



The Statute of Marlborough 1267 [Distress]

1267 CHAPTER 1 52 Hen 3 cc 1 4 15

Provisions made at Marlborough in the Presence of our Lord King Henry, and Richard King of the Romans, and the Lord Edward eldest Son of the said King Henry, and the Lord Ottobon, at that Time Legate in England.

In the Year of Grace, One thousand two hundred sixty-seven, the two-and-fiftieth Year of the Reign of King Henry, Son of King John, in the Utas of Saint Martin, the said King our Lord providing for the better Estate of his Realm of England, and for the more speedy Ministracion of Justice, as belongeth to the Office of a King, the more discreet Men of the Realm being called together, as well of the higher as of the lower Estate: [^{X1}It was Provided, agreed, and ordained, that whereas the Realm of England of late had been disquieted with manifold Troubles and Dissensions; for Reformation whereof Statutes and Laws be right necessary, whereby the Peace and Tranquillity of the People must be observed; wherein the King, intending to devise convenient Remedy, hath made these Acts, Ordinances, and Statutes underwritten, which he willeth to be observed for ever firmly and inviolably of all his Subjects, as well high as low.]

Editorial Information

- X1** Variant reading of the text noted in *The Statutes of the Realm* as follows: *It was Provided and established and with full consent ordained, That (whereas the Realm of England having been of late depressed by manifold Troubles and the evils of Dissensions, standeth in need of a Reformation of the Laws and Usages, whereby the Peace and Tranquillity of the People may be preserved, whereto it behoved the King and his liege Men to apply an wholesome Remedy,) the Provisions, Ordinances, and Statutes underwritten, should be firmly and inviolably observed by all the People of the same Realm, as well high as low, for ever.*

I Of wrongful Distresses, or Defiances of the King's Courts. Punishment for unlawful Distresses.

Whereas at the time of a Commotion late stirred up within this Realm, and also sithence, many great Men, and divers other, [^{X2}refusing to be justified] by the King and

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his Court, like as they ought and were wont in Time of the King's noble Progenitors, and also in his Time; but took great Revenges and Distresses of their Neighbours, and of other, until they had Amends and Fines at their own Pleasure; and further, some of them [^{X3}would not be justified] by the King's Officers, nor [^{X4}would] suffer them to make Delivery of such Distresses as they had taken of their own Authority (^{X5}); It is Provided, agreed, and granted, that all Persons, as well of high as of low Estate, shall (^{X6}) receive Justice in the King's Court; and none from henceforth shall take any such Revenge or Distress of his own Authority, without Award of [^{X7}our] Court, though he have Damage or Injury, whereby he would have amends of his Neighbour either higher or lower.

And upon the foresaid Article It is Provided and granted, that if any from henceforth take such Revenges of his own Authority, without Award of the King's Court as before is said, and be convict thereof, he shall be punished by Fine, and that according to the Trespass; and likewise if one Neighbour take a Distress of another without Award of the King's Court, whereby he hath Damage, he shall be punished in the same wise, and that after the Quantity of the Trespass; and nevertheless sufficient and full Amends shall be made to them that have sustained Loss by such Distresses.

Editorial Information

- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: have disdained to be justised
- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: will not be justised
- X4** Variant reading of the text noted in *The Statutes of the Realm* as follows: will
- X5** Variant reading of the text noted in *The Statutes of the Realm* as follows: *at their own Pleasure*
- X6** Variant reading of the text noted in *The Statutes of the Realm* as follows: *do, and*
- X7** Variant reading of the text noted in *The Statutes of the Realm* as follows: *the King's*

IV Distresses shall not be driven out of the County. Distresses shall be reasonable.

None from henceforth shall cause any Distress that he hath taken, to be driven out of the County where it was [taken]; and if one Neighbour do so to another of his own Authority, and without Judgment, he shall make Fine, as above is said, as for a Thing done against the Peace; nevertheless, if the Lord Presume so to do against his Tenant, he shall be grievously punished by Amerciament.

Moreover, Distresses shall be reasonable, and not too great; and he that taketh [^{X8}great] and unreasonable Distresses, shall be grievously amerced for the Excess of such Distresses.

Editorial Information

- X8** Variant reading of the text noted in *The Statutes of the Realm* as follows: *undue*

XV In what Places Distresses shall not be taken.

It shall be lawful for no Man from henceforth, for any manner of cause, to take Distresses out of his Fee, nor in the King's Highway, nor in the common Street, but only to the King or his Officers, [having special authority to do the same.]

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Statutum de Marleberge.

Ex Lib. Rub. Scacc. Westm. fo.
243.

Provisiones facte apud Marlebergh, p̄sent Dño Rege H. & R. Rege Alem. & Dño Edwardo filio ejusde H. Reg. Primogeniti, & Dño Octobono tunc legato in Angl.

Anno gr̄e M^o C^o LX^o septimo, regni autem Dñi H. Regis filii Regis Johis quinquagesimo secundo, in Oclab Scti Martini, p̄vidente ip̄o Dño Rege, ad regni sui Angl meliorac̄dem & exhibic̄dem justice put regalis officii exposuit utilitas meliorem, convocatis discrec̄oribz ejusdem regni tam ex majoribz q̄m minoribz; p̄visum est & statutū ac concordatū ordinatū, ut cū regni Angl mltis tribulac̄onibz & dissensionū incomodis nup̄ dep̄ssum, reformac̄one legum & Jurū, quibz pax & t̄n̄squillitas

incolaꝝ conserveꝝ, indigeat, ad quod remediū salubre p̄ ip̄m Regem & suos fideles oportuit adhiberi, provisiones, ordinac̄es & statuta subsc̄pta, ab om̄ibz regni ip̄ius incolis tam majoribz q̄m minoribz firmā ac inviolabilī temp̄ibz p̄petuis observent̄.

Cum igit̄ tempore turbac̄onis nup̄ in Regno suborte & deinceps, multi Magnates & alii justiciam nō dignati fuerint recipe p̄ Dñm Regem & Cur̄ ejus, put debulit & consuevit temp̄ibz p̄cessorū ip̄ius Dñi Regis & temp̄e suo, set de vicinis suis et aliis p̄ seip̄os graves ulc̄iones fec̄nt, & graves distric̄ōnes, quousq̄ redempc̄ōnes receipt, ad voluntatem suam. Et p̄tea quidam eorū se justiciari nō

p̄mittant p̄ ministros Dñi Regis, et sustineant eorū p̄ eos libent̄ distric̄ōnes quas succ̄oritate p̄pria fec̄nt ad voluntatem suam: p̄visum est & concordatū concessum, qd̄ tam majores q̄m minores justiciam [faciant] & recipiant in Cur̄ Dñi Regis; et nullus de celo ulc̄ōnes aut distric̄ōnes faciat p̄ p̄p̄iam voluntatem suam, absq̄ considerac̄ōne Cur̄ Dñi Regis, si forte dampnū vi injuria sibi fiat unde emendas h̄ere voluit de vicino suo, sive majore sive minore.

Sup̄ articulo autē sup̄ dco p̄visum est & concessum, ut si quis de celo ulc̄em h̄i capiat p̄ voluntatem suam p̄p̄iam, sine considerac̄ōne Cur̄ Dñi Regis (?) & inde cōvincat̄, puniatur p̄ redempc̄ōnem, & hoc sc̄dm̄ q̄ntitatem delicti; & similif̄ si sup̄ vicinū suū faciat distric̄ōnes sine considerac̄ōne Cur̄ Dñi Regis, p̄ quod dampnū h̄eat, puniatur eod̄m

modo, & hoc sc̄dm̄ [delicti sui qualitate] & nichilomin^o fiant emende plene & sufficientes eis qui dampnū s̄t̄m̄l̄nt p̄ h̄i distric̄ōnem.

Nullus de celo dūc̄e faciat distric̄ōnes quas fec̄it ex^o Ceterū in quo fuit: Et si vicinus hoc fec̄it sup̄ vicinū p̄ voluntatem suam & sine iudic̄o, puniatur p̄ redempc̄ōnem ut sup̄, velati de re conf̄ p̄sac̄em: Verūm̄p̄m̄ si Dñs hoc sup̄ tenetem suū fac̄e p̄sump̄sit, castigetur p̄ q̄vem̄ m̄isc̄iam.

Distric̄ōnes insep̄ sunt ronabiles & nō nimis graves; & si quis distric̄ōnes fec̄it inronabiles & indebitas, q̄nt̄ am̄ict̄ p̄p̄ excessum distric̄ōni ip̄s.

[* Nulli de cetero liceat ex q̄cūq̄ causa distric̄ōnes facere ext̄ feodum suū, neq̄ in regia aut cōi strata, nisi Dño Regi & ministris suis.]

¹ Statutum delicti MS. Cot. Lib. Scacc. X.
² This Clause is inserted in the Text from the Close Roll—Lib. Rub. Scacc. & Lib. X on the Close Roll.
But: Part. MS. Cot. has several MSS. and the Printed Copy insert it, in this place.

³ Some MS. Cot. Close Roll. Lib. Scacc. & The Copy in MS. Cot. is marked by this.

⁴ ut plerumque MS. Cot.

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