Kembo; a Chamber, in the North a Com; the present Latin soe Calma for a Bed: Camera signify'd at first any winding or crooked Plat of Ground. Fecameres ad vimem = nunc camera terre = i.e. a nook of Ground, Vide Difpute in the Virtue of which it is very proper to raise a Pyramid, or practise can furiat refulfit in bavilor tibijs fuis, can longis manibus quae vulgariter Pokes nonpansantur... Sifato & Catolop de peper, que in Rétinale Agrifin facere, & generant malum ianum. Reg. Regipongin Epic. Lincoln.


Campania, Any Part or portion of a larger Field, or Ground; Chompoy, a Share or Division of what would otherwise be in gross or common. -- Ric. c. 15. 13. 6. 1410. Infl. 1411. 13. 6. 1410. Infl. 1411.

Campe knight, See Campe and 3. inf. fol. 221.

Camptia nobis, The Feast of the Purification of the Blessed Virgin Mary, Feb. the Second; and instituted in the Memory and Honour of the Purification of the Face of the Virgin, being the fourteenth Day after her happy Birth-accidents, according to the Act of Mofes, Iob. 16. 16. It is nominated Calowboys, because before Matins, the Day is said to be conformed, and yet apart for herring the whole Year, and made a Proclamation with some of the bals hallowed Candles, in Memory of the Divine Mystery with Christ enlighten'd the Church at his Presentation in the Temple, when by old Simeon entitled, A Light to enlighten the Gentiles, as