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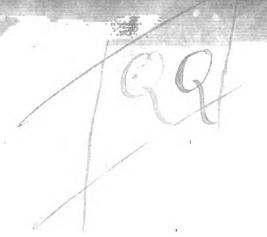
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A Catalogue of Books.

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A

Law Dictionary:

OR, THE

INTERPRETER

o F

Words and Terms,

Used either in the

Common oz 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 hither to Explain'd in any Dittionary, 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:

Printed for D. Browne, R. Sare, S. Battersby, J. Walthoe, J. Nicholson, J. Sprint, G. Conyers, T. Ballard and Edw. Place. 1708.



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, (a) and bred at Eaton School, where by good Parts and agreeable Industry, He distinguisht 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 Proctors 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 chose One of the Proctors 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 active Prelate Richard Bancrost, 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 LL.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 near the same time Mister of Trinity-Hall, which two Stations in that Place of Residence, had as much Honour and Prosit, as were possible to be there bestow'd on a Man of that Profession. He executed the Office of Vice Chancellor of Cambridge 1603, 1604.

His chief Patron Bishop Bancrost was advanced to the See of Canterbury in December, 1604. where projecting many things for shallterest 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 shew 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 sell upon the Work with so much Edge and Application, that in proper time he put his collections into sit method, and publish'd them in Quarto at Cambridge under this Title:

The INTERPRETER, or Book containing the Signification of Words: wherein is fet 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 Prositable, 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 Prosessor of the Civil Law in the University of Cambridge. In legum obsuritate captio. At Cambridge, Printed by John Legate, Anno 1607.

(a) Catal. Soc. Coll. Reg. Cantab. MS. (b) Fasti Cantab. MS. (c) Epist. Dedicat. to the Interpreter. 1607. (d) Wood Athen. Oxon. Vol. 1. p. 784. (e) Epist. Dedic. to interpreter, 1607.

The Author thought it Justice and Gratitude to commend his Book to that Patron, by whose advice and encouragement he wrote it: and therefore presix'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.

Fter long deliberation, I hardly induced my self to crave your gra-"cious procection 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 remem-" brance 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 inforced me to this Attempt; because I " could not see how well to avoid it, but by adventuring 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 addicted 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, deserveth the prime thanks, were to prove my " felf unworthy of so grave Advice.

"And therefore howfoever I account this too much boldness in respect " of the Subject, yer 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 rejoyce 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 Enterprise, with the continuance of those your many Favours, that " hitherto to my great comfort I have enjoyed. And so my long observati-" on 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 con-" tinue 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 first Draughts and Originals, should be recovered and preserved.

To the Readers.

Entle Readers, I here offer my self to your Censures, with no other desire, 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 Impersections, 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 Thereof

thereof to those young Ones that want it; but also 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 incense some Skilfuller Architect thereunto. Yea I shall think the heat of Emulation to incense some Skilfuller Architect thereunto. my pains sufficiently recompensed, 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 industries 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 Calvinus a Doctor of Heidelberge, like a Laborious Bee, hath gathered from all the former, the best Juice of their Flowers, and made up a Hive full of delectable Hony. 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 accompted (howsoever substantial)

yet but dark and melancholy.

Whosoever will charge these my Travels with many oversights, he shall need no solemn pains to prove them, for I will eafily confess them. And upon my view taken of this Book fithence the Impression, I dare assure them that shall observe most Faults therein, that I by gleaning after him, will gather as many omitted by him, as he shall shew committed by me. But I learned long sithence out of famous Tulley, that as no Man's Errors ought to be followed, because he saith some things well: so that which a Man saith well, is not to be rejected because he hath some Errors. No Man, no Book is void of Impersection ons. And therefore reprehend who will in God's Name, that is with iweetness 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 toffing 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 towardness a Tract (De Regulis Juris) wherein my intent is, by collating the Cases of both Laws to show, 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 greatures. ter necessity, I cannot make the hast I desire, or perhaps that the Discourse may deserve, Wherefore until my leisure may serve to perform that, I intreat you levingly to accept

One thing I have done in this Book, whereof, because it may seem strange to some, I think ro yield my reason, and that is the inserting not only of Words belonging to the art of the Law, but of any other also, that I thought obscure, of what sort soever: As Fish, Cloath, Spices, Drugs, Furs, and such like. For in this I follow the example of our Civilians, that have thought it their part to expound any thing they could make within the vilians, that have thought it their part to expound any thing they could meet with in their And indeed a Lawyer professeth true Philosophy, and therefore should not be ignorant (if it were possible) of either Beasts, Fowls, or Creeping things, nor of the Trees from the Cedar in Lebanon, to the Hysop that springeth out of the Wall. And therefore if I have either omitted any hard Word within my Circuit, or set it down not expounded, I give you good leave to impute the one to my negligence, the other to mine ignorance, and so commend these me Pains to your best prosit, and you unto God, Nov. 3. 1607.

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 Dilionary 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 Paffions were even then prevailing.

This performance satisfied bis Patron ABP. Bancrost, that he was a Man of Parts, Industry and and Courage, truly capable of Trust and Office. And therefore in the following Tear, upon the Death of Sir Edward Stanhop, Vicar General to the ABP, departing this Life on the 16.

(a) Contin. Hatchers

Catal. MS.

Cowel, who had practifed before as an Advocate in the Arches. (a) In this Station be carried himself with that Fairness and Integrity, that Equity and Honour, as raised him no Enemies, and lost 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 Admi-

nistration 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 At this, the Gentlemen of that Robe thought themselves and their whole Faculty affronted. He had not spar'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. Cowel out of favour with this Judge; within Two Tears after the Publication of his Interpreter, ABP. Ban-croft grew sensible, that the Jurisdiction of the Spiritual Courts was perpetually obstructed by the Grant of Prohibitions from Westminster-Hall. He thought the Discipline of the Church could not be effectually executed without redressing this Grievance. He found the Antient Practise of the Clergy of England, when called to attend in Parliament, was to draw up a modest Remonstrance of such Grievances and to present them to the King, with Petition for Relief. 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 Lawfull and Reasonable. Very many of these Precedents remain upon Record, and were commonly called Articuli Cleri. The Spiritual Commonalty, or Parliamentary Convocation, baving in this respect a like Priviledge with the Temporal Commons, to grant or resuse their Subsidies and Taxes, according as the King was pleased to oblige or deny their Positions of Right. The Archbishop thought it proper to take a like Method in the present Case, and seems to have employ'd his Right Hand Dr. Cowell in drawing up those Reasons and Exceptions against the too frequent Grant of Probibitions, which were delivered to the King in time of Parliament, under the same 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 incens'd against Dr. Cowell, whom he took for a profest Enemy to the Westminster Courts, and therefore directly or obliquely reflects upon him in Several Pages of his less accurate Works.

But Paper Reproofs were to little satisfaction; Sr. Edward Coke was of some Authority with the King, and had good Interest in the House of Commons: By these Advantages, he represents Dr. Cowell as an Enemy to both. He knew nothing would excite the Kings Jealouse so much as to touch upon the question of Prerogative, and therefore he suggests, that this Author had disputed too nicely upon the Mysteries of this his Monarchy, nay in some points very derogatory to the supream power of his Crown. (a) It was further represented to his Majesty, that this bold Writer had asserted, 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 passed 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 Disgrace and Ruin. But I believe the King was wise, and the Archbishop saithful; and so this Plot miscarried.

upon

⁽a) Kings Preclamat. 25. March 1610. (b) Athen Oxon. vol. 1. col. 784 (c) Anth. Weldon. p. 191.

Upon this disappointment, his Adversaries (who knew how to bring in a Man guilty of Felony, when he was acquitted 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 ment no harm to either. Nothing can displease two opposite sides, but Moderation.

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

Anno 7 Jacobi, 1609. Dr. Cowell Professor of the Civil Law at Cambridge, writ a Book called the Interpreter, Rashly, Dangerously, and Perniciously asserting 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 Inserences from them were these.

- 1. That the King was folutus 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 Lex populi.
 - 3 That it was a favour to admit the confent 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 Tork.

I have no Authority, nor indeed inclination, to contradict this Report of Mr. Petyt. 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 overmost part of the first Edition 4to. 1607. and find no such abominable Assertions in Words at length, there be many things too unadvisedly express, which a wife Author would have omitted, and a wife Government might have despised. But alas, when a suspected Book is brought to the torture, it often confesset all, and more than all it knows.

However the King acted with Prudence and Honour in Issuing out his Royal Proclamation for suppressing the Book, and censuring 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.

Dislater Age and Times of the Morld wherein we are fallen, is to much given to verbal profession, as well of Keligion, as of all commendable Moral Airtues, but wanting the Antions and Deeds agreeable to to specious a Profession, as it hath bred such an unsatiable curiosity

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in many Mens Spirits, and fuch an itching in the Conques and Bens of most Men, as nothing is left unsearched to the bottom both in taiking and writing. For from the very highest Mysteryes in the Godhead and the most inscrutable Counsels in the Trinity, to the very lowest pit of Hell, and the confused actions of the Devils there : there is nothing now unfearched into by the curiolity of Mens Brains. Men not being contented with the knowledge of to much of the will of God as it hath pleased him to reveal? but they will needs lit with him in his most private Closet and become privy of his most inscrutable Counsels? and therefore it is no wonder, that Men in these our days do not spare to wade in all the deepest Mysteries that belong to the persons or State of Kings and Princes, that are Gods upon Earth: lince we fee (as we have already faid) that they spare not God himself. And this Licence that every Calker or Writer now assumeth to himself, is come to this abuse, that many Phormios will gibe Counsel to Hannibal, and many Den that never went of the compass of Cloysters or Colleges will freely wade by their Wiltings in the deepest mysteries of Monarchy and Politick Bovernment: whereupon it cannot otherwise fall out, but that when Men go out of their Element, and meddle with things above their cas pacity; themselves thall not only go aftray and stumble in darkness, but will millead also divers others with themselves into many Wistak ings 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 Gobernment and Monarchy in his way, by medling in matters a bobe his reach, he hath fallen in many things to mistake and deceive himself: In some things disputing so nicely upon the Mysteries of this our Monarchy, that it may receive doubtful interpretations: yea in some points very derogatory to the supream power of this Crown: In other cases missaking the true state of the Parliament of this Kingdom and the Fundamental Constitutions and Priviledges thereof: And in some other points speaking unreverently of the Common Law of England. and the Works of come of the most famous and antient Judges wherein: it being a thing utterly unlawful to any Subject, to speak or write against that Law under whech he liveth, and which we are twozn and are resolved to maintain. Wherefore upon just considerations moving us hereunto, for preventing of the faid Errors and inconveniencies in all times to come, we do hereby not only prohibit the buying, uttering, or reading of the faid Book, but do also will and traitly command all and lingular Persons whatsoever, who have or thall have any of them in their hands or cultody, that upon pain of our high displeature, 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 faid City, or otherwise to the Sheriff of the County where they or any of them wall relide, and in the two Univerlities to the Chancellour or Aice Chancellour there, to the intent that further order may de given for the utter suppressing thereof. cause there wall be better overlight 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 thall be put to the Press, either concerning our Authority Royal, or cons

concerning our Government, or the Laws of our Kingdon, from whom a moze Arict account thall be yielded unto us, than hath been used heretotoze.

Given at our Palace of Westminster the 25th Day of March, in the Eighth year of Our Reign, of Great Britain, France and Ireland. Anno. Dom. 1610.

It is one of the Detections of Roger Coke Esq; that this 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 he prove that Dr. Cowell published his Interpreter the next year after the 7th. of the King, when it was indeed the 5th. of the King? How can be tell the Doctor wrote the Book to supply the Kings Necessities? How does be know that be was no doubt set upon it by Bancrost, and those called the Church? Where does he find the Proclamation published during the Session of Parliament, and that it had not the defired 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 so by right of Inheritance had a sewd 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 Fast. 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 Press, and retired to his College and his private Studies, and lived inoffensive and in good repute, not averse 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 Governour. 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. Custos hujus Collegii, Juris Civilie, in hac Academia Cantab. Professor Regius, Vicarius Generalis Cantuariensis Provincia sub Domino Richardo Bancrost, Archiepiscopo Cantuariensi, hic expectat Resurrectionem. Obiit undecimo die mensis Octob. Ann. Dom. 1611.

This condemn'd 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 invidious 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 best that can be given. Hist. Troub. and Tryal of ABP. Laud. p. 235. Cap. XXIII. 2d. Day Art IX. Then was charged upon me the printing of Books, which afferted the Kings Prerogative above Law, &c. The instance was in Dr. Cowells

"No such word there, Book Verbo * Rex. That this Book was decryed by Proclamation; that such that the fure it should be Prerogative accomplaint masswade to me that this Book was decryed by Proclamation; fure, it should be Prerogativa Regis. W. S. A. C. complaint was made to me, that this Book was printing in a close house without License, and by Hodgkinson, who was my Printer, that I referred (i. e.) a Note of William Saucroft ABP. of Cant. them to Sr. John Lamb, that they came to me again, and a third time, and I

fill continued my reference; which Sr. John Lamb slighting, the Book came forth, The Witnesses to this were Hunt and Wallye, If I mistook not their Names.

1. For this Book of Dr. Cowells, Inever 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 License, 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 husiness as much power as my self, to look to it carefully, that the Book proceeded not, or if it were already printed, that it came not forth. If Sr. John slighted 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 occount.

3. As for Hodgkinson he was never my Printer, but Badger was the Man 1 employ'd, as is well know 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 of my Hodgkinson and my Sr. John Lamb, might have been spared, Sr. John was indeed Dean of the Arches, and I employed him as other Arch 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 mistead 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 sill dup the Defects, nor explained the Ambiguities; I have amended no Faults, but litteral, nor all of them. So as he who buys this Impression does at least buy the Last: and if he sinds no More, he can complain of nothing Less: which yet has been the sate and fraud of many new Editions, so mangled, inverted and purged, that a later Impression serves often for little else, than the make the sormer more valuable.

All I pretend to, is to augment the work by the easie addition of many thousand Words, which neither Author nor Editors had before observed. And indeed a work of this nature is no more to be raised up in one Impression, than Rome in one day. What have all sorts of Glossaries and Didionaries 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.

Tet 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, & e. most of those words that hear relation to English Laws and Customs; but then I have explain'd them with more familiarity, and constrm'd them with more Authority: and have often adjusted 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't with rare new to the present Age, and were occasionally gather'd up from many Manuscripts and old Records, more to satisfie my own private Curiosity, than with any design upon the Publick.

But since the Proprietors of the old Copy call a 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.

THE

THE

INTERPRETER

F

History, Antiquities, and LAWS.

$\overline{A} \overline{B}$

Is the first Letter of the Alphabet with the Hebrews, Greeks, Latins, and other Nations, and called by the Heb. Aleph; the Arab. Aliph; Chaldee and Syriac, Olaph; Armenians, Alp; Esbiopians, Alph; and Greeks. Alpha. A. prefix'd to words in English stands equivalent with un in French; as a Man, un bomme. But A. prefix'd according to the Greek acceptation becomes privative, and signifies as much as without v. g. in Greek Ovoluse, a name, by prefixing A. it becomes 'Arbouluse, sine nomine, without a Name, or that will not own his Name.

Abacot, The Cap of State, used in old time by our English Kings, wrought up in the Figure of two Crowns. Vid. Chron. Angl. 1463. Ed. 4. p. 666. vol. 2. I. 27. Spelman. Is the first Letter of the Alphabet with the

I. 27. Spelman.
Abattors. (Abattores) Drivers away, or indeed ftealers of Cattel or Beafts, not by one and one, but in great Numbers at once; and therefore by M. S. thus distinguished from fur, qui unam ovem furripuerit, ut für coercetur, qui gregem ut Abattor.

Abacus, Arithmetic, or the Art of Numbering, from the Abars or Table, on which they for down

from the Abaus or Table, on which they set down their Figures. — Omnium liberalium artium peritus, Abacum pracipue, lunarem compotum & cursum rimatus, Hen. Knighton Chron. lib. 1. cap. 3.

Abactiffa, An Arithmetician, whence the Italian
Abbachier and Abbachista — Gerbertus — Abacum

- Gerbertus certe primus à Saracenis capiens, regulas didit, que à su-dantibus Abacistis vix intelligunter. Will. Malmsbur,

Siquis Francigena occidatur, & Interfector ignoretur parentes secundum legem repetentés, vel probantes non babeant, sint illius qui abarnaverit. Leges Henrici 1. Angl. cap. 91. — Si Homo furtivum aliquid in domo sua occultaverit, & ita fuerit abarnatus, reclum est ut inde babeat quod quesivit. Leges Canuti Reg. cap. 104. Abate, May be derived from the French word Aba-

tre, destruere, prosternere, to break down or destroy; in the vulgar Sense, it signifies to diminish, or take away, as to abate the Courage of a Man; it is in the Writers

of the common Law used both actively and passively, as to abate a Castle or Fortlet, Old Nat. Brev. fol. 45. Which in Westm. 1. cap. 17. is plainly interpreted to beat it down: and to abate a Writ, is by some exception to defeat, or overthrow it, Britton, cap. 48. And in this active Voice, it has two fignifications, one general, another special; general, as in the former examples; and again, in Kitchin, fol. 173. Abater Maifon, is to ruin or cast down a House; special, as in the Old Nat. Brev. fol. 115. A Stranger abateth, that is, entreth upon a House or Land, void by the Death of him that last possessed it, before the Heir take his Possession, and so keeps him out; wherefore as he that putteth him out of Possession, is faid to disselse to be that steppeth in between the former Possessor and his Heir is said to above. And in the Seat. De conjunction his Heir is faid to abate. And in the Stat. De conjunctim Feofatis, 34. Ed. 1. Stat. 2. The Writ of the Demandant shall be abated, that is, shall be disabled, frustrated, or overthrown. So in Stamford's Pleas of the Crown, fol. 148. the Appeal abateth by Cousinage, that is, the accusation is defeated by deceit, Anno 11. H. 6. cap. 2. The Justices shall cause to be abated the said Writ, and hence cometh a Word of Art Abatamentum. Vide İntrusion.

Abatement, Derived from the French Abatement, fometimes fignifies the A& of the Abator, as in the abatement of the Heir into the Land before he hath agreed with the Lord, Old Nat. Brev. 91. Sometimes the affection or passing of the thing abated, as abatement of the Writ, Kitch. fol. 214. And in this tignification, it is as much as exceptio dilatoria with the Civilians, Brit. cap. 51. or rather an effect of it; for the exception alledged, and made good, works the abatement. And this exception may be taken either to the insufficiency of the Matter or to the incertainty of the infufficiency of the Matter, or to the incertainty of the allegation, by the misnaming of the Plantiff, Defendant, or Place; to the Variance between the Writ and the Specialty, or Record; to the incertainty of the Writ, Count or Declaration; or to the Death of the Plaintiff or Defendant before Judgment had, and for divers other causes: Upon which defaults the Defen ant may pray that the Writ or Plaint may abate, i. c. the Plaintiffs Sote against him may cease for that time. New Terms of the Law, verb. Abatement of a Writ, &c. To prevent abatement of Writs of Error. See the Stat. 16. Car. 2. cap. 2. Co. Entries, fol. 63. c. & 205. d. & 519. c. Abatement is called in Latin Intrusio, but it may rether be called Interpositio, or intratio per interpositionem to distinguish it from intrusion after the Death of Tenant for life: And in his Com. on Lit. fol. 277. he shews the

difference between Abatement, Disseisin, Intrusion, Deforcement, Usurpation and Purpresture. He that will read more of this, may read the New Book of Entries, verb. Brief. See also Writ, Misnesmer and Variance, and the Book called, The Digests of Writs.

Abaroz, Is he that abateth, that is, intrudeth into a House or Land, void by the Death of the sormer Posseffor, and not yet entroid, or taken up by his Heir,

Old Nat. Brev. fot. 115 Perkins, fot. 76.

Abbary, In Latin Abbatia, or Abbathia, is the Government of a Religious House, with the Revenues and Persons subject to an Abbat, as a Bishoprick is to a Bishoprick is to a Bishoprick in the Revenues and Bishoprick is to a Bishoprick in the Revenues and Bishoprick is to a Bishoprick in the Revenues and Bishoprick is to a Bishoprick in the Revenues and Bishoprick is to a Bishoprick in the Revenues and Bishoprick in the Bishoprick in th schop. The Word is used Anno 34 & 35. H. 8. cap. 17.
18. Sciant, &c. quod egò Isabella Comitisa Pembrock pro salute anima mea, &c. Dedi Deo & Abbathia de N. totam picham juxta pradictam Abbathiam, &c.

Abbat or Abbot, Abbas in Latin, in French Abbe, Sax. Abbud, a Spiritual Lord having the Rule of a Religious House, according to our Common Law: 3kilful Linguists derive it from the Syriack Abba Pater; Justinian's Novel Constitut. 115. Sell un'obernov, terms him Archimandrita; others Canchiarcha, or Archimonachus, Hotoman in verb. Feuda. Of these, some here in England were Mitered, some not, Stow's Annals, pag. 442. Such as were Mitered, were exempted from the Jurisdiction of the Discesan, having themselves Episcopal Authority within their Limits, and were also Lords Such as were Mitered, were exempted from the of the Parliament. Of this kind, thus faith Corafius, Aliqui Abbates babent jurisdiffionem Episcopalem, ad quos cum Ecclesia pleno jure pertineat, in eorum Monasteriis E-piscopus nibil exercet, Cap. ea quæ. And these were called Abbots Sovereign, 9 R. 2. cap. 4. And Abbots Generals, as Mr. Ferne Noteth in his Glory of Generofity, pag. 126. The other fort were subject to the Diocesan in all Spiritual Government, cap. Monasteria 18. Quest. cap. Abbas & ca. visitandi, cum quatuor sequentibus ibid. Omnes 16. Quast. 7. & ca. cum venerabilis, extra de re ligiosis domibus. And as Abbots, so were there Lords Priors also, who both had exempt Jurisdiction, and were Lords of Parliament, as Sir Edward Coke makes out, De jure Ecclef. fol. 28. a. Of which Lords Abbots and Priors that fat in Parliament, some reckon but I wenty Six, but Sir Edward Coke says, they were Twenty Seven Abbots and two Priors, Co. super Lit. fol. 97. In the Parliament 20 R. 2, there were but twenty Five Abbots and two Priors: But Anno 4. Ed. 3. In dorso Claus. ejusdem, An. membran. 41. More are named in Monasticon Anglicanum, to which I refer the Reader. Such an Abbot with the Monks of the same House, being called The Covent, made a Corporation; but fuch Abbot was not chargeable by his Predecessors A&, but by their common Seal, or for such things as came to the use of his House; neither for the Debt of his Monk before his entry in Religion, tho' the Creditor had a Specialty. See for this the Abridgment under the same Title.

Anno 31 H. 8. Cap. 13. See Abbacy.

Abbatis, An Avener or Steward of the Stables; the Word was sometimes used for a common Hostler, pronounc'd short in the middle Syllable, which diflinguishes it from the genitive of Abbas, an Abbat. As in this old Line.

Abbatis ad canam dat equis Abbatis avenam. Spelman in voce.

Abbettor, See Abet.

Abbrochment, (Abbrocamentum) Is a forestalling of a Market or Fair, by buying up the Wares before they are exposed to Sale in the Market or Fair, and then vending them again by Retail. M. S. de Placit. coram Re-Ed. 3. Penes. J. Trevor Mil. Abutter, that is, to

Limit or Found) are the buttings and boundings of Land either to the East, West, North or South, shew-

ing how it lies in respect to the other places, Cro. Rep. 2. par. fol. 184. Latera autem nunquam aiunt abbuttare, fed terram Proximam adjacere. And Cambden says, Limits were difficultied by Hillocks raised on purpose, which were all? which were call'd Botentines; whence we may guels our Butting to Spring. The Word Abuttare to Abut or to Bound end-ways, from the Saxon Onbutan, Butan, prater, ultra. In a Terrier, or Description of the fight of Land, the fides on the breadth are properly adjacentes, lying or bordering, and the ends only in length are abuttantes, abutting or bounding: which in old Surveys, they fometimes express'd by capitare, to bead, whence Abuttals are now called Had-Lands, i. e. Head-Lands. As in the Rental of Wye in Kent belonging to the Abby of Battle in Suffex. Tenent ofto acras juxta Gores wall. capitantes ad prædictum wallum.

В

A

3 beremurber, Aberemurdrum. Plain or right down Murder, as distinguish'd from the less heinous Crimes of Man-flaughter and Chance-medly. From the Saxon, Ebepe, apparent, notorious, and Mord. Marder. So Ebepe. Theof. a bare, evident, notorious Thief. This Aberemurdre was declared a Capital Offence, without Fine or Commutation by the Laws of Canute, cap. 93. and of Hen. 1. cap. 13. Vid. Spelman in voce.

and of Hen. 1. cap. 13. Vid. Spelman in voce.

Abditory or Place to hide and preserve Goods, Plate, or Money. As in the Inventory of the Church of York, Mon. Angl. Tem. 3. p. 173. Item unum coffeur, & una pixis de ebore ornata cum argento deaurato. Item tria Abditoria & tres pixides de ebcre

ornatæ cum cupro deaurato.

Abegance, Hath by some been derived from the French Abeyner, that is, allatrare, to bark at, as Dogs do at a Stranger; but I rather suppose it may come from the French word Bayer, to expect: So Children are said Bayer a la mamme, who seeing the Dugg, they strivingly expect it: So also bayer a l'argent, qui spe atq; animo pecunia incumbant. This word in Littleton, sto, animo recuniz incumbent. This word in Littleten, cap. Discontinuance, we find thus used, The right of Fee simple lieth in Abeyance, that is, according to his own Interpretation, only in the remembrance, intendment and confideration of the Law; The Frank-tenement of the Glebe of a Personage is in no Man, so long
as the Personage remains void, but is in Abeyance; And it is a Maxim in Law, That of every Land there is Fee-simple in some Man, or else it lies in Abeyance. Considering and comparing these places with the signification of the French Word Bayer, it seems more than probable, that our Antient Law-Books would fignific hereby a kind of hope, or longing expectation, because things in Abeyance, tho at present in no Man, yet in hope and expectation they belong to him that is next to enjoy them. And also in French, a Man that earneftly gazes at any thing, is termed un Bayard, a greedy Beholder. This abeyance cannot be better compared, than to that which the Civilians call Hareditatem jacentem. For as Eracton saith, lib. 1. cap. 12 num. 10. Hæreditas jacens nullius est hominis ante additionem, &c. So that (as the Civilians fay) Lands and Goods do jacere; So the common Lawyers fay, That things in like Estate are in Abeyance, as the Logicians term in jeffe, or in understanding; and as we say, in nubibus, in the Clouds, that is, in consideration of the Law. Read more of this in the New Terms of the Law, fol. 6, & Plow. Rep. Walfingham's Case. See al o lib. 3. cap. 11. fol. 145. & Perkins fol. 12. Co. on Lit. fol. 342. b.

Aber, (Abettare) May be said to proceed from the French Bouter, impellere or excitare (rather from the Saxon a an energetical Article, and Bedan to stir up, or excite; from whence the Phrase of beeting or beat ing the Fire, i.e. supplying it with more Fuel:) In our Common-Law, it signifies as much as to Encourage, or set on. Abetment, (abettum) the Substantive implies the same, Stamf. Pl. Cor. 105. As in the Pleas

of Parliament, 21. Ed. 1. Jurati questii per cujus abettum appellum prædistum fastum suit, & prosecuturi
dicunt quod per abettum Hugonis de Evere. And Abettor (Abettator) for him that encourageth, or setteth
on, Old Nat. Brev. fol. 21. but both Verb and Noun
are always taken in the worst sense. As Abettors of Murder, are such as command, procure, or councel others to commit a Murder; and in some Cases such Abettors shall be taken as Principals, in other but as bettors shall be taken as Frincipals, in other but as Accessories; and their presence or absence at the doing of the Fact, differences the Case. There are also Abettors in Treason, but they are as Principals; for there are no Accessories in Treason. See Fleta, lib.1. cap.34. Sest. 13. cap. 52. Sest. 35. Coke on Lit. Sest. 475. Stamford's Pleas of the Crown. Rastal's Exposition,

Abgatoria, Abgetorium, The Alphabet or A,B,C. As Mat. Westm. reports of St. Patric -- Abgetoria quoq; 345. & eo amplius scripsit, totidem Episcopos ordinavit. So Warenus de script. Hibern. lib. 1. Baptizavit quotidie homines & illis literas legebat, & Abgatorias. The Irish still call the Alphabet Abghittin.

Ahishersing. (As Rastal in hie Abrilament annumber

Abispersing, (As Rastal in his Abridgment expounds it,) Is to be quit of Amerciaments before whomsoever of transgression proved. It is called in the New Terms of the Law Mishersing; It signifies originally a Forfeiture, but much miswritten by the Ignorance of Clerks; which Opinion Spelman in his Glossary seems to confirm. Old Authors have termed it a freedom or Liberty, because whoever hath this Word inserted in a Charter or Grant, hath not only the forfeitures and Amerciaments of all others within his Fee for Transgrefsions, but also is himself free from the controll of any

within that Compais.

Abjuration, (Abjuratio) is a renouncing by Oath; and fignifieth in our Law a fworn Banishment, or for-swearing of the Realm; Stamf. Pl. Cor. lib. 2. cap: 40. saith out of Polyd. Virgil 1, So great was the Devotion towards the Church in King Edward the Confessor's Time, till the 22 of H. 8. that if a Man having committed Fellony, could get into the Church, or Church-yard before he were apprehended, he might not be taken thence to the usual Trial at Law, but confessing his Fault to the Justices at their coming, or to the Coroner, might be admitted to his Oath, to abjure or forsake the Realm, Anno 7 H. 7. cap. 7. The form and effect of this you have in the Old Abridgment of Statutes; an ancient Tract, De Officio Coranotorum, Crumpton's Office of Coroner, fol. 260. b. New Book of Entres, verb. Abjuration. Hornes Mirror of Justices, lib. 1. cap. Del Office del Coone contines ivili or of Justices, illos i. cape Del Office del Coronera Quando aliquis abjuravit Regnum, Crux ei liberata fuit in manu sua portanda in itinere suo per semitas Regias, & vocabitur vezillum Santes Ecclesias, Essex, Plac. Hil. 26. Ed. 3. This part of our Law was in some fort problish by the Corone fort problish by the Corone of the problish by the Corone of the problem. fome fort practifed by the Saxons, as appeareth by the Laws of King Edward, fet out by Mr. Lambard, num. 10. but more directly by the Normans; evidenced by the Grand Customary, cap. 24. where the form of the Oath is likewise set down with the rest of the proceedings therein, very agreeable with Ours. This Clemency fomething resembles that of the Roman Emperors towards such as fled to the Church, Lib. 1. Co. tit. 12. or to the Images themselves, Eod. tit. 25. And also that of the Cities of Refuge mention'd by Moses, Exod. 21.

13. Numb. 15. 6, 11, 12. Deut. 19. 2. Josh. 20. 2. Of all the Circumstances belonging to this Abjuration, read the New Terms of the Law, and Stams. whi supra. But this grew at last to be but a perpetual confining of the Offender to some Sanctuary, wherein upon abjuration of his Liberty and free Habitations, he would chuse to spend his life; as appears Anno 22. H. 8. cap. 14. And by 21 Jac. 1. cap. 28. this benefit is wholly taken away, and consequently Abjuration, 2 Infl. fol. 629. See

Sancluary. Robertus le Tailleur de Drayton, qui suspensus suit apud Abyngdon, relicus pro mortuo sub surcis, surrexit et sugit ad Ecclesiam de Abyngdon, et ibidem cognovit se esse altronem, et Abjuravit Regnum coram Coronatore, &c. Anno 14. Ed. 1.

Abelition, (25 H. 8. cap. 21.) A destroying. The Licence given to a criminal Accuser, to desist from fur-

ther profecution.

Abbrioge, (Abbreviare) Cometh of the French Abreger, to make shorter in words, yet still retains the sense and substance; but in the Common Law it seems more particularly used for making a Declaration or Count shorter, by subtracting or severing some of the, substance. As for Example, A Man is said to abridge his Plaint in Assize, or a Woman her Demand in an Action of Dower, that hath put into the Plaint, or Demand any Land not in the Tenure of the Tenant or Defendant, if the Tenant pleads Non-tenure, Joynttenancy, or the like, in abatement of the Writ, the Demandant may abridge his plaint, that is, he may leave out that part, and pray that the Tenant may answer to the rest, to which he hath not yet pleaded; and the reason is, because the certainty is not set down in such Writs: And tho the Demandant hath abridged his plaint in part, yet the writ remains good still for the rest: So that here abridger is not contrabere, but rather, subtrabere, Bro. tit. Abridgment, & Anno 21 H. 8. cap. 3. Of this the Civilians have no use, by reason of certain cautelous Clauses they ordinated by the still of the contrabet of the still be seen as the certain cautelous Clauses they ordinated the still be seen as the certain cautelous clauses they ordinated the still be seen as the certain cautelous clauses they ordinated the still be seen as the certain cautelous clauses they ordinated the still be seen as the certain cautelous clauses they ordinated the still be seen as the certain cautelous clauses as the still be seen as the certain cautelous clauses as the still be seen as the capture of the certain cautelous clauses. rily affix to the end of every Article in their Libel or Declaration.

Abridgment, (Abreviamentum) See Abridge.

Abrogate, Abrogare, To disanul or repeal; as to abrogate a Law, that is, to lay aside, or repeal it, Anno 5 & 6 E. cap. 3.

Absolutare, To detest and avoid. As in the form of Oath among the Saxons, recorded by Mr. Sommer. In illo Deo, pro quo sanctum hoc Sanctificatum est, vo-lo esse nunc Domino meo N. sidelis & credibilis, & amare quod amat, & absoniare quod absoniat, per Dei rectum,

& seculi competentiam.

Absentees, or Des Absentees, A Parliament so called, held at Dublin 10. May 28. H. 8. and mentioned in Letters, Patents, dated 29 H. 8. See Co. 4. Inft. fol. 358.

Abuttals, See Abbuttals. Accedas ad Curiam, Is a Writ that lies for him who has received false Judgment in a Court-Baron or Hundred Court, being directed to the Sheriff, as appeareth by Dyer, fol. 169. num. 20. Like as the Writ de falso Judicio lies for him that hath received false Judgment in the County-Court: The form you may see in F. N. B. fol. 18. d. And in the Register fol. 9. b. where it is faid, This Writ lies as well for Justice delayed, as Judgment fally given: It is a Species of the Writ Recordare, Reg. Orig. fol. 56. ds F. N. B. ubi supra.

Accedas ad Mire-Comitem, Is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff; who having a Pone delivered him, sup-

pressed, Reg. Orig. 83.

Acceptance, Is a thing in good part, and as it were a kind of agreeing to some Act done before, which might have been undone and avoided if such acceptance had not been: For example, If a Bishop before the Stat. i Eliz, lease part of the Possessions of his Bishoprick for term of years, reserving 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 else the new Bishop might have avoided: The like is, if Baron and Feme seized of Land in right of the Feme, joyn and make a Lease or Feofiment by B ,2

Deed, Referving Rent; the Baron dies, the Feme receives or accepts the Rent: by this the Feofiment or Leafe is confirmed, and shall bar her of bringing a Cai

in vita, Co. on Lit. fol. 211. b.

Accessory or Accessary, (Accessorius vel Accessorium)
Particeps criminis, Is used in our common Law otherwise than among the Civilions; for whereas with them it is generally taken for any thing depending upon another, here, tho' it be so likewise, yet most commonly and notoriously it signifieth a Min guilty of a Felonious Offence, not principally; but by participation, as by command, advice or concealment. And a Man may be accessory to the offence of another after two forts; by the Common Law, or by Statute; and by the common Law two ways also, viz. either before or after the Fact; before the Fact, as where one commandeth or adviseth another to commit a Felony, and is not present at the execution thereof; for his presence maketh him also a Principal; wherefore there cannot be an accessory before the Fact in Man-slaughter, because Man-flaughter is sudden, and premeditated, Co. Lib. 4. fol. 44. 2. Accessory after the Fact, is, when one receives th him whom he knoweth to have committed a Felony, 3. Accessory by Statute. is, he that abetteth, counfelleth or concealeth, committing or having committed an offence made Felony by Statute; for the the Statute make no mention of Abettors, yet they are by interpretation included. Of all these consult, Stams. Pl. Cor. lib. 1. cap. 45, 46, 47, 48. There is also an accessory of an accessory, as he that wittingly receiveth an accessory to a Felony; but a Woman in such case all not be an accessory for helping her Husband, Lib. As. 26. Pl. 51. Coron. Fitz. 197. Stamf. Pl. Cor. lib. 1. cap. 48. And the Law of England is, that so long as the Principal is not attainted, the Accessory may not be medled with, Stamf. ubi lupra, Co. lib. 4. fol. 43. b. In the highest and lowest Offences, there are no Accessories, but all are Principals; as in Treason, crimen less Majestais, the highest; and in Riots, Forcible Entries, and other Trespasses, Vi & Armis, the lowest. Co. on Lit. fol. 71. Of this Subject, read more in Cromp. Fust. fol. 37. b. 38, 39. If a Man counsel a Woman to murther the Child she hath in her Womb, and afterward the Child is born, and then murthered by the Woman, in the absence of him that so gave the counsel; yet he is accessory by his counselling before the Birth of the Insant, and not countermanding it, Dyer, fol. 185.

Accompt, (Computus) Is in the Common-Law taken for a Writ, or Action, which lies against a Man, that by means of Office or Business undertaken, is to render an account to another, and refuseth; as a Bayliff towards his Master, or Guardian in Soccage towards his Ward, and the like; as you shall find particularized in Fitz. Nat. Brev. fol. 116. And by the Statute of Western. 2. cap. 1. If the Accomptant be sound in arear, the Auditors that are affign'd to him, have power to award him to Prison, there to remain, till he makes agreement with the Party. But if an Accomptant be not allowed reasonable expence and Costs, or charged with more Receips than he ought, his next Friend may fue a Writ of Ex parte talis out of the Chancery, directed to the Sheriff, to take four Mainpernors, to bring his Body before the Barons of the Exchequer at a certain day, and to warn the Lord to

Accord, That is, Agreement between Two, or more, to satisfie a Trespass or Offence done by one to another, for which he hath agreed to make satisfaction, in recompence; which shall be a good bar in Law, if the other after the Accord performed, should commence any new Action for the same Trespass, Terms de la Ley, fol. 14.

Accroche, From the French Accrocher, to fix: This word is used Anno 25. Ed. 3. Stat. 3. cap. 8. and signifies there as much as to Encroach, and the French ufed it for delay, as Acchrocher un process, to delay the proceedings in a Suit for some time Vide Encroachment.

Acephali, In the Laws of Hen. 1. Those are cal-

led Acephali, who were the Levellers of that Age, who acknowledged no Head or Superiour.

Arthat, Cometh of the French, Achat, emptio, or nundinatio, and is taken to fignifie a Contract or Bargain, Brook, tit. Contract. from whence haply Purveyors in 36 E. 3. were ordained to be call'd Achators, because of their frequent Bargain making; hence also with seeming reason enough may be deriv'd the word Cates, fignifying Provision brought in the Market for

Acknowledgment of the new Landlord. Solvet 12. d. ad recognitionem cujustibet novi Domini de Hoje, &c. Ex libro Cart. Priorat. Leominstriæ, and called in Latin, Laudativum vel Laudemium, a Laudando Domino.

Atheriet, A measure of Corn. The Monks of Peterborough had for their Weekly Allowance 12 Achersetos de frumento, & 8 Achersetos de brasio, & 6 de grad-& 11 Achersetos de fabis, &c. The Learned Auther of the Suppliment to the Hist. of the Ch. of Peterborough, p. 274. conjectures this measure to have been the same

with our Quarter or Eight Bushels.
Acholite, Acholithus, An inseriour Church Servant who next under the Sub-Deacen, followed or waited on the Priests and Deacons, and performed the meaner Offices of lighting the Candles, carrying the Bread and Wine, and paying other servile attendance. This Officer an Acolite, was in our old English called a Colet, from which Appellation came the Family of Dean Colet Founder of Paul's-School-Arquietantia de Shiris e Pembrevis, To be free

from Suit and Service in Shires and Hundreds, to which purpose it is said, In Regist. Priorat, de Cokesford, Quod Prior non debet facere sellam ad Comitatum Norwici wel in Hundredo pro Manerio de Rudham cum pertin.

Acquietandis Plegiis, This Writ we find in the register of Writs, fo. 158, being in truth a Justicies, and lies for a Surety against a Creditor, that resuleth to

acquit him after the Debt is paid.

Acquital, Is derived from the French Acquitter, as that from the Latin Compound Acquietare, and fignifieth in Law to discharge, or keep in quiet, and that the Tenant be faiely kept from any Entries or Molestations for any manner of Service issuing out of the Land to any Lord, that is, above the Meine; hereof we fay, Et quietus est, that is, he is discharged Co. on Lit. lib. 2. Sect. 148. It fignifies also ordinarily a deliverance, and setting free from the suspicion or guilt of an Offence, as he that is discharged of a Felony by Judgment, is said to be acquietatus de felonia, and if it be drawn in question again, he may plead autor foits acquit. This is two-fold, Acquital in Law, and Aquital in Fast; Acquital in Law is, when Two are Indicted, the one as Principal, the other as Accessary; the Principal being discharged, the Accessary by consequence is also acquirted, and in this case as the Accessary is acquitted by Law, so is the Principal in Fact, Stamf. Pl. Cor. 168. Acquital in Fact is either by Verdiet, or by Battel; By Verdiet, when by a Jury he is found Not Guilty of the Offence whereof he is charged; By Battle, as when in an Appeal, the Plantiff yieldeth himself Creant, or van-quisht in the Field; the Judgment shall be, that the Appeller shall go quit, and that he shall recover his Damages, Co. 2. Inst. 385.

Acquittance, Acquietantia, Cometh from the French Quiter, that is, accepte ferre, fignifieth a Release or

Discharge in Writing of a sum of Money, or other Duty which ought to be paid or done. Also the Verb (acquit) the participle (acquitted) and the Noun (acquittal) signifie a discharge or clearing from an Offence objected, as acquitted by Proclamation, Smith de Rep. Ang. pag. 76. Stamf. Pl. Cor. 168. Brook, tit. Acquittal. This Word differs from that which in the Civil Law is called Acceptitatio, because that may be by word without Writing, and is nothing but a fained Payment and Discharge, where no real Payment is had. Nor can it be said to be Apicha, which is a witnessing the payment or delivery of Money, which discharges not, unless the Money be paid, Terms de Ley, verb Acquittance. It was the common form in Deeds of Sail, Gift, or other conveyance — Nos autem — Warrantizahimus, acquietahimus, & defendemus in perpetuum. Pro hac autem marrantia acquietantia & defensione—

Y Hence to quit any claim or pretension. To get quit of any danger or trouble. Quite, i. e. persectly or entirely, as quite Discharged, quite Dead, &c. to quite or quot, to satisfie or to quiet, His Stomach is quite quot-

Acre, From the Germain Acker, that is, Ager, 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 creck any new Cottage, he must lay tour Acres of Land to it after this Measure, Anno 31 Eliz. cap. 7. With this Measure agrees Crompton, in his Jurisdistion of Courts, fol. 222. tho' he saith also, That according to the Customs of divers Countries the Perch distereth, being in some planes. ces, and most ordinarily but 16 foot and a half, but in Staff. 24 foot, as was adjudged in the Exch. in the Case between Sir Bd. Aston and Sir Job. B. In the Statute made concerning fowing Flax, 34 H. 8. c. 4. eight fcore Perches make an Acre, which is forty multiplied by four. Also the ordinance of Measuring Land 35 Ed. 1. agree with this Account. The word Acre at first fignified not a determined quantity of Land, but any open ground, especially a wide Campaign from the Saxon £crp, a Field, and this antique fense of it feems preserv'd in the Names of ilaces; Castle-Acre, West-Acre. &c. in Com. Norf. When the Word was applied to he meaf re of Ground, the quantity was ftill various, but determined by the statutes of 31 Ed. 35 Ed. 1.24.

H 8. For the different computation of Acres, observe the Note in a Terrier of the Effate belonging to the Prior and Convent of Burcefter Com. Oxon. A. D. 1339. 1. H. 4. 3 Quelibet tra continct duas seliones cum omnibus Furlengijs — Ecceptis virgh & butthe, quarum quatuor virge faciunt unam Acram, & aliquando plures. liter aliquando quatuor buttes, aliquando quing; aliquando fex: aliquando set aliquando set aliquando set aliquando set aliquando set aliquando set at the great Dooms-day Inquisition, the common Passure seems measured by bides, the Arable-Land by carucates, and the neadow by Acres!

Acte, An old fort of Duel fought by fingle Combatants, English and Scotch, between the Frontiers of their Kingdom with word and Lance. ** Ex abusa obtento de voluntare & mandato Domini Regis Anglia & scotiae, non solum simplices Clerici, sed & abbates & Priores in Dioces Karleoli, si appellati fuerint ab aliquo de Regno Scotiae de re aliqua, & e converso compelluntur cum Lanceis & Gladiis alias inermes duellum, quod dicitur Acram Committere inter fores utriuse, regni Moncatis igitur ntrumg; Regen — Quod tam detestabilis abusso quoad personas Eclesiassicae non servetur. Annal, Burton, Sub. An. 1237. Hence I conjecture, as this sort of judicial Dielling was call'd Camp-fight, and the Combatants Champions from the open Field that was the Stage of Tryal. So Ecep among the Saxons being the same with Campus, The Borderers on Scot-

land, who best retained the Saxon dialect, called such Camp-sight, . Ecep-Feoht, Acre-Fight; and sometime simply Acre.

Action, Alio, Is defined by Bration, lib. 3. cap. 1. and 3. In the same manner as by Justinian lib. 4. Instit. titulo de Actionibus, viz. Actio nibil aliud est quami pur prosequendi in judicio quod alicui debetur, and is divided into personalem, realem, & mixtam, Co. Inst. 2. fol. 40. A personal Action is that which one Man 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 Fach he is answerable, Bracklib. 3. cap. 3. nu. 2. A real Action is defined to be, whereby a Desendant claims Title to have a Freehold in any Lands or Tenements, Rents or Commons, in Fee-simple, Fee-tail, or for life. Brack. ibid nu. 3. And every Action real is either Possessory, that is, of his own Possessor Action and Seisin, or Auncestrel of the Seisin or Possessor Action of his Ancestor, Co. lib. 6 fol. 3. Writs of Right, Writs of Entry, &c. And their several Appendixes, as Grand-cape, Petit-cape, Receipt, View, Ayd-Prayer, &c. being real Actions, took place, and swell'd the Titles of our Year Books heretofore, but now grown much out of use.

Action mirt, Is that which lyeth as well against or for the thing which we seek, as against the Person that hath it, and is called Mixt, as having a respect both to the thing and the Person, Brast. lib. 3. ca. nu. 5. For example, The division of an Inheritance between Co-heirs, or Co-partners, called in the Civil-Law (Assio familiae exciscundae:) Secondly, The division of any particular thing being common to more, called also (assio de communi dividendo:) which Braston, Cujacius, Wesenbachius, allow to be mixt: of which Britton discourseth at large in his 71. Chap. In the Terms of the Law, verb. Assion mixt: It is said to be a Suit by the Law, to recover the thing demanded, and damages for the wrong done; as in Assize of No. Dissiblich Writ, if the Disseisor make a Feosment to another, the Disseisse shall have against the Disseisor, and the Feossee, or other Tenant, and thereby shall recover Seisin of his Land, and Damages for the mean Profits, and the wrong done; and so is an Assion of Wast, and Quare Imps

Attion, Is also divided by the Civilians into Civilem & Prætoriam, whereof one ariseth out of the Civil-Law in general, the other from some Prætoriam Ediæ. And a division not unlike this may be made in the Common Law of England, one part growing from the ancient Customs, the other from the Statute, Bro. tit. Astion sur. le Stat.

Attons, Also are divided into civil, penal and mixt, 6 Co. fol. 61. a. Action civil is that which tends only to the recovery of that which by reason of any Contract, or other like cause, is due to us: As if a Man by Action seek to recover a sum of Money formerly lent, &c.

An Action Denal, Aims at some penalty or punishment in the party sued, be it Corporal or Pecuniary: As in the Action Legis Aquilia, in the Civil-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 condign punishment, Br. l. 3. c. 4.

punishment, Br. l. 3. c. 4.

Action mitt, Seeks both the thing whereof we are deprived, and a Penalty for the unjust detention. As in an Action for Tythes upon the Statute of 2 & 3 E. C. cap. 13. Item est alia Actio mixta, que dicitur Actio Hirciscunda, & locum babet inter eos qui communem babent hereditatem. &c. See Co. on Lit. fol. 262. b.

Action, Is also (according to the form of the Writ) divided into such as are conceived to recover either the the simple value of the thing challenged, or the double,

treble, or quadruple, Bract. lib. 3. cap. 3. nu. 6. So doth a Decies tantum lye against Embraceors, F. N. B. fol. 171. And against Jurors that take Money for their Verdict of either or both Parties: And any other Action upon a Statute that punishes any Offence by restitution, or fine proportionabe to the Transgression.

Action, Also is Prejudicial, (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 descended from his Father, and it is objected, that he is a Bastard, Brast. lib. 3. cap. 4. num. 6. For this Point of Bastardy must be tryed, before the Cause can turther proceed, and therefore termed Prajudicialis, quia prius judicanda.

therefore termed præjudicialis, quia prius judicanda.
Attion, Is either Auncestrel or Personal, Stamf. Pl. Cor.
59. Auncestrel seems to be that which we have by some right descending from our Ancestor: and that Personal, which has beginning in and from our selves. There is also Assion Auncestrel Droiturel, and Assion Auncestrel Pesses, which see in Co. 2. Inst. f. 291.

Action upon the Case, Astio super casum, Is a general Action given for redress of wrongs done without force against any Man, and by Law not especially provided for; for when you have any occasion of Suit, that neither hath a sit, nor certain form prescribed; then the Clerks of the Chancery in ancient time conceived a sit form of Action for the Fact in question, which the Civilians call Astionem super casum. And whereas in the Civil-Law, there are two sorts of these Actions; one termed Astio in salum prascriptis werbs; the other, Astio in salum pratoria; the former grounded upon words pass'd in Contract; the other more generally upon any Fact touching either Contract, or Offence formerly not provided against: This Action upon the Case seemeth more to resemble the Astio Pratoria in sastum, than the other; becuse in the perusal of the Book of Entries, & Bro. Abrigment; I find that an Action upon the Case lieth as well against Offences, as breach of Contract. See more of this in Trespass.

in Trespass.
Action upon the Statute. Assis super Statutum, Is brought upon the breach of a Statute, whereby an Action is given that lay not before 3 as where one commits Perjury, to the prejudice of another, he who is endamaged, shall have a Writ upon the Stat, that is, where the Stat. gives the Suit or Assis to the Party grieved, or otherwise to one Person certain: and this Assis seems to be like any Assis in the Law Imperial, either upon Edichum Pratoris, Plebiscitum, or Senatus consultum, for as the Prator, so the common people in Comitis, and the Senators or Nobility, in Curia or Senatu, had power to make Laws where upon the Prator, or other Judges permitted Action: So our High Court of Parliament maketh Stat. against such Offences as are either newly grown, or more and more encreased, and the Judges are obliged to entertain their Pleas that commence Actions against the

Breakers of them.

Action, is perpetual or temporal (perpetua vel temporalis) and that is called perpetual, whose force cannot be determined by time; Of which fort were all civil Actions among the Romans, viz. Such as grew from Laws, Decrees of the Senate, or Constitutions of the Emperors, whereas Actions granted by the Prætor, fell within the Year. So we have in England perpetual and temporary Actions: And indeed all Actions may be called perpetual, that are not expressibilimited. As divers Statutes give action, so they be pursued within the time by them prescribed: As for example, the Statute of 1 Ed. 6. cap. 1. gives action for three Years after the Offences committed, and no longer. And the Statute 7 H. 8. cap. 3. doth the like for

four years; and that of 31 Eliz. cap. 5 for one year and no more; and the Act for Uniformity, 14 Car. 2-cap. 4. limits some things to two, some to three months, and some to more. But as by the Civil-Law, no Actions were at last so perpetual, but that by time they might be prescribed against; So in our Common-Law, tho' Actions may be called perpetual, in comparison of those that be expressly limited by Statute, yet there is a means to prescribe against real actions within sive years by a Fine levied, or a Recovery suffered; as you may see surther in the words Fine and Recovery, and also Limitation of Assec.

*Attion popular, Is given upon the breach of some penal Statute, which every Man that will may sue for himself and the King, by information, or otherwise; and because this Action is not given to one especially but generally to any of the Kings people that will sue, it is called an Action popular; but in this case, when one hath begun to pursue an Action, no other may sue it; and in this as it seems, it varies from an Action po-

pular by the Civil Law, Terms de Ley.

Action, I farther divided into Actionem bone fidei & firicli juris, which division hath good use in the Common Law, tho' the terms are not to be found in any of their Writers; therefore we refer them to the Civilians, and particularly Wesemb. in his Paratitles, De Oblig. & act.

Action of a Whit, Is a phrase of speach used when one pleads some matter, by which he shews the Plaintiss 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 called a Plea to the action of the Writ; whereas, if by the Plea, it should appear that the Plantiss hath no cause to have an action for the thing demanded, then it shall be called a Plea to the Action. Terms de Lev.

to the Action, Terms de Ley.

Acto, Acton, Aketon. A Coat of Mail. Ex Gallico
Hoqueton, aut Hauqueton, seu potius ex Cambro-Britannico Actum, Lorica, Dupla Duplodes, Du-Fresne.Tho. Wallingh. in Ed. 3. Indutus autem suit Episcopus
quadam armatura, quam Aketon vulgariter oppellamus.
Stat. Rob. 1. Regis Scot. cap. 27. Quilibet babent in
desensione regni unum sufficientem Actonem, unum basinetum,

& chirothecas de guerra.

Acts of Warliament, Are positive Laws, which consist of two parts, that is, the words of the Act, and the sense and meaning, which both joyn'd together make the Law.

Action Burnel, A Statute so called, made 13 E. 1.

Anno. 1285. ordaining the Statute Merchant, and was so termed from a place named Action Burnel, where it was made, being a Castle sometime belonging to the Family of Burnel, afterwards of Lovel, in Shropshire.

Actor, The Proctor or Advocate in Civil Courts or Causes. Astor Dominicus, was often used for the Lord's Bailey, or Attorney. Astor Ecclesia, was sometime the forinsick term for the Advocate or pleading Patron of a Church. Astor villa was the Steward or Head-Baily of a Town or Village.

Attuary, (Attuarius) Is the Clerk or Scribe, that Registers the Canons and constitutions of the Convo-

cation

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, Mystery, Trade, place of Dwelling, &c. As for Example, Additions of Estate are Yeoman, Gentleman, Esquire, and such like; Additions of Degree, are names of Dignity, as Knight, Earl, Marquess, Duke: Additions of Mystery, are Serivener, Painter, Mason, Carpenter, and all other of like nature; for Mystery is the Crast or Occupation, whereby a Man gets his Living: Addition of Towns, as London

don Kingston, Chester, &c. and where a Man hath a Houshould in two places, he shall be said to dwell in both of them; so that his Addition in either shall suffice. For the use of these Additions in Original Writs, fice. For the use of these Additions in Original Writs, of Actions Personal, Appeals and Indicaments. It is provided by the Statute, I. H. 5. cap. 5. that in Suits or A-ctions, where process of Utlary lies, such Additions should be to the Name of the Defendant, to shew his Estate, Mystery, and place where he dwells; and that Writs not having such Additions, shall abate, if the Defendant take exception thereto, but not by the Office of the Court; and this was ordained by that Statute, that one Man might not be vexed or troubled by the Utlary of another, but that by reason of the certain Addition, every Person may be known, and bear his own Burden: For more particular Additions of Town, see Bro. tit. Addition. See also Crompton Just. of Peace, fol. 95, 96. Co. 2 part, Inft. fol. 595 & 666. and Stat. 27. El. cap. 7.

Addoubors. See Redoubers.

Adeling, Or Etheling, from the Saxon Edelan, or the Dutch Edel, fignifying Excellent, and was a Title of Honor among the Angles, properly pertaining to the Kings Children, and Succeffors of the Crown; whereupon King Edward the Confessor being himself without Issue, and intending to make Edgar (to whom he was great Unkle by the Mothers side) the Heir of his Kingdom, gave the Honourable Stile of Adeling. Rog. Hovenden, parte poster. Suor. Annal fol. 347. a. Vide etiam Leges san Et. Conf. M. S. a Will. Conq. recept. cap. antepenuls. See more of this word in Spelman's Glofsary.

Adjournment, (Adjournamentum) the same with the French Adjournment, and signifies denunciatio, or diei dictio, that is, by our Common-Law an affignment of a Day, or a putting off until another Day and Place So adjournment in Eyre (25 E. 3. Statute of Purveyors, cap. 18.) is an Appointment, of a Day, when the Justices in Eyre mean to sit again; and Adjournment hath the same signification in 2 E. 3. cap. 11. See Bro. Abridge tit.

Adjournment. The Bastard Latin Word (adjournment to the state of the same significance of the Busquedians of the Share notes. tum) is used among the Burgundians, as Mr. Skene notes in his Book de verbo Signif. verbo Adjournatus, out of Cassanœus de consuet. Burg. See Prorogue.
Adjudication, (Adjudicatio) A settlement by Judg-

ment, Decree or Sentence 16 & 17. Car. 2. cap. 10.
An inquirendum, Is a Writ Judical, commanding inquiry to be made of any thing touching a cause de-pending in the Kings Court for the better execution of Justice; as of Bastardy, Bondmen, and such like; where-of, see great Diversity in the Table of the Judical Register, verbo ad inquirendum.

An jura Regis, Is a Writ that lies for the King's Clerk against him that fought to ejechhim, to the Prejudice of the King's Title in Right of his Crown, Reg.

of Writsfol. 61. a.

Admensuratio) Is a Writ which lyeth for the bringing of those to a Mediocrity, that u-furp more than their Part: and it lies in two Cases, one is termed Admeasurement of Dower, Admensuration dotis, where the Widow of the deceased holdeth from the Heir or his Guardian, more in the name of her Dower, than of right is belonging unto her, Regist. Orig. fol. 171. a. Fitzberb. Nat. Brev. fol. 143. The other is, Admeasurement of Passure, Admensuratio Pastuwhich lies between those that have Common of Pasture appendant to their Frecholds, or Common by Vicinage, in case any one or more of them do surcharge the Common with more Cattle than they ought. Reg. Orig. fol. 156. b. F. N. B. fol. 125. * This Writ lies not for the Lord, nor against the Lord, but the Lord may diffrain the Beasts of the Tenant that are surplusage: But if the Lord overcharge the Common, the Commoner hath no remedy by the Common-Law, but an Affize of his Common, Terms de la ley 24.

† Adminicite, (Adminiculum) Aid or Support Anno

Ed. 4. cap. 1.

Administrator, (Administrator in Lat.) Is in the Sense of our Common-Law taken for one that hath the goods of a Man dying intestate, committed to his charge by the Ordinary, and is accountable for the same, when ever it shall please the Ordinary to call him thereto. In this peculiar Sense, this Word is not used in all the Civil or Canon-Law, but more generally for those that have the Government of any thing. However the fignification came to be restrained among us, it matters not. But there is a Statute made 31 E. 3. cap. 11. whereby Power was given to the Ordinary, to appoint these Administrators, and to Authorise them as fully as Executors, to gather up and dispose the Goods of the deceased, so as they should be accountable for the same as Executors. And before that by the Statute Westm. 2. 13 E. 1. cap. 19. It was Ordained that the Goods of Persons dying intestate, should be committed to the Ordinaries disposition, who should be bound to answer his Debts as far as his Goods would extend. * Against fuch an Administrator, and for him an Action will lye as for an Executor, and he shall be charged to the value of the Goods and no farther, unless by his own false Plea or Wast: If the Administrator die, his Executors are not Administrators; but it behoves the Ordinary to commit a new Administration. And if a stranger, that is not Administrator or Executor, take the Goods, and administer of his own wrong, he shall be charged and sued as an Executor, and not as Administrator; but if the Ordinary make a Letter, Ad colligendum bona defundi, he that hath such a Letter, is not Administrator; but the Action lies against the Ordinary, as if he had the Goods in his own Hand. Terms de leytit. Administrator.
* Administrator durante minere atate, Cannot

fell the Goods of the Deceased, unless it be of necessity, for payment of Debts, or bona peritura, for he hath his Office pro bono de commodo of the Infant, and not for his Prejudice, and his Administration cease that the Intants Age of Seventeen Years, Co. 5. Rep. Prince's Case. Where one hath Goods only in an Inferiour Diocess, yet the Metropolitan of the same Province pretending that he had bona notabilia in divers Diocelles, commits Administration; this is not void, but voidable by Sentence, because the Metropolitan hath Power over his whole Province; but if the Ordinary of a Diocess commendation of the Commendation mit administration, when the Party hath bona notabilia, fuch Administration is meerly void, because by no means he can have Jurisdiction of the Case.

Administratrix. (Lat.) She that hath such Power

and Goods committed to her.

Admiral, (Admiralius, Admirallus, Admiralis, Capitanius, or Custos maris) and derived of the French Amerel, signifies both there, and with us, a high Officer or Magistrate, that hath the Government of the King's Navy, and the hearing of all Causes belonging to the Sea, Cromp. Jur. fol. 88. An. 13. R. 2. Cap. 15. 15. R. 2. cap. 3. 2. H. 4. cap. 11. 2. H. 4. cap. 6.23. H. 8. 15. This Officer is in all Kingdoms of Europe that border upon the Sea. This Magistrate among the Romans was called Prafettus classis, as appeareth by Tully, in Verrem. 7. Mr. Guin, in his Preface to his Reading, believes this Office was first Created in the time of Ed. 3. his reason is this, because Britton that wrote in Ed. the First's time, in the beginning of his Book, taking upon him to Name all the Courts of Justice, makes no mention of this Court, or Magistrate; and Richard the Second in the Tenth Year of his Reign, limited his Jurisdiction to the Power he had in his Grand-father Ed. 3. his Days. But contrary to this, it appears by some an-

tient Records, that not only in the Days of Edward the first, but also of King John, all Causes of Merchants and Mariners, and things happening within the main Sea, were ever tryed before the Lord Admiral. To this pur-To this purpose, he hath his Court call'd The Admiralty: He hath Cognizance of the Death or Mayhem of a Man committed in any great Ship riding in great Rivers, beneath the Bridges of the same next the Sea; also to arrest Ships in great Streams, for the Voyages of the King and Realin, and hath Jurisdicton in such Streams during the said Voyages. And Mr. Pryn in his Animadversions on Co. Inft. 4. pa. 75. fays, he had Jurisdiction, both within and without the King's Dominions, and might judge them in a summary way, according to the Laws of Oleron, and other Sea-Laws. The first Title of Admiral of England expresly conferr'd upon a Subject, was given by Patent of Rich. 2. to Richard Fitz-Alen, Jun. Earl of Arundel and Surrey, 10 Sep. An. Rich. 2. Y For those who before enjoyed the Office were simply term'd Admirals, though their Jurisdiction seems as large, especially in the Reign of Ed. 3. when the Court of Admiralty was first Erected. Vid. Spelman in voce, who gives a Catalogue of the Admirals from 8. Hen. 3. to

16. fac. 1.

Admission, Is when the Patron presents to a Church, being void, and the Bishop upon Examination, admits the Clerk able, by faying Admitto Te babilem, Co.

on Lit. fel. 344. a.
Abmittendo clerico, Isa Writ granted to him that hath recovered his right of Presentation against the Bi-shop, in the Common Bench, the form of which you

may have in F. N. B. fol. 38. And Reg. Orig. fol. 33. a.
Admittendo in Socium, Is a Writ for the Afford

ciation of certain Persons to Justices of Assize before appointed, Reg. Orig. fol. 206. a.

† Admithiled, 28 H. 8. cap. 7. From the Lat. Nibil, or as it was written of old Nichil, signifies anulled,

made void, or brought to nothing.

ADzettare, Addretiare, Addressare, i. o. ad retium ire, restostare, To satissie, to make amenda — Gervas Dorobern, sub Anno. 1170. Quod erunt coram Domino Rege die quem eis constituerit, ad rectum faciendum & addretiandum ei, & bominibus suis quod addretiare debuerunt. Hence the French still use the word Address

fer in this Sense, To do right.

An quod Damnum, is a Writ that lies to the Sheriff, to inquire what Damage it may be to others for the King to grant a Fair or Market; or other person to give any Lands holden in Fee-simple, in Mortmain, to any House of Religion, or other Body Politic; for in that case the Land is said to fall in manum mortuam, into a dead hand; that is, it is in such an Estate and Condition, that the chief Lords lose all hope of Heriots, Service of Courts and Escheats upon any trayterous or selonious offence committed by the Tenant; for a Body Politic dyeth not, neither can perform personal Service, or commit Treason or Felony, as a single Person may. And therefore it seems convenient, that before any such Grant be made, it be known what prejudice it is like to work either to the Grantor, or others, Fitz. Nat. Brev. fol. 221. Terms de ley 25. Vide Martmain.

Apramire, Vid. to Arrain.

Ad terminum qui præteriit, Is a Writ of Entry, that lies where a Man having leased Lands or Tenements for term of Life or Years, and after the term expired, is held from them by the Tenant, or other ilranger, that occupieth the same, and deforceth the Lessor: In such Case this Writ lies for the Lessor and

his Heirs, Fitzh. Nat. Brev. fol. 201.

Annent, Is a time comprising a Month, or thereabouts, and begins upon the Sunday, that falls either upon St. Andrews Day, being the 30th of November, or next after it, and continues till the Feast of the Nativity of our Lord, commonly call'd Christmas, tho' Sir Edward Coke, 2 part Inst. fol. 265. missakes in saying it ends eight Days after the Epiphany; herein our Ancestors reposed much Reverence and Devovoin, in regard of the neer approach of that Solemn Feast; informuch that it is said. Inter Plate do terrot Partie Tokan somuch that it is faid, Inter Plas. de tempt. Regis Johan. Ebor. 126. that In adventu Domini nulla asisa debet capi, all Contentions in Law, were then remitted. Where upon there was a Statute made Anno 3 E. 1. being West. I cap. 48. that notwithstanding the said usual Solemnity, it might be lawful (in respect of Justice and Charity, which ought at all times to be regarded) to take Assistes of Novel Disseisin, Mortdancester, and Darrein-presentment in the time of Advent, Septuegesima and Lent. This is also one of the times from the beginning whereof to the end of the Octaves of the Epiphany, the Solemnizing of Marriage was forbidden, by reason of certain Spiritual Joy that the Church ought to conceive in the remembrance of her Spoule, Christ Jesus, and was not without special Licence to be entertained, according to the old Verses,

Conjugium Adventus probibet, Hilariq; relazat, Septuagena vetat, sed Paschz octavo reducit, Rogatio vetitat, concedit Trina Potestas.

Vide Rogation-Week and Septuagessmu. This Solemn Feast had it's Name of Advent, because it did so immediately precede the appearing of our Lord, and therefore was praparatio Santia in Adventum Domini.

Adventum, (Anno 1 H. 7. cap. 4. and in diversother both Places and Authors termed Advowtry) in Latin

Adulterium (as it were Ad alterius thorum ascendere) is properly the Sin of Incontinence between two married Persons; yet if but one be married, it is Adultery, which is severely punish'd by the Laws of God, and the antient Laws of the Land. King Edmund a Saxon, Leg. sur. cap. 4. Adulterium affici just instar Homicidii. Camutus the Dane, Hominem adulterum in excitum regelari just faminam nasum & aures pracidi, Leg. par. 2. cap.
6. And afterwards, cap. 50. Qui uxoratus faciet Adulterium, babeat Rez vel Dominus superiorem, Episcopus in-feriorem. Leg. Hen. 1. cap. 12. See a notable Case conferiorem. Leg. Hen. 1. cap. 12. cerning Adultry in Co. 2. Inft. concerning Margaret, the Wife of John de Camois, who with her Husband's consent lived in Adultry, with Sir William Pannell, yet lost her Dower. See Dower. Rex, &c. Pracipimus tibi quad diligenter inquiri facias per legales bomines de Visn. Candeur. Si Robertus Pincerna babens suspessium Will. Wake qui sum uxore sua adulterium committerit, probibuit oi ingrassium donnes sua les si idem Will 2008 probibuit ei ingressum domus sua, & si idem Will. post probi-bitionem illam, domus ipsius Roberti ingressus adulterium prædictum commist, inde præsatus Robertus mentula eum privavit, & si inquisito dederit, quod ita sit, tunc eidem Roberto & suis qui cum eo erant ad hoc saciend terr. & catalla sua occasione illa in manum nostram seisita, in pace ese facias donec aliud inde tibi præcipimus, &c. Claus. 14. Joh. m. 2. Aver, to affirm or make good.

Ad bentrem inspiciendum, Isa Writ mentioned in the Statute of Essoins, 12 E. 2. See more in the Ti-

tle Ventre inspiciendo.

Advocate was of two forts. Either 1. Advocate of the Causes and Interest of the Church, retain'd as a Counsellor and Pleader, to maintain the Properties and Rights; Or, 2. Advocate or Patron of the Presentation and Advowson. Both these Offices did originally belong to the same Founder of a Church or Convent, and Heirs, who were bound to protect and defend the Church, as well as to nominate or present to it. Ailwin Founder of Ramfey Abby, -- Proruit in Medium, se Ramesiensis Ecclesiæ advocatum, se pesissicnum

ejus tutorem allegans. Lib. Ramof. Sect. 49. But when the Patrons grew negligent, or were Men of no Interest or Ability in the Courts of Justice, then the Religious began to retain a Law-Advocate, to follicit and prosecute their Controversial Causes. Vid. Spelman in vece.

Abboratione decimarum, Is a Writ that lieth for the Claim of the fourth part, or upward, of the Tythes that belong to any Church, Reg. Orig. fol. 29. b.

Abbomrry, See Adultery.

Abbom, Alias Avow, advocare, cometh of the French word Advouer, alias avouer, and fignificth as much as to justifie or maintain an Act formerly done: For Example, One takes a Distress for Rent, or other thing, and he that is distrained such a Replevin; now he that took the Distress, or to whose use the Distress was taken by another, justifying or maintaining the Act, is said to avon, Termes de Ley 73. Hence comes Advowant and Advory, Old Not. Brev. fol. 43. Bradon uses the Latin word in the same signification (as Advocatio Dissessing) lib. 4. cap. 26. and Cassanus, de consuct. Burg. pa. 1210 uses advocare in the same signification. And pag. 1213. the Substantive desavohamentum, for a disavowing, or resulfal to avow. * This word Advorce or Avonce (in Latin Advocatus) is used for him that hath right to present to a Benefice, 25 E. 3. Stat. 5. where we find also Advorce paramount, for the highest Patron, viz. the King: Advocatus est ad quem pertinct jus Advocationis alreujus Ecclesse, us ale Ecclassan, nomine proprio, nun alieno pessit prasentare, Fleta, lib. 5. cap. 14. Fitz. Nat. Brev. fol. 39. usethit in the same Sense.

Abbomee Baramount. By the Statute of Provifors, 25. E. 3. is taken for the King, the highest Patron.

Advocatio fignifieth in our Common-Law a right to present to a Benefice, and is as much as jus Patrenatus, in the Canon-Law; The Reason why it is so termed, proceedeth from this, because they that originally obtained the right of presenting to any Church, were Maintainers of, or great Benefactors to that Church, either by Building, or increasing it; and are therefore sometimes termed Patroni, sometimes Advocati, and sometimes Defensores, cap. 4. & 2. de jure Patronatus in Decretal. And Advowfon being an old Bastard French Word, is used for the right of prefenting, as appeareth by the Statute of West. 2 cap. 5. Now Advanson is of two forts: First, Advanson in gross; that is, sole or principal, not belonging to any Mannor, as a parcel of its right; and form the statute of secondly, Advorsion appendant, which depends upon a Mannor, as appurtenant to it, termed therefore by Kitchin an Incident, that it may be separated from the subject. Of this Mr. Fobn Skene. de verbo Sig hath these words, Dicitur Advocatio Ecclesia, vel quia Patronus alicujus Ecclesie ratione sui juris advocat se ad eandem Ecclesiam & Afrit se in eadem babere jus Patronatus, eamque este sui quasi clientis loco, vel potius cum aliquis (nempe, Patronatus) advocat alium jure suo ad Ecclesiam vacantem eumque loco alterius (veluti defuncti) prasentat, es quasi exhibet. No Church could be Canonically Consecrated, without an allotment of Munse and Glebe, made generally by the Lord of the Mannor, who thereby became Advocate or Pair on of that Church : so as the Lordship of the Mannor, and Patronage of the Church were rarely in different Hands, till Advowsons were unhappily given to Religious Houses. It had been more to the Honour of this Church and Nation, if Advowsons had all continued appendant to the Mannor. For then the Patrons had been (as they first were) Parochial Barons, and so Men of Reputation and Interest in each respective Parish. Whereas the dividing the Lorship of the Mannor from the Advovsion of the Church, has enabled Yeomen and Mechanicks to purchase the Dignity of Patrons from the Nobility and Gentry to the prejudice of the Church, and the great contation of Degrees and Qualities.

Antonulan of Religious Boules, As those who built and endow'd a Parish Church, were by that Title made Patrons of it: so those who founded any House of Religion, had thereby the Advomson or Patronage of it. Sometimes the Patron had the sole Nomination of the Prelate, Abbot or Prior; either by Investure or Delivery of a Passoral Staff: as William Mareshal E. of Pembroke to the Abby of Notely, Com. Buck A. D. 1200. Or by direct Presentation to the Diocesan: As Reginald E. of Bolein, in his Charter to the Priory of Cold Norton Com. Oxon. 1201. Non boc autem pratermittendumest, quod Donus illa de nostra donatione est, & Nos ibi Priorem apponere debemus, &c. Is a free Election were lest to the Religious, yet a Conge d'essire, or License of Electing was first to be obtain'd of the Patron; and the Electing was first to be obtain'd of the Patron; and the Electing was consirm'd by him. The Patronage of a Convent lapsed to the Lord of the Honour, if the Family of the Founder were extince: So Edmund Earl of Cornwall became, Patron of the Nunnery of Goring, Com. Oxon. by no other Title, than as that House was situate within the Honour of Wallingsord: See Mr. Kennet's Parceb. Antig. p. 147, 163.

Parech. Antiq. p. 147, 163.
Arlineteoth, Pecunia Elcemosynaria, scilicet, Denarii sancii Petri. Vide Almsfeob.

Aerie, Or Ayry of Goshawks (Aeria accipitrum,) Is the proper term for Hawks, for that which of other Birds we call a Nell. Thus it is used 9. H. 3. cap. 12. in the Charter of the Forest, and divers other places. It comes from the French word (Aire) fignifying as much as (par) in Latin, or (a payr) in English: and therefore when the French Man faith, un homme de bone aire, he means a Man coming from a good Payr, that is, a good Father and Mother. This Deriva-tion is all Fancy and missake. Aerie is indeed from the French Aire, the proper term for a Hawk's Nest. So is Airg faid to fignifie in Irish. But spelman more pro bably derives it from Saxon Eghe, which the Germans and Normans melted into Eye, an Egge; whence Eyerie, was a common name (or a Birds Nest, i.e. the place or repository of Eggs.) Hence to the Eye, or Brood of Pheasants. The Liberty of keeping these Ayeries of Hawks, was granted as a Priviledge to some greater Persons, as in a Charter of Henry 3. to the Church of Tork-In nemore de Blideward habebat Archiepiscopus & Canonici de Ebor. proprios Forestarios suos, & mel, & areas accipitrum & noisorum. Registr. Joh. Romani Arepi Ebor. M.S. f. 91. ferving the Aeries in the King's Forests and Woods, was one fort of Serjeantri, or Tenure of Land by Ser. vice. So. An. 20 Ed. 1. Simon de Raghton & alli tenent terras in Ragbton, Com. Cumbr. per serjantiam custodiendi Aerias Austurcorum Domini Regis.

Aefinery. Vide Esnecy.

Aestimatio capitis, Sax. Were, i.e. pretium bominis. King Althesian in a great Assembly held at Exceer, declared that Mulcis were to be pay'd pro estimatione capitis; for Ossences committed against several Persons, according to their Degrees. The Estimation of the King's Head to be 30000 Thurings, of an Archbishop, or Satrapas, or Prince 15000, of a Bshop or a Senator

3000, of a Priest, or a Thane 2000, &c. LL. Hen. 1.

Etate probands, Is a Writ that the Kings Tenant holding in chief, by Chivalry, and being Ward, by reason of Nonage, obtained to the Escheator of the County where he was born, or where the Lard lyeth, to enquire whether he be of full Age, to receive his Lands into his own hands, Reg. Orig. J. 294, 295. F. N. B. fol. 253. & 257. he saith that this Writ is sometimes directed to the Sheriff, to impanel a Jury against a Day certain, before Commissioners authorized under the Great Seal, to deal in such a Case.

Affre

Affeerers, (Afferatores alias Affidati.) May pro-bably be derived from the French (Affier) that is, affir-mare, confirmare; and fignifies in the Common-Law fuch as are appointed in Court-Leets, upon Oath, to fet the Fines on such as have committed Faults arbitrarily punishable, and have no express Penalty appointed by the Statute. The form of their Oath, you may by the Statute. The form of their Oath, you may fee in Kitchin, fol. 46. The Reason of this Denomination may feem to be, because they that be appointed to that Office, do affirm upon their Oaths, what Penalty they think in Conscience the Offender hath deserved: Another probable Derivation may be from (feere) an old English Word signifying a Companion, as (Gefera) doth among the Saxons, by Mr. Lambard's testimony (verb. contubernalis,) in his Explication of Saxon Words; and foit may be gathered that Kitchin takes. cap. Americaments, fol. 78. in these words, Mes tiel amerciament soit affire per pares; where (pares) is affeerers; and the reason hereof may be, for that in this Business they are made Companions, or equals. We find this word used, 25 Ed. 3. Stat. 7. viz. The same find this word used, 25 Ed. 3. Stat. 7. vi?. The same Justices before their Rising in every Sessions, shall cause to be affected the Amercements; and also to the same effect, 26. H. 6. c. 6. And Kitchin fol. 78 joyns these three words together, as Synonima's, viz. Affidati, Amerciatores, Affirors; Affidare in the Canon-Law is used for Fidem dare, ca. sina. de cognatio. spirit. in Decretal. & ca. super eo de testibus. Bratton hath Affidare mulierem, to be betrothed to a Woman, lib. 2. cap. 12. But in the Custumary of Normandie, cap. 20. this Word (Affeurer, the Latin Interpreter expresses by (Taxare,) that is, to fet the value of a thing, and the same with assimare, &c. which feems indeed the best Etymology. See Go. li. 8. fol. 40**. b.**

fol. 40. 0.

Affibare, To plight one's Faith, or give Fealty, i. e. Fidelity, by making Oath, &c. Mulier accusata de afisa cerevisa frasta potest sola manu facere legem si voluerit, id est, assidare in manu Ballivi & esse quieta, quod si noluerit affidare, amerciabitur per Ballivum. Consuctudinar. Dom. de Farendon MS. s. 22.

Affibarra. Significe a Tenant by a Fealty, witness

Juetudinar. Dom. de Farendon MS. t. 22.

Affidatus, Signifies a Tenant by a Fealty, witness this Charter, Ego Rogerus, &c. dedi, &c. Willelmo Wallens pro suo servitio unam acram, &c. pro bac donatione & concessone devenit pradictus Will. Affidatus meus, &c. Affidati non proprie Vasalli, sunt, sed quasi vassali, qui in alicujus sidem & clientelam sunt recepti, &c. Affidatio accipitur pro mutua sidelitatis connexione tam in sponsaliis quam inter Dominum & Vassallum. Proles de affidata & non maritata, non est bares. M. S. veles de affidata & non maritata, non est bæres, M. S. penes Arth. Trevor. Ar.

Affidiari, seu Affidiari ad arma. To be mustered and enrolled for Soldiers, upon an Oath of Fidelity. - Rex dile&is– - Cùm asignaverimus vos ad super-

providendum quod omnes Homines de Com. Berk.
Equitatura & aliis armis competentibus muniantur, & ad arma affidiantur, & arraientur juxta formam Statuti. Consuetud. Dom. de Farendon. MS. f. 55.

Affirm, Affirmare, Signifies to ratifie or confirm a former Law or Judgment: So is the Substantive (af-firmance) used anno 8. H. 6. cap. 12. And so is the Verb it self by West, part. 2. Symbole, tit. Fines, self. 152. if the Judgment be affirmed, &c. and also by Crompton in his Jurifd. fol. 166. 19. H. 7. cap. 20.
Affiance, Is the plighting of Troth betwixt a Man

and a Woman, upon agreement of Marriage to be had between them; the Latin Word (affidare) from whence this is derived, is as much, as fidem ad alium dare, and this Word affidance is used by Littleton c. Dower, self. 39.

Affidabit, In Law signifies an Oath, as to make af-

fidavit, is to testifie a thing upon Oath.

Afforatus. Appriz'd or valu'd, as things vendible in a Fair or Market. — Retinuit Rex potestatem pardonandi ei omnimoda amerciamenta tum afforata, quam non afforata, tam de se quam de omnibus bominibus. tularium Glaston. MS. i. 58.

Afforciamentum Curia. The Calling of a Court upon a folemn and extraordinary occasion. ciunt bis in anno Reclum ad bundredum ipsius Abbatis de Niwetone, scil. ad Cur. Hokeday, & ad Festum S. Martini. & ad afforciamentum Curia, quotiescunque latro adjudicandus fuerit, vel quum aliqua loquela ibi fuerit, qua terminari non poterit sine afforciamento Curia, Cartular. Glaston. MS. f. 43.

Afforciament, A Fortress or strong hold, or other Fortification. --- Pro reparatione murorum & aliorum Affor-

ciamentorum dilla civitatis. Pryn Animad. on Coke, f. 184.
Affereff, Is to turn a piece of Ground into Forest,
Charta de Foresta, cap. 1. & 30. anno 9. H. 3. What that
is, see more at large in Forest.

Affrag, Cometh of the French word (Effrager) ter-rere, to affright, and therefore may be without word or blow given, and so is the Word used in the Statute of Northampton, 2 E. 3. cap. 3. It is commonly taken for a Skirmish, or Fighting between two or more: In our Books it is many times confounded with an Assault, as appears by Lambert, in his Eirenarcha, lib. 2. cap. 3. & lib. 1. cap. 17. yet as it is there said, they differ in this, that where an Assault is but a wrong to the Party, an Affray is a wrong to the Common-wealth, and therefore both inquirable and punishable in a Leet. It may be said likewise, that an Affault is but of one fide, but an Affray is the fighting of many together: Besides this signification already mentioned, it may be taken for a terrour wrought in the Subject by an unlawful fight of Violence, &c. as if a Man shew himself furnish'd with Armour or Weapons not usually worn, it may strike a fear into others unarmed, 2 E. 3.

cap. 3. 4 H. 6. 10. 8. E. 4. 5.

Affretamentum. The Fraight of a Ship, from the French Fret, which fignifies the Tuns: —— Sciatis quod cum, ut accepimus nuper in quadam causa maritima pecaniaria vizinti & quinque librarum pratextu Affretamenti medietatis cujus dam Cranera vocatae La Christopher de Burston, &c. Pat. 11. H. 4.p. 1. m. 12.

Affret, Vel Affra, Bullocks or Beasts of the Plough, Vicarames librare si amaia catalla delitario acceptio ha

Vicecomes liberet ei omnia catalla debitoris, exceptis bo-bus & Affris caruca, West. 2. cap. 18. And in Northumberland to this Day, they call a dull or flow Horse a false Aver, or Afer, Spelm, Whence also with probability

enough, may be drawn the word Herfer for a young Cow. Age, Atas, French aage, and fignifieth in the Language 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 Women to do that, which before for want of Age and consequently of Judgment, they might not do: And these times in a Man be 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 Oth of Allegiance in a Leet; at Fourteen to consent to Marriage, and in Soccage to chuse his Guardian, Dyer, fol. 162. at Fifteen for the Lord to have aid par fair Fitz Chivalier, F. N. B. in brevi de rationabili auxilio. In a Woman they be fix, Bro. Gard. 7. First at Seven years of age, her Father being the Lord, might heretofore distrain his Tenants for aid pur file marier, for at those years she may consent to Matrimony, Braft. lib. cap. 36. nu. 3. Secondly, at nine years old, the is Dowable, for then, or within half a year after, the is able Promereri dotem & virum sustinere, Fleta. lib. 5. cap. 22. Lit. lib. 1. cap. 5. which Brasson lococitato does notwithstanding limit to twelve Years. Thirdly, at twelve years she is able to ratifie and confirm her for-mer consent given to Matrimony. Fourthly, at four-teen years she is enabled to receive her Lands into her

own Hands, and shall be out of Ward, if she be at that Age at her Ancestor's Death. Fifthly, at fixteen 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 able to perform Knight-Service. Sixthly, at twenty one Years she is able to alienate her Lands and Tenements; befides as to a Man we may add, that at fifteen Years he shall be fworn to keep the King's Peace, Anno 34. E. 1 Stat. 3. 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 fince repealed by 17 Car. 1. cap. 20. That Age also enables repealed by 17 Car. 1. cap. 20. That Age also enables him to contract and deal by himself in the Management of his Estates, which until that time he cannot do with fecurity of those that deal with him. The Age of twelve, binds to Appearance before the Sheriffs and Co-The Age of roner for Enquiry after Robberies, Anno 52. H. 3. cap. 24. The Age of fourteen Years enables to enter an Order of Religion without Consent of Parents, Anno 52. H. 4.

cap. 17. See Co. on Lit. fol. 78.b.

Age prier, (Etatem precari, or etatis precatio)

Is a Petition or Motion made in Court by one in his Minority (having an Action brought against him for Lands coming to him by Descent) 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 Law, which enforces Children in their Mineral Court and Court an nority to answer by their Tutors or Curators; W. de

minor. 25. an. Agenhine. See Hogenbine.

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 felf of the fairest Possession of her Husband: Also if a Man be indebted to another, and after makes the Party, to whom he is so indebted, his Executor, and dies; the Executor may retain so much of the Deceased's Goods in his Hands as his own Debt amounts to, and by this Retainer he is Agent and Pa tient; that is, the Party to whom the Debt is due, and the party that pays the same. Sed quere de boc, for that it is resolved, Co. lib. 8. 138. In Boham's Case, that a Man shall not be Judge in his own Cause, Quia iniquum

est aliquem sui rei ese judicem. Cultumary Fine or Imposition. Sax. a. gild, fine multia. Beges Alvredi cap. 6. Si Utlaga efficiat ut occidatur, pro eo quod contra Dei rectum & Regis imperium stet ceat Agild. In Legibus Hen. 1. cap. 88. Egild is corruptly

put for Agild. A Hey-mard, i. e. 2 Herd-ward or Keeper of the Herd of Cattle in a Common-field, fworn at the Lord's Court, by solenin Oath, of which the Form is deliver'd by Kitchen of Court f. 46. The Office of Agillarius was of two sorts; First, the common Heyward of a Town or Village, to supervise and guard the greater Cattle, or common Herd of Kine and Oxen, to keep them within their due Bounds: He was otherwife call'd Bubulcus, the Con ward (now turn'd into a Name of contempt and reproach, a pi tiful Coward) who, if he was a Cottager, or other fervile Tenant, he was exempted from all custumary Works and Manual Services of the contempt of the cont vices to the Lord; because he was presum'd to be alway attending on his Herd, as a Shepherd on his Flock, who - Sunt ibi xvi Cohad therefore the like Priviledge. tari, quorum alii sant Bubulci, alii sunt Pastores, qui si non esent, deberet quilibet unum opus singulis septimanis per annum. Cartular. Glaston MS. s. 40. Secondly, the agillarius of the Lord of a Mannor, or of a Religious House, who was to take care of the Tillage, Fencing, Harvest-Work, &c. and to see there were no Encroachments, or Trepaffes committed on that particular Di-strict. The same in effect with that Officer, who has

been fince called the Field's-man. See Mr. Kennet's Paroch.

Antiq.p. 534. 576.
Agist, From the French (Gist) a Bed or Resting-place, or (giser) jacere, or gister stabulari, a Word pro-per to a Deer, cum sub mensem Mayum e locis abditis in quibus delituit emigrans in loco delecto stabulari incipit: unde commoda & propinqua sit pabulatio, Budæus in Poste-rior. lib. Philologiæ. It signifies in our Common-Law to take in, and feed the Cattle of Strangers in the King's Forest, and to gather the Money due for the same to the king's use, Charta de Foresta, an. 9 H. 3, cap. 9. The Officers that do this, are called Agistors, in English Guest-takers, Cromp. jur. fol. 146. These are made by Guest-takers, Cromp. jur. fol. 146. These are made by the King's Letters Patents, under the Great Seal of England, of whom the King hath four in every Forest, where he taketh any Pawnage; Manwood's Forest-Law, cap. 11. fol. 80. In what their Office consists, see the same Manwood, part 1. p. 336. Their Function is termed Agistment, as Agistment upon the Sea-bancks, Anno 6. H. S. c. 5. This Agist is also used for the taking in of other Mens Cattel into any Ground at a certain rate per Week. See

4 part, Inst. fol. 293.

Agistator. The Agistor or Forest Officer, who was to take account of the Cattel there agisted, whether they belong'd to Tenants within the Forest, who had free agisment, or to Foreigners who paid a com-mon rate. These Agistatores in an old Version of mon rate. These Agistatores in an old Version of Charta de Foresta, are call'd Gyst-takers, or Walkers. Hence our Grasiers now call the foreign Cattle which they take in to keep by the Week, Gifements, or Juice-ments (pronounc'd like the Joices in Building, corrupted from the French adjoustment, the Cross-pieces of Timber that are adjusted or fitted, to make the Frame of the Floor.) And to gife or juice the Ground, is when the Occupier feeds it not with his own proper Stock, but takes in other Cattle to agist, or pasture in it. Glosographers agree to derive this Word from the French Gister, to lie, Gest a Bed, &c. But I rather think Agistamentum bears relation to Ager the Field, or Feeding-place of Cattle, and might be the same as Agrarium, Agerium, Agrotium, the Profit of Feeding Cattle on such a Ground or Field. Unlessit were so, I can hardly imagine, why the Duty or Tax levy'd for repairing the Bank and Walls in Romney-Marsh, was call'd Agistamentum; and the laying such a Proportion of this Duty upon the several Lands, was call'd Agistatio; and he who was the Collector and Expenditer of it, was term'd Agistator. See Glossary to Paroch. Antiq. in voce Agi-

Agitatio Animalium in Foresta, The Drift of Beatts in the Forest. Leges Foresta.

Agnus Dei. A small Cake, or piece of white Wax, commonly in a flat Oval Form, stamp'd 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, (Agreementum which is according to Plonden, aggregatio mentium;) Is a joyning 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. 3. cap. 3. of Cloaths, which faith, That the Goods bought by Forestallers, being thereof attainted, shall be forfeit to the King, if the Buyer have made Gree with the Seller: Where the Word (Gree) which otherwise is 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 fee 26. H. 8. cap. 3. 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 Ler. Was a Law made by the Romans, for the Distribution of Lands among the common People.

Apor, Auxilium: Is all one in fignification with the French (Aide) and differs only in pronunciation: But in our Law it is apply'd to divers significations, as sometimes it signifies a Subfidy, as 114 E. 3. Stat. 2. cap. 1. sometimes a Protestation due from Tenants to their Lords, as towards the Relief due to the Lord Paramount, Glanvile, 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 feven, Reg. Orig. fol. 87. a. and that at what rate themselves listed: But the Statute of Westm. 1. anno 3 E. 1. ordained a restraint for so unlimited a Demand; and 25 E. 3. Stat. 5. cap. 11. provides, That the Rate set down by the former Statute, should hold in the King as well as other Lords; of which, mention is made 27 H.8.cap. 10. This Imposition seems to have descended to us from Normandy (or rather from a more ancient Original, The Feedal Laws) for in the Grand Customary, cap 35. you have a Tractate intituled, Des aydes Chevelz, i.e. auziliis capitalibus; whereof the first is, a faire l'yene fitz de son Seigneur Chevalier; to make his eldest Son Knight: The second, pur eine fille marier; to marry the elder Daughter; both these, and discharged by Stat. 12. This word is also particularly used in matter of Pleading, for a Petition made in Court for the calling in of help from another that hath an Interest in the Cause in Question, and is likely both to give strength to the Party that Prayeth in aid of him, and also to avoid a Prejudice growing toward his own Right, except it be prevented; as when Tenant for term of Life, by Curtesie, Tenant in Tail after possibility of Isue extinct, for term of Years, at will, by Elegit, or by Statute Mer-chant, being impleaded touching his Estate, may petere auxilium, that is, Pray in aid of him in the Reverfion; that is, desire the Court that he may be called in by Writ, to alledge what he thinks good for the maintenance both of his Right, and his own; Termsde lay Ley: But this Course has been much disused. Fitzberbert mentions both Prier in Ayde, and Prier Ayde de Patron dec. auxilium petere à Patrono, Nat. Brev. f. 50. d. And the New Book of Entries, verbo Ayde de parcener, f. 411. col. 4. This word is also found in 13 R. 2. cap. 17. This Ayde prier is sometimes also used in the King's behoof, that there may be no proceeding against him, until the King's Council be called and heard, to say 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 Person, he may Pray in Ayd of the King: Also a City or Burrough that has a Fee-Farm of the King, any thing being demanded against them which belongs to xecurto, may Pray in Ayd of the King, &c.
Termes de Ley, 35, 36. Of this you may read the Statute De Rigamis, an. 4 E. 1. cap. 1, 2, 3. & an. 14 E. 3. Stat. 1. Cap. 14. The Civil-Law in Suits begun between Stat. 1. Cap. 14. two, allow a third to come in (pro interesse) and he that comes in for his Interest, comes either assistendo, or opponendo, &c. See 19 Car. 2. cap. 8. Vide Receit.

Agel, (Avus) Comes of the French Word (Aieul) and fignifies a Writ, which lies where the Grand-Father, (called by our common Lawyers Befayel) but in true French (Befayuel) was seized in his Demesne, as of Fee of any Lands and Terements in Fee-simple the Day that he died, and a Stranger abates or enters the fame Day, and dispossesseth the Heir, F. N. B. fol. 222. Plow. Com. fol. 449. b.

Airp of Dambe. Sec Aery.

Ailfamenta, Ayfamenta. Easements or Conve-

niences, from the French Aife, Easy; or from the Saxon Eith, easie or ready, which Chaucer calls Eith and Eth, and the Northumbrians still use Eeth. In Grants of Conveyance and Demise, Aisiamenta did include any Liberty of Pallage, open-way, Water-course, or other customary Benefit, 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 Easement, commonly a House of Ease.

Alanerarius. Robertus de Chedworth, Vice-Com. Linc. liberavit lvi s. viii d. Fobanni de Bellovento, pro putura septem Leporariorum, & trium Falconum & Alancerarii, & pro vadiis unius Bracenarii. 16 Ed 1. Ancient Tenures, p. 125. where Mr. Blount renders Anela-rarius Falconer; but the Learned Du-fresne says, Alamus was a Dog well known to the Ancients, in Spain still call'd Aluno, (the same I presume with our English Spaniel) and therefore thinks Alanerarius to be the Keeper or Manager of such Dogs, for the sport of Hawking.

Alba firma. Census annualis qui Centenario sive Domino Hundredi penditur. Ideo Alba dista, quod non ex more prisci saculi in annona qua tunc Black-mail nuncupata fuit (boc est, census vel firma nigra, sed argento, quasi censu albo reddebatur. Spelman. Duptex est tenura in Com. Westmerland. Scil. ana per Albam firmam, & alia per Cornagium, &c. 2 Part. Inst. sol. 10.

Alba. The Alb, or Aub; the Surplice or white Sacerdotal Vest, used in Divine Service by the officiating Priest, not so plain and simple as what is now more decently prescrib'd by our Church. It was likewise call'd

Camifia, Podaris, Talaris, Subucula, &c. Album. Used for White Rent, paid in Silver.

Com. Paf. 6 Hen. 3. Rot. 1. dorfo.

Alberman, Sax. Ealdorman, Lat. Aldermanus, fignifies as much as Senator, or Senior, and was among the Saxons as Earl among the Danes, Camb. Brit. fol. 107. Lamb. in his Explication of Saxon Words, verbo Senator. Rog. Hoveden. part. poferior fuor. annal. fol. 346. b. At this Day we call them Aldermen, who are Affociates to the chief Civil Marifeste of a Town Corporate to the chief Civil Magistrate of a Town-Corporate or City, 24 H. 8. cap. 13. See Spelman's Gloffary at large on this word; where you shall find that here we had antiently a Title of Aldermannus Totius Anglia, witness this Inscription upon a Tomb in Ramesey-Abby, Hic re quiescit D. Alwinus inclyti Regis Eadgari cognatus, totius Anglia Aldermannus, & bujus sacri Canobii miraculosus Fundator.

Alz Octlesiz. The Wings or Side. Isles of the Church: From the French Les Ailes de l'Eglise. bases pilariorum murus erat tabulis Marmories compositus, qui Chorum cingens & Presbyterium, corpus Ecclesia lateribus quæ Alæ vocantur, dividebat. Gervas. Dorcbern in

Descript. Eccl. Cantuar.

Alepiman, (Alepimannus) Omnis Alepinam de tota Soca de Hecham debet singulis annis unum denarium de Chevagio; & operabitur per tres Dies in autumpne, exceptis illis qui ab bac servitute liberi sunt. Consuctudinar. de Hecham Prior Lew. M. S. pag. 21. Videtur Alepi-mannos istos mancipia fuise; Chevagii enim solutio ser-

vitutis judicium est Spelman.
Ale Cans jour. Is the French, and fignifies properlyin English to go without Day; the meaning whereof is to be finally dismissed the Court, because there is no

further day affigned for Appearance, Kitchin, fol. 146.
Ale:filber, A Rent or Tribute yearly paid to the
Lord Mayor of London, by those that sell Ale within

the City, Antiq. Purveyance, fol. 183.

Ale taffer, Is an Officer appointed in every Court.

Ale tatter, is an Onice appointed. Ale, or Leet, and sworn to look to the Assize of Bread, Ale, or Kitchin, fol. 46. where you may see the form of his Oath.

Alfetum. A Cauldron or Furnace: Sax. Alfath,

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compounded, (according to Du-fresne) from Ælan or Onzlan, accendere; and Fzt vas; quasi Vas calesactionis But more likely from Æle, cerevisia, and Fzt; as we still say, the Ale-fat, or Ale-vat, or Brewing-Vossel. — Et si aque judicium sit, calesiat, donec excitetur ad bullitum, & sit Alsetum ferreum, vel aneum, vel plumbeum. Leges Athelstani Reg. apud Bromp. cap. 19. Alias. Vide Capias alias.

Alien, (Alienare) Cometh of the French word (aliener) and fignifies as much as to transfer the property of any thing to another. To alien in merimain, is to make over Lands or Tenements to a Religious House or other Body Politic, Stamf. Prar. Reg. fol. 48. See Mortmain. To alien in Fee, is to sell the Fee-simple of any Land or Tenement, or of any Incorporal

right, West. 2. cap. 25. an. 13. E. 1.

Atien, Alius, Alienus, Alienigena, signifies one born in a strange Country: It is usally taken for the contrary to a Denizen, or Natural Subject; that is, one born in a strange Country, and never here infranchised, Bro. Denizen 4. Yet a Man born out of the Land, so it be within the Limits of the King's Obedience, yond the seas, or of English Parents out of the Kings Obedience; so the Parents at the time of the Birth be of fuch Obedience, is no Alien in Account, but a Subject, Stat. 2, 25, E. 3. commonly called the Statute De natis ultra mare. Also, if one born out of the King's allegiance, come and dwell in England, his Children begotten here, are not Aliens, but Denizens, Co. Rep. lib. 7. Calvin's Ca c. See Denizen.
Alten-Brinzien. Those Cells of the Religious in

England, which belong'd to foreign Monasteries. These were diffolv'd by Authority of Parliament, in the Reign of Hen. 4. but some were made Indigena, or Endeniz'd.

Liteneation, Is to make a thing another Man's, or to alter and put the Possession of Lands or Tenements, or other things, from one Man to another. And in some Cases a Man hath Power so to do without the affent or license of unother, and in some not; as if Tenant in Capite alien his Estate without the King's licence, then by the State of 1. E. 3. cap. 12. a reasonable Fine shall be taken, whereas at the Common-Law, before that Statute, they were held forfeit, &c. Co. lib. 6. fd. 28. But if a Man will alien Land in Fee-simple 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.
Alimony, Alimonia, Maintenance: But in a Legal fense, signifies that allowance that a Married Woman sues for, upon any occasional Separation from he Husband; wherein she is not charged with Elopement This Alimony was heretofore call'd Rationabile estoverium, as we may ste by this Writ: Rex, &c. Precipinus tibi quod de Maritagio Emme de Pinckeney uxoris Laurentii Penir, qui excommunicatus est, eo quod Predistam Emmam esfectione maritali non trastat eidem Emma Rationabile estoverium sum intractat, eidem Emmæ Rationabile estoverium suum invenias, donec idem Laurentius vir suus eam tanquam uxorem suam tractaverit, ne iteratus clamour ad nos inde perveniat. T. 29. Aug. Anno Regni nostri 7. Rot. Clauf. 7. Hen. p. 1. m. 3.

Allay, French, in Latin Allaya, is used for the temper or mixture of other Metals with Silver and Gold, Anno 9 H. S. Stat. 2. cap. 4. and Stat. 1. cap. 11. The

reason of which Allay is with a baser Metal to augment the weight of the Silver or Gold, so much as may countervail the Prince's Charge in Coynage, Anton. Faber. de Nummariorum debitorum solitionubus, cap. 1. Allay, A Pound weight of right Standard Gold of England, consists of Twenty three Carats, and three Grairs and a half of sine Gold, and half a Grain of Allay. A Pound

weight of right Standard Silver, of England, confifts of

eleven Ounces of fine Silver, and eighteen Penny-weight Allay. Vide Lownd's Effay upon Coyns, p. 19. The Allay of Silver continues the same; but that of Gold is alter'd, the present Standard of Gold in the Mint being Twenty two Carats fine, and two Carats Allay; the difference of which is only one Carat three Grains and a

Allebiarr. To levey or pay an accustom'd Fine or Composition. Sokemanni Prioratus de Spalding, debent alleviare filias suas - i. e. They ought to pay to their Lord the price of redemption for their Daughters, or pay an accustom'd Rate for License to marry them.

or pay an accustom d Rate for License to marry them.

Brady Pref. to Engl. Hist. p. 64.

The Allegiare. To excuse, desend, or to justifie by course of Law.

Si quis se velit allegiare secundum Regis weregilidum boc faciat. Leges Alvred. cap. 4.

Allegiat se facinoris, i. e. Clear or Purge himself of the Crime objected to him. bid cap. 16. Spelman.

The Allegiantia. Allegiance: The word at fifth properly implyed the due and legal subjection of every

properly imply'd the due and legal subjection of every Valial to his Lord. It is now restrained to the Natural and fworn allegiance or legal Obedience, which every Subject owes to his Prince.

Allocation, (Allocatio) Properly a placing or adding to; but in the sence of Law it is an Allowance made

upon an Account in the Exchequer.

Allocatione facienda. Is a Writ directed to the Lord Treasurer and Barons of the Exchequer, upon Complaint of some Accountant, commanding them to allow him such Sums as he has by Virtue of his Office lawfully and reasonably expended, Regist. Orig. fol. 206. b.
Allobium, See Fee. Allodian Lands are free Lands,

which pay no Fines or Service:.

Alluminoz, Is derived from the French word Allumer, i. e. accendere. and denotes one that by his Trade coloureth or painteth upon Paper or Parchment: And the reason is, because he gives light and ornament by his Colours to the Letters, or other Figures coloured. The Word is used anno 1 R. 3. cap. 9. At this Day we call such a one a Limner.

Almaine ribers, is a light kind of Armour for a Man, with Sleeves of Mail, or Plates of Iron, for the defence of his Arms; this may feem to have been the Pattern of the Rocket, not long fince in use among us, having loose Sleeves, which the Livery Cloakes of Noblemens Coachmen may also seem to imitate.

Almner or Almoner, (Eleemofynarius) Is an Officer of a King's or Prince's House, whose Office is diligently to collect all the Fragments of Victuals, and distribute them daily to the Poor; charitably to Visit all Sick, Leprous, Priloners, poor Widows, and other necessitous and vagrant People, that have no constant A. bode: likewise to receive, and faithfully distribute all cast Horses, Robes, Money, and other things given in Alms. He ought also by frequent Admonitions, to move the King to bestow his Alms, and esper lly upon Saints, or Holy-days, and to advise him not to give his rich Robes to Players, Sycophants, Flatterers, Whisperson rers, or Minstrels, but that he command them to be bestowed as an increase of his Arms: Fleta. lib. 2.6. 22. He hath the Forseiture of Deodands, and the Goods of Felons de se, which he is to dispose in Alms to the Poor: Termes de ley, 39.
Almoine. Sec Aumone, and Franck-almoyne.

Almonarium, Almonaria, Almeriola. A Cupboard or Safe, to set up cold and broken Victuals, to be thence distributed for Alms to the Poor. This fort of Repository is in the Northern Parts still call'd the Aumbry, Ambry, and Ammery. —— Nos dedimus totam illam Seldam vocatam le Huse, cum Schopis, Solariis, Stallis, Cistis. & Almorietis, cum omnibus suis pertinentiis. Cart. 5. Rich. 2. Cartular, Hospital. SS. Trinit: de Ponte-fracto MS. f. 44.

Almesteoh or Aelmesteoh, Saxon; that is, Alms-Money: It was taken for Peter-Pence, antiently paid in England, on the first of August, and first given by Ina King of the West-Saxons, It was called also Romefeob, Romescot, and Heorthpening. Selden's Hist. Tythes,

Minono, Amygdalum, Is well known to every Mans fight, being the Kernel of a Nut, of whose Nature and Diversities, read Gerard's Herbal, lib. 3. cap. 87. is Noted among Merchandize, that are to be garbled,

anno 1 Jac. cap. 19.

Almond Jurnace. At the Siver Mills in Cardiganshire, they have a particular Furnace, in which they melt the Slags or Refuse of the Litharge not stamped, with Char-coal only, which they call the Almond, or Almond-Fur nace. Perhaps All-man, Sax. All-meneyth, mixt all together.

Alnage, French Aulnage; the measuring with an

Eil, 17 E. 4. cap. 5. Sec Alaager.
Alnager, Alnageo, Aulnager, Alneger. In Latin Ulniger or Ulnator; that is, a Measurer by the Ell: It may be derived from the French word Aulne, an Ell, and fignifies a publick sworn Officers of the King's, who by himself, or his Deputy, looks to the Affize of Woollen-Cloth made through the Land, and to the Seals for that purpose ordained, 25 E. 3. Stat. 4. cap. 1. and 3 R. 2. cap. 2. who is accountable to the King, for every Cloth so sealed in a Fee or Custom thereunto belonging, anno 17 R. 2. cap. 2. Read of this more, 27. E-3.4. 1H. 4.13. 7.H. 4. 10.11. H. 4.6. 12. H. 4.11. H. 6. 9. 31. H. 6. 4. 4. E. 4. 1. 8. E. 4. 1. 8. There are now three Officers belonging to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of Chabina all ability and continued to the Regulation of the Regulation of Chabina and Chabina all ability and continued to the Regulation of the Reg Clothing, all which were antiently comprised in one Person. These bear the Distinct Names of Searcher, Measurer, and Alneger; which last, though in a several Language, it be the same with Measurer; yet long Usage and Custom have brought them to distinct Offices, and that which was antiently called Alnager, is now become Collector of the Subfidy Granted to the King, by the forementioned Statutes, still holding the same Name; because the Collection of that Subsidy was by Edn. the Third committed to the Alneger, and he nevertheless not abridged of measuring, till by his own neglect separated; Insomuch as there is now a peculiar Measurer to every particular Cloth made in England and Wales: And to prevent Abuses, an Officer of Searching is establish'd by an Act of Parliament, who ought by peculiar Seal, to denote the Defects which each Cloth contains. All these were antiently under the Cognisance of the Alneger, as you may read at large in a Treatise, entitled The Golden Fleece, Printed an. 1556. See 4. Inst. fol. 31.

Alnetum, est ubi alni arbores crescunt; a place where

Alder-Trees grow, Doomesday-Book.

Alonium, Signifies a Mannor, and Alfidarii or Alodarii, the Lords of the same Mannor. The old Translation of the Saxon Laws useth this word for Bockland. And Aloacii, or rather, as I believe, Alodaeii, for them that hold Bockland or Charterlands. Land Quando moritur Alodarius. Rez inde babet relevationem terra, &c. Domesday, Rent. and Coke's I Instit. fol. 1. and 5. Sec

Fee. Altarage. Offe Alteragium; This word includes not only the Offerings made upon the Altar, but also all the Profit that arises to the Priest by reason of the Altar Obventio Altaris, as appears by an Order made in the Term of St. Michael 21, viz. in the Exchequer, bethe Term of St. Michael 21, viz. in the Exchequer, be-tween Turner Vicar of Westbaddon in Com. Northampt. and Andrews, whereby is declared, That by Altaragium is meant Tithes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Ho-ney, Fruits, Herbs, and other such small Tithes, with Offerings that shall be due in the Parish of Westbaddon.

the Order at large, Inter ordines custodia Reme merator. Reg. ibid. And the like Case was for Norton in Northamptonshire, of a later Date, Oblationes sive nummorum sive panum, tali vel Tali Altari, vel ex devotione, vel ex consuetudine, aut à Parochianis, aut ab extraneis. faste Altaragii, nomine, censebantur, Gloss in Mat. Paris. The word Altarage could fignifie at first no more, than the casual Profits arising to the Friest, from the Peoples voluntary Oblations at the Altar. Out of these Customary Dues, the Religious assigned a portion to the Vicar; but in such different Quantity and Method, that fince the Reformation, several Disputes have arose, what dues were comprehended under the Title of Altaragium; which was remarkably determined to comprize all Offerings and small Tithes, in a Tryal in the Exchequer, in Mich. Term 21 Eliz. Which Judgment, I pretume, might be grounded on this and other Authorities: The Ordination of the Viscour of Tithkill. thorities: The Ordination of the Vicarage of Tickbill by Walter Grey Archbishop of Tork, an. D. 1249. Vicarius ad sustentationem sui — babeat totum Alteragium, ita qued nomine Alteragii contineantur omnes obventiones, Decime & proventus ipfus Ecclefie de Tickhill, exceptis Decime & proventus ipfus Ecclefie de Tickhill, exceptis Decime bladi leguminis, & fæni, & terris ad dictam Ecclefiam pertinentibus, falvo competente manso Vicario Asignando. Mon. Ang. Tom. 3. p. 158. b. Hence, tho' ti seems to be certain, That the Religious when they first allotted the Altaragium in part or whole, to the Capellane or Vicar, they meant only the Arbitrary or accustomed Offerings at the Altar, and not any share of the standing Tithe, whether Predial or Mixt. Yet it being usual for the Religious to content themselves with the greater profits of Glebe and Tenths of Corn and Hay, and to leave the inconfiderable finall Tithes to the Officiating Priests: Hence Altaragium by degrees was suppos'd to include all Dues, except as before excepted.

Alto & Baffo, or in Alto & in Baffo. By this is meant the absolute Submission of all Differences, small and great, high and low, Pateat Universis, &c. quod W. T. de Y. & T. G. de A. posserunt se in alto & basso, in arbitrio quature bominum, &c. de quadam querela, &c. Dat. apud A. die Mercurii prex. post Fest. Conceptionis B. Mar. Virg. anno 2 H. 5. And the like fignification it hath in Plac. coram Rege Hill. 18 E. 1. Iffe Prior venit & Bogo similiter, & pomunt se in gratiam, misericordiam & voluntatem Regis de Alto & Basso, ad quod mandan-

tum Turri London, Uc.

Amayl. Enamel. - Una cappa rubea de Samy bene brudata imaginibus in tabernaculis, cum una Nouche nobili de argento cum solutione protratta in Amayl sapbyri coloris. Histor. Elien. apud Whartoni Angl. Sac. P. 1. p. 642. -–Prior Elienfis contulit Altari unum dorfale magnum, & duas pelves argenteas nobiles & puleras quarum labra funt pergyrum deaurata, & in fundo Amayl inserti in opere artificioso. 1b. p. 649.

Amaber, vel Amuaby, Pretium Virginitatis domino solvendum. I.L. Gul. Howeli Dha. Sic dicitur ese desertum Regis, & ob boc Regis de ea Amvabyr babere. This Custom was in the Honour of Clun, till Henry Earl of Arundel, by his Deed dated 31 Aug. 3, 4. Phil. Mar. releas'd it to his Tenants, by the Name of The Custom of Amabyr, and Chevage. See Chevage.

Ambinerter, Properly denotes a Man that can equally use both his Hands: But in a Legal Sence, it fignifies, That Juror or Embraccor, that takes Money on both Parties for the giving of his Verdict, for which he forfeits Decies tantum, ten times so much as he takes,

38 E. 3. 12. Cromp. Just. of Peace, sol. 156. b. among our Saxons, the quantity now not known: But I have feen in an old Deed mention of Ambra Salis. It was not only a Measure of Sault, but of Beer, Butter, Meal, &c. as appears by these Authorities. Leges Inc WeA-

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West-Sax. Tit. 74-Ambræ cerevissæ Wallicæ Leges Adelstani Regis Tit. plena ambra butvri. 3. de duabus meis firmis, dent eis fingulis mensibus ambra plena farina.

Amz, Vide Aume.

Amenable, From the French word Amener, cere, to lead unto; or as some Amagnabli, deducting it from (Main) a Hand: It signifies Trastable, that may be led or governed. It is applyed in our Law-Books to a Woman, that is governable by her Husband.

Amendment, Emendatio, Signifies in our Common-Law, a Correction of an Error committed in a Process, and espied before Judgment, Termes de la ley Bro. tit.
Amendment per tot. But if the Fault be found after Judgment given, the party that will redress it, is driven to his Writ of Error, Bro. tit. Error.

Amerciament, Amerciamentum, Signifies the pecuniary Punishment of an Offendor against the King, or other Lord in his Court, that is found to be in Misericordia; that is, to have offended, and to stand at the Mercy of the King or Lord. There feems to be a difference between Amerciaments and Fines, Kitchin fol. 214. For Fines, as they are taken for Punishments, be certain, and grow expresly from some Statue, but Americaments are such as be arbitrarily impos'd by Affeerors, which Kitchin, fol. 78. in some manner confirms in these words. L'amerciament est affire per pares. Man-wood in his Forest-Laws, part. 1. fol. 166, saith, An Amer-ciament is more easy, or more merciful penalty, and a Fine more sharp or grievous. His words are these, If the Pledges for such a Trespass 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 Eyro, to receive his Judgment, and pay his fine: But if such Pledges do make default, in that Case the Pledges spall be Amerced, but not Fined. The Author of the New Terms of Law, saith, That Amerciament is properly a Penalty assessed by the Peers or Equals of the Party amerced, for an Offence done; for the which he putteth himself upon the Mercy of the Lord: Who also makes mention of an Amerciament-Royal, and defines it to be a pecuniary Punishment laid upon a Sheriff, Coroner, or such like Officer of the King, by Justices for some Offence. Ratcliff Baron of the Exchequer, 2. H. 7. fol. 7. See Misericordia. If the Americaneat were too grievous, i.e. disproportion'd to the nature of the Offence, or the abilities of the Offendour, there was a Release to be sued a Writ called Moderata Misericordia. Amerciamenda illevabilia, were such amercements as thro' Poverty, or escape of the amerced, became desperate Debts, and were deducted in the Accounts of the Bayliff, or Steward, or Collector of Rents and other Dues. So A. D. 1425, the Prior and Canons of Burcester, allowed to the Receiver of their Rents at Kirthington In allocatis eidem pro Americamentis illevabilibus boc anno sex dengries. See Mr. Kennet's Paroch. Antiq. 573. and Gloffary, in voce Amerciamentum.

Amittere legem terra. To lose the Liberty of swearing in any Court, (or as Sr. Edw. Coke says) to become infamous, is used by Glanvil, lib. 2. cap. 3. for the Punishment of the Champion, overcome or yielding in Battle, upon a Writ of Right, and of Jurors found guilty in a Writ of Attaint. Selden's Titles of Honour.

Ammobragium. — Richardus de Pynelefdon, tenet terras in Wortbenbury in partibus de Muiler, says, Nec in Com. Flint, que tenentur de Domino Rege per certa servitia, & per Ammobragium quod ad quinque solidos extenditur cum acciderit. - Pat. 7. Ed. 2.m. 7.

Amortisation, Amortizatio, French Amortissement; est prediorum translatio in Manum mortuam quod tamen fine venia Principis non fiet. Jus Amortization is est privilegium seu licentia capiendi in Manum mortuam. In the Statute De libertatibus perquirendis 27.
E. 1. this word Amortisement is used. See Mortmayne.

Amostife, (from the French word Amortir) Is to aliene Land or Tenements to any Corporation, Guild or Fraternity, and their Successors, which cannot be done without License of the King, and the Lord of the Mannor, 15. R. 2. cap. 5. See Mortmayn, and the Statute of Amortizing Lands, made tempore, Ed. 1.

Amobeas manum. See Ouster le mayn.

Amp, Amicus, As in Law Prochein amie, is the next to be trusted for an Orphant, or Infant.

Ampliation, Ampliatio, properly an Enlargement; but in sense of Law, denotes a referring of Judgment,

till the Cause be further examined. Amnestia, Oblivio, as an Amnestia, or act Oblivion, fuch as was granted by our most gracious Majesty at his Restoration.

An, joure & Waste, (Annus, Dies & Vastum) Look

Tear, Dayand Wafte.

Analagium, Rex Johannes concedit Jordano de Loudon Analagium dumisia apud Bray in feudo: Rot. Cart.

7. Fob. m. 1.
Anealing of Cile, 17. E. 4. cap. 4.
Ancorage, (Ancoragium) A Duty taken of Ships for the Pool of the Haven where they cast Anchor, M. S. Arth. Trever Ar. For no Man can let any Anchor fall on the King's Ground in any Port, without paying for it to the King's Officer appointed by Patent.

Ancestor, Antecesor, The signification is well known; and the Law makes this difference between that and Predeceffor, that Ancestor is applied to a natural Person, as J. S. and his Ancestors; the other to a Body-Politic or Corporate, as a Bishop and his Predecessors, Co. on Lit. lib. 2. cap. 4. fell. 103. The word Antecesfor in the Froinsic Sense was not properly applied to the Ancestor of a Family: but either to the Prepossessor of an Estate, or the Predecessor in an Office.

Ancetrel, As Homage Ancefrel; that is, Homage that hath been done or performed by one's Ancestors.

See Homage.

Ancient. Anshent. The Flag or Streamer in the Stern of a Ship. The Seamen are the greatest corrupters of Words: Thus from the Portugal word Allagerto a Croccolle, our Mariners call that Beast or Fish an Allegator. And from the Portuguez Logusta, they call the prickly Lobster, that wants Legs, common in the Southern Sea, a Long-Oyster. So probably from End-sheet (for Seamen call their Sails Sheets) a proper Name for the Flag in the Stern, they corruptly speak Anshent.

Ancient, In the Middle-Temple, fuch as are past their Reading, and never read, are Ancients. In Gray's-Inn the Society consists of Benchers, Amients, Barrifters, and Students under the Bar, and here the Ancients are of the more Ancient Barristers. The Inns of Chantery confift of Ascients and Students, or Clerks, and among the Ancients, one is Yearly the Principal, or Treasurer.

Ancient demeasne or demayn, (Vetut Patrimonium Domini) Is a certain Tenure, whereby all Mannors belonging to the Crown in the Days of Saint Edward, or William the Conqueror, were held. The Numbers and names of which Mannors, as of all others belonging to common Persons, after a Survey made of them, he caused to be written in a Book, now remaining in the Exchequer, and call'd Doomsday. And those, which by that Book appear, to have at that time belonged to the Crown, and are contained under the Title, Terra Regis, are called Ancient Demesue, Kitchin fol. 98. Of these Tenants were two sorts; one that held their Lands frankly by Charter, the other by Copy of Court-Roll,

or by the Verge at the Will of the Lord, according to the Custom of the Mannor, Britton. cap. 66. num. 8. The benefit of this Tenure consists in these Points: 1. The Tenants holding by Charter, cannot be impleaded 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 things concerning their Livelihood and Husbandry. They may not be empannelled upon any Enquest, F. N. B. fol. 14. d. & fol. 228, &c. By whom it appears, these Tenants held originally by Ploughing the King's Lands, plashing his Hedges, or fuch like, towards the maintenance of his Houshold; for which Cause they had such Liberties granted. No Lands ought to be esteemed Antient Demesn, but such as are held in Soccage. See Monstraverunt and Demayn.

Anciently, (French Anciennete, that is, Antiquitas) It is used in Statuto Hibernia, 14 H. 3. for Seniority. As, The eldest Sister can demand no more than ber other

Sifters, by reason of ber Ancienty.

Antonics of Iron: At the Iron Works, in the Forge, call'd the Finery: they work the Metal by the Hammer, till they bring it into Blooms and Anconies; a Bloom is a four-square Mass two Foot long, which they afterwards by heating and working, bring to an Ancony, the Figure whereof is in the middle a Bar about three foot long, of that shape which they intend the whole Bar shall be after made, leaving at each end a square rough piece to be wrought at the Chafery,

Linurna, A swath in Mowing. See Dole.

Angildum. The bare single valuation, or compensation of a Man or thing, according to the legal Afstimate: from the Sax. An, One, and Gild Payment, Mulet or Fine. So Twigild was the double Fine: Trigild the Treble Fine according to the rated Ability of the Person. See the Laws of Ina. cap. 20. and the League between King Alured and Gutburn, cap 6. Spelman.

Angaria. Any troublesome or vexatious Duty or Service, paid by the Tenant to the Lord. ram liberam ab omnibus Angariis & vexationibus; from the French Angurie, i. e. Personal Service, that which a Man is bound to perform in his own Person. Prasta-Præstationes Angariarum & Perangariarum plaustrorum &

navium; Impressing of Ships.

Anhlore, Anlote, Anlot. Decreta Will. Conq. apud Hoveden, in Hen. 2. -- Franc**i**gena qui tempore Edwardi propinqui mai fuerit in Anglia particeps, consuetudinum Anglorum, quod ipsi dicunt Anloti, & Anscoti, persolvunt secundum consuetudinem Anglorum. The Sax. in Lambard reads it Anehlot and An Scote; & in margine vulgo Scot & Lot. The fense is no more, than that every one should pay, according to the Custom of the Country, his respective part and share. Spelman.

Annales. Yearlings, or young Cattle of the first Year. Vituli primo anno postquam nati sunt, Vituli vocantur; secundo compoto Annales vocantur; tertio Boviculi; quarto Bovetti vocantur, Regulæ compoti domus de Farendon MS.

Annate, Annates, Are all one with First Fruits, an. 25 H. 8. cap. 20. See First-Fruits. The reason of the Name is, because the rate of First-Fruits paid to Spiritual Livings, is after the value of one Years Profit. Annates more suo appellant primos fructus unius anni sacer-dotii vacantis aut dimidiam eorum partem. Pol. Virgil. de invent, rer. lib. 8 cap. 2. Here obse. ve, I hat First Fruits, Primitia & Annates, are all one, Co. 12. Rep.

Anniented, Cometh of the French word Anneantir, that is, Abjicere; it fignifies in Law as much as frustrated, or brought to nought, Lit. 3. cap. Warranty,

and Sea. 741.

Anniversary days, (Dies Anniversarii) Were in former times folemn Days appointed in Commeniora-

tion of the Deaths or Martyrdoms of Saints, and once every Year celebrated: Also Days whereon, at the return of every Year, Men were wont to pray for the Souls of their Deceased Friends, mentioned in the Statute 1 Ed. 6. cap. 14. and 12 Car. 2. cap. 13. This was in use among our Ancestors the Saxons, as may be seen, Lib. Rames, Sell. 134. The Anniver fary or yearly Return of the Day of Death of any Person, which the Religious registred in their Obitual or Martyrology, and annually observ'd in gratitude to their Founders and Benefactors, was by our Fore-fathers call'd a Tear-Day, and a Mind-Day, i. e. a Memorial Day. This was one of the Trading Arts of the Religious, who got many a Pietance and Legacy for thus recording and continuing the Memorial of their Friends. Yet abating the Su-persition, we must needs confess this Practice of theirs has been a great Advantage to the History of Men and Times, by fixing the Obits of Great and Good Men.

Annua Bentsone, Isa Writ whereby the King having due unto him an Annual Pension form an Abbot or Prior, for any of his Chaplains (whom he should think fit to nominate, being as yet unprovided of sufficient Living) doth demand the fame of the fame Abbot or Prior; and also willeth him for his Chaplains better affurance, to give him his Letters Patent for the same, Reg. Orig. fol. 165. & 307. & F. N. B. 231. Where you may see the Names of all the Abbies and Priories bound to this, in respect of their Foundation or Creation; as also the Form of the Letters Patent,

usually granted upon this Writ.

Anni nubiles. The marriageable Age of a Maiden, i. e. at 12 Years: Before which time, she is said to be infra annos nubiles. Vid. Coke 2. Inft. f. 434.

Anno Domini, Is that reckoning of time from the Birth of our Saviour, which is generally used in all Publick Writings, with an Addition of the Year of the King's Reign. The Romans began their Æra from the Ring's Keign. Ine Komans Degan their Aratrom the Building of their City: The Greeks reckon'd by Olympiads: And the Christians from the Birth of Jesus Christ. The Day of the Month, Year of our Lord, and Year of the King's Reign, are the usual Dates of Deeds, Co. 1. Inst. fol. 675.

Annualia. Annats, or a Yearly Stipend affign'd to a Priest, for keeping the Anniversary, or otherwise for faying continued Mases one Year, for the Soul of a – Inhibemus quoque dijurictius ne deceased Person. aliquis Restor Ecclesiæ faciat bujusmodi pastum cum suo Sacerdote, videlicet quod ipse Sacerdos præter cætera stipendia poterit recipere Annualia de Triennalia. Const. Rob. Grostest Episcopi Lincol. in Append. ad Fascic.

pag. 411.

Annuiry, Annuis redditus, Signifies a yearly Rent to be paid for term of Life. or Years, or in Fee; and is also used for the Writ that lies against a Man for the recovery of such a Rent, if it be not satisfied every Year according to the Grant, Reg. Oreg. fol. 158. F.N.B. fol. 152. The Author of the New Terms of Law, defineth Annuity, to be a certain sum of Money granted to another in Fee-simple, Fee-tail, for term of Life or Years, to receive of the Grantor or his Heirs, so that no Free-hold be charged therewith, whereof a Man shall never have Assize, or other Action, but a Writ of Annuity. Saint Germain, in his Book stiled Doctor and Student, Dial. 1. cap. 3. sheweth divers Differences between a Rent and an Annuity; viz. That every Rent, be it Rent-Charge, Rent-Service, or Rent-Seck, is going out of Lands; but an Annuity goeth not out of any Land, but chargeth only the Person; that is to say, the Grantor, or his Heirs, that have Asets by descent: Or the House, if it be granted by a House of Religion, Lit. Sec. 220. 2. A second Difference is, That for the recovery of an Annuity, no Action lieth, but only a Writ of Annuity against the Grantor, his Heirs or Successors,

Fitz. Nat. Brev. 152. But of a Rent, the same Actions lye as do of Land, as the case requireth. 3. The third Difference is, That an Annuity is never taken for Assets, because it is no Free-hold in Law, neither shall be put in Execution upon a Statute-Merchant, Staple, or Elegit, as a Rent may, Dost. and Stu. cap. 30. So also Dyer fol. 345. Pl. 2. Also an Annuity cannot be severed, Colib. 8. fol. 52. b. See more Leigh's Comment. verbo An. nuity.

Annig-feed, Semen Anyfi, a Medicinal Seed, not unknown, Gerard's Herbal. lib. 2. cap. 327. It is noted among the Garbleable Drugs and Spices, 1 Jac. c. 19. Anoglance, Alias Noylance, alias Nulance, in Latine Nocumentum, in French Nulance, hath a double fignification.

cation, being used as well for any hurt done to a publick place, as a High-way, Bridge, or common River; or to a Private, by laying any thing that may breed Infection, by incroaching, or otherwise: As also, for the Writ that is brought upon such transgression; whereof fee more in Nusance: This word Anoysance, you may find, anno 22. H. 8. cap. 5.

Ansel weight. Sec Aunsel Apostare Leges, e Apostatare Leges. Wilfully to break or trasgress the Laws, Leg. Edw. Conf. cap. 35. Tit. de Heterochis Qui leges Apostabit, were sue

reus sit apud Regem, ac idem in R. Hen. 1. cap. 13. where Apostabit is read Apostatabit, Spelman.

Apostata capiendo, Is a Writ that lieth against one, that having entred and profess'd some Order of Religion, breaks out again, and wanders up and down the Country, contrary to the Rules of his Order; for the Abbot or Prior of the House, certifying this into the Chancery, under this Common Seal, and praying this Writ directed to the Sheriff, for the Apprehension of fuch offender, and Delivery of him again to his Abbot or Prior, or their lawful Attorney, were wont to obtain the same, The Form whereof, with other Cirstances, you may find Reg. Orig. fol. 71. & 267. and Fitz. Nat. Brev. fol. 233. C. This is now out of use. Apparito2, 21 H. 8. cap. 5. Signifies a Messenger

that cites Offenders to appear in the Spiritual Court, and ferves the Process thereof. The Office of an Apparitor will best appear from this Commission of Walt. Archbistop of Cant. Walterus Dei gratia Cant. Archiep-totius Angliz Primas, dilecto Filio Willielmo de Graftone in Apparitoris Officio, in Curia nostra Cantaur. videlicet in Consistorio ac Decanatu nostro Ecclesia Beata Maria de Arcubus London, ministranti Salutem Gratiam & Beneofficionem. Personam tuam eo quod de fidelitate in disto Ossicio per laudabile testimonium apud Nos multipliciter commendaris volentes prosequi cum favore, distum Apparatoris Ossicium in Curia Consistorio & Decanatu prædictis perpetuo posidendum tibi conferimus per prasentes. Ita perpetuo possidendum tibi conserimus per prasentes. Ita tamen quod te sideliter geras in Ossicio pradicto memorato. Volentes & tibi specialiter concedentes, ut cum in ministerio dicti Ossicii per teipsum personaliter vacare non poteris, vel absens sueris a Curia Consistorio & Decanatu pradictis, nibilominus per aliam idoneam personam, quem ad hoc assignandum omnia & singula qua dicto incumbent Ossicio—facere valeas, & jugiter exercere—Dat. aput Lambith. 8. Id. Mart. 1316.

There was an allow-- Apparator Comitatus. ance to the Sheriff of Bucks, of a confiderable yearly fum, ut apparatori Comitatus. There was an Order of Court in Q. Elz. time, for making that Allowance; But the Cultom and the Reason of it are now altered.

Vid. Hales of Sheriffs Accompt, p. 104.

Apparlement, Cometh from the French Pareilment, that is, Similiter, Perinde, Ibidem, in English likewife; it signifies a resemblance or likelihood, as Apparlement

of War, 2 R. 2. Stat. 1. cap. 6.
Apparuza. Furnitur Furniture, Appertinence Dominus clamat habere omnes carrectas ferro non ligatas, & omnes

carrucas cum tota Apparura, Placit, in Lit. apud Cartefare, 14 H. 7. Carrucarum Apparura is Plough-tackle, or all the Implements belonging to a Plough.

Appeal, Appellum, Cometh from the French word Appeller, that is, Accire: It signifies in our Common-Law as much as Accusatio, with the Civilians; for as in the Civil-Law, Cognisance of Criminal Causes is taken either upon Inquisition and Denunciation or Accusation; so in Ours, upon Indistment or Appeal; Indistment comprehending both Inquisition and Denunciation: Accusation or Appeal, is a lawful Declaration of another Man's Crime (which by Bracton must be Felony at the least) before a competent Judge, by one that setteth 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 Brasson, lib. 3. Trast. 2. cap. 18. cum sequent. Britton, cap. 22, 23, 24,25. Smith, lib. 3. de Repub. Angl. ca. 3. And Stams. Pl. Cor. lib. 2. cap. 6, 7. &c. usque 17. An Appeal is commenced two ways, either by Writ, or by Bill, Stams. ubi. fupra; and it may be gathered by him, fol. 148, 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 Sheriff or Coroner, offering to undergo the burthen of appealing another therein named. This point of our Law, among others, is taken from the Normans, as appears plainly by the Grand Custumary, cap. 68. where there is a solemn Discourse both of the Effects of this The Order of Combat, and of the Tryal Appeal, viz. by Inquest; of either of which it is in the Defendant's power to make choice. See New Book of Entries, verbo Appell, Lib. Ass. fol. 78. and 3. part. Imst. fol. 131. Appeals to Rome were so great an interruption to all English Instice, that even in those times of Slavery, this Evasion of National Justice, by appealing to the Pope, was forbid and severely punish'd. So when Gilbert de Segrave, Arch-deacon of Oxford, in 33 Edw. 1. appealed from the King's Court to the Pope of Rome, he was summon'd to Westminster, and Oblig'd to renounce his furmon'd to Westminster, and Oblig'd to renounce his Appeal by Oath, and to find Pledges for appearing at the next Parliament.

Appeal of Payhem, Appellum Mabemii, Is an accusing one that hath maimed another. But that being no Felony, the Appeal is but a kind of Action of Trefpass, because there is nothing recover'd but Damages. Braction calls this Appellum de plagis & Mahemio, and writes a whole Chapter about it, lib. 3. tract. 2. ca. 24. See Coke, vol. 4. fol. 49. a. In King John's Time, there is an Appeal recorded against a Jew, Qui fecit ementulari quendam nepotem suum.

Appeal of wrong Imprisonment, (Appellum de pate & imprisonamento) Is used by Bracton for an Action of Wrong Imprisonment, whereof he writeth lib. 3. tract. 2.

Appeal, (Appellatio) Many times used in the Common, as it is in the Civil-Law, which is the removing a Cause from an Inserior Judge to a Superior; as Appeal to Rome, 24 H. 8. ca. 12, and 3 Eliz. cz. 1. So St. Paul appealed from Festus to Casar. But more commonly for a private Accusation of a Murderer, by a Person who had Interest in the party murdered, or of any Felon, by one of his Complices with him. And those that are so appealed, are call'd Appellees, 28 E. 1. See Approver.

Appeller, or Appellant. He who has committed some Felony or other Crime, which he confesses, and now Appeals, i. e. accuses others who were complices with him.— Artic. Cleri Anglicani ni oblati Edw. 2: Regi, an. 1316. cap. 10. Placet etiam Domino Regi, ut Latro= D

Latrones & Appellatores, quandocunque voluerint possint |

Sacer dotibus sua facinor a confiteri.

Appendant, Appendens, Is a thing belonging to another that is more worthy; as Accessorium Principali, with the Civilians, or Ajunctum Subjecto, with the Logicians. An Hospital may be Appendant to a Mannor, Fitzh. Nat. Brev. fol. 142. Common of Fishing Appendant to a Free-hold, West. 2. ca. 25. 13 Ed. 1. Appendants are ever by Prescription. See Co. on Lit. fol. 121. b.

Appenditia. The Appendages or Pertinences to an Estate, &c. So Simon Earl of Northampton gave to the Knights Templars, his Mannor of Merton, Com. Oxon. cum omnibus Appenditiis suis. Mr. Kennets Paroch. Antig. p. 110. Hence our Pentices, or Pent-Houses, a Pent-

Stock, Appenditia domus, Uc.

Appennage, or Apennage, French, A Child's part, properly the Portion of the Kings younger Children in France, where they have a Law which they call, The Law of Apenages, whereby the King's younger Sons have Dutchies, Counties, or Baronies granted to them, have Dutchies, Counties, or Baronics granted to them, and their Heirs, or Heirs-Males of their Bodies, the Reversion reserved to the Crown, and all matters of Regality; as Coynage, Levying Taxes, and the like: It is derived ab appendendo, or from the German word Apanage, which signifies a Portion. See Gerard de Apanage, which signifies a Portion. See Ger Heylan, & Spelman's Gloss. in verbo Appennagium.

Appentura. The payment of Money at the ale, or by weight. — Dedit Regi præfato appenfuram Scale, or by weight. novem librarum purissimi auri juxta magnum pondus Norman-

norum. Histor, Elien. Edit. Gale, l. 2. c. 19.

Appertinances, (Pertinentia) Is derived of the French word Appertenir, Pertinere, to belong to. It signifies in the Common-Law things both Corporeal, belonging to another thing, as the more Principal; as Hamlet, to a Chief Mannor, Common of Pasture, Turbary, Piscary, and such like; and Incorporeal, as Liberties, and Services of Tenants. Brit. ca. 30. Where berties, and Services of Tenants, Brit. ca. 39. Where we may observe, That he accounts Common of Pasture, Turbary and Piscare, to be things Corporeal. Vide

Apportunment, Apportionamentum, Is a dividing of a Rent into parts, according as the Land, whence the whole Rent iffueth, 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, Escuage and Rent, if the Lord of whom the Land is holden, purchace parcel of the Land, the Rent shall be apportioned. And if a Man let Lands for Years, reserving Rent, and after a Stranger recover; part of the Land, then the Rent shall be apportioned, and the Lessee 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 ap portioned, nor things that are entire: As if one hold Land by Service, to pay his Lord yearly at such a Feast, a Horse, a Hawk, a Rose, or a Cherry, &c. 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 Land, and his Father purchases 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 descent, and course of Law. Common Appendant is of Common right, and severable; and tho' the Commoner purchace parcel of the Land, whereto the Common is appendant, yet the Common shall be apportioned, . But in this Case, Common Appurtenant, and not Appendant by such Purchase is extiret, Co. lib. 8.

fol. 79. Termes de Ley 48, 49. dieli nomine Apporti quolibet anno prafato A. in Subventionem sustentationis sue solverentur, anno 22 Ed. I. It seems to be deduced from the French Apport, which beside the Common, signifies the Revenue, Gain or Prosit, 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 Mannor. The word was commonly used for a Corrody or Pension: —— Nicolaus Guyn Prior de Andover, debet xx Marcas de quodam Apporto, ad capita-lem Dominum ejus dem Prioris, in partibus transmarinis, in tempore pacis debito. Ex Registro evidentiarum Colleg. Wickbam juxta Winton. MS. — Rex Edwardus III. restuit terras Prioratum Alienigenarum salvo nobis Apporto, quod præfatus Procurator alicui domui superiori solvere tenetur. Claus. 14 E. 3. The Word might at first fignifie any Profit or Emolument apported or broughe to another. And therefore Du-fresne observes in the Custumary of Rhemes, Apport was the Portion which the Wife brought to the Husband.

Apposale of Sheriffs, Is the charging them with Money receiv'd upon their account in the Exchequer, 22, 23, Gar. 2. Ad for better recovery of Fines

due to his Majesty.

Appoler. See Foreign-apposer.

Apprendie, (French) As a Fee or Profit Apprendre, 2 & 3 Edm. 6. cap. 8. A Fee or Profit to be taken,

Apprentice, Apprentitius, (French Apprenti, and that from apprendre, to learn; whence their Apprentissage, and our Apprentiship) signifies with us one that is bound in Word or Writing, to serve another Man of Trade for certain Years, upon condition, That the Artificer, or Master shall in that mean time indeavour to instruct him in his Art or Mystery. Smith de Rep. Ang. lib. 3. cap. 8. faith, They are a kind of Bondmen, differing only, that they be Servants by Covenant, and for a time. Baristers at Law were heretofore called Apprentices of the Law: So faith Mr. Selden in his Notes upon Fortescue, p. 3. And so the Learned Mr. Plowden stilled himself. Sir Henry Finch, in his Nomotechnia, gives himself the same Title. And Sir Edw. Coke, 2 Part, Inst. 564. holds, That Apprenticii Legis are call'd Homines Confiliarit, & in Lege Periti. And in another place. Apprentices and other Councellors of Law. Of the word Apprentition, as it signifies a young Person, bound by Indentures to a Master, who upon such Covenants, is to teach him his Mystery or Trade; I think the oldest Authority is from a Charter, dated 12 Edw. 3. recited in Mr. Kennets Parochial Antiquities, p. 449. At least I have met with no mention of them, till the beginning of next Reign, when Henry de Knighton, sub an. 1381. Apprenticii quoque reliciis Magistris suis illue accurrebant. And Tho. Walsingham in Ric. 2. p. 103. De Londonii multi Apprenticii, plures servi, sumptin albin Caputin, invitin Magistrin & Dominin sunt profecti. Vid. Selden's Notes on Fortescue, p. 2.

Appropriation, Appropriatio, proceedeth from the French Approprier, i. e. Aptare, accommodare; and properly fignifieth in the Law of England, a severing of a Benefice Ecclesiastical, which originally, and in nature is, Juris divini & in patrimonio nullius, to the proper and perpetual use of some Religious House, or Dean, &c. and Chapter, Bishop or Colledge: And the reason of the Name may be this; because, that whereas Parsons ordinarily be not accounted Domini, but Usu-fructuarii, having no right of Fee-simple, Lit. tit. Discontinuance These, by reason of their Perpetuity, are accounted Owners of the Fee-simple, and therefore are call'd Pro-prietarii. And before the Time of Richard the Second

it was lawful (as it seems) to appropriate the whole Fruits of a Benefice to an Abby or Priory, they finding one to ferve the Cure. But that King redressed that Evil by a good Law, whereby he ordain'd, That in every License of Appropriation made in Chancery, it should be expressly contain'd, That the Diotestan of the place should provide a convenient Sum of Money, yearly to be paid out of the Fruits, towards the suffenance 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 Appropriations, read Plond. in Grendon's Case, fol. 496. b. to seq. As also Termes de Ley verbo Appropriation. To an Appropriation, after the License 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 Diocesary, fan and Patron may conclude it, Plond. ubi supra. To dissolve an Appropriation, it is enough to present a Clerk to the Bishop, and he to institute and indust him: For that once done, the Benefice returns to the former nature, Fitz. Nat. Brev. fol. 35, and Co. 1. 7. fol. 13. See the Methods of Appropriation, and the fatal abuse of thus robbing Church and Clergy, and the laudable ways and means of restoring Impropriations to the better maintenance of Parish Priests, Us. discours'd at large, in Mr. Kennet's Paroch. Antiq. p. 433.

Appropriate at honorem. To bring a Man not within the extent or liberty of such an Honour. Petrus de Asherugge tunc Seneschallus bonoris Santti Walerici appropriavit dictum manerium ad bonorem Sancti -Paroch. Antiq. p. 336.

Appropriare Communam. To discommon, i. e. to separate and enclose any parcel of Land, that was before open Common. So A. D. 1299, the prior and Convent of Burcester, grant to the Rector of Asperugge and the Bon hommes of that place, quod tibi posint appropriare, & includere pro voluntate sua tres Acras de communi pastura in Blakethorn &c. Paroch. Antiq. p. 336.

Approbement, Mention'd 43 Eliz. ca. 11. Is where a Man hath Common in the Lord's walf Ground, and the Lord encloses part of the waste for himself, having nevertheless sufficient Common, with egress and regress for the Commoners. This Inclosing is call'd Approvement. See Reg. Jud. s. 8, 9. Y Lat. Appruamentum--- Hac sunt adificia que Abbas Glaston. suo tempore eleganter consummavit, & camera quas suo tempore de Appruamento, & purchasso suo augmentavit. Cartul. Abbat. Glassop MS. s. 42. a. Idem Approveamentum — cum omnibus Approveamentis & aliis pertinentiis suis. Mon. Ang. Mon. Ang. tom, 2. f. 607.

Approber, Approbator, Cometh of the Prench Approver, Approbate; It signifies one that confessing Felony of himself, appealeth or accuse the another, one or more to be guilty of the same; and he is called so, because he must prove that which he hath alledged in his Appeals, Stamf. Pl. Cor. fol. 1420 And that Proof is by Battle, or by the Country, at his Election that is appealed. The Form of this Accuration you may in part gather by Crom. Just. of Peace, fol. 250, & 251. That t is done before the Coroner, either assigned unto the Felon by the Court, to take and record what he faith, or else called by the Felon himse'f, and required for the good of the Prince and Common-Wealth, to record that which he taith, &c. The Oath of the Approver, when he beginneth the Combat, see also in Cromp. pag. alt. As also the Proclamation by the Herald. Or the Antiquity of this Law, you may fee something in Horn's Miror of Just. lib. 1. in fine cap. del Office de Coroner; in Surrey de Domino Rege, in capite per Serjantiam, redand more at large, Brassonlib. 3. trass. 2. ca. 21. & 34. dendi per annum unum par Arceonum dealbatum ad Selstamf. Pl. Cor. l. 2. c. 52. cum seq. 3. Part. Inst. sol. 129. lam. Tenur. p. 37.

Approvers of the Iking, Approbatores Regis, Be such as have the letting of the King's Demeans in small Mannors, to his best advantage; 51 H. 3. Stat. 5. And in I E. 3. ca. 8. The Sheriffs call themselves The King's

Approvers.
Approbare, Signifies in the Common-Law to augment, or rather, to examine to the uttermost. As for Example, To approve Lands, is to make the best benesit thereof, by approving the Rent, or increasing it. And in Crom. Jurisd. fol. 152. the Substantive Approvment is used for the Profits themselves. So is it likewife in the Statute of Merton, ca. 4. an. 2. H. 3. Land newly approved, OldNat. Brev. fol. 79. and 9. H. 6.c. 10. Bayliffs of Lords in their Franchises, be called their Approvers: But by 2 E. 3. ca. 12. Approvers be certain Men especially sent into several Countries of the Realm, to increase the Farms of Hundreds and Wapentakes, riffs, who likewife demied them to others, the County Court excepted. And Approvers in the Marches of which formerly were set at a certain Rate to the She Court excepted. And Approvers in the Marches of Wales were such as had licence, De wendre & achater Beafts, &c. as appears by a Charter thereof from one Richard de Lingeyne, to Janin de Brompton, dated the 11th day of July, in the 4th Year of Henry the Fourth, and 2. Part. Inft. fol. 474. Quod nullus libere tenens infra Baroniam illam se appruira posit de vasto suo, &c.

Aquant. Aquagium, quasi Aqua agium, i. e. aqua-ductus, aqua gangium, aqua iter, a Water-course.

Non liceat aliqui de catero facere dammas vel fordas, aut alia impedimenta in aliquibus landeis, mater gangiis, fossatis, sive aquagiis communibus in marisco pradicio. Ordinatio Marisci de Romney facta tempore

H. 3. & Edw. 1. See Water-gage.

Arnalia, Plur. Arable Grounds, Doomesday
Tit. Essex. Rex. bundred. de Cheremessord. — Silva 20 porc. decem Acr. prati 2. noncul. Quatuor Aralia 23 porc. 50

oves 24. caponei, &c. Arbitrator, May be taken to proceed either from the Latin (Arbitrator) or the French (Arbitre) and fignifieth an extraordinary Judge in one or more Caules between Party and Party, cholen by their mutual confents, West. Sym. Part. 2. tit. Compromise, Sect. 21. who likewise divideth Arbitrement into General, that is, in cluding all Actions, Quarrels, Executions and Demands, and especial, which is of one or more Matters, Facts, or things specified, ibid sect. 2, 3, 4. The Civilians make a difference between arbitrum and arbitratorem, lib. 76. 7 pro Socio; for they they both ground their power upon the compromise of the Parties, yet their liberty is divers: For Arbiter is tied to preceed and judge according to Law, with Equity mingled. Arbitrator is permitted wholly to his own discretion, without so-lemnity of Process, or course of Judgment, to hear and determine the Controverse committed unto him: So it be juxta arbitrium boni viri. See Alto & Basso.

Arbitrement, Is an Award, or Determination, made by one, or two at the request of two Parties at least. To every Arbitrement five things are incident, Scil. 1. Matter. of Controversie. 2. Submission. 3. Parties to the submission fion. 4. Arbitrators. and 5. Giving up of the Arbitrement, 217. Pl. 60. How an Arbitrement may be avoided; see 7. H.S. t. 40. And Termes de Ley, f. 54. Also no Party shall be bound by an Arbitrement, unless the Award be delivered unto him. As it is, Co. lib. 5. f. 103. And lib. 8. fol. 98.

Arceo:nis. de Selle de Chevalle; English Saddle-bow. ---- Bertra-mus le Wyle tenet terras in Brabam Com. Bedf. de Domind Rege per Serjantiam reddendi per annum unum par Ar-ceonum ad Sellum; & Prior de Neunham tenet terram r ar

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Primitive Church, the Arch-deacon was employ'd by the Bishop in more servile duties of collecting and distributing Alms and Offerings, and seems to have been subservient to the Arch-Presbyters, the Urban or Rural Deans of Christianity, to whom they were originally as much inferiour, as their Order of Deacon was to that of Priests: Till by the advantages of a Personal Attendance on the Bishop, and a Delegation to examine and report some Causes, and Commission to visit some remoter parts of the Diocese, they became in effect Eyes to the Overseers of the Church; and by degrees advanc'd into considerable Diginity and Power. Lanfranc Arch-Bishop of Canterbury, was the first Prelate in England, who instituted an Arch-deacon in his own Diocese about the Year 1075, when upon the Death of Godmyn, the Susfagan-Bishop of St. Martin's, he would not consecrate any other affishing Bishop, but ordain'd Valerius Arch-deacon, to execute the like Jurisdiction within his Diocese of Canterbury. Which Example gave occasion to the establishing of Archdeacons, and allotting their Districts in every other Diocese, within few Years after Lanfranc.

Arches Court, (Curia de arcabus) Is the chief and most ancient Consistory that belongeth to the Archbishop of Canterbury, for the debating of Spiritual Causes; and is so call'd from the Church in London, dedicated to the Bleffed Virgin, commonly called the Church of St. Mary le Bow, where it is held; and the Church is named Bow-Church, from the fashion of the Steeple, whose top railed of Stone Pillars, is builded Arch-wife, like so many bent Bows. The Judge of this Court, is termed The Dean of the Arches, or The Official of the Arches Court.
Dean of the Arches, because with this Officiality, is commonly joyned a peculiar Jurisdiction of thirteen Parishes in London, termed a Deanry, being exempt from the Authority of the Bishop of London, and belonging to the Arch-bishop of Canterbury; of which the Parish of Bow is one, and the Principal, because the Court is there kept. Others conceit that he was first called Dean of the Arches, because the Official to the Arch-bishop being many times employ'd abroad in Ambassages for the King and Realm; the Dean of the Arches was his Substitute in this Court, and by that means the Names became confounded. The Jurisdiction of this Judge is ordinary, and extendeth it felf through the whole Province of Canturbury. So that upon any Appeal made, he forthwith, and without any further examination of the Caufe, fends out his Citation to the Appellee, and his Inhibition to the Judge from whom the Appeal was made. Of this you may read more in Hist. de Antiquit. Eccles. Britan. 4 Part, Inst. fol. 337.

Archives, Archiva, A derivative from Arca, a Chest. The Rolls, or any place where Ancient Records, Charters, and Evidences are kept; also the Chancery, or Exchequer-Office. Also the private Repository in Libraries.

Arereisment, Surprise, Affrightment.—To the great Arereisment and Ertenysement of the Common Law. Rot. Parl. 21 Ed. 3.

Arentare, To Rent out, or set at a certain Rent. — Ricardus de Armestone Ballivus manerii de Kingesford, maliciose & per violentiam dictos Religiosos de eadem piscaria ejecit, & ipsum Domino suo Arentari, fecit in 12 Sol. quos idem Dominus per 6 annos recepit.— Consuetud. Domus de Farendon, MS. s. 53.

fecit in 12 Sol. quos idem Dominus per 6 annos recepit.—
Consuetud. Domus de Farendon, MS. s. 53.

Thum date, To Dub or make a Knight,
An. Dom. 1144. 10 Stepb. Ego Brientius filius Comitis,
quem bonus Rex Henricus nutrivit, & cui arma dedit &
bonorem. So Arma capere, to be made a Knight. A. D.
1278. 31. Ed. 3. A die quo distu, Comes (i.e. Henricus de
Lacy) arma militaria à Domino Henrico Rege data no-

fire cepit. See Mr. Kennet's Parochial Antiquities, p. 101, 289.

Arma moluta, Seem to be sharp Weapons that do cut, and not blunt, which do only break or bruise, Brast. lib. 3. trast. 2. ca. 23. & Stams. Pl. Cor. 78. 79. Braston's words be these, Arma moluta plagam saciunt, sicut gladius & bujusmodi: Ligna vero & lapides, brasuras, orbes & istu, qui judicari non possunt ad plagam, ad bocut inde venire possit ad duellum.

Armigeri. Not only a Title of Dignity, but the common Appellation of Servants, especially in Convents. I suppose the better fort of Servants, yet

Armigeri. Not only a Title of Dignity, but the common Appellation of Servants, especially in Convents. I suppose the better fort of Servants, yet such as wore Liveries in the Priory of Burcester, where in 4 Hen. 6. the Prior and Bursar accounted — & in blodeo panno empto pro Armigeris & valedis Priors de Johanne Bandye de Magna-Tue, Pannario erga Natale Domini boc anno 7. lib. 15. fol. 11. Ken. Paroch. Antiquit. p. 576. This is the same service Office, which by Sir Henry Spelman is called quedam Species Armigerorum in the Abby of Battle, Com. Suss. where the Abbot and Convent granted Hugoni Francey Armigero suo, a yearly Prestation or Wages, and a customary Livery.

Armor, Arma: 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 cast at, or strike another, Cromp. Just. of Peace, fol. 65. a. So Armorum appellatio non utique seuta to gladios signi-

ficat, sed & sustained by sustained by some ficat, sed & sustained by sustained by former from the sustained by Dooms albo, common silver peices of Money, other Rent; in libris ursis & pensatio, in the Metal and full weight and purity. So the Kings Mannor at Brebul, Com. Buck, reddebat per annum 28 libris de albo argento, & proforesta 12 libris ursis & pensatio. Paroch. Antiq. p. 165. Hence in the next Age, that Rent which was paid in Money was called Blanth-searm, and afterwards White-rent; and what they paid in provision

was term'd Black-mail.

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

It is still called God's Penny in the North: I neet but with this one Authority of taking such Money in hard as an earnest of a remaining Sum.

Adam de Holt vendidit quintam partem manerii de Berterton Henrico Scot, & cepit de pradisto Henrico tres dinarios de Argento Dei, pra manibus placit. apud Castr. 2. Ed.

3. Hence Arles, Earnest; and Arles Penny, now used in Torkshire, where they likewise call Servants Vails

Arabant, ad Curiam Domini, Was intended of those who held by the Tenure of Ploughing and Tilling the Lands of the Lord, infra Curiam, i. e. manerium Juan, Spell, Gloss, verb. Arabant.

Spell. Gloss. verb. Arabant.

Arietum Iebario, An old sportive Exercise, which seems to have been the same with Running at the Quintan, or Quintal Vide Quintan.

Quintan, or Quintal. Vide Quintan.

Arnalbia. Arnoldia: A iort of Discase, that makes the Hair fall off, like the Alopecia, or like Distemper in Foxes. —— Deinde uterque Rex incidit in agritudinem quam Arnaldiam vocant, in qua ipsi ad mortem usque laborantes capillos suos deposuerunt. Rog. Hoveden. Ric. 1. p. 693. & Brompton. col. 1201. —— Cum autem Rex Ricardus per aliquet dies ibi moram secustit, gravissmam incurrit agritudinem, que vulgo Arnoldia vocatur, ex ignote regions constitutione cum ejus naturali complexione minus concordante. Gaufridi Vinisaulf, Ricardi Regie. Iter Fieros can 4.1.2.

Ricardi Regis, Iter Hierof. cap. 4. 1 3.

Arpens, Arpen. English Arpent, signifies an Acre, and according to the old French Account, mentioned in Boomf-day Book, one hundred Perches make an Arpent, 18. Foot a Perch, 12 riches a Foot, Columnel.lib.5. ca. 1. Demyarpent they take for Jugum, or Jugerum.

Arrap

Array, (Arraya, alias Arraiamentum) Cometh of the Obsolete French word Array, that is, Ordo; it may probably be derived from Raye, Linea: It signifies in a legal-acception, the ranking or setting forth of a Jury or Enquest of Men empanelled upon a Cause, 18 H. 6. ca. 14. Thence we say to Array a Pannel, Old N. B. fol. 157. The Array shall be quasht, idid. By the Statute every Array in an Affire cush to be made four fol. 157. The Array man Assire ought to be made four tute, every Array in an Assire ought to be made four tute, every Pagel, nu. 10. To challenge the days before, Bro. tit. Panel. nu. 10. To challenge the Array, Kitchin, fol. 92. See Chalenge. To lead and conduct Persons armed and arrayed, 14 Car. 2. ca. 3.

Arraiatio Personal, The arraying of Foot

Soldiers. Pat. 1. Ed. 2. p. 1. m. 3.

Arrangers, Is used 12 R. 2. ca. 6. for such Officers as had care of the Soldiers Armour, and to see them duly accounted in their kinds. Such were the Commissioners of Array, appointed by K. Charles the First 1642. And, the I hird, in the First Year of his Reign, appointed to the Commissioners to array Menagging the Scatter of the Soldiers are the Commissioners to array Menagging the Scatter of the Soldiers are the Commissioners to array Menagging the Soldiers are the Commissioners are the Commis ted fuch Commissioners to array Men against the Stots.

Beraigne Arraine, From the French arranger, that is, to let a thing in order in his place, and the same signification it hath in Law: For example, He is faid to Arraine a Writ of Novel Description in a County, that fitteth it for Tryal before the Justices of the Circuit, Old Nat. Brev. fol. 109. Lit. pag. 78. useth the word in the same sense, The Lease arraineth an Affize of Novel Dississis. To arraign the Asize, is to cause the Tenant to be called, to make the Plaint, and set the Cause in tuch order, as the Tenant may be enforced to answer thereto, Co. on Lit. fol. 226. b. Also a Prisoner is said to be Arraigned, when he is indicated and brought forth to be Arraigned, when he is indicted and brought forth to his Tryal. Arraigned within the Verge for Murther, Stamf. ?l. Cor. fol. 150. The method of this Arraignment you may read in Sir Thomas Smith, de Rep. Ang. lib. 2. ca. 23. The famous Spelman thinks it should be Arrame, and that derived from Arramare, an obsolete Latin word, proceeding from the old French arramir, jurare, solenniter profiteri; but we rather stick to the old and common Writing.

Arrettatus, Suspected, Accused. Coronat. - Si autem aliquis arrectatus fuerit de morte alicujus periclitantis capietur, & imprisonetur. From the old Norman Rette. Westm. cap. 1. Quaunt Clerk est - Ceus queux sont endites de prise pour rette de selonie. tiel rette per solemno inquest. So cap. 21. Spelman.

Arrerages; Arreragia : Deduced from the French Arrierages, as that from arriere, a retro, behind. It fignifies the remainder of an Account, or fum of Money in the hands of an Accountant. It is used sometimes more generally for any Money unpaid at a due time, as Arrearages of Rent. That this word is borrowed from France, appears by Tiraquel de utroque re-That this word is bortractu, tom. 3. p. 32. num. 10.

Arrenatus, Arraigned, Accused. ___ Stephanus Ra-baz, Vic. Leicest. arrenatus, & ad rationem positus de boc

quod, &c. Ret. Parl. 21 Ed. 1.

Arrentation, From the Spanish Arrendare, which is as much as ad certum reditum dimittere, it is mentioned Ordin. Foreste, 34 E. 1 ca. 6. Signifies the licensing an Owner of Lands in the Forest to enclose them (bassa baya & parvo Fossato, with a Hedge, and a little Ditch I under a yearly Rent: Saving of the Arrentations, is saving Power to give such Licences for a yearly Rent.

Arreff, Arreftum, Cometh of the French Arrefter, to stop or stay, and is metaphorically used for a Decree, or Determination of a Cause debated, or disputed to and fro: As Arrest du Senat. is Placitum Curia: In our Common-Law, it is taken most of all for a stay or ftop, as a Man apprehended for Debt, &c. is faid to be Arrested. To move or plead in Arrest of Judgment, is to shew cause why Judgment shou'd be stay'd, though there be a Verdict in the Case: To plead in Arrest of taking the Enquest upon the former Issue, is to shew

cause why an Enquest should not be taken, Bro. tit. Re-pleader. Bud. (saith Mr. Lambert, Eirenar. lib. 2. c. 2. P. 94.) in his Greek Commentaries, thinks that the French word Arrest, which with them (as we said) significant for the contraction of the contrac nifies the Decree, or Judgment of the Court, took be-ginning from the Greek derson, i. e. Placitum as we may fay the pleasure of the Court; yet, I believe, rather that we receive the same from the Normans Law, because we use it in the same sense with them: For commonly with us an Arrest is taken for the Execution of the Commandment of some Court, or of some Officer of Justice; but howsoever the Name began, an Arrest is a certain restraint of a Man's Person, depriving him of his own will, and binding him to become obedient to the will of the Law: Preceps, and Writs of the higher Courts of Law, do use to express it by two several words, as (Capias) and (Attachies) to take or catch hold of : And it feems, this word is spread farther than France; for Gale, a German Writer, sheweth by his Tradate, De Arrestis Imperii, that it is used in the Imperial Territories, in the same signification, c. 1, n. 1. For preventing Arrests of Judgment, see 16 & 17. Car. 2. ca. 8.

Arreffandis bonis ne diffipentur, Is a Writ which lies for him, whose Cattel or Goods are taken by another, who, during the Controversie, doth, or is like to make them away, and will hardly be able to make satisf fation for them afterwards, Reg. Orig. fol. 126. b.

Arrestando ipsum qui Pecuniam recepit ad proficiscendum in obsequium Regis, &c. Is a Writ that lieth for the Apprehention of him that hath taken Press'd-money towards the King's Wars, and hides himself when he

should go, Reg. Orig. 24. b.

Arresto sallo super bonis mercatorum alienigenorum, Is

a Writ that lies for a Denizon against the Goods of Strangers of another Country, found within the Kingdom, in recompence of Goods taken from him in that Foreign Country, after denial of Restitution, Reg. Orig.

fol. 129. a. I his among the Civilians is called Clarigatio, but now barbaroully Reprifalia.

Arretted, Arrettains, Is he that is convented before a Judge and charged with a Crime, Stamf. Pl. Cor. Lib. 2.45. Arrestatus may seem a Compound, quasi ad re-sum vocatus; It is sometimes used for imputed or laid unto: As. No folly may be arretted to him being under age, Lit. cap. Remitter ; the Latin Substantive Rettum is used in the Reg. Orig. And Chaucer useth the Verb Arretteth, that is, lays blame, as it hath been interpreted: It may with some reason seem, that that word is the fame with the Reclum; because Bracton faith, Rectum babere Malefactorem; that is, to have the Malefactor forth-coming, so as he may be charged, and put to his Tryal, lib. 3. trast. 2. cai 10. And in the same Ch. n. 3. Restatus de morte bominis, that is, charged with the Death of a Man-

Arripennus, Arpennus. The same with Arpennis, Arpenn, Arpent. ---- Ego Bernardus de Novo Mercato consensu Hen. Regis, pro anima Jo. Patris sui----dedi Santte Trinitati Santtog, Martino de Bello in Gualia super Littus presati Fluminis, quod Tilea dicitur tres Ar-ripennos Praterum. Cartular. S. Jo. de Brecon. M.S.

Arsura, The Tryal of Money by Fire, after it was coyn'd. Where it is said in Dooms-day, Reddit tot libras ad Arguram, it is meant of Lawful and approved

Money, whole Allay was tried by Fire.

Arricles of the Clerge, Articuli Cleri, Statutes made touching Persons and Causes Ecclesiastical, 9 E. 2.

and 14 E. 3. Stat. 3.

Article, or Complaint exhibited by way of Libel, in a Court Christian. Sometimes the Religious bound themselves to Obey the Ordinary, without such formal Process: As An. Dom. 1300 the Prior and Convent of Burcefter submitted themselves to the Official of Lincoln, &c. quod poffint eos & corum successores per omnem censuram Ecclesiafticam ad omnium & singulorum præmissorum observationem absque Arti-culi, seu Libelli petitione, & quocunque strepitu judiciali

compellere. Paroch. Antiq. p. 344.
Arundinetum, A place where Reeds grow; we find it mentioned in the Book of Dooms-day,

Arthel, Anno 26 H.8. ca. 6. Is a Brittish word, and more truly written Arddelw, which the South-Wales more truly written Ardelin, which the Solth-Wales Men write Arddel, and signifieth (according to Doctor Davies Dictionary) Assignately, assignered in English to Arouch. O dele'r dyn a'i Ledrad yn ei lan, rhaid iddo geiso Arddeln, &c. that is, If a Man be taken with stolen Goods in his hands, he must be allowed a lawful Arddeln (Vouchee) to clear him of the Felony, which is part of the Law of Honel Dda; but probably so abused in Henry the Eighth his Time. by the delay. fo abused in Henry the Eighth his Time, by the delay, or exemption of Fellons, and other Criminals from Justice, that provision by the foremention'd Statute was made against it.

Arbil Supper, Fealt or Entertainment given at Funerals, which Custome is still retained in some of the North, and North-west parts of England. So Arvilbread, the Loaves distributed to the Poor at such Funcral Solemities. And Arvil, Arval, Arfal, are used

for the Burial or Funeral Rites. As

Come, bring my jerkin Tibb, Ile to the Arvil, Ton Man's dea Seuy Seoun, it makes me Marvil

Yorkshire Dial. p. 58.

One day's work at the Plough. & debet unam aruram in yeme, & unam surculaturam. Paroch. Antiq. p. 401. Hence in Wilthire to ear is to plough, and Earing is a day's ploughing. In which fense the word occurs in many parts of the Old Testament, as Gen. 45, 6. Deut. 21. 4. 1 Sam. 8. 8. 12, Uc.

Affay of Beafures and Weights, Derived from the French Essay, i. e. a Proof or Trial, is the Examination used by the Clerk of the Market, Reg. Orig. sol. 279. Ac assam by assay panis, vini & cervista, Paten. 37. H. 8. The Marton. The Late Assaia. Rex omnibus, doc. Licet super concesserimus dilecto valeto sostro Roberto de Poley, Oscium Assai Ulnagii de Worsted. in civitate Norwici, quia tamen intelleximus quod Aska buinsmadi

de Poley, Oficium Maia Ulnagii de Wortled, in civitate Norwici, quia tamen intelleximus quod Afae bujusmodi de ponnis de Worsted, Usa Cart. 3. Ed. 3.

Affaith, Assaib. Assaib. A Custom of Purgation among the Welfh, by which the party accused did clear or purge himself, upon the Oath of 300 Men; which Custom prevailed to 1. H. 5. where a Statute cap. 6. reports it thus. — Walli emprisone (Angles) tang. al temps que ils ount fait gree a enz en cel glos) tanq. al temps que ils ount fait gree a enx en cel partie, ou que ils vorront se excuser. (de le mort des tiels Rebelles ensy tuez) per un Assath selong la custome de Gales; cest a dire per le serement de ccc. bommes, &c. which custom for the stuure is for bid. Spelman.

Assay of the laing, (Assator Regis) French Afances le con Officer of the Mint, for the due tryal of

fayeur; Is an Officer of the Mint, for the due tryal of Silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for Exchange, 2. H. 6. ca. 12. Vessels of Gold shall be for Exchange, 2. H. 6. ca. 12. affayed, 28. E. 1. ca. 20. and 18. Car. 2. ca 5. Mandatum est, Sc. quod convocatis in prasentia sua omnibus Moneta-riis Assayatoribus, Sc. de cambiis Regis London, Sc. provideat tot & tales, &c. qui, &c. ne Rex, &c. damnum

incurrat, Clauf. 17 H. 3. m. 8.

Affault, Insultus or assultus, Cometh of the French verb affiyler, i. c. adoriri, invadere; and that French word may be derived from the Latin afilire, that is, vim afferre, oppugnare. It fignifies in Law a violene kind of injury offered to Man's Person, of a higher nature than Battery; for it may be committed by offering of a Blow, or by a threatning Speech, Lambar. Eiren.

As to threaten a Collector with harsh words, so that he dares not for fear execute his Office, hath been reckon'd an Assault. To strike at a Man, though he be neither hart nor hit, hath been adjudged the like, 22. Lib. Aff. Pl. 6c. That Assault doth not always imply a Blow or Striking, appears, in that in Trespass for Assault and Battery, a Man may be sound guilty of the Assault, and except of the Battery, 25 E.ca. 24. The Feudists call this Affultum, and define it thus, Affultus est impetus in personam aut locum, seve boc pedibus fiat, vel equo aut machinis, aut quacunque alia re affliatur. Zassus de Feud. p. 10. nu. 38. And afilire est vim adferre, Lib. Feud. 1 tit 5. fect. 1. TLat. Assaltus. – - Habeant Abbas & Monachi Radingenses in tota poffessionne sua onnem Institium de Affaltu, & murdris, & furtis, de sanguinis effusione. & Pacis infractione. Cart. 1. Hen. 1. in Cartular. Abbat. de Radinges, MS. f. 1. b. The word Assaltus does in the like sense

occur in the Laws of Edw. Conf. cap. 12.

Affath, Seemeth to be a Welsh Word, and to Egnise, so much as a kind of Excuse, or strange Purgation, by the Oaths of 300 Men. This of old was used in Wales; for fo I find it explain'd in an old Manuscript, Assach est un Jur. 300 homes in Gales, but now it is utterly out of u'c, 1 Hen. 5. ca. 6.

Affart, Assartum; In the opinion of Manwood, part. 2. ca. 9. mu. 5. Of the Forest Laws, comes from the French assartir, signifying to make plain, Assartum est quod redactum est ad culturam, Fleta lib. 4. cap. 21. Item respondere: It is, saith the same Manwood, ca. 9. nu. 1. an offence committed in the Forest, by pulling up by the roots the Woods, that are Thickets and covert for the Dear, and by making them plain as arable Land. This is reputed the greatest offence or Trespass, that can be done in the Forest to Vert or Venison, containing in it Wast, or more: for whereas Wast of the Forest, is but the felling and cutting down of the Coverts, which may grow up in time again; an Affart is a plucking them up by the Roots, and utterly destroying them, that they can never grow again. And this is confirmed out of the Red Book in the Exchequer, in these words, Afarta vero, occasiones nominantur, quando, &c. Foresta nemora vel dumeta, pascuis & latibulis ferarum opertuna succidundur; quibus succisis suradicibus avulsis terra subvertitur & excolitur. And again, out of the Reg. Orig fol. 257. a, b. in the Writ ad qued damnum, sent out in case where a Man sueth for license to Aslart his Gronnds in the Forest, and to make it several for Tillage; so that it is no offence, if done with License. To this also may Bracton be added, lib. 4. ca. 38. nu. 11. where he faith, That the words Bostom efficitur assartum, signific as much as redatius in culturam. Of this you may read more in Cromp. Fur. fol. 203. And in Charta de Foresta, 9 H. 3. ca. 4. where the English word is not written assart, but assert. And in Manpood, part. 1. p. 171. The word is used 4. E. 1. Stat. 1. in the same signification. That which we call That which we call Affartum, is else where termed Disbocatio : Decis Genu. 78. Quietus de Essartis, we find in a Charter of Henry the First to the Abbot of Rames, Sast. 198. & in Pat. 18. E. 3. p. 1. m. & quibusdam Satis que, &c. Assart was also appliently used for a parcel of Land assarted, as appears by a Charter of Roger Earl of Mortimer, without date, which is in the Custody of Mr. Thomas Bridgmater. The word Affartum or Esfartum, is by Spelman deriv'd from Ezertum, as it Wood were thence pull'd or rooted up. Some derive it a farriendo, from Weeding or cleaning Fields. Skinner runs into more fanciful Conjectures, à Lat. Exarturare, i. e. artus. seu ramos arboris descindere, arborem detruncare, vel si mavis à Lat. Exaltuare, i. e. saltum in agrum cultum transmutare. Mr. Somner is much more rational and happy, who thinks Exartum to be a contraction of

Exaratum; to which opinion the Learned Du-fresne in Alii denique ab Exaro unde Exaratum, Ager exaratus, præscissus; & per contractionem Exartum, uti Scribi passim in vetustieribus Chartis observare est. Quam ul-timam sententiam fulciunt Tabulæ veteres in Cronico Besuensi, &c.

Affagffare. To take Confessor Fellow-Judges. — Henricus Dei gratia Rex Angl. &c. dilecto & fideli suo Nicholao de la Tur, salutem. Sciamus quod constituimus vos Justitarium nostrum una cum biis quos vobis duxeritis Assaysiandos ad assam nove Disseisna capiendam.—Cartular. Abbat Glaston. MS. f. 57.

Assecurare, Absecurare, To assure or make

fecure by Pledges, or any folemn Interpolition of Faith. In the Charter of Peace between Hen. II. and his Sons, recorded by Hoveden, sub an. 1174. Adsecuravit in manu Domini Regis Patris sui. quod illis qui servierunt ei, nec malum nec damnum aliqui d bac de causa faciet.

Affembly unlawful, Coming from the French Affembler, i. c. Aggregare, to flock together; whence also is the Substantive Assembly, Congregatio; in a leagal sense agnifying the meeting of three or more Persons, to do an unlawful Act, although they do it not, Lamb. Eiren. lib. 1. ca. 19. See Unlawful Assembly.

Affet, From the French Asez, i. c. Satis, Braff. lib. 5. traff. 3. ca. 8. nu. 2. And although this word wear the Vizard of a Substantive, yet is it in truth but an Adverb, and signifies Goods enough to discharge that burthen, which is cast upon the Executor or Heir, in satisfying the Testators or Ancestors Debts and Legacies. See Bro. it. Assets per descent, that whosoever insists upon Assets, intends thereby that the party charged hath enough descended, or come to his hands, to discharge the thing in demand. The Author of the New Terms of Law, maketh two forts of Affets; Affets per descent, and Affets enter mayns : Affets per descent is where a Man is bound in an Obligation, and dies seized of Land in Fee-simple, which descend to his Heir, then his Land shall be called Affets, 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 descended will extend. But if he have alienated before the Obligation be put in suit, he is discharged. Also when a Man seized 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 descends to his Heir, who is also Heir intail, or Heir to the Woman; now if the Heir after the decease of his Ancestor, bring a Writ of Formedon, or sur cui in vita, for the Land so alienated; then he shall be barred, by reason of the Warranty; and the Land so descended, which is as much in value as that which was fold, and so thereby he hath received no prejudice; therefore this Land is called Assets per descent. 2. Assets enter mayns is when a Man indebted makes Executors, and leaves them sufficient to pay, or some commodity or profit is come to them in right of their Testator, this is called Assets in their Hands.

Affemiare, To draw or drain out Water from Marshy Grounds, -– Quod ipsi mariscum prædictum Assewiare, & secundum legem marisci wallis includere

Afteware, & feetindum tegem marift wants intuated in culturan redigere, — & marifum situm sic Asserbiratum inclusum, & in culturam redactum tenere, Mon. Ang. 2. Vol. fol. 334.

Aftign, Asserbirate, It has two significations, one general, as to appoint a Deputy, or set over a right unto another; in which sence Britton saith (fol. 122.)

This wood was feel brought into use for the favour of This word was first brought into use for the favour of Bastards, because they cannot pass under the name of Heirs, and therefore were and are comprised under the name of Assignees. The other signification is special as to point at, or fet forth, so we may say to afign Errors, Old N. B. fol. 19. that is, to shew where the Error is

committed. To asign false Judgment, Id. fol. 17. that , to declare how and where the Judgment is unjust, To assign a false Verditt, Id. fol. 112. And to assign a Perjury, Ann. 9. R. 2. cap. 3. To assign the Cessor, Old Nat. Brev. fol. 1341. To show how the Plantist had ceffed or given over. To assign Waste, is to shew wherein especially the Waste is committed, Reg. Orig. fol. 72. Assign in a general signification is used, 20. E. 1. And 11 H. 6, ca. 2. in these words, Justices assigned to take assigns. And the Substantive assignment hath the same signification West. Symbol. par. 1. lib. 2. fell. 496. As the affignment of a Leafe, is the fetting over the Interest to another. In which manner is used also the word Assgnee, assgnatus, for one that is appointed or deputed by another, to do any Act, or perform any Business, or enjoy any Commodity. fuch an Assignee may be either by Deed, or in Law? Assignee by Deed, is he that is appointed by a Person; as when a Lessee of a Term assigns the same to another, he is his Asignee by Deed: An Asignee in Law, is he whom the Law lo makes, without any appointment of the Person, Dyer, fol. 6. nu. 5. So an Executor is Assignee in Law to the Testator. Perkins (tit. Grants) faith, That an Assignee is he that occupieth a thing in his own Right, and Deputy is he that doth it in the Right of another.

Affila cadere, To be Non-suited. In what Cases such Non-suit is suffered, see Fleta lib. 4. cap. 15.

& lib. 5. cap. 6.

Affize, Cometh of the French Affie, which in the Grand Custumary of Normandy, ca. 24. is thus defined. Assize is an Assembly of Knights, and other substantial Men, with the Bayliff, or Justice, in a certain place, and at a certain time appointed: And again ca. 55.

Affice is a Court, in the which, whatsoever is done, ought to have perpetual strength. This Word is properly derived from the Latin Verb afideo, to sit together. Littletone in his Chapter of Rents saith, That it is Equivocum, setting down three several significations of it; one, as it is taken for a Writ; another as it is used for a Jury; the third, as for an Ordinance. Assize then is taken for a Writ directed to the Sherist, for the recovery of possession of things immoveable, whereof any one, and his Ancestors, have been disseized. this is as well of things corporeal, as right incorporeal, being of four forts, as here follow in order.

Affige of Mobel Diffeifin, Abfa Novæ Diffeifing, lies where a Tenant in Fee-simple, Fee-tail, or for term of Life, is lately diffeifed of his Lands or Tenements, or else of a Rent-service, Rent-seck, or Rent-charge, of Common, of Pasture, of an Office, of a Toll, Troor Common, or Patture, or an Omce, of a Toll, Tronage, Passage, Pawnage, or for a Nulance levied, and divers other such like; for confirmation whereof, you may read Glanvile, lib. 10. cap. 2. Brast. lib. 4. trast. 1. per totum, Britton, cap. 70. & seq. Reg. Orig. fol. 197. F. N. B. fol. 117. 178, 179. New Book of Entries, fol. 74. col. 3. West. 2. c. 25. an. 13 E. 1. And to this may aptly be added the Bill of Fresh force, which is directed to the Officers, or Magistrates, of Cities, or Towns Corporate. being a kind of Assire. for Recovery of Possession rate, being a kind of Assize, for Recovery of Possession in such places, within forty Days after the Force, as the ordinary Affise is in the County, F. N. B. fol. 7. the Civilians, call Judicium Possifiorium recuper andi. This

Affile of Port D'ancellor, Afiffs mortis antecefforis. Lyeth where my Father, Mother, Brother, Silter, Uncle, Aunt, &c. died seised of Lands. Tenements, Rents &c. that he had in Fee-simple, and after his death a stranger abateth: And it is good as well against the Abator, as any other in Possession. How this may be extended, see Brast. lib. 4. trast. 3. per totum. Brit. cap. 70. Fitz. Nat. Brev. fol. 114. Reg. Orig. fol. 223. This the Civi-This the Civilians call Judicium Possessionum adipiscendi.

Anie

Affife of Darrein Presentment, Afisa ultime prasentationis, Lies where I and my Ancostor have presented a Clerk to a Church, and after the Church being void by his Death, or otherwise, a stranger presents his Clerk to the same Church in disturbance of me: And how otherwise this Writ is used. See Brass. lib. 4. trass. 2. Reg. Orig. fol. 30 F. N. B. fol. 195.

Affife de utrum, Lyeth for a Parson against a Layman, or a Lay-man against a Parson, for Land or Tenement doubtful, whether it be Lay-fee, or free-alms. And of this, see Bratt. lib. 4. tratt. 5. cap. 1. Brit. cap. 95. The reason why these Writs be called Assists, may be divers. First, because they settle the Possession, and fo an outward right in him that obtaineth by them. Secondly, they were originally executed at a certain time and place formerly appointed. For by the Normar Law, the time and place must be known forty day before the Justice fat upon them: And by our Law likewife fifteen days of preparation, except they be tried in those standing Courts of the King at Westminster, as appeareth by F. N. B. fol. 177. Lastly, They may be called Asses, because they are tried most commonly by special Courts, set and appointed for that purpose, as may well be proved, not only out of the Custumary of Normandy, but our Books also; which shew, that in ancient times, Justices were appointed by special Commission to dispatch Controversies of Possession, one or more, in this or that only County, as occasions fell out, or Disseisins were offered, and that as well in Term-time as out of Term: Whereas, of latter days we see that all these Commissions of Asses, of Eyre, of Oyer and Terminer, of Gaol-delivery, and of Niss prius, are dispatcht all at one time, by two several Circuits in the year, out of Term, and by such as have the great-est sway of Justice, being all of them either the King's ordinary Justices of the Benches, Barons of the Exche-quer, Sergeants of the Law, and such size, concerning which, hear the learned Lord Verulam in his Use of the Law, fol. 13. ad. 21.

All the Counties of this Realm (says he) are divided into fix Circuits, and two Men learned in the Law are affigned by the King's Commission in every Circuit, who ride twice a Tear through those Shires allotted to that Circuit; these we call Justices, or Judges of Asse, who have five several Commissions, by which they sit. The first is a Commission of Oyer and Terminer directed to them, and many others of the best account in their Circuits. in this Commission the Judges of the Assis are of the Quorum, so as without them, there can be no proceed-This Commission gives them power to deal with ings. Treasens, Murders, and all manner of Felonies and Missemeanors; and this is their largest Commission. The second is of Goal delivery, and that only to the Judges themselves, and the Clerk of the Assise affociate by this Commission they are to deal with every Prisoner in Goal, from what Offence soever he be there: The third Commission is directed to themselves only, and the Clerk of the Affe to take Affes, by which they are called Ju-fices of Affe; and the Office of these Justices, is to right upon Writs called Affe, brought before them by such as are wrongfully thrust out of their Lands. The fourth Commission is to take Niss prim, directed to none but the Judges themselves and their Clerks of Affes, by which they are called Justices of Nisi prime. The fifth is a Commission of Peace in every County of their Circuit: And all the Justices of Peace, having no lawful impediment, are bound to be present at the Affes, to attend the Judges, as occasion shall fall out; if any make default, the Judges may set a Fine upon him at their pleasure, the discretions: The Sheriff of every Shire, is also to attend in person, or by a sufficient Deputy, allowed by the Judges, who may fine him, if he fail, &c.

Affife, in the second signification, according to Littleton, is used for a Jury; For (to use his own Example) it is set down in the beginning of the Record of an Affe of Novel Diffeisin; as Affa venit recognitura, which is as much as to fay, furatores vaniant recognituri: And the reason why the Jury is called and Assis, he giveth to be this, because by a Writ of Assis, the Sheriff is commanded, Quod faciat duodecim liberos & legales bomines de viceneto, &c. Videre tenementum illud, & nomina eorum imbreviari, & quod summoneat eos per bonas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem. &c. This is (to speak shorter) Metonymia effesti, for they are called the Assists, because they are summoned by vertue of the Writ so called. And yet the Jury summoned upon a Writ of Right, is likewise called the Asse; though it be not an Affile, but is so termed unlanguage, or abusively. Affile in this signification, is pivided into Magnum, & Parvam, Glanv. lib. 2. cap. 6, 7, &c. and Brit. cap. 12. where it appeareth, wherein the Great Assize differeth from the Petit Asize. The former four kinds of Assises used in Actions only Possession, be called Petit Assists, in respect of the Grand Assists: For the Law of Fees is grounded upon two Rights; one of Possession, the other of Property. And as the Grand Asisse serveth for the Right of Property, so the Petit Asisse serveth for the Right of Possession. Horn's Mirror of Just lib. 2. the Right of Possession. Horn's Mirror of Just. lib. 2. cap. de Novel Dissession. Assis in the third signification, according to the same Littleton, is an Ordinance or Sta-Affife in the third fignification, according to the lame Littleton, is an Ordinance or Statute, as the Statute of Bread and Ale, made 51. H. 3. is termed The Affise of Bread and Ale, Afsifa Panis & Cervisia, Reg. Orig. fol. 279. The Affise of Clarendon, Assifa de Clarendon, whereby those that be accused of any henious Crime, and not able to purge themselves by Fire and Water (perhaps Ordale, Ordalium) but must abiure the Realm, had liberty of forty days to stay and abjure the Realm, had liberty of forty days to stay, and try what Succour they could get of their Friends, towards their sustenance in Exile, Stamf. Pl. Cor. fot. 118. which he seemeth to have taken out of Brasi. lib. 3. trasi. 2. cap. 16. num. 2. See also Roger Hoveden, parte poster. suor. Annal. sol. 313. in Hen. Secundo.

Affile of the Forest, Assign the secundo.

Affile of the Forest, Assign the Foresta, Is a Statute or Condition, touching Orders to be observed in the King's Forest. Manwood's Forest Laws, part. 1. p. 35.

Cromp. in the Court of Justices of the Forest, per totam, fol. 146. And the Assign of the King, anno 18 Ed. 1. State 1. called the Statute for view of Frank-pledge. And these be called Asses, because they set down and appoint certain Measure, Rate or Order in the things they concern. Of Affe, in this fignification, Glarvile speaks, Lib. 3. cap. 10. in fine. Generaliter verum est quod de quolibet placito quod in comitatu deduciter & terminatur, misericordia quæ inde provenit. vicecomiti de-betur: Quæ quanta sit, per nullum Assisam generalem determinandum est: And thus much touching Little-ton's Division. But if we mark well the Writers of the Law, we shall find this word Affife more diversly used, than he (Littleton) hath noted. For it is sometime used for the Measure or quantity it self, (and that per Metonymiam effecti) because it is the very scantling described or commanded by the Ordinance; as we say, when Wheat, &c. is of such price, then the Bread, &c. shall be of such affile. This word is surther taken for the whole Process in Court, upon the Writ of As-sile, or for some part thereof, as the issue or Vedict of the Jury: For Example, Assses of Novel Disseisin, &c. shall not be taken, but in their Shires, and after this manner, &c. Mag. Chart. c. 12. and so it seems to signifie. West. 2. cap. 25. 13 Ed. 1. in these words, Let the Dissers and Exceptions, whereby the taking of the Assies may be deserved, &c. And 34 E. 1. Stat. 2. If it be found by Assie; the Assie is arrained, to aver by the Assie, the Assie by the Assie are applied. by the Asse, the Asse by their default shall pass against

them

them. And also 1 H. 6. c. 2. Affizes awarded by default: of the Tenants, &c. Lastly, by Morton, cap. 4. an. 20 H. 3. Certified by the Afize, Quit by the Afize, &c. And in this lignification Glanvile calleth it Magnum Afisam Domini Regis, que ex duodecim ad minus legalium bominum Sacramentis confistit. lib. 2. cap. 7. Bratt. useth it in like fort, as Affa cadit in tranfgrestonem. Id. c. 30. & affa cadit in perambulationem, Id. c. 31. num. 2 Fleta defineth an Affise in this signification, thus, Asha in jure possessorio, est quadam recognitio duodecim bominum juratorum, per quam Justiciarii certiorantur de ar-ticulis in brevi contentis. And Assize also thus signifying, is faid formetime to pals, per modum affie, and some-time in modum jurata: in manner of an Affize, when only the Disseiss is in question, is put to the Tryal of the twelve, in manner of a Jury, when any Exception is objected, to disable the Interest of the Disseiss, and is put to be try'd by the twelve, before the Affile can pais: As for Example, Questio status, causa successionis, causa donationis, patium sive conditio vel conventio, voluntas & dissimulatio, transactio vel quieta clamati, vel remisso, confirmatio sive consensus, propria usurpatio res propria, difficultas judicii justum Judicium, sinis, Chiko-graphum, intrusio in rem alienam vel diseisua, si incongrappum, intrusio in rem attenam vet atycisia, si imon-timenti resiciatur, megligentia quæ per transitum temporis excludit actionem, Fleta, lib. cap. 10. sect. 1. Whom read also to this Point, cap. 11. sect. Si autem a Domino: and at large, cap. 16. ejusa. lib. 5. cap. 6. sect. Item vertitur assia. And note, That Assia in this signifi-cation is taken sour ways, Old Fitz. Nat. Brev. fol. 105. The first is Affe at large, which is taken as well upon other Points, as upon the Diffeisin, v. g. where an Infant bringeth an Asside, and the Deed of his Ancestor, is pleaded, whereby he claimeth his Right, or founded his Title, then the Affife shall be taken at large; that is, the Jury shall enquire not only whether the Plaintist were differed or not by the Tenant, but also of these two Points, viz. Whether his Ancestor were of full Age, of good Memory, and out of Prison, when he made the Deed pleaded. Another Example out of Kitch. fol. 66. The Tenant pleaded a Foreign Release, in Bar to an Affise, whereupon the Cause was adjourned: At the Day the Tenant maketh default, therefore the Affife was taken at large, that is, not only whether the Plaintiff were diffeifed, but also whether there be any Foreign Release. A third Example you may read in Littleton, cap. Estates upon Condition. The second manner of Assis in Point of Assis, (Assis in modum Assis) which is, when the Tenant, as it were, fetting Foot to Foot with the Demandant, without farther circumflance, pleaded directly to the Writ, no Wrong, no Dif-The third manner is, Affife out of the Point of Affise (Affa extra Affam, vel in modum juratæ) wize when the Tenant alledgeth some by Exception, that must be try'd by a Jury, before the Principal Cause can proceed; as if he plead a Foreign Release, or Foreign Matter triable in a Foreign County. For in this case, the Justices refer the Record to the Court of Common-Please for the trial of the Paraign Please has constituted in Pleas, for the trial of the Foreign Pleas, before the Diffeisin can come to be discussed. Of this sort, read divers Examples in Bratt. lib. 4.part. 1.cap. 34. and Britt.ca. 52. The fourth and last manner is, Affe of Right of Damages; and that is, when the Tenant confesseth an Ouster, and deferring it to a Demurer in Law, whether it were rightly done or not, is adjudged to have done wrong; for then shall the Demandant have a Writ to recover Damages, which is cailed Affe to recover Damages, as also the whole Process. Affe is further taken for the Court, Place, or Time, when and where the Writs and Processes of the Assis be handled or taken. And in this fignification Affe is general; as when the Justices go their several Circuits, every couple with their Commission, to take all Asses twice in the as Fellows and Collegues in that Business. As if the

Year, which is called the General Affes; for he that speaketh of any thing done at that time, and in that Place, will commonly say, It was done at the General Affes. It may likewise be special in this signification, (as if a Special Commission should be granted to account (as if a Special Commission should be granted to certain as in antient times they often were, Bratt. lib. 3. cap. 11. infine) for taking an Affise upon one Desseisin or two; any thing done in the Court before them, a Man will lay was done at such Special Alife. And in this fightfication Glanvile useth it, Lib. 9. cap. 12. in these words, Si contra Dominum suum, & non infra assam tunc di-stinguitur ipse occupator, & And lib. 13. eap. 32. M. Skene, de verbor. Sig. tit. Asse, saith, That in Scotland this word hath five fignifications; touching the Fifth; he hath these words, An Affe is call'd a certain auniber of Men, lawfully summoned, received, fworn and admitted, to judge and discern in divers Civil Causes, &c. whereof there be two kinds; one ordinarily in use, which may be called a Little Affe, of the number of thirteen or fifteen Persons, the other, a Great Af-fize, consisting of twenty five Persons, &c.

flices affigned to take an Affile, for the continuance of a Cause, where cortain Records alledged, cannot in time be procured by the Party that would use it, Reg. Grig.

fol. 217.

Affifa Planis e Cervifie. The Power or Privilege of affifing or adjusting the Weights and Measures of Bread and Beer: As the Weight of Bread prescribed by the Magistrate, is still called the Size or Affie of Bread. So half a Crust or Farthing Bread; it in Cambridge call'da Size of Bread. And a Servitor is there a Size, or one who is to live upon-fach an affiled Allowance: Hence to fize, i.e. to match Cloth, Silk, orc. to get of the fame Affe or proportion. Hence Size for height and statute. Sizely in the North is proud and coy.

Affice, Difriss'd or farm'd out for such an Affice, or certain affessed Rene in Money or Provisions. Terra Affa, was commonly oppos'd to Terra Dominica: this last being held in Demaine, and occupied by the Lord; the other let out to inferiour Tenants. So among the Lands of the Knights Templars, belonging to their Preceptory of Sandford, Com. Ozon. Apid Coto their Preceptory of Sandford, Com. Oxon. Apud Co-vele de dono Matildis Regine babeneur quataor bides, quarum due sunt in Dominico, & due asse ab Hominibus, apad Meritone due in Dominico, & geinque asse ab Hominibus, bus. Mr. Kennet's Paroch. Antiq. p. 141. Honce Redbus. Mr. Kennet's Paroch. Antiq. p. 141. Honce Redditus affins, the set or standing Rent. Sunt ibidem de reddito assis s. 1bid. p. 314. Summa reddituum afsissorm de manerio; p. 355. Hence to assis or assor
the Proportion and Rates in Taxes and Payments, by Assessors in Assessments.

Mila proregenna, Is a Writ directed to the Jufrices of Affife, for the stay of Proceedings, by reason of the King's Business, wherein the Party is employ'd,

Reg. Orig. fol. 208. & 221.
Affico28, Affores, funt qui affas condunt, aut taxationes imponunt, faith Spelman. In Scotland, according to Skene, they are the same with our Jurors, and their Oath is this:

We shall leil, suith say, And na suith conceal, far na thing we may, So far as we are charg'd upon this Assisc,
By God himself, and be our part in Paradise,
And as we will answer to God, upon
The dreadful Day of Dome.

Affectation, Affeciatio. Is a Parent fent by the King, either of his own Motion, or at the fuit of the Plaintiff, to Justices appointed to take ffiles of Novel Disselfin, or of Oyer and Terminer, &c. to take others unto them

King makes three Justices of Assize, and afterwards one of them dies, there the King may grant a Patent of Affociation to another, to affociate him to the two, in place of him that is dead, and a Writ which shall be closes diseased to the two Justices that are alive to admit him, F. N. B. 185. & 111. The Examples, and fundry Uses hereof, may be found in several places, but particularly in Regift. arig. fol. 201, 202, 205, 206,

207, 223, 224. Allogie, (Absolvere) Signifies to deliver, or set free from an Excommunication, Stamf. Pl. Cor. lib. 2. cap. 181fol. 71. b. whose words are to this effect, otherwise the Defendant should remain in Prison, till the Plantiff ware effeled, that is, delivered from his Excommunication. So that in 1 H. 4. cap. 10. mention being made of King Edward the Third, it is added, Whom God af-

Soyle.

Affumplit, Is a voluntary Promise made by word, Whereby a Man affirmeth, or taketh upon him, to perform or pay any thing unto another. This word included any verbal Promise made upon consideration, which the Civilians express by divers words, according to the Nature of the Promise; calling it sometimes Pallicitationem, or Confirmum. The word is deriv'd rom the Latin Verb afumpfit, and bears the sente of,

He hath affunted upen, or undertaken. visa fest per cartam beroditatem reftituit. . Co. Init. p. 1. f. ... De Aftro & Aftraria, vid. Solden's Notes

ps Hongham, p. 139.

AGRibilthe, or Attrahilthet, Is a Saxon word, and denotes, fay LL. Divi Edwards, cap. 30. Hi qui pacen-Regis babent, wel mann wel brevi, etc. Qui si nimis considens in pace quam babat, per superbiam alicui forisfecepit, dannum restauret ist iterum tantundem, quod Angli vocant

Alftrihilthet. See Hoveden, pag. 606. Aftre, which Spelmen renders the Hearth of a Chimney, & San Hearth, Focus, Formaculas - 18 Ed. 1. Praceptum suit Vicecom, quod replegiet corpus Willielmi Jakes quod Riscardo de Santlo Valencio cepit & captum tonuita Qui Riscardus venit et advacat captionem ut de Villano suo, & quod cepis ipsum in Altro suo in quo natus suit; coquad seipsum elangamis de Astropradicho. Placit. Hillar.

18 Ed. 1.

Athen Aban A Power or Privilege of exacting and administring Oath, in some Cases of Property and Right. From the Saxon Ath, Juramentum, Othe. Among the Privileges granted by Hen. 2. to the Monks of Glastenbury, Hubeat quoque eadem Ecclesia Socam of Glastenbury, -& Sacam on Stronde and an Streme, on Wode, and on Feld. en Grithbriche, on burh-briche. Adaa, Ortelas, Ealle-bordus, &c. the fame Privilege call'd othes in another Charter to the same Abby, Abbas & Conventur babeaut bundred Setne, Other and Ordles, Ealle, Twidus, &c. Cartular. Abbat. Glasson. MS. f. 14. & 37. - Abbas & Conventus

Afort of Weapon among the Sazons. Flor. Wigorn. Sub. anna 1040. and from Him, Hoveden Sub codem anno, La manu finistra clipeum, cujus umbo elavique erant deaurati, in dextra lanceam, qua lingua Anglorum Ategar appellatur. It seems to have been a Hand-dart, from Sax. Acton, to sling or throw, and

gar, a Weapon, Spelman, Atia. Sec Odio & Atia.

At large, Ad largum. See Verditt at large. Lit. fol. 98. To vouch at large, Old. Nat. Brev. fol. 108. To

Artache, Attachiare Cometh from the French attacher; that is, figere. nellere, alligare: In the Common-Law, it fignises to take or apprehend by Commandment of a Writ or Precept; Lamb, in his Eirenarch. 116. 1. cap. 16. maketh this difference between an Arrest,

and an Attachment, that Arrift proceedeth out of lower Courts, by Precept; and an Attachment out of higher Court, by Precept or Writ; and that a I recept to Arrest hath these formal words, (Duci facias) and a Wist of Attachment their words, (Praciporus tibi quod Attachies talem & habeas cum coram nibis, &c. Whereby it appears, That he which arresteth, carrieth (or ought to carry) the Party arrested to a Person of higher Power to be disposed of forthwith; he that attacheth, keepeth the Party attached, and prefents him in Court at the day affigned. Yet we may take Notice, That an Attach-ment issued out of a Court-Baron, which is an Inferior Court ; Kitchin, Attachment in Coatt-Baron, fel. 79. Another difference there is, that an Arrest only lies upon the Body of a Man, but an Astachment chiefly upon his Goods; And this also makes it differ from a Capias, which lays hold only of a Body, whereas a Man may be attached by an hundred Sheep. Other differences between a Capius and Attachment, and a Distress, may be thefe. First, an Attachment differs from a Capias; that in a Court-Baron, a Man may be attached by his Goods, but a Capias shall not go out thence. secondly, a Capias (be it the Grand Cape, or the Petit Cape) taketh hold of immoveable things, a. Lands or Tenements, and properly belongs to Actions real, as may be gather'd from their Forms, F. N. E. whereas Attachment hath place rather in Tersonal Actions, Brack. lib. 4 trad. 4. cap: 5. mam. 5. See Skene, de verbo S.gn. tit. Attachiamentum. In the next place, an Attachment differs from a Distres, Kitch. fol. 78 holds, 1 hat the Processin a Court Baron, is Summons, Attachment and Diffress, Old. Nat. Brev. fol. 27. That the Processin a Quare impedit, is Summens, Attachment, and one Distress. And fel. 28. speaking of the Writ Ne admitters, faith, The Process is one Prohibition, and upon that Attachment and Di Arefs. And fel. 32, in a Writ of Indicavit, after the Attachment returned, the Diffress shall go out of the Rolls of the Juflices. Bratten on the other fide, Lib. 5. track, 3, cap. 4, num. 2. thinks, that Attachismentum to magmum Cape, funt Districtiones; wherewith agree Fleta. lib. 5.cap. 24. but with this Diffinction, that Attachiamentum est districtio personalis, de Cape magnum districtio realis. So that upon the whole Matter, there are but two Differences, between an Attachment and a Diffrest, viz. That an Attachment reacheth not to Lands, as a Distress doth; and a Distress toucheth not the Body (being properly taken) as an Attachment doth-Yet are they divers times confounded, as appears by the forementioned places; and Glanv. lib. 10. cap. 3. and Flera; lib. 2. cap. 66. But to Corclude: In common acceptation of Law, an Attachment is an Apprehension of a Man by his Body, to bring him to answer the Action of the Plantiff. A Dipress is the taking Goods, for some real Cause, as Rent, &c. whereby to sorce him to Replevy, and so become Plaintiff in an Action of Trespass against him that distrained him. There is also an Attachment cut of Chancery, and may be had of course upon Affidavit, made of the Service of Sub pana, and the Defendants not appearing, or else Islues upon nor performing some Order or Decree: And they are of two forts; one fimple, which is before mentioned, originally sent out for apprehension of the Party: The other, after return made by the Sheriff, Quod Defendents non est inventus in Balliva sua, with Proclamation made through the whole County, that the Party appear by a day afligned, and that he be attached nevertheless, if he may be found. This second kind hath an affinnity with the Canonifts (viis & modis) at which if the Party appear not, he is Excommunicate; and with the Civilians, Viis & modis, una cum intimaticue, for it in the Chancery he come not in upon this Attachment, with Proclamation, a Writ of Rebellion iffue, fortiwith, West. 2. Part, Symboleeg. Tit. I receeding in Chancery.

As to the word Attacher, to attache, or take into custody, the Learned Du-fresne supposes it derived from the old Gallic Tascu, Taschia, the Rent of Land or Tenement; from the Brittish Tase, Tribute; Tascyd, Collector of the Tribute, (whence our Tasque or imposed Duty; a Tasquer, or Day-Labourer, a Tasque-master, &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 Forseiture, &c.

as a Debt and Forfeiture, &c.

Attachiamenta benozum. A Distress taken upon the Goods or Chattels of any, sued for Personal Estate or Debt, by the Legal Attachiatores or Baylists, as a security to answer the Action. It was a Priviledge granted to the Abbat and Convent of Oseney, to have the Attachments of the Goods of their Tenants Quitains and Convent of the Convent of the Tenants Quitains and Convent of the Convent of

claim'd or releas'd, &c. See Paroch. Antiq. p. 196.

Antiq. p. 196.

Antiq. p. 196.

Antiq. p. 196.

Antiq. p. 196.

Antiq. p. 196.

Fattachiamenta de Spinis e Bosco, The
Privilege granted to the Officers of a Forest to take to
their own use Thorns, Brush, and Wind-sall, within
such Precinets or Liberties committed to their charge
So John Fitz Nygel Forester of Bernwood, A. D. 1230.

Debet habere feedum in Bosco Domini Regis; videlicit Attachiamentum de Spinis de Bosco suo, & de Bosco
qui vento prostituitur. Paroch. Antiq. p. 209.

Attachment of Privilege, is by vertue of a Man's Privilege, to call another into that Court whereunto himself belongeth, and in respect whereof he is privileged. New Book of Entries, verb. Privilege, fol. 431.

leged, New Book of Entries, verb. Privilege, fol. 431.

There is also a Foreign Attachment, which is of a Foreigner's Goods found in some Liberty or City, to satisfie some 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 their Liberty. As if A. owes B. ten Pounds, B. may attach this ten Pounds in the Hands of C. Cal-

thorp's Rep. pag. 66.

There is also an Attachment of the Forest, which is one of three Courts there held, Manwood, p. 90, 15 99. The lower Court is call'd the Attachment; the middle one, the Swainmote; the highest, the Justice in Eyres Seat. The Court of Attachment seemeth to be so call'd, because the Verderors of the Forest have therein no other Authority, but to receive the Attachments of Offenders against Vert and Venison, taken by the rest of the Officers, and to enroll them, that they may be presented and punish'd at the next Justice-Seat, Manwood, Part. 1. pag. 93. And this attaching is by three means; 1. By Goods and Chattels. 2. By the Body, Pledges and Mainprise. 3. By the Body only: This Court is kept every forty days. See Crompton in his Court of the Forest. For the Diversity of Attachments, see Reg. Orig. verbo Attachiamentum, in Indice.

Orig. verbo Attachiamentum, in Indice.
Attaint, Attinila, Isused 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 Shillings. For the Form and use of it, see F. N. B. fol. 105. and the New Book of Entries, fol. 84. col. 1. The reason why it is so called, seemeth to be, because the Party that such it out, endeavoureth thereby to stain the Jury with Perjury, by whose Verdick he is grieved, whose Punishment by the Common-Law consisteth in these Particulars: 1. Suod amittat liberam Legem in perpetuum, He shall never be received as Witness, or admitted a Juror, Gr. 2. Quod forisfaciat omnia bona sua Gratalla. 3. Quod terræ & tenementa in manus Domini Regis capiantur. 4. Quod uxores & liberi extra domus suas ejicerentur. 4. Quod domus sua prostermentur. 6. Quod arbores sua prosternentur. 7. Quod prata sua arentur. 8. Quod corpora sua carceri mancipentur: Co. on. Lit. lib. 3. cap. 8. sect. 514. See also Glanvile, lib. 2. cap. 19. Fitz. Nat. Brev. fol. 109, 110. Termes de Ley, verb. Attaint. Fortescue,

cap. 26. Smith, de Rep. Anglor. lib. 3. cap. 2. And 11 H. 7. cap. 21. G 23 H. 8. cap. 3. It is a Substantive made of the French (atteindre) i. c. assequi, vel attingere, because he is caught and overtaken; or rather of the French (teindre) in Latin (tingere) to stain, dye, or Colour, or give a Tincture: Unde Gallice Teint, Lat. Tinctus, as we in English say attainted, or tainted of

Treason, that is stained.

Attainted. Attinctus, Is us'd in our Common-Law, particularly for fuch as are found Guilty of some Crime or Offence, especially Felony or Treason: Howbeit a Man is said to be attainted of Disseisin, West. 1 cap. 24. U 26. anno 3 Ed 1. and so the French use it, as, Estre, attaint U vayncu en ascun case; that is, to be call in any Case. A Man is attainted by two Means; By Appearance, or by Process, Samf. Pl. Cor. fol. 44. Attainder by Appearance, is by Confession, by Battel, or by Verdict. Id. fol. 122. Confession, whereof Attaint groweth, is double: one at the Bar before the Judges, when the Prisoner upon his Indiament read, being asked whither Guilty or Not-Guilty, answers, never putting himself upon his Country; the other is, before the Coronor in Sanctuary, where he was in former times upon his Confession, constrained to abjure the Realm; and therefore this kind of Attainte by Abjuration, Id. fol. 182. Attainted by Battel, is, when the Party appealed by another, and chusing to try the Truth by Combat, rather than by Jury, is vanquish'd, Id. fol. 44. Attainder by Verdist, is, when the Prisoner at the Bar, answering to the Indictment, Not-Guilty, had an Enquest of Life and Death passing upon him, and is by their Verdict found Guilty, Id. fol. 108, & 192. Attainder by Procoss, otherwise call'd Attainder by Default or Utlary, is, where a party flieth, and is not found, until he have been five times publickly called in the County, and at the least Outlawed upon his Default, Id. fol. 44. The same Author, fol. 108. makes a difference between Attainder and Conviction. And with this agreeth the Statute 34 & 35 H. 6. cap. 14. and 1 E. 6. cap. 12. Add hereto 2 & 3 Ed. 6 cap. 33. And Stamf. fol. 66. faith, A Man by our ancient Laws, was faid to be convicted presently upon the Verdict (Guilty) but not to be attainted, till it appeared he was no Clerk; or being a Clerk, and demanded of his Or dinary, could not purge himself; whereby it appeareth, That Attainder is larger than Conviction, Conviction being only by the Jury: And Attainder is not before Judgment, Perkins, Grants, nu. 27.29. This ancient Law touching the Purgation and Conviction of Clerks, is altered by 23 Eliz. cap. 2. as you may read further in

Clergy.
Attainder, attinita, and attinitura: 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 Gentile before, thereby his Posterity are Degraded, and made Base; and this corruption of Blood cannot be salved, but by an Act of Parliament. See Attaint, attainted, and Felony.

Parliament. See Attaint, attainted, and Felony,
How far the Tenure of Gavel-kind falves in such case, we will not dispute, only set down what Tenants in that kind have among themselves as a Maxim, viz.

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

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

Attal-saresin. The Inhabitants and Miners of Cornwal, call an old deserted Mine that is given over by this name of Attal sarisin, i.e. the Leavings of the Sarasins, or Sasins, or Saxons.

F 9

Attendant, Attendens, Signifies one that oweth a Duty or Service to another, or after a fort dependent on another. For Example; There is a Lord, Mesne, and Tenant; the Tenant holdeth of the Mesne by a Penny, the Mesne holdeth over by two Pence: The Mesne releaseth to 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 Attendant to the Heir of the third part of the Penny, not of the third part of the two Pence; for she shall be endowed of the best Possession of her Husband. And Kitchin, fol. 109. saith, That where the Wife is endowed by the Guardian, she shall be Attendant to the Heir at his full Age: With

whom agrees Perkins in Dower, 424.

Attermining.— Also such as will purchase Attermining of their Debts, shall be sent into the Exchaquer. Ordinatio de libertatibus perquirendis. Anno 27 Ed. 1. It comes from the French atterminé, i. e. that hath a time or term granted for the payment of a Debt. So in this Statute, it seems to signific the purchasing or gaining a longer time for Payment of a Debt. Atterminent quærentes usque in proximum Parliamentum. Westm.

2. cap. 24. Artilatus Equus. A Horse with his Geers, or Harness on, for the work of the Cart or Plough.

Attile, Attilium, Attilamentum. ging of a Ship. -– Pracipimus Henrico de Fowick & Lucæ de Batentort, quod quædam bona & mercimonia quorundam Mercatorum de Zeland, Naves & Attilia, oc-Memorand, in tum fuit Baronibus — quod sine dilatione reparari fa-ciant unam Novem eum Attilio decenti in London, Ibid. Trin. 24. Ed. 1. — Hence Atilia was us'd likewise for the Tools and Implements of Husbandry mus Primas Eboracensis vult, ut remaneant in Balliva Chirchedon 2 equi carectarii, cum carecta & 36 boves cum 4 carucis & Atiliis, An. D. 1283. Ex Registr. Will. Wickwane Archiep. Ebor. MS. f. 46. The word Alile, for Military Harness or Accourtements, occours in the Stat. of Rob. 1. King of Scots, cap. 27. The French now use the word Outils, for any fort of Instruments.

Attornato factendo bel recipiendo, ls a Writ, which

a Man owing fuit to a Country, Hundred, Wapentake, or other Court, and desiring to make an Atturney to appear for him, whom he doubteth, whether the Sheriff or Bayliff will admit, or not, purchaseth to command him to receive and admit him. The Form thereof, see him to receive and admit him.

F. N. B. fol. 156.

Attornare rem. To Atturn or Turn over Money and Goods; i. e. to affign or appropriate them to some particular use and service. — quos quidem quatuor solidos — attornavi ad uniam pietantiam faciendam in conventu Ofeneinsi. Paroch. Antiq. p. 283. Vide Turn.

Attournment, Attornamentum, Signifies the Tenants 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. 16. the words used in Attornment, are fet down by Littleton, lib. 3. cap. Attornment 10 viz. I agree to the Grant made to you, &c. or, more usually, Sir, I attourn to you by force of the same Grant; or, I become your Tenant, or else deliver unto the Grantee a Penny by way of Attournment: You may in the same place see divers other Cases, whereto Attournment appertaineth, and that it is the transposing those Duties the Tenant ought to his former Lord unto another, and is either by Word, or by act, &c. Attournment also is voluntary or compulsory, by the Writ termed, Per que servitia, Old. Nat. Brev. fol. 155. Or sometimes by Distress, F. N. B. fol. 147. Lastly, Attournment may be made to the Lord himself, or to his Steward in Court,

Kitchin, fol. 70. There is also Attournment in Deed, and Attournment in Law, Co. vol. 6. fo. 113, a. Attournment in Law is an Act, which tho' it be no express Attourn-

ment, yet in intendment of Law is all one.

Atturney, Atturnatus, Cometh of the French word (Tourner) vetere. Thence cometh the Participle (tourne) versus, conversus, and the Substantive (tour) vices; as Chascun a fon teur, Quilibet sua vice. It signifies in a Legal acceptation, one appointed by another Man to do any thing in his stead, and is as much as Procurater or Syndicus in the Civil-Law: West. Symb. Part. 1 lib. 2 fell. 559. defines them thus, Attirneys be such Persons, as by the Consent, Commandment, or Request of another, do take heed, see to and take upon them the Charge of other Men's Business in their absence. And it seemeth that in antient 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 evident by F. N. B. fol. 25. In the Writ Dedimus Potestatem de Atturnato saciendo, where it appears, that Men were forced to procure the King's Writs, or Letters Patent, to appoint Atturneys for them; but fince that, it is provided by several Statutes, that it should be lawful so to do without any such matter, as 20 H. 3. cap. 10. 6 E. 1. cap. 8. 27 E.1. Stat. 2. 12 E. 2. 1. 14 E. 2. cap. Unico, 7 R. 2. cap. 14. 7. H. 4.13.3H. 5.2. 15. H. 6.7. and 17 H. 7.2. And you may see great diversity of Writs in the Table of the Regester Orig. wherein the King, by his Writ, Commanded the Indians to admit at Atturneys: whereby there great at Judges to admit of Atturneys; whereby there grew at last so many skilful Atturneys, and so many Mischiess by them, that Provision for restraining them was requisite. Wherefore anno 4H.4. ca. 18. it was ordain'd, That the Justices should examine them, and displace the unskilful. And again, 33H. 6. cap. 7. that there should be but a certain number of them in Norfolk and Suffolk. In what Cases at this Day a Man may have an Atturney, and in what not fee Fitzb. ubi fupra.

Atturney, is either general or Special. Atturney General is he, that by general Authority is appointed to manage all our Affairs or Suits: As the Atturney Gemanage an our Analis of Suits. As the Incurrey Seneral of the King, which is much as Procurator Cafaris was in the Roman Empire. Atturney General of the Duke, Cromp. Jurifd. fol. 105. Atturney Special or Particular, is he that is imploy'd in one or more Cause particularly specified. Atturneys General be made after two forts, either by the King's Letters Patent, or by appointment before Justices in Eyre in open Court; Glanvile, lib. 11. cap. 1. Britton, cap. 126. 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 borrow'd of the Normans, as appears by the Customary, cap. 65. And the word Attornati, or as some read it Turnati, is sound in the same fignification, in the Title De flatu regularium, can unico, fett, porro in fexto, where the Gloss faith, That Atturnati dicunter, Procuratores, apud acta constituti: Our old Latine word for it, seems to be Responsalis Brast. lib. 4. 31. & lib. 5. part. 2. cap. 8. And fo it is in Scotland at this Day, but especially for the Desendants Attorney, Skene de verb. fignif. Responsalis, as Sigonius witnesseth in his first Book, pag. 11. De Regno Italia, was in antient time the Title of the Pope's Ambas-

fador.

Atturney of the Court of Wards and Liveries, Atturnatus Rogis in Curia in Wardorum and Liberaturarum, Is the the third Officer in that Court; at his Admission into the Office, he taketh an Oath before the Master of the faid 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 gane, and therefore we will say no more of it.

Atturney of the Court of the Dutchy of Lancaster, At-

tarnatus Curiæ Ducatus Lancastriæ, Is the second Otsicer in that Court, and seemeth for his skill in Law, to be then placed as Affessor to the Chancellor of that Court, being for the most part some Honourable 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.

Abage, or Abilage, Is a Rent or Payment which every Tenant of the Mannor of Writtel in Esex, upon St. Leonard's day, the fixth of November, pays to the Lord, viz. 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 priviledge of Pawnage in the Lord's Woods.

Abant-mard. The Van-guard or Front in an Army. — Cum exercitus in hostem pergit, ipsi per con-suetudinem faciunt Avant-warde, & in reversione Redre-warde. Ha consuetudines erant Walensum. T.R.E. in Ar-

cenefeld. lib. Dooms-day.

Abantagium. Profit or Advantage. terus Cantuar. Archiepisc. ad feodi-firmam tradidit Jo-hanni de Bosebam, terras vocatas le Wardland, in Villa de Wymbledone, --- cum omibus suis utilitatibus ac avantagiis inde provenientibus. Dat. 24. Feb. 11, Ed. 2. Regist. Eccl. Christi Cantuar. MS.

Auctionarii, Aurionarii, Sellers, Regraters, Dicunt etiam quod in domibus illis apud Sheles, sunt manentes Pistores & Braciatores Auxionarii & Auxionatrices panis, cervifia, & aliarum rerum.

Placit. Parl. 18 Ed. 1.

Audiendo e terminando, Is a Writ, but more properly a Commission, directed to certain Persons, when any riotous Assembly, Insurrection, or heinous Misse meanor or Trespass is committed against any place, for the Appealing and Punishment thereof; which you

may read at large in F.N.B. f. 110. See Oyer and Terminer.

Audience Court, Curia Audientiae Cantuariensis, Is a Court belonging to the Archbishop of Canterbury, of equal Authority with the Arches Court, the inferior both in Dignity and Antiquity: The Original of this Court was, because the Archbishop of Canterbury heard many Causes extrajudicially at Home in his own Palace, in which, before he would finally determine any thing, he did usually commit them to be discust by certain Men learned in the Civil and Canon Laws, whom thereupon he termed his Auditors; and fo in time it grew to one special Man, who at this Day is called (Causarum negotiorumque audientiæ Cantuariensis auditor officialis.) And with this Office was joyn'd heretofore the Chancery of the Archbishop, which medleth not with any Point of contentious Jurisdiction; that is, deciding of Causes between Party and Party, (except such as are ventilated pro forma only, as the Confirmation of Bishops Elections, or such like) but only of Office, and especially such as are Voluntaria jurisdictionis, as the granting the Custody of Spiritualities, during the Vacation of Bishopricks, Institutions to Benefices, Dispensing with Banes of Matrimony, &c. But this is now distinguished from the Audience. Of this Audience Court, you may read more in the Book De Antiquit. Eccles. Brit. Hist. and 4. Inst. fol. 337.

Audita querela, Is a Writ that lieth against him,

who having taken a Statute-Merchant, a Recognifance, in the nature of Statute-Staple, or a Judgment or Recognisance of another, and craving, or having obtain'd Execution of the same from the Mayor and Bayliffs, before whom it was entred, at the Complaint of the Party, who entred the fame, upon Suggestion of the Farty, who entred the lamb, upon suggestion of some just Cause, why Execution should not be granted, as a Release, or other Exception. This Writ is granted by the Lord Chancellor of England, upon view of the Exception suggested, to the Justices of either

Bench, willing them to grant Summons to the County where the Creditor is, for his appearance at a certain day before them. Old. Nat. Brev. fol. 66. and Fitz. Nat. Brev. fol. 102.

Auditor, (Auditor) According to our Law, is an Officer of the King, or some other great Person, which yearly, by examining the Accounts of all Under-Officers accountable, makes up a General Book; which shows the Difference between their Receits and Charge, and their Allowances, commonly term'd Allocationes: 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 Customers, and set them down,

H. 8. cap. 33. and 4. Inft. 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 and Auditors and Auditors in Cathedral the Auditory, Audit-bouse, Andit-time, in Cathedral and Collegiate Bodies.

Aunitors of the Press or Impress, Are also Officers in the Exchequers, who take and make up the great Accounts of Ireland, Berwick, the Mint, and of any Money imprested to any Man for the King's Service.

See Practice of the Exchequer, p. 83.

Audites of the Receits, Is also an Officer of the Exchequer, that files the Tellers Bills, and makes an Entry of them, and gives the Lord Treasurer a Certification. cate of the Mony receiv'd the Week before. He makes Debentures to every Teller, before they pay any Mony, and taketh their Accounts: He keeps the Black Book of Receits, and the Treasurers Key of the Treasury, and seeth every Teller's Money lock'd up in the New Treasury.

Abenture, (But more properly Adventure) Is a Mischance, causing the death of a Man, without Felony: as when he is suddenly drowned or burnt, falling into the Water or Fire, or kill'd by any Disease or Mischance, Briton, cap. 7. where you may see how it differs from Misadventure. See Misadventure.

Abenage, (From the Latine Avena, Oats) Signifies a certain quantity of Oats paid to a Landlord in lieu of some other Duties, or, as a Rent from the Te-

Abenoz, Is an Officer belonging to the King's Stables, and provides Oats for his Horses: He is mentioned 13

Car. 2. cap. 8.

Abentura. Voluntary Feats, or Adventures, or Trials of Skill at Arms. ———— Nulli conveniant Nulli conveniant ad Turniandum vel Burdandum, nec ad alias quascunque - Affa de Armis 36 Hen. 3. Brady Aventuras, -Hist. Engl. Append. p. 250.
Abera, Is found in Doomf-day Book, and signifies a

Days-work of a Plough Man, that is, eight pence; 4.

Infl. fol. 269.

Average, (Averagium) By Mr. Skene's Opinion, is derived from the word Averia, Cattel, and confequently signifies Service, which the Tenant owes to the Lord by Horse, or carriage of Horse. It seemeth with us to have two fignifications: First, Rastal. tit. Exposi. tion of Words, maketh mention of the King's Averages, which I take to be the King's Carriages by Horse or Then, anno 32 H. cap. 14. and 1 Fac. cap. 32. it is used for a certain Contribution that Merchants and others, do make proportionably towards their Losses, who have their Goods cast into the Sea, for the Safeguard of the Ship, or of the other Goods, and Lives of them in the Ship, in the time of a Tempest. And this Contribution seemeth to be so call'd, because it is proportion'd after the rate of every Man's Average, or Goods carried. In this last Sense it is also used in the Stat. 14 Car. 2. cap. 27. Average. is also a little Duty, which those Merchants, who send Goods

in another Man's Ship, do pay the Master of it, for his care over and befides the Freight: For in the Bills of Lading, they usually say, — Paying so much Freight for the said Goods, with Primage and Average accustomed.

Aberage of Corn-Fields. In the North they use this word Average, for what in Kent they call the Gratten, in other parts the Eddish, in Wales the Adlugh, in some Counties the Roughings; i. e. the Stubble or remainder of Straw and Grass left in Corn-Fields, after

the Harvest is carried in.

Goods in a Waggon, or upon loaded Horses; a Duty requir'd of some customary Tenants. But I question whither it did not sometime fignise to drive Averia, Cattle to some Fair or Market. - Omnes bomines (i. e. de Kyng ston) debent ter averare ad Bristolium. Cartular.

Glaston, MS. f. 4.

Aberrare, To the like purpose -

fruges domini metere, prata falcare, & carriare & aver-rare, — Cartular. ib. p. 39.

Aber: Corn, A reserved Rent in Corn, paid to
Religious Houses, by their Farmers or Tenents; which Mr. Sommer deduces from the Fr. Oure, o: Ourage, as if Corn drawn to the Lord's Granary by the working Cattle of the Tenent. But it seems more natural (like Averia) from Avoir, to have or receive such a quantity of Corn. I suppose the Custom owing to the Saxon Cyriac-Sceat, Church-Seed, a Measure of Corn brought to the Priest on St. Martin's day, as an Oblation for the first Fruits of the Barth. Under which title the Religious had Corn-rent paid yearly, as in an Inquisition of the Estate of the Abby of Glassenbury, A. - Waltone reddit in gubulo assso iv lib. zvi D. 1201. sal. --- de Church Seed vel dua summa & dimid. frumenti. Cartular. Glaston. MS. f. 38. which Church-Seed, by a Norman Epithet, might easily in some parts be call'd Aver-Corn, especially in Kent, where by Composition the Tenents of Menstre, were to pay to the Abbat and Convent of St. Austins, their Aver-cornin a certain and determin'd Measure, A. D. 1263.

Noverint univers, quod am temporibus renevatis quidam Tonentes Abbatis Sancti Augustini, in manerio de Menstre, quoddam servitium annuum quod Aver-corn vocatur, sub mensura minus certa, &c. Vid. Chron. W. Thorn, inter X Scriverses col. 1017 ptores, col. 1912.

Aberia, Cattle. Sir Henry Spelman deduces the

word from the French Oure, Work, as if chiefly working Cattle. But more probably from Aveir, to have or possess; the word sometime including all Personal Estate, as Catalla did all Goods and Chattels. In Northumberland they now fay, a Falfe-aver, for a sluggish Horse, or laxy Beast. Yet the Honoured Spelman rather derives it from the Lat. Afri or Afra, Country-Horses, and cites the said Northern Proverb, A False Aver or Afer. I think the word Heifer, to have been only a corruption of Aver, and to have fignified at first any Beast, the now restrain'd to the younger kind.
Abertis captis in Wilthernam, Is a Writ, for the

taking of Cattle to his use, that hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be repleused, Reg. Orig. fol. 82. When one Beast is spoken of, we say, Quidam equus vel bos; but when more, it is not said in the plural Number, Equi or Boves, but Tot

Averia.

Averrer, i. e. Iestari, fignifies commonly an Offer of the Defendant, to make good or justifie an Exception pleaded in abatement, or bar of the Plaintiffs Action; and there is Reason, why it would rather signifie the Act, than the Offer of justifying the Exception. For, Anno 34 Ed. 1. Stat. 2. And the Demandant will offer

to aver by the Affize or Jury, where to offer to averre, and to averre must needs differ: And again in the same Statute, and the Demandant will offer to aver by the Country, &c. Thirdly, in the English Nat. Bre. fol. 57.
These Errors shall be tried by Averment, &c. I his Averment is two sold, General and Particular; a General Research verment, which concludes every Plea. &c. or in Bar of Replication and other Pleadings, containing matters Affirmative, ought to be Averred, with these words, Et boc paratus est verificare. Gc. Particular Averment, is when the Life of Tenant for Life, or Tenant in Tail is Averred, &c. And an Averment contains as well the Matter as the Form thereof, Co, on. Lit. fol. 362. b.

Aberpeng (quasi Average-peny) Is Money contribu-

A ver peny (quan Average-peny) is Money Contribu-ted towards the King's Averages, or to be freed thereof, Rastal Expos. verb. Aver-peny, est quietum esse de diversis denariis pro Averagiis Dom. Reg. See Average. Aber: silver — Rogerus Prior, & Capitulum Ecclesia Christic Cantuar, quieto clamant Magistrum, & Fratres Hospitalis St. Maria de Osprens, de consuetudini-bus subscription in delicat la Arme Hospitalis Ripos Column bus subscriptis videlicet de Arura Hate-wite, Ripe-selver, Wood-lade, Heylode, Aver-selver, Lamb-selver, que consuetudines fieri solent in curia de Adesham. Mense Feb. 1242. Reg. Feel. Chr. Cant. MS.

Augmentation, Augmentatio, Was the Name of a Court, erected 27 H. 8. as appeareth by the 27th Chap. of that Year's Parliament: and the end thereof was, That the King might be justly dealt with, touching the Profit of fuch Religious Houses, and their Lands, as were given to him by Act of Parliament the same Year, not Printed: For the diffolving of which Court, Authority was given to Queen Mary, by the Parliament held the First Year of her Reign, Sef. 2. cap. 10. which she afterward put in Execution by her Letters Patent. The Name of the Court sprung from hence, That the Revenues of the Crown were augmented so much by the Suppression of the said Houses, as the King reserved unto the Crown, and neither gave nor fold away to others. But the Office of Augmentation remains to this day, wherein there are many Records of great Use and Importance.

Abilage, See Avage.

Abilamentum, Advice, Counsel. avisamento & consensu consitii nostri concessimus, was the common Form of our King's Grants.

Aumone, (French Aumosne, that is, Alms) Tenure in Aumone, is a Tenure per liberam Eleemosynam, Briton, fol. 164. As where Lands are given to some Church, or Religious House, upon condition, That some Service or Prayers shall be offered at certain times, for the good of the Donor's Soul. See Frank-almoine.

Aumonier. French Aumosnier. Vid. Almoner. Abe, Is the Name of a Writ, for which see Ayle. Aberium ponderis. Full Weight, or Aver

de Pois, — de quolibet panno sine grano, de de qualibet libra de averio ponderis, tres denarios, Cart. 3 Ed. 2.

A. D. 1451.

20 Sep. Episcopus Batho Well, concedit Civibus Wallensibus unum caput pro conductu aquatio cum augeis suspiralibus, & cateris machinis, sub & supra terraneis caput est Augea, in quo tota aqua nostra recipitur, fiet rotunda in latitudine infra muros decem pedum de petra calce, vel alia materia cum pipis ex utraque parte dista Augex, five Cisterne annexis. Reg. Eccl. Well. Ms. Auncel-weight, Is as if we should say, Hand-sale.

weight; being a kind of Weight with Scales hanging, or Hooks fastened to each end of a Staff, which a Man lifting up upon his Fore-Finger, or Hand, discerneth the quality or difference between the Weight, and the thing weighed. In which, because there was wont to be great deceit, it was forbidden by several Statutes, as 25 E. 3. Stat. 5. cap. 9. and 34 E. 3. cap. 5. and 8 H. 6.

cap. 4. and the even Ballance commanded; yet never-Weight continued in use parts of England, notwithstanding the Constitution of Henry Chicheley, Archbishop of Canterbury, 1430. Pro abolitione ponderis vocati, Le Auncel-weight, &c. qui utitur Excommunicandus; but now it is utterly abolish'd by a late Statute made 22 Car. 2. cap. alt. A. D. 1434. Among the Anathemas publickly denounc'd against all false dealers and deceivers, —— Alle thei that use false Weyghts or false Mesures, and in especial alle they that use a Weyght that is caulled Auncell, shaft or poundre, or hoolds or keeps that weight prively or openly, Reg. Eccl. Batho. Will. MS.

Auncient Denealne, Sec Antient Demefne. Abogbance, Hath a double fignification? the one, when a Benefice becomes void of an Incumbent ; the other when we say in Pleadings in Chancery, confessed, or avoided, traversed, or denied is true, Uc. Set Voidance

Abother, Advocatus. See Advore: Britten, cap. 29. faith. That Avonce is he whom the Right of Advowsom of any Church appertaineth, so that he may present in his own Name; And is call'd Avonce, 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, whereto an Advension appertaineth, but only for term of their Lives, of Years, or by Intrusion, or by Disseisin.

Abeliay, Is where one takes a Distress for Rent, or other thing, and the other sues Replevin, then the taker shall justifie his Plea for what cause he took it; and if in his own Right, he ought to shew it, and avow the taking. But if he took it in the right of another, then when he has shew'd the Cause, he shall make Cognifance of the taking, as Baylist or Servant to him, in whose right he did it: Termes de Ley, 73. & 21 H. & cap. 19. For the more speedy and effectual proceeding upon Di-

streffes and Avowryes, see 17 Car. 2 cap. 7.

Aboir bu pois, it is true French Avoir due poix 3 that is, Habere pondus, or justiesse penderit. In Law it fignifies two things: First, a kind of Weight diverse from that which is call'd Troy-weight, containing twelve Ounces to the Pound, whereas this containeth fixteen-And in this respect it may probably be conjectured, That it is so call'd, because it contains a greater Weight than the other. Secondly, it signifies fuch Merchands as are weighed by this Weight, and not by Troy-weight, as in the Statute of Tork, 9 E. 3. in Proceinio, 27 E. 3. Stat.

2. cap. 10. 2 R. 2. cap. 1. See Weights.

Aurum Reginz, The Queen's Gold, Rst. Pat. 52

H. 3. m. 6. Vid, Queen-gold.

Austurcus, A Goshawk: In some Deeds there is

reserved as a Rent to the Lord, unum Aufturcum.

Amapte, 13 R. 2. sap. 1. Seems to be that which we now call Way-laying, or lying in wait to do a Mischief.
Amard. May be derived from the French Agarder,

and is properly the Judgment of one that is neither affigned by Law, nor appointed by the Judges, for the ending a Matter in controversy, but is chosen by the Parties themselves that are at variance. And may seem to be call'd an Award, because it is impos'd on both Parties, ad custodiendum seu observandum. Spelm.

Atome, Mention'd 1 Hat. cap. 33. and 12 Car. 2. cap.
4. Is a Measure of Rhenish-wine, containing forty Gallons, yet you may read in an old Printed Book these words,

The Rood of Rhenish-wine of Dordreyght

The Rood of Rhenish-wine is fifty Gallans. Item. is ten Awarnes, and every Awarne is fifty Gallons. Item, the Rood of Antwerp is fourteen Awames, and every Awame is thirty five Gallense

Atuning, A Canopy supported by Iron Staves, hanging over a Boat or pair of Oars in the River Thames. It is the common word us'd by the Sea-men for the Sail in hot calm Weather, fet transverse over the Deck for

Auxiliam ad filium militem faciendum e filiam maritandam, Is a Writ formerly 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 Aide, and F. N. B. fol. 82. But this is utterly taken away by

and F.N. B. fol. 82. Dut the state of a Statute made 12 Car. 2 rap. 24.

(f) Aurilium Curiz, A Precept or Order of Court, for the citing or convening of one Party at the Suit of another.

Vocat inde at Warantiam John Suit of Mahollam Uzorem, the Suit of another. Vocat inde at Warantiam Jo-bannem Sutton de Dudley Chevuler, & Isabellam Uzonem, ut babet eos bic in Octabis S. Michaelis, per auxitium Gurix.

Paroch. Antiq. p. 477.

Aurilium facere alieni in Curia Regie, To be another's Friend and Solicitor in the King's Court 3a Fiduciary Office folemnly undertaken by forne Courtiers, for their Dependents in the Country. 2 ant prafentes & futuri, quod Ego Bernurdus de S. Walerico, concessi Rogero de Berkley & baredibus suis auxilium

Cause; i. e. when an inseriour Tenant is impleaded, and not capable to defend the Right in his own Name, he prayeth Aid of the superiour Lord, to affish and justifie his Plea.

Johannes de Handlo implacitates de Mangin di Pidington Manerio di Pidington, dicit quod Isse non potest pradicio Priori sine isso Domino Rege respondere, & petit praditio Priori fine iffo Domino Rege respondere, & petit auxilium de iffo Domino Rege. Paroch. Aptiq. p. 414. So the Incumbent pray'd Aid of the Patron of the Church, in a Cause that affected a larger Portion of Tythes. Vid. Ayde.

Tythes. Vid. Ayde.

Y. Aurilium Regis. King's Aid, or Money levy'd for the King's use, and publick Service. Vid. Statesium.

tagium.

Aurilium Mirecomitum. The Aid or custumary Dues paid to the Sheriff, for the better support of his Office. Prior de Kime Com. Linc, tenet duas carucatas terræ in Thorpe per servitium xl denxriorum per annum, ad auxilium Viceccmitis. Mon. Angl. Tom. 2. p. 245. An Exemption from this Duty was sometime granted by the King, as a special Priviledge.

Ague, is where a particular Proprietor is impealed, and not being able to defend the thing for which he is impleaded, he prayeth Ayde of fome better able; which is perform'd two ways: First, In a Plea real, Tenens petit auxilium de A.S. sine quo respendere non potest. Secondly, in a Plea personal, and then the Desendant Petit auxilium ad manutenendum exitum.

Affris Azaldi, & alii Equi minores valoris amovendi sunt à foresta de Englewode. Claus. 4. Ed. 3.

Azozium, Azure-colour. — - Qui ibidem sodientes lapidem non modicum inventum revolverunt, sub quo locellum ligneum conspicati, convocatis Priore ac Conventu ipsum aperuit interius undique depictum, medietas cum vermiculo, altera medietas cum azorio, Eliteras, Ec. Abbat. Glaston. MS.

В.

Part. An antient fort of Veffel, or transport Ship. — Willielmus filius Willielmi Reb. to. – Willielmus filius Willielmi Bek, tenet terram saam in Lewyngburn per Serjantiam, invenien-di ad transfretationem Domini Regis unam Navem, que vocatur Baard, versus Vasconiam sumptibus suis propiiis.

Tenures, p. 62.

Tenures, p. 62.

Thata. A Hook or Link of Iron, or Staple.

In axibus emptis & carreflis axandis novem de
Tenures, p. 62.

Consuetudinarium domus de Farendon MS. penes Wh. Kennet f. 20.

Macherinde, Is a Saxon Word, and almost good English at this Day, fignifying so much as bearing upon the Back, or about a Man. Bracton useth it for a sign or circumstance of Theft apparent, which the Civior corcumnance or there apparent, which the Cronlians call Furtum manifestum; for dividing Furtum into
manifestum, & non manifestum, he defineth Furtum manifestum in this fort; Furtum verd manifestum est, ubil
latro deprebensus est seistus de aliquo latrocinio, scii
latro deprebensus est seistus de aliquo latrocinio, scii
latrocinio est seistus de aliquotus secerit per Handhabend, & Backberinde, & insequentus fecerit per aliquem cujus res illa fuerit, Lib. 3. Tract. 2 Cap. 32. Mannood in his Forest-Law, Part. 2. noteth it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Ossendor against Vert or Venison, in the Forest. For by the Assis of the Forest of Lancaster (saith he) taken with the manner, is when one is found in the King's Forest in any of these four Degrees, viz. Stable stand, Dog-draw, Backbear, and Bloody-band; in which place you may find all these interpreted. terpreted.

Barbeleria. The Commonalty as distinguish'd from Baronage. — Fistivitate S. Edmundi Regis & Confessoris, in quindenam S. Michaelis apud Westmonasterium per Dominum Regem regaliter celebrata Communitas Bacheloria Anglia fignificavit Domino Edwardofilio Re-

gis; &c, Annal. Burton. p. 426. fub an. 1259.
Batheloz, Bacchalaureus, Cometh of the French word Bachalier; that is, Tyro, a Learner: and thereupon I gather, those that be call'd Bachelors of the Companies of London, be such of each Company, as are springing towards the Bitate of those that imployed in Council, but as yet are Inferiour. For every of the Twelve Companies hath a Master, two Wardens, the Livery, and the Bachelors. I have read in an Old Monument, this word Bachelor attributed to the Lord Admiral of England, if he be under a Baron. This word is us'd, 13 R.2. Sta. 2. c. 1. and fignifieth the fame with Knight-Bachelor, 3E. 4. ca. 5. that is, a Simple-Knight, and not a Knight-Bancret. Touching the farther Etymology of this word, Baccalaurei (teste Renano) à bacillo nominait sunt, quia primi studii authoritatem que per exhibitionem baculi concedebatur jam consecuti fuissent, &c.

15 Macina, A Bason .-- Duos Margines de duabus murcis argenti, & duas bacinas argenti de sex mar-cis, duo candelabra de sedecim mercis — Hist. Elien, à D. Gale edita. p. 623. In the Inquisition of Serjancies, and Knights Fees within the Counties of Effex and Hertford, An. 12 & 13 R. Joh -– Petrus filius Petri Picot, tenent medietatem Heydene per Serjantiam serviendi de Bacinis, i. e. by the Service of holding the Bason, or waiting at the Bason, on the day of the King's Coronation.

Lib. Rub. Scatter, f. 137.

Thora, A Hog, a fat Hog, a Bacon-Hog. The word very often occurs in our Charters, and other Muniments.

when formerly made ex baculo, of Wood, or a Stick. - Hugo Episcopus Dunelmensis feceit in Ecclesia ccram Al-ri tria ex argento ba Bilia ----- in quibus lumina die tari tria ex argento bacilia . noctuque perpetuo ardentia lucerent. Coldingham Hist. Dunclm. apud Wartoni Ang. Sac. P. 1. p. 723.

Madger, Cometh from the French Bagage; that is, Sarcinia, a bundle or fardel; and thence is deriv'd Bagagier, a Carrier of bundles: It is us'd with us for one that is licenced to buy Corn, or other Victuals in one place, and carry them to another to fell; and fuch a one is exempted in the Statute made in the 5 and 6 of Ed. 6. cap. 14. from the Punishment of an Ingrosser within that Statute. See Grompton's Just. of Peace, fol.

), 70. 15 Maga, A Bag, or Purse. -- Carta Decani Ecclefia Litchfield, in Mon. Angl. tom. 3. p. 237. ducentas

marcas pecuniæ in quadam baga de Whalley.

15 15aiardour. A Carrier, or Weight or burden; Lat. Bajulator. Whence our Badgers or Carriers of Corn from one Market to another -frebant dues Incisores in suo lapicidina, & cariagium petre usque ad navim, & de navi usque dues Baiardours servitures ad Ecclesiam. Petr. Bles. Contin. Hist. Croyland. p. 120.

Wap, or Benn, Isa Pond-head made up of a great heighth, to keep in Store of Water, fo that the wheel of the Furnace, or Hammer belonging to an Iron-Mill, may stand under them, and be driven by the Water coming out of them by a Passage or Floodgate, call'd

the Penstack, and falling upon the said Wheels. This word is mentioned in the Stat. 27 Eliz. cap. 19.

15aile, (Ballium, plevina, manucaptio) Cometh of the French (bailler, tradere.) It is us'd in our Common Law properly for the freeing or setting at liberty of one arrefted, or imprisoned upon Action, either Civil or Criminal, under furety taken for his Appearance at a day and place certainly affign'd, Bratt. lib. 3. tratt. 2. cap. 8. num. 8 & 9. The reation why it is call'd Bayle, is, because by this means the Party restrain'd is deliver'd into the hands of those that bind then selves for his forth-coming : There is both Common and Special Bail; Common Bail, is in Actions of small concernment; and is call'd Common, because any Sureties in that case are taken; whereas upon Causes of greater weight, or apparent speciality, Special Bail or Surety must be taken, as Subsidy-men at the least, and that to the value. Mannood in his Forest-Laws, Part 1. p. 167, makes a great difference between Bail and Mainprise; saying, He that is Mainprised, is always said to be at large, and to go at his own Liberty out of Ward, after that he is let to Mainprise, until the day of his Appearance, by reason of the said Common Summons, or otherwise; but it is not so, where a Man is let to Bail by sour or two Men, by the Lord Chief Justice in Eyre of the Forest, until a certain day, for there he is always accounted by the Law, to be in their Ward and Custody for the time: And they may, if they will, keep him in Prison, or Ward during that time. So that he ment; and is call'd Common, because any Sureties in him in Prison, or Ward during that time. So that he which is so bailed, shall not be said by the Law to be at large, or at his own Liberty. See Lam. Eiren, lib. 3. cap. 2. pag. 330. Bail is also a certain limit within the Forest, according as the Forest is divided into the particular charges of several Foresters, Cromp. in the Oath of Bow-bearer, fol. 201. See Mainprise, and 4 Inft. fol• 178.

15ailment, Is a Delivery of things, whether Writings, Good, &c. to another, fometimes to be deliver'd back to the Bailor; that is, to him that fo deliver'd it fometimes to the use of the Bailee, that is, of him to whom it is delivered; and sometimes also it is deliver'd to a third Person: This delivery is call'd a Bailment.

Bayliff, (Balliums) Cometh from the French word

Baylif, that is, Prefellus Provincie, and as the Name, so the Office it self in antient time was answerable to that of France and Normandy: For as in France there be feveral Parliaments, which being Courts, from which lies no Appeal, and within the Precincts of the feveral Parts of that Kingdom, that belong'd to each Parliament, there be several Provinces, unto which, within themfelves, Justice is Ministred by certain Officerscall'd Bailiffs. Soin England we see many several Counties or Shires, within the which Justice hath been Ministred to the Inhabitants of each County, by the Officer whom we now call Sheriff or Viscount: the one of which Names descends from the Saxons, the other from the Normans. And I cannot exprestly prove, that this Sheriff was ever call'd a Bayliff; yet it is probable, that might had been one of his Names, because the County is many

times call'd Balliva, a Bayliwick: As in Return of a Writ, where the Person is not arrested, he saith, Infranominatus A. B. non est inventus in baliva mea, Kitchin nominates A. B. non est inventes in bailva mea, Ritcoin Ret. Brev. fol. 287. And again, in Bracton, lib.3. tract. 2. cap. 33 num. 3. and 5 Eliz. 23. and 14 E. 3. Stat. 1. cap. 6. And, I think the word Bayliff us'd cap. 28. of Magna Charta, compriseth as well Sheriffs, as Bayliffs of Hundreds. So 14 E.3. Stat. 1. cap. 9. But as the Realm is divided into Counties, so every County is again divided into Hundreds within which it is manifest. That ed into Hundreds, within which it is manifel, That formerly the King's Subjects had Justice ministred to them by the several Officers of every Hundred, which were call'd Rayliffs. See Lupanus de Magistrat. Francor. lib. 2. cap. Ballivi. And the Grand Custumary of Norlib. 2. cap. Ballivi. mandy, cap. 1. And the truth hereof Braction attests, lib. 3. tract. 2. cap. 34. num. 5. Where it appeareth, That Bayliffs of Hundreds might hold Plea of Appeal and Approvers. But fince that time, these Hundred-Courts (certain Franchi es excepted) are by the Statute of 14 E. 3. Stat. 1. cap. 9. diffoly'd in the County-Courts, as you read in County and Hundred. And the Bayliffs Name and Office is grown into such contempt, that now they are only Officers to serve Writs, and do such base Offices within their liberties, Cromp. Just. of Peace, fol. 49. a. Yet is the Name still in good esteem otherfol. 49. d. Yet is the Name itill in good ence in our wife, for the chief Magistrates in divers Towns be call'd Bayliss; as in Issue, Tarmouth, Colchester, and other places: And there be other to whom the Custody of his Castles, which are call'd King gives the Custody of his Castles, which are call'd Bayliss, as the Bayliss of Dover Castle.

These ordinary Bayliss are of two forts; Bayliss Errants, and Bayliss of Franchices: Bayliss Errants, Ballivi Itinerantes, be those which the Sheriff maketh and appointeth to go hither and thither in the County to serve Writs, to summon the County, effions, Assizes, and such like. Bayliffs of Franchises, Ballivi Frachefarum aut Libertatum, be those that be appointed by every Lord within his Liberty, to do such Offices within his Precincts, as the Bayliff Errant doth at large in the County. Of those, read Sir Thomas Smith, De Rep. Augl. lib. 2. cap. 16. There be also Bayliffs of the Fo-Augl. lib. 2. cap. 16. rest, Manwood part 1. pag. 113. There be likewise Bayliss of Husbandry, belonging to private Men of great Substance, who seem to be so call'd, because they dispose of the Under-Servants, every man to his Labour and Task, check them for missioning their Business, gather the Profits to their Lord and Master, and deliver an Account for the same at the Year's end, or otherwife, as it shall be call'd for: The Office or duty of a Bayliff of a Mannor, or Houshold, (which in ancient time seemeth to have been all one) Fleta well describeth, lib. 2. cap. 72, 73: This word is also us'd in the Canonlib. 2. cap. 72, 73. This word is also used in the Canon-Law, cap. Dilecto de fent. Excom. in sexto, & c. 1. de panis in clement. where the Glossographer saith, it is a French word, signifying as much as Prapositus; and Balliva and Ballivatus is us'd among our Interpreters of the Civil and Canon-Law for Provincia as Balliva here with us in England, is taken for a County or Shire.
Bailiff of the Poot. See Most.

Thairman, A poor infolvent Creditor lest bare and naked. — Stat. Will. Reg. Scot. cap. 17. Bairman, qui debet fieri, jurabit in Curia quod nibil babet ultra 5 solidos & 5 denarios.

Bale, A Pack, or quantity of Goods or Merchandise; as a Bale of Silk, Cloth, &c. The world is us'd in 16 R. 2. cap. 1. and still in use.

13 Jenuary. By the tratute of 28 HG. cap. 5 seems to

Bilenger, By the statute of 28 H6. cap. s. seems to be a kind of Barge, Boat, or Water-Veffel.

Thaleuga. A Territory or Precinct. — Cum tall libertate quad per totam Baleugam posit capere for is, fastum suum. Carta Hen. 2. recorded in the Dutchy-Office. See Bannum and Banleucum.

Balistarius, A Balistar, or Cross-bow Man

Gerard de la Wair is recorded to have been Balistarius Domini Regis. 28, 29 Hen. 3, n. 25. So Walterus de Moseley, Com. Sur. tenet terras per Serjantiam existendi Balistarius Domini Regis in exercitu suo, per zl dies, Anno

32 H.3.

17 Ballance of Crade. A Computing the value of all Commodities which we buy from Foreigners, and on the other side, the value of our Native Produations, and over-plus of Foreign Goods, which we oxport into Neighbour-Nations. And the difference or excess between the one side and the other of such Account or Reckoning, is called The Ballance of Trade. Which excess can be answer'd by us in nothing but our Coyn or Bullion. The over-plus of Goods brought from our Colonies in America, and other Foreign parts, with which we supply'd our Neighbours, did in time of Peace at least ballance our Trade

Baltha, In the Statute of Malbridge, 52 H. 3.cap.2. it is faid,--ubi Balivam babeat vel Jurisdictionem. Here Baliva is well expounded by the Statute it felf; for in

this place it signifies Jurisdiction, Co. Inst. fol. 105.

Dalibo amobendo, Is a Writ to remove a Baylist out of his Office for the Company of the Company o

out of his Office, for want of sufficient living in his Balliwick, Reg. Orig. fol. 78.

Balkers or Balkors. See Conders.

Baller, to deliver, or commit. Ballious was the Person to whom an Authority or Trast was committed within such a District whose District within such a District whose District within such a District. Balliva was the whole District, within which the said Trust was to be executed. A whole County was fo call'd, in respect of the Sheriff, infra Ballivam tuam. A whole Barony in respect of the Lord or Baron; a Hundred in respect of the Chief-Confable; a Mannor, in respect of the Steward: a Circuit of Vil-

lages and Hamlets, with respect the Capital Mannor.

13 15allium, Bail, or Delivery out of the hands of a proper Bayliff or Keeper, of the Goods so deliver'd. Catalla Felonum per visum & ballium Coronatorum tradantur. Cart. 3 Ed. 1. ex Cartular, Radinges, MS. fol.

156. b.

Balls. It hath been sometimes the English Cuftom to cast Lots by Balls. As A. D. 1593. 14 Apr. De-canus Ecclesia Wellensis & Canonici Residentiarii miserunt Sortes pro Beneficiis, communiter nuncupat. Balls.

Registr. Cartar. penes Decan. & Capit. Well.

Ban or Bans, Banum fignifieth a publick Notice given of any thing. The word is ordinary among the Feudifis, and grown from thence to other uses; as to that which we here in England call a Proclamation, whereby any thing is publickly commanded or for-bidden: Vincent. de Franchis. descis 25 t, 6 360. Hotto-man verbo Bannus, in verbis Feudalibus, saith, That there is both Bannus and Bannum, and that they signific two divers things. But in England we use this word Bans, especially in publishing of Matrimonial Contracts in the Church before Marriage That is a Man can for a wellthe Church, before Marriage, That if a Man can fay ought against the intention of the Parties, either in respect of Kindred, Percontract, or otherwise, they may take their Exception in time. And in the Cannon-Law, Banne sunt Proclamationes Spons & Sconfa, in Ecclesis steri solita, Cap. 27. Extra despons. & C. Yet our word Banning seems to come from thence, being an Exchamation against, or Curfing of another. Bracten in one place mentions Banaus Regis, for a Proclamation, or Silence made in Court by the Cryer, before the meeting of Champion to a Combat, Lib. 3. traff. 2. cap. 21. In ter-ra ditionis sue Bannum, id est, interdictum mist, quod est Prohibitio, Gc. Histor. Norman. Edit. 1619. Fol.

Bandoze, A Musical fort of Instrument with Strings, first invented by John Rose Citizen of London, living in Bridewell, the 4th of Qu. Elizabeth. See Store Annal. p. 869.

Mane,

Mane, Proceeds from the Saxon Bana, a Murderer; and fignifies the destruction or overthrow of any thing, Bract. lib. 3. tract. 2. cap. 1. nu. 1. He which is the caute of another Man's Death, is faid to be le Bane, a Malefactor. So when a Man receives a Mortal Prejudice by any thing, we commonly fay, Such a thing was his

Maneret, Bannerettus, Miles Vexillarius, Skene's Opinion seemeth to be compounded of Banner and Rent. But Cambden in his Britannia, pag. 109. derives it from the German Banner-beyres. Sir Ibo. Smith, lib. de Rep. Angl. cap. 18. faith, That a Baneret is a Knight made in the Field, with the Ceremony of cutting off the point of his Standard, and making it as it were, a Banner: And accounted so honourable, that they are allowed to display their Arms in the Field in the King's Army as Barons do. These are Camden's words, loco supra citato; Banneretti, cum Vassalorum nomen jam desierat, à Baronibus secundi erant; quibus inditum nomen à Vexillo, concessum illis erat Militaris virtutis erga quadrato Vezillo, (perinde ac Barones) uti, unde &
Equites Vexillarii à nonnullis vocantur, &c. Of creating
a Knight Bancet read M. Segar-Norveu his Book lib a a Knight Bancret, read, M. Segar-Norroy his Book, lib. 2. That they be next to Barons in Dignity, apcap. 10. pears by the Statute, 14 R. 2. 11. and by 5 R. 2. Stat. 2. cap. 4. It may be conjectured, That they were anciently call'd by Summons to the Court of Parliament. And 13 R. 2. Stat. 2. cap. 1. we find, That a Baneret for praying a Pardon for a Murderer, is subject to all one Punishment with a Baron. Henry the Seventh made divers Banerets upon the Cornifb Commotion, an. 1495. See further Selden's Titles of Honour, fol. 799. and Co. Inft. 4. fol. 6.
16unt, Bancus, Cometh of the French Banque, i. e.

Mansa. In our Common-Law, it is most usually taken for a Seat or Bench of Judgment; as Bank le Roy, the King's Bench; Bank de Common Plees, the Bench of Common-plees; Kitchin, fol. 102. call'd also in Latin Bancus Regis, & Bancus communium placitorum, Cromp. Just. fol. 67 & 91. Cambden also in his Brit. calls them Bancum Parism la Bancum Communium. There is any Bancum Regium, & Bancum Communem: There is another fort of Bank, which fignifies a place where a great fum of Mony is let out to use, return'd by Exchange, or otherwise dispos'd to Profit. His Banci, was of old allow'd to the Judges of the Superior Courts, for Inferior Courts were not allow'd that Priviledge. See

Free-bank and Free-bench.

Bankers. The Usurers and Mony'd Goldfiniths first got the Name of Bankers, in the Reign of
Ch. 2. as by the words of an Act of Parliament, An. 22, 23 Car. 2. Whereas several Persons, being Goldsmiths, and others, by taking or borrowing great sums of Mony, and lending out the same again, for extraordinary hire and profit, have gain'd and acquir'd to themselves the Reputa-

tion and Name of Bankers, &c.

13 Bancus, A Stall, a Bench of Table, on which
Goods are exposed to fale. As Lib. Dooms day, In –Comes de Moritanio babet ibi xiv Eboraco Civitate mansiones, & duos bancos in macello, & Ecclesiam Santia

Bancalia, Cushions, or like Coverings of ease and ornament, for Beaches or other Seats. Eliensis contulit unum derfale magnum & pulcrum, cum tapetis de bancalibus ejusidem sessia. — de quibus jam funt pro magno Altari de Altari in Choro, de bancalia super formas in Coro sternenda in Fistis principalibus. Historic Elien. apud Wharteni, Ang. Sacr. P. 1. p. 649.

"Banbrupt, Quasi Bancus ruptus, or Banbrupt; because when the Bank or Stock is broken, or exhasted, the Owner is said to be a Bankrupt. The Composition of the French word. I take to be this. : Banque, that is

of the French word, I take to be this, ; Banque, that is, Menso; and Route, that is, Vestigium, Metaphorically taken for the fign left in the Earth, of a Table once

fastened into it, and now taken away. So that the Original seemeth to be drawn from those Roman Mensarii, which, as appeareth by many ancient Writers, had their Tabernas & Mensas, in certain publick places, where they fled, and deceiv'd Men that had put them in trust with their Money, they left but the Signs or Carcaffes behind them. But Bankrupt with us signifies his or her act, that having gotten other Men's Goods into his hands, hideth himselt in places unknown, or in his own private House, not mirding to restore to his Creditors what is due to them. In the Statute made 34 H. cap. 4. the French word Banque Route fair, is hterally translated to make Bankrupt. And by 1 Jac. cap. 15. a Bankrupt is thus decribed: All and every fuch Person using, cr that shall use the Trade of Merchandise, by way of gainning, Exchange, Bartery, Chevisance, or otherwise in Gross, or by seeking his, her, or their Trade of Living, by Buying and Selling; and being a Subject born within this Realm, or any the King's Dominions, or Denizen, who at AREAIM, or any the King's Dominions, or Denizen, who at any time fince the first day of this present Parliament, or at any time bereaster shall depart the Realm, or begin to keep his, ber, or their House or Houses, or otherwise, to absent him, or her self, or take Sanctuary, or suffer him or her self willingly to be arrested for any debt or other thing not grown or due, for Money delivered, Waves sold, or any other wife or lawful cause, or anod confideration or purpose. other just or lawful cause, or good consideration or purpose, or hath, or will suffer him or her self to be outlawed, or yield him or her felf to Prison, or Willingly, or fraudulently bath, or shall procure him or ber self to be arrested, or his, or her Goods, Mony, or Chattels to be attached or fequestred, or depart from his or her Dwelling-house, or make, or came to be made any fraudulent Grant, or or make, or came to be made any fraudulent Grant, or Conveyance of his, her, or their Lands, Tenement, Goods or Chattels, to the intent, or whereby his, her or their Greditors, being Subjects born, as aforefaid, shall, or may be defeated, or delay d for the recovery of their just and due debts; or being arrested for Debt, shall after his or her Arrest, lye in Prison six Months, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lie in Prison six Months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt, to all intents and purposes. But the later AP 14 Car 2 (1922) hash and purposes. But the later A&, 14. Car. 2. cap. 23. bath provided, that no Person whatsoever, who shall adventure in the East-India or Gainey-Company, or in the Royal Fishing Trade, shall be esteemed a Merchant or Trader within any Statute of Bankrupt, or lyable to the fame.

A Manni Muptialea. The Banns of Matrimo--Benedictus de Hertelpool, prasentatur ad Ecclesiam de Rungeton per Priorem & Conv. Duncim. 3 Id. Novemb. 1274. per emotionem Johannis de Baulton, qui Matrimonium contraxit cum isabella de Aslakeby, Bannis editis in facie Ecclesia, ut moris est de Goldburg. Regist. Walt. Gistard. Archiep. Ebor.

15 Mannimus. The Form of Expulsion of any Member, from the University of Oxford, by affixing the Sentence in some publick places, as a Denunciation or Promulgation of it.

Vobis pracipinus quod eidem Cancellario ad inse, quendum, arrestandum & capiendum dictos Malefallores & Barnitos, &c. Pat. 15 Ed. 3. Part. 3. doss. 8.

Banniatus fortis. In the fame fense as Bannie tm, Outlaw'd, or judicially banish'd. ₹ Ego David Filim Leolini concess Domino Henrico Regi Angliæ -- quod de extero non receptabo Utlagos, vel Forisbanniatos ipfus Domini Regis, vel Baronum suorum. Pat.

25 Hen. 3. apud Brady Hitt. Angl. Append. p. 196.

15 Annum, bet Hanleuga. The utmost bounds of a
Mannor or Town, so us'd 47 Hen. 3. Rot. 44. Carta, Use. Notum facio, me eleemofinam nostrum Christo concessis. Is omnibus Sanclis suie, &c. viz. primo Terram illam à Twiwella ufque Therney, ubi Bannung noftrum ceff.it.

Maniff

Binishmertt, Exilium, Abjuratio, Cometh of the French word Banissement, and hath a signification known to every Man. But there be two kinds of Banishment in England; one Voluntary, and upon Oath, whereof you may read Abjuration; The other upon Compulsion, for some Offence or Crime. As if a Layman fuccour him that having taken Sanctuary for an Offence, obstinately resuleth to abjure the Realm, he shall lose his Life and Member. If a Clerk do so, he shall be banish'd, Stamf. Pl. Cor. fol. 117. This punishment is also of our Modern Civilians call'd Bannimentum, which was anciently term'd Deportatio, if it were perpetual, or Religatio in Insulam, if for a time, Vincent. de Franchis, Pet. de Belluga in suo Speculo, fol. 125. nu. 4.

Baratos, See Barretor.

Barberies, (Oxycantha) A Thorny Shrub, known to most Men to bear a Berry or Fruit red, and of a sharp Taste. These Berries, as also the Leaves of the said Tree, are medicinable, as Gerrard slieweth in his Herbal, lib. 3. cap. 21. you find them among Drugs

to be garbled, Anno 1 Jac. cap. 9.

**Barbican, Barbicanum A Watch-Tower, or Bulwark, Mandatum est, Uc. Custodi Casiri Regis & Honoris
de P. quoddam Barbicanum ante portam. Uc. & in ecde P. quodam Barbicanum ante portam. Oc. O in codem Barbicano quandam portam cum ponte versalitili, de
novo facere, doc. T. Rege 10 Aug. Claus. 17 E. 2. m. 39.

Barcatia, Burcaria, A Barkary, or Tanhouse, or place to keep Bark for the use of Tanners.

New Book of Entries, tit. Affe, Corp. Polit. 2.

Bercarium, Barcaria, A Bergbery, a Sheepcoat, and sometimes a Sheep-walk. See Bercaria.

Berrarif, or rather Berquarif, May be taken for Shepherds; for we usually say, Berecarium a Shepherd, and both seem to come from the French word Beragier. Bard alias Beard. See Clock.

Bargain and Sale, As it feemeth by West. Symb. Par. 1. Lib. 2. Seft. 436. is properly a Contract made of Mannors, Lands, Tenements, Hereditaments, and other things transferring the Property thereof from the Bargainor to the Bargainee; whereto the Author of the New Terms of Law addeth, That it ought to be for Mony; fay withall, that it is a good Contract for Land, &c. and that Fee-simple passeth thereby, tho' it be not faid in the Deed, To Have and to Hold the Land to him and his Heirs: And tho' there be no Livery and Seifin, made by the Vendor, 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 fix Months after the date

of the Deed, according to 27 H. 8. cap. 16.

Barillus, Barillum, A Barrel. — Et propter banc donationem prædictus Thomas dedit unum barillum vini, & Cartular. Hen, de Oilly, temp. Hen. 2.

Baton, (Baro) Is a French word, and hath divers Significations here in England. First, It is taken for a Degree of Nobility next unto a Viscount, Brass. lib. 1. cap. 8. num. 4. saith, They are call'd Barones, quasi robur Belli. And in this signification it is borrow'd from other Nations, with whom Baronia be as much as Provincia, Petr. Belluga in specul. Princip. fol: 119. So then
Barons seem to be such, as have the Government of Provinces, as their Fee-holden of the King; some having
greater, some lesser 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
Significates as we now call Court-Barons, as they be at Signiories, as we now call Court-Barons, as they be at this day in France call'd Seigneurs, that have any such Mannor or Lordship. And the Learned in Antiquities have affirm'd, That soon after they Conquest, all such came to the Parliament, and sate as Peers in the Upper-House. But when by experience it appear'd, that the Parliament was two much pefter'd by fuch multitudes, it grew the custom that none should come, but such

as the King for their extraordinary Wildom and Quality, thought good to call by writ; which Writ also then ran (bac vice tantum.) But then Men seeing this Estate of Nobility to be but casual, and to depend meerly upon the Prince's Pleasure, they sought a more certain Hold, and obtain'd of the King Letters Patent, to settle such Honour upon them, and their Heirs Male, and these were intituled Barons by Patent, or Creation, whose Posterity be now by Inheritance, and true Descent of Nobility, those Barons that be call'd Lords of the Par-liament, of whom the King may create at his Pleasure. Yet nevertheless, there are Barons by Writ, as well as by Letters Patent, and they may be discern'd by their Titles; because the Barons by Writ are those that to the Title of Lord, have their own Sirnames annex'd, whereas Barons by Letters Patent are nam'd by their Baronies. These Barons which were first made by Writ, may now justly be call'd Barons by Prescription, for that they have continu'd Barons by themselves and their Ancestors, beyond the memory of Man. Original of Barons by Writ, Cambden in his Brit. Pa.
109. referreth to Henry the Third. Barons by Letters
Patent, or Creation (say our Antiquaries) commenced in the time of Richard the Second; the manner of whose Creation, read in Stop's Annals, p. 1121. Selden's Titles of Honour, fol. 687. Ferne's Glory of Generolity, p. 125, 126. Skene de verb. Sign. tit. Baro: And Sir Tho. Smith, lib. 1. de Rep. Ang. cap. 17. faith, That none in England is treated a Baron, unless he can dispend 1000 li. per Annum, or at least a 1000 Marks. To these Segar (by Office Norroy) lib. 4. cap. 13. Of Honour Civil and Military, addeth a third kind of Baron, calling them Barons by Tenures; and those be the Bishops of the Land; all which, by virtue of Baronies annex'd to their Bishopricks, have always had place in the Upper-House of Par-liament, and are term'd Lords-Spiritual.

A

Baron in the next Signification, is an Officer, as Barons of the Exchequer be to the King, of which the Principal is call'd Lord Chief Baron (Capitalis Baro) and the three other (for so many there be) are his Assistants in Causes of Justice, between the King and his Subjects, touching Causes appertaining to the Exchequer. The Lord Chief Baron is at this day the chief Judge of the Court, and in matter of Jaw Information and Plant Court, and in matter of Law, Information, and Plea, answereth the Bar, and giveth Order for Judgment thereupon. He alone in the Term-time doth fit upon Niss prim, that come out of the Kings Remembrancers Office, or out of the Office of the Clerk of the Pleas, which cannot be dispatcht in the Mornings for want of time. He taketh Recognizances for the King's Debts, for Appearances and observing of Orders. He taketh the Presentation of all Officers in Court under himself; and of the Mayor of London, and sees the King's Remembrancer give them their Oaths: He taketh the Declaration of certain Receivers, Accounts of the Lands of the late Augmentation made before him by the Auditors of the Shires; and gives two Parcel makers places by vertue of his Office. The Second Baron, in the absence of the Lord chief Baron, answers the Bar in matters aforefaid. He also taketh Recognizances for the King's Debts, Appearances and observing of Orders: He giveth yearly the Oath of the late Mayor and Eascheator of London, for the true Account of the true Profits of his Office: He taketh a Declaration of certain Receivers Accounts. He also examineth the Letters and Sums of such Sheriffs foreign Accounts, as also the Accounts of Escheators and Collectors of Subsidies and Fifteents, as are brought unto him by the Auditors of the Court. The Third Baron, in the absence of the other two, answereth the Bar in matters aforesaid, and taketh Recognizances as the former. He giveth yearly the Oath of the late Mayor and Gawger of London for his true accounting. He also taketh a Declara-

tion of certain Receivers Accounts, and examineth the Letters and sums of such of the former Accountants as are brought unto him. The Fourth Baron is always a Cursitor of the Court, and hath been chosen of some one of the Clerks of the Remembrancers Offices, or of the Clerks of the Pipes Offices: He at the Day of Prefixion, takes Oath of all High-Sheriffs, and their Under-Sheriffs, and of all Eicheators, Bayliffs, and other Accountants, for their true Accounting. He taketh the Onerins, and or all Eicheators, Baylins, and other Accountants, for their true Accounting. He taketh the Oath of all Collectors, Controulers, Surveyors, and Serchers of the Cuftom-Houses, that they have made true Entrances 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 Court in any matters concerning the Kings Proposition. any matters concerning the King's Prerogative: He likewife, as the other Barons, taketh the Declaration of certain receivers Accounts, and examineth the Letters and Sums of such of the former Accountants as are

and Sums of such of the former Accountants as are brought unto him.

These Barons of the Exchequer are ancient Officers for I find them nam'd, Westm. 2 cap. 11 Anno 13 E. 1. and they be call'd Barons, because Barons of the Realm were wont to be employed in that Office, Fleta lib. 2 cap. 24. Sir Tho. Smith saith 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 Causes appertaining to the King's Profits, coming into the Exchequer by any means. This is proved in part by the Statutes of 20 E. 3. cap. 2. 27. E. 3. Stat. 2. cep. 18. 5 R. 2. Stat. 1. cap. 9. and 12. and 14. R. 2. 11. And hereupon they have of late been Men scarned in the Common Laws of the Realm, whereas in ancient time they were others, viz. Majores & discretiores in in the Common Laws of the Realm, whereas in ancient time they were others, viz. Majores & discretiores in Regno, five de Clero essent, sive de Curia. Ockham in his Lucubrations, De Fisci Regii ratione. Horne's Mirror of Just. haith, That the Barons were wont to be two, and they Knight. Cap. de la place l'Escheker.

There are also Barons of the Cinque Ports; 31 E. 2. 3.2. and 33 H. 8. cap. 10. which are two of every the seven Towns of Hastings, Winchelsea, Rye, Rumney, Hithe, Dover, and Sandwich, that have places in the Lower-House, Cromp. Jur. fol. 28.

Baron in the Third Signification, is us'd for the Husband in relation to his Wise, which is so ordinary in all Law-Books written in French, that it would be vain to mention any one.

mention any one.

The Chief Magistrates of London were also call'd Ba-The Chief Magnitrates of London were also call'd Barrons, before they had a Lord-Mayor, as will appear by feveral ancient Charters, particulally one of H. 3, in these words, Henricus Rex. Sciatis nos concessis to be prasenti Charta nostra confirmasse Baronibus nostris de Civitate London, quod eligant sibi Mayer de scipsis singulis annis, &c. See Spellman's Gloss. at large upon this word. word.

Baronet, Baronettus, Is a Dignity or Degree of Honour, and hath precedency before Banerets, Knights of the Bath, and Knights Bachelors, excepting only such Banerets as are made sub Vexillis Regis in aperto Bello, & ipso Rege personaliter prasente. This order was erected by King James, 1611. as may appear in Rot. Part. 10. Fac. per 10.48. & & 14. Fac. Part. 2. 18. 24. with an Habendum sibi & Heredibus masculis. Therefore we may believe, that where the word Barenets is mentioned in that where the word Baronets is mention'd in

believe, that where the word Baronets is mention'd in our Old Statutes, and ancient Authors, it is mistaken for Banerets, 2. Inst. fol. 667. And Selden's Titles of Honour, fol. 736.

Barong, (Baronia Baronagium,) Is that Honour that gives Title to a Baron, under which Notion are contain'd not only the Fees and Lands of Temporal Barons, but of Bishops, who have two Estates, one as they are Spiritual Men, without Possession, as was the Tribe of Levi among the Israelites, being sustain'd only by the First-Fruits and Tenths of the other Tribes,

Fosh. ca. 13 Ner. 14. The other respect they have groweth from the Bounty of our English Kings, whereby they have Baronies at the least, and by that are Lords of Parliament. This Barony (according to Brast. lib. 2. cap. 34.) is a right invisible, and therefore if an inheritance to be divided among Coparceners, tho some Capital Messuages may be divided, yet, Si capitale Messuagium sic caput Comitatus, vel caput Baronia: he saith They may not be parcell'd. The reason is, Ne sic caput per plures particulas dividatur, & plura Jura Comitatuum & Baroniarum deveniant ad nibilum, per quod desiciat regnum, quod ex Comitatibus & Baroniis dicitur esse constitutum. There are other Barons which bear that Title to this day, but are no Barons of Parliament. Such were those constituted by Hugh Lutus Earl of Cheser, in the County Palatine there; as the Baron of

Such were those constituted by Hugh Lutus Earl of Chefier, in the County Palatine there; as the Baron of Malpas, the Baron of Kinderton, &c.

**Tharraria, A Hedge or Fence for a Barrier, or Mound in Land. —— dedimus quietantiam Fratribus S. Johannis Jerusalem, de purprestura inter metas Haize de Halewode, in Nottingham scire apud. Winkebiri de vii acris is dimid. Is de situ Barraria sue, is de vasto Communis bosti, ———Cart. Ric. Reg. 1.

**Tharra Auri, vel Argenti: A Bar of solid Metal.

Marre, Barra, Cometh of the French (Barre) or Barriere, that is, Repagulum, Obex, Velib. In the Legal lense, denotes a peremptory Exception against a Demand or Plaint, and is by the Author of the Terms of the Law faid to be fuch a Plea, as is sufficient to destroy the Action of the Plantiff for ever : And is divided into a Barre to common Intendment, and a Barre Special. A Barre to common Intendment is an Ordinary or General Barre, that ordinarily disableth the Declaration or Plea of the Plantiff. A Barre Special, is that which is more than ordinary, and falleth out in the Cafe in hand, upon fome special Circumstance of the fact, Plow. Com. Colthirse's fome special Circumstance of the fact, Plow. Com. Collings Scale, fol. 26. a.b. As for Example, An Executor being sued for his Testator's Debt, Pleadeth, That he had no Goods left in his hands at the day the Writ was taken out against him: This is a good Barre to common Indentment, or (prima facie.) But yet the Case may so fall out, that more Goods might fall to his hands force that time; which if the Plantis on Any hands fince that time; which if the Plantiff can shew by way of replication, then except he have a more especial Plea or Barre to be alledg'd, he is to be con-demn'd in the Action. See also Plon. de casu supra citato fol. 28. and Bro, tit. Barre, num. 101, and Kitchin, fol.

Barre also in the same Signification, is divided into Barre Material, and Barre at large, Kitchin fol. 68. A Barre Material, as it seemeth, may be otherwise call'd a Barre Special: As when one in the stop of the Plaintiffs Action, pleadeth some particular matter, as a Defect from him that was the undoubted owner, a Feoffment made by the Ancestor of the Plaintiff, or such like. A Barre at large is, when the Tenant or Defendant, by way of Exception, doth not traverie the Plaintiffs Title, by Pleading Not-Guilty, nor confess or avoid it, but only making to himfelf a Title in his Barre. As if in an Affice of Novel Diffeisin, the Tenant Plead a Feoffment of a Stranger unto him, and gives but a colour only to the Plaintiff; of this, there may be an Example found, 5 H. 7. fol. 29. Barre is also in regard of the Effect, divided into Barre Perpetually, and Barre pro tempore: Perpetual is that, which overthroweth the Action for ever. Barre pro tempore is that, which is good for the present, and may sail hereaster. See Brook, tit.Barre nu. 23. where he saith, That to plead Plene administravit is good, until it may appear, that more Goods come to the Executor's hands afterward: which also haldeth for an Heir, that in an Action of his Ancestor's Debts, Pleadeth Riens per descent. This word is also us'd for

a Material Barro, as the place where Serjeants or Counbilloss stand to plead Caules in Court, or Priloners to anfwer to their Indictment; from which our Common Lawers are term'd Barrillers. Anno 24 H. 8. cap. 24.

Lawers are term a Barriffers, Anne 24 H. 8. cap. 24.

Bernates or Hernetes, (Bareflater, French Barateur) a Deceiver; Signifies a common Wrangler, that festeth Men at odds, and is himself never quies, but at Brawl with one or other. To this effect you may read Lemb. Eiren, P. 342. who faith also, That Barator may feem to be derived from the Latin Barator, or Balateur, that is, a vile Knave, or unthrift; and by a Metapher a spot in a Common-wealth. See the Statue of Champerty, 33 Edw. 1. Stat. 2. cap. unice, and Well. 1. cap. 32. An. 3. B. 1. Mr. Shene di Verb. significate. Barratry, saith, That Barrators by Symonists, so called of the Italian word Barrataria, signifying Corruption or Bribery in a Judge, giving a falle Sentence for Mony; whom you may read more at large, as also Hortensus Canadeanus, in his Trust. de Brachie Regn. 24. 4. ms. 66. Sen also Egidius Bussus in prastica criminati tit. de Officialing aerrupt. 156, ns. 2. 86. & Co. 11b. 8; fol. 36, 37.

Barraster.

Rarifler.

Marke: Hee, Is a Fee of Twenty Pence, that every Primeer acquisted of Felany payeth to the Goales, Crom.

Mile of Peace, f. 138.b. Sec. 21 H. 7. 26. h.

Marral, Is a Measure of Wine, Oyl, Sec. containing the eighth part of a Tup; the fourth of a Pige, and the feeopd of a Hogshead, that is, thirty one Gallons and an half, A.B. 3. east 13. But this Vessel seemeth not to contain any certain quantity, but different according to the Liquon: For a Barrel of Beer containests Thirty fix Gallons, and a Barrel of Ale but Thirty two, Anno 28 H. 8. cap. 4. and by 12 Car. 2. cap. 23. The faid Affile of Thirty two Gallons of Wine Measure, which is about Twenty eight Gallons of Old-Standard, well pack d, containing in every Barrel usually a Thousand full Herrings at least, is, and shall be taken for good, true, and lawful Assure of Horring burnels. Anno 23. Bligs. c. 11.

Bergieres, Cometh of the French word Barres, and fignificth with us that which the French Men call Jes de Barces, i. e. Palastrans, a Martial Sport or Exercise of Men Armed, and fighting together with short Swords, within-certain Barres or Lists, whereby they are separated from the Spectators: It is now grown

out of use here in England,

Y Marretto; A large Hillock or Mount of Earth,
rais'd or cast up in many, especially the Western Parts
of England, which may seem to have been a mark of
the Roman Tunnis, or Sepulchres of the Dand. From
the Sanon Beerg, a rais'd heap-of Earth; or sucher from
Rearn; Beerg, which was commonly taken for a Grove
or tost of Trees on the top of a Hill. See Mr. Kennets
Glossy to Paroch; Aprig., in the word Barren.

Marter, May probably be derived from the French Basator, Circumvenire. It fignifieth in our Books Exchange of Wares for Wates, Anno I R. 3. cap. 9. And fo the Substantive (Bartry 13 Eliz. cap. 7. The reason may be, because they that chop and change in this manner, do endeavour for the most part, one so over-reach and circumvent the other.

Barton, Is a Term used in Devenshire, and other parts, for the Demelne Lands of a Mannon; sometimes for the Mannor-House it self; and in some places for Qut-Houses and Rold Yards. In the Stat. 2, and § E.6. csp. 12. Barton Lands and Demesne Lands, are us'd as Synonyma's. See Barton.

by Tenure of a bare Military. Fee, as diffinguish'd from Barons and Banerets, who where the Chief or Superior Knights. Hence we now call our bare simple Knights, inferior to Baronets, &c. Knight-Bachellers, & e. Bas

Chevaliers, which in all likelihood gave name to the A-cademical Degree of Buchellers, as a Quality lower than that of Markers and Doctors. So in France they call the Suburbs the bas Ville, or the inferor Town. See Mr. Krance's Gloffary to Parpole Antiquia uses.

Bote Court, is any inferior Court, that is not of Record, as the Court-Baron, &c. Of this read Kitchin, fel. oc. of the

Base Hee. Vide Bis Estate.

Base Hee. Vide Bis Estate.

Base Hes. Vide Bis Estate.

Base Heart, is in true Prench Bas Estate. It significant that the Prench Base Tenants have in their Land. Now Base Tenants, be they (according to Lambard, in his Emplicacion of Suxon words, werb. Paganus,) which perform to their Lords Services in Villenage. The Author of the Terms of Lavrs, saith, That to hold in Fee Base, is to hold at the will of the Lord, Kitchin, fol. 41. makes Base-tenure and Pranck tenure, to be contraries, and pasts Copy-holder in the number of Base Tenants; whence it may probably be conjectured, but very Base Benard holdeth at the will of the Lord, but yet that there is a difference between a Base Estate, and Villenage; which Erest in his Nat. Brev. fol. 12 seemeth to intermingle. For to hold in Villenage, is to do all that the Lord will command. So that a Copyholder hath but a Base Estate, not holding by doing every Commandment of Bis Lord, he cannot be faid to hold in Villenage. And I will not undertake to determine, whether Copy-holders by Colonia, and Continuous of time, have shaken off that extream Services citate, wherein they were at first, altho Fitz, loss citate, Gith. Tenues by Char hath she grown but of late Verne.

Saith, Tenuse by Copy hath grown but of late Years.
Baltin, Rafelli, A fore or Coyn, abouth to by Henry
the Second, An. 1158. Hotisphed's, Ghron, a. 67.
Baltinet, Bafturday, By the Strate 12 R. 2. cap. 6.

Balebard, Baftardmy By the Statente 12 R. 2. cap. 6. is made to fignific a Wespon, which Mr. Spright in his Exposition upon Chauser; tall'd Pugioner vel Sicon.

Anglia poli Basclere, circa Festam Santii Martini, Annal. Waveel, sub Anno 1180.

Basinetum, A Basnet, or Helmet. By Inqu. 22 Ed. 3 after the death of Laurence de Hastins Barl of Pembroke thus: ——Quod puidem maneriam (i.e. de Aston Camboue) per setenetur de Domino Rege in capite per servitium inveniendi: unum hominem peditem cum arcu sine chorda, cum una hastineto, sine cappa per xl dies sumpushus suis properies, quotiens suepis guerra in Wallia.

13 Malie, A Collar son Cast Horses, made of

Straw, Sedge, Rushes, &c. A. D. 1425. The Bursars of Abo Priory of Bursester Com. Oxon. account. — in tribus coloris, uno basic, cam tribus capisfrie v. fol. x. den. ob. Priory of Bursester, p. 574. Hence the Basse for

kneeling in Churches.

17 Balla Cenura, Base Tenure, or holding by Villenage or other Customary Service, as distinguish from Alta Tenura; the Higher Tenure in Capite, or by Military Service, Sec. Manerium de Cheping Farendon, cum pertinentile est de antique dominica corone Domini Regio, nude comia pradista tenementa sum parcella, de de bassa tenura ejas sum parcella. Se de bassa tenura ejas sum parcella. Se de bassa tenura ejas sum parcella.

rendon, M. f. 14.

Thatus, Per butum tolnetum capere, To take
Toll by Strike, and not by Heap, per bastum; being
oppos'd to in causale vel cantello. — Tolnetus ad molendinum sit secundam constitutamem regni — mensura

per quas tolnetus capi debet fint concordantes mensuris Domini Regis, is capiatur tolnetus per balium, is nichil in cumulo vel cuntello, — Consuctud. Domus de Farendon, cumulo vel cantello,-MS. fol. 42.

Bastard, Bastards, From the British Bastard, that is Nothus or Sparies; Is one that is born of any Woman not Married; so that his Father is not known by order of Law, and therefore is call'd Filine Papuli, the Child of the People. The Learned Spelman very rationally derives the opprobrious name of Baftard, from the Norman bas, and Saxon Steert, Rife or Original; as a Person of a base and vile Extract. The like Termination and sense remain in Upstart, a Fellow of a new and late Rife.) Such cannot inherit Land, as Heir to his Father, nor can any but the Heir of his Body take Land as his Heir, Littleton, fell. 401. If a Child be begotten by him that marries the Mother, afthe Child's Birth, yet it is in the judgment of Law a Bastard, Stat. 20 H. 3. 9. and 1 H. 6. 3. Co. on Lit. 244. If a Man take a Wife who is great with Child by another, who was not her Husband; yet the Child, tho' born but one day after the Marriage, shall be Heir to the Husband. So if one Matry a Woman, and never Bed her, but die before Night, and she have a Child after, yet it feems he shall be accounted his Child. Linux arter, yet it idems he inall be accounted his Child. See the English Lawyer, 117. If a Man or Woman marry a Second Wife or Husband, the first living, and by that Second have Issue, such liste is a Bastard, 39 E. 3. 14. 7. H. 4. 49. 18 E. 4. 26. If a Woman elope with a stranger, and hath a Child by him, yet if the Husband be infra quatuor Maria, he is legitimate, and shall inherit, 44 E. 3. 10. 7s. H. 4. 10.

**Bastarby*, (Bastardia) Cometh of the French word Bastards, and signifies a defect of Rivin, phistored to come

Bastard, and signifies a desect of Birth, objected to one begotten out of Wedlock, Brast. lib. 5. cap. 19. How Bastardy is to be provid, or Enquir'd into, if it be pleaded; See Rastal's Entries, it Bastardy, 104. and Kitchin Col. 64. chin, fol. 64. who mentions Baftardy Special, and Baftardy General: Baftardy General is a Certificate from the Bishop of the Diocess to the King's Justices, after just Enquiry made, that the Party enquir'd of is a Bastard, or not a Bastard, upon some Question of Inheritance. Bastardy Special is a Suit commenc'd in the King's Court, against him that calleth another Bastard; so term'd, because Bastardy is the Principal and Special Case in Tryal, and no Inheritance contended for. And by this it appeareth, that in both these Significations Bastardy is rather taken for Examination or Tryal, whether a Man's Birth be Legitimate or not, than for Baltardy it felf. See Bro.

tit. Baltardy, n. 29 and Dr. Ridly's Book pag. 203, 204.

Balton, Is a French word fignifying a Staff or Club, and by the Statutes of our Realm, denotes one of the Warden of the Fleet's Servants or Officers, that attendeth the King's Court with a painted Staff, for the taking into Cuftody fuch as are committed by the Court, and fo it is us'd, 1 R. 2. 12. 5 Eliz. cap. 23. See Trayle

Bathon.

Matable Bround, Was the Land laying between England and Scotland, herecofore, when the Kingdoms were distinct, in question to whom they belong d, 23 H. 8. 6. and 32 H. 8. 6. The word seems as if we should say Debatable Ground, or Land about which there is Debate, according to the Opinion of Skene. See Lamb. B rit. tit. Cumberland.

Battaple, Duellam, Signifies in our Common Law a Tryal by Combat: The Manner whereof, because it is long, full of Ceremonies, and now totally disus'd, the better to understand, I refer you to Glamvile, lib. 2. cap. 3, 4, 5. Bratt. lib. 3. tratt. 2. cap. 21. fol. 140. Brit. cap. 22. And Sir Thomas Smith de Rep. Ang. lib. 2. cap. 7. See Combat. & lib. 2. cap. 3.

Battle, Batellus, A little Boat. In the Reign

in London, paid for standage two pence; every little Ship with Orelocks a Penny: the leffer Boat, call'd a Battle,

a Half-penny. See Stow. Survey of Lond. fol. 224.

Battery, (from the French Batre, to firike, or the Saxon Batte, a Club,) is a violent striking or beating any Man; for which, in regard it tends to the breach of the Peace, the Party injur'd may either indict the other at the Sessions, or have his Action of Trespass of Affault and Batters against him, and recover what the Jury will give him; which Action will lie as well before as after the Indichment. In some Case a Man may justifie the moderate beating of another, as the Parent his Child, the Matter his Servant or Apprentice, &c. This Battory the Civilians call Injuriam personalem, quia persone infertur per verbere, &c. Wesemb. parnt. n de injur. 🗷 fam. libetl.

Barlmaine, A Sax. But, Boat, and Swaine a Servant; a Mariner, or Boatswain. Doomsday.

etiam eidem Hugo Wake, Ge. quod Pradict. Abbas, Ge. de Croyland babeant tres Batellos in Harnolt, Ge. Cart. B. 1. 20 Jul. 18. Regni. See Libera Batella. Hence we have an old wood Reference. have an old word Batfweynes, for such as now we call Boatfwaynes, vulgarly the Bofon of a Ship. 13 It is -Nescio a very frivolous Conjecture of Dr. Skinner, an nostrum Boat et um sit à Tentonice Bott. Nuncius, q. d. Cymba intermuntia classis. It is more certain the Latin Batus, Hisp. Batel, Ital. Batello, came from the Saxon Bat, and that from the old Brit. Bad, which in present Welfh and Irifh is a Boat. Hence a Bottom, which is still a common word for a Marine Vessel: whence Bottomry, when the Mafter of a Ship borrows Mony upon the Credit of his Bettom.

Baubels, (Banbella) Is an old word fignifying Fewels, Ro. Howeden. part. poster. suor. Annal. fol. 449. b.

Baubeign, Cloth of Gold, or Tissue upon

which Figures in Silk, &c. were imbroidered. die S. Johannis Evangelista (Anno 1285.) Antonius Epi-scopm Dunesten. Ecclesiam ingressus duas Bauclekyns histo-riam Nativitatis Dominica continentes obtulit, & eas ad ornandum magnum Altare in Festo Natilitii asignavit. Hist. Dunelm. apud Whartoni Ang. Sacr. Par, 1. p. 747. Baldicum & Baldekimom, Anno 4 Hen. 8. cap. 6. Eret pannus auro rigidus, plamatoque opere intertextus. Yet some Authors account it cloth of Silk only.

The port action is a Pond-head, made up of a great height to keep in flore of Water, so that the Wheels of the Furnace, or Hammer belonging to an Iron Mill, may be driven by the Water coming thence through a Paffage or Flood-gate, call'd the Penfieck. Also a Harbour where Ships ride at Sea near some Port. The word is mention'd An. 27 Elizacap. 19. Buchan. in his Hist. Scot. fol. 7. writes it Bei, and expounds it by Sinus Maris.

Bracon, A kind of Saxon word betokening a Signal: It is well known, 8 Eliz. cap. 13. Beaconage (Beacona gium) Mony paid towards the Maintenance of a Beacon, and we fill use the word to Berken, to give notice un-to. See the Stat. 5 H. 4. and Dorf. Pat. 28 H. 6. part. 2. m. 21. Pro Signis Anglice Beacons, & Vigiliis.

Morad, Saxon Bead, A Prayer: So that to say over one's Bead, is to say over one's Prayer. They are us'd to that purpose in many parts of the World, and are mention'd in 27 H. 8. cap. 26. and 3 Jas. cap. 3.

Bearting, alias Barding of Wool. See Clacke.

Bearters, Signifies such as bear down, or oppress

others, and is all one with Maintainers 4 Ed. 3. cap. 11.

"" Justices of Affise shall enquire, hear and determine Maintenors, Bearers, and Conspirators, and of those that commit Champarty.

Beafts of the florett, Are those that are otherwise call'd Beafts of Venery, and are five: The Hart, the of Edward III. every great Ship landing at Billingate Hind, the Hare, the Boar, and the Wolf: Antiquitas Britannia,

Britannia, written before the Conquest, fol. 43. Halinft Description of England. pag. 206. b. 30. Book of St. Albons. fol. 30. Budans, lib 2. de Philologia, and divers others.

 \mathbf{B} \mathbf{E}

Braffs of Chaft, Alfo are five; viz. The Buck the Doe, the Fox, the Martern, and Roe, Manwood's Forest

Law, Part. 2. cap. 4. num. 2.

Beatts and from of Warren, Are only these,
The Hare, the Coney, the Pheasant, and the Partridge,
as appears by the Registers of Writs. f. 95. in brevi de transgressione, F. N. B. fol. 86, 87. Co. on Lit. 233.

Benttials. Sec Beftials.

Deaupleader, (Pulcbra Placitando) Is made of two French words Beau, Formosus, Pulcher, and Pleaded, Di-Sputare, Causam agere; and fignifies in Common Law a Writ upon the Statute of Marlbridge, 52 H. 3. 6. 11. whereby it is provided, That neither in the Circuit of Justices, nor in Counties Hundreds, or Court-Barons, any Fines shall be taken of any Man for Fair-Pleading, that is, for not Pleading fair, or aptly to the purpose; upon which Statute this Writ was ordain'd, against those that violate the Law herein, See F. N. B. fol. 270-whose Definition is to this effect: The Writ upon the Statue of Marlbridge, for not Fair-Pleading, lyeth where the Sheriff, or other Bayliff, in his Court, will take Fine of the Party, Plaintiff or Defendant, for that he Pleadeth not fairly. And it was as well in respect of the vicious Pleadings, as of the Fair-Pleadings, by way of Amendment, 2. Part. Inft. fol. 122.

Benel, Bedellus, Is derived from the French word Bedeau, which fignifies a Mcffenger, or Apparator of a Court, that cites Men to appear, and answer. It is also an inferior Officer of a Parish or Liberty, well known in London and the Suburbs. Manwood in his Forest-Laws, cap. 21. faith, That a Beadle is an Officer or Servant of the Forest, that doth make all manner of Garnishments for the Courts of the Forest; and also all manner of Proclamations, as well within the Courts of the Forest as without, and also to execute all the Process of the Forest: He is like unto a Baylist Errant of a Sheriff in his County. Edgarus, &c. viz. Vicecomitibus, Bedelis, &c. Ne introant, &c. Ingulph, Hist. Croyl.

The word Bedel, properly a Crier, was Sax.

Bydel from Bydde, to publish or declare: As to bid and forbid the Banns of Matrimony, bidding of Prayers, &c. Hencethe University Bedels, the Bedle of Beggars; the Church Bedels, which we now call Summoners and Ap-

Mede: house, An Hospital, or Alms-house for Bedes-men, or Poor People, who pray'd for their Founders and Benefactors, from Sax. Biddan, to Pray

Monetary, Bedelaria, is the fame to a Bedel, as Ba-

liva, a Baliwick, is to a Bayliff, Lib. 3. cap. 5.

Bederepe, A Sax. word, A from the Sax. biddan, to entreat or pray, and repe, to reap Corn. This Cuftomary Service of inferior Tenants, was call'd in the Latin of that Age, Precaria bedrepium, Gc.) & Signifying a Service, which some Tenants were anciently bound to perform, as to reap their Landlords Corn in Harvest, in imitation of which, some are yet ty'd to give one, two, or more Days-work, when commanded. Debont venire in Antumno ad precariam qua vocatur a le Bederepe, Pla. in Craft. Pur. 10. H. 3. Rot. 8.

Bende die, or Bidd-Ale, Was a friendly Assignation made for Neighbours to meet, and Drink at the House of new Married Persons, or other poor People, and then for the Guells to contribute to the House-

keepers. See Bidale.

Arms, Duel, or Combat. See Camp-fight.

Beneficium, is generally taken for all Ecclesiastical Livings, be they Dignities, or other. And Anno 13 R. 2. Stat. 2. cap. 8. Benefices are divided into Elective, and of Gift. In the same sense it is us'd also

in the Canon-Law, Duarenius de Beneficius, lib. 2. cap.3 The Portions of Land, and other immoveable things, granted by the Lords to their Followers, for their Stipend or Maintenance, were at first call'd Munera, while revocable at the pure pleasure of the Lord: they were after call'd Beneficia, while temporary, or held for some limited time, which was commonly one Year. But when by degrees these Tenures from an Arbitrary Condition became perpetual and hereditary, then they left their former Name of Beneficia to the Livings of the Clergy, (they being Temporary for term of Life) and retain'd to themselves the proper Names of Fends, whereby they were produc'd to perpetual and hereditary. Vid. Spelman of Fends, cap. 2.

Meneficio paimo Occileffaffico habendo, Isa Writ directed from the King to the Chancellor or Lord Keeper, to bestow the Benefice that first shall fall in the King's Gift, above or under such a value, upon this

or that Man, Reg. Orig. fol. 307. b.

13 Benefit of the Clergy. See Clergy.

13 Benereth, Was a Service which the Tenant tendred to his Lord, with his Plough and Cart. Lamb.

Itin. p. 212. and Coke on Littleton, p. 86. a. Benevolence, Benevolentia, isus'd both in the Chronicles and Statutes of this Realm, for a voluntary Gratuity given by the Subjects to the King, Ston's Annals, pag. 701. By the Statute An. 1. R. 3. it is call'd a New Imposition, and in that respect found fault with. Ston. pag. 791. faith, The Invention grew first from Edward the Fourth's Days: You may find it also An. 11 H. 7. cap. 10. to have been yielded to that Worthy Prince, in regard of his great Expences in Wars and otherwise: It is also mention'd, and excepted out of the Pardon, 1 E. 6. cap. 15. Other Nations call it Sub-sidium Charitativum, given sometimes to Lords of the Fee by their Tenants, formetimes to Bishops by their Clergy. Matthew de affilis desci, 136. Cass.in de consuet. Burg. p. 134. 136. Baldus constito, 120. vel. 6. pag. 230. Of this Menochus makes mention, lib. 2. cent. 2. cap. 178. & 179. Also by Act of Parliament, 13 Car. 2. cap. 4. it was given to our Sovereign, King Charles the cond.

Benevolentia Regis habenba. The Form in ancient Fines and Submissions to purchase the King's Pardon and Favour, in order to be reflor'd to Estate, Title or Place. --Thomas de S. Walerico, dat Regi mille marcas, pro babenda Benevolentia Regis, & pro ba-bendis terris suis unde Disseisus suit. Paroch. Antiquities,

Bercarie, Berqueria, Berceria, a Sheep-fold, Sheep-cote, or Sheep-pen, or other Enclosure for the fafe keeping of Sheep. Abbreviated from Barbicaria, from Berbex, detorted from Vervex. Hence the middleag'd Latin Berbicm, a Ram, Berbica, an Bwe; Caro Berbecina, Mutton. Berbicorim, Bercarius, Fr. Berger, a Shepherd. A. D. 1218. James le Bret of Prigenball, gave four short Ridges or Butts of Land to the Priory of Burcestor, — all faciendam Berkeriam, strue quicquid eis me-lius placuerit. — Paroch. Antiq. p. 187. John de Charl-ton, and Christian his Wife, gave to the Abby of Oseney, a peice of Land in Hokenorton, upon which stood the

Berchery of Sutton, Ibid p. 348.

Theretop. Tenentes de Whitborn, in ComHeref. debent pro quadam confuerudine, que vocatur Benrip, viz. pro quinque operationibus in Termino Beati Michaelis Quind. Lib. Niger Heref. See Bedrep.

Therbiage, Berbiagium. Nativi tenentes manerii. de Calistoke, reddunt per annum de certo reditu vocat. Berbiage, ad le Hokeday, xix s. MS. Survey of the Dutchy of Cornwal.

Horfellarii. There were seven Church-Men, fo call'd anciently, belonging to the Church of S. Jebn of -Sed quia eorum turpe nomen Berefalhorum pa-

tent ritus remanebat, dictos septem de catero non Berefallarios, sed Personas volumus nuncupari. Pat. 21 Ric. 2. par.

3. m. 10. per Inspex.

Werghmapster, From the Dutch Berg, a Hill; Isa chief Officer among the Derbyshire-Mines, who also performs the Duty of a Coroner, Juratores dicunt, quod in principio quando Mineratores veniunt in campum mineram querentes, inventaminera veniunt ad Balivum, qui dicitur Berghmayster, & petunt ab eo duas Metas, &c. Esc. de An. 16 E. 1. nu. 34. in Turri Lond. See Bermoth.

Berghmoth, or Merghmote, May be deduc'd from the Saxon Bergh, a Hill, and Gemote, an Affembly; which is as much as to fay, an Affembly, or Court upon a Hill. Juratores etiam dicunt quod placita del Bergh-moth, debent teneri de tribus septimanis in tres septimanas super mineram de Pecco. Esc. 16 E. 1. ut supra. Hear what Mir. Manlove in his Ingenious Treatise of the Customs of

Miners, faith,

3 E. 6. Art. 9. - And fuit for Ore must be in Berghmote Court.

16 E. 1. c. 2. Thither for Justice, Miners must resort, &c. 3 E.6. Art. 10. And 2 great Courts of Berghmote ought to be In every year upon the Minery, &c To Swear Berghmaysters that they faithfully Perform their Duty on the Minery, &c.

Bernet, Incendium, Cometh from the Saxon Byrnan, to burn: It is one of those Crimes, which by the Laws of H. 1. cap. 13. Emendari non possunt. See Opentheff.
Berg or Burg, Significs a habitation, which is still

made out in the name of Places, as St. Edmund's-bury, &c. So we usually say, That in a Warren there are Coney-Buries, or Coney-berries. Anciently it was taken also for

a Sanctuary.

Theria, Berra, Berie, Berry. Most of our Glosso-graphers in the Names of Places, have consounded the Termination of Berie, with that of Bury, and Borough, as if the Appellative of ancient Towns. Whereas the true sense of the word Beria, Eng. Berie, is a flat wide Campagne, as from sufficient Authorities is provid, by the Learned Du-fresne in his Gloffary, in voce Beria, and in his Notes on the Life of St. Levis, p. 89. where he observes, That Beria Sancii Edmundi, mention'd by Mat. Paris, sub. an. 1174. is not to be taken for the Town, but for the adjoyning Plain. To these and other his Remarks on that word, may be added, That many flat and wide Meads, and other open Grounds, are still call'd by the Name of Beries, and Berie-fields. So the fpacious Mead between Oxford and Isley, was in the Reign of K. Athelstan call'd Bery. B. Twine, MS.c. 2. p. 253. As now the largest Pasture Ground in Quarendon, Com. Buck. is known by the name Berv Field. And such indeed were the Berie Meadows, which tho' Sir Henry Spelman interprets to be the Demesne-Meadows, or Mannor-Meadows, yet were they truly any flat open Meadows, that lay adjoyning to any Vill or Firm. The same with Berras, in that Plea between the Bishop and Prior of Carlifle, 18 E. 1. & quod Rex in foresta sua prædicta, stil. de Inglewood) potest Villas ædisicare, Ecclesias construere, Berras assartare, & Ecclesias illas cum decimis terrarum illarum pro voluntate sa cuicunque voluerit conferre; where berras assartare, must be to assart or Plough up the plain open Heaths, or Downs. Hence the Termination of many Places, situate in a more open Campagne; as Mixberie. Cornberie, &c.

Berra, A plain open Heath. Berras affartare, to grub up such barren Heaths. See Beria.

Berrithatch. In the Court-Rolls of the Mannor of Chaton, in Com. Somerf. is us'd for Litter for

Berla, Fr. Bers, A Limit, Compals, or Bound. Pasturam duorum taurorum per totam Bersam, in Foresta nostra de Chipenham. Monit. Angl. Tom. 2. fol. 210. a.

Berfare, To shoot; Germ. Berfet .sare in Foresta mea ad tres arcw. Carta Ran. Com. Cestr. An. 1218. i.e. To hunt or shoot with three Arrows in

my Forest.

15 Mertatrir, A Rocker, From the French Berfer, to Rock. — Rex — fciatis, quod pro bono servitio quod to Rock. — Rex — sciatis, quod pro bono servitio quod dilecta nobis Matilda de Plumpton, Beriatrix Edwardi Comitis Cestriz, Filit nostri - concessimus eidem Matildz decem marcas percipiendas singulis annis ad Scaccarium nostrum. Pat. 10 Edw. 3. p. 1. m. 30.

Ad bersandum in Foresta cum novem arcubus, & sex berseletis.

Cart. Rog. de Quincy.

Therrenariti. — Cum Bertona terris, & tencments que Bertonariti modo tenent ad voluntatem. Cart. Joh. Episc. Exon. dat 24. Dec. 1337. Farmers or Te-In Devonshire they call a great Farm pants of Bertons. a Berton, a small Farm a Living.

Aberton, Is that part of a great Country-Farm, where the Barns, Stables, and other Inferior Offices stand, and wherein their Cattle are fodder'd, and other Country-business managed, See Clauf. 32 E. 1. m. 7.

Bermica, A word often found in the Book of Doomfday, fignifying a Village; and is the Termination of many words, fignifying somewhat appurtenant to a Mannor; as there is a Village near Kingston upon Thames, call'd at this day the Wicke or Wecke; and we commonly fay, Bayliwick, &c. Spelman thinks it may

be Manerium minus and majus pertinent, Ge.
15efaile, Proavus, is borrow'd of the French Byfayeule, (i. c. Pere de mon Pere-grand) the Father of my Grandfather. In the Common-Law it signifies a Writ, that lyeth where the Great Grand-father was seis'd in his Demelne, as of Fee of any Lands or Tenements in Feesimple, the day that he died; and after his Death, a Stranger abateth or entreth the same day upon him, and keepeth out his Heir, &c. The form and use of this Writ is more at large to be read in F. N. B. f. 221.

Besta, A Spade or Shovel; derived from the French bescher, fodere, to dig. Hence perhaps Una bescata terre inclusa, Mon. Ang. p. 2. fol. 642. May signific a piece of Land usually turn'd up with a Shovel or Spade, as Gardinets use to fit their Grounds, to sow and plant

Bestials, Cometh of the French Bestials, which is pecus, Beasts of any sorts, Anno 4 E. 3. cap. 3. It is written Bestayle, and taken to denote all kind of Cattel, purvey'd for the Kings provision. It is also mention'd, to fignifie all kind of Cattel. Jac. 33. and 12 Car. 2.

Wetaches. . 📤 Et Hibernicos sic admissos ad legem prædictam more Anglicorum pertræctari mandamus jure nostro & aliorum dominorum in bonis & catallis Nativerum, qui vulgariter in illis partibus Betaches nominantur.

Par. 14 Ed. 2. p. 2 m. 21 intos.

"Beberches, Bed-works, or Custumary Services done at bidding of the Lord by his inferior Te--Inter Servitia custumaria Tenentium in Blobury, de dominio Abbatis & Conventus Rading --dictus Abbas babebit de eis duas precarias carrucarum per annum, qua vocantur Feverches, & cum qualibet carruca duos homines qualibet die ad prandium Abbatis. Cartular. Rading. MS. f. 223.

Bibale, or Biball, is the Invitation of Friends to drink at iome poor Man's House, who thereby hopes to receive some assistant Benevolence from the Guells for his relief; still in use in the West of England, and fallly written by some Bildale, and mention'd 26 H. 8. cap. 6. The same is us'd also in the County-Palatine of Chester by Persons of Quality, towards the Relief of their own or Neighbours poor Tenants.

Widding.

Bibling of the beads, Was a Charge or Warning that the Parish Priest gaye to his Parishoners at certain special times, to say some particular Prayers, or do other Acts of Devotion, in behalf of some deceas'd Friend's Soul; in imitation of which, the Ministers of the Church of England are commanded by the Canons on the Sunday precedent, to give Notice of the Festivals in the following Week, that the Parishioners may the better observe them; this is mentioned 27 H. 8. cap. 26. we may easily find bidding in the Sax. word bidden, to pray or desire; and bead a Prayer.

Biventer. the second Year— Two Yearlings, Tags or Sheep of the second Year — Will. Longspe, A.D. 1234. granted to the Prior and Canons of Burcester. -- Pasturam ad quinquaginta bidentes, cum dominicis bidentibus meis ibidem pascendis. Paroch. Antiq. p. 216. The Wool of these Sheep being the first sheering, was sometime claim'd as a Heriot to the King, on the death of an Abbat.

13 id tipe, Bidripa. See Bederepe.

Biga, Bigata, Properly a Cart with two Wheels, and not as some have offer'd, a Chariot drawn with coupled Horses; these words have it sufficiently. Et quod eant cum Bigis & carris, &c. super tuam Tenementum suum, &c. Mon. Angl. fol. 256.b. This Biga, or Cart with two Wheels, was drawn sometimes with one Horse, a more wrongs. Passetting of the above marginal and a superscript. express Refutation of the above-mentioned Conjecture. King Hen. 3. confirm'd to the Priory of Repingdon Com. Derb, unam bigam cum uni cuo equo semel in die in bosco suo de Tikenhall errantem, ad focale ad usus suos proprios portandum. Mon. Angl. tom. 2. pag. 280.

Bigamus, 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,

others Death, or a Widow; as appears by the Statutes, 18 E. 3. cap. 2. 1 Ed. 6. cap. 12. 2 part. Co. Inst. fol. 273. Eigania, Eigamia, Signifies a double Marriage, being a compound Greek word; it is us'd in Common-Law, for an Impediment that hindreth a Man to be a Clerk, by reason he hath been twice married, 4 E. 1. 5. which seems to be grounded upon the words of St. Paul to Timothy, Epist. 1. cap. 5. vers. 2. Oportet ergo Episcopum irreprehensibilem esse, & unius uxoris virum. The Canonists have founded their Doctrine upon this, That he that hath been twice married may not be a Clerk: And that hath been twice married may not be a Clerk: And him that hath married a Widow they reckon to have been twice married. Poth which they do not only exclude from holy Orders, but also deny them all Priviledge that belongs to Clerks. But the Author of the New Terms of the Law faith. This Law is abolish'd by I E. 6. 12. and to that may be added, 18 Eliz.c.7. Which alloweth to all Men that can read as Clerks, tho' not within Orders, the benefit of Clergy, even in case of Felony, not especially excepted by some other Statute.

Brook, tit. Clergy, plac. 20. to the same purpose.

To is a Writ directed to a Corporation, for the carrying of Weights to such a Haven, there to weigh the Wools that such a Man is licens'd to

transport, Reg. Orig. f. 270. a. Bilams, or rather 139. Lams, YF Lat. Bil agines. Milams, or rather 139: Lams, YF Lat. Bil agines. So call'd by the Goths, the Swedes the Danes and Saxons; from By, which in all those Languages signifies a Town; and Lagh or Laghen, which signifies Laws; as Gravius Suecus, and our Saxon Authors testifie: And the' Formandes, a Spanith Goth writeth it after the Spanish corruption, Bellagines: yet we in England keep the very Radix and word it felf By-Laws. Vid. Spelman. of Feuds, cap. 2. That is, Laws made obiter, or by the By; such as are made in Court-Leets, or Court-Barons, for the peculiar good of those that make them, farther than the Common or Statute-Law doth bind, The like are generally allow'd by Letters Patents of Incorporation to any Guild or Fraternity, for the better Regulation of Trade among themselves, or with others,

Co. vol. 6. fel. 63. a. Kitchin, fel. 45. 79. These in Sectland are call a Burlam or Birlam. Skene de warb, fignif. verb. Burlaw, Which, faith he, are Laws made and determin'd by confent of Neighbours, elected and chosen by common Approbation in the Courts call'd Birlam-Courts, where they take Cognifance of Complaints between Neighbour and Neighbour, which Men so chosen, are Judges and Arbitrators to the effect aforesaid, and are call'd Birlaw-men; for Bawr or Bawriman in Dutch is Rusticus, and so Birlaw is no other, but Leges Rusticorum. By 14 Car. 2. ca. 5. the Wardens and Affiftants for making and regulating Norwich-Stuffs, are impower'd to make By-Laws. See 20 Car. 2. cap. 6.

> Milleta, Billetus: A Bill or Petition exhibited in Parliament. - Sic responsum fuit ad biletam quam proposuimus in Parliamento London. Consuetud. do-mus de Farendon. MS. f. 48. So, Tenor Billeti porrecti - Supplicat Abbas de

coram Concilio Domini Regis, _______ supplicat Abbas de Bello loco Regis, &c. 1b. f. 43. 25 ilinguig, In general is a Man of a double Tongue, but in a Legal sense, is us'd for a Jury that passeth between an English-Man and an Alien, whereof part ought to be English-Men, and part Strangers, 28 E. 3. cap. 13. This we call vulgarly a Party-Jury; but in proper Language, it is a Jury e mediatate lingua. See Medietas

Lingue.

25ill, Billa, Hath several Significations in Law. First, 18th 2 feet, 146 It is According to West. Symb. pag. 1. lib. 2. sect. 146 It is all one with an Obligation, faving that it is commonly call'd a Bill, when in English; and an Obligation, when in Latin. But now by a Bill we ordinarily understand a fingle Bond, without a Condition; by an Obligation, a Bond with a Penalty and Condition: West. part. 2. Symbol. tit. Supplications, soft. 52. Secondly, a Bill is a Declaration in Writing, that expresseth either the wrong the Complainant hath suffer'd by the Desendant, or else some Fault that the Party complained of hath committed against some Law or Statute of the Common-Such Bill is sometimes exhibited to Justices Itiner ant, at the General Affiles, by way of Indictment, or Information; but more especially to the Lord Chancellor or Lord Keeper, for unconscionable wrongs done. Sometimes it is preserr'd to others having Jurisdiction, accordingly as the Law, whereupon they are grounded, doth direct. It containeth the Fact complain'd of, the Damages thereby suffer'd, and Petition of Process against the Desendant for Redress.

Billa bera, Isa Term of Art in the Common-Law: for the Grand Inquest impannelled, and sworn before the Justices in Eyre, &c. indorsing a Bill, whereby any Crime punishable in that Court, is presented unto them, with these two words, which do signific thereby, That the Presentor hath furnish'd his Presentment with probable Evidence, and worthy of farther Consideration: And thereupon the Party presented, is said to stand Indicted of the Crime, and so bound to make Answer unto it, either by consessing or traversing the Indictment: and if the Crime touch the Life of the Person indicted, it is yet referr'd to another Inquest, call'd the Jury of Life and Death; who, if they find him guilty, then he stands convicted of the Crime, and is by the Judge to be condemn'd to Death. See Ignoramus. See also Indisti-

Mill of Store, Is a kind of Licence granted at the Custom-house, to Merchants, to carry such Stores and Provisions as are necossary for their Voyage, Custom-free,

Will of Sufferance, Is a Licence granted at the Custom-house to a Merchant, to suffer him to Trade from one English Port to another, without paying Cu-

ftom, An. 14 Car. 2. cap. 11.

Billers of Bold, Are Wedges or Ingots of Gold: the Word is deriv'd from the French Billot, Miffa Auri, 27 E. 3. Stat. 2. cap. 14. Billot,

15 Millot, Billo Billio-nis. Bullion of Gold or Silver in the Mass before it is coyn'd. --- Volumus quod utrumq; argentum billonis, & transmarinum ematur ad libram Scaccarii, retentis ad opus nostrum pro custubus & expen-sis, & sirma nostra sexdesim denariis de argento de Gandavo. Mem. in Scaccar. Term. Mich, 9 Edw. 1. by Sir John Maynard.

15 ind of Cels. See Stick of Eels. This is enumera This is enumerated among the Privileges granted to the Monastery of Glastonbury -Soc & Sac, bordes, bovenesden, & binithenenden, on Strond and on Streme. Cartular. Abbat. Glaston. MS.

f. 87. a

**Y Binnarium, Binna, Benna. A Stews, or Water penn'd up for feeding and preserving Fish. - Ex-rense in pisce ad instaurandum binnarium empto xii s. vid. Consuctud. Dom. de Farendon, MS. f. 29. --- Provisum est quad nullus magnus vel parvus currat in parce alieno, aut piscetur in alterius binnario. - Stat. Ed.

1. An, Regni tertio, apud West.

1. Minny Depper, Anno 1 Jac. cap. 19.

1. Bisantin, Bisantin, Besant, Bizantine, Bisantine, Bisanti tius: A piece of Mony coyn'd by the Western Emperours at Bizantium or Constantinople; of two forts, Gold and Silver, Bizantius aureus & albus: both which were current in England, Chaucer represents the Gold Befantine or Besaunt, to have been equivalent to a Ducket. The Silver Befantine was computed generally at two Shillings.

Birlam. See Bilam, and Byrlam.

bruile, what we now call Black and Blue. From Sax. blood, Island. blood, of a deep red Colour, or what we call as red as blood. Lat. Blodeus, Siquis verberando ali-

quem fecerit blue and bludie, iste qui fuerit blue & bludie, prius debet exaudiri. Leg. Bug. Scot. cap. 87.

25 25 irretus. The Cap or Coif of a Judge, or Serjeant at Law. The Honourable Use of it is thus describ'd by Fortescue, De Laud. Leg. Angl. cap. 50. In signum quod omnes Justiciarii ibi taliter extant graduati, quilibet eorum semper utitur dum in Curia Regis sedet, Birreto albo de serico, quod primum & praccipum eat de Insignibus Habitus quoservientes ad Legem, in eorum creatione decorantur. Nec Birretom issua Justiciarius functione decorantur. nec serviens ad Legem unquam deponet, quo caput suum in toto discooperiet etiam in prasentia Regis, &c. Spelman.

Missa, a Gall, Bische, Cerva major: A Hind. — de-cimum venationis nostra, scil. de cervis bissis damis, por-eis & laiis. Mon. Angl. vol. 1-f. 648. a-

Missertile, Biffentilis, Vulgarly call'd Leap-year, because the fixth day before the Calends of March is twice reckon'd, viz. on the twenty fourth and twenty fifth of February: fo that the Bitfextile-year hath one Day more than other Years, and happens every fourth Year: This Intercalation of a Day was first Invented by Julius Cafar, to make the Year agree with the Course of the And to prevent all ambiguity that might grow thereupon, it is ordain'd by the Statute De Anno Biffextili, 21 H. 3. That the Day increasing in the Leapyear, and the Day next before, shall be accounted but one Day, Britton, fol. 209. and Dyer, 17 Eliz. 345.

Bisus, Bisus, Mica Bisa, Panis bisus; Gall.

Pain-bis, Angl. Brown-bread, a Brown-loaf. Abbas de Conventus Osen. comedunt Petro de Sibbesord qualibetseptimana septem parvas albas micas (i. e. seven small white Loaves) & septem bisas micas (i. e. seven brown Loaves) & quinque galones & dimid. melioris cervisia ... Anno 1341. -- Cron. Ofen. Bib. Cotton, Vitell. E. 15. f. 247

Black mail, Is half English, half French; for in French Mail signifieth a small piece of Mony. It denotes in the Counties of Cumberland, Northumberland, Westermerland, and the Bishoprick of Darbam, a certain rate of Money, Corn, Cattle, or other Confideration, paid unto some inhabiting near the Borders, being Men of Name and Power, ally'd with certain known to be great Robbers, and Spoil-takers within the Counties; to the end, to be by them protected, and kept in fafety, from the danger of fuch asdo usually rob and fteal in those parts, Anno 43. Fliq. cap. 23. See Mayle. These Robbers are of late Years call'd Moss-Troopers, and several Statutes made against them.

Black Roo, Is the Usher belonging to the Garter, so call'd of the Black Rod that he carrieth in his Hand He is Gentleman Usher to the King, and also Usher of the Parliament. He is call'd in the Black-Book, fol. 255. Lator virga nigra, and Hostiarius; and essewhere, Virgi-bajulus: His Duty is, Ad portandum Virgam coram Do-mino Rege, ad Festam Sansti Georgii infra Castrum de Windsore. He also keeps the Chapter-House-Door, when a Chapter of the Order is sitting: His Habit; the same with the Register of the Order, and Garter, principal King at Arms, which he wears only at the folemn times 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 lib. per Annum, and hath antiently 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.

or Corn-Chandler. The word is us'd in our Records for such a Retailer of Corn. Pet. 1. Ed. 3 par. 3. m. 13.

Blade, Bladum: Spelman says, De segete tantum in-telligitur. But in the Saxon it fignifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. Hence Bladier is taken for an Ingroffer of Corn or Grain: This may appear by a Release of Will. de Mobun to his Brother, of all the Mannor of T. Salvo instauro suo & blado, excepting his Stock and Corn on the Ground.

Milanch Strmes. In old times the Crown-Rents, were many times reserved in Libris Albis, or Blanch Firmes. In which Case the Buyer was holden Dealbare firmam; that is, his base Mony, or Coyn worse than Standard, was molten down in the Exchequer, and reduc'd to the fineness of Standard-Silver; or (in stead thereof) he pay'd to the King twelve Pence in the Pound, by way of Addition. Vid. Lounde's Essay upon Coyn,

2Blanks, French Blanc, that is Candidus, white; It fignifies a kind of Mony coyn'd in the parts of France by Henry Fifth, that were subject to England, the value whereof was eight Pence, Ston's Annal p. 586. These were forbidden to be current within this Realm, 2 Hen. 6. cap. 9. The reason why they were call'd Blanks, may be, because at the time these were coyn'd in France, there was also a Piece of Gold Coyn'd, which was call'd a Salus, of the value of 22 Shillings, from which this Silver was distinguish'd by the Colour.

Blenth, Is the Title of a kind di Tenure of Land, as to hold Land in Blench, is by Payment of a Sugar-Loaf, a Bever-Hat, a couple of Capons, and such like; if it be demanded in the Name of Blench, idest, nomine

albæ fir**me.** See Alba firma.

Earth, dug up and dry'd for burning. Moleta, French Bleche: Pete, or combustible & Fratres de Knares-borough, petunt quod ipsi & eorum Tenentes fodiant turbas & bletas, in Foresta de Knaresborough, Rot. Parl. 35. E. r.

Blockwood. See Legwood.

15 15 lodeus, Sax, Blod, deep red Colour. Hence bloat and bloated, i. e. Sanguine and high-coloured which in Kent is called a Bloufing Colour, and a Bloufe is there a Red-fac'd Wench. The Prior of Burcester, A. D. 1425. gave his Liveries of this Colour. in blodeo panno empto pro Armigeris & Valeclis Prioris

de Johanne Bandye, de magna Tue. Paroch. Antiquit.

p. 576.

**Blomary, Is one of the Forges belonging to an Iron-Mill, thro' which the Iron paffeth before it cometh to the Finary. Of this you may read at large, 27 Eliz.

cap. 19.

25 toated Fifth v: Herring, Are such as are not throughly dry'd; they are spoken of, 18 Car. 2. cap. 2.

See Rackberend. It signifies the Ap-

Bloudy hand. See Backberend. It fignifies the Apprehension of a Trespasser in the Forest against Venison, with his Hands, or other parts bloody, tho' he be not found chasing or hunting. Of which, see Mannood, cap.

onedding Blood. — Mich. 7. H. 7. Willelmus Lucy Miles, remittit Domai & Ecclefia de Thelesford Toll, Quick, Stallange, & Bloudshed. Ex Cartular. Dom. de Thelesford, MS.

Bloudsnir. — C.

Bloudwit, Is a Compound from the Saxon Blood Sanguis and Wyte, an old English word signifying Mifericordia. It is often us'd in ancient Charters, and in tends an Amerciement for Blood shed. Skene de verbo Signif. writes Bluidveit. Which fays he, is in English as much as Injuria, or Misericordia. It being as the Scottishmen call it, an Unlaw for Wrong or Injury, as is the effusion of Blood. For he that hath Bloodwit granted him, hath free liberty to take all Amerciaments of Courts for shedding of Blood. Flets saith, Quod figor Courts for inecoting or Blood. Fitte latth, Quod ngnificat quietantiam misericordiae pro essus superiores,
lib. 1. cap. 47. Si aliqui pugnantes, Sc. extraxerint sanguinem Prior babebit Bloudwit, i. e. Amerciamentum
inde in Curia sua. Ex Reg. Priorat: de Cockessord.

Sax. blod, Bloud, and wit, a Fine or Penalty;
for Blodewite was a customary Fine pay'd as a Composition and Attraction of the Standing or describe Recod. tion and Atonement, for the shedding or drawing Blood: for which the place was answerable, if the Party were not discover'd. And therefore a Privilege or Etemption from this Penalty was granted by the King, or Supreme Lord, as a special Favour. So King Henry II. granted to all Tenants, within the Honour of Wallingford, Ut quieti sint de bidagio, & blodewite & bredete, ———— Paroch: Antiq. p. 114. 251ubber, A kind of Whale-Oyl, so call'd before it

it is thorowly boyl'd, spoken of 12 Care 2, cap. 18.

Bluet, Blue. — Vestimenta autem dabunt

13 Miuet, Blue. — Vestimenta autem dabunt mibi de Griseng, vel balberget & pellibus agninis, uxori autem meæ ad carius bluet, & pellibus similiter agninis. Mon. Angl. tom. 1. f. 831.

Bothorb, Is, as it were, Book-board, or a Hoard for Books; that is, a place where Books, Writings, or Evidences are kept: we may term it in Latin Librorum bor-

Borland, Sax quafi Bookland, a Poffession or Inheritance held by Instruments in Writing. Borland vero ea possidendi transerendique lege coercebatur, ut nec dari licuit nec vendi, sed bæredibus relinquenda erat, in scriptis aliter permitteretur; Terra inde Hæreditaria nuncupata inter leges Aluredi, cap. 36. See Charter-land, Coppbold, and Freesbold, and Land-boc. See also Glossarium in decem Scriptores. To Bocland signifies Terram Codicillariam, or Librariam, Deed-land, or Charter-land. ea posidendi tranferendique lege coercebatur, ut nec dari It commonly carry'd with it the absolute Inheritance and Propriety of the Land, and was therefore preserv'd in writing, and possess'd by the Thanes, or Nobler sort, as Pradium Nobile, Liberum, & immune à Servitiis vulgaribus & servitibus, It was the very same as Allodium descendable (according to the common course of Nations, and of Nature) unto all the Sons, and therefore call'd Gavel-kind; devisable also by Will, and thereupon call'd Terra Testamentales, as the Thane that posfess'd them, was said to be Testamento digms. Vid. Spel-

man of Fends, cap. 5.
Bodies Wolitic. See Corporation.

1Boia, Chains, or Fetters, properly what we call Bernicles. Quidam à delore capitis liberatus est, adjugens gene sue boias, quibus S. Britstanus ligatus suit. Hist. Elien. apud Whartoni Angl. Sac. P. 1, p. 618.

Boilary, or Bullary of Salt, A Salt-house, or Salt-pit, where Salt is boil'd, Co. on Lit. fol. 4. b.

Bolting, Is a Term of Art us'd in Greys-Inn, whereby they intend private Arguing of Cases; the manner of it is this, An Ancient and two Barristers lit as Judges; three Students bring each a Case, out of which the Judges chuse one to be argu'd, which done, the Students first begin and argue, and after them the Barristers. Bolting hath also a more common acception, which Country Housewives say is the Sisting of their Meal or Flour thro' a bag, to make it finer; which bag they call a Botler: And why may not the Law-Term be drawn hence? because the Bolting of Cases is the through-

fifting, and debating of them.

**Bolt*, A Bolt* of Silk or Stuff, seems to have been a long narrow Piece. In the Accounts of the Priory of Burcester, A. D. 1425. bolt rubei Say, apud Stererbrugge, propter anabatam faciendam iv sol. viii denar. Paroch. Antiq. p. 574.

Botter, See Bultel.

Bons five. We say, That is done Bons fide, that is done really, with a good Faith, without Fraud or Deceit. It is mentioned 12 Car. 2. cap. 18. and 15 Car. 2.

Bona gestura, Good Abearing, or good be-haviour. — Et si per surorem vel aliquos manuten-tores rennerit invenire sufficientem securitatem de sua bo-na gestura erga Ballinos & Comburgenses — à pra-dicto burgo esiciatur. Codex MS, de LL. Statutis & Confuetud. Burgi Villa Montgomer. -

Bonaght; or Bonaghty, An Exaction in Ireland, impos dat the will of the Lord, Antiq. Hib. p. 60.
Cambden in his Brit. tit. Definond, fays, That Fames Earl of Defmond impos'd upon the People those most grievous

Tributes of Coyn, Livery, Cocherings, Bonaghty, &c.

Bona notabilia, Are such Goods as a Party dying hath in another Diocess, than that wherein he dies, amounting to 5 l. at least, which, whoso hath, his Will must be prov'd before the Archbishop of the Province; unless by Composition or Custom, other Dioceffes are authorized to do it, where Bona notabilia are rated at a greater Sum. Book of Canons, 1 Fac. can. 92.
93. Perkin. fell. 489. See probate of Testaments.

Bona Batria, An Affise of Country-Men, or good

Neighbours: Sometimes call'd, Affa bone Patrie, when Twelve, or more, are chosen out of the Country to pass upon an Assise; and they are call'd Juratores, because they swear judicially in presence of the Party, Skene verb. Bona Patria. Vid. Affors.

Burlar of Bifiter, Com. Oxon. An. D. 1425. account to the House, - Et in duabus bonchis allei vi den. two bunches or ropes of Onions 6 d. Fr. Junius derives it from the Danish Buncher, the tops of Hills. It seems rather from the old Latin Bonna, Bunna, a rising Bank, for the Term or Bound of Fields. Hence the word Bown is us'd in Norfolk, for Swelling or Rifing up in a bunch or tumour, &c.

Mond, Bondage, and Bondmen: The Book of Doomfday calls Bondmen Servi, and differences them from Villani, Villeynes. Et de toto tememento quod de ipso tenet in Bondagio, &c. Mon. Angl. a. par. sol. 609. a.

Bonis non amobendis, Is a Writ to the Sheriffs of London, &c. to charge them, that one condemn'd by Judgment in a Nation, and profecuting a Writ of Error, be not suffer'd to remove his Goods, until the Er-

tor be try'd, Reg. Orig, fol. 131. b.

Booting, or Boting Corn, Certain Rent Corn anciently fo call'd; The Tenants of the Mannor of H. in

Com. B. heretofore pay'd Booting Corn, to the Prior of Rothester, Antiquity of Purveyances, fol. 418. See Bote.

Ferhaps it was so call'd, as being paid by the Tenants, by way of Bote (Boot we still call it) or Compensation to the Lord, for his making them Leases.

Bordatit, Be Tenants that occupy part of the Denalis are call'd Bordant.

mesnes, which are call'd Bordlands.

Morragium, The Tenure of Bordlands, which see, Item ordinatum est, quod omnes qui terras & tenementa tenent per Bordagium, babeant super singulis Bordagiis, que per prædictum servitium tenentur, capitalem quan-dam mensionem in loco ad boc consueo, &c. Ordin. Just. Itin.

in Insula de Jersoy.

Bordarii, seu Bordmanni: we often meet with these words in Doomfday; some think they are Peasants, Husbandmen, or Cottagers, Dicunter Bordarii, vel quod in Tugurio (que cotagia vocant) babitabant, &c. Spelman-See Bordlands. Some derive it from the old Gall. Bords, the Limits or Extreme parts of any Extent: As the Borders of a Country, and the Borderers Inhabitants in those Parts; whence the Bordure of a Garment, and to imborder, which we Corrupt to imbroider. But our old *Bordarii*, Bord-men, were rather so call'd from Sax. *Bord*, a House. The *Bordarii* often mentioned in the Doomsday Inquisition, were distinct from the Servi and Villani, and seems to be those of a less servile Condition, who had a Bord, or Cottage, with a small parcel of Land allow'd to them, on condition they should supply the Lord with Poultry and Eggs, and other small Provisions for his Bord, or Entertainment.

Born-halfpeng, Is a Duty paid in Fairs and Markets, for fetting up Tables, Bords, and Stalls, for the felling of Wares. In many old Charters, divers are freed from this Payment: Some have corrupted it to

Bortbal-peny, and Brod-balpeny.

Bordlands, Signific the Demeines, which Lords keep in their Hands, for the Maintenance of their Bord, or Table. Bordlands funt dominicum ad menfam, Brack. lib. 4. traft. 3. cap. 9. nu. 5. which was antiently term'd Bordagium, or Bordage. Sax. Diction. verb. Bord. See

Bordagism, or Bordage. Sax Inction, vero, Bord. See also Antiquity of Purveyance, fol. 49.

**Borda, A Plank or Board. --- Rex Vicetom Ebor. Salutem. Facias publice proclamari ne quis --- maerennium aliquid, seu Bordas aliquas aptas pro navibus faciendis, extra regnum nostrum ad partes exteras ducat, vel cariari faciat. Rot. Claus. 10 Ed. 3.

**Bordagode. The firm, or quantity of Food, or Provision, which the Bordary, or Bord-men pay'd for their Royd-Lands. The old Scots had the term of Burd, and

Bord-Lands. The old Scots had the term of Burd, and Meet-burd, for Victuals and Provisions; and Burden-Sack, for a Sack full of Provender. From whence probably comes our English Burden at first; only a load of Meat and Drink: which we feem still to retain in the Proverb, He bas got bis Burden, i. e. as much Drink as

he can bear, or carry off.

finall Cottage, which growing infamous for a licentious Ale-house, and the common habitation of Profitutes. Thence by degrees a Bordel, or by Metathesis a 15 20021; Bordel, Lat. Bordellum. At first it signify'd any Brothel and Brothel-house came to signify a lewd place, a Stews. From which Femme-bordelier, a common Whore. Hence in Chaucer, a Borel-man, contraction of Brothel-man, a lose idle Fellow; and Borel-folks, Drunkards, and Epicures, which the Scotch now call Bureil-Folk. In the Dialogue between Dives and Pauper, Printed in Lond. 1493. — Dives. 'And I dreade me that full oftein by such feyres Gooddes House is 'made a Tavern of Gluttons, and a Bordel of Ley-chours.

Borgsbrigth, or Burgh-Bryck. The Breach or Violation of Suretyship, or Pledge or mutual Fidelity among the Saxons.

Bordare, Bordiare, Burdare. To exercise the

Feats of Arms in Justs, Torneaments, or other Military Sports. ——— Nulli convenient ad turniandum, vel burdandum, net ad alias quascunque aventuras. Assis, de Armis An. 36 Hen. 3. Burdare was more properly burdonibus, seu sustibus dimicare, to play at Cudgels Chauter uses the Word Burdans, for larger Sticks or Cudgels: The old French bourdon, as a Pilgrim's Staff. Bordicia, were the solemn Challenges and Encounters at Quarter-Staff, Cudgel-Play, Back-Sword, &c .- De tor neamentis & bordiciis non tenendis, Ne quis prasumat torneare, vel bordeare. Lit. Claus. 28 E. I. m. 17.

1Bozeto, or bezeugh. In Latin Burgus, Burgum; May be deriv'd from the French burg, i. e. pagus; or from the Saxon borboe, pignus: It fignifies with us a Corporate-Town, that either is not a City, 2 B. 3.cap. 3. namely, such as send Burgesses to the Parliament, whose number you may see in Cromp. Jurisd. fol. 24. It may probably be conjectured, That antiently it was taken for those companies consisting of ten Families, which were to be Pledges for one another. See Bratl. lib. 3. tratl. 2. cap. 10. See Head-borow, and Borow-bead; and Lamb. Duty of Conft, pag. 8. Linwood upon the Provincial, (ut singula de sensibus) speaks to this Essect, Aliqui interpre-tantur Burgum esse castrum, vel locum ubi sunt crebra castra, vel dicitur Burgus, ubi sunt per limites babitacula plura constituta; but afterwards defines it thus, Burgus dici potest Villa quecunq, alia à Civitate, in qua est Uni-versitas approbata. Some derive it from the Greek word supple, that is, Turris. See Skene de verb. Signif. Vergestan, in his Resolution of Decay'd Intelligences, faith, That Burg or Burgh, whereof we take our Borough, Metaphorically fignifies a Town having a Wall, or fome kind of Closure about it. All places that in old time had amongst our Ancestors the Name of Borough, were one way or other fenc'd or fortify'd, Lit. lett. 164.

Bosom-head, alias Head-borough, Capitalis Plegius, made up of Borboe, a Pledge, and Head, Lamb. Duty of Confables; where in the Explication of this and other Saxon Words of that Nature, he rehearfeth some ancient Customs of England, during the Reign of the Saxons. This Borow-head was the chief Man of the Decary, elected by the rest to speak, and do in their behalfs those things that concern'd them. See Boronelected by the rest to speak, and do in their

bolders.

Bosom hold, alias Borsholders; Be quasi Borboe-ealders, and signifieth the same Officers that be call'd Borow heads, Lamb. Duty of Const. Bratton calleth them

Borghy-Aldere, lib. 3. trali. 2. cap. 10.

25020th English, Is a Cultomary Descent 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 Edmunton, some part of Richmond, and other places, Kithin, fol. 102. And the reason of this Custom, (says Littleton) is, for that the youngest is presum'd in Law to be least able to shift for himself.

Bozom Boods bebisable. I find these Words in the Statute of Atton Burnel, 11 E. 1. cap. unico: And suppose that as before the Statute of 32 & 34 H. 8. no Lands were devisable at the Common-Law, but in ancient Baronies; so perhaps at the making the Statute of Allon Burnel, it was doubtful, whether Goods were de-'visable but in ancient Borows: For it seemeth by the Writ De rationabili parte bonorum, that anciently the Goods of a Man were partible between his Wife and Children.

Morthal peny. See Bord-balpeny.

Bozmhal peng. The same Duty with Bordpeny. In the Charter of Henry 1. to the Church or st.

Peter Tork, Canonici & bomines corum fint quitei de In the Charter of Henry 1. to the Church of St. -Leyr-

Leyrwyte, Hengewyte, & Wardepeny, & Borwhalpeny, & de omnibus auxiliis Vicecomitum, &c. MS.

Bostage, Boscagium, Is such Sultenance, as Wood
and Trees yield to Cattel, viz. Mast; it may be deriv'd from the Greek Word Boscher, Pascere.

Bostaria, May be either Wood-houses, from Boscus; or Ox-houses, from bos. Ut ips possunt domus &
Boscaria setis competentia edificate. Mon. Apgl. 2. Pa.

Mon. Angl. 2. pa. Boscaria satis competentia adificare.

fol 302. Boltus, Is an ancient word us'd in the Law of England for all manner of Wood: The Italian uses Bosco in the same Sense, and the French Bois. Boscus is divided into Wood or Timber, Haut-bois; and Coppice or Under-wood, Sub-bois: The High-wood is properly Under-wood, Sub-bois: The High-vcall'd Saltus, and in Fleta Maeremium.

Boffnnus, A certain Rustical Pipe: By Inquisition after the death of Laurence Hastings, Earl of Pembroke, 22 E. 3. The Mannor of Aston Cantlow, in Com. War. is return'd to be held in Capite of the King, by these words, Quod quidem Manerium per se tenetur de Domino Rege in Capite per servitium inveniendi unum hominem Peditem, cum quadam Arcu sine Gorda, cum uno Bosinno

fine cappa, dr. Ex Recod. Tur. Lond.

Thota. A Boot or Shoe, that was the particular Calcacure of the Monks. In some Astronomical Fragments of John de Walling ford, we see the Picture of the Archor with the Distance.

the Author, with this Distich :

Tonfio larga coma, nigra vestis, Bota rotunda, Non faciunt Monachum, sed mens à crimine munda. MS. Cotton, Jul. D. 6.

Bote, Signifieth Compensation, Lamb. Explicat. Sax. words: Thence cometh Manbote, (alias) Monbote, that is, Compensation or Amends for a Man slain, which us, Compeniation or Amends for a main main, which was bound to another. In King Ina's Laws, fet out by Mr. Lambert, cap. 96. is declar'd what Rate was ordain'd for the Expiation of this Offence. Hence also comes our common Phrase, To give to boote, that is, Compensationis gratia. See Skene de verb. Signif. tit. Bote. See also Hedge-bote, Plow-bote, House-bote, Thest-bote, &c. in their proper places. in their proper places.

Botelets, Sine remedio. Inter. Plac. Trin. 12 Ed. 2. Ber. 48. We retain the Word ftill in common Speech, as, It is bootless to attempt such a thing; that is, It is

in vain to attempt. Botericia, Butteress. Rez - Sciatis quod concessmus - Johanni de Chishull, Decano S. Pauli Lond. concepnus - Johanni de Chiniun, Decamo S. Paun Lond. Thesaurario nostro quod ipse & soc. sui Decani ejusdem Ecclesia, — in perpetuum babeant & teneant libere & quiete duas columpnas botericias. quas idem Decanus sieri fecit à parte saustrali Capella sua — 9 Jun. Pat. 35. Hen.

3. m. 14.
Borellaria. A Butry or Cellar, in which the Butts and Bottles of Wine, and other Liquors are repo-- Veniet ad Palatium Regis, & ibit in botellarium, & extrabet a quocung; vase in diella botellaria invento, vinum quantum viderit necessarium pro saltura unius picheri claretti. — An. 31 E. 3.

Botha, A Booth or Tent to stand in, in Fairs or fited. -

Et duas mensuras liberas ad Bothas Markets. .

Suas faciendas. Mon. Angl. 2. Par. fol. 132. Bothagium, Boothage, or Customary Dues paid to the Lord of the mannor or Soil, for the pitching and standing of Booths, in a Market or Fair. H. 6. Rex concessit Roberto Broke - Picagium. Stallagium, Bothagium, & Tollagium, una cum affa panis de cerevisse de Novo Mercato infra Villam de Burcester, Com. Oxon. Paroch. Antiq. p. 680. For the Original of the Word, from the old Gallic bouts, Leather Jacks, for Mr. Vanna's Closson.

cap. 123. n. 35. And Aul. Gell. lib. 11. cap. 1. Bothena also fignifies a Barony, Lordship, or Sheriffwick. And Domini Bothena, are Lords of the Barony, Mannor, &c. And Aul. Gell. lib. 11. cap. 1.

Skene, de verb. Signif.

**Bottler of the King, Pincerna Regis, An. 43. E. 3.

**cap. 3. Is an Officer that provided the King's Wines; who (as Fleta, lib. 2. cap. 21. faith) may by vertue of his Office, out of every Ship laden with Sale-Wines, Unum dolium eligere in prora navis ad opus Regis, & aliud in puppi, & pro qualibet Pecia reddere tantum 20 folid Mercatori. Si autem plura babere voluerit, bene licebit, dum tamen Pretium fide dignorum judicio pro Rege

apponatur.

Bortomry, or botomary, Anno 16 Car. 2. cap. 6.
Is when the Master of a Ship borrows Mony upon the Bottomry. Keel or Bottom of his Ship, and binds the Ship it felf, That if the Money be not paid at the day limited, the Creditor shall have the Ship. 'Ceo est Bottomage quand Creditor shall have the Ship. argent est borrow sur le Keil del neif, & le neif obligé 'al payment de ceo, &c, Latche's Rep. f. 252. Scarborough's Case. Tho' others say, when A. B. lends a Merchant Mony, and is to be paid a greater sum at the return of the Ship, standing to the Hazard of the Voyage, tho' he receive greater Interest than fix per cent. it is not Usury, but Bottomry.

Bodata terræ, An Orgate of Land, is as much as an Ox can till. Ollo bovata terræ faciunt unam carucatam, ollo carucatæ faciunt unum feodum militis: 28 acræ terræ faciunt Bovatum terre, M. S. cum notis in Stat. Vide

Oxange.

Mouthe of Court. Or, according to the Vulgar Budge of Court, is a certain quantity of Provision allow'd there to a Servant. For so is the French Avoir bouche a Court, to have an Allowance at Court. This anciently extended as well to Noblemen's Houses, who were Subjects as to the King's Court; as may appear by this Deed, of which we will repeat only what is Material to our purpose.

Est Endenture fait parentre luy Nobles hommes, * Eit Endenture fait parentre in Probles Romanes, Counte de Warwike, d'une part, & Monsieur Johan Russel de Strengesham Chevalier, de autre part, tesmoigne que le dit Johan est, &c. Et avera pur la pees, &c. Bouche au Court pur luy mesme, &c. Done a nostre Chastel de War-wike, le 29 jour del moys de March, l'an du regine le Roy Richard le Second, pur le Conquest, ssime.

Bouge of Court, Or (as it commonly occurs) Bowge of Court, was an Allowance of Diet, or Belly-provision from the King, or Superiour Lord, to their Knights, Esquires, and other Retinue that attended them in any Military Expedition: From the French bouche, a Mouth; or rather from the Gall. boughs, Lat. bulga, Engl. budget, of British original, for the Welsh use belgan, and Irish bolgy, and by Metaphor for bellows. See Mr. Kennet's Gloffary to Paroch. Antiq.

Boberia, An Ox-house, or Ox-stall, Icea ubi sta-bulantur boves; according to Gloss. in X Script. And Mon. Angl. 2. parn. fol. 210. hath these words, faciendum ibi boverias suas, & alias domos usibus suis necessariis. The Scotch now call a Cow-house a byer, as in the Ballad of Christ Kirk on the Green,

The bolt slew over the Byer.

Bobettus, A young Steer, or Bullock castrated. Unus bovettus mas, quatuer bovicula famina. Paroch-

Antiq. p. 287.

Antiq. p. 287.

Bobicula, An Heifer or young Cow, which in the East-Riding of York-shire they call a Whee, or Whey.

Possul Antiq. p. 405.

fee Mr. Kennet's Glossary.

150thna, buthna, buthena, Seems to be a Park

Where Cattle are inclosed and sed: Hestor Beetius, lib. 7. see Co. 4. Inst. fol. 318. how it is used, we may see 8 E.

Itin

Itin. Pick. fol. 6. Secundam metas, meras, bundas & Marchias Foresta.

Bom bearer, According to Crom. Jur. fol. 201. Is an under Officer of the Forest, sworn to the true performance of his Office, in these words: I will true Man be to the Master Forester of this Forest, and to his Lieutenant; and in the Absence of them I shall truly overfee, and true inquisition make as well of sworn Men as Unsworn in every Bailiwick, both in the North Bail and South Bail of this Forest; and of all manner of Trespasses done either to Vert or Venison, I shall truly endeavour my felf to attach, or cause them to be attached in the next Court of Attachment, there to be presented, without any concealment had to my know-ledge. So help me God.

1Bosones. See Busines.

Draceletts, Hounds, or rather Beagles of the smaller and slower kind. ——— Rex constituit I. L. Ma-Rex constituit J. L. Magistrum canum suorum vocatorum Braceletts, dans ei ligistrum canum juorum vocatorum Diacocco, una centiam experiendi eosdem canes, nec non babendi & saciendi cum eis sectas ad quiscung, bestias infra sorestas & chaceas suas prout sibi sore videbitur saciendum pro expeditione & informatione dictorum canum. Pat. 1.

peditione & informations constitution.

Ric. 2. p. 2. m. 21.

Bractetus, Brachetus, Fr. Brachet. Braco Canis fagax, indagator Leporum. Fr. Brac. So as Braco was properly the large Fleet Hound, Brachetus was the Beagle or smaller Hound: Bracheta the Bitch in that

Cart. Hen. 2. Re. Angi. — Concedi eis duos leporarious, & quatuor bracetos ad leporem capiendum. Mon.

Angl. tom. 2. p. 283.

Bracenarius, Fr. Braconier. The Huntiman Master of the Hounds. -- Rex mandat Baronibus quod allocent Rob. de Chademoth Vicecom. Lincoln. lvi. s. vii. d. quos per praceptum Regis liberavit Joh. de Bellovento pro putura septem Leporarium, & trium falconum & La-nerar. & pro vadiis unius Bracenarii, à die S. Joh. Bapt. nerar. & pro vadiis unius Bracenarii, à die S. Joh. Bapt. An. 14 usq., ad vigil. S. Mich. prox. sequent. utrog; die computato. viz. pro putura sujustibet Leporarii & Falconis i d. ob. & pro radiis pradicti Bracenarii per diem 11 d.— Comput. de Anno 26 Ed. 1. Rot. 10. in dorso. Braction, Was a famous Lawyer of this Land, renowned for his Knowledge both in the Common and Civil Laws, as appeareth by his Books every where extant. He liv'd in the days of Henry the Third, Stams. pras. fol. 5. b. And as some say, was Lord chief Justice of England.

of England.

Brandy, A kind of Strong-water, made chiefly in France, of Lees of Wine; mentioned in the Act 20 Car. 2. cap. 1. Upon an Argument in the Exchequer, A. 1668. It was resolved that Brandy was a Spirit. But 25. Nov. 1669. by a Grand Committee of the whole House of Commons, it was voted to be a Strong-Water, and not a Spirit.

Beathia, Sax. broth, Broath or Pottage. -- Con-cessi totum feedum meum de pineernaria Glastonia cum pertinentiis, ut in fane, vino, & cerevisia, carne, pisce, sive alio quocunq, genere companagii, sive leguminis, jus, brathia, & aliis quibuscunque ad feodum pertinentibus. Cartular. Abbat. Glaston. MS. s. 74. a.

Braffum, Seems to fignifie Malt; because in the antient Statutes Brasatoris taken for a Brewer, and still for a Maltster, 18 E. 2. It was resolved, That Vendition has in the anti-parties will be a state of the service for the state of the service for the brasii non est venditio vistualium, nec debet puniri sicut venditio panis, vini & cervisia, & bujusmodi contra formam statuti. To make Mault (Island Mault) was a Service paid by some Tenants to their Lord. — In manerio de Pidington quilibet virgatarius praparabit Domino unum quarterium brasii per annum, si Dominus

inveniet bescum ad siccandum. Paroch. Antiq. p. 496.

**The Bracina Bracina Brassmaria, A Brew-house.

**Brassmaria A Brewing-woman, properly a Brewster. Si qua brasiatrix brasiavereit cervisiam solvet Tolcestre. Reg. Priorat. de Thurgaston. tom. MS.
Breath Carnium, By Breach Carnium, Thomas Grew,
Master of the Hospital of St. John Baptist, without the
North-gate at Chester, claims Quod omnes Tenentes sui in-

fra eorum liberates residentes sint quieti de venditione carnium.
Pla. in Itin. apud Cest. 14 H. 7.

15:ead of Treat of Tritte, Panis Tritici, Is one of those sorts of Bread mention'd in the Stat. of Assis of Bread and Ale, 51 H. 3. Stat. 1. where you may read of Wastel Bread, Cocket Bread, and Bread of Treat, which may answer to three forts now in use with us call'd White, Wheaten, and Houshould Bread. See Cocket.

Breece, A Breach or Decay, or any other want of repair. I have seen a Deed, with Covenant for Repairing, -- Muros & breccas portas & fosfatas castelli. - fine dat. --- de brecca aque inter Wolwich & Green-

wich supervidend. Pat. 16 R. 2. Dors.

Brede, Signifieth broad; Bretton useth this word, lib. 3. trad. 2. cap. 15, nu. 7. proverbially thus, Too large, and too brede; that is too long, and too broad.

Breumire, Sax. bread, and pite, A Fine or Pe-

nalty. So as Bredwite seems to have been the Imposition of Fines or Amercements for Defaults in the Affife of Bread. To be exempt from that Penalty, was a special Privilege granted to the Tenants of the Honour of Wallingford, by King Hen. II. Ut quieti fint de bidagio & blodewite, & bredewite. Paroch. Antiq. p. 114.

Buthen, The Irishry call their Judges Brebones, and consequently the Irish Law is term'd Brebon Law. See

A Inst. fol. 358.

Bretopse, or Bretois; Henricus de Penebrugge dedit omnibus liberis, &c. omnes libertates & liberas consuetudines secundum Legem de Bretoyse, &c. where secundum Legem de Bretois, must needs signify the Law of the Marches, then in Practice among the Britains; because Penebrugge or Pembridge is in Herefordshire, a Town bor-

dering on Wales.

Brebe, Which haply may be so call'd from the bre-vity of it, is any Writ directed either to the Chancellor, Judges, Sheriffs, or other Officers, whose variety and forms, you may see in the Register per totum. The word is us'd in the Civil Law according to several Senses. See Skene de verb. Signif. verb. Brevc. And Bratton, 1.5. tract. 5. cap. 17. num. 2. Breve, quia breviter & paucisverdis intentionem proferentis exponit, &c. Any Writ or Precept from the King, was call'd Breve, which we still retain in the Name of Brief, the King's Letters Patent to poor Sufferers, for Collection.

Brebe perquirere. To purchase a Writ or License of Trial in the King's Court, by the Plantist, qui breve perquisivit. Hence the present usage of paying 6s. and 8 d. where the Debt is 40 l. and 10 s. where the Debt is 100 leand so upward in Suits of Money due upon

Bond.

Brebe de Recto. A Writ of Right, or Li-cense for a Person ejected, to sue for the Possession of an Estate detain'd from him.

Brebibus e Rotulis liberandis, Is a Writ or Mandat to a Sheriff, to deliverunto the new Sheriff, chosen in his room, the County, with the Appurtenances, una cum Rotulis, Brevibus; and all other things

belonging to that Office, Reg. Orig. fol. 205. a.

Bribery, Is a high Offence, viz. when any Man in Judicial place, or any great Officer, takes any Fee, Penfon, Gift, or Reward, for doing his Office, of any Perfon, fave the King only: Fortefeue, cap. 51. and 3 Inft.

fol. 145.

Bribars, Cometh of the French Bribeur, i. e. Mendicus: It seemeth in a Legal signification one that pilfereth other Mens Goods, Anna 28 E. 2. Stat. 1. cap.

Briga, French Brigue, that is, Strife or Contention.

Et posuit terram in Brigam, &c. he made a strife about the Land, Ebor. Hill. 18 E. 3. Rot. 28.

Brigandine, Loried, Isa Coat of Mail; this word is we'd also a log of the string of the is us'd 4 & 5 P. & M. ca. 2. Some confound it with Hais us'd 4 & 5 P. & M. ca. 2. Some confound it with Habergeon, and others with Brigantine, which is a far different thing, being a fwift failing Vessel-us'd at Sea, being long, but low built.

Drigbote, or Brugbote, Est quietum esse de auxilio dando ad resciendum Pontes. Fleta. lib. 1. cap. 47. It is compounded of brig, a Bridge; and bote, a Compensation or yielding of Amends. See Bote, and Bruckbote. Selden's Titles of Honour, fol. 622.

Brithol. K. Hen, III. in a Charter to the Citizens of Lond. dated 16 Mart. An. Regn. XI. — Ad emendationem Gravitatis London. eis concessons, quod omnes

dationem Civitatis London, eis concesimus, quod omnes sint quieti de Brithol, & de Childwite, & de Jersigne,

de de Scotal, — Placit. temp. Ed. I. & Ed. II. MS. fol. 143. b. Penes Dom. Fountains.

182itton, Was a famous Lawyer, that liv'd in the days of King Edward the First, at whose command, and by whose Authority, he Writ a Learned Book of the Law of this Realm: The Tenor runneth in the King's Name, as if it had been penn'd by himself, answerably to the Institutions which Justinian assumeth to himself, tho' compos'd by others, Stamf. prer. fol. 6. & 21. Sir Edward Coke faith, That this Britton writ his Book in the Fiftieth Year of Edward the First, Lib. 4. fol. 126. a. & lib. 6. fol. 67. a. Mr. Guin, in his Preface to his Reading, mentioneth, That this John Britton was Bishop of Hereford.

Brocage, Is commonly taken for the wages or hire of a Broker. In 12 R. 2. cap. 2. it is taken for the means

and other Horse-geer. From the French Brache, a Spit which in some Parts of England is call'd a Broche. Whence to broach or pierce Barrel: Lat. Broche, Broche, Gall Barba Appare Broche, Broche Gall Barba Appare Broche, Broche Gall Barba Appare Broche chiæ, Gall. Broches Armor. Broccen, were sharp wooden Stakes, which, as us'd upon the Sea-banks in Romney-March, are call'd Needles. It is true the Learned Spelman did conjecture the word Brochia, or Brocha, to be a fort of Can or Pitcher, to hold liquid things, as Saccus to carry dry things: As it is rendred in the following word Brochia. But it seems much rather to signific, as I have before explain'd it, an Awl, or a Needle. It was certainly an Iron Instrument, as in this Authority, Henricus de Havering tenet manerium de Morton,

Cum. Essex, per Serjantium inveniendi unum bominem, cum uno equo, pret. x. 1. & quatuor ferris equorum, & uno facco de corio, & una brochia ferrea. — Anno 13 Ed. I.

Broceella.' -- dedi unam brocellam vocatam Rahag. Reg de Thurgaton. MS. Dr. Thorsten interprets I have not elsewhere met with the word, it a Wood. nor know I whence to derive it. (So Blount.) The word did properly fignific a Ticket or Covert of Bushes, and Brush-wood; from the obsolete Lat! bruscia, brusca; terra bruscosa, brocia; French broce brocelle. bronce, or brouse of wood, and bronsing of Cattle.

15 20thia, A great Can or Pitcher, Bratton, libi 2.

trati. 1. cap. 6. hath these words, Si quis teneat per ser-vitium inveniendi Domino Regi, certis locus & temporibus unum bominem & unum equum, & faccum cum brochia, &c. By which it feems that he intends Saccus to carry dry, and Brochia liquid things. See Saccus, and Brocha.

Brosehalpeny, In fome Copies Broad-half-peny, and in others. Bordhalpeny.

It fignifies to be quit of a cer-

in others Bordhal peny. It fignifies to be quit of a certain custom exacted for setting up of Tables or Boards in Fairs or Markets; and those that were freed by the King's Charter of this Custom, had this word put in latitudine: Dooms-day. Hac autem appellatione fore, their Letters Patents; by reason whereof at this Day, vocant steriles campos licet Ericam non edant, Spelman.

the Freedom it self, for brevity of Speech, is call'd Broadbalpeny. It seems to be deriv'd of three Saxon Words, bret or bred, that is, a Board, and balve, that is in the behalf of, as we say in Latin (cujus rei gratia) and pen-ning, a Toll, which in all makes a Toll in behalf of, or for a Board.

Broke, Commonly call'd Sir Robert Broke, was a great Lawyer, and Lord Chief Justice in Queen Mary's time, Cromp. Just. of the Peace, fol. 22. b. He made an Abridgment of the whole Law, from him intituled

Broke's Abridgment.

Brocarius, Seemeth to come of the French word Broieur; that is, Tritor, a Grinder or Breaker into finall pieces; because he that is of that Trade, to deal in matters of Money and Merchandise, between Englishmen and Strangers, draws the bargain into particulars, not forgetting to grind out fomething to his own Profit. These Men be call'd Broggers, 10 R. 2. cap. 10. In Scotland they be call'd Brocaris, that is, according to Skene de Signif. verb. Mediators, or Intercessors in any Transaction, Paction or Contract, as 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 Jac. cap. 21. These in Civil-Law, are term'd Proxineti, as also of some Licitatores & Mediatores, tit. de Proxinet. in Digestis. There is another fort of Brokers, commonly call'd Pawn-brokers, who commonly have a Shop, and let out Money to necessitous People upon Pawns, not without Extortion: These we may call more properly Friperers, and are neither of that Antiquity or Credit as the other; nor does the Statute allow them to be brokers, tho' they are so vulgatly call'd.

15 Moderers, This may take his Derivation from the French Brodeur, and that of Bordure, Fimbria, the Edge or Hem of a Garment, which we yet call Border, and that because it is usually distinguish'd from the rest by fome conceited or costly work: He that worketh it, is known amongst us by the Name of an Embroiderer.

Jurati dieunt super Sacramentum, quod Johannes de Monemne Miles per Robertum Armigerum sum, percusti Adam Gilberd Capellanum de Wilton, in gutture quo-

dam gladio, qui dicitur brok, per quod propinquior erat morti, &c. Rot. Parl. 35 E. 1.

Brollus, Bruis'd, or hurt with Blows, Wounds, or other casualties.

Mandatum est à Domino Rege, e quis mattet broffas bestias in Oxonia -- Claul, 12.

E. 3. P. 3. Dorf. 2.

Brothel houses. King Henry 8. by Proclamation 30 March, 37 Year of his Reign, suppress'd all the Stews, or Brothel-houses, which long had continued on the Bank-side in Southwark, 3 Inst. fol. 205. and Rot. Parl. 14 R. 2. n 32.

Bruckbote, Is compounded of two German words, Bruck, Pons, a Bridge, and Bote, Compensatio, Reward; It fignifies 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 us'd for the very Liberty or Exemption from this ribute. See Pontage, and Brigbote.

Brudatus, Bordered, Embroidered. Ranulphus Tribute.

Episcopus Elientis, contulit Monachis quoddam vestimentum troceum, cappam scilicet & casulam cum dorsali imagini-bus brudato, & duas tunicas — Albam bonam brudatam. cum imaginibus. Hist. Elin. apud Whartoni Angl. Sacr.

P. 1. p. 604.

15 uere, We call that which the Latines name Erica, and fignifies Heath : Bruaria 2. leucarum longitudine & latitudine: Dooms-day. Hac autem appellatione forenses 宁 Bru:

Bruetia, Briars, Thorms, Brush, Heath. 4 Sax. Brer, Briar. A. D. 1434. Humphry D. of Glocester, acknowledges the Forester of Shotore and Stomede, tantum de arboribus & brueriis, quantum pro ve-– habebit. Paroch. Antiquit. p. 620. fur à indignerit -Hence Lat. Brolium, broilum, briulum, Bruilium, a Hunting Chace, or Forest. Bruillus, brogillus, a Wood, a Grove. Fr. Breil, breuile, breuille, a Thicket or Clump of Trees, in a Park or Forest. Hence the Abby of Bruer, in the Forest of Wichwood, Com. Oxon. and Bruel,

Brehul, or Brill, a Hunting Seat of our ancient Kings in the Forestof Bernwode. Com. Buck.

Druilletus, A small Copps or Thicket, a little Wood. — Dedimus Willielmo Briwer licentiam claudendi duos bruilletos, qui sunt extra regardam Foresta nostra querum unus est inter Swinburn & Estorbrig. Cart.

Brushment, Small Wood, or Brush. Cartul.

Forest. cap. 14. - Et quod malefactores noctanter cum gladiis & bucklariis, ac aliis ar-nis, &c. Clauf. 26 Ed. 1. m. 3. intus.

Buckstall. By 19 H. 7. cap. 11. seems to be a Deerhay, Toyle, 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 40 li. What is to be quit of Buckstalls, see 4. Infl. fol. 306.

Buckinheat, Is mention'd 15 Car.2. cap. 5. and in truth the same with French Wheat, and well known in

many Counties among us of late Years.

Bucinus, A Military Weapon for a Footman. - Petrus de Chetwode tenet -– per Serjantiam

inveniendi unum hominem peditem, cum una lanca & unb bucino ferreo, per xl dies. Tenures p. 74.

Bunge of Court. See Bouch de Court.

Butten . -- A. D. 1313. 3. Kal. Jan. Episc.
Bath. Well. concedit annuam pensonem danam marc. cum tertia parte unius panni de secta Clericorum nostrorum, &

una furura de bugeto, pro supertunita, & alia procapu-cio. Regist. Joh. Drokensford Episc. Bath. Well.

1Buggery, According to Co. Rep. 12 pag. 36. Comes from the Italian Buggerare. It hath been defin'd to be Carnalis copula contra naturam, & bec vel per confusionem Specierum, sc. a Man or Woman with a brute Beaft; vel Sexuum, a Man with a Man, or a Woman with a Woman; see Levit. 18, 22, 23. This Offence com-Woman; see Levit. 18. 22, 23. This Offence committed either with Man or Beaft, is Felony without benefit of Clergy, being a Sin against God, Nature, and the Law, 25 H.8. reviv d, and 3 Eliz. 17. It was brought into England by the Lombards, as appears Rot. Parl. 50 E. 3. num. 58. See F. N. B. 269. and Dalton. In antient times such Offendors were to be burn'd by the Common Law. This most detestable Sin was most justly excepted out of the AA of General Pardon, 12 Car. cap. 8.

made after his Majesties Happy Restoration,

Bulga, Bulgia, A Budget, Port-mantue, or
any other Continent for Portable Goods.

Bulgais The manticas eorum effarri, & expilari just Will. Malmesbur. de Gestis Pontif. lib. 1. See Bouche of Court.

Bull, Seemeth to be deriv'd from the Greek Bunh,

Consilium, as Polydore Virgil faith, De Invent. Rer. lib. 8. cap. 2. It is an Instrument so call'd, granted by the Bi-shop of Rome, and seal'd 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 these Instruments have been heretofore us'd, and of force in this Land; but by the Statute of 28 H. 8. cap. ro. It was Enacted, That all Bulls, Briefs, Faculties, and Dispersions, of whatsoever name or nature, had or obtain'd from the Bishop of Rome, should be altogether void: see Rast. 328. The word is often us'd in other Statutes, as 1 & 2 P. & M. cap. 8. 13 Eliz. cap. 2. Mat. Paris, An. 1237. describes its Seal thus, In

Bulla Domini Papa stat. imago Pauli a dextris Crucis in medio Bullz figurata, & l'etri a sinistris. But now, as we said, they are disus'd among us, and therefore need no further Description. William de Brinkle recover'd by Verdict against Otho, Parson of the Church of Boston 10 libras, pro substractione unius Bullæ Papalis de ordinibus, alterius Bullæ de ligitimatione, & tertiam Bullam de Veniam exorantibus pro Animabus Antecesso-rum suorum. Placit Trin. 4 Edw. 3. Rot. 1. 100.

Mullenger, The Commons Petition, that certain Commissions issued to Cities, for preparing Boats and Bullengers may be repealed, the Parliament not having consented thereto, Rot. Parl. 2 H. 4. n, 22.

Bullion, Cometh of the French Billen, the Ore, or Metal whereof Gold is made: It fignifieth with us Gold or Silver in Mass or Billet, 9 E. Stat. 2. cap. 2. And formetimes the King's Exchange, or place whither such Gold in the Lump is brought to be try'd, or exchang'd, Anno 27 E. 3. Stat. 2. cap. 14. 4 H. 4. 10. Se Skene de verbor. Signif. verb. Bullion, Gervase of Tilbury says, (writing of the Salt Springs in Worcestershire) That of old they call'd a certain quantity of Salt, Bullion.

Bullitio Salis. As much Brine or Salt, as is add from one boiling. What the Learned Damade from one boiling. What the Learned Da-fresne calls Bullio, and makes to be Mensura Salinaria, is no other than bullitio, one wealing or boiling. are the Ballones, in Mon. Angl. tom. 2. 256.quatuor summis salis continentibus quadraginta bullones, pro dimidia salina sua. --- Rectius in libro consuali apud Nantwich. --- Osto putei salinarii reddebant Regi & Comiti singulis veneris diebus fexdecim bullitiones. The Measure seems uncertain, according to the quantity of their Pits, Cisterns, &c. The last Ingenious Editors of Control of the Control of Con

17. H. 8. P.'1. m. 2.

2Bultell, is the branny remainder of Meal that hath been dress'd. And the Bag wherein it is dress'd, is call'd a Bulter, or rather a Boulter; the word is mention'd in the Statute entituled, Affa panis & cervifia, 51 H. 3. Hence bulted, or boulted Bread.

17 Burghbrith, From the Germ. Beutel, a Sieve,

Bentelen, to bolt or fift. Gall. beluter, bluter; which Menagius fancies to bear Affinity with the Lat. volutare. The Modern French blutter: Hence the Lat. Bolendigarius, Bolengerius, Fl. Boulen, Fr. Boulinger, a Baker, or Bread-maker.

Bunda. See Bounds.
Burthera, Akind of Gun, mentioned in the Forests Records.

Burells. King Henry the Third granted to the Citizens of Lond. that they should not be vex'd for the Burels, or Cloath listed according to the Constitu-tion made for bredth of Cloath, in the Ninth Year of

his Reign. See Ston's Survey of Lond f. 297.
Burgbere, Compouded of Burg, Castellum, Bote, Compensatio; signifies a Tribute or Contribution toward the building or repairing of Castles or Walls of Defence, or toward the Edifying a Borough or City; from this divers had Exemption by the antient Charters of the Saxon Kings, whereupon it is usually taken for the Exemption or Liberty it self, Rast. Exposition of words. Fleta says, Significat quietantiam reparationis murorum Civitatis vel Burgi, lib. 1. cap. 47.

Burgage, Bargagium, Is a Tenure proper to Cities, Borows and Towns, whereby the Burgers, Citizens, or Townsmen, hold their Lands or Tenements of the King, or other Lord, for a certain yearly Rent: Old Tenures. It is a kind of Socage, Swinburne, part 3. fest. 3. n. 6. Habentur inter ignobiles tenuras qui ad nillitiam non pertinet. 37 H. 8. 20. Antiently some called a Dwelling-

house in a Borow-Town, a Bargage.

15 urghbrech, or Borgbrech. Angli omnes decemvirali olim side-justione pacem regiam stipalati sunt, quod autem in ham commissum est, Burghbrech dicitur, Gc.

vide Leg. Canuti, cap. 55. Burgherch est Lasio libertais aut septi, Polychron, lib. 1. cap. 50.

Burgherche, A Fine imposid on the Community of a Town, for the breach of Peace, &c.

Burgheristhe, I suppose it should be Burgheriche, that is, Violatio pacis in Villa. The word is us'd in Doomsday, and so expounded by Mr. Agar of the Exchanger

Bote, Emendatio, Compensatio: A Contribution towards the building or repairing of Castles or Walls of Defence, or towards the building of a Borough or City, From which Duty several Persons had obtain'd an Exemption, by the Antient Charters of our Saxon Kings: whence the word is often taken for the Liberty or Exemption from such Customary Service, Rastal.

ficat quietantiam reparationis murorum civitatis vel burgi. Fleta, lib. 1. cap. 47.

Burghmote, A Court of a Borow or City: Et ba-beatur in anno ter Burges-motus, &c. & intersit Episco-pus & Aldermanus, & doceant ibi Dei restum & sæculi, Leg. Canut. M. S. cap. 44. Hence in the City of London, they ftill have their Wardmote, &c.

Burgherith. · Istæ consuetudines pertinent and Taunton, Burgheristh. Latrones, pacis infraction Hamfare, Denarii de Hun, diei, & Denarii S. Patri, MS. Cambdeni, penes Will. Dugdale Armig. quære. So Mr. Blount. The word occurs in Dooms day Book, sub tit. Somerset. Eqisc. Winton. Tanton. Ifte consuetudines, &c. So a Charter of Edmund King, An. 944, in Will, Malmesbury, lib. 2. de Gestis Rerum Angl. —— Concedo Ecclesta S. Mariz _____ jura consuetudines, & forisfacturas -- i. e. Burgherith & bundred. Setbna, &c. Mr. Somner think's it should be Burgbbrich.

Burglary, Eurglaria, Is compounded of two French words, Eurg, Pagus, and Larecin, furtum, or Laron, fur. Co. lib. 4. fol. 39. It is in the Legal Serie defin'd to be, felonious entring into another Mans dwelling, wherein some Person is, or into a Church in the Night time, to the end to commit some Felony, as to kill some Man, or to steal somewhat thence, or to do some other selonious AA, albeit he executes not the same, West, Symb. part 2. tit. Indiaments, fett. 56. Burglary in the natural fignification, is nothing but the robbing of a House; but as it is Vox Artis, the Lawyers restrain it to robbing a House by Night, or breaking in with an intent to rob or do some other Felony. The like Ofintent to rob or do some other Felony. fence committed by Day, they call House-robbing, by a fence committed by Day, they call House-rooting, by a p. culiar Name. How many ways Burglary may be committed, see Cromp. Just of Peace, fol. 28, 29, 30. and 3 par. Inst. fol. 363. The Offenders shall not have benefit of the Clergy, 18 Eliz. 7.

Thurnhware, A Citizen or Burgess, Quasivir Burgi: It is us'd in the Charter of William the Conquerour, to the Londoners, Willielmus Rex silutat Willielmum Epi-scopum, & Gosfredum Portgeressum, & omnem Burghware insta London. Mec.

ware infra London, Uc.

Burlimen. See Sucking.

Burrochium. A Burrock, or small Wear, where Wheels are lay'd in a River, for the taking of

Burla, A Purle, . - Reddendo inde ad Bursam

Abbitis, &c. Exlib. Cart. Priorat. Leom.
Burfaria. The Burfery, or Exchequer of Collegiate and Conventual Bodies, or place of receiving, and paying, and accounting by the Burfarii, Burfers. A. D. 1277. Computaverunt Patres Radulphus de Meri-

ton, & Stephanus de Oxon. de bursaria domus Berncestre

coram Auditoribus. Paroch. Antiq. p. 288.

Burfarii. This word did not only fignify the Burfari of a Convent or College, but formerly all Exhibitioners, or Stipendiary Scholars at Paris, were call'd Bursarii, as they liv'd on the Burse or Fund, or Contribution of Benefactors. ——— In ea Universitate - In e a Universitate (scil. Oxon.) sunt clara Collegia a Regibus, Reginis, Episcopis, & Principibus fundata, & ex stipendiis eorum Scholastici plurimi utuntar quos Parisiis Bursarios vocamus. Joh. Major, Gest. Scot. lib. 1. cap. 5. So among the Cistertian Monks, the Bursarii were the Novices or Young Scholars sent to the University, and there maintain'd by the Religious out of their publick Burle, or

A word us'd in Doomfday, of which Mr. Agar thus: It may be this word is written for Bury, which sometimes I read in this Book, and Bure is that

which the Dutchmen call a Bore, Colonus, a Peasant.

15usta, or 15ustus, Underwood, or Brushwood.

See Boscus.

15usones Comitatus, Justiciarii vocatis ad se qua-tuor vel sex, vel pluribus de Majoribus comitatus, qui dicunter Busones comitat. & ad quorum nutum dependent vota aliorum. Brack. lib. 3. track. 2. cap. 2- num. 1. Sed quere.

15 Mustellus, A Bushel; from Buza, Butta, Buttis, a standing Measure of Wine; Butticella, Butticellus, Buffellus, a less Measure. From the old gall. Bouts, Leathern Continents of Wine. Whence our Leather Boots, and Buskins, and Budget, and Bottles. Sax. Bytta, us'd for Bottles in the Saxon Gospel, St. Mat. 9. 17. The Bags of Leather, in which they lately carry'd Water, from the Severn into the City of Worcester, were hence call'd Byttes, and each Load of Water was term'd a Bytte of Water. See Mr. Kennet's Glosfory in Bussellus.

Dusta, A Missoner for Busca. — Unam corestatam Busta singulis septimanis in bosco prædictio.

Mon. Angl. vol. 1. p. 473. essewhere I find cum spinis bustis: where it seems to signify Trowse, or I ynet

for repair of Hedger.

Abutt, As a Butt of Malmsey, containing at least 126 Gallons, Anno 1 R. 3. cap. 13. It signifies also the place where Archers are wont with their Bows and Arrows to shoot at a Mark, which we at this Day call Shooting at the Butts.

Buttes, The ends or short pieces of Land in

Arable Ridges and Furrows. See Abbuttare.

Butlerage of Wines, Signifies that Imposition of Sale of Wine brought into the Land, which the Kings Butler, by verture of his Office, may take from every Ship, 1 H. 8. cap. 5. For which see more in Boytiler of the King, the Statute 12 Car. 2 cap. 24. for taking away Purveyances, extends not to this antient Duty. See Calthorp's Rep. of Special Cases, pag. 23, and 4. Inst. fol. 30

Montierari, Muthstarle, Mutesterarie, or Mostestarie. The same with Boatswain, or Mariner. Seld

Mar. Clauf. 184.

Butrum terra, A Butt of Land. di decem acras & unum buttum terræ, cum capuciis & sidlingis prati, ad eandem terram pertinentibus. Cart. 111. de Sibbeford, penes Will. Dugdale Mil. Vid. Abbuttare,

冷 Buzo:onis, - Gulielmus de Greseley tenet muner. de Drakelow, Com. Derb. in capite per servi tium reddendi unum arcum sine corda, & unam pharetram de tutesbit, & duodicim sagittas flectatas, & unum buzonem. Radulphus de Stopham tenet maner. de Brianstan, Com. Dorset. per Serjantiam, inveniendi Domino Regi garcio-nem deferentem unum arcum sine corda, & unum buzonem fine pennis. S. Ed. 1. --- It feems to be the Shaft of an Arrow, before it is fledg'd or feather'd.

Buzones Judiciozum. See Busones comitatus.

Dopoalle. 26 H. 8. cap. 6. See Bidale. Н

Byrlam, or Burlam. See Bylan, Skene-de Signif. perb. p. 33. --- Dige, An Habitation, Doomf-day.

Itera C. apud Veteres nota fuit condemnationis, unde Proverbium inter Gracos To niele udinere ist 73 K.

abliff, Cablicia. Among the Writers of the Forest Laws, signifieth Brushwood, Cromp. Furisd. fol. 165. Manwood's Forest Laws, cap. 25. n. 3. pag. 541. calls it Browsewood. See Itiner. Lam. 10 E. 3. fol. 172. Itiner. Piek. But Sir Henry Spelman thinks it more properly fignifies Windfaln-wood, because of old written cadibulum, from

Caballa. Belonging to Horse; from the Lat. word Caballus: Dooms-day, Mr. Agar.

Labo de bona Esperanza. See Cape de bona Espe-

Cathepollus, A Purlevant, a Bayliff, a Catch-- In stipendiis Ballivi xiii s. iv d. in stipendiis pole. • nnius præpositi xxvi s. xxvi d. in stipendiis unius Cachepolli per An. ix s. viii d. Consuetud. Domus de Farendon. MS 1.23.

Cade, Of Herrings is 500; of Sprats 1000. Book of

Rates, fol. 45.
Taducus Porbus. The falling-fickness, or Epilepfie. — A.D. 1227. Willelmus Scottus Archidiaconus Wigorn. electus Episc. Dunelm. contra quem

objectum est quod non suit natus de terra Regis Anglix, & insuper morbum caducum patiebatur. Chron. Priorat.

Dunftaple. Ms. Bibl. Cotton. Tiber. A. 10.

Cafamitus. The word feem us'd for a Stick, or Gag put into the Mouth of Dogs, to prevent their Barking. -- Ignaviter & prorsus inutiliter, veluti canes non latrantes, sed tanquam in ore calamitam babentes, Ecclesie bonis incubare. Giral. Cambrensis apud Whartoni Angl.

Sac. P. 2. p. 614. A Cage for Birds, a Coop for Hens. -Mandatum est Vicecom. Wilt, quod emat in balliva fua 100 bacones, to 300 gallinas, cum cagiis, in quibus eadem galline poni possunt, Ex Rot. Claus. 38. H. 3.

m. o. Calamus, Is a Cane, Revd, or Quill; the divers kinds whereof you have in Gerard's Herbal, lib. 1. ca. 24. This is comprised among Merchandile, and Drugs to be

garbled, by 1 fac. cap. 19.

@ alentzing of Utlozeros, Spoken of 5 H. 8. cap.
4. and 35 H. 8. cap. 5. It fignifies to smooth, trim, and give them a Gloss; and is a Trade us'd both in London and Norwich.

Calangium, Challenge, Claim, or Dispute: Sciant, dec. quod ego Godefridus, &c. dedi, dec. fine aliquare-clamatione seu calangio, dec. Boscum qui suit in calangio. inter ipsum de Walterum. Mon. Angl. 2.par.fol. 252.b.

Calces, Calceis. A Road or Highway, maintain'd and repair'd with Stones, and Rubbish; from the Lat. Calx, Chalk, French Chaux; whence their Chaussee, our Cause-way or Path rais'd with Earth, and pav'd with Chalk-stones, or Gravel. Calcagium, was the Tax or Contribution pay'd by the Neighbouring Inhabitants toward the making and repairing fich common-roads. Calcearum Operationes, were the work and Labour done by the adjoyning Tenants; from which Duty some Inhabitants, were by Royal Charter, especially exempt-

ed. See Mr. Kennei's Gloffary.
Calcetum, & Calceate, A Cawley, or Cawleway:

perhaps so call'd quia pedibus calcatur.

Caldaria, A Cauldron, or Copper. --- Instituebant feri Arepitum maximum & frugosum tundenti-bus singulis & Aagellantibus elspeos & galeas, sellas & asseres, dolia & flascones, pelves & scutellas & cal-

darias, & quodcunq; ad manum erat instrumentum. Gaufr.

Vinefauf. Ric. Reg. Iter. jeros. 1. 4. c. 13.

Calende, Calende, Was among the Romans the first Day of every Month, to which if we add Pridie, it is the last Day of every Month, as Pridie Calend. Septemb. is the last Day of August; it any number be set before it, as Decimo, Nono, Offavo, &c. Calend. Sept. is the 22, 23, 24 of Aug. In March, May, July and October, the Calends begin at the Sixteenth Day, in other Months at the Fourteenth; and they must ever bear the Name of the Month following, and be numbred backwards from the first Day of the said following Months. See more in Hopton's Concordance, pag. 69. See also Ides and Nones. Distum de Kenelworth is dated the Day before the Calends of November, 1256. In the Dates of Deeds, the Day of the Month by Nones, Ides and Calends, is suf-

ficient, 2. Inst. fol. 675.

Tamera, From the old German Cam, Cammer, Crooked: whence our English Kembo, Arms in Kembo a Comb, in the North a Camb; the present light use Cama for a Bed: Camera signify'd at first any winding or crooked Plat of Ground. Ires cameros ad vineam unam cameram terræ -- i. e. a nook of Ground. Vide Du-fresne in voce. The word was afterwards apply d to any vaulted or arched Building, especially to an open Stall, or Shop for Sale of Goods; and was by degrees more particularly restrain'd to an Upper-room, or Chamber. See Mr. Kennet's Gloffary to Parochial Antiquities.

Calipodium, Calapodium, Gallipodia, Gallic-floes, Galashoes. Among the Injunctions prescrib'd by Philip Repingdon Bishop of Lincoln, to Vicars, School-Master, &c. in the Year 1410, it is thus ordain'd, Quod dicti Vicarii & Clerici quicunq; & præcipue cum fuerint revestiti in bonestis togis suis, cum longis manicis quæ vulgaritur Pokes nuncupantur basardos & calapodia deponant, que in Ecclesia strepitum faciunt, & generant malum sonum. Reg. Repingdon Episc.

Tamica, Camlet, or a fine Stuff made at first purely of Camel's Hair. -- Ricardus de Bury Epife. Dunelm. contulit Ecclesie vestimentum de nigra camica, cum tribus capis ejusdem seeta. Hist. Dunelm. apud W hartoni Angl.

Sac. P. 1. p. 766.

Campana bajula, Asmall po table Hand bell, much in use among other ceremonious Fopperies of the Roman Church; and still innocently retain'd among us by Sextons, Parish Clerks, and publick Criers. -- Qua tuor eas muneribus Patriarcha donavit, Altari videlicet portatili consecrata, campana batala, baculo insigni, & tunica ex auro contexta. Reversi in patriam sua quisque dona miraculose percepit. David quidem in Monasterio cui nomen Langovilach nolam & Altare. Girald. Cambr.. apud Whartoni Angl. Sacr. P. 2. p. 637.

Field, or Ground; Champerty, a Share or Division of what would otherwise be in gross or common --- Rex custodi Insularum de Gernsey, &c. in perpetuam reddantur decime de camparto nostro in eadem Insula

Dat. 27. Nov. 19 H. 3. PrinneHistor. Collect. vel. 3.p. 89.

Tampe fight, Sec Champion, and 3. Inst. fol. 221.

Candel mas Bay; The Feast of the Pariscation of the Bleffed Virgin Mary, Febr. the Second; and inflituted in the Memory and Honour of the Purification of the faid Virgin, being the fortieth Day after her happy Childbirth, according to the Law of Moses, Levit. 12.6. It is nominated Candlemas, because, before Mass, that Day is faid to be confecrated, and fet apart for facred use, Candles for the whole Year, and made a Procession with some of the said hallowed Candles, in Memory of the Divine Light, wherewith Christ inlightned the Church at his Presentation in the Temple, when by old Simeon entituled, A Light to lighten the Gentiles, as

it is in the Gospel of St. Luke, cap. 2. vers. 32. This is no Day in Court, for the Judges sit not, and is the Grand Day in that Term of all the Inns of Court.

Cancellare manus, To cancellate the Hands, i. e. to lay them travers or cross one another, as the Poor Children on the Foundation of Queen's Colledge Oxon, do attend the Provost and Fellows at Table, Manibus cancellatis, with their Hands leaning across on the one Extendit collum genuflettendo side of the Table. cancellatis manibus super peclus suum, ita decollatur. Clem. de Maydestan, de Martyrio Ric. Scrope Archiep. Ebor. apud Whartoni Angl. Sacr. P. 2. p. 373.

- Papa Clem. IV. Pont. sui An. 1°, concedit Generali & Provincialibus Ministris ac universis Fratri--ut nulli Sebus Ordinis Minorum Fratrum in Anglia culari vel Religioso Ecclesiam vel Monasterium seu Oratorium jam ædisicatum in aliquem locum transferre liceat infra spatium 300 cannarum ab ipsorum Ecclesiis mensu-- Volumus quamlibet ipsarum cannarum randarum octo palmorum longitudinem continere. Ex Registr. Walt.

Giffard Archiepisc. Ebor. f. 45.

Canon. The word was formerly us'd for any Prestation, Pension, or other custumary Payment. -- Si vero dicti Prior & Monachi aliquo prædictorum terminorum cessaverint à solutione sirma dicta Ecclesia de Rading, prater debitum canonem illius termini dimidiam marcam - Cartular, Rading, MS. -- Williemus Episc. Wigorn. concessit s bbati & Conventui de Evesham Annuum Canonem xv marc. ad constructionem operis Ecclesie de Evesham, de Ecclesia de Ambresbury. Test. Simone Abb. Perfore. Petro Archid. Wigorn. Ex Cartul.

Abbatiæ de Evesham. MS. Cotton. f. 13.

Tanon Religiosoum. A Book wherein the Religious of every greater Convent had a fair Transcript of the Rules of their Order, frequently read among them as their Local Statutes; which Book was therefore call'd Regula, and Canon. The publick Books of the Religious were these four.

1. Missale, which contain'd all the Offices of Devotion.

2. Martyrologium, a Rigister of their peculiar Saints, any Martyrs, with the place and time of Passion. 3. Canon or Regula, the Institution and Rules of their Order. 4. Necrologium or Obituarium, in which they entred the Death of their Founders and Benefactors, to observe the Days of Commemoration for them. But as the two first, so likewise the two later were sometimes joyn'd in the same Volume. --- Mr. Kennet's Glossary.

Canetiellus, A Basket. In the Inquisition of

Serjancies, and Knights Fees, in the 12 and 13 Years of King John, for Effex and Hertford, Johannes de Listone tenet --- per Serjantiam faciendi canestellos, i. c. John of Liston, held that Mannor by the Service of making the King's Baskets. Ex Libro Rub. Scace. fol. 137.

Cantel, Seems to fignific the same with that we now call Lumpe, as to buy by Measure, or by the Lumpe. See Polton, Temps H. 3. E. 1. or E. 2. cap. 4. & 9. fignifies also a piece of any thing, as a Cantel of Bread, Chcese, and the like.

Cantred, Is as much in Wales as an Hundred in England; for Cantre in the British Tongue signifieth centum; the word is us'd 28 H. 8. 3. See Mr. Kennet's

Gloffary, in voce Cantredum.

Capacity, Capacitas, An Ability, or Fitness to receive: In Law it signifies, when a Man, or Body Politick, is able to give or take Lands, or other things, or to sue Actions. As an Alien born, hath a sufficient Capacity to sue in any personal Action; but in a Real Action, it is a good Plea to say, He is an Alien born; and pray. If he shall be answered, Dyer, fol. 3. pla. 8. If a pray, If he shall be answered, Dyer, fol. 3. pla. 8. If a Man-enfocst an Alien and another Man, to the use of themselves, or, &c. it seems that the King shall have the moiety of the Land for ever, by reason of the In-

capacity of the Alien, Djer, fol. 383. pla. 31. By the Common-Law, no Man hath Capacity to take Tythes, but Spiritual Persons, and the King, who is a Person mixt; our Law allowing him two Capacities, a Natural, and a Politic. But a Layman, who is not capable of taking Tythes, was yet capable to discharge Tythes in the Common-Law in his own Land, as well as a Spiritual Person. See Co. lib. 2 fol. 44

A

Cape de bona Speranja, Or the Cape of Good Hope: 2 Promontory that lies in Africa, within the Tropics of Capricorn, on the edge of Ethiopia Inferior, and first discover'd by the Portuguese, under the command of Bartholomen Dyas. See Speed's Map of Asia, in his Theatr. Brit. It is mentioned in the Statute 12 Car. 2.

cap. 18.

Cape, Is a Writ Judicial, touching Plea of Land or Tenements; so term'd (as most Writs be) of that word in it self, which beareth the chiefest end and intention thereof. And this is divided into Cape Magnum, and Cape. Parvum, both which (as is before faid in Attachment) take hold of things immoveable, and seem to differ between themselves in these Points: First, Be-cause Cape Magnum, or the Grand Cape, lieth before appearance, and Cape Parvam afterwards. Secondly, The Cape Magnum summoneth the Tenant to answer to the Default, and over to the Demandant. Cape Parvum summoneth the Tenant to answer the Default only; and therefore is call'd Cape; Parvum, or in the French English Petit Cape Old Nat. Brev. fol. 161, 162. Yet Ingham faith, That it is call'd Petit Cape, not because it is of small Force, but it consistent of sew words: Cape Magnum, in the Old Nat. Brev. is thus defin'd; This is a Judicial Writ, and lieth where a Man hath brought a Pracipue quod reddat of a thing that toucheth Plea of Land, and the Tenant make Default, at the day to him given in the Writ Original, then this Writ shall go for the King, to take the Land into the King's hands, and if he comes not at the day given him by the Grand Cape, he has lost his Land, &c. A President and Form of this Writ, you may see in the Register Judicial, s. 2. b. It seemeth after a fort to contain in it the effect (mission nis in possessionem & primo & secundo decreto) among the Civilians: For as the first Decree seiseth the thing, and the second giveth it from him that the second time defaulteth in his Appearance: So this Cape both seizeth the Land, and also assigneth to the Party a farther day of Appearance; at which, if he come not in, the Land is forfeited: Yet is there difference between the e two Courses of the Civil and Canon-Law. First, For that missio in possessionem toucheth both Movable and Immovable Goods, whereas Cape is extended only to Immovable. Secondly, That the Party being fatisfy'd of his Demand, the remanet is restor'd to him that defaulted; but by the Cape, all is seiz'd without Restitution. Thirdly, Missio in possess, is to the use of the Party agent, the Cape is to the use of the King: Of this Writ, and the Explication of the true Force and Effect thereof, Read Braction. lib. 5. tract. 3. ca. 1. n. 4, 5, 6. See Cape ad va-

Cape Parbum. In the Old Nat. Brev. fol. 162. is thus defin'd; This Writ lieth in Case where the Tenant is summoned in Plea of Land, and cometh at the Summons, and his Appearance is of Record; and after he maketh Default at the Day that is given to him, then shall go this Writ for the King, &c. Of this likewise you may see the Form in the Register Judicial, sol. 2. Of both these Writs, Read Fleta, lib. 6. 62. 44. sec. Magnum & Seq.

Cape ad balentiam, Is a Species of Cape Magnum, fo call'd of the end whereunto it tendeth. In the Old Nat. Brev. fol. 161, 162. it is thus describ'd, This Writ lieth, where any impleaded of certain Lands, and I vouch to warrant another, against whom the Summons ad Wara H 2

Warrantizandum hath been awarded, and the Sheriff conneth not at the Day given, then if the Demandant re-cover against me, I shall have this Writ against the Vouchee, and shall recover so much in value of the Land of the Vouchee, if he have so much; and if he have not so much, then I shall have Execution of such Lands and Tenements as descend to him in Fee-simple; or if he purchase afterward, I shall have against him a Re-summons; and if he can say nothing, I shall recover the value. Here note, That this Writ lieth before Ap-

pearance. frain'd to an Oratory, or depending place of Divine Worship, it was us'd for any fort of Chest, Cabinet, or other Repolitory of precious things, especially of Reli-- Regnante Stephano, Nigellus Epifc. gious Reliq**ue**s. -Eliensis, pro imminenti sibi negotio auxilium Domina Imperatricis, & suorum colloquium requirendum putavit. Qui dum pergerit Homines Regis invadunt, absq; miseratione bonis suis dispoliant, Equos & indumenta, insuper Capellam optimam, quam Episcopus secum de Ecclesia tulerat, in-contaminatis manibus rapiunt. Hist. Elien. apud Whar-toni Angl. Sacr. P. 1. p, 622. The Institution and Dependance of Chapels, and their Capellanes, with the Dignity and Liberties of Mother-Churches, is discours'd

at large in Mr. Kennet's Paroch. Antiq. p. 580.

Capella de Floribus. A Chaplet, or Coronet, or Garland of Flowers for the Head. --- Tanta varietas & lascivia apparet in familia Prælatorum multorum in vestibus partitis, & virgatis, & capellis de floribus, & corrigiis deauratis, &c. Opuscul. Tripartit. apud Fasci-

culum Rerum, &c. Append. p. 225.

Capella lineara. A Head-piece lin'd. Abbas de Nevele tenet in com. Lincoln. - per servitium reddendi Domino Regi unam Capellam lineatam de Syndone,

p. 64. An. 9. Ed. 1.

Tapellus. A Cap, Bonnet, Hat, or other Covering for the Head.

Cam una garlanda de latitudine minoris digiti sui

Tapellus. Pilitis. A Helmet, or Military

Head-piece.

Ousmdo movitur. dahit similian sala.

– Quando moritur, dabit similiter rele-Head-piece. vium modo quo priùs, nist babuerit equum, & tunc bæres ejus veniet ad curiam Domini cum equo meliori, sella, fræno, & capello, gladio & calcaribus. - Consuetud.

Domus de Farendon. MS. f. 21.

Capias, Is a Writ of two forts, one before Judgment, call'd Capias ad respondendum, in an Action Perforal, where the Sheriff upon the first Writ of Distress returns, Nibil babet in balliva nostra, and the other is a Writ of Execution after Judgment, being of divers kinds, viz. Capias ad satisfaciendum, Capias pro fine, Capias Utlagatum, Capias Utlagatum & Inquiras de bonis & catallis, &c.

Capias ad fatisfaciendum, Isa Writ of Execution after Judgment, lying where a Man recovers in an Action personal, as Debt or Damages, or detinae in the King's Court; and he against whom the Debt is recover'd, and hath no Lands nor Tenements, nor sufficient Goods, whereof the Debt may be levy'd. For in this Case, he that recovereth, shall have this Writ to the Sheriff, commanding him, that he take the Body of him, against whom the Debt is recover'd, and he shall be put in Prifon, until satisfaction made.

Capias pro fine, Is, where one being by Judgment fined unto the King, upon the same Offence committed against a Statute, doth not discharge it according to the Judgment, for by this is his Body taken and committed to Prison, until he content the King for his Fine,

Coke, lib. 3. fol. 12. a.

Lapias Utlagatum, Isa Writ of Execution, which lieth against him that is outlaw'd upon any Suit, by

which the Sheriff, upon the Receipt thereof, apprehends the Party outlaw'd, for not appearing upon the Exigent, and keepeth him in fafe Custody, till the Return of the Writ, and then bringeth him into Court,

there farther to be order'd for his Contempt.

Capias Atlagatum & Inquiras de bonis a catal: Iis, Is a Writ all one with the former, but it gives a far-Power to the Sheriff, belides the Apprehension of his Body, to enquire of his Goods and Chattels. The Form of all these Writs, see the Old Nat. Brev. f. 154 and see Termes de la Ley verbo Processe. Lastly, You may find great variety of this kind in the Register Judicial, verbo Capias.

Capias in Mithernam de Aberiig, Isa Writly-ing for Cattel in Withernam, Reg. Orig. fol. 82, 83. Sec

Withernam.

Capias De Mithernamium De homine, Is a Writ that lieth for a Servant in Withernam, Reg. Orig. f. 79. See Withernam.

Capias conductos ad proficisciendum, Is a Writ that lieth for the taking up fuch as having receiv'd Prest-Mony to serve the King, slink away, and come not in at the time: This is an Original Writ directed to the Serjant at Arms, to arrest and bring them in, having included a Clause of Assistance, Regist. Orig. fol. 191.4. Instit. fol. 121.

Capitulia Agri. The Had-lands, or Head-lands, that lie at the Head, or Upper end of the Lands or Furrows. — Canonici (Burcester.) concesserunt hominibus de Wrechwike duas acras prati pro capitibus suarum croftarum tenus rivulum versus molendinum, Go. Mr. Kennet's Faroch. Antiq. p. 137. See Havedeloud. Tapitula Ruralia. Clerical Assemblies, or Chap-

ters held by the Rural Dean, and Parochial Clergy within the Precinct of every distinct Deanry; at first every three Weeks, then once a Month, and more solemnly once a Quarter. Of which see the Practice at large, in

Mr. Kennet's Paroch. Antiq. p. 640.

Capite, From Caput, the Head; and so Tinure in Capite, is to hold of the King, the Head of the Common-Wealth. It is a Tenure that holds immediately of the King, as of his Crown, be it by Knight Service or Soccage, and not of any Honour, Castle, or Mannor; and for this it is call'd a Tenure, which holds meerly of the King: For as the Crown is a Corporation, a Seignory in gross, so the King, who Possesses the Crown, is in the Eye of the Law perpetually King never in his Minority; F. N. B. fol. 5. Yet a Man may hold of the King, and not in Capite; that is, not immediately of the Crown in gross, but by means of some Honour, Castle, or Mannor belonging to the Crown: Of this Kitchin, fol. 129. faith well, That a Man may hold of the King by Knight-Service, and not in Capite; because it may be he holds of some Honour by Knight-Service, that is in the King's Hands, by Descent from his Ancestors, and not immediately of the King, as of his Crown. And this Tenure in Capite is otherwise call'd, Tenure holding of the Perion of the King; Dyer, fol. 44. Broke, tit. Tenure, num. 65, 99. But this Tenure is now abolish'd, and by 12 Car. 2. ca. 24. all turn'd into free and common Socage. is of the King; as Caput Regni, & Caput Generalissimum omnium Feodorum, the Fountain whence all Feuds and Tenures have their main Original. The other Special and Subaltern, which was of a particular Subject; as Caput Feudi, seu terræillius; so call'd, because he was the first, that created and granted that Feud or Land in such manner of Tenure: who was thereupon call'd Capitalis Dominus, & Caput terræ illius; among the Feudists, Ca-

pitaneus Feudi illius. Vid. Spelman of Feuds, cap. 4.

Captain, alias Capitayne, Capitaneus, Is one that leadeth, or hath command of a Company of Soldiers

and is either General, as he that hath the Governance of the whole Host; or especial, as he that leads but one There is another fort of Captains, Qui Urbium præsesti sunt, quibus Plebs ab aliquo superiorum gubernanda committiter. So we have Captains of Castles here in England, as of Dover, the Isles of Jersey, Guernsey, Wight, Uc.

Taption, Captio, When a Commission is Executed, and the Commissioners Names subscrib'd, and Re-

turn'd, that is call'd the Caption.

Capture, Captura, A taking an Arrest, a Seizure,

14 Car. 2. ca. 14.

F Caputagium, -– In cujus facti memoriam etiam quatuor denarios de caputagio meo, sicut mos est secularis talibus sacere super altare Dominicum pradicti loci gratanter imponens. Dugdale Warwicksh. f. 193. a. Some think it may fignifie Head or Pole-mony, or the Payment of - But it is indeed the same with Chevagium,

Caput Anni. New-Year's Day, upon which of old was observ'd the Festum Stulturum. So Caput Kalen-

darum Maii, May-day.

Caput Baroniz, Is the chief Mansion-House of a Nobleman, which (if there be no Son) must descend

to the Eldest Daughter, and not be divided,

Caput Jejunii, Ash-Wednesday, being the Head, the Beginning or First Day of the Quadragesimal, or Lent Fast. Some Annual Payments were assign'd to be made in Capite Jejunii, Mr. Kennet's Paroch. Antiq.

p. 132.

Caput Ioci. The end of any Place. Ad caput Ville, at the End of the Town: The End or upper

Head.

Garabanna. A Caravan, or Joynt-company of Travellers in the Eastern Countries, for mutual conduct and desence.

Egressa Caravanna nostra de Joppa versus exercitum ventebat onusta victualibus de aliis clitellis necessariis.

Gaustid. Vinesaut: Rialiis clitellis neceJariis. cardi Regis Iter Hierosol. lib. 5. cap. 52.

Caretta, & Carettata, A Cart or Cart-load, Quinq;

carectatas clausture ad predite terre clausturam sufti-

carectatas clausture ad preditie terre clausturam sustinendam, Mr. Ang. 2. part. sol. 340. a.

F. Cartetata Mumbi, A Pig, or Mass of Lead, weighing 128 Stone, or 2100 Pounds. — Saccus lane debet ponderare 28 petras, is solebat ponderare summam frumenti, & sic saccus lane ponderat sextam partem carectate plumbi, scil. 20 petras, sexies vigenti & octo petra faciunt carectatam plumbi London. summa librarum carectate London duo mille & centum libra, scil. de Waterson malet: sex sacci sane saccus carectatam plumbi. terfothmalet; fex sacci lana faciunt carectatam plum-bi, Ex Cartular. S. Albani, MS. Cotton. Tiber. bi, T. 6. f. 260.

Caretarius, A Carter. See Carella and Carreta. Caritas. Ad Caritatem, Poculum Caritatis A Grace cup: or an extraordinary Allowance of Wine, or other good Liquor, wherein the Religious at Festivals drank in Commemoration of their Founders and Benefactors. So among the Customs of the Abby of Glastenbury: -- In diebus solemnibus quum fratres fuerunt in cappis, medonem babuerunt in justis, & simulas super mensam, & vinum ad caritatem, & tria generalia, & quatuor vel qinq, pietantias — & bas est assis quum pro cerevisia vinum debent babere, unusquisq, scilicet babere debet duas caritates in die. Cartular. Abbat Glaston. MS. f. 20.

Carse, Seems to be a quantity of Wooll, whereof thirty make a Sarpler, 27 H. 6. sap. 2. See Sarpler.

Tarnarium, A Charnel-house, or Repository for the Bones of the Dead. —— In carnario autem subtus diciam capellam Sancii Johannis (in civitate Norwicensi) constituto, offa bumana in civitate Norwici humata de licentia sacristæ qui pro tempore suerit, qui dicti carnarii clavem & custodiam babebit specialem, ut usq; ad resurrettionem generalem bonestius conserventur, à car nibus integre denudata reponi volumus & observari. Cartular. Fundationis Capellæ Sancti Johannis in occid. parte Eccl. Norwic. per Joh. Norwic. Epis. Dat. 4. Pon.

Oct. 1316.

Carola. A little Pew, Closet, or other Safehold.

In correctionibus fastis apud Kirkham A. 1279. Injunctum fuit ut Prior, vel Subprior sæpius, vel saltem aliquotiens in anno carolas Canonicorum in claustro & alibi in Monasterio faciat in sua præsentia aperiri, & res inclusas oculis subjiciat, ne per surrurum bujusmodi operiatur facultas seu occasio delinquendi. Ex Registr. Will. Wickwane Aresis Ebor. f. 76. See Carrels.

Carno, Is an Immunity, as appears in Cromp. Jurisd. fol. 191. where it is said, That the Prior of Malton made Claim for him and his Men to be quit of all Amerciaments within the Forest, and also to be quit of Escapes, and all manner of Gelds, as Foot-gelds, Buckstalls, Trites, Carno, and Summage, &c.

Carpemeales, A course sort of Cloath made in the

North of England, mention'd 7 Jac. 16.

The word was formerly us'd for any weight or burden, tho' now appropriated to the weight of 4 Grains in Diamonds.

Carreta, alias Carella, Was antiently taken for a Carriage, Cart, or Wane-load; as Carreta fani is us'd in an old Charter for a load of Hay. See Mr. Kennet's Gloffary.

Tarracke, alias Carricke, Is a Ship of Burthen, and fo is call'd of the Italian word Carico or Carco, which fignifies a Burthen: This word is mentioned in the Stat. 2 R. 2. ca. 4. and 1. Jac. cap. 33.

Tarrels. Closets, or Apartments for privacy and retirement. — Three Pews or Carrells, where every

one of the old Monks had his Carrel several by himfelf, to which, having din'd, they did refort, and there these Pews or Carrels were finely wainscoted, and very close. Davies Mon. of Durham,

"p. 31. Vid. Carola.

"p. 31. Vid. Carola.

"Tarromay-feeds, alias Carrumay-feeds, Is a Seed fpringing of the Herb so call'd, of whose operation you may read in Gerad's Herbal, lib. 2. ca. 395. It is reckon'd among the Merchandise, that ought to be garalled by the start of 10.

gled, by 1 fac. ca. 19.

Cartatus, Carcatus. The word is us'd of a Ship, or Vessel laden with a Cargo of Goods. Quandam navem Cestriz, que in potestate vestra applicuit cartata blado & aliis villualibus, arrestari fecistis. Claus. 25 H. 3. Brady Hist. Engl. Append. 193. Hence carcare to load, discarcare to unload a Ship. Cartel. See Chartel.

Carucage, Carucagium. As Hidage was a Taxation by Hides of Land, fo Carugage was by Carucas of

Land, Mon. Angl. 1 par. fol. 294.

Carura, A Plough, Mr. Agar out of Doomf-day.

Tarura, French Charrue, a Plough; from the

old Gallic Carr, a Plough, which is the present Irish word for any fort of wheel'd Carriage. From hence the Sax. Ceorl, a Ploughman, the Northern Kurl. our Southern Churl, and in corruption of places Charl, is Charlton, Charlbury, &c. Carl in the Modern Welsh, is

a Rustick, or Clown.

Carucata, A Plough-land, Doomf-day, Mr. Agar. It is a certain quantity of Land, by which the subjects have been sometimes tax'd; whereupon the Tribute levied upon a Carue of Land, was call'd Carugagium, Bratton, lib. 2. ca. 26. n. 8. & ca. 17. It may contain Houses, Mills, Pasture, Meadow, Wood, &c. Co. on Littl. sett. 119. It is sometimes us'd for a Cartload, as Una carucata ligni in foresta nostra, Mon. Angl. 2. par fol. 311. Littleton cap. Tenure in Socage, saith, That Soca idem oft quod Caruca: Yet Stow in his Annals pag. 271. makes me doubt, where he faith, The same King Henry

took Caruage; that is to fay, Two Marks of Silver of every Knight's Fee towards the Marriage of his Sifter Isabella to the Emperor, where Caruage cannot be taken for a Plough land, except there were some other surther division, whereby to raise of every Plough-land so much, and so consequently of every Knight's Fee, that is, of every 680 Acres, two Marks of Silver. Rastal, in his Exposition of Words, saith, That Caruage is to be quit, if the King shall tax all the Land by Carnes; that is, a Privilege, whereby a Man is exempted from Caruage. Skene de verb. Signif. verb. Caruçata terra, deriveth it from the French Charrow (more truly Charrue) a Plough, and faith, That it contains as great a Portion of Land as may be tilled and labour'd in a Year and a Day, with one Pleugh; which also is called Hilda, or Hida terra, a word frequently us'd in the Britain Laws. Lambert among his Precedents, towards the end of his Eirenarcha, translates Carucatam terra, a Plough-land. The word Carve is mentioned in the Statute of Wards and Reliefs, made 28 E. 1. and in Magna Charta, cap. 5. See Co. on Littl. fol. 69. a. See Mr. Kennet's Glossary, in voce Carucata.

Carbage, Carvagium. See Carucata.

Carucata Boum, A Team or Draught of Oxen, for drawing or ploughing, which in some Western parts of England is still call'd a Plough of Oxen. Gilbert Basset, Founder of Burcester Priory, grants to it - Pasturam in mea Dominica pastura ad tres Carucatas Bouni trabantium una cum bobus meis trabentibus. Paroch. Antiquit. p. 135. They are call'd Boves de caruca, in a Charter of Aubrey de Vere, to the Abbey

of Noteley, ibid, p. 155.

Carucatarius, He that held Land in Caruage, in Socage, or Plough Tenure.

Summa reddituum carucatariorum, si fuerint ad firmam xxii fol. ma gallinarum carucatariorum & cotariorum exiv gal-

Lina. Paroch. Antiq. p. 354.

Cassatum, & Cassata, By the Saxons call'd Hide; by Bede Familia, is a House with Land sufficient to

maintain one Family.

Cassia fistula, Is a Tree that beareth black, round and long Cods, wherein is contain'd a Pulp fost and pleasantly sweet, serving for many uses in Physic. This Tree, with the Vertues you may find described in General Williams of the Princip was included. rard's Herbal, lib. 3. cap. 77. The Fruit is mention'd in the Statute 1 Fac. cap. 19. among the Drugs and Spices to be garbled.

Cassia lignea, Is a sweet word, not unlike the Cynamon, whereof you may read in Garard's Herbal, lib. 1. cap. 19. and compris'd among Merchandise to be

garbled.

Castell, Castellum, Is well known. In the time of Herry the Second, there were in England 1115 Castles, every Castle contains a Mannor; so that the Constable of a Castle, is the Constable of a Mannor, 2 Part. Inst.

Castellaine, Castellanus, Is a Keeper, or Captain, tract. 2. cap. 16. & lib. 2. cap. 32. n. 2. In like manner it is us'd, 3 E. 1. c. 7. In the Books De Feudis, you shall find Guasialdus to be almost of the same Signification, but something more large; because it is also extended to those that have the Custody of the King's Mansion-houses, call'd of the Lombards, Curtes, in English Courts, tho' they be not places of Defence or Strength. Manwood in his Forest Laws, saith, That there is an Officer of the Forest call'd Castellanus.

Castleward, Castlegardium, vel Wardum Castri, Is an Imposition laid upon such of the King's Subjects as dwell within a certain compass of any Castle, towards the maintenance of fuch asdo watch and ward the Cafile, Mag. Chart. cap. 20. and 32 H. 8. cap. 48. It is us'd sometime for the very Circuit it self, which is inhabited by fuch as are subject to this Service; as in Ston's Annal. pag. 632. And there to take Caltleward, viz. De qualibet districtione infra feodum ipfius ducis ad Castellum de Halton, duci & ibidem una de causa, si per solam no-Elem pernoctaverit, quatuor denarios, Pl. apud Ceftr. 31.

Castellozum operatio, Castle work, or Service and Labour done by inferior Tenants, for the building and upholding Castles and publick Places of Desence: Toward which some gave their Personal Assistance, and others pay'd their Contribution. This was one of the three necessary charges, to which all Lands among our Saxon Ancestors were expresly subject. -- Liberi ab omni servitio, excepta trinoda necestate -Arcis constructione & expeditione contra bostem. After the Conquest an Immunity from this Burden was sometimes granted: So King John to the Nunnery of St. Catherine without the City of Exeter, quietos ese de operationibus Castellorum & Pontium. Mon. Angl. tom. 1. f. 503. b. So King Hen. II. to the Tenants within the Honour of Wallingford, — Ut quieti sint de operationibus Castellorum. Paroch. Antiq. p. 114.

Tastle-guard Rents, Are Rents pay'd by

those that dwell within the Precincts of any Castle, towards the maintainance of such as watch and ward the same. Act for settling certain Rents in Trustees, 22 &

23 Car 2.

Casu confimili, Is a Writ of Entry granted where the Tenant by Curtesie, or Tenant for term of Life, or for the Life of another, doth alien in Fee, or in Tayl, or for term of another's Life. And it hath the Name of this for that the Clerks of the Chancery did, by their common Consent, frame it to the likeness of the Writ, call'd In casu proviso, according to their Authority given them by the Stat, West. 2. cap. 24. which, as often as there chanceth any new Case in Chancery, something like to a former Case, and yet not especially fitted by any Writ, licenceth them to lay their Heads together, to frame a new Form answerable to the new Cale, and as like some former Case, as they may. And this Writ is granted to him in the Reversion against the Party to whom the said Tenant so alienateth to his prejudice, and in the Life-time of the faid Tenant, The Form and Effect whereof, read more at large in F. N. B. fol. 206.

Lafu probifo, Is a Writ of entry given by the Statute of Glosefter, cap. 7. In Case where a Tenant in Dower alieneth in Tee; or for term of Life, or in Tayle, and lieth for him in Reversion against the Alience,

whereof read F. N. B. fol. 205.

Cafula. The Chesible, or upper Vestment of the Popish Priest officiating in Divine Service; like our

present Surplice.

Catalls, alias Chattells, Catalla, Cometh from the Normans; for in the Eighty Seventh Chapter of the Grand Custumary, you shall find that all moveable Goods with them are call'd Chattels; the contrary whereof is Fief. ihid. which we call Fee. But as it is us'd in our Common-Law, it comprehends all Goods moveable and immoveable, but such as are in the nature of Free-hold, or parcel thereof, as may be gather'd out of Stamf. Prærog. cap. 16. And Anno I Eliz. cap. 2. Howbeit Kitchin, in his Chapter Catalla, fol. 32 faith, That ready Mony is not accounted any Goods or Chattels, nor Hawks nor Hounds; the reason for Hawks and Hounds he gives, is because they are Feræ naturæ; but why Mony is not, tho' he fet not down the cause yet it may be gather'd to be, for that Mony of it self is not of worth, but as by confent of Men for their easier Traffick, or permutation of things necessary for Life. It is reckon'd a thing rather consisting in Imagination, than in Deed. And here Note, That Chattels be either Personal, or Real: Personal may be so call'd in two Respects; one because they belong immediately

to the Person of a Man; as a Bow, a Horse, &c. the other, for that being any way with-held injuriously. from us, we have no means to recover them but by Perfonal Action; Chattels Real be such, as either do not appertain to the Person, but to some other thing by way of Dependency, as a Box with Charters of Land; the Body of a Ward, Apples upon a Tree, or a Tree it felf growing on the Ground, Gromp. Justice of Peace, fol. 33. b. or else such as are necessary, iffuing out of some immoveable thing to a Person, as a Lease or Rent for term of Years. And also to hold at Will, is a Chattel Real, Terms de la Ley, verbo Chattel. The Civilians comprehend these things, as also Land, of what kind or holds foever, under Bona; Bona autem dividuntur in mobilia & immobilia, mobilia verò in ea qua se movent vel ab aliis moventur. V. Legem. 49. & L. 208. de verb. Signif. & intepretes ibid. bractonalso ca. 3. lib. 3. n. 3 4. seemeth to be of the same Judgment.

Catalite captie, nomine diffrictionis, Is a Writ

that lieth within a Borough, or within a House, for Rent going out of the same, and warranteth a Man to take the Doors, Windows or Gates for Rent, Old Nat.

Brev. fol 66.

Catallis reppendis, Is a Writ which lieth where Goods being delivered to any Man to keep unto a certain day, and be not upon Demand deliver'd at a Day. And it may be otherwise call'd A Writ of Detinue. See more of it Reg. Orig. fol. 139. and Old Nat. Brev. fol. 63. This is answerable to Actio Depositi in the Civil-Law.

Catapultu. Edmundus Willoughby senet um mefuagium & sex bovatas terra in Carletun, ut de manerio de heliord per servitium unius catapulta per annum pro omni servitio. Lib. Schedul, de Term. Mich. 14 Hen. 4. Notr. fol. 210. ——— So Warlike Engine to shoot Darts, a Sling. - Some ronder it a - I rather take it for a Cross-bow.

Catch land, In Norfolk they have some Grounds where it is not known to what Parish they certainly belong, so as the Minister who first seises the Tyth does by that Right of Pre-occupation enjoy it for that one The Land of this dubious Nature is there call'd Year.

Catch-Land.

Catchpole. Tho' it now be us'd as a word of contempt, yet in ancient Times it seemeth to have been us'd without reproach, for such as we now call Sergeants of the Mace, or any other that use to arrest Men upon any Cause; 25 E. 3. Stat. 4. ca. 2. Hespitalarii tenent in Hereford unum Messagium, quod Philippus silius Odonis tenut per Serjeantiam, Cachepollii, quod eislein puram Eleemosynam, Rot, de Serjeantiis in Hereford.

temp. Henr. 2. in cuftod. Camer. Scaccar.
Cathedral. See Church.
Cathedraticum. Is a Sum of two chillings pay'd to the Bishop by the inferior Clergy, In argamentum subjectionis, & ob bonorem Cathedra. See Hift.

of Procurations and Synodals, pag. 82.

Catsurus, A Hunting Horse. filius Alani dat duos bonos Catzuros, pro babendis duabus Feriis apud Norton. Anno 6 R. Joh. - Tenures, p. 68.

Vid. Chacurus.

Cauda terra, A Land's End, or the bottom or extreme part of a Ridge or Furrow in Arable Land.

due acra & dimidia ad caudam fex acrarum smal jacentium — item dimidia acra ad caudam unius acra. Cartular. Abbat. Glaston. MS. fo . 117 b. jacentium .

And two great Courts of Berghmote out to be

' in every Ye r, upon the Miner

· To punish Miners that transgress the Law, ' To curb Offendors, and to keep in Awe

Such as be Cavers, or do rob Mens Coes; Such as be Pilferers, or do fical Mens Stoes. Manlove's Poem on Derb. Minesa

Caursines, Caorcini, Caursini, Corsoni, Italian Merchants, so call'd from Caorsium, Caorsi, a Town in Lombardy, where they first praction'd their Arts of Usury and Extortion: And thence spreading themselves, and their curs'd Trade thro' most parts of Europe, were a common plague to every Nation where they came. Matthew Paris gives a Character of their odious Practices in England, under the Year 1237. And Matth. Western. Sub. An. 1232. K. Henry III. banish'd them from this Kingdom, in the Year 1240. But being the Pope's Sollicitors, Procurers, and Mony-Changers, they were permitted to return in the Year 1250. but in very short time were expell'd for their intolerable Cheats and Ex-

Caulceis, 6 H. 6. ca. 5. Caufyes, 1 E. 4. 1. Perhaps it should be written Causeways, from the old French word Gauz, now Cailleu, a Flint or other Stone; in Latin Calceta, -- pro ponto & calceto reparand. Pat. 18 H. 6. p. 2. m. 22. Sometimes it may be written calceya, casea, and

calsetum, in old Records.

Causam nobis tignifices, Isa Writ which lyeth to a Mayor of a Town or City, &c. that formerly by the King's Writ, being commanded to give Scilin unto the King's Grantee of any Lands or Tenements, do delay fo to do, willing him to shew cause why he so delayeth the performance of his Charge, Go. lib. 4. cafe Commu-

nalty de Sadlers, fol. 55. b. Caufi Batrimonit presocuti, Is a Writ which lies in case where a Woman giveth Lands to a Man in Fee-simple, to the intent he shall marry her, and refufeth so to do, in reasonable time, being requir'd thereunto by the Woman; the Form and other Use thereof,

fee Reg. Orig. fol. 233. and F. N. B. 205.

Cautione Admittenda, Is a Writ that lyeth against the Bishop, holding an Excommunicate Person in Prifon for his Contempt, notwithflanding that he offereth fufficient Caution, or Pledges to obey the Commandments and Orders of Holy Church from henceforth. The Form and Effect whereof you may find in Reg. Orig. pag. 66. and F. N. B. fol. 63.

Capa, A Key, or Water-lock; from the Saxon Cap.

See Kay.

Capagium, A Toll, or Duty pay'd to the King for landing Goods at some Key or Wharf. King Edw. I. grants by Charter to the Barons of the Cinque Ports, — Ut quieti fint de omni thelonio, & omni confuetudine, videl. ab omni lastagio, tallagio, passagio, cayagio, rivagio, sponsagio, & omni Wiree, & c. Placit. temp. Ed. I. & Ed. II. M., pen. s Dominum Fountains,

Erapgilde. A word deriv'd from the Saxon ceap, fignitying pecus, Cattel; and gild, folutio; that is, Sobustio Pecudis: From this Saxon word Gild, haply we may have our common English word Yield; As, Tield,

or pay.

To Celbra. A certain Measure among the Scotch, call'd by them a Chalder: Whence our Chaldron of Scotch and Newcastle Coals. Rex Scotie bonoris gratia, dedid (Epife. Sarisber. & Rouceller. tune in Scotia agentibus) ofloginta Celdras framenti, & sexaginta sex de brasio, & ofloginta de evena. Cron. Mailros, sub Anno 1200.

of a Bed. Dedit ad cameram Prioris unum lectum, cum celere & curtenis blodei coloris. Hist. Elien, apud

Whartoni Angl. Sac. P. 1. p. 673.

Cellerarius, alias Cellarius. Was the Butler in a Monastery: In the Universities of England they are sometimes call'd Manciple, fometimes Caterer, and Steward.

Cendula. Shingles, Shindles, Scandula, Small pieces of Wood, laid in form of Tiles, to cover the Roof of a House. - Mandatum ad cendulas & lattas nostras cariandas de Parco ad domus resciendas. Pat. 4. H. 3. P. 1. m. ro.

Cenella, Acorns; so call'd from the Oak, Fr. Chefne: whence in our old Writings, Pefena cenellarum, is put for the Pannage of Hogs, or running of Swine, to feed on Acorns. -- babeant xxx Porces.

To Censaria. A Farm, or House and Land, let ad censam, at a standing Rent. - Henricus Sturmy tenet maneria in com. Wilt. per servitium custodiendi bal-liwam totius foresta de Savernake, & censariam, qua voca-tur La Ferme in foresta pradista, temp. Edw. III. Tenures, p. 88.

Cenfarii, Such as might be tax'd, Doomf-day.

Cenfure, A Custom to call'd, within several
Mannors in Cornwal and Devonshire, whereby all Resiants therein are cited, above the Age of 16, to iwear Fealty to the Lord, to pay 11 d. per Poll, and 1 d. per An. ever after, as Cent Mony, or common Fine. And thefe thus fwoen are call'd Cenfers. -– Item erat quadam custuma que vocatur Censure, proveniens de illis qui manent in Burgo de Lestrythicl. ——— Survey of the Dutchy of Cornwal.

Century, Sec Hundred.

Cepi rospus, Is a Return made by the Sheriff, that upon a Capias, Exigend, or other Process, hath taken the Body of the Party, F. N. B. fol. 26. Cerage, Ceragium. See Waxhot.

Cert money, Quali certa Moneta, The Head-penny, or common Fine, yearly given by the Resiants and Cenants of several Mannors to the Lords; this in ancient Records, is call'd Certum Leta. See Common Fine.

Cirtiozari, Is a Writ out of the Chancery to an Inferior Court, to call up the Records of a Cause therein depending, that confcionable Juffice may be therein administred, upon complaint made by Bill, that the Party which seeketh the said Writ, hath receiv'd hard dealing in the said Court, Termes de Ley. See the divers Forms and Uses of this, F. N. B. fol. 242. as also the Register, both Original and Judical in the Tables, verb. Certiorari; Crompton in his Justice of Peace, fol. 117. faith, That this Writ is either returnable in the King's Bench, and then hath these words, Nobis mittatis; or in the Chancery, and then hath in Cancellaria noftra; or in the Common Bench, and then hath coram Justiciariis nostris de Banco. The word certiolari is us'd divers times in the Digest of the Civil-Law: but our later Criticks think it so barbarous, that they suspect it to be rather foysked in by Tribonian, than to be originally us'd by those Men of whose works the said Digest is compil'd: Prateus in Suo Lexico.

Certificat, Certificatorium, Is us'd for a Writing made in any Court, to give notice to another Court of any thing done therein. As for Example, A Certificate of the Caule of Attaint, is a Transcript made briefly, and in few words, by the Clerk of the Crown, Clerk of the Peace, or Clerk of Affife, to the Court of the King's Bench, containing the Tenor and effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or pronounc'd in any other Court, 34 H. 8. 14. Of this, see more in Critif. Pevesa; Bro. f. 119.

Certification of Affice of Movel Diffeilin, 4c. Certificatio Afisa Nova Diseisux, Gc. Is a Writ granted for the Re-examining, or Review of a Matter pals'd by Affise before any Justices, and is call'd Certificatio Nova Diffeifina, Old Nat. Brev. fol. 181. Of this, see also Reg. Orig. fol. 200, and the New Book of Entries, verb. Certificate of Assise. This word hath use, where a Man appearing by his Bayliff to an Affile brought by another, hath loft the Day, and having something more to plead for himself, as a Deed of Release, &c. which the Bayliff did not, or might not plead for him, desireth a farther Examination of the Cause, either before the fame Justices or others, and obtaineth Letters Pa-tents to them to that effect. The Form of these Letters Patents, you may see F.N.B. fol. 181. and that done,

bringeth a Writ to the Sheriff, to call both the Party for whom the Assise pass'd, and the Jury that was empannelled upon the same, before the said Justices, at a cer-tain day and place: And it is call'd a Certificate, because in it there is mention made to the Sheriff, that upon the Parties Complaint of the defective Examination, or Doubts; yet remaining upon the Assis pass'd, the King hath directed his Letters Patent to the Justices, for the better certifying of themselves, whither all Points of the said Assie were duly examin'd. see farther, Old Nat. Breat. ad F. N.B. ubi fupra. Of this you may also read Bratt. lib. 4. cap 19. n. 4. in fine, & 5.6. where he discussed the Reason of this Point very learnedly. And lastly, Horne in his Mirror of Just. lib. 3. cap. final. feet. En Ayde des Memoyres, Uc.

Certificiando de recognitione fapulz, Is a Writ directed to the Mayor of the Staple, &c. commanding him to certifie the Chancellor of a Statute of the Staple, taken before him between such and such, in case where the Party himself detaineth it, and resules to bring it in, Reg. Orig. fol. 152. b. In like manner may be laid of Certificando de statuto Mercatorio, Eod sol. 148. And de certificiando in cancellariam de inquisitione de idemptitate nominis, fol. 195, And certificando quando recogni-tio, &c. And certificando quid acium est de brevi super statum mercatorium, fol. 151. And certificando in lo-

quela Warrantie, fol- 13.

Terura, A. Mound, Fence or Enclosure.

Willelmus de Lucy miles, dedit Thomas Ministro Domus de Thelesford, licentiam domos & portas levare, & muris includere vian edificare, & cum coruris, ducit ad Ecclesiam de Thelesford, sieut per mures differum Ministri & Fratrum juxta pontem extenditur. Cart. Prioratus de Thelesford, MS. Tho' possibly Cerurais here for Serura, and is to fignific a Water-lock

Crrbifarii. The Saxons had a Duty call'd Drimlean that is, Retribatio Potus, Canntus Laws, cap. 8. 28. 38. whereupon such Tenants may be called Cerviforii; Doomfda, Mr. Agar.

Atflox, Is he that ceaseth or neglecteth so long to perform a Duty belonging unto him, as that by his cesse or cessing, he incurreth the danger of Law, and hath or may have the Writ Cefavir brought against him, old Nat. Brev. fel. 136. And note, That where it is faid in divers places, The Tenant ceffeth, without any more words, that is to be understood. The Tenant cel-

feth to do by his Land or Tenement.

Cessabit, Is a Writ that lyeth in divers Cases, as appeareth by F.N.B. fol: 280. upon this general ground, that he against whom it is brought, buth for two Years neglected to perform fuch Service, or to pay furh Rent as he is ty'd to by his Tenure, and hath not upon his Land or Tenement, sufficient Goods or Chattels to be di-strain'd. Consult more at large F.N. B. f. 283. Fleta, lib. 5. ca. 34. fed. Vila funt. Termes de Ley. See Ceffront de cantaria, Reg. Orig. 238. Ceffavit de feodi firma Reg. Orig. 237. Ceffavit per biennium, ibid. Sco the New Book of Entries, verb. Ceffavit.

Celles. By 22 H. 8. cap. 3. foems to fignific Affeff. ment, or Taxes: Ceffe or ceafe in Ireland is an Exaction of Victuals, at a certain Rate, for the Deputies Family, and the Soldiers in Garrison. See the Barl of Straford's

Ceffion, Is when an Ecclefialtical Person is created Bishop, or when a Parson of a Parsonage takes another Benefice without Dispensation, or otherwise not qualify'd, &c. In hoth Cases their first Benefices are become void, and are faid to come void by Cesson: And to those that he had who was created Bishop, the King shall present for that time, whoever is Patron of them; and in the other case the Patron may present.

Cesture, or cester, Is likewise taken to signifie a giving over, or giving of place, West. 2. ca. 41.

Ceani

Ceffui qui vie, Is in true French Ceftui a vie de qui, that is, He for whose Life any Land or Tenement is

granted: Perkins. Grants, 97.

effui que ule, Ille cujus usui, vel ad cujus usum, is broken French, and this may be better modell'd (cestui a l'use de qui) It is an ordinary Speech among Lawyers, fignifying him to whose Use any other Man is infeoffed in any Lands or Tenements. See the New Book of Entries, Uerbo Uses; and in replevin, fol. 508. col. 3. verbo Trespas;, fol. 606. & 123. col. 3. num. 7. And see 1 R. 3. cap. 1. and. Co. lib. 1. 133. Anno. 12 Car. 2.

Ceffui qui truff, Is he who hath a Trust in Lands or Tenements committed to him, for the benefit of ano-

ther, 12 Car. 2. cap. 30.

Thatea, A Chace or Station of Game, more extended than a Park, and less than a Forest. Chacea is sometime taken for the Liberty of Chasing, or Hunting within such a District. Boscum in quo Abbates Glastoniz chaceam suam cum canibus suis & procursum suum cum porcis suis habebant ——Cartular. Abbat. Glasson. cum porcis suis habebant – M S. t. 70. b. Donec amicabili compositione chassiam & communiam quam di&us Abbas & Antecessores sui in boscis babuerant quietum clamavit, Ibid.

Chareare ad Lepores, vel Vulpes; To hunt Hare or Fox. Licet Abbati & Juis cheacear ad lepores & vulpes, in manerio suo de Donham. Cartular.

Abbt. Glallon. MS. f. 87.

Thore, Gianone Mar. 1. 07.

Thaturus, A Horse for the Chase, or a Hunter; unless possibly it rather signesse a swift Dog, or sleet Hound.—Willelmus de Breosa dedit Regi ostingentes marcas, tres dextrarios, quinque chacuros, quatuor census, & decem leporarios, Anno 7 Joh.——Te-

nures, p. 134. Chafemar, Is an Officer in Chancery, that fitetth the Wax for the fealing of the Writs, and fuch other Instruments as are there made to be sent out. Officer is borrowed from the French, for there calefa-Hores cera sunt qui Regiis literis in cancellaria cera im-

primunt: Corasius. Thafery. At the Iron-works, in every Forge or Hammer, there is two Fires; the one they call the Finery, the other the Chafery. At this Chafery they draw out the Anconies into finish Bars. It seems derived from the French Chauser, to heat; whence to

chafe, and our Chassing dish.

Chaffers, Seem to signific Wares, or Merchandise, E. 4. 4. and we yet use Chaffering for buying and

Selling.

Thaidzon, or Caldern of Coals, Contains thirty fix Bushels of Coals, heaped up, and according to the seal'd Bushel kept at Guild-ball, London, for that purpose, 16,

17 Car. 2. cap. 2. It is written Chawdren, 9 H. 5. 10.

Thatking. The Merchants of the Staple require to be eas'd of divers new Impositions, as Chalking.

Ironage, Wharfage, &c. Rot. Parl. 50 Ed 3.

Challenge, Calumnia. Cometh of the French word Chalenger, that is, Sibi afferere; and in a Legal Sense fignifies an Exception, taken either against Persons or Things: Persons, as in Assise to the Jurors, or any one or more of them; or in a case of Felony, by a Prisoner at the Bar: Smith, de Rep. Angl. lib. 2. ca. 12. Britton, c. 52. Bacton, lib. 2. tract. 2. c. 22. Against Things, as a Declaration, Old Nat. Brev. fol. 76. Challenge made to the Jurors, is either made to the Array, or to the Polles: Challenge to the Array, is when the whole number is excepted against as partially empannelled; Challenge to or by the Polles, when some one or more are excepted against, as not indifferent, Termes de la Ley. Challenge to the Jurors is also divided into Challenge Printipal, and Challenge pur cause; that is, upon Cause or Reason. Challenge Principal, (otherwise by Stams, plac. Cor. sol. 157, 158. call'd Peremptory,) is that which the Law al-

lows without cause alledg'd, or farther Examination, Lamb. Eiren. lib. 4. cap. 14. as a Prisoner at the Bar, arraign'd upon Felony, may peremptorily challenge to the number of twenty, one after another, of the Jury empannelled upon him, alledging no cause but his own dislike, and they shall be still put off, and new taken in their places. But in case of High-Treason, no Challenge Peremptory is allow'd, 33 H. 8. 33. Fortescue saith, That a Prisoner in this case may challenge thirty sive Men, cap. 27. but that Law was abridged by 25 H. 8. cap. 3. And here observe, That there is some difference, Challenge principal, and Challenge Peremptory; Peremptory being us'd only in matters Criminal, and alledged without other cause than barley the Prisoner's Fancy; Stamf. pl. cor. fol. 124. But Principal, in Civil Actions for the most part, and with naming some such cause of Exception, as being sound true, the Law alloweth, without farther Scanning: For Example, If either Party fay, That one of the Jurors is the Son, Brother, Coulin, or Tenant to the other, or espous'd his Daughter; this Exception is good, and strong enough, if it be true, without farther Examination of the Party's credit: and how far this challenge upon Children reacheth, you have a notable Example in Plonden, in the case of Vernon against Mannors, fol. 425. Also in the Plea of the Death of a Man, and in every Action Real, as every Action Personal, where the very Action and the transfer of the toforty Marks, it is a good Challenge to any Man, that he cannot dispend forty Shillings by the year of Freehold, 11 H. 7. cap. 21. The ground of this Challenge you may see farther in Fleta, lib. 4. cap. 8. Challenge up. on Reason or Cause, is when the Party doth alledge some fuch Exception against one or more of the Jurors, as is not forthwith sufficient upon acknowledgment of the truth thereof, but rather arbitrable and considerable by the rest of the Jurors: As for Example, If the Son of the Juror have marry'd or espous'd the Daughter of the adverse Party, Termes de la Ley, verbo Challenge.
This Challenge pur cause, seems by Kitchin, fol. 92. to
be term'd Challenge for favor; or rather, Challenge for
favor is said there to be one species of Challenge pur cause, where you may read what Challenges be commonly accounted Principal, and what not. See the New Book of Entries, verbo Challenge, and the Old Nat. Brev. fol. 158, 159. That this word Challenge is turn'd into Lat. by the word Calumnia, appeareth by Brasson, lib. 3. trass. 2. ca. 18. & lib. 4. trass. 3. ca. 6. & lib. 5. ca. 6. See farrher Fleta, lib. 1. ca. 32. Co on Lit. 156, 157, &c. and Carangium.

Chamber depinet. Under this Name in our Parliament Rolls is often mention'd, the Room which was anciently St. Edward's Chamber, and is now the Painted Chamber.

Thambers of the King, Camera Regia. Havens or Ports of our Kingdom, are so call'd in our

Records. Vid. Mare Clausum.

Thamberdekins, or Chamberdakins, Were Irish Beggars, which by the Statute of 1 H. 5. ca. 8. were by a certain time, within the Statute limited to avoid this Land, Termes de la Ley, fol. 114. Tobserve this Description of them. Anno 1413. Universitatem Oxoniensem vexabant flagitiosi quidam Chamberdekyns dieti, qui non alii erant, quam mendici quidam Hiberni, babita Schoarium pauperculorum induti, sab nullo autem prasside viventes. Is solenne erat doni de die latitare, noclu vero circa oenopolia domosque infames obvium quemq; spoliare, vel etiam trucidare. Antiq. Oxoniensis, lib. 1. p. 207.

Chamberer, Is us'd for a Chamber-Maid, 33 H.S.

Chambetlain, Camerarius, Cometh of the French Chambellan; that is, Cubicularros vel Prafeelus cubiculi. It is diverfly us'd in our Chronicles, Laws and Statutes,

as Lord Great Chamberlain of England, Lord Chamberlain of the King's House, the King's Chamberlain, 13 E. 1. cap.41 17R.2.cap. 16. To whose Office it especially appertaineth to look to the King's Chambers and Wardrobe, and to Govern the under-Servants belonging to the same, Fleta, lib. 2. cap. 6, 7. Chamberlain of any of the King's Courts, 7 E. 6. 1. Chamberlain of the Exchequer, 51 H. 3. Stat. 5. 10. E. 3. 11. 14 E 3. 14.26. H. 8. 2 Chamberlain of North-Wales; Stow pag. 641. Chamberlain of Chester, Cromp. Jur. fol. 7. Chamberlain of London. This Officer is commonly the Receiver of all Rents and Revenues belonging to that City whereto he is Chamberlain. Vide Fleta, lib. 2. cap. 70. Chamberlain of Chester, when there is no Prince of Wales and Earl of Chester, belongs the Receiving and Returning of all Writs, coming thither out of any of the King's Courts. The Lat. word seemeth to express the Function of this Officer; for Camerarius dicitur à camera, i. c. Testudine sive fornice, quia custodit pecunias que in cameris pracipue reservantur, Onuphrius de interpret. voc. Eccles. It seemeth to be borrow'd from the Feudifts, who define the word Camera thus: Camera est locus in quem thefaurus colligitur, vel conclave in quo pe-cunia reservatur: Zasius de Feudis, per 4. num. 7. And Peregrinus de jure Fisci, lib, 6. tit. 3. saith, That Camerarius, vel Chamberlingus (quem Questorem antiqui appellarunt) in rebus fisci primum locum tenet, quia Thesau-rarius & custos est publicæ pecuniæ. There be two Offices of this Name in the King's Exchequer, who were wont to keep a Controulment of the Pette of Receit, and Exitus, and kept certain Keys of the Treasury and Records: They kept also the Keys of that Treasury, where the Leagues of the King's Predecessors, and divers anc'ent Books, as Dooms-day, Black-Book of the Exchequer, There is mention of this Officer in the Stat. remain. 34 & 35 H. 8. cap. 16. There be also Under-Chamber-lains of the Exchequer, for which see in Under-Chamber-There be also Under-Chamberlain.

Thamberlaris, Chamberlangeria, Chamberlainship, or Office of Chamberlain. — Commissimus Civi
nostro Willelmo Joyner Chamberlariam nostram London
Pat. 7H. 3. Brady Hist. Angl. Append. p. 168. — Jerem
del Ho. & Radulphus de Coggeshale, tenent feodum del
Ho in Rivanhule per servitium Chamberlangeriz, in
Com. Devon. Anno xi H. 3. Tenures, p. 48.

Thamparty, (Cambi-partia) al Champerti, Scemeth to come from the French Champert, Velligal; and fig-Scemeth nifieth in our Common-Law a Maintenance of any Man in his Suit depending, upon condition to have part of the things (be it Lands or Goods) when it is recover'd, This seems to have been an ancient F. N. B. fol. 171. grievance in our Realm; for notwithstanding the Statites of 3 E. 1.25.13 E. 1.49.28 E. 1.11.32. E. 1. Stat. 2. unto them: Yet Anno 4 E. 3. 11. it was again enacted, That whereas the former Statute provided Redress for this in the King's Bench only, (which at that time followed the Court) from thenceforth it should be dawful for Justices of the Common-Pleas likewise, and Juit ces of Assises, in their Circuits, to enquire, hear and determine this, and such like Cases, as well at the Suit of the King, as of the Party. How far this Writ extendeth, and the divers Forms thereof apply'd to several Cases, see in F. N. B. fol. 171. Reg. Orig. fol. 183. and the New Book of Entries, verbo Champerty; every Champerty implieth Maintenance, Cromp. Jur. fol. 39. See also Cromp. Justice of Peace, fol. 155. 2. par. Inst. fol. 208. But every Maintenance is not Champerty, for Champerty in but a Species of Maintenance, which is the Champerty is but a Species of Maintenance, which is the Genus. The word Champerty seems very significantly to derive it self from Campus, a Field, and Partitie, a Dividing; because the Parties in Champerty agree to divide the thing in dispute.

Thampertozs, Vel campi Participes, sunt qui per se, vel per alios placita movent, vel movere saciunt, & ea suis sumptibus presequantur ad campi partem, vel pro parte lucri vabenda, 33 E. 1. Stat. 2. Artic. super Chart. cap. 11. Also it was ordain'd by the Stat. 33 H. 3. confirm'd by 37 H. 8. 7. That Justices of Peace, at their Quarter-Sessions, should have Authority as well by Oaths of twelve Men, as by the Information of any other Person to exquire of the Offendors and Offences against the Laws and Statutes made and provided touching Champerty, Maintenance, &c. Termes de la Ley, fol. 114,115.

Champion, (Campio) is thus defined by Hottoman, in verbis Feudalibus: Campio est Certator pro alio datus in duello, à Campo distus, qui Circus erat decertantibus definitus; and therefore call'd Campe-fight. In the Common-Law, it is taken no less for him that tryeth the Combat in own case, than for him that fighteth in the Quarrel or Place of another; Brass. lib.3, trass. ca. 21. n. 24. seems to use this word for such as hold by Segeanty, or some Service of another; as, Campiones faciunt Homagium Domino suo, lib. 2. cap. 35. Of this read more in Battel, upon Combate. Also in sol. 36. of Sir Edward Bishe's Notes and Upton, you will find, That Henricus de Ferneberg, for thirty Marks see, did by a Charter, under his Seal, covenant to be Champion for Roger Abbot of Glassenbury, An. 42 H. 3. See 3. lass. fol. 221.

Champion of the Ring. His Office is at the Corronation of our Kings, when the King is at Dinner, to ride armed into Westminster-hall, and by a Herald make a Challenge, That if any Person shall deny the King's Title to the Crown, he is there ready to desend it; which done, the King drinks to him, and sends him a guilt Cup with a Cover, full of Wine, which he hath for his Fee. This Office, ever since the Coronation of Richard the Second, when Baldwin Frevile laid claim to it, was from him adjudged to his Competitor Sir Jo. Dymocke, (both claiming from Marmion) and hath ever since continued in the Family of the Dymockes, who hold the Mannor of Scrivelsby, in Com. Lincoln. hereditarily from the Marmions, by Grand Segranty. Cambd. in partissin. Mich. 1. H. 6. and accordingly Sir Edward Dymocke perform'd this Office at the Coronation of King Charles the Second, April 23. 1661.

Chancellos, Cancellarius, Cometh of the French Chancelier. Vincent Lupanus de Magistratibus Franco-rum, saith, That Cancellarius is no Lat. word, tho' he citeth Lat. Writers that use it: With him agreeth Petrus Pithaus. lib. 2. Adversariorum, cap. 12. And whereas Lupanus would derive it from the Verb Cancello, Pithem thinks he hath some (tho' not sufficient) colour for his Opinion; and therefore derives it from Chancellis, an inclosed or separated place, a Chancel; or place encompass'd with Bars, to defend the Judges and other Officers from the press of the People. Cancellarius at first, as Lupanus thinks, signify'd the Registers in Court; Grapharios, scil. qui conscribendis & excipiendis judicum allis dant operam. But this Name in our Days is highly advanc'd; and not only in other, but in our Kingdom also is given to him that is the Chief Man for matter of Justice (in Private Causes especially) next unto the Prince: For whereas all other Justices are ty'd to the Law, and may not swerve from it in Judgment; The Chancellor hath in this the King's Absolute Power to moderate and temper the written Law, subjecting himfelf only to the Law of Nature and Conscience, ordering all things juxta aquum & bonum. And therefore Stamford in his Prerogative, ca. 20. fol. 65. faith, That the Chancellour hath two Powers; one Absolute, the other Ordinary; meaning, that tho' by his Ordinary Power, in some Cases, he must observe the Form of Proceeding, as other ordinary Judges; yet that in his Absolute Power he is not limited by the written Law

but by Conscience and Equity, according to the circumstances of the Matter in question. But how long he hath had this Power, some would doubt : For Polydore Virgil, lib. 9. Hist. Angl. hath these words of William the Conqueror, Instituit etiam scribarium collegium qui Diplomata seriberent, & ejus collegii Magistrum vocabat Cancellarium, qui paulatim supremus factus est Magi-stratus, qualis bodie babetur. And Sea Fleta, lib. 2. cap. 13. I his High Officer seems to be brought from France to us, as many other Officers and Ulages be. But Mr. Dugdale, in his Origines Judiciales, makes this an Error, giving us a Catalogue of Chancellors before that : He that with us beareth this Magistracy, is call'd The Lord Chancellor of England, Anno 7 R. 2. cap. 14. and by the Stat. 5 Eliz. cap. 18. the Lord Chan-cellor and Keeper have all one Power. He is made by the King, by delivery of the Great Seal to him, and taking an Oath. See Lord Keeper. See Fleta, 1.2.c.12,13.

And Co. Inst. 4. fol. 78, 79. There are divers other infe-And Co. Inst. 4. fol. 78, 79. There are divers other inferior Officers that be call'd Chancellors, as Chancellor of the Exchequer, 25 H. 8. 16. whose Office hath been thought by many, to have been created for the qualifying of Extremities in the Exchequer. He fitteth in the Court, and the Exchequer-Chamber, and with the rest of the Court, ordereth things to the King's best benefit; He is always in Commission with the Lord Treasurer, for the Letting of the Lands that came to the Crown, by the Dissolution of Abbeys, and hath by Privy Seal from the King's Power, with others, to compound for Forfeitures of Bonds, upon Penal Statutes: He hath also much to do in the Revenue come by the Diffolution, and First-Fruits, as appears by the Acts of Uniting them to the Crown.

Thancello: of the Dutche of Lancaster, 3 E.6.1. and 5 E.6.26. Whose Office is principally in that Court to judge, and determine all Controversies between the King and his Tenants, of the Dutchy Land, and otherwise to direct all the King's Affairs belonging to that

Chancellos of the Droer of the Warter, Stow's Annals, 706. Chancellor of the University, 9 H. 5. 8. 2 H. 6. 8. Chancellor of the Court of Augmentations, 27 H. 8. 27. 432 H. 8. 20. 433 H. 8. 39. Chancellor of the First-Fruits, 32 H. 8. 45. Chancellor of Courts, 32 H. 8. 28. Chancellor of the Dioces, 32 H. 8. 15.

Thance-medien, Signifies the calcular killing of a Man,

Thance medley, Signifies the casual killing of a Man, not altogether without the Killer's fault, tho' without an evil intent, Stamf. pl. cor. lib. 1. cap. 8. calls it Homicide by Misadventure, West. Symb. par. 2. tit. Indicaments, sett. 5. calls it Homicide mixt. 't is also call'd Manslaughter by Misadventure, for which the Offendor shall have his Pardon of Course as appears by the Statue of 6 E. 1. 9. But here is to be consider'd whether he that commits this Manslaughter by Chance-medley, was doing a lawful thing: for if the Act were unlawful, it is Felony. As if two were fighting together, and a third Man comes to part them, and is kill'd by one of the two without any malice fore-thought, or evil intent in him that kill'd the Man; yet this is Murther in him, and not Manslaughter by Chance-medley, or Misadventure; because they two that sought together were doing an unlawful Act: And if they were met with prepens'd Malice, the one intending to kill the other, then it is Murther in them both. See Skene, de verb. Signifverb. Melleturn, where he says this in Scotland is call'd Chaudmelle.

(Thantery, Cancellaria, Is a Court of Equity and Conscience, moderating the rigour of other Courts, that are not strictly ty'd to the Letter of the Law, whereof the Lord Chancellor of England, is the Chief Judge, Cromp. Fur. fol. 41. Or else the Lord Keeper of the Great Seal, 4 Eliz. ca. 18. The Officers belonging to this Court, are, The Chancellor or Keeper of the Broad

Seal, twelve Masters of the Chantery, whereof some always sit by turns on the Bench, as Assistants; the six Clerks, who have each of them about twenty Clerks under them, in nature of Attorneys in the Court; two cheif Examiners, who have each of them several Clerks: One chief Register, who hath usually four or sive De puties: The Clerk of the Crown, the Warden of the-Fleet, the Usher, Sergeant at Arms, and Cryer of the Court; the Cursitors and their Clerks of the Petty-Bag, the Clerk of the Hanaper, the Controller of the Hanaper, the Clerk of Appeals, the Clerk of the Paculties, the Sealer, the Chase-wax, the Clerk of the Patents, Clerk of Presentations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerk of the Protections, Clerk of the Subpenas, Clerk of the Assistantia, Use. which see describ'd in their several place, Co. 4. Inst. fol. 82.

Changer, Is an Officer belonging to the King's Mint, mention'd in the Statute of 2 H.6. ca. 12. where also written after the old way Changeur, whose Business was chiefly to exchange Coyn for Bullion, brought in

by Merchants, or others.

Chantry. See Chantry, founded by Hamo Doge, 1264. Somner Catuar. p.67. & Will. Thorne, sub Anno—See Chauntry.

Thapel, Capella, Cometh from the French Chapelle, that is, Adicula; and is of two forts, either adjoyning to a Church, as a Parcel of the same, which Men of Worth do Build, ut ibidem Familiaria Sepulchra sibiconstituant; or else separate from the Mother-Church, where the Parish is wide, and commonly call'd A Chapel of Ease, because it is built for the Ease of one or more Parishioners that dwell too far from the Church, and serv'd by some inserior Curate, provided at the charge of the Rector, or of them that have benefit by it, as the Composition or Custom is. Whence the word is deriv'd, the Canonists differ in Opinion, neither will we trouble our selves about it, since it makes not much to our Purpose. There is a Free-Chappel, which seemeth to be such as hath Maintenance perpetual, towards the Upholding thereof, and wages of the Curate, by some Lands charitably bestow'd on it, without the charge of the Rector, or Parish, 37 H. 8. cap. 4 Anno 1. E. 61 cap. 14.

Capellaine or Chaplaine, Capellanus, Is he that performeth Divine Service in a Chapel; and therefore in the Common-Law, it is us'd most ordinarily for him that is depending upon the King, or other Man of Worth, for the Instructing him and his Family, to Pray and Preach in his Private House, where commonly they have a Chapel for that purpose, as 21 H. 8. 13. where it is set down what Persons may priviledge one or more Chaplains, to discontinue from their Benefices for their peculiar Service.

Chapetry, Capellenia, Is the same thing to a Chapel, as a Parish is to a Church. See the State of 14 Car. 2.

cap. 9.

Chaperon, A Hood or Bonnet, mention'd in the Stat. 1 R. 2. 17. and in Heraldry is that Title Efcutcheon, which is fix'd on the Fore-head of the Horses that draw a Herse to a Funeral.

Thapiters, Capitula, cometh of the French Capitre, i.e. caput libri: It figuifies in our Common-Law a Summary, or Content of fuch matters as are to be enquir'd of, or presented before Justices in Eyre, Justices of Affie, or of Peace, in their Sessions: So it is us'd Anno 3 E. 1.ca.27. in these words. And that no Clerk of any Justice Escheator, or Commissioner in Eyre, shall take any thing for delivering Chapiters, but ony Clerks of Justices in their Circuits. And again, An. 13 E. 1. ca. 10. in these words, And when the time cometh the Sheriff shall certific the Chapiters before the Justices in Eyre, how many Writs he hath, and what,

Ge. Britton also useth the word in the same Sense, cap. 3. Chapters, or Capitula, be now call'd Articles most ordinarily, and are deliver'd as well by the Mouth of the Justice in his Charge, as by the Clerks in writing to the Inquest; whereas in ancient times, as appeareth by Braston, and Britton, they were after an Exhortation given by the Justices for the good observation of the Laws, and the King's Peace, first read distinctly and openly in the whole Court, and then deliver'd in writing to the Grand Inqust. And the same order doth Lambert wish to be kept in these days, Eirnarc. lib. 4. cap. 4. pag. 393. Horne in his Mirrour of Justices calleth them Articles, and expresses the what they were wont to contain, lib. 3. cap. de Articles in Eyre. An example of these Chapiters or Articles, you have in the Book of Asses, fol. 138. num 44. As also in Roger Hoveden, parte poster. Suor. Annal. in Richardo Primo, fol. 423.

Chapter, Capitulum, Signifieth in our Common-Law (as in the Cannon-Law) whence it was borrow'd, Congregationem clericorum in Ecclefia Cathedrali, conventuali, regulari vel collegiata; and in another sense, Locum in quo fiunt communes trastatus collegiatorum. It hath other significations, tho' not worth the repeating in this place, which you may read in Linwood's Provincialis Gloss. in ca. Quia incontinentia, de constitutionibus verb. Capitulis. Such a Collegiate Company is Metaphorically term'd Capitulum, that is, a little Head, for such a Corporation is a kind of Head, not only to Rule, and Govern the Diocess in the Vacation of a Bishoprick, but also in many things to advise the Bishop, when the See is sull, Panormitan. in cap. Capitulum extra de Rescriptis.

Carea, A Charr, Carr, or Cart. — Concessium est ut prædicti Abbas & Conv. tradant Johanni & Agneti uxori sue, at bæredibus suis tres chareas clausure de subbosco suo annuatim per liberationem Ballivi vel Præpositi — Itaque nec præsaus Johannes & Agnes uxor in prædictum boscum cum carris suis de cætero aliquem ingressum babeant, nec estoverium boschiæ nist tantum tres chareas annuatim, ut prædictum est. Cartular. Abbat. Glaston. MS. fol. 91 a.

Charks. Wood when charr'd is properly Char-coal; the Pit-coal, when so charr'd or chark'd in Worcestershire is call'd Charks, as the Sea-coal so prepar'd about New-castle, is call'd Coke.

Tharre of Lead, A Charre of Lead confifts of Thirty Pigs, each Pig containing fix Stone wanting two Pound, and every Stone being twelve Pound, Affle tonderibus, Rob. 2, R. Scote cap. 22, feet. 2.

de ponderibus, Rob. 3. R. Scot. cap. 22. sect. 2.

Charta. The word was taken not only for a Charter or Deed in writing, but any Signal or Token by which an Estate was held. As — Willelmus filius Nigelli tenuit costodiam foresta de Bernwode, de Domino Rege per unum cornu quod est charta pradicia foresta. Paroch Antic. D. 72.

Tharte, Charta, Paper, Parchment, or any thing to write on; also a Card which Mariners use at Sea,

mention'd 14 Car. 2. cap. 33. See Charter.

Thartel, A Letter of Defiance, or Challenge to a Duel, in use heretosore, when Combats were in Practice, to decide difficult, and not otherwise to be determined, Controversies in Law.

Charta Pardonationis De defendendo, Is the Form of Pardon, for flaying another Man in his own

Defence, Reg. Orig. fol. 287.

Charta Pardonationis Atlagaria, Is the Form of a Pardon for a Man that is Outlaw'd, Reg. Orig. fol. 288. 388.

Tharter, Charta, French Charters, that is, Instrumenta: It is taken in our Law for written Evidence of things done between Man and Man; whereof Bra-Bon, lib. 2. cap. 16. num. 1. saith thus, Fiunt aliquando donationes in scriptis, seu chartis, ad perpetuam rei me-

moriam propter brevem hominum vitam, &c. And a little after, num. 12. Et sciendum quod chartarum, alia Regia, alia privatorum, & regiarum alia privata, alia communis, & alia universalis. Item privatorum alia de Feoffamento puro & simplici, alia de Feoffamento conditionali, & secundum omnia genera Feoffamentorum sieri potest. Item privatorum alia de recognitione pura vel conditionalis: Item alia de quiete-clamantia; Item do alia consirmatione, &c. and so through the whole Chapter. Britton likewise in his Thirty Ninth Chapter, divideth Charters into the Charters of the King, and Charters of Private Persons: Charters of the King, are those whereby the King passeth any Grant to any Person or more, or to any body-Politick, as a Charter of Exception, that a Man shall not be empannell'd upon any Jury, Kitchin, fol. 114, &c.

Felony, or other Offence committed against the King's Crown and Dignity, Bro. tit. Charter of Pardon. Charter of the Forest, wherein the Laws of the Forest are compris'd, An. 9 H. 3. Cromp. Jur. fol. 147. Pupilla oculi, par. 5. cap. 22. Mannood, par. 1. of his Forest-Laws, fol. 1. where he setteth down the Charter of Canutum, and fol. 11. where he sets down that which was made 9 H. 3. with the Charter of the Forest which we use. Skene saith, That the Laws of the Forest in Scotland do agree, de verb. Signif. verbo Venison. Charter of Land, Brooke, eidem situlo. That which we call a Charter, the Lombards, in libris Feudalibus, call Praceptum, Praceptionem, Hottoman, verbo Praceptum in verbo seudalibus. Of these Charters you have also a long Discourse in Fleta, lib. 3. cap. 14. who expoundeth every substantial part of a Deed of Gist particularly in Order. See

Magna Charta.

Charter: Land, Terra per Chartam, Is such as a Man holdeth by Charter; that is, by Evidence in Writing, otherwise call'd Freehold, An. 19. H. 7.6. 13. and Kitchin, fol. 86. And these in the Saxons time were call'd Bockland which Lamb. in his Explication of Saxon Words, verb. Terra ex scripto, saith, Was held with more commodious and easie Conditions than Folkland was; that is, Land held without Writing; and the reason is, because that was Hæreditaria, libera atque immunis, whereas sunds sine scripto censum pensitabat annum atque Officiorum quadam servitute est obligatus; priorem viri plerunque nobiles atque ingenui, posseriorem rustici fere & pagani possebelas.

Illam nos vulgo Free-hold & per chartam banc ad voluntatem Domini appellemus. Thus far Mr. Lambard.

Charter: party, Charta partita, A Deed or Writing divided, is only Paper of Indentures among Merchants and Seafaring-men, containing the Covenants and Agreements made between them touching their Merchandize and Maritime-Affairs, 32. H. 8. 14. 12 Car. 2. c. 18. Latches Rep. f. 225. Ballo's Cafe, and 2. Inst. fol. 637.

Charterer. So in Cheshire they call a Freeholder. Ex pet. Leg. Antiq. p. 356. Chartis reddendis, Is a Writ which lies against

Chartis reddenots, Is a Writ which lies against him that hath Charters of Feofiment, deliver'd him to be kept, and refuseth to deliver them, Old Nat. Brev. fol. 66. Orig. fol. 150.

fol. 66. Orig. fol. 159.

Thate, Chacea, Cometh of the French, Word Chafer, that is, Sellari Belluas: It fignifies in the Common-Law two things, First, As much as Allus in the Civil-Law, that is, a driving of Cattel to or from any place, as to chase a Distress to a Fortlet, Old Nat. Brev. fol. 45. Secondly, It is used for a Receipt for Deer, and Wild Beasts of a middle nature, between a Forest and a Park being commonly less than a Forest, and not having so many Liberties as the Court of Attachment, Swainemote, and Justice-seat; and yet of a larger compass, and stored with greater diversity both of Keepers and Wild-Beasts or Game than a Park. And Cropton in his Jurisdictions,

fol. 148. faith, That a Forest cannot be in the hands of a Subject, but it forthwith loseth the Name, and becometh a Chase; Yet fol. 197. he saith, That a Subject may be Lord and Owner of a Forest, which, though it icem a contrariety, yet are both his fayings in some fort true; for a King may give or aleniate a Forest to a Subject, yet so, as when it is once in a Subject, it loseth the true property of a Forest, because that the Courts called a fustice-seat, the Swainemote, and Attachment forthwith do vanish; none being able to make a Lord chief Justice in Eyre of the Forest but the King, as Manwood well sheweth in his Forest-Laws, cap. 3. & 4. and yet it may be granted in so large a manner, that there may be Attachment and Swainemote, and a Court equivalent to a Justice-seat, as appeareth by him in the same Chapter, num. 3. So that a Chase different from a Forest in this, because it may be in the hands of a Subject, which a Forest in his proper and true nature cannot; and from a Park, in that it is not inclosed, and hath not only a larger compass, and more store of Game but of Keepers also and Officers. See Forest.

Thatell. See Catals.

Thumpert, — Et quod tam predicta viginti virgata terra, quam terra unde dicta quaterviginti
quarteria frumenti annua proveniunt de nobis in capite
per servitium vocatum Chaumpert, vid. undecima garba nobis per munus tenentium terrarum earundem annuatim solvenda tenentur. Pat. 35. Ed. III. Pat. 2. m. 18.

Hospital. de Bowes infra insulam de Garnesey. Chantemedley. See Chance-medley.

Thaunderia. — Et si cervisiam putidam brasiabit, amittere debet Chaunderiam & brasii valorem ad
voluntatem sallivorum. MS. de legibus liberi Burgi
villa de Montgomery.

Thaunver, Cantator, A Singer in the Quire, 13 Eliz. cbp. 10. At St. David's in Pembrookesbire, the Chaunter is next the Bishop, for there is no Dean, Camb. Britan.

is next the Bishop, for there is no Dean, Camb. Britan.

Thauntry, Cantaria, 1sa Church, or Chappel, endowed with Lands, or other yearly Revenue, for the Maintenance of one or more Priests daily to sing Mass for the Souls of the Donors, and such others as they do appoint, 37 H. 8. 4. 1 E. 6. 14. and 15 Car. cap. 9. Of these Chantryes there were Forty-seven belonging to St. Paul's Church in London, for which, see Dugdales Wishory of that Church

Hiltory of that Church.

Thaus. Manchet, White Bread.—Concesserunt mibi singulis diebus vitæ meæ unum simenellum de Chaus & unum surum michum & unum galonem de cerevisia conventus & alium de cervisia mixta, Cartular. Radings. MS. f. 103.

Chambren of Deascoals, 9 H. 5. 10. See Chal-

Therkroll, Is a Roll, or Book containing the Names of such as are Attendants in Pay to great Personages, as their Houshould-Servants, 19 Car. 2. cap. 1. It is otherwise called The Chequer-Roll, Anno 24 H. 8. 13. 3. H. 7. 13. And seems to take its Etymology from the Exche-

13. And seems to take its Etymology is quer, which see,

The there elli Danni, Cloth cheque red, or variegated in the Weaving.—Henricus Prior & Conv. Ecclesia Christi Cant. constituum Raymundum Filium Raynoldi Procuratorem & Mercatorem suum ad emendum singulis annis ducentos pannos quos Frisones vocant, unde triginta erunt Chekerelli, & alii plani; & quilibet pannus continebit in longitudine quatuor ulnas, & in latitudine ulnam unam & dimidium ad minus.—dat. 13. Rul. Sept. 1313. Ex Registr. Eccl. Christi Cantuar. MS.

Clerk of the Checke. See Clerk.

Chemin. See Chimin.
Chenfers, Mentioned 27 H. 8. cap. 7. Que re if
they be not such as pay Tribute or Cense, Chief-rent or
Quit-rent, for so the French Censer signifies.

Cherset, See Churchesset.

Chersetum, Any Customary Oblation paid (at first perhaps in lieu of Church-Seed or Corn) to the Parish Priest or Appropriators.——Inter servitia confuetudinaria Tenentium in Blebury de dominio Abbatis & Conv. Rading.——Et solebant dare Chersetum scil. tres gallinas & unum gallum.——Curtular. Rading. MS. f. 221.

Chebage, Chevagium, Cometh of the French Word Chief, i. e. capus; It signifieth with us a Sum of Money paid by Villains to their Lords, in acknowledgment of their Villenage, Whereof Braston, Lib. 1. cap. 10. saith thus, Chevagium dicitur recognitio in signum subjections of Dominii de capite suo. It seems also to be used for a Sum of Money yearly given to one by another of Might and Power, for his Avowment, Maintenance and Persection, as to their Head and Leader, Lamb. Eirenarch. lib. 2. cap. 5. writteth it Chivage, or rather Cheisage. Est apud Wallos Chevagii genus quod Amabr. vocant, Principi Walle pro maritandis siliabus olim ab omnibus (ut afferunt) bodie a quibusdam etiam liberis persolutum, says the learned Spelman on the Word Chevagium, see Co. on Lit. sol 140.

Chevagium, see Co. on Lit. fol 140.

Thebantia, A Loan or Advance of Money upon Credit. Fr. Chavarice, Goods, Stock.—Idem Prioratus pene destructus, & possessiones sue ad plurimos terminos pro plurimis Chevanciis alienate existunt.— i. e. Are Mortgag'd out for Debts, or Sums of Money borrowed.—Rex Rever, in Christo Patri W. Archeipsc. Cant.—Nos super executione effestus predicti ceperimus propositum ad partes exercas personaleter transsmeare & Nos advertentes bujusmodi propositum nostrum absque Chevantia competenti ad optatum sinem commode deduci non posse—nec non qualiter dicta Chevantia quietius & citius sieri, ac creditoribus nostris in hac parte meliori & sirmior securitas solutio num dari poterit. Summon ad Parl. 5. Ric. 2.

Cheveril. Mandatum est Vicecom. Southampton. quod in balliva sua perquiri saciat ad opus Regis contra instans Paschæ quinquaginta gallinas & viginti Cheverillos liberandos apud Clarendon Seneschallis nostris. — Eodem modo scribitur Vicecom. Willes. de tot gallinis & tot Cheverellis. Pat. 15. H. 3.

Thebitance, Cometh of the French Word, Chevir, that is, Venir a chief de quelque chofe, to come to the head or end of a Business. This Word is used 37 H. 8. cap. 9. 13. Eliz. cap. 5. & 8. 10 R. 2. cap. 1. & 3 H. 7. 5. for a Bargain or contract. It signifies also an unlawful Contract in point of Usury, spoken of 21 Jac. 17. 12 Car. 2. cap. 13.

17. 12 Car. 2. cap. 13.

Chebitiz, e Chebite, Heads of Ploughed-Lands,
Novem Acras Terræ cum Chevisis ad ipsas pertinentibus,
Mon. Ang. 2 Par. Fol. 115.

Chiefe, See Capite. Uhiefage, See Chevage.

Chief pleage, (Plegius, vel vas capitalis.) 20 H. 6. cap. 8. For the better understanding of this Word, see Rorow bead.

Childwit, Is Compounded of two Saxon Word; Child and Wit: the meaning of the former every one understands: for the later see Bloodwit. It signifies a power to take a Fine of your Bond-Woman gotten with Child without your Consent; Within the Mannor of Writtie in Com. Esex, every reputed Father of a Bastard gotten there, pays to the Lord for a Fine, three shillings four pence, and the custom is there also called Childwit.

Chimin, French Chemin, Signifies in Law phrase a Way: It is divided into two sorts, The Kings Highway, and a private Way, Kitchin, fol. 35. The Kings High-Way, Chiminus Regius, is that by which the Kings Subjects, and all under his Protection, have free Liberty to pass, though the property of the soyl of each

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side; where the Way lyeth, may perhaps belong to some private man. A Way private is that, by which one man or more have liberty to pass, either by Prescription or by Charter, through another Man's Ground. And this is divided into Chimin in Gross, and Chimin Appendant, Kitchin, fol. 117. Chimin in Gross is that Way which a Man holdeth principally and solely in it self: Chimin Appendant is that which a Man bath adjoyned to some other thing or appurtenant thereto. ample, If a Man hire a Close or Pasture, and Covenant for Ingress and Egress to and from the said Close, through some other Ground, by which otherwise he cannot pass: Or Chimin in Gross may be that, which the Civilians call Personal; as when one Covenanteth for a Way through another Man's Ground for himself and his Heirs: Chimin appendant on the other side, may be that which they call real; as when a Man purchaseth a way through another Man's Ground, for such as do or shall dwell in this or that House for ever, or be Owners of such a Mannor. See Co. on Lit. fol. 56.

Chiminage, Chiminagium, Signifieth a Toll for Wayfarage through the Forest, Cromp. Jur. fol. 189. and Manwoods Forest Law, p. 86. The Feudists call it Peda-

Sec Chimin.

Chimney-Boney, Otherwise called Hearth-money, by 14 Car. 2. cap. 12. Every Fire-Hearth and Stove, Sc. (except fuch as pay not to Church and Poor) shall be chargeable with Two Shillings per Annum at Michaelmas and Lady-day to the King, &c. See Smoke-money, Hearth-

money, and Fuage.

Chirgemote, Circgemot or Chirchgemot, Saxon Word fignifying Forum Ecclefiasticum; Quousque Chirgemote discordantes inveniet vel amore congreget, &c.

Leg. H. 1. cap. 8. and 4 Inft. fol. 321.

Chorographum, Any publick Instrument of Gift or Conveyance, attested by the Subscription and Crosses of the present Witnesses, was in the Saxon times called Chrirographum, which being somewhat changed in form and manner by the Normans, was by them stiled Charta. Of which Ingusph gives this good Account. — Chyrographorum consessionem Anglica. nam que antea usque ad Edwardi Regis tempora sidelium prasentium subscriptionibus cum crucibus aureis aliisque sacris signaculis sirma suerunt; Normanni condemnantes Chirographa Chartas vocabant, & Chartarum sirmitatem cum cerea impressone per unius cujusque speciale sigillum sub instillatione trium vel quatuor testium assantium consicere constituebant. Hist. Ingulph. edit. Gale, p. 901. In following times, to prevent Frauds and Concealments, they made their Deeds of mutual Covenant in a Script and Re-script, or in a Part and Counter-part, upon the same Sheet, or Skin of Paper or Parchment, and in the middle, between the two Copies, they drew the capital Letters of the Alphabet, or sometime the word Syngraphus in the like great Letters, and then talliated or cut afunder in Indented manner the faid Sheet or Skin; which being delivered to the two Parties concern'd, were prov'd authentick by matching with, and answering to one another; like the Tallies in Wood, or like our present Indentures in writing. When this prudent Custom had for some time prevail'd, then the word Chirographum was appropriated to such bipartite Writings or Indentures. --Et in bujus rei testimonium buic scripto in modum Chirographi confecto vicissim sigilla nostra apposuimus. Mr. Kennet's Paroch. Antiq. P. 177- Us autem ista conventio tuta & in concusta perpetuo permaneat, præsentis scripti serie & utriusque Monasterii sigilli testimonio una cum sigillis Abbatum diviso inter eos Chirographo confirmata est. ib. p. 223. Such alternate Writings were likewise called Scripta Chiregraphata. ib. p. 234. And Charta divisa. Mon.

Angl. com. 2. p. 94.
Chicographer of Fines, Chicographus Finium &

Concordiarum, Cometh of the Greek xerpoyeaper, (a Compound of xeep, Mains, a hand, and yeaque, Scribe to Write,) so that in plain English, it is a writing of the Hand! It signifies in the Common-Law, that Officer of the Common-Pleas who ingroffeth Fines in that Court, acknowledged into a perpetual Record, after they be acknowledged and fully passed by those Officers by whom they were formerly examined, and that Writeth and Delivereth the Indentures of them unto the Party, 2 H. 3. cap. 8. and West. Symbol. par. 2. tit. Fines, sett. 114. 6 129, F. N. B. fol. 147. This Officer also maketh two Indentures, one for the Buyer, another for the Seller, and makes one other Indented Peice, containing also the Effect of the Fine, which he delivereth over to the Custos Brevium, that is called The foot of the Fine. The Chirographer also, or his Duputy, doth Proclaim all the Fines in the Court every Term, according to the Statute; and then repairing term of the Custos Province that independent the Proclaim. Custos Brevium, there indorseth the Proclamations upon the backside of the Foot thereof; and always keepeth the Writ of Covenant, as also the Note of the Fine.

Hence the Word Chirographum was sometimes taken for a Fine. -- Promittens fideliter fide media sub juramento — quod in aventu Justitiariorum proxime er-rantium levari saciam Chirographum de pradista remiss-one — Carta Nesta de Stanley sine dat. in Registro de Wormley.

Cumber worth Knight, of the Diocese of Lincoln, by his last Will made in the Year 1450, thus provides for his sall bearing from the Year 1450. Self-denying Funeral.--Furst I gyff my Sawle to Gode my Lord and my Redemptur, and my wrechid Body to be heryd in a Chitte without any Kyste (i. e. Coffin) in the North Yle of the Parych Kirke of Someretby, &c.

Ex Reg. Marmaduci Lumley Epifc. Linc.

Chibage. See Chevage.

Chibalry, (Servitium militare) Cometh of the French Chevalier, and fignifieth in our Common-Law a Tenure of Land by Knights Service: For the better understanding whereof, it is to be known, That there is no Land, but is holden mediately or immediately of the Crown by some Service, and therefore all our Free-Holds that are to us and our Heirs are called Fenda or Feoda, Fees; as proceeding from the Benefit of the King, for fome small yearly Rent, and the performance of such Services as originally were laid upon the Land at the Donation thereof; for as the King gave to the great Nobles, his immediate Tenants, large Peffossions, to not some the Service of Performance to hold of him for this or that Service on Performance to hold of him for this or that Service on Performance to hold of him for this or that Service on Performance to hold of him for this or that Service on Performance to hold of him for this or that Service on Performance to hold of him for this or that Service on Performance to hold of him for this or that Service on Performance that Service on Performance of the Service of for ever, to hold of him for this or that Service or Rent: and they again in time parcelled out to such others as they liked the same Lands, for Rents and Services, as they thought good. And these Services are by Littleton divided into two forts Chivalry and Soccage, the former is martial and military, the other clownish and rustical; Chivalry therefore is a tenure of Service, whereby the Tenant is bound to perform fome noble or military Office unto his Lord; and is of two forts, either Regal, that is, such as may hold only of the King, or such as may hold of a common person: That which may hold only of the King is properly called Servitium or Serjeantia, and is again divided into Grand or Petit, great or small; Great, commonly called Grand Serjeanty, is that where one holdeth Lands of the King by Service, which he ought to do in his own person; as to bear the King's Banner or his Spear, or to lead his Hoste, or to find a Man at Arms to Fight within the four Seas, &c. Littl. Tit. Sergeanty. Petit Sergeanty is where a Man holdeth Land of the King, to yield him annually fome small thing towards his Wars, as a Sword, Dagger, Bow, &c. Littl. Tit. Petit Sergeanty. Chivalry that may hold of a common person, is called Scutagium, Escuage, that is, Service of the Shield, and this is either uncertain or certain. Escuage uncertain is likewise

likewise two-fold, First, Where the Tenant is bound to follow his Lord, going in Person, to the King's Wars against his Enemies, either himself, or to send a sufficient Man in his place, there to be maintained at his Cost so many days, as were agreed upon between the Lord and his first Tenant at the granting of the And the days of fuch Service feem to have been rated by the quantity of the Land to holden; as if it extend to a whole Knight's Fee, then the Tenant was bound to follow his Lord Forty Days, and a Knight's Fee was so much Land, as in those days was accounted a sufficient living for a Knight, and that was 680 Acres as fome hold, or as others 800, or 15 Pounds per Annum, Camb. Brit. pag. 110. Sir Thomas Smith faith, Census equestris is forty Pounds Revenue in Free Lands. But if it extend to half a Knight's Fee, then the Te-But if it extend to name a sample of the nant is bound to follow his Lord but twenty days; If nant is bound to follow his Lord but twenty days; If nant is bound to follow his Lord but twenty days; If to a fourth part, then ten days, F. N. B. fol. 83, 84. The other kind of this Escuage uncertain is called Castleward, where the Tenant by his Land is bound either by himself or some other, to defend a Castle as often as it shall come to his course. Escuage certain, is where the Tenant is set at a certain sum of Money to be paid in lieu of such uncertain Service; as that a Man shall pay yearly for every Knight's Fee twenty Shillings, Stow Annal. pag. 238. for half a Knight's Fee ten, or some like rate: And this Service, because it is drawn to a certain Rent, groweth to be of a mixt nature; not meerly Socage, for that it smelleth not of the Plough, and yet Socage in effect, being now neither Personal service nor uncertain, Lit. tit. Socage. This Tenure called Chivalry, hath other Conditions annext to it, as Homage, Fealty, Wardship, Relief, and Marriage, Brack. lib. 2. cap. 35. which, what they fignife look in their places: Chivalry is either general or special, Dyer, fol. General seemeth to be where it is only faid in the Feoffment, That the Tenant holdeth per fervitium militare, without any specification of Sergeanty, Escuage, Usc. Special, That which is declared particularly, what kind of Knight's Service he holdeth by. But there is a great alteration made in these things by the Statute, made 12 Car. 2. cap. 24. which faith, All Tenures by Knight's-Service of the King or of any other Person, Knight's-Service in Capite or Socage; in Capite of the King, and the Fruits and Consequences thereof hapned, or which shall or may happen or arise thereupon, or thereby, are taken away and discharged: And all Tenures of Houses, Mannors, Lands, &c. shall be construed and adjudged to be turned into Free and common Socage, &c.

Thoral, Choralis, Is such a person of whom Mr. Dugdale in his Hist. of St. Paul's Church, p. 172. says, There were Six, whom he calls Vicars Chorals, belonging to that Church, and fignifics one that by vertue of any of the Orders of Clergy, was in ancient time admitted to sit and serve God in the Quire, which in La-

tine is termed chorus.

Thosepiscopi, Suffragan or Rural Bishops, delegated by the Prime Dioceian; their Authority was restrain'd by some Councils, and their Office by degrees abolish'd. After whom the Rural Deans were so commission'd to exercise Episcopal Jurisdiction, till inhibited by P. Alexander III. and the Council of Tours. See

Mr. Kennet's Parach. Antiq. p. 639.

Those, Res, In French a thing: It is in the Common-Law used with divers Epithetes worthy the Interpretation; as Chose local is such a thing as is annexed to a place: For Example, a Mill is Chose local, Kitchin, fol. 18. Chose transitory, seemeth to be that thing which is moveable, and may be taken away, or carried from place to place. Chose in Astion, is a thing incorporeal, and only a Right, as an Annuity, an Obligation of Debt, a Covenant, or Voucher by Warranty, Bro. tit.

Chose in Action: And it seemeth, that Chose in Action may be also called Chose in Suspence, because it hath no real existence or being, neither can be properly said to

be in possession, Bro. ibid.

Thop thirth, Ecclesiarum permutatio, Is a word used 9 H. 6. 65. As for Example, If two Parsons of several Churches change their Benefices, and resign them into the hands of the Ordinary to that intent, and the Patrons make Presentations accordingly, and one of them is admitted, inflituted and inducted accordingly, and the other is admitted and inflituted, but dyeth before Induction; the other Parson shall not retain the Benefice in which he was inducted, for the Change is not perfected, being not executed. By the fore mention'd Book, it seems, in those days a kind of Trade; yet Brooke in his Abridgment says, It was only permissible by Law; without peradventure it was a Nickname, for fuch as used to change Benefices; for we to this present usually say, To chop and change. See Spelm. de conc. vol. 2. fol. 642.

Chritim. A Confection of Oyl and Ballam consecrated by the Bishop, and used in the Popish Ceremonies of Baptism, Confirmation, and sometimes Ordi-

nation.

The Chaismale, Chrismal, Chrisom, Crysom, The Face-Cloth, or piece of Linnen laid over the Child's Head at Baptifus, which of old was a Custumary due to the Parish Priest .-–Mulieres sequentes debent offerre Chrismalia Infantum, nec Chrismalia debent altenari, nec in aliquos usus mitti debent, nisi in usus Ecclesse-

Statuta Ægidii Episc. Sarisbur. Anno 1256.

Thatimatis Denarii, Chrisom-Pence, Money paid to the Diocesan, or his Suffragan, by the Parochial Clergy, for the Chrism consecrated by them about Easter, for the Holy Uses of the Year ensuing. This custumary Payment being made in Ient near Easter, was therefore in some places call'd Quadragesimals, and in other Paschals and Easter-Pence. The Bishops Exaction of it was condemn'd by Pope Pius III. for Simony and vile Extortion: And therefore the Custom was releas'd and quit claim'd by some of our English Bishops.-Robert Bishop of Lincoln, by express Charter. Sciatis bos remissife Clericis omnibus infra Episcopatum Lincolniensem Paschalem consuetudinem quam Chrismatis denarios vocant Testibus Waltero Abbate de Kirk-stede. Radulfo Abbate de ludu. David Abbate de Barling. Magistro Gilberto de Sempringham. Cartular. Mon. de Berdeney. MS. Cotton.

Thristianitatis Curia, The Court Christian or Ecclesiastical Judicature, oppos'd to the Civil Court or Lay Tribunal, or Curia Domini Regis. These Courts of Christianity were not only held by Bishops in Synods, and their Archdeacons and Chancellors in Consistories: but in the Rural Chapters, where the Rural Dean or Decanin Christianitatis presided, and the Parish Priests, were Affessors or Assistants. See Kennet's Discourse of Rural Deans, in his Paroch. Antiq. p. 641. Hence Justitiam Christianitatis facere was to prosecute and censure a Criminal in the Ecclesiastical Court. As An. 28. Ed. 1 .- Alex. Linc. Episc. Guidoni de Charing Parochiano suo salut. Mando tibi & precipio ut cito reddus Ec-clesse de Egnesham, & Waltero Abbați Eccl. suam de Meritona - Quod ni cito feceris precipio ut Walterus Archidiac. nobus justitiam Christianitatis faciat donec reddas.ib. p. 90.

Y Thuepa, Chop or Exchange — Dedi essurta de dominio Patris mei & unam virgatem terre de chuep-−Dedi e∬urta pa quam Andreas tenet .- Curtular. Radings. fol. 94.

Thurth-reve, Is the same with Church-warden; Reve in the Saxon being as much as Guardian in the French, and signifies the Guardian or Overseer of the Church, as Shire-Reeve is the Guardian of the Shire or County, and Pert-Reeve of the Port or Haven, though afterwards it became a name of Office. The word is

now out of use, but used by Chancer, speaking of the Jurisdiction of Archdeacons. See Church-wardens.

Church wardens, Ecclesiarium Gardiani be Officers yearly chosen, by the consent of the Minister and Parishioners, according to the custom of every several place, to look to the Church, Church-yard, and such things as belong to both, and to observe the behaviours of their Parishioners for such faults as appertain to the Jurisdiction or Censure of the Court-Ecclesialtical. These be a kind of Corporation, enabled by Law to sue for any thing belonging to their Church, or Poor of See Lamb. Duty of Churchwardens. their Parish.

Thurcheffer, Ciricficeat, Chirset or Curcfcet, A Saxon word mention'd in Doomsday, and Interpreted by Mr. Agar, Quasi Semen Ecclesiae, Corn paid to the Church. Fleta calls it Cirifed, lib. 1. cap. 47. and thereof writes thus, It signifies a certain Measure of Wheat, which in times palt every Man on St. Martin's day give to the Holy Church as well in times of the Britains as of the English; yet many great persons after the coming of the Romans gave that Contribution, according to the ancient Law of Moses, in the name of First-fruits; as in the Writ of King Canutus sent to the Pope is contain'd, in which they call that Contribution, Chirch-fed,

as one would fay Church-feed, Seld. Hift. Tythes, p. 216.
Thurfor, Church-Scot, or cultomary Oblations to the Parish Priest: from which Duty the Religious had fometimes purchas'd an Exemption for themselves and their Tenants .--Ita quod ego Willelmus de Putot at Assignati mei in Esfora erimus soluti at quieti de decimis minutes prastandis & de Chursot in villa de Neu--Cartular, damus de Thelisford. MS.

Thurse, Ceorle, Carl, was in the Saxon time a Tenant at Will, of free Condition, who held fome Land from the Thane, or condition of Rents and Services. vices. Which Ceorles were of two forts; one that hired the Lords Out-land or Tenementary Land, like our Farmers; the other that tilled and manured the Inland or Demains (yielding opeam not censum, work and not Rent) and were thereupon called his Sockmen or Ploughmen. vid. Spelman of Feuds. Cinnamon, Cinnamonum, Is a Tree whereof the

Bark is known to be pleafant, and a comfortable and medicinal Spice, which you have described in Gerards Herbal, lib. 3. cap. 142. This is reckoned among gar-

bleable Spices Anno 1 Ja. cap. 19.

Cinque Ports, Quinque Portus, Be thole special Havens that lie toward France, and therefore have been thought fit by our Kings from time to time to be such as ought most vigilantly be guarded against Invasion: In which respect the places where they be, have an especial Governor or Keeper called, by his office, Lord Warden of the Cinque Ports, and divers Priviledges granted unto them, as a particular Jurisdiction, their Warden having the Authority of an Admiral among them, and Gending out Writs in his own Name. Crompton in his Jurisdictions, fol. 28. nameth Hastings, Rumney, Rye, Dover. Sandwich, Winchelsea and Hythe, whereof some, because the number exceedeth five, must either be added to the first Institution by some later Grant, or be accounted as Appendants to some of the rest. See Gardeine of the Cinque Ports, and the Stat. 32 H. 8. cap.

48. See Quinque Portus, and 4 Inst. fol. 222.

Cippus, A pair of Stocks to put offendors in. - Habeant, necnon Cippos & conclusoria in singulis villis, ad correctionem delinquentium, Mon. Ang. 2 par. f. 349. a.

Circuity of Action, (Circuitus Actionis) Is when an Action is rightfully brought for a Duty, but yet about the Bush, as it were, for that it might have been as well otherwise answered and determined, and the Suit saved; and because the same Action is more than needful, it is call'd Circuity of Action; as if a Man grant a Rentcharge of ten Pounds out of his Mannor of Dale, and after the Grantee diffeizes the Grantor of the same Mannor, and he brings an Assile, and recovers the Land and twenty Pounds damages, which twenty Pounds being paid, the Grantee of the Rent Sues his Action for ten Pound of the Rent due during the time of his Difseisin, which if no Disseisin had been, he must have had. This is called Circuity of Aslion, because it might have been more shortly answered; for whereas the Grantor shall receive 20 li. Damages, and pay 10 li. Rent, he might have received but the 10 li. only for and the Damages, and the Grantee might have cut off, kept back the other 10 li. in his hands, by way of detainer for his Rent, and so thereby might have faved his Action.

Circumspette Agatis, Is the Title of a Statute made 13.E. 1. Anno Domini., 1285. prescribing some Cases to the Judges, wherein the King's Prohibition lies not, Co. lib. 7. fol. 44. lib. 9. fol. 67. and 2 Par. Inft. fol. 487.

Circumstantibus, In English By standers, is a word of Art, signifying the supply or making up of the number of Jurors (if any impannell'd do not appear, or appearing, be challenged by either party) by adding to them so many other of those that are present or standing by, as will serve the turn 35 H. 8.c. 6. 5 Eliz. ca. 25.

Ciricleat, Sec Churcheffet.

City, Civitas, Is such a Town-Corporate as hath a Bishop and Cathedral Church, of which it is said thus, The same place is in Latine called Urbs, -Oppidum: It is named Civitas, in regard it is governed in Justice, and Order of Magistracy. Oppidium, for that it contains a great number of Inhabitants; and Urbs, because it is in due form begirt about with Walls. Crompton in his Jurisdictions, where he reckoneth up the Cities, leaveth out Ely, altho it have a Bishop and Cathedral-Church, and putteth in Westminster, though it hath at present no Bishop. And Anno 35 Eliz. cap. 6, Westminster is called a City. And 27 Eliz. cap. 5. of the Statutes not Printed, it is alternatively termed a City or Borow. It appeareth by the Statute 35 H. 8. 10. that there was a Bishop of Westinsster, though now but a Deanry, and entituded The Dean and Chapter of the Collegiate Church of St. Peter in Westminfter, Civitas according to Aristotle, li, Politicor. cap. 1. is defined to be a certain or uniform Government of the Inhabitants, Et Casar, Civitatem vocat, populum eodem jure utentem, Camb. Brit. p. 310. But this is the general Definition of a Common-wealth, and not of a City at the least, as we now adays take it. Cassaneus in Confinetud. Burg. pag. 15. faith, That France hath within the Ferritories of it one hundred and four Cities, and giveth reason of this his saying, because there be so many Seats of Archbishops and Bishops. Sir Edward Coke makes Cambridge a City, Mich. 7. R.1. Rot. 1. yet there is no mention that it ever was an Episcopal See. Co. on Lit. fol. 109. and by the Stat. 11. H. 7. cap. 4. it is called only The Town of Cambridge.

Clacke, As to Clacke, Force and Bard, alias Beard Wools, Anno 8 H. 6. cap. 22. whereof the first, viz. to Clacke Wool. is to cut off the Sheeps Mark, which maketh it to weigh less, and so yield the less Custom to the King: To force Wool, is to clip off the upper and more Hairy part of it. To bard or beard it, is to cut off the Head and Neck from the rest of the Fleece.

Cladus, Clades, Clada, Cleta, Clida, Cleia, From the Brit. Clie; the present Irish Clia, a Wattle or Hurdle, whence Dublin was formerly called Biurle Cliet, i. e. Watlington, the Town of Hurdles.——A Hurdle for -A Hurdle for penning or folding Sheep is still in some Counties of England called a Cley. -Et in xii. Cladis ovilibus emptis de Nicolao Aleyn bec anno xviii. den. & in solutis pro putatione & factura triginta Cladorum ovilium a. pud parcum de Midlington bos anno xix. den. roch. Antiq. p. 575. 宁 Cla:

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Claretum, A Liquor made of Wine and Honey, clarified or made clear by Decoction, &c. which the Germans, French, and English, called Hippocras. And it was from this, the Red Wines of France were -Ad bæc etiam in tanta called. Clairet and Claret. abundantia vinum bic videas, & siceram, pigmentum, & claretum mustum & medonem. Girald. Cambr. apud

Whartoni Angl. Sac. P. 2. p. 480.
Clayme, Clameum, Isa Challenge of Interest in any thing that is in the possession of another, or at the least out of his own, as claime by charter, claime by descent, Old Nat. Brev. fol. 11. Si dominus infra annum clameum qualitercunque apposuerit, Brast. lib. 1. cap. 10. See the definition, and divers forts of claimes in Plowden, fol. 359. Stowel's Case.

359. Stonel's Caic. Clamen admittenda in Frinere Arturnatum, Is a Writ whereby the King Commands the Justices in Eyre to admit of ones claime by Attorney, that is employed in the King's Service, and cannot come in his own Perfon. Reg. Orig. fol. 19.

Clapboard, 35 Eliq. cap. 11. Is board cut in order to make Cask or Vessels.

Clarentius. See Herald.

Tlaud, Brit. a Ditch. - Per illum rivu-

wellei Principis Wall. dat. An. 1198.

Claudere, To enclose, or turn open Fields into Closes and enclosures.

Dedi & concess totam culturam ad claudendum & faciendum quiequid inde di-

Ais Canonicis placuerit. Paroch. Antiq. p. 236. Claves Infula, Isa Term of Art us'd in the Isle of Man, for those Twelve to whom all ambiguous and

weighty Cases are referr'd.

The Clovery, or Mace, or Club. In the Inquisition of Serjanties in the 12th and 13th Years of K. John, within the Counties of Effex and Hertford, — Boydin Aylet tenet quatuor libr. terre in Bradwell, per manum Willielmi de Dona per Serjantiam Claviz, i. e. by the Serjancy of the Club or Mace. See Dr. Brady's Append. to Introduct. to Eng. Hift.p.22.

flausick, Clausike. The Claw-sickness, or Foot-rot in Sheep.—An. 1277. invaluit generalis scabies ovium per universam regionem Angliz que à vulgo dicebatur clausick, per quam infestæ sunt omnes terræ, ad quarum scabiem abolendam adinventa est quædam unstio confesta ex vivo argento & unsto porcino. Annal. Warverle, sub An. — We have not lost the Disease, nor sound a better Receipt for it.

Claustura, Brush-wood for Hedges or Fen--K. Hen. III. gave to the Prior and Canons of Chetwode, quinque carucatas clausters ad predi-Elettre clausturam suffinendam. Paroch. Antiq. p. 247. This fort of Wood is in many parts of England call'd Teenage, from Sax. Tynan, to enclose or shut; whence

to tine the Door, i.e. to faut it.

Flause Rolls, Rotuli Clause, preserv'd in the Tower, and containing such matters of Records as were

committed to Close writs.

Clausum fregit, Signifies as much as an Action of Trespass; and so call'd, because in the Writ such a one is summon'd to answer Quare clausum fregit, that is, why he did such a Trespass.

Claufum Pafcha, Stat. Westm. 1. In crastino clausi Pasche, or in Crastino oftabis Pasche, which is the same, that is the morrow of the Utas or Easter; 2 Par. Inst. It is call'd Clausum Pascha, because Pascha fol. 157. claudat.

Clausura Pepe. Johannes Stanley Ar. clamat quod ipse & heredes sui sint quieti de clausura Heye de Maulesfield, scil. clausura unius rodæ terræ circiter hayam præ-dict. Rot. plac. in Itinere apud Cestriam, Ann. 14 H. 7. This clausura beyæ is no more than the Enclosure of a Hedge.

Adam Heleman Frater Willelmi Helleman pro anima mea – Deo & Ecclesiæ beat. Apostulorum Petri ipton. – Unam domum cum orto in Salute dedi -& Pauli de Plimpton. --villa de Ovredene & unum clawam terra cum pertinentiis eden ____ que scilicet clawa terre sie ja-Ex Registr. de Plimpton MS. in terra de Ovreden -

cet per partes.—Ex Registr. de Plimpton MS. Clerge, (Clerus Clericatus) Is diversly taken, sometimes for the whole number of those that are de clero Domini, of the Lord's Lot, or Share, as the Tribe of Levi was in Judea, sometime for a Plea to an Indicament or an Appeal, and is by Stamf. pl. cor. lib. 2. cap. 41. thus defined: Clergy is an ancient liberty of the Church, which hath been confirmed by divers Parliaments, and is, when a Priest, or one within Orders; is arraigned of Felony before a Secular Judge, he may pray his Clergy, which is as much as if he prayed to be delivered to his Ordinary, to purge himself of the Offence objected: And this might be done in Co. lib. 4. fol. 46.a.

This liberty is mentioned in Articulus laws a second This liberty is mentioned in Articulis cleri, 9. E. 2. cap. 15. and what persons might have their Clergy, and what not, see Stamf. pl. cor. lib. 2. cap. 43. Howbeit there be many Statutes made fince he write; whereby the benefit of Clergy is abridged: As Anno 8 Eliz. cap. 4. Anno 14 Eliz. 5. 18 Eliz. 4. 6, 7. 23 Eliz. 2. 29 Eliz. 2. 31. Eliz. 12. 39 Eliz. 9. 15. and divers others since. Of this see Crompton's Justice of Peace, fol. 102, 103, 104, 105. and Lambert's Firen. lib.4.cap. 14. pag. 943. And here note, That the ancient course of the Law in this point of Glergy is much altered; for by the Statute, 18 Eliz. cap. 7. Clerks be no more delivered to their Ordinaries to be purged, but now every man, though not within Orders, is put to read at the Bar, being found Guilty, and convicted of such Felony as this Be nefit is granted for, and so burnt in the Hand, and set free for the first time, if the Ordinaries Commissioner, or Deputy, standing by, do say, Legit ut dericus, or otherwise suffereth death for his Transgression. How far the Benefit of Clergy took its originial from Canon Law, and has been fince abridged and extended by Common-Law, is best shewn in Hobart's Reports. Searle versus Williams, p. 288. There is also a good Discourse of this Right of the Clergy, by Mr. Somner, in the Appendix to his Antiquities of Canterb. 4to.

Clerico capto per Statutum Percatorum, ec. Is a Writ directed to the Bishop, for the delivery of a Clerk out of Prison that is in Custody upon the breach

of a Statute-Merchant, Reg. Orig. fol. 147.

Clerico admittendo, Is a Writ directed to the Bishop, for the admitting of a Clerk to a Benefice upon a Ne admittas, try'd and found for the Party that pro-

cureth the Writ, Reg. Orig. fol. 31.
Clerico conbido commiffo Caolæ in defectu ordinarii deliberando, et. Is a Writ for the Delivery of a Clerk to his Ordinary, that formerly was convicted of Felony, by reason his Ordinary did not challenge him according to the Priviledges of Clerks, Reg. Orig: fol. 69.a.

Clerico infra facros Droines conflituto non eligendo in Micium, Is a Writ directed to the Bayliffs, &c. That have thrust a Bayliwick, or Beadleship upon one in Holy Orders, charging them to release him

again, Reg. Orig. fol. 143. a.

Clericus. The word was us'd for a Secular Priest, in opposition to a Religious or Regular. King John in the time of the Interdict, committed to William de Cornbull, and Gerard de Camvill, -Onnes terras & res Abbatum & Priorum, & omnium Religiosorum, & etiam

Clericorum de Episcopatu Linc. Paroch. Antiq. p. 171. inferiour Assistant to the Parochial Priest, who usually took an Oath of Fidelity from this Servant. Before the Reformation, the Rector was fometime oblig'd to pro-

vide and maintain his own Clerk; and sometime the Religious Appropriators were bound to find and support a Clerk, as a menial Servant to the Vicar. So in all the Churches appropriated to the Abby of Ofeney,

— Canonici vero Clericum Vicario, & Ecclefic ministerio, & ejus obsequio devotum invenient, qui juramentum fidelitatis iph Vicario præstabit. Ubi autem non fuefidelitatis ipfi Vicario præstabit, rint Canonici residentes, Clericus, qui, ut supra dictum est expensis eorum procurabitur, clavem eorum deseret in domo eorum, &c. Paroch. Antiq.p. 304. The Parish Clerks were formerly to be men of Letters, and to teach a School in the Parish, and were sometimes elected by the Parishioners, two for each Church, as the Sacristan or Sexton and Clerk in our City Churches) being suppos'd to live upon the Alms and voluntary Contributions of their Electors. So John Peckham Archb. of Canterbury, An. \$280. ordain'd the Church of Banquel, and the Chapels annext to it, — Voeumus insuper ibidem esse duos Clericos Scholasticos per Parochianorum, de quorum habeant vivere eleemosynis, industriam eligendos, qui Aquam bene-dictam circumferent in Parochiam at capellis diebus Dominicis & Festivis, in Divinis ministrantes officies, & profestis diebus disciplinis Scholasticis indulgentes. Mon. Angl. tom. 3.p.227. Parish Clerks were to be School-Masters in Villages, by the Constitutions of Alexander Bishop of Coventry, An. 1237. &c. Hence the School-House, or place of Teaching was often in the Belsrey, inthe Church-Porch, or some Contiguous Building : and hence the profaner use of still teaching in the Chancels. It would however be of good service to the Church and Nation, to restore this ancient Practice, especially in remote Country Villages, where the Clerk would do more to the Service of God, and the Benefit of the People is the most black in the Benefit of the People is the most black in the Benefit of the People is the most black in the Benefit of the People is the most black in the Benefit of the People is the most black in the Benefit of the People is the most black in the Benefit of th of the People, if he were able to instruct the Children in Reading and Writing, and understanding the Church Catechism; thus they might be bred to some sense of Christianity and good Manners.

Clerk, Clericus, hath two Significations; one as it is the Title of him that belongeth to the holy Ministry of the Church, that is (as we reckon) either Minister or Deacon, or what other Degree or Dignity soever; tho' according to former Times, not only Salerdotes & Diaconi, but also Subdiaconi, Lectores, Acholythi, Exorcista, & Ostiarii, were within this Account, as they be at this Day, where the Carlon Law hath full Power. And in this signification a Clerk is either Religious (otherwise call'd Regular) or Secular, Anno 4 H. 4. ca. 12. The other Signification of this word noteth those that by their Function, or course of Lise, practice their Pen in any Courts, or otherwise; as namely the Clerk of the Rolls of Parliament, Clerks of the Chancery, and such like, whose peculiar Offices shall be set in order.

Clerk of the Ads, Is an Officer of the Navy, who receives and enters the Commissions and Warrants of the Lord Admiral, and register the Acts and Orders of the Commissioners of the Navy; and is mention'd in the Statute, 16 Car. 9. 5.

Clerk of the Parliament, Clericus Rotulorum Parliamenti, Is he that recordeth all things done in the High Court of Parliament, and engrofieth them fairly into Parchment Rolls, for their better keeping to Posterity. Of these there be two, one of the Higher, the other of the Lower, or House of Commons, Cromp. Jurisd. fol.4.488. Smith de Rep. Ang. pag. 38. See also Vowel's Book, touching the Order of Parliament.

Clerk of the Crown in Chancery, Clericus Corone in Cancellaria, Is an Officer there, that by himself, or his Deputy, is continually to attend the Lord Chancellor, or Lord Keeper, for special Masters of State, by Commission, or the like, either immediately from his Majesty, or by order of his Council, as well Ordi-

nary as Extraordinary, viz. Commissions of Lieutenancy, of Justices-Errant, of Assis, of Oyer and Terminer, of Goal-delivery, of the Peace, and such like, with their Writs of Association, and Dedimus potessatem, for taking of Oaths. Also all General Pardons upon Grants of them at the King's Coronation, or at a Parliament; the Writs of Parliament, with the Names of Knights and Burgesses, are return'd into his Office. He hath also the Making Special Pardons, and Writs of Execution upon Bonds of Statute-Staple forfeited, which was annexed to his Office in the Reign of Queen Mary, in consideration of his continual and chargeable Attendance; both these being before common for every Cursitor or Clerk of Court to make.

Tiers of the Trown, Cleriaus Corone, Is a Clerk or Officer in the King's Bench, whose Business is to read, frame and record all Indictments against Traitors, Fellons, and other offendors there arraign'd upon any publick Crime. He is otherwise term'd Clerk of the Crown-Office. And Anno 2 H. 4. cap. 10. he is also call'd Clerk of the Crown in the King's Bench.

Clerk of the Crown in the King's Bench.

Clerk of the Estreats, Clericus Extrassorum, Is a Clerk belonging to the Exchequer, who every Term receiveth the Estreats out of the Lord Treasurer's Remembrancers Office, and writeth them out to be Levy'd for the King: He also maketh Schedules of such Sums estreated as are to be dischare'd.

Sums estreated as are to be discharg'd.

Clerk of Assiste, Clericus Assist, Is he that writeth all things judicially done by the Justices of Assist in their Circuits, Cromp. Jurisd. fol. 227.

Clerk of the Pells, Clericus Pellis, Is a Clerk belonging to the Explanary whose Office is to enter Teller's

Clerk of the Dell, Clericus Pellis, Is a Clerk belonging to the Exchequer, whose Office is to enter Teller's Bill into a Parchment-Roll, call'd Pellis receptorum, and also to make another Roll of Payment, which is call'd Pellis exituum, wherein he setteth down by what Warrant the Mony was paid.

rant the Mony was paid.

Clerk of the Warrants, Clericus Warrantorum, Is an Officer belonging to the Court of Common-Pleas, which entreth all Warrants of Attorney for Plaintiff and Defendant, and enrolleth all Deeds of Indentures of Bargain and Sale, which are acknowledged in Court or before any Judges out of the Court. And he doth estreat into the Eachequer all Issues, Fines, and Amercianients which grow due to the King any way in that Court, and hath a Standing Fee of ten pound of the King for making the same Estreats. See Eliz. Nat. Brev. fol. 76.

Clerk of the Petty Bag, Clericus Parva Bagia, Is an Officer of the Chancery; of which fort there be three, and the Master of the Rolls their Chief. Their Office it to record the Return of all Inquifitions out of every Shire, all Liveries granted in the Court of Wards, all Oster les maynes, to make all Patents of Customers, Gauges, Controulers, and Aulnegers, all Conge de efliers Bishops, all Liberates upon Extent of Statute-Staple, the Recovery of Recognizances forfeited, and all Elegits upon them, the Summons of the Nobility, Clergy and Burgesses to the Parliament: Commission directed to Knights and others of every Shire, for Sessing the Subsidies; Writs for the Nomination of Collectors for the Fifteenths, and all Traverses upon any Office, Bill, or otherwife, and to receive the Mony due to the King for the same. This Officer is mention'd, 33 H. 8. cap. 22.

Clerk of the Rings great Wardrobe, Clerican magne Gardrobe Regis, Is an Officer of the King's House, that keepeth an Account, or Inventory, in writing of all things belonging to the King's Wardrobe. This Officer is mention'd 1 E. 4. cap. 1.

Clerk of the Parket, Clericus Mercati, Is an Officer of the King's House, Anno 1 E. 4. cap. 1. and 13 R. 2. cap. 4. whose Duty is to take charge of the King's Measures

Measures, and to keep the Standers of them; that is, the Examples of all the Measures that ought to be through the Land; as of all Ells, Yards, Lagens, Quarts, Pottles, Gallons, &c. Of Weights, Bushels, and such like; and to see that all Measures in every place be answerable unto the said Standard; Fleta, lib. 2. ca. 8, 9, 10, 11, 12. Of which Office, as also of our diversity of Measures and Measures are three first and Transite. Weights and Measures, you may there find a Treatise worth the reading. Britton also in the Thirtieth Chapter, saith in the King's Person to this effect; 'We will that none have Measures in the Realm, but We our felves, but that every man takes his Measures and Weights from our Standards: And so goeth on with a Tractate of this Matter, that well shews the ancient Law and practice in this point. Touching this Officers Duty, you have also a good Statute, Anno 13 R. 3. 2. cap. 4. Clerk of the Mings Silver, Clericus Argenti Regis,

Is an Officer belonging to the Common-Pleas, to whom every Fine is brought, after it hath been with the Cuftos Brevium, and by whom the effect of the Writ of Covenant is entred into a Paper-Book, and according to that Note, all the Fines of that Term are also re-corded in the Rolls of the Court, and his Entry is in this Form: He putteth the Shire over the Margin, and then saith, A. B. Dat Domino Regi dimidium Marce, (or more according to the value) pro licentia Con-cordandi C. cum C. D. pro talibus terris in tali villa, &

babet Chirographum per pacem admissum, &c.

Clerk of the Peace, Clericus Pacis, Is an Officer belonging to the Sessions of the Peace: His Duty is in the Sessions to read Indicaments, to enroll the Acts, and draw the Process; to record the Proclamations of Rates for Servants Wages, to enroll the Discharge of Apprentices, to keep the Counterpart of the Indenture of Armour, to keep the Register-Book of Licences given to Badgers and Laders of Corn, and of those that are licensed to shoot in Guns, and to certifie into the King's Bench Transcripts of Indictments, Outlawries, Attainders, and Convictions had before the Justices of the Peace within the time limited by Statute, Lamb. Eirenar.

lib. 4. cap. 3. fol. 379.

Clerk of the Errors, Clericus Errorum. This Officer, in the Court of Common-Pleas, does transcribe and certify into the King's Bench the Tenor of the Records of the Cause or Asion, upon which the Writ of Error (made by the Curfitor) is brought there to be the Cause of the Cause of the Errors, in the judg'd and determin'd. The Clerk of the Errors, in the King's Bench, does likewise transcribe and certifie the Records of fuch Causes in that Court into the Exchequer, if the Cause or Action were by Bill: If by Original, the Lord Chief Justice certifies the Record into the House of Peers in Parliament, by taking the Trans feript from the Clerk of the Errors, and delivering it to the Lord Keeper, there to be determin'd, according to the Statutes of 27 Eliz. 8. and 31 Eliz. 1. The Clerk of the Errors in the Exchequer, does transcribe the Records certify'd thither out of the King's Bench, and prepares them for Judgment in the Court of Exchequer, to be given by the Juftices of the Common-Pleas, and Barons

there. See 16 Car. 2. cap. 2. and 20 Car. 2. cap. 4.

Clerk of the Watents, or of the letters Patent under the Great Seal of England, was creded 16

Clerk of the Signet, Clericus Signeti, Is an Officer continually attending upon his Majesty's Principal Secretary, who always hath the Custody of the Privy Signet, as well for sealing his Majesties Private Letters, as also such Grants as pass his Majesties Hand by Bill figned. Of these there be sour that attend in their course, and have their Diet at the Secretary's Table; more largely you may read of their Office in the Statute made Anno 27 H. 8. cap. 11.

Clerk of the Pribp. Seal, Clericus Privati Sigilli, Is an Officer, (whereof there be four) that attendeth the Lord Keeper of the Privy Seal; or if there be none fuch, upon the Principal Secretary, writing and making out all things that be fent by Warrant from the Signet to the Privy-Seal; and are to be pass to the Great-Seal: As also to make out (as they are term'd) Privy-Seals, upon any special occasion of his Majesties Affairs; as for Loan of Mony, and fuch like. Of this Officer and Function, you may read 27 H.8.11. He that now is call'd The Lord Keeper of the Privy-Seal, scemeth in ancient time, to have been call'd The Clerk of the Privy-Seal, and to have been retkon'd in the number of the great Officers of the Realm. Read the Statute of 12 R.2.11.

Clerk of the Juries, or Turata Mrits, Clericus
Juratorum, Is an Officer belonging to the Court of
Common-Pleas, which maketh out the Writs call'd Habeas Corpora, & Distringas, for the Appearance of the Jury either in Court, or at Assista, after that the Jury or Panel is return'd upon the Venire facios. He entreth also into the Rolls the Awarding of these Writs, and maketh all the Continuances from the going out of the Ha-

beas Copora to the Verdict.

Clerk of the Wipe, Clericus Pipa, Belongs to the Exchequer, who having all Accounts and Debts due to the King deliver'd and drawn out of the Remembrancer's Office, chargeth them down into the great Roll; who also writeth Summons to the Sheriff to levy the faid Debts, upon the Goods and Chattels of the Deb-tors, And if they have no goods, then doth he draw them down to the Lord Treasurer's Remembrancer, to write Estreats against their Lands. The ancient Revenue of the Crown remaineth in charge before him, and he feeth the fame answer'd by the Farmers and Sheriffs to the King. He maketh a Charge to all Sheriffs, of their Summon of the Pipe and Green-wax, and feeth it answer'd upon their Accounts. He hath the drawing and ingrossing of all Leases of the King's Land.

Clerk of the Pamper or Panaper, Clericus Hanaperii, Is an Officer in the Chancery, An. 2.E. 4. ca. 1. otherwise call'd Warden of the Hamper in the same Statute, whose business is to receive all Money due to the King's Majesty, for the Seals of Charters, Patents, Commissions and Writs; as also Fees due to the Officers for enrolling and examinining the same. He is ty'd to attendance on the Lord Chancellor, or Lord Keeper, daily in the Term-time, and at all times of Sealing, having with him Leather Bags, in which are put all Charters, &c. after they be fealed by the Lord Chancellor; and those Bags, being sealed up with the Lord Chancellor's Private Seal, are to be delivered to the Controller of the Hamper, who, upon receipt of them, doth as you may read in his Office. This Hamper represented you may read in his Office. This Hamper represented a shadow of that which the Romans term'd Fiscum, that contain'd the Emperors Treasure.

Clerk of the Plcas, Clericus Placitorum, Is an Officer in the Exchequer, in whose Office the Officers of the Court upon special Priviledge belonging to them,

ought to sue, or be sued, upon any Action. Clerk of the Treasury. Clericus Thesauraria, Belongs to the Common-Pleas, and hath the charge of keeping the Records of the Court, and maketh out all the Records of Niss prins, hath the Fees due for all Searches and hath the certifying of all Records in the King's Bench, when a Writ of Error is brought, and maketh out all Writs of Supersedeas de non molestando, which are granted for the Defendants, while the Writ of Error hangeth. Also he maketh all Exemplifications of Records being in the Treasury. He is taken to be the Servant to the Chief Justice, and removeable at his pleasure, whereas all others Officers are for term of Lite. There is also a Secondary, or Under-Clerk of the Treasury for Assistance, which hath some allow-K 2

There is likewise an Under-Keeper, who always keepeth one Key of the Treasury Door, and the chief Clerk of the Secundary another; so that one can-

not go in without the other.

Clerk of the Essons, Clericus Essoniorum, Is an Officer belonging to the Court of Common-Pleas, who only keepeth the Esoyn-Roll, and hath for Entring every Essoyn, six Pence, and for every Exception to bar the Essoyn, in case where the Party hath omitted his time, fix Pence. He hath also the providing of Parchment, and cutting it out into Rolls, and making the Numbers upon them, and the Delivery out of all the Rolls to every Officer, and the receiving of them again when they be written, and the Binding and Making up of the whole Bundles of every Term; and this he doth as Servant to the Chief Justice, for the Chief Justice is at charge for all the Parchment of all the Rolls.

Clerk of the Dutlawries, Clericus Utlagariarum, Is an Officer belonging to the Court of Common-Pleas, being only the Servant, or Deputy to the King's Atturney General, for making out the Writs of Capias Ut-lagatum, after Outlary; and the King's Atturney's Name is to every one of those Writs. And whereas seven Pence is pay'd for the Seal of every other Writ betwirt Party and Party, there is but a Penny pay'd for the Scal

of this, because it goes out at the King's Suit.

Clerk of the Dewers, Clericus Suerarum, Is an Officer belonging to the Commissioners of the Sewers, writing all things that they do by vertue of their Commission; for which, see Sewers. And see the Statute of

13 Eliz. cap. 9. Clerk Controller of the Ring's House, Whereof there be two, is an Officer in Court, that hath Place and Seat in the Counting-House, and Authority to allow or disallow the Charges and demands of Pursuivants and Messengers of the Green-Cloth, Purveyors, or the like. He hath also the Over-sight and Controlling of all Defaults, Defects, and Miscarriages of any of the Inferior Officers, and as before mention'd to sit in the Counting-House, with the Superior Officers, viz. the Lord Steward, Treasurer, Controller, and Cofferer, either for correcting or bettering things out of order, with several other Matters.

This Officer you have mention'd, 33 Hen. 8. cap. 12. Clerk of the Mithils or Mihils, Clericus Nibilorum, Is an Officer in the Exchequer, that maketh a Roll of all fuch Sums as are Nibiled by the Sheriffs upon their Estreats of Green-wax, and delivereth the same into the Lord Treasurer's Remembramers-Office, to have Exe-

cution done upon it for the King.

Tierk of the Check, Is an Officer in Court fo call'd, because he hath the Check and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen or Ushers belonging either to the King, Queen, or Prince, either giving Leave, and allowing their Absenses or Defects in Attendance, or diminishing their Wages for the same. He also rightly by himself, or Deputy, taketh the view of those that are to watch in the Court, and hath the setting of the Watch. This Officer is mention'd An. 33 H. 8. ca. 12. There is an Officer of the fame Name in the King's Navy, spoken of 19 Car. 2.ca. 1.

Clerk Parshal of the Rings House, seems to be

an Officer that attends the Marshal in his Court, and re-

cordeth all his Proceedings, 33 H. 8. 12.

Cled Salt. At Droitwich, Nantwich, &c. in their Boyling or Walling of Salt, once in 24 Hours, they take out a cake, which sticks to the bottom of the Pan. This they call Clod-Salt; which is not taken timely out, would cause the Salt to melt. This Clod-Salt is the strongest of all, and is therefore commonly us'd to falt Bacon or Neats-tongues; and the Women of those parts put it into their Runnet Pots, as the best Preservative of good Cheefe.

Cloere, A Prison, or Dungeon; I believe of some

British Original, which might give Name to the old Latin Cloeria, which Du-fresne unaptly conjectures to have been a corruption of Clauseria, a close place of re-straint. The Dungeon, or inner Priton in Walling for d Castle, temp. Hen. II. was call'd Cloere-Brien, i. c. Carcer Brieni Fil. Com. Domini de Wallingford. Hence seems to come the Lat. Cloaca, which was originally the closest Ward, the nastiest part of a Prison. The old Cloacerius, is interpreted in a MS. Glossary, Carceris Custos. The present Cloacarius, or Keeper of a Jakes, is an Office in some Religious Houses, impost on offending Brother, or voluntarily chosen by him of an exercise of Humility and Mortification; and in some of our English Convents beyond the Seas, this sweet Officer is call'd Count of Holt.

Closp, Is an unlawful Game, forbidden by the Statute, made in the seventeenth Year of E. 4. cap. 3. and is inhibited also by the Statute of 33 H. 8. cap. 9. But there it is more properly call'd Class; for it is the throwing of a Bowl at Nine Pins of Wood, or nine Shank-Bones of an Ox or Horse; and it is now ordina-rily call'd Kailes, or Nine-Pins, Termes de la Ley.

Cloth of Ray, An. 27 E. 3. Stat. 1. cap. 4. Clobe, Is the two and thirtieth part of a Weigh of Cheese, that is, eight Pound, 9 H. 6. cap. 8.

Cloves, Carrophylli, are a Spice known by Sight to every Man; they are Flowers of a Tree gathered and hardned by the Sun: Of their nature, you may read in Gerard's Herbal, lib. 3. cap. 144. This is comprised Gerard's Herbal, lib. 3. cap. 144. This is compris'd among such Spices as are to be garbled, 1 Jac. 19.

Clough, A Valey, Doomf-day-Book.

Tourney, Blew Clunch. At Wednesbury in Staf-

fordshire, upon finking a Coal-Pit, near the surface, they meet first with Earth and Stone, then with a substance call'd Blew Clunch, and thirdly with Coal.

monly Horse-shoes, and the Strakes of Iron with which Cart-wheels are shod. —— In uno pari rotarum compto ii. sol. ii. denar. in eodem ferro ligando v. sol. iv. denar. in axibus emptis iv. den. in clutis, de clavis ad iden emptis, iv. den. ob.--Consuetud. domus de Farendon.

MS. f. 16. Hence Clutarium.

Clutarium, Gluarium, A Forge, or Smithy, or Smith's Shop, where the Clous, or Iron-shoes are made, or apply'd. Tenuit duas carucatas terra de domino Rege, in capite per tale servitium deserendo palestridum Domini Regis super quatuor pedes de cluario Domini Regis quo-tiescunque ad maner tum suum de Maunssield venerit. do si inclaudet (if he lame) palefridum Demini Regis dabit ei palefridum quatuor marcarum. Mon. Angl. tom. 2. p. 598.

Thomas Matyr tam Cancellarium sum quam Notarios cunctos Sacramento constrinzit, quod valens Cnipulum Anglicum propter Literas à Nemine reciperente. Giral. Cambrens. apud Wartoni Angl. Sacr. P. 2. p. 625.
Loca, Coquia, A Cogge or Boat. Vid. Coggle.

Cocherings, An Exaction, or Tribute in Ireland.

See Bonught.

Cocket or Coket, Cockettum, Is a Scal appertaining to the King's Custom-House, Reg. Orig. fol. 192. and also a Scrol of Parchment scaled and delivered by the Officers of the Custom-House to Merchants, as a Warrant that their Merchandise be customed, 11 H. 6. 16. which Parchment is otherwise call'd Litera de Coketto, or Litera testimoniales de Cocketto, Reg. Orig. fol. 179. So is the word us'd, 5 & 6. E. 6. cap. 14. and 14 E. 3. Stat. 1. cap. 21. This word is also us'd for distinction of Bread, in the Statutes of Bread and Ale, made 51 H. 3. where you have mention made of Bread coc-ket, Wastel-bread, Bread of Treet, and Bread of Common

F Cocket:bread, Cocket. -- Quando quarte-

rium frumenti venditur pro xii denariis, tunc panes quadrantes de mastello ponderabunt vi libras, & xvi sol. nis autem de coket, de eodem blado & eodem bultello ponderabit plus mastello ii Jol. & de blado minoris pretii ponde-rabit plus mastello v sol. Panis de Symenel ponderabit minus massello ii sol. Ponis integer de frumento de quadrante ponderabit coket & dimidium. Panis de Treyt ponderabit ii mastellos, & panis de omni blado ponderabit ii cokettes. Consuetud. domus de Farendon, MS. f. 42. I believe Cocket-bread or Cocket, was only hard Sea-bisket; either fo call'd, because cocketted or mark'd with a peculiar Stamp or Cocket: or also because made for the use of the Cocks mains or Sea-men. This but my conjecture: For no Author has yet hit upon the Sense of the word, or Derivation of it.

Cockettum, Cockett, Coketum. The Custom-House or Office, where Goods to be transported, were first entred, and pay'd their Custom, and had a Cocket or Certificate of Discharge. — Rolandus Trentacost ad custodiam coketti, ad novum Castrum super Tynam per societatem Lucanicam deputatur postquam lana & pelles per Praceptum Regis fuerunt arrestata, & transfretatio earum inhibita. Mem. in Saccar. 23 Edw. 1. by Sir John Maynard.

Cockettata Lana, Wooll duly entred and cocketted, or authoriz'd to be transported. ——Mandatum quod lanæ non cokettatæ, vel non custumatæ sub sorisfactura capiuntur. Fin. 16 Ed. 3. m. 37.

Cocletus, A Cock-swain, Coxon, Boat-man,

or Sea-man. Vid. Coggle.

Cocula, Cocula, Coculum, A Cogue, or little Drinking-cup, in form of a small Boat, us'd especially at Sea; and still retain'd in a Cogue of Brandy.

Contil, Coducillus, Is a Schedule or Supplement to a Will, or other Writing; it is us'd as an Addition to a Testament, when any thing is omitted, which the Testament, stator would add, explain, alter or retract; and is of the same nature with a Testament, but that it is without an Executor, Swinburne, pag. 1. fett. 5. And Touchstone of Wills, pag. 21, 22.

Uoffee, Mention'd 15 Car. 2. c. 11. A kind of Drink, originally us'd among the Turks and Persians, and from them brought to us: It is thick, blackish and bitter, made from Berries of that Nature and Name, and now

agreeable in use as a wholsom Liquor.

Custos Collegii & domus eleemosynariæ de Pontesracto, & Minifri ejuschem non sunt dotati quacunque dote temporali seu spirituali, vivente sundatore ejuschem. Sed suerunt Stipendiarii capientes certam sunmam pecunia de Cosris di-&i Fundatoris. Munimenta Hospit. SS. Trinit. de Pon-

tefracto, MS. f. 50. Cofferer of the King's Poutbould, Is a principal Officer of his Majesties Court, next under the Controller, that in the Counting-House, and elsewhere at other times hath a special Charge and Over-fight of other Officers of the House, for their good Demeanor, and Carriage in their Offices, to all which he pays their Wages. He is made mention of 39 Eliz. cap. 7.

Cofer, Cottages. Sec Doomsday-Book, thus interpreted

by Mr. Agar.

Cogs, Cogones, A kind of Boats or Vessels us'd in the Rivers Ouse and Humber; they are mention'd 23 H. 8. ca. 18. See Mat. Westm. An. 1066. See Mr. Kennet's

Gloff. in Cock-Boat.

Fre, a small Fishing-Boat is call'd a Coggle, i.e. a little Cogge; and in some places by corruption a Cobble. From the old Teuton, Kogge, a Ship: Whence the Lat. Coggo, Cogga, &c. Anno 1066. Venit ad boc in Angliam (Rex Noricorum) trecentis Coggonibus advellus. Mat. West. sub ann. Præparatis cogonibus, galleis & aliis navibus onerariis — 600 naves, & 24 coggas bene præparatas.

Mat. Par. Sub Ann. 1213. Hence our old Sax. Cockede, a Sea-man; call'd in the Laws of King Hen. 1. cap. 29. Cocseti, and cap. 81. Cothseti. The old Glossary to these Laws, made in the Reign of Edm. III. interprets Coofsde, by Cocarius, which Du-fresne seems to misunderstand for Coquus, a Cook: whereas Cocarius is indeed a Coker, or Boat-man, from Coca, Coquia, a Boat: As with little Variation, a Coggesuane, a Cock-swain, now a Coggeson, or Coxon, is an Officer in a Ship. Hence the old Lat. Cogcio, Coccio, a wandring and begging Sea-man; which Sir Henry Spelman (who rarely trifles) believes to have been so call'd, from the Greek nanco lugeo, Ploro. But the true Name and Original was Cogciones, Cogmen, or Boat-men, who after Shipwrack or Losses by Sea, travell'd about to defraud the People, by begging and stealing, till they were restrain'd by many civil and good Laws. . -ut isti Mangones & Cogciones, qui sine omni lege vagabundi vadunt per istam terram, non sinantur vagari, & deceptiones bominibus agere. Vid. Spelm. in voce, & Du-fresne. Cognatione. See Cosinage.

Cognisoz or Conusoz, Is he that passeth or acknowledgeth a Fine of Lands, or Tenements to another . Cog. nisee or Conusee, is he to whom the Fine is acknowledg'd West. Symb. part. 2. tit. Fines, sett. 2. 32 H. 8. 5.

Cognitance, Id oft, Inteligentia, Cognitio, with us is us'd diversly; sometimes signifying a Badge on a Serving-man's Sleeve, whereby he is discern'd to belong to this or that Master. Sometimes an acknowledgment of Fine or Confession of a thing done, as Cognoscens latro, Bract. lib. 3. tract. 2. cap. 3. 20. 32. Cognoscere se ad Villanum, Id. lib. 4. tract. 3. cap. 16. As also to make Cognifance of taking a Diffref, sometimes as an Audience or Hearing of a Matter judicially, as to take Cognisance. Sometimes a Power or Jurisdiction, as Cognisance of Pleas, is an ability to call a Cause or Plea out of another Court, which no Man can do but the King, except he can shew Charters for it: Manwood, ca.3.nu.2. See the Terms of the Law, and New Book of Entries, verb. Conusance.

Cognitionibus mittendis, Is a Writ to a Justice, or other that hath Power to take a Fine, who having taken acknowledgement thereof, deferreth to certifie it into the Court of Common-Pleas, commanding him to

certifie it; Reg. Orig. 68.b.

Cogmare, Seems to he a fort of course Clothes made in the North of England, mention'd in the Stat. 13 R. 2. cap. 10. where there is mention also of Cogmen, that is, Buyers of, Makers or Dealers in such Cogware.

Coyf, A Title given to Sergeants at Law, who are call'd Sergeants of the Coyf; from the Lawn Coyf they wear on their Heads under their Cap, when they are

created, and always after. See Sergeant.

Cogn, Cuneus, vel cuna, Seemeth to come from the French Coigne, Angulus, a Corner; which probably verifieth the Opinion of such as hold the ancientest fort of Coyn to be cornered, and not round; of this Lawyers Substantive Cuna, comes their Verb Cunare, to coyn,

Cromp. Just. of Peace, fol. 220.

Connage, Besides the general Signification it hath relating to Mony, it is us'd for the weighing and stamping of Tinne, after it is cast and wrought; Cambden, Brit. fol. 186. and 11 H. 7. cap. 4. Some Authors write

it Cunage.

The Coketting or taking Account of Goods to be transported, in order to receive the due Custom, and give the Ticket of Discharge. Ordinatio de cokettatione lanarum fasta: Claus. 33. Ed. 3. m. 37. Caket. See Cocket.

Colberti, Coleberti, Are Tenants in Free-Socage, Doomsday-Book; or such as being Villains were manumitted. See Colibertu.

Coli=

Coliander-feed, or rather Coriander-Seed, Semen Coriandui, Is the Seed of an Herb so call'd, medicinable and whollome for divers good purpoles; which see in Gewhollome for divers good purpose, that is rand's Herbal, lib. 2. cap. 379. It is numbered among the Drugs that are to be garbled, An. 1. Jac. cap. 19.

Tolibertus, Collibertus, Con-libertus. 1 hese Coliberts in Civil-Law were only these Freemen, and on the control of the cont

at the same time had been manumis'd by their Lord or Patron. But the condition of a Colibert in English Tenure, was (as Sir Edward Coke afferts) the same with a Soke-man, or one who held in free Soccage; but yet was oblig'd to do custumary Services for the Lord. The word occurs in Doomf-day; tho' I think no Gloffogra-- Lib. Dooms-day. pher has cited it from thence. -- Episcopus Winton tenet Fantone, ibi quater xx villani, & quater xxii bordarii, & lxx servi, & zvi Coliberti, & zviii Porcarii. -So again, Glocefirescire: ——Brietric, films Algari tenebat Turne-biri T. R. E. ibi zziii Bordarii, & zv Servi, & iv Coli-berti, ibi ii molini, &c. — They were certainly a middle fort of Tenants, between Servile and Free, or such as held their Freedom of Tenure under condition of fuch Works and Services; And were therefore the fame Land-holders, whom we meet under the Name of Conditionales.

Collateral, Collateralis, Cometh of the Lat. Laterale, that which hangeth by the fide: And in the Legal Sense it differs not from the same acceptation; for Collateral Affurance, is that which is made over and beside the Deed it felf. For Example, If a Man covenants with another, and enters Bond for the performance of his Covenant, the Bond is term'd Collateral Assurance; because it is external, and without the Nature and Essence of the Covenant. And Cromp. Jur. fol. 185. faith, That to be subject to the feeding of the King's Deer, is collateral to the Soyl within the Forest. In like manner we fay, That the liberty to pitch Booths, or Standings for a Fair in another Man's Ground, is collateral to the Ground. The Private Woods of a common Person within a Forest, may not be cut without the Kirg's Licence; for it is a Prerogative collateral to the Soyl, Man-wood's Forrest Laws, cap. 8. num. 2.

Collateral Marranty. Sea Warranty.

Collation of Benefice, Collacio Beneficii, Signifies

properly the Bestowing of a Benefice by the Bishop that hath it in his own Gift or Patronage, and differeth from Institution in this, that Institution into a Benefice, is perform'd by the Bishop, at the Motion or presentation of another who is Patron of the same, or hath the Patron's Right for the time; yet is Collation us'd And there is a Writ for Presentation, 25 E. 3. Stat. 6. in the Register, 31. b. call'd De Collatione facta uni post mortem alterius, &c. directed to the Justices of the Common-Pleas, commanding them to direct their Writ to the Bishop, for the admitting a Clerk in the place of another, presented by the King, who died during the Suit between the King and the Bishop's Clerk, for Judgment once pass'd for the King's Clerk, and he dying before he be admitted, the King may give his Presentation to another.

Collatione Beremitagii, Is a Writ whereby the King conferreth the Keeping of an Hermitage upon a

Clerk, Reg. Orig. fol. 303, 308.

Clerk, Reg. Orig. fol. 303, 308.

Clerk, Reg. Orig. fol. 303, 308. the fame Appending Ribbon, or Thread, or Label, one Seal was fet on the back, or reverse of the other. — Ad majorem securitatem præmissorum Sigillum discreti viri Officialis Domini Batho-Well. Episcopi filo medio per modum Collationis, Sigillo meo appeni procuravi. Cartular. Abbat. Glaston. MS. f. 105. b.

Collatione fatta uni post mortem alterius, Is a Writ directed to the Justices of the Common Pleas, commanding them to direct their Writ to a Bishop,

for the admitting a Clerk in the place of another presented by the King, who, during the Suit between the King and the Bishop's Clerk is departed this Life. For Judgment once pass for the King's Clerk, and he dying before Admittance, the King may destow his Pre-

fentation to another. Reg. of Writs, fol. 31. b.

Collegiat Thurth, A Church built ard endow'd for a Society, or Body Corporate of a Dean, or other President and Secular Priests, as Canons or Prebendent daries in the faid Church. There were many of these Societies distinguish'd from the Religious, or Regulars before the Reformation. And some are now establish'd, as Westminster, Windsor, Rippon, Wolverbampton, South-

well, Manchester, Uc.

Collusion, Collusio, Is in our Common Law a de-ceitful Agreement, or Compact between two or more, for the one Party to bring an Action against the other to some evil purpose, as to defraud a third of his Right, &c. See the Terms of the Law, fol. 142. and Bro. tit. Collusion. See also the Case of Collusion, Reg. Orig. fol. 179. a. West. 2. cap. 32. and 8 H. 6. cap. 26. which gives the Quale Jus, and inquiry in such Cases: Gifts made by

Collufion see 50 E. 3. cap. 6.
Colour, Colour, Signifies in a Legal Acceptation a probable Plea, but in truth false, and hath this end, to draw the Tryal of the Cause from the Jury to the Judges, As for Example, A. brings an Affise of Land against B. and B. faith, He himself did Let the same Land to one C. for term of Life, and afterwards did grant the Reversion to A. the Demandant; and afterwards C. the Tenant for Term of Life died, after whose decease A. the Demandant claiming the Reversion by force of the Grant (whereto C. the Tenant did never Attorn.)entred,upon whom B. Entred, against whom A. for that entry brings this Assis, &c. This is a good Colour, because the comthis Assis, &c. mon People think the Land will pass by the Grant without Attornment, where indeed it will not pass, &c. Also in an Action of Trespals, Colour must be given, of which there are an Infinite number; take this one for a Patern of the rest. In an Action of Trespals, for taking away the Plaintiffs Beasts, the Desendant faith, That before the Plaintiff had any thing in them, he himself was posses'd of them as of his proper Goods, and deliver'd them to A. to deliver to him again, when, &c. and A. gave them to the Plaintiff, and the Plaintiff supposing the Property to be in A. at the time of the Gift, took them, and the Defendant took them from the Plantiff, whereupon the Plantiff brings an Action that is, a good Colour and a good Plea. See more hereof Doctor and Student, lib. 2. c. 13. and Broke, tit. Color, in Afife Trespass, Geo. f. 104.

Color of Dffice, Color Officii, Is always taken in the worst part, and signifies an Act evilly done by the countenance of an Office, and it bears a diffembling face of the Right of an Office, whereas the Office is but a Vail to the Fallhood; and the thing is grounded upon Vice, and the Office is as a shadow to it, it is but Colore Officii; when as Virtute Officii, by Vertue of the Office, is taken always in the best part; and where the Office is the just cause of the thing, and the thing is pursuing the

Office, Plond, in Dive and Manningbam's Case, f.64.a. Coltrops, Coltrappes, an Instrument of three Iron Spikes, so contriv'd that when thrown out of hand, one of the Spikes is always erect, invented to cast in the Road, for galling the Enemies Horse. They were us'd by the Romans, and call'd Murices.

Tulpare Arbores, To lop, or top Trees.

Poterant etiam colpare, & babere ramiliam (i. e. to lop, and to have the lop, or boughs cut off) & omnia genera arborum que in eodem marisco suerant. Contin. Hist. Croyland. p. 473.

Col patura, Colpatura, Colpatio, Lopping, or top-

ping of Trees; a trespass within the Forest. - Qui autem foris fecerit in Foresta Regis de viridi sive per culpaturam,

five per esbrumataram, sive per soditionem turvarum, sive per eschoriationem more, sive per culpationem sub nemore, &c. Assisa de forestis temp. Rich. 1. Rog. Hoved. P. 784.

Po. 704.

Colpicium. — Hac charta chirographata testaur quod Dominus Willielmus de Herle dedit—R.
Peny servienti sua capitale messuagium de B. cum una carucata terræ, & pastura ad octo boves instra boscum de W. salvis colpiciis instra boscum prædictum factis & in posterum faciendis, donec ad perfectionem pervenerint, quod se contra omnimoda animalia defendere posint. — I suppose by Colpiciis is meant Samplars, or young Poles, which being cut down, make Leavers or Listers, in Warmichshire call'd Colpices to this day.

Warwickshire call'd Colpices to this day.

The Fellow-Barons, or Commonalty of the Cinque Ports: King Henry III. grants to the Barons, or Freemen of the Port of Feuresham,—quietantiam de omni Theolonio, & consuetudine—scut ipsi to Antecessores sui, & Combarones sui de Quinque Portubus eam melius to plenius habuerunt tempore Regis Edwardi.—Placit tempore Ed. 1. & Ed.2. MS. penes Dom. Fountains. Now the Title of Barons of the Cinque Ports is restrain'd from the common Inhabitants, to distinguish their Representatives in Parliament; the word Combaron is now likewise us'd for a Fellow-Member, the Baron and his Combaron.

Comba terræ, and Cumba terræ, does in some of our old Charters occur for a low piece of Ground, from Sax. Cumbe, Brit. Kum or Cuum, Engl. Cumbe, a Valley, or low place between two Hills; which is still so call'd in Devonshire and Cornwall. And many Villages in other parts of England obtain'd their Name of Comb from their Situation. So Compton, Combwell, &c. See Mr. Kennet's Gloss. in voce Combe.

Combat, Duellum, Is a French word fignifying the fame with certamen, pralium, pugna, and in our ancient Law was a Formal Tryal of a doubtful Cause or Quarrel, by the Swords or Bastons of two Champions: Of this you may read at large both in divers Civilians, as Paris de Puteo de re Militari & Duello, Alciat. de Duello, Hottoman disputatio Feudalium, cap. 42. and others; and common Lawyers, namely Glanvile, lib. 14. cap. 1. Braff. lib. 3. Traft. 2. cap. 3. Britton, cap. 22. Horne's Miror of Justices, lib. 3. cap. Des Exceptions in fine proxim. & cap. jur amentum Duelli, Dyer, fol. 301. num. 41, 42. Cambden in his Brit. fol, 519. mentions a Combat between Alan de la Zouch, and John Earl of Warren, in the Year 1269. The last Tryal by Combat in England, was in the Sixth Year of King Charles the First, between Donald Lord Rey Appellant, and David Ramsey Esq; Defendand, both Stotch-men; but after many Formalities, the matter was referr'd to the King's Will and Pleasure, Baker's Chron. fol. 500. See Co. on Liti. fol. 294. b. Origines Juridiciales, fol. 65. and Spelman's Gloss, at large, verbo

Tombutto Detunia, The old way of trying mixt and corrupt Mony, by melting it down upon payments into the Exchequer. In the time of King Henry the Second, the Bishop of Salisbury being Treasurer, considered, that the 'the Mony did answer Numero & Pondere, it might be descient in value, because mix'd with Copper or Brass. Therefore (confilso Regis, & Regis simul & publics providere utilitati) a Constitution was made, call'd The Tryal by Combustion. The practice of which differ'd of little or nothing from the present Method of Assying Silver. Vid. Lownde's Essay upon Coyn, p. 5. Whether this Examination of Mony by Combustion was to reduce an Equation of Mony only of Sterling, viz. a due Proportion of Allay with Copper; or to reduce it to fine pure Silver without Allay, doth not so easily appear. Vid. Hale of Sheriss Accounts, p. 23.

Comin. Seed. Semen Cumini, Is a Seed brought forth

Comin-Seed, Semen Cumini, Is a Seed brought forth by an Herb fo call'd, which you see describ'd in Gerard's

Herbal, lib. 2. cap. 416. This is plac'd among the garbleable Drugs, 1 Jac. 19.

Comitatu Commissio, Is a Writ, or Commission, whereby the Sherist is authoris'd to take upon him the command of the County, Reg. Orig. fol. 295 Co. Rep. lib. 3. fol. 72.

Comitatu e Castro Commissio, Is a Writ whereby the Charge of a County, together with the keeping of a Castle is committed to the Sheriff, Reg. Orig. fol.

Commanday, Preceptoria, Was a Mannor or chief Messuage, with Lands and Tenements appertaining thereto, belonging to the Priory of St. John of Jerusalem in England; and he which had the Government of any fuch Mannor or House was call'd a Commander; who could not dispose of it, but to the use of the Priory, only taking thence his own Sustenance, according to his Degree, who was usually a Brother of the same Priory, Termes de la Ley, verbo Commandry. By some other Books it appears, that the chief Prior of St. John's was a Commander of a Nunnery, and constituted the Prioress of the said Nunnery, who was under his Obedience, and removeable at his Will, notwithstanding she had Covent and Common-Seal, and had her Possessions several, and was wont to Lease the Land for term of Years, Fulbeck's Parallels, fol. 2. a. Of these Commandries also you may read Petrus Gregorius, lib. de Beneficiis, cap. 11. num. 11. These in many places of England are term'd by the Name of Temples, because they sometimes belonged to the Templers; of whom you may read 26H. 8. cap. 2. and 32 H. 8. cap. 24. Thus New-Eagle, in the County of Lincoln, is still call'd The Commandry of Eagle, as belonging of old to the faid Priory. Such also were Slebach in Pembrookshire, and Shenghay in Cambridge-Mire. See Preceptores.

Comitatus, Of dead Farms, and Debts desperate, whereof there is no hope, one Roll shall be made and entituled Comitatus, and read every Year upon the account of Sheriffs, 10 E. 1. cap. unico.

Combe, In Doomsday-Book fignifies a Valley, as Mr.

Agar reports.

Tommandment, Praceptum, Is us'd diverfly in the Common-Law: Sometimes for the Commandment of the King, when, upon his meer Motion, and from his own Mouth, he sendeth any man to Prison, Stamf. pl. cor. fol, 72. Gr. of the Justices. And this Commandment of the Justices is either Absolute or Ordinary. Absolute as when upon their own Authority, in their Wisdom and Discretion, they commit a Man to Prison for a Punishment. Ordinary, is when they commit one rather for Sase Custody than Punishment: And a Man committed upon an Ordinary Commandment is Bayleable, Stamf. pl. cor. 73. Again, Commandment is us'd for the Offence of him that willeth another Man to transgress the Law, or to do any thing contrary to the Law, as Thest, Murther, and such like, Brast. lib. 3. trast. 2. cap. 19. Les Civilians appellent ce Commandment Angelus de malesicis, Termes de la Ley, 145.

Portion of House and Lands, for the accommodation of some Religious, especially the Knights Templars.—Dominis Ordinis Divæ Mariæ Virginis (quæ vulgð Fratrum Teutonicorum vocant) certa bona temporalia ac redditus empta sunt — unde ex bonorum asse Præsecuræ ejus ordinis aliquot, (quæ vulgð Balivias ac a commeatu ordini parando commeaturas vocant) distinctæ sunt & terminatæ per classes.—Append. ad Fascic, Rerum, Vol. 2. p. 363.

Commendam, Is a Benefice, that being void, is commended to the care of fome sufficient Clerk, to be supply'd, till it may be conveniently provided of a Pastor: and that this was the true original of this Practice, may be read at large in Durandus de Sacris Eccle-

fix Ministeriis & Beneficiis, lib. 5. ca. 7. He to whom the Churchis commended hath the Fruits and Profits thereof only for a certain time, and the nature of the Church is not chang'd thereby, but is as a thing deposited in the Hands of him to whom it is commended, who hath nothing but the custody thereof, which may be revoked. When a Person is made a Bishop, there is a Cesfion of his Benefice by the Promotion; but if the King gives him power to retain his Benefice, he shall continue Parson, and is said to hold it in Commendam, Hob.

Rep. fol. 144. Latches Rep. 236, 237. See Esclesia commendata in Gloss. 10. script.

Lommendati Homines. Persons who by voluntary Homage, put themselves under the protection of any Superior Lord. For Ancient Homage was either Pradial Due for some Tenure: or Personal, which was either by Compulsion, as a sign of necessary Subje-Aion; or Voluntary, with a defire of Protection. And those who by doing Voluntary Homage put themselves under the Protection of any Men of Power, were faid Commendare se in manus ejus, and were therefore sometimes call'd Homines ejus commendati; and sometimes simply Commendati, as often in Doomsday-Book. Tho' we have lost the meaning of the Phrase, yet we use it in this Complement, Commend me to such a Friend, which is no less than, Let him know I am his humble Servant. Vid. Spelman of Feuds, cap. 20.

Commendari dimidit, Persons who depended

on two several Lords, and were to pay one Half of their Homage to this, the other to that. Sub commendati were such, as like Under-Tenants, were under Command of those who were Themselves depending on a Superior Lord. And again, Dimidii Subcommendati, who bear a double Relation to such depending Lords. —— Lib. Domesday, Suffolk. —— In parva Thornham duo liberi Homines, unus eorum fuit Com-mendatus Ulreva & alter Dimidius Subcommendatus

Antecessori Malet.

Comminalty, or rather Communalty, or Commonalty; Signifies the middle fort of the King's Subjects, 2 Inst. fol. 539. Tout le Commune d'Engle-terre, are such of the Commons as rais'd beyond the ordinary Peasants, come to have the managing of Offices, and by that means are one degree under Burgesses, which are superior to them both in Order and Authority, as in Companies incorporated, they are faid to confift of Master, Wardens and Commonalty; the first two being the chief, the middle fort such as are usually call'd of the

Livery. See Communitas Regni.

Comen, But I suppose rather Comon, or Common, In Latin Communia, quod ad omnes pertinet; Signifieth in our Common-Law, that Soyl or Water whereof the use is common to this or that Town or Lordship, as Common of Pasture, Communia Pasture, Bratt. lib. 4. cap. 19. de 40. Common of Fishing, Communia Piscarie, Id. lib. 2. cap. 34. Common of Turbary, Communia Turbarie, that is, Liberty of Digging Turf, Id. lib.4.ca.41. Common of Fishing. mon of Esevers, Communia Estoveriorum, Kitchin, fol. 94. Common is divided into Common in gross, Common Appendant, Common Appurtenant, and Common pur cause de Vicinage; that is, by reason of Neighbourhood. Common in Gross, is a Liberty to have Common alone, that is, without any Land or Tenement, in another Man's Land to Himself for Life, or to Him and his Heir; and it is commonly pass'd by Deed or Grant, or Specialty, Old Nat. Brev. fol. 31, & 37. Common Appendant and Common Appurtenant, be in a manner confounded, as appeareth by F. N. B. fol. 180. and are defined to be a Liberty of Common, appertaining to, or depending on such or such a Freehold. Only Kitchin, fol. 94. seemeth to make this Difference, That he which hath Common Appendant, hath it without limitation of this or that kind of Beafts; but that is controlled

by Dyer, fol. 70. b. num. 19. He that hath Commander, hath it but for Beafts commenable, He that hath Common Horses, Oxen, Kine, and Sheep, being accounted fittest for the Plough-man, and not of Goats, Geese and viz. That Common Appurtenant may be severed from the Land whereto it is Appurtenant, but not Common Appendant, of whose Original you may read Coke, lib. 4. fol. 37. in these words, Common Appendant by the ancient Law, had beginning in this manner, When a Lord inseosed another in Arable Lands, to hold of him in Socage, as all Tenure in the beginning, according to Littleton, was; The Feoffee to maintain the Service of his Plough, had common in the Wasts of his Lord, for his necessary Beasts to mature, and compost his Land; and that for two causes; one, for that as then it was taken, it was (tacite) imply'd in the Feoffnient, by reason the Feosfee could not manage the Land without Cattle, and Cattle could not be sustain'd without Pasture; and so by consequent the Feoffee had as a thing necessary and incident, Common in the Wasts and Land of his Lord. And this appeareth by ancient Books, temp. E. 1. tit. Common 24. & 17E.2.tit.Common 23. & 20 E. 3. tit. Admeasurement 8. & 18 E. 3. and by the rehearfal of the Statute of Merton, cap. 4. The second reason was, For Maintenance and Advancement of Tillage, which is much regarded and favou-red in the Law; thus far Coke. Common pur cause de vicinage, is a Liberty that the Tenants of one Lord in one Town, have to Common with the Tenants of another Lord in another Town, which kind of Common they that challenge, may not put their Cattle into the Common of the other Town; for then they be distrainable; but turning them into their own Fields, if they fray into their Neighbours Common, they must be suftered, Termes de la Ley. Common of Pasture, the Civilians call jus compascendi, cum sc. plures ex municipibus, qui diversa prædia posidebant, Saltum communem ut jus compascendi baberent mercarentur; It is call'd jus com-

Commissary, Commissarius, Isa Title of Ecclesiastical Jurisdiction, appertaining to such a one as exerciseth Spiritual Jurisdiction (at the least so far as his Commission permitteth) in places of the Diocess so far distant from the chief City, as the Chancellor cannot call the Subjects to the Bishop's principal Consistory, without their too great molestation. This Commissary is of the Canonists term'd Commissarius, or Officialis foraneus. Lyn-wood's Provin. cap. 1. de Accusat. &c. And he is ordain'd to this especial End, That he supply the Bishop's Jurisdiction and Office, in the Out places of his Diocess, or else in such Parishes as be peculiar to the Bishop and exempted from the Jurisdiction of the Arch-deacon; for where either by Prescription or Composition, there be Arch-deacons that have Jurisdiction within their Arch-deaconries, as in most places they there have, this Commissary is superfluous, and most commonly doth rather vex and disturb the Country for his Lucres than of Conscience seek to redress the Lives of Offendors. And therefore the Bishop taking Protestation-mony of his Arch-deacons yearly pro exteriori Jurisdictione, as it is ordinarily call'd, doth by superonerating their Circuit with a Commissary, not only wrong the Archdeacons, but the poorer fort of Subjects much more, as common practice too frequently teacheth.

Commission, Commissio, Is for the most part in the understanding of the Law, as much as Delegatio with the Civilians. See Broke, tit. Commission, and is taken for the Warrant, or Letters Patent, that all Men exercising Jurisdiction either ordinary or extraordinary, have for their Power to hear, or determine any Cause or Action. Of these, see divers in the Table of the Register Original, verbo Commissio; yet this word sometimes is ex-

tended further than to matters of Judgment; as the Commission of Purveyors, 11 H. 4. cap. 28. But with this Epithite (High) is us'd for the Honourable Commission-Court, instituted and founded upon the Statute 1 Eliz. cap. 1. but for divers reasons utterly abolished and taken away by the Statute made 16, 17 Gar. 1.

Commission of Association, Mention'd 18 Elize cap. 9. Is a Commission under the Great Seal, to associate two or more Learned Persons, with the several Justices in the several Circuits and Counties in Wales.

Commission of Anticipation, Was a Commission under the Great Seal, to collect a Subsidy before the day, Anno 5 H. 8 Co. 12. Rep. fol. 120.

Commiffion of Rebellion, Commifio Rebellionis, Is otherwise call'd A Writ of Rebellion, Lreve Rebellionis, and is tent forth, when a Mar, after Proclamation made by the Sheriff, upon an Order of the Chancery, under great Penalty, to present himself to the Court by a certain Day. And this Commission is directed by the way of Command to certain Persons, to the end, that they, three, two, or one of them do apprehend, or cause to be apprehended the Party as a Rebel and Contemner of the King's Laws, wherefoever they find him within the Kingdom, and bring him, or cause him to be brought to the Court, upon a Day therein affign'd. The true Copy of this Commission or Writ, you have in Cromp. Jurisd. Court de Star-Chamber, as also in West.

ouching Proceedings in Chancery, seet. 24.

Commissioner, Commissionery, seet. 24.

Commissioner, Commissionery, seet. 24.

Commissioner, Commissionery, seet. 24.

Commissioner, Commissionery, seet. 18 he that hath Commission, as Letters Patents, or other lawful Warrant, to execute any publick Office, as Commissioners of the Office of Fines, and Licences; West. Part 2. Symbol tit. Fines, seet. 106. Commissioners in Eyre, Anno 3 E. 1.

Commissioners of Sympers 22 H. 8. 4. 12 Car. 24. cap. 26. Commissioners of Sewers, 23 H. 8.5. 12 Car. 2.

cap. 6. with infinite other fuch like.

Committee, Is he or they to whom the Consideration, or ordering of any matter is referred, either by some Court, or Consent of Parties to whom it belongeth. As in Parliament, a Bill being read, is either consented unto and passed, or deny'd; or neither of both, but referred to the consideration of some discreet Men appointed by the House farther to examine it, who thereupon are call'd Committees: Committee of the King, West. Par. 2. Symb. tit. Chancery, self. 144. This word seemeth to be something strangely us'd in Kitchin, fol 160. where the Widow of the King's Tenant being dead, is call'd The Committee of the King; that is, one committed by the ancient Law of the Land to the King's Care and Protection.

Common Bench, Bancus Communis, Is sometimes us'd for the Court of Common-Pleas, Anno 2 E. 3. ca. 11. so call'd, as Mr. Cambden saithin his Brittannia, pag. 113. Quia communia placita inter subditos ex jure nostro, quod commune vocant, in boc disceptantur; that is, the Pleas or controversies try'd between common Persons. See

more in Common-Pleas.

Common Fine, Finis Communis: Of this Fleta, lib. 1. cap. 48. sett. quibus, hath these words, Quibus expeditis (speaking of the business finished by Justices in Eyre) consueverunt Justiciarii imponere villatis, juratori-bus bundredis & toti comitatui concelamentum & omnes separatim amerciare, quod videtur voluntarium, cum de perjurio de concelamento non fuerint convicti, sed potius dispensandum esset cum eis quod animas in statera posue-rint pro pacis conservatione. And a little following he saith, Quod communes misericordia, vel sines comitatuum amerciatorum in sinibus itinerum Justiciariorum, &c. 1. cap. 18. which read, It is call'd in some places Headfilver, in others Certum Leta, and was as it seems, first granted to the Lord, towards the Charge of his Pur-

ease to do their Suit Royal within the Mannor, and not be compell'd to go to the Sheriffs Tourn to do it. And for this Common-Fine. the Lord must prescribe, and cannot distrain for it without a Prescription; as appears in Godfrey's Case, in 11 Rep. fol. 44. b. The Clerk of the Market shall take no Common Fine, 13 R. 2. 64. 4.

Commoigne, A Brother Monk, reliding in the fame

Covent, 3 par. Inst. sol. 15.
Common Bleas, Communa Placita, Is the King's
Court now held in Westminster-Hall, but in antient time moveable; as appears by Magna Charta, cap. 11. and also 2 E. 3. ca. 11. & Pupilla oculi, Part 5. ca. 22. But Mr. Gwin in the Preface to bis Reading faith, That until the time that Henry the third granted the Great Charter, there were but two Courts in all, call'd The King's Courts; whereof one was the Exchequer, the other the King's Bench, which was then call'd Curia Domini Regis, and Aula Regia, because it follow'd the King and Court: and that upon the Grant of that Charter, the Court of Common-Pleas was erected, and setled in one certain place, viz. Westminster. And because this Court was setled at Westminster, therefore after that, all Writs ran, Quod sit coram Justiciaries nostris apud Westmonasterium; whereas before it was, Coram me vel Justiciariis meis, simply without addition of Place, as he well observeth out of Glanvile and Brasson: The one writing in Henry the Second's Time, before the Court was erected; the other in the later time of Henry the Third, who creded this Court. All Civil Causes, both Real and Personal, are or were in former times try'd in this Court according to the strict Law of the Realm. And by Fortescue, cap. 50. it seemeth to have been the only Court for real Causes: The chief Judge of that Court is call'd The Lord chief Justice of the Common Pleas, affished with three or four Associates, which are created by Letters Patents from the King, and, as it were, enrated or placed upon the Bench by the Lord Chancellor and Lord Chief Fusice of the Court; as appeareth by Fortescue, cap. 51. who expresses all the Circumstances of this Admission. The rest of the Officers belonging to this Court, are The Cult. to this Court, are, The Cuftos Brevium, three Protonotaries, Chirographer, fourteen Filacers, four Exigenters, Clerk of the Warrants, Clerk of the Juries, or Ju-rata Writs, Clerk of the King's Silver, Clerk of the Treasury, Clerk of the Essoins, Clerk of the Outlaries; whose distinct Functions, look in their proper places, See Common Bench.

Common day in Plea of Land, Anno 13 R. 2. Stat. 1. ca 17. fignifies an Ordinary Day in Court, as Offabis Michaelis, Quindena Pascha, &c. as you may see in the Statute made Anno 51 Hen. 3. concerning general Days

in the Bench.

Common Intendment, Is common meaning; Bar to common Intendment, is an ordinary or general Bar, which commonly disables the Plaintiffs Declaration. Of Common Intendment, a Will shall not be suppos'd to be made by Collusion, Co. on Lit. fol. 78. b. See Intend-

Commons Doute of Parliament, Is the Lower-House, so call'd, because the Commons of the Realm, that is, the Knights of Shires, Citizens, and Burgesses

fit there, Cromp. Fur. 9. Communis, Hath three Significations: First, for the Laws of this Land simply, without any other Law, as Customary, Civil, Spiritual, or whatsoever other Law joyn'd to it; as when it is disputed in our Laws of England, what ought of right to be determin'd by the Common-Law, and what by the Spiritual Law, or Admiral's Court, or otherwise. Secondly, It is taken for the King's Courts, as the King's Bench, or Common Pleas; only to shew a difference between them and base Courts, as Customary-Courts, Courtschase of the Leet, whereby the Resiants had now an Baron, County-Courts, Pipowders, and such like; as

when a Plea of Land is removed out of antient Demesne, because the Land is Frank-see, and pleadable at the Common-Plea; that is to say, in the King's Court, and not in antient Demesse, or in any other base Court. Thirdly, and most usually, By Common-Pleas is underflood fuch Laws, as were generally taken and holden for Law, before any Statute was made to alter the same. As for Example, Tenant for Life, or for Years were not punishable for Waste at the Common-Law, till the Statute of Glocester, cap. 5. which gives an Action of Waste against them. But Tenant by the Courtesse, and Tenant in Dower, were punishable for Waste at the Common-Law, that is, by the usual and common received Laws of the Realm, before the faid Statute was made.

Commosth. See Comorth.
Commotes, Significs in Wales a part of a Shire, as a Cantred or Hundred, 28 H. S. ca. 3. See Stat. Wallie, 12 E. 1. and 21 H. 8. ca. 26. It denotes a great Lordthip, and may include one or divers Mannors, Co. on

Lit. fol. 5.

Communance. The Commoners, or Temants and Inhabitants, who had the right of Common, or Commoning in open Fields, or Woods, were formerly call'd the Communance and Commannee. Communa or Communia Pastora, the Common Pasture: And Commu-Lommune. See Comminalty.
Commune Concilium Regni Angliz. The

Common Council of the King and People, affembled

in Parliament. See Parliament.

Communitas Regni. Tota terre communitas, Regni totius communitas. These Phrases have been of late Years thought to fignify the ordinary People, and Free-holders; or at best Knights and Gentlemen, under the Degree of Barons, as if they were the Community of the Land, and had been always so esteemed. But anciently the Barons only, and Tenants in capite, or Military Men, were the Community of the Kingdom, and those only meant, taken and reputed as such in our most ancient Historians and Records. See Dr. Brady's Gloffary, at the end of his Introduct, to Engl. Hift.

Communi Custotia, Wasa Writ that lay for that Lord, whose Tenant holding by Knight-Service, dies, and leaves his Eldest Son under Age, against a Stranger that entreth the Land, and obtaineth the Ward of the Body. See Old Nate Brev. fol. 89. and Reg. Orig. fol. 161. 4. But this is now become of no use since the Stat. 12 Car. 2. cap. 24. hath taken Wardships with the De-

pendances.

Communia Placita non tenenda in Scarcario, Is a Writ directed to the Treasurer and Barons of the Exche-quer, forbidding them to hold Plea between two common

Persons in that Court, where neither of them belong to it, Reg. Orig. fol. 187. b.

Communication, Communicatio, A Talking or Conferring with, where there is only a Discourse between two or more, without any persent Agreement; this may be call'd a Communication, being such as no Action

can be grounded upon. See Nudum Pattum.

Comorth, Comortha. It fignifies a Contribution, 4 H.4. eap. 27. and 26 H. 8. cap. 6. prohibits the levying any such in Wales, or the Marches, &c. It feems this was a Collection made at Marriages, and when young Priests said or sung their First Masses, and sometimes

for Redemption of Murders and Felonies.

Companage, Companagium, Any meat, or other Edibles to be eat with Bread. Some wrote Compenagium. ——— In pane, vino, & cervifia, pisce, sive alio quocunque genere companagii, sive leguminis. Cartul.

Abbat. Glaston. MS. s. 74.
Companion of the Warter, Is one of the Knights of that most Honourable Order, 24 H. 8. cap. 15.

Compertozium, A Judicial Inquest in the Civil-Law, made by Delegates, or Commissioners to find out, or relate the Truth of a Cause. — Et in carnibus porcinis emptis pro Clericis Domini Archiepiscopi super compertorium apud Burcestre. -– Paroch. Antiq. p. 575.

Compositio mensuratum, Is the Title of an ancient Ordinance for Measures, not Printed, and mentioned

in the Statute of 23 H. 8. cap. 4.

Compostum, Compost, or Dung, Compostare, to lay on such Compost. — Walterus Archiepiscopus Cantuar. remisit H. Priori & Conventui Ecclesie Cantuar. - & Pradicii Prior & manerium suum de Caldecote, terras prædicti manerii faldabunt & con-Conventus postabunt de exitu bestiarum ibidem, Dat. 15. Jul. 1326.

Registr. Ecclesia: Christi Cantuar. M. .

Compromistr., Compromissum. We usually say Comprimise, is a mutual Promise of two or more Parties at Difference, to refer the ending of their Controversies to the Arbitrement and Equity of one or more Arbitrators, West. par. 2. Symb. tit. Compromise. sett. 1. defines it thus, A Compromise or Submission, is the Faculty or Power of pronouncing Sentence between Parties at Controversie, given to Arbitrators by the Parties mutual private Consent, without publick Authority.

Computation, Is us'd in the Common-Law for the true and indifferent construction of Time, so that neither the one Party nor the other shall do wrong, nor the Determination of Times referred at large, be taken one way or other, but computed according to the Just Censure of the Law. As if Indentures of Demile are ingroffed, bearing Date the eleventh Day of May, 1669. To Have and to Hold the Land in S. for three Years from henceforth, and the Indentures are deliver'd the fourth Day of June, in the Year aforesaid: In this case, From benceforth shall be accounted from the Day of the delivery of the Indentures, and not by any Computation from the Date: And if the faid Indenture be delivered at four of the Clock in the Afternoon of the said sourth Day, this Lease shall end the third day of June, in the third Year; for the Law in this Computation rejects all Fractions, or Divisions of the Day, for the Incertainty, which always is the Mother of Contention; so where the Statute of Involments made Anno 27 Hen. 8. ca. 16. is, That the Writings shall be involled within fix Months after the Date of the same Writings indented; if such Writings have Date, the fix Months shall be accounted from the Date, and not from the Delivery; but if it want Date, then shall it be account d from the Delivery: Co. lib 5. fol. 1. If any Deed be shewed to a Court at Westminster, the Deed, by Judgment of the Law, shall remain in Court all the Term in which it is shewed, for all the Term in Law is but as one Day, Co. lib. 5. fol. 1. If a Church be void, and the true Patron doth not present within six Months, then the Bishop of the Diocess may collate his Chaplain; but these six Months shall not be computed according to the 28 Days to the Month, but according to the Calendar: and there is great Diverfity in our common Speech in the Singular Number, as a Twelve-Month, which includes all the Year, according to the Calendar; and Twelve Months, which shall be computed according to 28 Days to every Month, Co. lib. 6 fol. 61.b. Compute, Is a Writ so called of the Effect, because

it compelleth a Bayliff, Receiver, or Chamberlain, to yield his Account, Old Nat. Brev. fol. 58. It is founded upon the Statute of West. 2. cap. 2. Anno 13 E. 1. which, for your better understanding, you may read. And it lieth also for Executors of Executors, 15 E. 3. Stat. de Provis. Victual. cap. 5. Thirdly, Against the Guardian in Socage, for Waste made in the Minority of the Heir, Marlb. cap. 17. And see farther, where, how, and for what it les, Reg. Orig. fol. 135. Old Nat. Brev. ubi supra, & F. N. B. fol. 116.

Compaint, Properly signifies to Print together; but as it is us'd in common Speech among Dealers in Books, it intends a surreptitious Printing of another's Copy, to make a gain thereby to himself. This is contrary to the Statute made 14 Car. 2. ca. 33.16 Car. 2. ca. 6. & 16 & 17 Car. 2. ca. 7. and 17 Car. 2. ca. 4. apad Oxon.

Consuel, French Convenable, (that is, convenient;) the word is of little use in these Days but you may read it in Artic. Decani & Capit. S. Pauli, Priorat. S. Helenæ, Dat. 21. Jun. 1439. We Ordain, That there Helenæ, Dat. 21. Jun. 1439. We Ordain, That there be made a Hache or Conabel heythe, &c. that no strange Peopille may enter, &c. as you and them think honest

and Conabel.

Concealers, Be such as find out concealed Lands, that is, such Lands as are privily kept from the King by common Perfors, having nothing to shew for them, Anno 39 Eliz. ca. 22. They be so call'd à concelando as mons à movendo, by an Antiphrasis. They are call'd A troublesome disturbant sort of Men, turbulent Per-Sons, 3 Par. Inft. fol. 188.

Conceffi, A word of frequent use in Conveyances, creating a Covenant in Law; as Dedi makes a War-

ranty, Co. on Lit. fol. 384.

Concionatoz, A Common-Council-Man, a Mot-Worthy, a Free-man call'd to the Hall, or Affembly. - Quodam tempore cum convenissent Concionatores Angliz apud Londoniam, &c. Histor. Elien. Edit. Gale,

cap. 46.

Conclusion, Conclusio, Is when a Man by his own act upon Record, hath charg'd himself with a Duty, or other thing. As if a Freeman confess himself to be the Villain of A. upon Record, and afterwad A. takes his Goods, he shall be concluded to say in any Action or Plea after-wards, that he is free, by reason of his own consession. So if the Sheriff upon a Capies to him directed, returns that he hath taken the Body, and yet hath not the Body in Court at the Day of the Return; he shall be amerced, and if it were upon a Capias ad Stat. the Plaintiff may have his Action against the Sheriff for the Escape; for by such Returns the Sheriff hath concluded himself. And this word Conclusion is taken in another sense, as for the end or later part of any Declaration, Bar, Replication, &c. As where to the Bar there ought to be a Replica-tion, the Conclusion of his Plea shall be, Et box paratus est verificare. If in Dower, the Tenant pleads, That he was never seised to render Dower, the Conclusion shall be, Et de hoc ponit se super Patriam. And in what manner the Conclusion shall be, according to the nature of several Actions, See Ritchin, fol. 219, 220.

Contord, Concordia, Is in the Common-Law, by a peculiar Signification, defined to be the very Agreement between Parties, that intend the levying of a Fine of Lands one to the other, how, and in what manner the Land shall pass: In the Form whereof, many things are to be confidered, West. part. 2. Symb. tit. Fines and Concords, sed. 30. whom read at large. Concord is also an Agreement made upon any Trespass committed between two or more, and is divided into a Concord Executory, and Concord Executed. See Plond. fol. 5 & 6. Reniger and Fogassa's Case, where it appeareth by some Opinion, That the one bindeth not, as being imperfect; the other abiolute, and tyes the Parties: And yet by some other Opinion in the same Case, it is affirm'd,
That Agreements Executory be perfect, and no less
bind than Agreements Executed, fol. 8. b.

Concuberia, A Fold, a Pen, or place where
Cattle lie together. — Willelmus de Putot concedit Ho-

spitali de Thelesford unam dimidiam virgatæ terræ in Effora — quiete & integre in viis, semitis, terris, pratis, concubariis & pasturis, cum omnibus aysiamentis. Cartular. de Thelisfond. MS.

Concubinage, Concubinatus. In common Acception fignifies the keeping of a Whore, or Concubine, but in 1 racy to indict or acquit, tho' nothing be done, is pu

a Legal, is an Exception against her that sueth for her Dower; whereby it is alledg'd that she was not a Wife lawfully married to the Party, in whose Lands she seeketh to be endow'd, but his Concubine, Britton, c. 107.

Bratt. lib. 4. tratt. 6. cap. 8.

Conders, May seem to proceed from the French Conduire, i. e. Gubernare; they be such as stand upon High-places near the Sea-coasts, at the time of Herringfishing, to make signs with Boughs, &c. in their Hands unto the Fishers, which way the Shole of Herrings passeth; for that doth appear better to such as stand upon some high Cliff on the Shore, by a kind of blue colour that the said Fish causeth in the Water, than to those that be in the Ships. These be otherwise call'd Heners, (probably from the French Huyer, exclamare) and Balkers, Directors, and Guiders, as appeareth by the Statute

Anno I Facobi, cap. 23.

Condition, Conditio, Isa Restraint or Bridle annex'd to a thing, so that by the not performance, the Party to it shall receive prejudice and loss, and by the Performance, commodity and advantage, West. part. 1. Symb. lib. 2. sea. 156. and Co. lib. 3. Pennant's Case, fol. 64. Of these Conditions there are divers kinds, Condition collateral, Condition in fatt, Condition in Iaw, Condition express, and Condition imply'd, &c. Condition collateral, is that which is annex'd to any collateral A&, as that the Leffee shall not go to Canterbury, Co. lib. 3. fol. 65. Condition in fact, is that which is exprest in plain words in any Peoffment, Lease or Grant: Condition in Law is imply'd, tho' not at all express in the Grant. Also Conditions are either precedent, and going before the Estate, and are executed, or else subsequent and executory. Condition precedent, doth get and gain the thing or Estate made upon Condition, by the performance of Condition subsequent, keeps and continues the thing or Estate made upon Condition, by the performance of it. Condition precedent is, when a Leafe is made for Life to one upon Condition, That if the Leffee will pay to the Leffer 20, li. at such a Day, then he shall have Feesimple: Here the Condition proceeds the Estate in Feesimple, and upon performance of the Condition, gains Condition subsequent is, when one grants the Fee-simple. to J. S. his Mannor of Dale in Fee-simple, upon Condition, That the Grantee shall pay to him at such a Day 20 li. or else that his Estate shall cease; here the Condition is subsequent, and following the Estate in Fee, and upon the performance thereof continues the Estate. See more of this in Co. lib. 3. fol. 64. and in Lit. lib, 3. ca.5. and Perkins in the last Title Of Conditions.

Cone and Reg. Brad. lib. 2. cap. 37. num. 3. A Wo-man at the Age of fourteen or fifteen Years, may take the charge of her House, and receive Cone and Key 3 that is, computum & clavem. Cone or Colne in the Sax. fignifying computus, and Key, clavis, wherewith there is

fomething agreeable, Glanvile, lib. 7. cap. 9. Confederacy, Is when two or more Confederate themselves to do any hurt or damage to another, or to do any unlawful thing. And tho' a Writ of Conspiracy doth not lye, if the Party be not indicted, and in lawful manner acquitted, for so are the words of the Writ; yet false confederacy between divers Persons shall be punished, tho' nothing be put in ure; and this appears by the Book of 27 Asse, placit. 44 where there is a Note, That two were indicted of Confederacy, each of them to maintain other, whether their matter were true or false; and the nothing was supposed to be put in are the Parties were put to answer, because this thing is forbidden by the Law. So in the next Article in the same Book, Enquiry shall be made of Conspirators and Confederators which bind themselves together, &c. falsly to indict or acquit, &c. the manner of their binding, and between whom; which proves also, That Confedenishable by the Law. And it is to be observ'd, That this Confederacy punishable by Law, before it is executed, ought to have four Incidents. First, To be declared by some manner of Prosecution, as by making of Bonds or Promises the one to the other. Secondly, of Bonds or Promises the one to the other. To be Malicious, as for unjust Revenge. Thirdly, To be false against an Innocent. And lastly, To be out of Court, and voluntary, Termes of the Law, fol. 162, 163. Confession of Diffence, Is, when a Prisoner is Ap-

pealed or Indicted of Treason or Felony, and brought to the Bar to be Arraigned, and his Indictment is read unto him: And the Court demands what he can fay thereto, then either he confesses the Offence, and the Indictment to be true, or estranging him from the Offence, pleads Not-Guilty, or else gives an indirect An-fiver, and so in effect stands mute. Confession may be made in two forts, and to two feveral Ends. The one is, He may confess the Offence whereof he is indicted openly in the Court, before the Judge, and submit him-felf to the Censure and Judgment of the Law, which Confession is the most certain Answer, and best Satisfaction that may be given to the Judge to condemn the Offendor; so that it proceeds freely of his own accord. without any threats, force, or extremity us'd: For if the Confession arise from any of these Causes, it ought not to be recarded. As if a Woman was indicted for the Felonious taking of Bread, to the value of two Shillings, and being thereof arraigned, she confest the Felony, and said, That she did it by the commandment of her Husband; and the Judges, in pity, would not record her Confession, but caus'd her to plead Not-Guilty to the Felony; whereupon the Jury found, That she stole the Bread by compulsion of her Husband, against her Will, for which cause she was discharg'd, 27 Assis. pl. 50. The other kind of Confession is, when the Prisoner confesses the Indiament to be true, and that he hath committed the Offence whereof he is indicted, and then becomes an Approver, that is, an Accuser of others, who have committed the same Offence whereof he is indicted, or other Offences with him; and then prays the Judge to have a Coroner affigned him, to whom he may make relation of those Offences, and the full cir-cumstances thereof. There is also a third kind of Confession made by an Offendor in Felony, which is not in Court before the Judge, as the other two are; bur before a Coroner in a Church, or other Priviledged place, upon which the Offendor, by the ancient Law of the

Realm, was to abjure.

The Confessor, Confessorius, & Confessorius. The Priest, who received the Auricular Confession, had the Title of Confessor. Tho' improperly; for he is rather the Confessee, being the Person passive, to whom the contession is made, or at least the Confessary, who receives the Confession. or the Confessionar. This receiving the the Confession, or the Confessionar. This receiving the Confession of a Penitent, was in the old Engl. to shreve, or to shrive, Sax. Scrifan; whence the Party confessed was Bescrifen; whence our Engl. Beshriev'd, or looking like a confess'd or spriev'd Person, impos'd some uneasie Penance: Hence to beshrew, is to impricate, or denounce the curse of Sin as Confession. The act of Confession was call'd Scrifde, whence possibly to shift or shuffle in Discourse, like People who are asham'd or affraid to tell all their Faults. The most solemn time of confessing was the Day before Lent, which from thence is still call'd Sbrove-Tuesday.

Confirmation, Confirmatio, Cometh of the Verb Confirmare, quod est firmum facere ; and therefore it is said, That Confirmatio omnes supplet defectus, licet id

quod actum est, ab initio non valuit, Co. on Lit. lib. 3. cap. 9, fest. 515. It is a Conveyance of an Estate or Right in esse, whereby a voidable Estate is made sure and unamoidable.

voidable, or whereby a particular Estate is increas'd. Nay, it is a strengthening of an Estate formerly, and

yet voidable, tho' not presently void. For Example, A Bishop granteth his Chancellorship by Patent, for the term of the Patentee's Life; this is no void Grant, but voidable by the Bishop's Death, except it be strengthened by the Confirmation of the Dean and Chapter. Quelibet Confirmatio aut est persiciens, crescens aut diminuens.

1 Persiciens, As if Feossee upon a Condition make a Feoffment, and the Feoffor confirm the Estate of the second Feoffee: So if Disseise confirm the Estate of the Disseisor, or his Feosfee. 2. Crescens, Doth always enlarge the Bitate of a Tenant; as Tenant at will, to hold for Years; or Tenant for Years, to hold for Life. 3. Diminuens, As when the Lord of whom the Land is holden, confirms the Estate of his Tenant, to hold by a less Rent. See more of this, West. Symb. part. 1. lib.2.sett.2. 00. F. N. B. fol. 169.226,271. and Lit. lib.3.ca.9.Co.9.

Rep. Beaumont's Case.

Confiscate, Confiscatus, May be derived either from the Lat. Confiscare, or the French Confisquer; that is, in publicum addicere: all these words are drawn from Fiscus, which (as Minshew saith) originally signifieth a Hamper, or Basket, but Metonymically the Emperor's Treasure; be cause it was anciently kept in such Hampers. and tho our King doth not put his Treasure in such things, yes as the Romans have faid, That fuch Goods as are forfeited to the Emperor, were Bona Confiscata, in like manner do we say of such Goods as are forfeited to the King's And the Title to have these Goods is given Exchequer. to the King by fuch Law, when they are not claimed by some other. As if a Man be indicted, That he selo-niously stole the Goods of another Man, when, in truth they are the proper Goods of him indicted; and they are brought in Court against him as the manner is, and he then asked, what he fays to the faid Goods, to which he disclaims; by this Disclaimer he shall lose the Goods, altho that afterwards he be acquitted of the Felony, and the King shall have them as confiscated: But otherwise it is, if he do not disclaim them. The same Law is, where Goods are found in the Felon's possession, which he disavow's; and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows are confiscate to the King; but had he been attainted of the same Goods, they should have been said to be forfeited and not conficate, notwithstanding his disavow-So if an Appeal of Robbery be brought, and the Plaintiff leaves out some of his Goods, he shall not be received to enlarge his Appeal, And for as much as there is none to have the Goods fo left out, the King shall have them as Conficate, according to the old Rule, Quod non capit Christus, capit Fiscus. And as in the Case atoresaid, the Law punishes the Owner for his Negligence, and Connivency; so also the Law abhors Malice in seeking the Life of any, without just cause. And therefore if A. hath the Goods of B. by delivery or finding, and B, brings an Appeal against A, for taking them feloniously, and it is found, I hat they were the Plaintiffs Goods, and that the Defendant came lawfully by them: In this Case the Goods are not conficate to the King, because of the false and malicious Appeal. See,

more in Stamf, pl. cor. l. 3. ca. 24. 3. Inst. fol. 227.

Confragage, Confraternitas, A Fraternity or Brotherhood, as the Confrairie de St. George, or Les Chivaliers de la blue Gartier, the Honourable Society of the Kinghts of the Garter.

Confreres, Confratres, Brethren in a Religious House, Fellows of one Society, 32 H. 8. cap. 24.

Congeable, Cometh of the French Congé, that is, Venia; and fignifies in our Common-Law as much as Lawful, or Lawfully done, or done with Leave; as the Entry of the Diffeise is congeable, and so Littleton uses

it in his 410 Section and Cro. 2. par. fol. 31.
Conge D'Accorder, Signifies Leave to Accord, or Agree; it is mention'd in the Statute of Fines, 18 E. 3.

in these words, When the Original Writ is delivered in presence of the Parties before the Justices, a Pleader shall say this, Sir Justice, congé d'Accorder; And the Justice shall say to him, What saith Sir R. and shall name one

of the Parties, &c. Conge d'Elire, Venia Eligendi, Is very French, and fignifieth in our Common-Law the King's Permif-tion Royal to a Dean and Chapter, in time of Vacation to chuse a Bishop; or to an Abby or Priory of his own Foundation, to chuse the Abbot or Prior, F. N. B. fcl. 169, 170. Touching this matter, Gwin in his Preface to bis Readings, faith, That the King of England as Sovereign Patron of all Arch-Bishopricks, Bishopricks, and other Ecclefiastical Benefices, bad of ancient time free Appointment of all Ecclesiastical Dignities, whenseever they chanced to be void, investing them first, per Baculum & Annulum, and afterwards by his Letters Patents; and that in process of time he made the Elestion over the them. cess of time, be made the Election over to others, under cels of time, he made the Election over to others, under certain Forms and conditions; as, that they flould at every Vacation, before they chuse, demand of the King Congé d'Ellire; that is, License to proceed to Election, and then after the Election, to crave his Royal Assent, Sent, And further, he affirmeth by good Proof, out of Common Law-Books, That King John was the first that granted this, and that it was afterwards confirmed by granted this, and that it was afterwards confirm'd by West. 1. cap. 1. which Statute was made An. 3. E. 1. And again, by the Stat. Articuli Cleri, cap. 2. which was ordain'd, 25 E. 3. Stat. 3. 1 It is certain all the Pre-lacies in England were conferr'd at the Pleasure of the Prince, and the Persons were invested by the King's delivery of a Staff and Ring, till Archbish. Anselm deny'd this Royal Prerogative, and prevail'd with Pope Paschal to abrogate this Custom by a solemn Canon. which, the first Bishop who came in by a Regular Ele-Aion, was Roger Bishop of Salisbury, in 3 Hen. 1. An-NO 1102.

Vecta 100 cuniculos per annum, & valet quilibet cuni--Inquis. de Anno 47 Hen. 3. n. 32. culus ii. den.-

Conifance, See Cognizance.

Conjuration, Conjuratio, Is a Compound of con and juro, and so it signifieth a Plot or Compact made by Men, combining themselves together by Oath or Promise, to do any publick harm: But in our Common-Law it is specially us'd for such as have Personal conference with the Devil, or evil Spirits, to know any Secret, or to effect any purpole, An. 5 Eliz. cap. 15. And the Difference between Conjuration and Witchcraft feems to be this; That the one by Prayers and Invocations of God's Powerful Names, compels the Devil to fay or do what he commandeth him; the other dealeth rather by a friendly and voluntary Conference and Agreement between Him or Her and the Devil, or Familiar, to have Her or His Desires, or Turns served, in lieu of Blood or other Gift offered unto him, especially of His or Her Soul. And both these differ from Enchantments or Sorceries, because they are Personal Conferences with the Devil, as is already said; but these are but Medicines, and Ceremonial Forms of Words, call'd commonly Charms, without Apparition.

The Contract Bellis, A Hide or Skin dress'd, &

Conreatore, by the Currier. — Una pellis ovina figna datur conreats, valet unum denarium, obolum; una Pellis agnina signa datur conreata, valet i. den. - Regulæ

compoti Domus de Farendon. MS.

Contanguineo, Is a Writ, for the which fee Avo, & Reg. Orig. de Aavo, Proavo & Consanguineo, fol. 226. 4.

Conferbator, A Delegated Umpire, or standing Arbitratour, who as a third impartial Friend, was chosen or appointed a Guarentee to compose and adjust Differences, that should arise between two other Ego Simon Reffor Ecclesia de Heyford Parties. . Warine subjiciendo me coercioni & compulsioni, civilibus Judicibus vel Delegatis, seu Conservatori, quem ditti Religiosi & corum successores duxerint eligendum.

Paroch. Antiq. p. 513.
Conferbaror of the Cruce and Safe-conducts, Confervator Induciarum & Salvorum Regis conductuum, Was an Officer appointed in every part of the Sea by the King's Letters Patent, and had forty pounds for his Yearly Stipend at the least. His Charge was to enquire of all Offences done against the King's Truce and Safe-Conducts upon the main Sea, out of the Liberties of the Cinque-Ports, as the Admirals customably were wont to do, and such other things as are declared, 2 Hen. 5. cap. 6. Touching this matter, read also the Statue of

4 H. 5. cap. 7.

Confernator of the Beate, Confernator vel Custos Pacis, Is he that hath an especial Charge, by vertue of his Office, to see the King's Peace kept; which Peace Lambard in effect defineth to be a with-holding or abstinence from that injurious force and violence, which boysterous and unruly Persons are in their natures prone to use towards others, were they not restrained by Laws, and fear of Punishment. Of these Conservators he farther faith thus, That before the time of King Edward the Third, who first crected Justices of Peace, there were fundry Persons, that by the Common-Law had Interest in keeping the Peace: Of those some had that Charge, as incident to their Offices which they did bear, and fo included within the same, that they were nevertheless call'd by the Name of their Office only: Some others had it simply, as of it self, and were thereof named Custodes Pacis, Wardens, or Confervators of the Peace. The former and later fort he again subdivideth, which read in his Eirenarcha, lib. 1. cap. 3, The Corporation of the great Level of the Fens, does confift of a Governor, fix Bayliffs, twenty Confervators and Commonalty, as by Act of Parliament, 15 Car. 2. cap. 17. appears. The Chamberlain of Chefter is a Confervator of the Peace, in that County, by vertue of his Office, 4 Inft. fol. 212.

And Pety-Constables are by the Common-Law Confervators of the Peace, &c. Conservator of the Priviledges of the Hospitalers and Templers, &c. West. 2. ca. 43. 4Inst. fol. 341.

Confideration, Confideratio, Is that with us which the Greeks call'd συνάλαγμα, that is the material cause of a Contract, without which it would not be effectual or binding. This Consideration is either express, if a Man bargain to give twenty Shillings for a Horse; or else implied, as when the Law it self enforceth a Consideration, as if a Man come into a common Inn, and there staying fome time, taking both Meat and Lodging for himself and his Horses, the Law presumeth that he intends to pay for both, tho' nothing be farther covenanted between him and his Hoft. And therefore if he discharge not the House, the Host may stay his Horse, Fulbeck's Parall. tratt. Contretts, fol. 6. Also there is a Consideration of Nature and Blood, and valuable Confideration: And therefore if a Man be indebted to divers others, and yet in consideration of Natural Affection, gives all his Goods to his Son or Cousin, this shall be construed a fraudulent Gift, within the Act of 19 Eliz, cap. 5. because this Act intends a valuable Confideration.

Confiftory, Confiftorium, Is a word borrowed of the Italians, or rather Iombards, and fignifies as much as Tribunal. It is Vocabulum utriusq; Juris, and is us'd for the place of Justice in the Court-Christian or Spiri-qual. Every Archbishop, and Bishop hath a Consistory gual. Every Archbitnop, and Dilliop man in his Court, held before his Chancellor, or Commiffary in his ChatheCathedral Church, or other convenient place of his Diocels, for Ecclefiaftical Causes, 4. Inst. fol. 338. See further concerning this, Selden's Hist. of Tythes, pag.

413, 414. Consolidation, Consilidation, It is us'd for uniting two Benefices in one, Broke, tit. Union, and Anno 37 H. 8. cap. 21. This is taken from the Civil-Law, where it lignifies properly an uniting of the Possession or Profit with the Property. For Example, if a Man have by Legacy Usum-fructum fundi, and afterward buy the Property or Fee-simple of the Heir, Hoc casu consolidatio fieri dicitur. See Union and Unity of Possession.

Conspirators. Sectheir full Description, 33E.1. Stat. 2. — 2. par. Inft. fol. 384, & 562. See Conspiracy.

Conspiracy, Conspiratio, Tho' both in Latin and French it is us'd for an Agreement of Men, to do any thing either good or bad; yet in Common-Law it is alway taken in pejorem partem. It is defin'd Anno 33 E. 1. Stat. 2. to be an Agreement of such as do conseder, and bind themselves by Oath, Covenant, or other liarce, That every one of them shall bear and aid the other, falfly and maliciously to Indict, or falfly to move or maintain Pleas, and also such as cause Children within Age, to appeal Men of Felony, whereby they are imprisoned, and so grieved; and such as retain Men in the Countries with Liveries or Fees, to maintain their malicious Enterprises. And this extendeth as well to the Takers, as to the Givers. And Stewards and Bayliffs of great Lords, which by their Seignory, Office, or Power, undertake to bear or maintain Quarels, Pleas or Debates, that concern other Parties, than fuch as touch the Estate of their Lords, or themselves. 4 E. 3. cap. 11. 3 H. 7. cap. 13. and also 1 H. 5. cap. 3. and 18 H. 6. cap. 12. and the New Book of Entries, verb. Conspiracy. In the places before-mention'd, Conspirate the contract of the places before-mention'd, Conspirate the contract of the contrac racy is taken more generally, and is confounded with Maintenance and Champerty: But in a more special Signification, it is taken for a Confederacy of two at the least, falfly to indict one, or to procure one to be indicted of Felony. And the Punishment of Conspiracy, upon an Indictment of Felony, at the King's Suit, is that the Party attainted, lose his Frank-Law, to the intent that he be not empannelled upon Juries of Affises, or such like Employments, for the testifying of Truth. And if he have to do with the King's Court, that he make his Attorney, and that his Lands, Goods and Chattels be seis'd into the King's hands, his Lands e-streated, his Trees razed, and his Pody committed to Prison, 27 As. 59. Cromp. Just. of Peace, fol. 156.b. This is call'd Villanous Judgment. See Villanous Judgment. But if the Party griev'd sue upon the Writ of Conspiracy, then see F. N. B. fol. 114, 115. Conspiracy may be also in cases of less weight, idem fol. 116. &c. As Conspiracies made by Victualized, touching selling of Victuals shall be grivously punished. See 37 H. 8. 23. and 3

part. Inst. fol. 143. See Frank-Law.
Conspirations, Is a Writthat lies against Conspirators, F. N. B. fol. 114. d. Cromp. de Jurisd. d. fol. 209.

See also the Register, fol. 134.

Constable, Constabiliarius, Is a Saxon word compounded of Koning and Staple, which do fignifie the Stay or hold of the King, Lamb. Duties of Constables, num. 4. But I have heard it made heretofore of these two words Comes stabuli, which seemeth to me the more probable, because we have the Officer from France, as most others, and not from the Saxons. And Tilius in his Commentaries De rebus Gallicis, lib. 2. cap. de Constabili, hath the same Etymology, giving the reason thereof, qui praest stabulo; which Office is ancient here in England, and mention'd by Bracton, seeming to answer him that was call'd Tribunus celerum, under the first King's of Rome, and Magister equitum afterwards. This Word is diversly us'd in our Common-Law; First, For the Constable of

England, who is also call'd Marshal, Stamf. pl. cor. fol-65. of whose great Dignity and Authority, a Man may find many Arguments and Signs, both in the Statutes and Chronicles of this Realm. His Office confifteth in the care of the Common Peace of the Land, in deeds of Arms, and matters of War, Lamb. ubi supra, with whom agreeth the Statute of Anno 13 R. 2. ca. 2. Stat. 1. and Smith, de Rep Anglor. lib. 2.cap. 25. Of this Officer or Magistrate, Mr. Gwin in the Preface to his Reading, faith to this effect, The Court of the Constable and Marshal determineth Contracts touching Deeds of Arms out of the Realm, and handleth things concerning War within the Realm, as Combats, Blazons of Armory, &c. But he may not deal with Battel in Appeals, nor generally with any other thing that may be try'd by the Laws of the Land, and read Fortescue, cap. 32. This Office was belonging heretofore to the Lords of certain Mannors, Jure Feodi, and why it is discontinued, see Dyer, fol. 285. pl. 39. Out of his Magistracy (saith Mr. Lambert) were drawn these lower Constables, which we call Constables of Hundreds, and Franchifes, and first ordain'd by the Statute of Winchester, 13 E 1. which appointed for the Conservation of the Peace, and view of Armour, two Conftables in every Hundred and Franchise, which were call'd in Latin Constabularii Capitales. And these be now High Constables: because continuance of Time, and Increase both of People and Offences, hath again, under these, made others in every Town call'd Petit Constables, in Latin Sub-constabularit, which are in like nature, but of inferior Authority to the other. Of these also read Smith, lib. 2. sap. 22. Besides these, there be Officers of particular places, call'd by this Name, as Constable of the Tower, Stamf. pl. cor. fol. 152. & Anno H. 4. ca. 13. Stops Annals, pag. 812. Constables of the Exchequer, 51 H. 3. Stat. 5. Constable of Dover Castle, Cambd. Brit. 239. F. N. B. fol. 240. otherwise call'd Castellane Westm. 1. ca. 7. Anno 3 E. 1. But these be Castellani properly, as Lambert takes notice, tho conjoyn'd in Name with the others. See the Statute 32 H. 8. cap. 38. Mannood cap. 13. makes mention Ot a Constable of the Forest.

Constat, Is a fort of Certificate made by the Clerk of the Pipe, and Auditors of the Exchequer, at the Request of any Person who intends to plead in that Court, for the Discharge of any thing, 3 & 4 E. 6. 4. 13 Eliz. 6. A Constat is held to be superior to a Certificate because this may err or fail in its Contents, that cannot, as certifying nothing but what is upon Record. the Exemplification of the Inrollment of Letters Patents is term'da Constat, Co. Super Littl. fol. 225. The difference between a Constat, Inspezimus & Vidimus, you may read at large in Coke's 5. Rep. Page's Calc.

Confuerudo, Dies de Consuetudine, A Days-Work to be done for the Lord, as a Custumary Service by the Tenant. . – i, c. debent redditum & quinque dies de consuetudine i. e. Five Days Work in a

Year. Parach. Antiq. p. 229.

Gonsulta Ecclesia.

vided for. — Abbas dicit A Church full, or provided for. — Abbas dicit quod predicta Ecclesia est consulta de isso Abbate & conventu qui eam tenent in proprios usus. — Cartul. Radinges, MS. sol. 211. a. Consultation, Consultation, Is a Writt whereby a

Cause being formerly removed by Prohibition from the Ecclelialtical-Court, or Court-Christian, to the King's Court, is returned thither again; for the Judges of the King's Court, if upon comparing the Libel with the Suggestion of the Party, they do find the Suggestion falle, or not prov'd, and therefore the Cause to be wrong-fully call'd from Court Christian, then upon this Consultation or Deliberation. they decree it to be return'd again: whereupon the Writ in this Case obtain'd, is call'd a Consultation. Of this you may read the Reg. Orig. 44, 45. usq; ad 58. Old Nat. Brev. f. 32. F. N. B. f. 50.

Contenement, Contenementum, Seemeth to be Freehold-Land, which lyeth a Man's Tenement or Dwelling-House, that is in his own Occupation: For in Magna Charta, cap. 14. you have these words, A Freeman shall not be americed for a small Fault, but after the quantity of the Fault, and for a great Fault after the manner thereof faving to him his Contenement, or Free-hold. And a Merchant likewise shall be amerced, saving to him his Merchandises; and a Villain, saving to him his Waynage And Bratton, lib. 3. traft. 2. ca. 1. nu. 3. hath these words, Et sciendum quod miles, & liber bomo non amerciabitur nisi secundum modum delisti, secundum quod delistum suit magnum vel parvam & falvo contenemento suo, merca-tor vero non nisi salva Merchandisa sua, & villanus nisi salvo Wainagio: Which Mercy seemeth to have been learned from the Civil-Law, where Executio non potest fieri in boves, aratra, aliave instrumenta rusticorum. And Sir Henry Spelman fays, Contenementum est astimatio &

conditionis forma, qua quis in repub. subsistit.

Contingent use, Is such a Use as by the Limitation may, or may not happen to vest. Of which you may read to surther satisfaction in Chudleigh's Case, Coke,

Rep. 1.

Continuance, Seems to be us'd in the Common-Law, as Prorogatio in the Civil. For Example, Continuance until the next Affiles, F.N.B.f. 154 & 244. In both places be alledged it is faid, That if a Record in the Treasury by the one Party, and deny'd by the other, a Certio rari shall be used to the Treasurer, and the Chamberlain of the Exchequer, who, if they certify not into the Chancery, that such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificate, and will them to continue the Affise. In this Signification it is likewise us'd by Kitchin,

fol. 199 & 202. and 11 H. 6. cap. 4.

Continual Claim, It is a Claim made from time to time within every Year and Day, to Land or other thing, which, in some respect, we cannot attain without danger. As if I be difficised of Land, into which, the I have right unto it, I dare not enter, for fear of Death or Beating. It behoveth me to hold on my Right of Entry to the best Opportunity of me and mine Heir, by approaching as near it as I can once every Year, as long as I live; and so I save the Right of Entry to my Heir, Termes de la Ley. Again, If I have a Slave or Villain broken from me, and remaining any where within the ancient Demesse of the King, being in the hands of the King, I canno: maintain the Writ De Nativo Habendo, as long as he continueth there; but if I claim him within the Year and Day, and so continue my Claim, until I can find him within that Compas, I may lawfully lay hold of him as mine own, F. N. B. fol. 7.9. See more in Litzwerb, Continual Claim. And the New Book of Entries, tit. Eodem; and Fleta lib. 6. cap. 53. See Littl. lib. 3. cap. 7. and Stat. 32 Hen. 8.

cap. 33.

Consinuando, Is a Word us'd when the Plaintiff would recover Bamages for feweral Trespasses in the fame Action: For in one Action of Trespass, you may recover Damages for divers Trespasses, laying the first with a Continuando to the whole time, and is in this Form, Continuando trangressonem præditiam, &c. à præditio die, &c. usque salem diem, so including the last Trespass.

See Counters. Contours.

Contrabanded Goods, Are such as are prohibited by Act of Parliament or Proclamation, to be imported into, or exported out of this into other Nations.

Contract, Isa Covenant, or Agreement with a lawful Consideration or Cause, West. Symb. part. 1. lib. 1.
sed. 10. or else one thing must be given for another,
which is call'd Luid pro Luo; as if I sell my Horse for Money, or Covenant to make you a Leafe of my Man-

nor of Dale, in confideration of twenty pounds; these are Good Contracts, because one thing is given for anohave twenty Shillings, and that he will be Debtor to me thereof, and after I ask the twenty Shillings and he ther. But if a Man make Promise to me, That I shall will not deliver it; yet I shall never have an Action to recover, because the Promise was no Contrast, but a bare Promise; and, ex nudo Pacto non oritur Actio. But if any thing were given for the twenty shillings, tho'it were but to the value of a Penny, then had it been a Good Contract.

Contrafattio, Counterfeiting. As Sigilli Regis, Counterfeiting the King's Seal. As Contrafactio

Contra formam Collationis, is a Writthat lies, where a Man hath given Lands in perpetual Alms to any late Houses of Religion, as to an Abbot and Covent, or to the Warden or Master of any Hospital, and his Covent, to find certain poor Men, and do other Divine Service; if they alien the Land, then the Donor or his Heirs shall have the said Writ to recover the Lands. But this Writ shall be always brought against the Abbot, or his Successor, and not against the Alience, although he be Tenant; but in all other Actions, where a Man demands Free-hold, the Writ shall be brought against the Tenant of the Land. This is founded upon the Stat. of Western. 2. cap. 1. And of this see Reg. Orig. fol. 238. and F. N. B. fol. 210.

Contra formam feoffamenti, Is a Writthat lies for the Heir of a Tenant, infeoffed of certain Lands or Tenements, by Charter of Feoffment of a Lord, to make certain Services and Suits to his Court, and is afterwards diffrained for more than is contained in the faid Charter, Reg. Orig. fol. 176. Old Nat. Brev. 162. This Writ lies not for the Plaintiff, who claims by Purchase from the first Feoffee, but for the Heir to the first

Contramandatio Platiti. In Leg. Hen. 1. cap. 59. It feems to fignific a Respiting or giving the Defendant further time to answer: An Imparlance or Countermanding what was formerly ordered.

Contrarients. Tho. Earl of Lancafter, taking

part with the Barons against K. Ed. II. it was not thought fit in respect of their Power, to call them Rebels or Traitors, but Contrarients: And accordingly we have a Record of those times, call'd Rotulus Contrarien-

Contributione faciends, Is a Writ that lyeth where more are bound to one thing, and yet one is put to the Burden, Fitz. Net. Brev. fol. 162. bringeth these Examples, If Joynt-Tenants, or Tenants in Common, hold a Mill pro indiviso, and equally take the Profits. thereof, the Mill falling to decay, and one or more of them refusing to contribute towards the Reparation, the rest shall have this Writ to compel them. And if there be three Coparceners of Land that owe Suit to the Lord's Court, and the eldest perform the whole, then may the have this Writ to compel the other two to a contribution of the charge, or to one of them, if one only refuse. The Old Nat. Brev. frameth this Writ to a Case, where one only Suit is requir'd for Land, and that Land being fold to divers, Suit is required of them all, or some of them by Distress, as intircly as if all were still in one, fel. 103. See Reg. Orig. rol. 176.

Concroller, Contrarotulator, cometh of the French Contrerouleur, Antigraphus, which in Rome was us'd for him, Cui id muneris injunctum erat, ut observet peeuniam, quam in usum Principis vel Civitatis collegerunt exactores, Budzus in Annot. prio. in Pand. tit. De Questoris Officio. In England we have divers Officers of this Name, as Gontroller of the King's House, Stams, pl. cor. fol. 52. & 6 H. 4. 3. Controller of the Navy, 35 Eliz. cap. 4. Controller of the Customs, Cromp. Jurisd. fol. 105. Controller of Callis, 21 R. 2. cap. 18. Controller of the

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Mint, 2 H. 6. 12. Controller of the Hamper, who is an Officer in the Chancery, daily attending in Term-time on the Lord Chancellor, or Lord Keeper, to take all things sealed from the Clerk of the Hamper, to note the just number and effect of all things fo received, and to enter the same into a special Book, with all the Duties appertaining to his Majesty, and other Officers for the same, and fo chargeth the Clerk of the Hamper thereof. Controllor of the Pipe, Contrarotulator Pipe, is an Officer of the Exchequer, that writeth out Summons twice every Year to the Sheriffs, to levy the Parms and Debts of the Pipe; and also keepeth a Contra-rollment of the Pipe-Controller of the Pell, is another Officer of the Excheguer, of which fort there be two, viz. The two Chamberlains Clerks, that do, or should keep a Controlment of the Pell of Receipts and Goings out. See Fleta, lib. 1. cap. 18. and 12 E. 3. cap. 3. who fay, This Officer was originally one that took Notes of any other Officers Accounts of Receipts, to the intent to discover him, if he dealt amis; and was ordained for the Prince's better Security, however the same sithence may be in some

things otherwise apply'd.

Controlog, French Contrologue, He that of his own Head devises or invents false Bruits, or fained He that of his

News, 2. Inft. fol. 227.

Conbenable, Convenient or fitting, 27 E. 3. Stat.

2. ca. 21. and 2 Hen. 6, cup. 2. See Covenable.

Conbenticle, Coventiculum, A Private Assembly of a few Folks, under pretence of Exercise of Religion; first given to the Meetings of Wicklif, in this Nation, above 200 Years past, but now apply'd to the illegal Meetings of the present Nonconformists. It is mention'd 1 H. 6. cap. 3. and declar'd against in Parliament, 16

1 H. 6. cap. 3. and deciar a against in Farmament, 10 Car. 2. cap. 4. and 17 Car. 2. cap. 1. apud Oxon.

Conventio, Is a word frequently us'd both in antient and modern Law-pleadings, for a Covenant or Agreement; as A. B. queriter, &c. de C. D. &c. pro eo qued non teneat Conventionem, &c.

Convention, Is a Writ that lyeth for any Covenant in maining not performed. Page Oxig fol. 18c. Old Not.

in writing not performed, Reg. Orig fol. 185. Old Nat. Brev. fol. 101. Fitzherbert calls it A Writ of Covenant, Nat. Brev. fol. 145. where he divideth Covenants into Personal and Real, making a large Discourse of them both; as also how this Writ lieth for both.

Conbentuals, Are Religious Persons united together in a Covent, or House of Religion. See Fryer

Observant.

Conventual Church. See Parish. Convict, Convictus, Is he that is found Guilty of an Offence by Verdict of the Jury, Stamf. pl. cor. f. 186. Yet Grompton out of Dyer, fol. 275. faith, That Convi-Elion is, either when a Man is outlawed, or appeareth and confesset, or esse is found Guilty by the Inquest, Gromp. Just. of Peace, fol. o. a. Conviction and Attainder are often confounded. See Attaint and Attainted.

A Conbitt Reculant, Is one that hath been legally presented, indicated, and convict for refusing to come to Church to hear the Common-Prayer, according to the several Statutes of 1 Eliz. 2. 23 Eliz. 1. and 3 Fac. 4. This Term is generally given to Papists, tho' any other refusing to come to Church in like manner, are as pro-

perly Recusants. See Jury.

Contocation, Is commonly taken for the General Affembly of the Clergy, to consult of Ecclesiastical matters in Parliament; and as there are two Houses of Parliament, so there are two places, called Convocation-Houses; the one call'd The Higher, where the Arch. bishops and Bishops sit severally by themselves; the other The Lower-Convocation-House, where all the rest of the Clergy fit, 25 H. 8. cap. 19. See Prolocator. Conutance, See Cognifance.

Son be conusant. and agrees to the Feofiment, &c. Co. on Lit. fol. 159. b.

Conusor. See Cognizor.

Topertio Arborum, The Bark of Trees. Debent babere retro pannagium à Festo Sancti Mar-tur qui ceperint coopertiones, ceppagia, & escaetas quercuum, sive aliarum arborum (i. e. the Bark, the Chumps, and the broken Wood) tho' Dr. Watts, in his Gloffary, does unhappily interpret Cooperationes to be the Heads and Boughs of Trees. And the Elaborate Du-fresne, is as much in the dark for the sense of this word. Quercus discooperta, is an Oak debark't.

funt Pelles & Coopertorium, una Pellis ovina siqua datur con-In Pelliaria - anum Coopertorium Pellium reata valet i. den. ob. ovium quod grangiis liberatur valet xis, den. Regulz compoti Domus de Farendon. MS.

Copertorium ad lettum, A Blanket, a Coverlid. Inter consuetudines Abbatia Glassoniensis. - Inter consuetudines Abbatia Glaitoniensis, - babere debet in Corna Domini unusquisque diurnales sotulares, & in bieme nocturnales, & duo coopertoria ad lettum. Cartular Abbat. Glaston. MS. f. 10.

Coparceners, Participes. Be otherwise call'd Parcerners, and in Common-Law are such as have equal Portion in the Inheritance of their Ancestor; and as Littleton in the beginning of this Third Book faith, Parceners be either By Law, or By Custom: Parceners by Law, are the lifue Female, which (no Heir-male being) come in equality to the Lands of their Ancestors, Bro. lib. 2. ca. 30. Parceners by Custom, are those that by Custom of the Country challenge equal part in such Lands; as in Kent, by the Custom call'd Gavelkind. This among the Fendists is call'd Adaquatio, Hot. in verbis Feud. verb. Adaquatio. Of these you may see in Literature language in his field and Second Change the tleton at large, in his First and Second Chapters of his Third Book. And Britton, cap. 27. intituled, De Heritage divisable. The Crown of England is not subject to

Coparcenary, 25 H. 8. cap. 22.

Tope, By Doomf-day-Book, 25 Mr. Hagar hath interpreted it, fignifies a Hill. It denotes also, according to Mr. Manlove, in his Treatife of the Liberty and Customs of Mints, &c. Printed 1653. A Custom or Tribute due to the Lord of the Soyl, or else to the King, out of the Lead-Mines, in some part of Devenshire: His words

Egress and regress to the King's High-way, The Miners have, and Lot and Cope they pay, &c. And a little after.

Six Pence a Load for Cope the Lord demands, Uc.

Copie, Copia, Is according to the French Le double de quelque Escriture; and signifies in a Legal Sense the Example or Transcript of an Original Writing; as the Copy of a Charter, the Copy of a Court-Roll, &c.

Copia libelli beliberanda, Is a Writ that lieth, in

Case when a Man cannot get the Copy of a Libel at the Handsof the Judge Ecclesiastical, Reg. Orig. fol. 51.

Toppa, A Cock of Grass, Hay, or Corn, so divided into Tithable Portions. This is the true Sense divided into Tithable Portions. of the Word in that passage of Wilt. Thorn, inter X Script. – Paci sunt Homines de Halmoto col.1820.An.1177. de Menstre in Thaneto -- fruges omnes suas copparo Conulance. See Cognisance.

extunc & deinceps, (i. e. to set out their Hay and Corn into Copps or Cocks) & sie per coppas omnes decimas suas

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ipsi & beredes sui a modo, & in eternum legitime dare; of the Mannor; By Copy of Court-Roll of the said Mannor, i. e. by a just and equal Proportion of Tithing to pay where you may read more of these things. the Tenth-Cock. This Authority the Learned Du-fresne cites in vece Coppa; but seems to understand it only of cutting down their Corn; whereas it strictly denotes form almost oval, made of split Sally I wigs inter-woven, the gathering or laying up the Gorn in Copes or Heaps, and on that part next the Water cover'd with Leather, (as they do Barley, Oats, &c. not bound up) that it or Horse-hide, (the true British Fashion) in which one might be the more fairly and justly tithed. In Kens Man, being seated in the middle, will row himself might be the more fairly and justly tithed. In Kent they fill retain the word A Cap of Hay, A Cap of Peafe, swiftly with one Hand, while with the other he ma-

A Cap of Straw.

— Coppire bomum, To cope a House, or to lay on the Roof, and covering on the Top of it. — Johanni - Johanni Bunbury tegulasori, capienti in grosso ad coppiendam prædillam domum, iv. lib. 1. den. Paroch. Antiquit. p. 575. From the Sax. Coppe, the Height or Top of a thing; Cop, the Head or Crown, &c. all from the Brit. Koppa, the Top or highest Par: Hence the Cope, or Supreme Cover; as in the Proverb, Under the Cope of Heaven. A Cope, or Upper Garment, as the outer Vest of a Priest; and in Chaucer, Cope is us'd for a Cloak.

Copy. hold, Tenura per Copiain Rotuli Curia, Is a Tenura for which the Tanana hath nothing to them have

nure for which the Tenant hath nothing to shew but the Copy of the Rolls made by the Steward of his Lord's Court, for the Steward, as he involleth and maketh Remembrances of all other things done in the Lord's Court ; so he doth also of such Tenants as he admitted in the Court, to any parcel of Land or Tenement belonging to the Mannor; and the Transcript of this is call'd The Copy of the Court Roll, which is all the Tenant taketh from him, and k eps as his only Evidence, Co. lib. 4. fol. 25 b. This Tenure is call'd A Bass Tenure, lib. 4. fol. 25 b. because is holdeth at the Will of the Lord, Kitchin, fol. 80. cap. Copy-bolds, F. N. B. fol 12. where 'tis said, That it is wont to be call'd Tenure in Villenage, and that of Copy bold is but a new Name; yet it is not timply at the Will of the Lord, but according to the Custom of the Mannor: So that if a Copy bolder break not the Cufrom of the Mannor, and thereby forfeit his Tenure, he seemeth not so much to fland at the Lord's courtesie for his Right, that he may be displac'd hand over head at his pleasure. These Customs of Mannors be infinite, varying in one point or other almost in every several Mannor: First, Some Copy-bolds are fineable at Will, and some certain: That which is fineable at Will, the Lord taketh at his pleasure; but if it exceed two Years Revenue, the Chancery, King's Bench, Common Pleas, or Exchequer, may reduce them to reason. That which is certain, is a kind of Inheritance, and call'd in many places Custumary, because the Tenant dying, and the Hold being void, the next of Blood paying the Cuftumary Fine, as two Shillings for an Acre, or such like. may not be deny'd his Admission. Secondly, Some Copy-bolders have by Custom, the Wood growing upon their own Land, which by Law they could not have. Kitchin, ubi Jupra. Thirdly, Copy bolders, fome be such as hold by the Virge in ancient Demesses, and althouthey hold by Copy, yet are in account a kind of Free-holders, for if such a one commit Ealong the Virge holders. bolder; for if such a one commit Felony, the King hath Annum, Diem & Vastum, as in case of Free-bold. Some other hold by Common-Tenure, call'd Meere Copy-bold, and they committing Felony, their Land escheateth to the Lord of the Mannor, Kiecbin, fol. 81. chap. Te. nent per virge in ancient Demessie; what Ancient Demessie is, see in the proper place. See Tenant by Copy of Court-Roll. This is the Land that in the Saxons Times was call'd Folk land, Lamb Explication of Saxon Words, verbo Terræ ex scripto. West. Symb part. 1. lib. 2. sett. 646. defines a Copy bolder thus; Tenant by Copy of Court-Roll, is be which is admitted a Tenant of any Lands or Tenements within a Mannor, that, time out of mird,

nages his Net or Fish tackle: and coming off the Water, will take the light Vessel on his Back, and carry it Home.

Cozam non Judice, Is when a Cause is brought in a Court, whereof the Judges have not any Jurisdiction; there it is to be Coram non Judice, Croke 2 par. fol. 351. Powel's Cafe.

Cozaage, 1s an imposition extraordinary, growing upon some unusal occasion, and seemes to be of certain Measures of Corn: Brad, lib. 2, ca. 16. num. 6, uses Corus tritici, for a Measure of Corn; and in the same Chap ter, num. 8, hath these words. Sunt enim quadam com-munes, &c. In English thus, There are certain common Præstations, which are not called Services, neither do they arise from Customs, unless some necessary occasion happen, or that the King comes. Such are Hidage, Coraage, and Carvage, and many others, which are performed in cases of necessity, by the common consent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is be bound to acquit bis Tenant thereof, unless be bath especially 1y'd himself thereto by his own Deed.

Corbel fones, Corbelli, Corbels, Corbetels. They seem to be the same with what Dr. Skinner calls Corbels, and from some Authority, expounds them to be Stones wherein Images stand. The old English Corbel and Corbettel, was properly a Nich in the wall of a Church, or other Structure, in which an Image was plac'd for Ornament, or Superfition; and the Corbel-flones were the smooth and polish'd Stones, laid for the Front and Out-side of the Corbels, or Niches. These Niches remain on the out-fide of very many Churches and Steeples in England, tho' the little Statutes and reliques of Foppery, are most of them broken down. - & facienti in solutis Johanni Chepyn Latamo aptanti & facienti en See Mr. Kenner's Paroch. 575 and Glossary, in voce Corbel-stones. Licebit prædictis & Abbati & Conventui, fissis placuerit in principio fabricæ ejusdem muri Corbellos sumptibus corum propriis in codem instrucre sed postquam constructus fuerit, nequaquam aliquos Corbellos facient, nec aliquis eorum faciet -Edw. III. inter Munimenta Hospitalis SS. Trinitat. in Pontefracto. MS.

Cord of Clood, ought to be eight foot long, four

foot broad, and four foot high by Statute.

Cordage, 1s generally apply'd to all Stuff for the making of Ropes, and also to all kind of Ropes belonging to the rigging of Ship, mention'd 15 Car. 2. cap. 13. Seamans Dictionary

Tordeletta Roba, — Ad Comitatum tentum apud Lettroythiel Com. Cornub. An. regni. Regis Ed. fil. Reg. Ed. secundo, Margeria que fuit uxor Walteri de Treverbyn, appellat Thomam Geveil, Rogerum de Tyndal, Sc. quod ip/am spoli averint de una cordelatta roba pro mu. liere mixta, & uno firmaculo aureo, &c. Liber Placitorum

temp. Ed. I. & Ed. II. MS. penes Dom. Fountaines. ba in Spain, and imported hither for the use formerly of Boots and other Calceature, as now chiefly for Gloves. ——— Nec soulares de Cordewan ab aliquo - Stat. Ordinis Sempringham, p. 783. accipiant. Calceamenta quæ de vili corio, quod vulgariter Bazan dicitur, in alutam, id est Cordewan civiliter commu-

Cordoubanarius, French Cordoumnier, Cor--De illa Selda cum pertidonnier, a Shoo-maker. nentiis quam Walterus Cordubanarius de me tenuis, Cartular. Abbatiæ de Radinges, MS. f. 31.2.

Cordiner, Cometh of the French Cordousmier, i. e. Sutor calcearine, A Shoo-maker, we call him vulgarly

runt ei Episcopalem Sedem apud pagum Landass, totum infra Iaf & Elel, cum piscibus & coretibus suis omnibus, & cum omni sua dignitate. Histor. Ecces. Landaven. apud Whartoni Angl. Sacr. P. 1. p. 667. From the British Cored.

Cornage, Cornagium, from the Lat. Cornu; and in our Common-Law fignifies a kind of Grand Sergeanty: the Service of which Tenure is to blow a Horn, when any Invalion of the Northern Enemy is perceiv'd. And by this many Men hold their Land Northward, about the Wall, commonly call'd, The Pill Wall, Cambd. Brit. pag. 609. and Littleton, fol. 65. But by the Stat. 12. Car. cap. 24. all Tenures are turned into Fee and Common Socage. Co. on List fol. 107. faith, That in old Books it was call'd Horne-geld, sed quære. See Horn-gold, 2 Inst. fol. 9. This old Service of Horn-blowing was afterwards pay'd in Money, and the Sheriff in his Accounts computed for it, under the Title of Cornagium.

Memorand. quod cum Vicecomes Cambrix sederes compotum ad Scaccarium apud Salop, idem Vicecomes fecit tallagium sub nomine suo lx. lib. tam de Cornagio, quam de aliis debitis. Mem. in Scacc. 6 E. 1.

See Gutter-Tile. Corner: Tile.

Corong, Gorodium, Signifies in the Common-Law a Sum of Money, or Allowance of Meat, Drink and Cloathing, due to the King from an Abbey, or other House of Religion, whereof he is the Founder, towards the realonable Sustenance of such a one of his Servants, being put to his Pension, as he thinketh good to bestow it on. And the difference between a Corody and a Pension seemeth to be, That a Corody is allowed towards the Maintenance of any of the King's Servants that liveth in the Abbey; a *Penson* is given to one of the King's Chaplains, for his better Maintenance in the King's Service, until he may be better provided of a Benefice. Of both these, read F. N. B. fol. 230, 231, 233. who there setteth down all the Corodies and Penfions certain, that any Abbey, when they ftood, was, bound to perform unto the King. There is mention also of a Corody, in Stamf. Prarog. 44. And this appears an ancient Law, for in West. 2: cap. 25. It was ordain'd, That an Assis shall lie for a Corody: It is also apparent in the Statute 34 & 25 H. 8. cap. 16. That Corodies belonged sometimes to Bishops from Monasteries. And by the New Terms of Law, That a Corody may be due to a Common Person, by Grant from one to another, or of Common Right, to him that is a Founder of a Religious House, not holden in Frank-Almoine, for that Tenure was discharg'd of all Corodies in it self: By which Book it appeareth also. That a Corody is either certain, or uncertain, and that it may be for Life, for

also Reg. Orig. fol. 264.

Coronare Filios. The old Villains, or those who held in Villenage, were forbid Coronare Filios, i. e. to make their Sons Priests, or to let them be Ordain'd; becauseOrdination chang'd their Condition, and gave them liberty to the prejudice of the Lord, who could before claim them as his Natives, or born Servants. Coronatus, was one who had receiv'd the first Tonfure, as preparatory to Superior Orders. Injustum mi- Corporation Cemporal by the Ring, is where bi videbatur illa tam sanda loca in quibus nutritus, there is a Mayor and Commonalty. Corporation Temporal

& coronatus fueram atque ad ultimum ordinatus, relinquere. Affer de rebus gestis Alfredi, p 14. The Tonfure was in form of a Corona, or Crown of Thorns.

Wilfridus — Tonfuræ formulam in modum coroWilfridus — Tonfuræ formulam in modum corona spinea, caput Christi cingentis, ab Archiepiscopo suscepit. Eddius in Vita Wilfrid, cap. 6.

Coronatore eligendo, Is a Writ, which, after the death or discharge of any Coroner, is directed to the Sheriff out of the Chancery, to call together the Freeholders of the county, for the Choice of a new Coroner, and to certifie into the Chancery, both the Election and Name of the Party elected, and to give him his Oath. See West. 2. cap. 10. and F. N. B. fol. 163. and Reg. Orig.

fol. 177.

Coroner, Coronator, Is an ancient Officer of this Land so call'd, because he dealeth whosly for the King and Crown. There be four of them commonly in every County; and they are chosen by the Freeholders of the same upon Writ, and not made by Patent, Cromp. Jur. fol. 126. This Officer, tho' now he be some inferior Gentleman, that hath some smattering in the Law yet if we look to the Statute of West. 1. cap. 10. we shall find, That he was wont and ought to be a sufficient Man; that is, the most wise and descreet Knight that best will and may attend upon such an Office: Yea, there is a Writ in the Register, Nisis Miles, fol. 177. b, whereby it appeareth, That it was cause sufficient to remove a Coroner chosen, if he were not a Knight, and had not a roo li. Rent of Free-hold: And the Lord Chief Justice of the King's Bench, is the Sovereign Coroner of the whole Realm; that is, where ever he remaineth, Lib, Aff fol. 49. Coke lib. 4. Cafu de Wardens, Ge. His Office especially concerneth Pleas of the Crown; but if you will see what anciently belong d to him, read Bratt. lib. 3. trast. 2. ca. 5. De Officio Coronatorum circa bomicidium & ca. 6, 7, 8. and Britton, cap. 1. Fleta also, lib. 1. cap. 18. and Horne's Mirror of Ju. stices, lib. 1 cap. De l'Office Del Couroners. flices, lib. 1. cap. De l'office Del Couroners. But more aptly for the present Times, Stamf. pl. cor. lib. 1. ca. 5 1. Note, there be certain special Coroners within divers Liberties, as well as those ordinary Officers in every County, as the Coroner of the Verge, which is a certain compass about the King's Court, whom Cromp. in his furisd. fol. 102. calleth The Coroner of the King's House of whole Authority, see Co. Rep. fol. 4. lib. 46. And there are certain Charters belonging to Colleges, and other Corporations, whereby they are licenced to appoint their Coroner within their own Precincts. See farther of this, F. N. B. fol. 76. Smith, lib. 2 cap. 21. de Rep. Angl. Lamb. Eiren. lib. 4. cap. 3. pag. 380. Also of the Office of Coroner in Scotland, see Skene de verbor. Signif. verbo Iter.

Corporal Dath. See Oath.

Corporation, Corporatio, Is that which the Civilians call Universitatem, or Collegium; and is a Body Politick, authoris'd by the King's Charter, being of capacity to take and grant, having a Common-Seal, &c. These are conflituted either by Prescription, by Letters Patent, or by A& of Parliament, and are either Spiritual or Temporal: Of Spiritual, some are Corporations of dead Perfons in Law, and some otherwise; some by Authority of the King only, some by mixt Authority. Those that Years, in Tail, or in Fee. See Termes de la Ley.

Coredio habendo, Is a Writ, whereby to exact a Corody, of an Abbey, or Religious House. See Corody; see

are Temporal, some are by the Authority of the King, and also some by the Common Law of the Realm.

Corporation Spiritual, and of dead Bertons in the Law, Is where the Corporations consists of an Abbot, and Covent, which had beginning of the King and the Pope. when he had to do here; Corporation Spiritual, and of able Persons in Law. Is where it consists of a Dean and Chapter, a Master of a College or Hospital,

and this had beginning from the King only.

Corporation Comporal by the Ring, is where

by Authority of the Common-Law, is the Parliament, confifting of the King the Head; the Lords Spiritual and Temporal, and Commons, the Body.

If Land be given to a Mayor and Commonalty for their Lives, they have an Estate by Intendment, not determinable: So it is, if a Feoffment be made of Land to a Dean and Chapter, without mention of Succeffors. Release of a Mayor for any sum of Money due to the Corporation in his own Name, is not good in Law, in case of a sole Corporation, as Bishop, Parson, Vicar, Mafter of Hospital, &c. no Chattel either in Action or Possession shall go in Succession; but the Executors or Administrators of the Bishop, Parson, &c. shall have them; but otherwise it is in case of a Corporation aggregate, as a Dean and Chapter, Mayor and Commonalty, and fuch like; for they, in Judgment of the Law, never die. Yet the Case of the Chamberlain of London, differs from all these; for his Succeffor may, in his own Name have Execution of a Recognisance acknowledged to his Predecessor, for Orphanage money; and the reason is, because in this case the Corporation of the Chamberlain is by Custom, which hath enabled the Successor to take such Recognisances, Obligations. &c. that are made to his Predecessor. And this Custom is founded upon great Reason, for the Executors or Administrators of the Chamberlain, ought not to intermeddle with such Recognisances, &c. which by the said Custom are taken in the Corporate capacity of the Chamberlain, and not in his private.

Corpus cum causa, Is a Writ issuing out of the Chancery, to remove both the Body and the Record, touching the Cause of any Man lying in execution upon a Judgment for Debt, into the King's Bench, &c. there to lye until he have satisfy'd the Judgment, Fit?.

Nat. Brev. fol. 251. e.

Corpus Christi day, The next Thursday after
Trinity-Sunday, is a Feast instituted in honor of the Blefsed Sacrament. It is mention'd 32 H. 8. 21. by which Statute also Trinity-Term is always to begin the Friday next after this Feaft.

Corrector of the Staple, Is a Clerk belonging to the Staple, that writeth and recordeth the Bargains of Merchants there made, 27 E. 3. Stat. 2. cap. 22 & 23.

The Romans call'd them Mensarios.

Corruption of Blood, Is an infection growing to the State of a Man attainted of Felony or Treason; for he loseth all to the Prince, or other Lord of the Fee, from, in some of our usual Phrases of Adjuration; as as his Case is, so as his Issue cannot be Heirs to him, or I will take the Sacrament upon it,——May this Bread as his Case is, so as his Issue cannot be Heirs to him, or to any other Ancestor, of whom they might have claim'd by him. And further, if he were Noble, or a Gentle-man before, he and his Children are made Unnoble and But if the King will pardon the Offendor, Vngentile. it will cleanse the Corruption of the Bload of those Children, which are born after the Pardon, and they may inherit the Land of their Ancestor purchased at the time of the Pardon, or afterwards, but so cannot they who were born before the Pardon. But there are divers Limitations even in Treason, made by Statutes which save Corruption of Blood, tho'a Man be attainted, 27 E. 3. cap. 77. 13. H. 7. cap. 17. 5 Eliz. cap. 1. 11. 18 Eliz. ca. 1. 6. 14 31 Eliz. cap. 4. 1 Mar. cap. 12. 1 Fac. cap. 12. Corte prefent, Are words borrow'd from the French

Corps present, signifying a Mortuary, which may be thus this, read also Britton at large, cap 89. term'd; for that where a Mortuary was wont to be due, Cosening, Is an offence unuamed, whereby any thing the Body of the best beast was according to the Law or Custom offer'd or presented to the Priest. See 21 H. 8.

Corfelet, Is a French word, fignifying a little Body, in Lat. Corpusculum; we generally use it for an Armor to cover the whole Body, 4 & 5 P. & M. cap. 2. wherewith Pike-men commonly set in the Front and Flanks of the Bartel, are arm'd, for the better refistence of the Enemies Assaults, and the surer Guard of the Guoners plac'd many Privileges inherent, by Right and Custom, so were theBattel, are arm'd, for the better refistence of the Ene-

behind, who were more flightly arm'd for their speedier advancing, and retreating to Fire. See Barres's Discourse

of War, lib. 3. Dialog. 2.

Corined, Sax. Corined, Panis conjuratus, Ordeal-Bread; a Superstitious way among the Saxons, to purge themselves of any Accusation, by taking a piece of Bread, and eating it with folemn Oaths and Execrations, that it may prove poison, or their last Morsel, if what they now affert or deny, be not punctually true. These peices of Bread were consecrated or devoted by the Priest, to such Religious uses, of which the old Form, or Exhorsimus panis hordeacei vel essei ad Probatio nem veri, is extant in Lindenbrogius. p. 107. In the Laws of K. Canute, cap. 6. Si quis alturi ministrantium accusetur, G amicis destitutus sit, cum Sacramentales non habeat, va-dat ad Judicium quod Anglice dicitur Corsned, & sit sicut Deus velit, niss super sandum Corpus Domini per-mittatur, ut se purget. From which, and some other Authorities, I am apt to think that this Corfied was at first the very Sacramental Bread, consecrated and receiv'd with solemn Adjuration, and with devout Expechance it would prove mortal to those who liad dar'd to swallow it with a lie in their Mouth: presuming on the continu'd Judgment of Sickness and Death to unworthy Receivers, mention'd by the Apostle, 1 Cor. 11.29, 30 till possibly the Bishops and Clergy, were afraid to prostitute the Communion-Bread (especially when Transub. stamiation required the more profound Respect) to such rash and conceited uses: But however to indulge the People to their Superfictions Fancies, and beloved Cufloms, they did allow them to practife the fame judical
Rite, in eating fome other Morfels of Bread, or Cheefe
Bleft or Curft to the like uses. There is a famous
Story of the perfidious Godwyn E. of Kent, in Time of Edw. Confess. who abjuring the Death or Murder of the King's Brother, did appeal at last to his Corjned, or Imprecated-Bread, which as a just Judgment of his solemn perjury, stuck in his Throat, and choak'd him. This Purgation Story is thus in short told by a Contemporary Writer, Ingulph.—Cum Godwinus Comes in mensa Regis de nece sui fratris impeteretur, ile post multa Sacramenta, tandem per buccellam deglusiendam abjuravit's buccella gustata continud suffocatus interiit.—
This among other rude and barbarous ways of Purgation, was often condemn'd, and by degrees abolish'd. And yet we have still some remembrance of this horrid Cu--May this Bread - May this Bit be my last, Go

Curtilagium, Yard or Court, adjoyning to a Country-Firme bas Glafton. apud Ginneledon, confiruxit--grangium. boverium, vacarium, stabulum, columbarium. & Cortulatium, cum domo duo molendina, &c. Cartul. Glaston.

MS. f. 42.

Colenage, Cognatione, Is a Writ that lies, where the Trefayle, (that is, Tritavus, the Father of the Befayle, or of the great Grand-father) is seised in his Demesne, as of Fee, at the day of his death, of certain Lands or Tenements, and dieth, and then a Stranger entreth, and abateth; for then shall his Heir have this Writ of Cosenage; the Form whereof, see in F. N. B. fol. 221. of

is done guilfully, in or out of Contracts, which cannot be fitly termed by any special Name, West. Symbel. part. 2. tit. Indictments, sect. 68. It is called in the Civil-Law, Stellionatus, of Stellio, a Beast, which is Lacertæ genus versussifimum, as Cujacius in his Particles calleth it: And Pliny, lib. 3. cap. 10. says, Nullum animal in-videt bomini fraudulentis.

M 2

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there several other grievous Exactions impos'd by the ring tenet ex una parte, & Cotland quam Thomas Webbe Lords, by a fort of Prerogative or Seignioral Autho-tenet ex altera. ——Paroch. Antiq. p. 532. rity, as to lie and feaft themselves and their Followers (call'd Cosbering) at their Tenants Houses. Sir Henry Spelman of Parliaments, MS.

Coffard. Apple, whence Coffard-monger, i. e. Seller of Apples. reddendo inde annuatim Nobis & bæredibus nostris unum pomum costate de forgabulo ad Festum S. Michaelis. Cartular. Abbat. Radings,

MS. f. 916. Coaft, Sea-Coaft. · Per cofte-

24 Ed. 1.

Cot. In the old Saxon fignifying Cottage, and fo fill in maney places of England, as Verstegan testifies in Antiquities. It is also a kind of refuse Wooll, clung or clotted together, that it cannot be pull'd asunder, Anno 13 R. 2.

Stat. 1. cap. 9.

Cotage, Cotagium, Is a small House, without Land belonging to it, 4 E. I. Stat. 1. and the Inhabitant of such a House is call'd a Cotager; but by a late Statute, no Man may build a Cotage, but he must lay four Acres of Land to it.

Cotarii, Cotagers, Doomsday.
Coterelli, Ua'd in the same Book for Cotageri also. Cotellus, A small Cottage. Clericus tenet unum cotellum cum crofta, & redeit pe - Consuetud. Domus de Faannum octo deuarios, =

rendon, MS.

Prior & Capitulum Ecclesia Christi Cant. concedum Roberto le Herdman terram suam de seodo de Wodetone, o duas coterias justa terram Burelli, & coteriam illam de feit annudam Alani de Stanle mense Aprili 1245

qua fuit quondam Alani de Staple—mense Aprili 1245.
Registr. Eccl. Christi Cant. MS.

Toterelli, A fort of stragling Thieves and Plunderers, who seem at first to be Cottagers and Country Fellows, like the Mos-Troopers on the Bor-ders of Scotland _____ Afferences igitur & affirmances fe cum Archiepiscopo locuturos, cum pace & pro pace intrare velle, apertis januis intraverunt capati circa decem super loricas, & Hi Bragmanni erant & Coterelli Flandrenses conducti. Girald. Cambr. de vita Galfridi Archiep.

Ebor. apud Whartoni Angl. Sacr P, 2. p. 391.

**Corerellum, Spelman and Dufrefne make Cotanus and Coterellus, to be both Servile Tenants: But I think in the Doomfday Register, and other ancient MSS. there doth appear a Diffination, not only in their Name, but in their Tenure, and Quality. The Cotarius had a free Soccage Tenure, and pay'd a stated Firm in Provifions or Money, with some occasional custumary Service; whereas the Coterellus seem'd to have held in meer Villenage, and has his Person, and Issue, and Goods dispos'd at the pleasure of his Lord. — Edmund Earl of fonal, and a Covenant Real, F. N. B. fol. 145. And he Cornwall, gave to the Bon-hommes of Asherugge, his seemeth to say, That a Covenant Real is, whereby a Mannors of Chesterton and Ambrosden — una cum Man tyeth himself to pass a thing Pass and Ambrosden — una cum Villanies. coterellis eorum catallis, fervitiis, fectis, & fequelis, & omnibus suis ubicunque pertinentibus. Paroch.

Antiq. p. 310, Cot-gare, Is a kind of refuse Wool, so clung or clotted together, that it cannot be pull'd asunder. An. 13 Ric. 2. Stat 1. cap. 9. where is is provided, That nei-ther Denizen nor Foreigner make any other Refuse of Wool, but Cot-gare and Villein. 80 the Printed Stat. but 80 the Printed Stat. but in the Parliament-Roll of that Year, it is Cot-land and

Totland, Cot-setbland, Land held by a Cot-tager, whether in Socage or Villenage——Dimidia tager, whether in Socage or Villenage——Diminia | Volcou Hiegal, and Hierogen, or 14. Car. 2, cap. 4.

acra jacet ibidem inter Cotland, quam Johannes Golde- | Provision made against it by Stat. 14. Car. 2, cap. 4.

Cobent,

Totlethia, Corsetle, The little Seat, or Man-fion belonging to a small Farm. ———— Concessi illum cotsethlum terræ quam Petrus filius Jordani tenuit de me in Migeham. Cartular. Abbat. Radinges, MS. f. 53.2. -Ego Thomas filius Will. de Culern, dedi Deo ජ Ecclesia Malmsbury unam Cotsetle in Culero, cum omni-

bus pertinentiis, Cartular. Malmsbur. MS.

Cottethus, A Cottager, or Cottage-Holder, who by Servile Tenure, was bound to work for the ram maris, & partium adjacentium in Comitatu Kan- Lord—As in the Services to be done by the Tenants in tie. Ordinat. Marisc. Romney.—Ricardum Thoney ad custodiam costeræ maris in Com, Essex, per literas of Rading.—Dicit estam prædidus Abbas, quod Hennostras patentes assignavimus. Memor. in Scaccar. Pasch. ricus Boton & Agnes uvor ejus, &c. sum Cotseth ex quibus Antecessores eorum solebans operari quolibet die, ex-cepto Sabbato, & diebus Festivis, à Festo S. Michaelis usque ad tempus falcationis pratorum, ab ortu Solis usque ad bo-ram tertiam omnimoda opera manualia, secundum quod Ballivus ejus voluerit injungere. Cortular. Radinge, MS. f. 221.

Cotrum, Cot, Coarse or Dag-wooll, of which they made Cotta, or Cottos, i.e. coarle Blankets. Hence in making Hats, to cotten well, is when the Wooll, &cworks well, and incorporates together——Noveritis Nos teneri in centum saecis bona lana, & placabilis sine cot & gard, pro certa summa pecunia. Cartular. Rad. MS. f. 208.

Cotuchan, Bores or Husbandmen. Vide the Book

doomsday.

Coucher, Signifies a Factor, residing in some Foreign Country for Traffick; as formerly in Gascoigne, for buying Wines, 3 & 4 E. 6. cap. 10. It is us'd for

the general Book, wherein a Corporation, &c. register their particular Acts.

Covenable, Rasionabilis, Is a French word, denoting fit or convenient. So 4 H. 8. cap. 12. Covenably endowed that is necessary in fitting. It was also endowed that it may be a fitting. dow'd, that is, endow'd as is fitting. It was also wtitten convenable, 27 E. 3. Stat. 2. cap. 17. Plowd. fol. 472. a.

Cebenant, Conventio, Is the confent of two, or more, to one thing, to do or give somewhat, West. Symb. part. 2. lib. 1. sed. 4. It seemeth to be as much as Pasum Conventum with the Civilians, which you read oftentimes in Tully; Pasum conventum quod & vulgo vestitum vocant, opponitur nudo pasto, vel ut ab omni juris solemnitate deftituto, Hujus exempla, &c. Oldendorpius. And Covenant in this fignification is either a Covenant in Law, or a Covenant in Fast, Coke lib. 4. Noke's Case, fel. 80. or Covenant Express, and Covenant in Law, Co. lib. 6. fol. 17. a. A Covenant in Law is, that which the Law intendeth to be made, tho' in Words it be not exprest; as if the Lessor do demise and grant, &c. to the Lessee for a certain Term, the Law intendeth a Covenant on the Lessor's part, That the Lessee shall quietly enjoy his Lease for his Term against all Incumbrances. Covenam in Fall is, that which is expresly agreed between the Parties. There is also a Covenam meerely Per-Tenements; as a Covenant to leavy a Fine of Land &c. A Covenant meerly Personal of the other side is, where a Man covenanteth with another by Deed to build him a House, or any other thing, or to serve him, or to infeoff him, &c.

Covenant, Is also the Name of a Writ, for which good flores in West. Symbol. Part 1. lib. 2. sett. 100. See also the New Book of Entries verbo Covenant. This Word hath also an evil Interpretation, as the late Solemn League and covenant: was a Seditious Conspiracy,

Covent, Conventus, Signifies the Society of an Abby or Priory, as Societas fignifies the number of Fel-

lows in a College, Bratt. lib. 2. cap. 3

Coverture, Is a French word fignifying any thing that covers, as Apparel, a Coverlet, &c. and deduced from the Couvrir, that is, tegere: In Law, it is particularly apply'd to the Estate and Condition of a marry'd Woman (who by the Laws of our Realm is fub potestane viri, and therefore disabled to make Bargain with any, to the Prejudice of her felf, or her Husband, without his Affent and Privity, or at the least without his Alhis Assent and Privity, or at the least without his Allowance and Consistantion, Bro. boc tit. per tot. And Bracton, lib. 2. cap. 15. saith That Omnia quae funt uxoris, sunt ipsius viri, nec babet uxor potestatem sui, sed vir. And again, lib. 4. cap 24. Vir est caput mulieris. And also lib. 5. tract. 2. cap. 3. That in any Law matters, sine viro respondere non potest. And in the same Book, tract. 5. cap. 23. Vir & uxer sunt quasi unica persona, quia caro una & sanguis unus; Res licet sit propria uxoris, vir tamen ejus custos, cum sit caput mulieris: and lib. 1. ca. 10. num. 2. Oxores sunt sub virea viri. And if the Husband num. 2. Oxores sunt sub virga viri. And if the Husband alien the Wives Lands, during the Marriage, she can-not gain say it during his Life. See cui ante divortium. and cui in vita.

Cobine, Covina, Is a deceitful Affent or Agreement between two, or more, to the prejudice of another. As if a Tenant for Term of Life, or Tenant in Tail will secretly conspire with another, that the other shall recover against the Tenant for Life, the Land which he holds, &c. in prejudice of him in the Reversion. cometh from the French Verb Covenancer, that is de-

pacisci, or rather convenir, id est. convenire.

Count, Signifieth as much as the Original Declaration in a Process, tho' more us'd in Real than Personal Actions, as Declaration is more apply'd to Personal than Real, F. N. B. a. 60. d. 71. a, 191. e. 217. a. Libel with the Civilians comprehends both. And yet Count and Declaration be sometimes confounded, as Count in debt. Kitchin, fol. 281. Count or Declaration in Appeal. Pl. cor. 78. Count in Trespals, Briton, cap. 26. Count in an Astion upon the Case for a Slander, Kitch. 252. The Word seemeth to come from France and Normandy, for in the Grand Custumary, cap. 64. Comours are taken for such as a Man retains to speak for him in any Court as advocates; and cap. 63. Pledeurs, he makes another fort of Spokelmen in the nature of Atturneys, for one that is himself present, but suffereth another to speak in his behalf. But Contours by Horn's Mir. of Juli. lib. 2. cap. Des Loyers, are such Sergeants, skilful in the Law. which serve the Common People to defend their Adions in Judicature for their Fee, whose Duty, if it be as is there describ'd, and were observ'd, Men might have much more comfort of the Law than they have

Countee, French Camte, which may be well deriv'd from the Latin Comes, because they accompany the King; it was the most eminent Dignity of a Subject, before the Conquest, next to a Duke; and in ancient time were Men of great Estate and Dignity, for which cause the Law gives them large Privileges, as their Persons may not be arrested for Debt, Trespass, &c. they may not be upon Juries, &c. And of old the Countee was Prapositus, or Prafettus Comitatus; and had the Charge and Custody of the County, in which Authority the Sheriff hath now succeeded, Co. lib. 9. fol. 46.

and is therefore call'd Vice comes. See Earl.

Countenance, Seemeth to be us'd for Credit or Effimation, Old Nat. Breve. fol. 111 in these words; Also the Attaint shall be granted to poor Men, that will swear they have nothing whereof they may make Fine, saving their countenance: So is it us'd I E. 3. Stat. 2. cap. 4. in these words, Sheriffs shall charge the King's Debtors with as much as they may levy with their Oaths, without abating the Debtor's Countenance. See Contentment.

Counter, Computatorium, may be deriv'd from the Latin Computare, to account. But we use it for the Names of the two City-Prisons, commonly call'd the Counters; whereinto, he that once slippeth, is like to account ere he can get out.

Countermand, Is where a thing formerly executed, is afterwards by some Acts or Ceremony, made void by the Party that had first done it. As if a Man has made his last Will whereby he devises his Land to J. S. and then he enfeoff another of the same Land; there this Feoffment is a Countermand to the Will, and the Will, as to the Disposition of the Land, is void. If a Woman, seis'd of Land in Fee, makes Will in Writing, and devises, that if A. of B. survives her, then she devises and bequeaths to him and his Heirs her Land, and afterward she intermarries with the said A. of B. there by taking him to Husband and Coverture, at the time of her death, the Will is countermanded.

Counterplea, Is compounded of two French Words, Conter, i. e. contra, adversus; and Pleder, Causam agere; it fignifieth properly in our Common-Law, a Replication to Ayde Pritr; for when the Tenant by Courtesie, or in Dower, prayeth in Ayde of the King, or him in the Reversion for his better Defence; or else if a Stranger to the Action begun, defire to be receiv'd, to say what he can for the safeguard of his Estate; that which the Demandant allegeth against this Request, why it signification it is us'd 25 E. 3. Stat. 3. cap. 7. See also the Terms of the Law fol. 172. and the Statutes 3 E.

Counter Rolls. Anno 3 E. 1. cap. 10 Sheriffs shall have Counter Rolls with the Coroners, as well of Ap-

peals, as of Enquefts, &c.

Counters, French Countours, have been taken for fuch Sergeants at Law as a Man retains to defend his Cause for his Fee, Horne's Mirrour of Justices lib. 2, cap. Des Loyer, mention'd by Chaucer in these words,

> A Sheriff bad be been, and a Countor, Was no whore fuch a worthy Vavasour.

They were ancient call'd Sergeant-Counters, Co. on Lit.

County, Comitatus, Signifies as much as Shire; the one descending from the French, the other from the Saxon, both containing a Circuit, or Portion of the Realm, into which the whole Land is divided for the better Government thereof and the more easie Adminifiration of Justice; so that there is no part of the Kingdom that lyeth not within some County, and every County is governed by a yearly officer whom we call a Sheriff, which among other Duties, belonging to his Office putteth in execution all the Commandments and Judgments of the King's Courts, Fortescue, c. 24. Of these Counties, there be four of especial mark, which therefore are term'd Counties Palatine, as the County Palatine of Lancaster, Chester, Durbam, and Ely. Anno 5. Eliz. ca. 23 the Statute 33 H. 8. cap. 10. mentions the County Palatine of Hexam: Heretofore the Jurisdiction of a Courty-Palatine was of so high a nature, that whereas all Pleas, touching the Life or Mayhem of a Man, call'd Pleas of the Crown, be ordinarily held and sped in the King's Name, and cannot pass in the Name of any other; the chief Governors of these, by especial Charter from the King, did send out all Writs in their own Name, and did all things touching Juffice, as absolut ly as the Prince himself in other Counties, only acknowledging him their Superior and Sovereign. But by 27 H. 8. cap. 25. this Power is much abridged, to which I refer the Reader: As also to Cromp. Furis. fol. 137 Besides these Counties of both sorts, there be like wise Counties And these beauty in the Society of Sources and the Society of Societ appeareth by the Stat. 3 Ed. 4.5. And these be certain Cities

Cities, or ancient Boroughs of the Land, upon which the King's Courts do. And therefore as the Appeal from the Princes of our Nation have thought good to bestow such extraordinary Liberties. Of these the Famous City of London is one, and the principal, York another, 32 H 8 cap. 13. the City of Chefter a third, 42 Eliz.

15 Camerbury a fourth, Lamb. Eiren. lib. 1. cap. 9 Norwich, Worcester, and many more, especially the County of the Town of Kingstone upon Hull, 32 H. 8. 13. The County of the Town of Haverford West. 35 H. 8. 16. and the County of Liebsteld, Cromp. Justice of Peace, followed the County of Liebsteld, Cromp. Justice of Peace, followed the County of Liebsteld, Cromp. fol. 59. A County in another Signification, is us'd for the County-Court, which the Steriff keepeth every Month within his Charge, either by himfelf or his Deputy,

Anno 2 E. 6. cap. 25 Cromp. Furifd. fol. 221. Bratt. lib.

3. cap. 7. & lib. 3 trait 2 cap. 12. Of these Counties, there are reckoned in England forty, besides twelve in Wales, making in all fifty two. The word Comitatus, is also us'd for a Jurisdiction, or Territory among the Feudists

County:Court, Curia Comitatus. By Lambert is otherwise call'd Conventus, in his Explication of Saxon Words, and divided into two forts; one retaining the general Name, as the County-Court held every Month by the Sheriff or his Deputy the Under-Sheriff, whereof you may read in Cromp. Juris. fol. 231. The other call'd The Turn, held twice every Year; of which see more in its proper place. And Cromp. Jurif, Ibid. This County-Court had in ancient Times the Cognizance of great Matters, as may appear by Glanvile, lib. 1. cap. 2, 3, 4. by Braston and Briston in divers places, and by Fleta, lib. 2. cap. 62. but was abridg'd by the Statute of Magna Charta, cap. 17. and much more by I E. 4. cap. It had also, and hath the Determination of certain Trespaffes and Debts under forty Shillings, Briston, cap. 27, 28. What manner of Proceeding was of old us'd in this Court, see Flets ubi supra.

Counting Pous of the Ring's Houspold, Domus Computus Hospitii Regis, Is commonly call'd The Green-cloth, because the Table stands always cover'd with a Green-cloth: Here sit the Lord Steward, Treasurer of the King's House, Controller, Master of the Hous-shold, Cofferer, two Clerks of the Green-cloth, and two Clerks Controlers, for daily taking the Accounts of all Expenses of the Houshold, making Provisions, and ordering Payment for the same; for the good Government of the King's Servants, and paying the Wages of those below Stairs. Vid. 39 Eliz. cap. 7. and 4 Inst. fol. 131.

Courracier, A French word fignifying a Horfe-

Courser, 2 Inst. fol. 719.
Courstour, See Curstour.
Court, Cuia, Cometh of the French Court, which fignifies the King's Palace, or Mansion; but deriv'd of the Latin word Curia, which among the Romans, had divers Significations; and with us also hath diversity of Senses: As the House where the King remaineth with his ordinary Retinue, and also the place where Justice is judicially administred, of which you find thirty two feveral forts in Crompton's Book of Furifdictions well describ'd, and of them most are Courts-Record, some be not; and therefore are accounted Base-Courts, in comparison of the reft. Besides these, there are also Courts-Christian, Smith de Rep. Angl, lib. 3. cap. 6. which are fo call'd, because they handle matters especially appertaining to Christianity, and such as, without good knowledge in *Divinity*, cannot be well judg'd of, being held heretofore by Archbishops and Bishops, as from the Pope because he challenged the Superiority in all Causes Spiritual; but since his Rejection, they hold them by the King's Authority, virtuse magistratus sui, as the Admiral of England holds his; whereupon fui, as the Admiral of England holds his; whereupon it proceedeth, that they fend out their Precepts in their by the Name of the Marshal Cours, the Judges are the

these Courts did lie to Rome; now by the Statute, 25

H. 8. cap. 19, it lyeth to the King in his Chancery.

Court of the Admiralty, Curia Admiralitatis. It was erected, as some hold, by Edw. III, for deciding Maritime Causes; and the Title of its Judges is, Suprema Curia Admiralisatis Anglia Locum Tenens, Judex five Presidens. For the Extent of its Jurisdiction, see

Prinn's Animadu. on the 4. Institut.

Court Baron, Curia Baronis, 1s a Court that every Lord of a mannor (which in ancient Times were call'd Barons) hath within his own Precincts. Barons in other Nations have great Territories and Jurisdictions from their Sovereign: but here in England, what they be, and have been heretofore, see in Baron, Of this Court and of a Court-Leet, you may read at large in Kitchin, who hath writ a whole Book of them. Co. 4. Rep. among his Copy-hold Cases, fol. 26. b. saith, That this Court is two-fold; as if a Man having a Mannor in a Town, to grant the Inheritance of the Copy-holders thereunto belonging to another; This Grantee may keep a Cours for the Costomary Tenants, and accept Surrenders to the use of others, and make both Admittances and Grants. The other Court is of Free-holders, which is properly call'd The Court-Baron, wherein the Suitors, that is, the Free-holders, be Judges, whereas of the

other the Lord, or his Steward, is Judge.

Court of Beculiars, Cured Peculiarium, Is a Spiritual Court, held in fuch Parishes as are exempt from the Jurisdiction of the Bishops, and are peculiarly belonging to the Arch bishop of Canterbury, in whose

Province there are 57 fuch Peculiars.

Court of Presponders. See Pie powders.
Court of Requests, Curia Requisitionum, Is a Court of Equity, of the same nature with the Chancery, but inferiour to it; being principally inflituted for the help of such Petitioners, as in conscionable Cases deal by Supplication with his Majeffy. This Court, as Mr. Gwn saith, in the Preface to bis Readings, Had begining from a Commission first granted by Henry the VIII. to the Masters of the Requests, whereas before that Time, in his Opinion, they had no Warrant of ordinary Jurisdiction, but travell'd between the King and the Petitioner, by Direction from the King's Mouth. but Sir Julius Cesar in a Tractate of his on that Subject, plainly sheweth, That this Court 9 Hen. VII. tho' then following the King, as not lettled in any certain place, neither sway'd particularly by the Masters of Requests, as you may be more in the same Book in several places especially pag. 148. Also à pag prima, usq, ad pag. 46. This Court had affum'd so great Power to its felf, that it grew burdenfom and grievous, and therefore was taken away with fome others, by a Statute made 16 & 17 Car. I. cap. 10- and therefore being out of use, we need lay no more of it here.

Court of the Legate, Was a Court obtain'd by Cardinal Wolfey of Pope Leo the Tenth, 9 H. 8. wherein he had power to prove wills, and dispence with Offences against the Spiritual Laws, &c. but it was of short

continuance, and fell utterly with him.
Court Christian, Curia Christianitais: Concerning which, Linwood thus, In Curia Christianitatis, 1. Ecclesiæ in qua survantur Leges Christi, cum tamen in foro Regio serventur Leges Mundi. Regio serventur Leges Mundi. As in the King's Courts Human Laws are maintain'd, so in the Court-Christian the Laws of Christ should be the Rule: And therefore the Judges are Divines, as Archbishops. Bishops, Archdeacons, and the like, 2 part. Inst. fol. 488. See also before in Court.

Court of Delegates, See Delegates.

own Names, and not in the King's, as the Justices of Lord High-Constable of England, and the Earl-Musshall

of England. This Court is the Fountain of Martial-Law, and the Earl-Marshal is not only one of the Judges, but also to see Execution done. See Constable,

4. par. Inst. fol. 123. Courtilage, See Curtilage.

Courtilage. See Curtilage.

Courtilands, Terre Curtiles, Demains, or Land kept in Demesse, i. e. in the Lord's own Hands, to serve his Family. See Curtiles Terre.

Courtelie of England. See Curtefie of England. Courheutlaughe, Is he that willingly receiveth a Man Out lawed, and cherisheth or hideth him; in which case he was in antient Time subject to the same Punishment that the Out-law himself was, Bratt, lib. 3. traft. 2. cap. 13. num. 2. It is compounded of Courbe, that is, Known, and Vilaughe, an Out-Law, as we now call him.

Comela. A Cowl, or Coule, or Tub with two Ears, to be carry'd between two Persons on a Coul-staff. A Cowl in Esex, is the Appellative for any Tub; whence a Cowler now pronounced, a Cooler, or Brewing-vessel.

——Pro novo Cowele empto ix den. Paroch. Antiq.

549. Craiera, A Veffel of Lading or Burden, a Hoy Smack—Richardus Rex, &c. Thomæ de Percy Ador Smackmirallo nostroin Parliamento ordinatum extititpercipiendi de qualibet navi & craiera, cujuscunq; fuerit portagii qua Mare transierit, infradistum Admiratum eundo & redeundo pro viagio, de quolibet tomnetight sex denarios. Pat. 2. Ric. 2.

Tranage, Cranagium, Is a liberty to use a Crane, for the drawing up of Wares from the Vessels at any Creek of the Sea or Wharf, unto the Land, and to make pro-

or the sea or what, unto the Land, and to make profit of it. It fignifieth also the Money taken, and pay'd for the same. New Book of Entries, fol 3. col. 3.

Crannok. Crennoc, An old Measure in Corn.

Quiliber debet flagellare dimidium crannock frumenti ad semen, & duos bussellos frumenti comra Natale in sirma sua. Cartular. Abbat. Glasson. MS. sol 39. a.

— Rex mandat G. de Marisco. Fustitiario Hibern. ut liberit Regi Manniæ singulis annis duo dolia veni, & sexies viginni crennoc bladi, pro bomagio suo. Claus. 3. H. 3. m. 2. Craffino Santi Mincentii, The Morrow after the

Feast of St. Vincent the Martyr, being the 22 of January, is the Date of the Statute made at Merson, Anne 20

H. 3.

Crabent, or Craven, Was a Word of Obloquy, where in a Tryal by Battle, upon a Writ of Right, the Victory should be proclaim'd and the Vanquish'd acknowledge the word Gravan, &c. and his Fault, or pronounce the word Gravon, &c. and thereupon Judgment was given forthwith, and then the Recreans should become infamous, 2 par. Inft. 247, 248. We retain the word still for a Coward: if the Appellant joyn Battle, and cry, Cravant ammittet liberam legem; but if the Appellee cry Cravant, he shall be hanged, 3 Inst. fol. 221.

Crayer, A kind of imall Vessel or Ship, mention'd

in the Statute, 14 Car. 2. cap. 27. Creanfor, Creditor, Cometh of the French Word Croyance, Perfuafo, and fignifieth him that trufteth another with any Debt, be it in Money or Wares. Word is us'd in the Old Nat. Brev. in the Writ of Audita Querela, fol. 66. a.

wed Work, to adorn the Head, or top of any Wainscot, &c. like our Modern Cornish: The word is now adopted by the Heralds, and apply'd to the Device set over a Coat of Arms.——Er Willelmo Hykkedon considerations of the Country of the ducto in grosso ad mensam Domini ad dolandum & persiciendum Le Creft, super cancellum Priorasus ibidem. Mr. Kennet's Paroch. Antiq. p. 575. Creaffetile. Vid. Roof-tile.

part of a Haven, where any thing is landed, or difburdened out of the Sea; so that when you are out of the main Sea, within the Haven, look how many landing places you have, so many Greeks may be said to belong to that Haven. See Gromp. Fürisdia. fol. 110. 4. This Word is mention'd 5 Eliq. 5. and 4 H. 4. 10, &c. and 14 Cor. 2. cap. 28. and in Plowd. in the Case of Re-

niger, and Fogaffa. The Improvement of the King's Rents above the ancient Vicontiel Rents, for which Improvements the Sheriff answer'd under the Title of Crementum Comitatus, or Firma de cremento

Comitatus, Hale of Sheriffs Accompts, p. 36.

Cretinus, Cretena, A fudden Stream or Tor--Crux lapidea construda fuitrent . quidem erucis corpus per cretinum aque & tempestatem venti obrusum, Geonfractum existis. Histor. Croyland. Contin. p. 485.———Omnes inundationes & commu-Contin. p. 485. nes aquarum cretenas, sufficienter defendere possir. Ibid. p. 617.

Crocards, A fort of old Money. See Pollards.

Crocium. This perhaps is the only Word that exercis'd, and escaped the Sagacity of the very Acute Sir Henry Spelman; who in his Glossary, expresses it to this effect: I bear ibere is in Ireland a Charter of King Hen. II. wherein he grants very ample Privileges to a certain Bishop, —exceptis Forestallis, thesauro invento, certain Bishop, exceptis Forestallis, thesauro inocuiu, crociis, &c. What is meant here by crociis, I have endeavoured to find, but can make no answer; if it he any thing else than the Cro in the Scotish Law, that is, the Weregild, or Composition for Manslaughter. For the that Prince bad taken away the Customs of Weregild from bis Subjetts, yet be left them entire among the Irish. This mistaken Sense of a Word, is very rare in Spelman; but it is not so much a Wonder, that Du-fresse should not find the true Meaning of it, which yet seems very obvious. For Crocia was no more the Crosier, or Pastoral Staff, which Bishops and Abbats had the Privilege to carry, as the common Enfign of their Religious Office: And being Invested in their Prelacies, by the Delivery of such a Crosser. Hence the Word Crossum and Crossa, did sometimes denote the Collation or Disposal of Archbishopricks and Abbies, by the Donation of such Pastoral Staff. So as when the King granted large Jurisdi-Rion, &c. exceptis Crociis, it is meant, Except the Collation or Investiture of Episcopal Sees and Abbies.

Ctociarius, The Crociary, or Cross-bearer, who, like our Virger, went before the Prelate, and bore -Robertus de Wycumbe, Clericus Epihis Cross.scopi Dunelm, quem vulgo Crociorium ejus vocant,
Liber de Miraculis Tho. Cantilup, Episc. Heref. MS. sub

Anno 1290.

Croft, Croftum & Crofta, Is a little Close or Pightle, adjoyning to a Houle, either for Pasture or Arable, as the Owner pleases: It seemeth to come of the old English Word Crease, signifying Handy-Crass, because such Grounds are for the most part manured, and extraordi-

narily dreffed by the labour and skill of the Owner. Crocus, Capillorum croci, Turning Ttok, Crocus, Capillorum croci, Turning up the Hair into Curls or Croks; whence Crook, crooked, &c. -Rex Willelmo de Peretot, Salutem. Sciatis quod concessionus, & plenam potestatem vobis dedimus scindendi capillos Clorisorum qui junt de bospitio nostro, & familia nostra longos crines babentium, & comas interquentium, & ad crocus capillorum suorum depenindos; & ideo vobis mandamus quatenus ad boc modo debito diligenter imendatis bujusmodi potestatem nostram vobis concessam taliter exequenses circa predictos capillos scindendos, & crocos deponendos, ne ad capillos vestros scindendos forpices apponere debemus: Teste Meipso apud Clare, 11die Sept. Pat. 21. H. 3

Creaffetile, Vid. Roof-tile. Eroppa, Sax. Croppas, A Crop of Corn, or Creeke, Creca, Crecca; Creccum, Seemeth to be a the Product in Harvest. Johannes, Prior & Con-

sepe dictus Radulphus, tempore messionis in eadem terra debet reponere & custodire. Registr. Cant. Ecclesiæ MS. So also Croppus occurs in the same Sense. See Mr. Kennet's Paroch. Antiq. p. 298 Sax. Crop, the Top or Head of any thing: whence to crop or cut off the upper part; Crop Ear'd, a Crop of Beef. In Suffex, they call Darnel Crop; and in Worcestershire, Buck-Wheat goes by the like Name of Crop. The old Lat, Cropa, was the Buttock of a Horse, whence Crupper.

Troples, Cruce signati, Is us'd by Britton, cap. 122 for Pilgrims: The reason may be, for that they wear the Sign of the Cross on their upper Garments. Of these and their Priviledges, read Brat. lib. 5. part 2. cap. 2. and part. 5. cap. 29. and The Grand Custumary of Normandy, cap. 45. Under this Word are also signified the Knights of the Order of Saint John of Jerusalem, created for the Desence of Pilgrims. Such also were thoseWorthies of the Nobility and Gentry in the Reigns of King Henry the Second, Richard the First, Henry the Third, and Edward the First, who Cruce fignati were faid

to take upon them the Croifado, for recovery of the Holy Land, Gregor, Syntagm. lib. 15. cap. 13 & 14

Turherus, Canis Prodriarius, A Coucher, Setter, a Setting-Dog. — Primas Ebor. — di-Setter, a Setting-Dog. — W. Primas Ebor. — di-letto Priori de Birftall, Salutem, &c. Rogamus dilectionem vestram quatenus si placeat, cum celeritate qua poteritis, Nobis provideatis in partibus vestris transmarinis de duo-bus canibus prodriariis, seu cucheris, & vobis de pretio sideliter & plene respondebimus & de custu boc sicus Nos diligitis nullatenus omitattis; ita quod dictos canes babeamus circa Festum Beati Michaelis omni mode. Dat. Beverlaci, 10 Kal. Sept. 1280. Ex Reiftr. Will. Wickwane,

Archiep. Ebor.

Tucking frool, Tumbrella. Is an Engine invented for the Punishment of Scolds, and unquiet Women, in ancient Times call'd a Tumbrell, Lamb. Eirenarch, lib 1. cap. 12. Bracton. writes this Word Tymborella, Kitchin, cap Charge in Court-Leet, fol. 13. a. laith, Every one ba-ving view of Franke pleage. ought to have a Pillory and a Tumbrell: where he seemeth by Tumbrell, to mean the same thing. This was a Punishment anciently inflicted upon Brewers and Bakers transgressing the Laws, who were thereupon in such a Stool immerged over Head and Ears in stercore, some stinking Water.

Tune, A Cude cloth, A Chrysom, or Face-cloth for a Child; the Priest's Fee in time of Roman 1mpolition. Probably Gude-cloth, i. e. God's-cloth, or the Holy Piece of Linnen, us'd in the Dedication of the

Child to God.

Cuth, Cognisus, known.

Endutlaugh. See Courbeutlaughe.

Cut ante Dibortium, Is a Writ, that a Woman divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the Marriage, because she could not gainsay it, Reg. Orig. fol. 233. F. N. B. fol. 240.

Cut in Tira, is a Writ of Entry, that a Widow

hath against him, to whom her Husband aliened her Lands or Tenements in his Life-time, which must contain in it, That during his Life-time she could not with standing it, Reg. Orig. fol. 232 F N.B. fol. 193. See the New Book of Entries, verbo Cui in vita.

Tuinage, See Cuynage.

Culagium, Is when a Ship is laid up in the Dock,

to be repair'd, M. S. Ar. Trever. Arm. de plac. E. Unibertage, Culvertagium, May be interpreted Comardise, as Omnes cum equis & armis, jussis sub nomine Culvertagii convenire, Mat. Paris, fol. 233.

ditare, nam Culver idem est quod Columbia Spelm. in voce Manie.

ventus concedunt Radulpho de Hok, terram de York- ning away: But indeed the Sense of the Word is not here- croppam autem de ipsa terra provenientem Cowardice, but Confiscation, or Forseiture of Lands and Goods, and was a Norman Feudal-term, for the Lands of the Veffal escheating to the Lord. And Jub nomine

Culvertagii, was under Pain of Confication.

Cuna. Dooms-day, tit. Ceftria. Quando Rex ita veniebat, reddebat ei unaquaque carrucata cc. bestas, S unam cunam plenam cervissa. So Custumar. de He-cbam, p 21. Omnis Lanceta & Tosiman inveniet cucham, p 21. Omnis Lancesa & sujama.

nam, fi babeas ad cervifiam Domini faciendam-Spelman reads the Wordsbut it truely is Cuva, Gall. Cuve

Angl. Keeve, Keever, a Tub, or Fat for Brewing, Cuneus, A Mint, or place to coyn Money, Mardztum est, &c. sciatis quod concessionus venerabili Pairi noftro Cicestr. Episcopo quod babeat Cuneum suum in Civitate Cicestria, &c. T. 29. Apr. Claus. 6. Fob m. 3.

Cunteg, Cunteg, Is a kind of Tryal, as appeareth by Bracton, in those Words. Negotium in boc casu terminabraccom in those Words. Negotium in boc caju terminabiter per Cuntey Cuntey sieut inter cobaredes, Brade.
lib. 4 tradt. 3 ca. 18. And again in the same place, In
brevi de resto, negotium terminabitur per Cuntey Cuntey.
And thirdly lib. 4 tract, 4. cap. 2 Terminabitur negotium, per breve de resto ubi nec duellum nec magna
Assign sed per Cuntey Cuntey omnino, which in my
Opinion is as much as by the Ordinary Jury.
Cutsew, Cometh of two French Words, Couvrir,
that is teneres and seu ionis. Fire: We use it for the

that is, tegere; and Feu ignis, Fire: We use it for the Ringing of a Bell, by which the Conqueror willed every Man to take warning for the raking up, or covering of his Fire, and the putting out of his Light. So that in many places at this day, where a Bell enflomably is rung towards Bed-time, it is faid to ring Curfeu, Stop's Annals, in vita Gul. Conqueror.

Curia, See Cours.

Turía abisare bust, Is a Deliberation that the Court intends to take upon any point, or points of a Caule, before Judgment be resolved on: For this, see the New Book of Entries, verbo Curia advisare vult.

Turia claudenda, Is a Writ that lyeth againft him who should sence and close up his Ground, if he refuse or defer to do it, Reg. Orig. fol. 155. F. N. B. fol. 127. See also The New Book of Entries, verbo

Curia claudenda.

Turia Domini, The Lord's House, Hall, or Court, where all the Tenants, if need require, were bound to attend every three Weeks, but generally at the Feaft of the Annunciation and St. Michael; from whence the Courts kept at those times, were call'd Curia generales, the General, or more Solemn Court,

Curia Militum, A Court so call'd anciently held at Caristrook Castle in the Isle of Wight. — Et idem Dominas Willelmus de Insula debet facere sellam ad curiam Domini castri de Carisbrook, de tribus septimanis in tres septimanas, que vocatur Curia Militum. Inquis.

de Anno 47 H. 3. m. 32.

Curia Benticiarium, Is a Court held by the Sheriff of Chefter, in the place there commonly call d The Pendice, Pl. Itin. apud Ceftr. 14 H. 7. Probably fo call'd at first, because it might be held under a Pant.

bouse, or open Shed cover'd with Boards.

Curia. The Word was some times taken for the Perions or Feudatary, and other Custumary Tenants, who did their Suit and Service at the Court of the Lord. So to a Charter of Bernard de St. Walery, An. 30. H. 2. His testibus - Somni Curia mea, Kennet's Paroch.

Anriq. p. 139.

Curia Canonicozum, The Court-Lodge, or Mannor-House in a Lordship, belonging to the Religious.--juxta rivulum extra curiam Canonicorum-

Paroch. Antiq p. 177.

To Curia Personæ, The Parsonage-House, or Manse.

Omnes obventiones altaris & cameterii

Curiam Personæ Niderling. Others fancy it à Culum vertendo, i. e. Run- pradifia Ecclesia, & totam terram, & Curiam Persona

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croftam qua jacet fuxta Coriam Persona,

Kenner's Paroch Antiq. p. 205. Corners Paroen antiq. P. 20).

Turize Abbentus, The Duty of coming to pay Suit and Service at the Court of the Lord.—Reddit per annum ad terminum ipfius unam marcam, & unum i. e. For the Rent of one Mark, Adventum Curiæand the Service of coming once to the Lord's Court

yearly, Paroch. Antiq. p. 400

Curnorbe, Is four Bushels, or half a Quarter of Corn Fleta. lib. 2 cap. 12.

The Curfer, Curfor, A Courier: or Express Messenger of haste.— H. Rex Angl. &c. L. Principi Aberfrawe Domino de Snoudon, Salutem, & se totum. Quia propter inundationes aquarum & viarum discrimina Nuntii nofiri ad nos accedere non possunt, per Curser quendam literas presentes duximus destinandas. Cart. H. 3.

Curfitor, Clericus de curfu, Isan Officer, or Clerk belonging to the Chancery, that maketh out original Writs, 14 & 15 H. 8. cap. 8. They be call'd Clerks of the Chance in the Cash of the Clerks of the Chance in the Cash of the Clerks of the Chance o the Course, in the Oath of the Clerks of the Chancery appointed 18 E. 3. Star. 5. cap. Unico. There be of these twenty four in number, which have allotted to each of them several Shires, in which they make out such original Writs as are by the Subject required, and are a Corporation of themselves.

Sciant quod Ego Willel-Curlones terra. -Henrico de Sweton unam dimimus Crump, dedi -

dium curam, & duos cursones terra mea in Lyston, &c.

Dat, 14 Ed. 2. Seems to signific Ridges of Land.

Curteste of England, With us hath a proper Signification, being us'd for a Tenure; for if a Man marry an Inheretrix, that is, a Woman seised of Lands in Fee-signed on Fee and Inheretrix. simple, or Fee-tail general, or seised as Heir of the Tail special and getteth a Child of her that cometh alive into the World, the' both it and his Wife die forthwith; yet if the were in poffellion, he thall keep the Land during his Life, and is call d Tenant per Legem anglia, or Tenant by the Curtefie of England; because this Priviledge is nant by see Cursepe of England; because this Priviledge is not allowed in any other Country except Scotland, Glanvile, lib 7. cap. 18 Brad lib. 5. trad. 5. cap. 40. num 7, 8. 9 Britton, cap. 51 fol. 132. Fleta, lib. 6. cap. 56. F.N. B. fol. 149 Littleton, lib. 1. It is called, The Law of England, West. 2 cap. 3. This in Scotland is call'd Curialitas Scotia. Skene, de verb. Signif. verbo Curialitas, who there make the large Discourse of this Curian. who there maketh a large Discourse of this Custom. See more Termes de la Ley.

Currier, Is one that dreffes or liquors Leather, and is so call'd of the French Word Cuir, i. e. Corium Leather: The Word is us'd in all the Statutes made for the

good making of Leather, as I fac. cap. 22

Curtegue, Curtana, Was the Name of King Edward the Confessor's Sword, which is the first Sword carry'd before the King of this Land at his Coronation, Mat. Paris, in Vita Henrici Tertii. And they fay, The Point of it is broken, which may feem therefore to be an Emblem of Mercy.

Curtilage, Curtilagium, Sign fieth a Garden, Yard, or Field, or other piece of Ground not lying near, or belonging to a Meffuage, Weffm. Symb. p.r. 2. tit. Fines, felt. 25. And so it is us'd Anno 4 E. 1. cap. Unico. 35. H. 8. cap. 4. 39. Eliz. cap. 10 and Coke, vol. 6. fol. 64. a. and Linwood tit. de Decimis, cap. Sanda, felt. Omnibus verbo Curteleriorum. So that in effect it is a Yard, or a Garden belonging to a House. Mibi dici videsur Curtilagium (fays the Learned Spelman) à CurteHum, & ago fci. licet locus ubi curtis, vel curtuli negotium agitur.

Curties terra, Court-Lands. Among our Saxon Ancestors, those Thanes who possest Bockland, or Hereditary Lands, divided them into Inland and Outland. The Inland was that which lay most convenient for the Lord's Mansion-House; and therefore the Lords

call'd these Lands Terras Dominicales, the Demains, or Lords Lands. The Germans Terras Indominicatas, Lands in the Lord's own use. The Feudists Terras Curtiles, or Intra curtem Lands, appropriate to the Court or House of the Lord. Spelman of Feuds cap 5.

Cuffode admittendo, & Cuffode amobendo, Are Writs for the Admitting or Removing of Guardians,

Reg. Orig. in Indice. Custodes Libertatis Angliæ authozitate Parlia: menri, Was the Stile wherein Writs and other Judicial Proceedings, did run during the late Times of Trouble viz. From the Murther of King Charles the First, till the Usurpation by Cromwel, mention'd and declar'd tray-

terous by the Stat. 12 12. Car. 2. cap. 3.

Tuffome, Confuerudo, Is all one Significatation with our Common Lawyers and Civilians, being by both accounted a part of the Law: Consuerudo quandocunque pro Lege survatur, saith Bracton, partibus ubi fuerst more uttentium approbata; Longævi enim temporis usus & consuctudinis non est vilis authoritas, lib. 1. cap. 3. It may not unaptly be thus defined, Custom is a Law or Right not written, which being established by long use, and the consent of our Ancestors, hath been, and is daily practifed. Our Angeftors, that is, Majores; and those of ourKindred that are ultratritavum; So that allowing the Father to be so much elder than the Son as Pubertas, or the Years of Generation do require the Grand-father so much elder than him, and so usque ad tritavum We cannot say, That this or that is a Custom, unless we can justifie it hath continued so at least one hundred Years. For Tritavus must be so much elder than the Party that pleaded it; yet becausethat is hard to prove it is enough for the Proof of a Custome, if two or more Witnesses can depose, That they heard their Father say, That it was a Cuftom all their Time, and that their Fathers heard their Fathers also say, That it was likewise a Custom in their Time. It is to be proved by Record; the continuance of a hundred Years will serve, Davie's Custom is either General, or Particular. Rep. fol. 32. General, 1 call that which is allowed through all England, whereof you may read divers in Dott. and Send. lib. cap. 7. very worthy to be known. Particular, is that which belongeth to this or that Country, as Gavelkind to Kent; or to this or that Lordship, City or Town. Cuftom differeth from Prescription, for that Custom is common to more, and Prescription is particular to this or that Man. Again, Prescription asketh not that length of Time to set it up as Custom doth, but is pleadable in a far shorter time, viz. Five Years, one Year, or less: Example of Five Years Prescription you have in the levying of a Fine; for if a Fine duly levyed of Lands and Tenements be not impugned within Five Years, it ex-cludeth all Claim for ever. And if a Man omit his cludeth all Claim for ever. continual Claim for a Year and a Day, then the Tenant in possession prescribeth an Impunity against the Entry of the Demandant, and his Heir, F. N. B. fol 79. Termes de la Ley, verbo Continual Claim, Out of the Statutes you havegreater diversity, which see collected in Cowel's Institutes, tit. Dujucap. & long. temp. preseript. So that Brissenius in his 14. lib. de verb. Signif. saith truly; That Prescription is an Exception founded upon so long time paft, as the Law limiteth for the pursuit of any Action. An Example may be taken from those Statutes, 1 H. 8. cap. 4. which enacteth, That in all Actions popular, Informationshall be madewithin three Years after the Offence committed, or else be of no Force. Of like nature is the Statute 7 H. 8. cap. 13. which in some cases makes one Years Prescription sufficient against Informations. Custom is also up of for the Tribute, or Toll that Merchants pay to the King, for the carrying in and out of Merchandise, 14 E. 3. Stat. 1. cap. 21. in which kept that part in their own hands, for support of their Signification it hath the Latin Name Cuffuma. Reg. Orig. Family, and for Hospitality. The Normans afterward fol. 138 4. 129, 4. 4. Inft. fol. 29. And lastly, for such

fervices as Tenants of a Mannor owe to their Lord, do challenge this by ancient Charters from the Kings
New Book of Entries, verbo Custome.

Oustom House, Is a House in several Cities and Port-Towns, as London, &c. where the King's Customs are receiv'd, and all Business relating thereunto trans-

acted. See 12 Car. 2. cap. 4. Customary Tenants, Tenants per consuctudinem, Are fuch Tenants as hold by the Custom of the Mannor, as

their special Evidence. See Copy-bolds.

Customs and Dervices, Consuctudinibus & Servi-ties, Is 2 Writ of Right close, which lyeth against the Tenant, that deforceth his Lord of the Rent or Service due to him. Of this, see more at large in the old Nat.

Brev. fol. 77. F. N. B. fol. 151. and Reg. Orig. fol. 156.

Cuttos Brevium, Is the principal Clerk belonging to the Court of Common-Pleas, whose office is to receive and keep all the Writs, and put them on Files, every Return by it felf; and at the end of every Term to receive of the Proto-Notaries all the Records of Nife prim, call'd The Postea; for they are first brought in by the Clerk of the Affife of every Circuit to the Proto-Notary that entred the Issue in that Matter for the entring of the Judgment. And then do the Proto-Notaries get of the Court Peremptory day, for every Party to speak what he hath to alledge in Arrest of Judgment. which Day being past, he entreth the Verdict and Judgment thereupon into the Roll of the Court: and that done he doth at the end of the Term deliver over to the Cu-Hos Brevium all the Records of Nifiprius, which came to his hand that Term; which received he bindeth into a bundle, and bestoweth them in apt place. The Cu-stos Brevium also maketh Entry of the Writs of Covenant, and the Concord upon every Fine, and maketh forth Exemplifications and Copies of all Writs and Records in his Office, and of all Fines levy'd. The Fines after they be engroffed, the Parts thereof be divided between the Custos Brevium and the Chirographer, whereof the Chirographer keepth always the Writ of Covenant and the Note, the Cuftos Brevium keepeth the Concord and Foot of the Fine; upon which Foot the Chirograpber doth cause the Proclamations to be endorsed, when they be all proclaimed. This Office is in the King's There is also a Custos Brevium & Rosulorum in the King's-Bench, who fileth such Writs as are there us'd to be filed, and all Warrants of Atturney, and transcribeth, or maketh out the Records of Nife prius,

Cuftos Platitozum, Cozona. Brad. lib 2. cap. 5 This seems to be all one with him whom we now call Of this Officer mention is made in Custos Rosulorum.

the Writ Odio, & Atia, Reg. Orig. fol. 133.
Cuttos Rotulozum, Is he that hath the cuftody of the Rolls, or Records of the Sessions of Peace; and as some believe, of the Commission of the Peace it self, Lamb. Eiren. lib. 4. cap. 3. pag. 373. He is always a Justice of Peace and Quorum, in the County where he hath his Office and by his Office is rather termed an Officer or Minister than a Judge, because the Commission of the Peace layeth by express words this Special Charge upon him, Qued ad dies & loca pradita, Brevia, Pracepia, Processus & Indistanenta pradita corum te & aliis Sociis venire fac, Lamb. ibid. Where we way find a large Track concerning this Office, who shall appoint the Culture in a very County See 27 H point the Cuftos Rotulorum in every County. See 37 H. 8. cap. 1. and 3 T 4 E. 6. cap. 1. & 2 Inft. fol. 674.

Tustos of the Spiritualities, Cuftos Spiritualitatis

vel Spiritualtum, la hethat exerciseth Spiritual or Ecclesiaftical Jurisdiction, of any Diocess, in during the Vacancy of the See. The Appointment of whom, by the Canon Law, appertains to the Dean and Chapter; but at present with us in England, to the Archbishop of the Province by Prescription: Howbeit, divers Deans and Chapters, (if Owin say truly in the Preface to his Readings) are still call'd Doles, and Dools. The Old British Dol,

Curos Cempozalium, The Person to whose Curody a vacant See, or Abby was committed by the King, as Supreme Lord: who, as a Steward of the Goods and Profits, was to give account to the Eschestor and he into the Exchequer. His truft continued till the Vacancy was supply'd by a Successor, who obtain'd the King's Writ De Restitutione Temporalium, which was commonly after Confecration, yet sometimes before.

**Eutra, Flat Bottom'd-Boats, us'd in the Chan-

nel for transporting Horses, A. D. 1474. when K. Edw. IV. came to Dover, the Duke of Burgoigne, to help his Passage, sent 500 Boats of Holland and Zealand, call'd Curss, which are flat and low, built very commodioufly

for transporting Horses. Stow. Annal. p. 412.

Cutter of the Calleys, Is an Officer in the Exchequer, that provideth Wood for the Talleys, and cuts the Sum pay'd upon them, and then casteth the same into the Court to be written upon.

Tuba. Gall. Cuve. Angl. Keev, Reever, A Tub or Brewing-veffel, Vid. Cuna.

Tugnage, Is a Word us'd in the Statute of 11 H.7. cap. 4. for the making up of Tin into that fashion, as it is us'd to be fram'd, for the better carriage of it into other places,

Toppus. — Et debent vaver and state de expeditatione canum, mel & nuces, & cyppos per totam forestum, — Ryley's Placit. Parl. fol. 652. Du-Fresne, in his New Glossarium, says it signifies Rete, a Net; but Quere. — I rather think, in the Authority before cited, it fignifies a fort of Berries; possibly Hips and Haws

Cyrickleat, Is a Saxon Word, fignifying a Tribute due to the Church, Spelm. de Concil. vol 1. fol. 125. See Churchesses. See the Original of this Cuftom, and the continuance of it, Historically delivered, by Mr.

Kennet in his Paroch. Amiq p. 603.
Y Cyrpus, Scripus, Rushes. It was in old Times a common Practice, (and is ftill in some places retain'd, more especially in Wales) to bring rushes, and strow the body of the Church, for the convenience of warmth and bette kneeling. And hence it was laid as a cufto-mary Service on some Persons, that they should find the Church with Straw in Winter, and with Rushes in the Summer. -In Ordinatione Domini Jocelini Episcopi Bath. super thefauraria Ecclesia Wellensis, falta An. -Ordinatum est ut the faurarius inveniat cytpos per affatim. Reg. Dec. & Capit. Well. MS.

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Acra. Johannes Birt, posuit in quandam navem cecem Dacras corei laneati, 23 Aug. 39 Eliz. Placit. An. 41 Eliz.

Daga, Engl. Dagger.—Habemes cultellos, quos daggerios vulgaritur dicunt. Henr. Knyghton in Ed. III.

Dakir. By the Stat, De Compositione Ponderum & Mensuarum, 51 H. 3. A Last of Hides consists of twenty Dakirs, and every Dakir of ten Hides: But by I fac-

cap. 33. a Last of Hides is twelve dozen. See Dicter of Leather possed.

Dalus, Dailus, Dayla, A Dale, a Valley, or low place.

Et in eadem villa terram triam carrulow place. carum, & tres dalos prati, & unum bulmum. Mon. Angl. tom. 1. p. 680. & totam daylam marifci, tam de ross. quam de prato. Mon. Anl. tom. 2. p. 211. The Daji Prati abovemention'd, seem to be such balcks or narrow slips of Pasture, lest between the plough'd Furrows in Arable-Land, which in some parts of England

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and Doldir, was a Vale. And the present Welfb use the Word Dol, for a low Meadow by a River fide. This the original Name and Nature of Deal in Kent, where Cafur landed, and fought the Britains: Cafar ad Dole

bellum pugnavit. Nennius.

Damage, Dannum, Generally figuifieth any Hurt, or Hinderance that a Man taketh in his Effate; but in the Common Law it is a part of that the Jurors be to enquire of, passing for the Plaintiff or Defendant in a Civil Action, be it Personal or Real. For after Verdict given of the Principal Cause, they are likewise asked their Consciences touching Costs (which be the Charges of Suit, call'd of the Civilians, Expensa Litis) and Damages, which contain the Hinderance that the Plaintiff or Demandant hath suffered, by means of the Wrong done to him by the Defendant or Tenant, Co. on Lit. fol. 257. By the Statute 48 E. 3. 22. a means for the Recovery of Damages was given to the Defendant in an Appeal, when he was acquitted of the Felony. And the Statute of Westm. 2. Anno 13 E. 1. cap. 12. gave a more expeditious Redress, than a Writ of Conspiracy against the Procurers and Abetters. This Word Damaze is taken in the Law in two several Significations, the one Properly and Generally, the other Strictly and Relatively, Properly, as it is in Cases where Damages are founded upon the Statute of 2 H. 4. sap. 1. and 8 H. 6. cap 9. where Cofts are included within this Word Da mages: for Damage in it's proper and general Signification, is said à demendo, when a thing by Diminution is made worse; and in this Sense, Costs of Suits are Damages to the Plantiff, for by it his Substance is diminished. But when the Plantiff declares the Wrong done to him, to the Damage of such a Sum, this is to be taken Relatively, for the Wrong which is passed before the Writ brought, and are afferfed by reason of the Trespals aforefaid, and cannot extend to Costs of Suit. which are future, and of another nature, See Co. lib. 10.

fol. 116, 117.

Damage cleere, Damna slericorum, Is now affessed by the Tenth part in the Common-Pleas, and the Twentieth part in the King's-Bench and Exchequer, of all Damages, (exceeding five Marks) recovered either by Verdie, Confession, or Judgment of the Court, in all git, is in most of our Records, to be taken for Steward Actions upon the Case, Covenant, Trespass, Battery, of the King's Houshold:

False Imprisonment, Dower, and all others, many contents of the King's Houshold:

Darreine, Is a corruption from the French Dernier, the Damages are incertain, which the Plantiff must pay to the Prothonotary, or Chief Officer of that Court, wherein they are recovered, before he shall have Execution for them. This was no other originally than a Gratuity given to the Prothonor wies and their Clerks for drawing special Writs and Pleadings, which afterwards grew to a certainty; and was, as some have fancied, of old, a Tenth part of the Damages recovered: For it appears by ancient Records, that it hath been incertain, sometimes a Sixth, and at other times a Third part. This is taken away by 17 Car- 2. c. 6. from and after the 29 of September, 1672, and till that time to be paid out of such Moneys only as shall be a aually levy'd, or otherwise paid by the Defendants, and only for the Proportion of the Money which shall be so levy'd or

paid, and no more, or otherwife.

Damage Feelant, That is, doing Hurt or Damage, and is when a Stranger's Beafts are in another Man's Ground, without Licence of the Tenant of the Ground, and there do feed, tread, and otherwise spoil the Corn, Grass, Woods, and such like: In which case the Te. nant, whom they damage, may therefore take, diffrain, had impound them as well in the Night, as in the Day, But in other cases, as for Rent and Services, and such like, none may diffrain in the Night, Stat. de districtione

Bockhampton de domino Rege, per servisium custodiendi sex Damisellas, scil. Mereurices, ad custum Domini Regui 12 Ed. I. i. e. by Pimp-Tenure. See Bloum's Tenures,

p. 39. Damnum, Infra damnum suum, Within the Bounds or Limits of his own Property, or Jurisdiction. Si quis invenerit in damno suo aucas, gallinas aut capras, &. Brast. lib. 2. de Coron. ca. 37.—Animalia, in Damnis distorum Fratrum inventa. Mon. Angl. tom. 2. p. 862. Hence a Dam, a Boundary or Confinement; to dam up, to dam out.

Danesgelt, Danesgelt, or Banesgilt, Danegildum, Is compounded of the Word Dane and Gele, that is, Money; and was a Tribute laid upon our Ancestors the Saxons, of Twelve Pence upon every Hide of Land through the Realm, by the Danes, who in those Days lorded it here, Cambr. Bris. 83. with whom agree the Laws of St. Edward, set out by Lambers, in his Archaionomia, cap. 11. Stow in his Annals, pag. 118. faith, This Tribute came to 40000 Pounds per annum, and that it was released by Edward the Confessor. The Author of the New Terms of the Law saith. That This Tri-The Aubute began in the Reign of King Ethelred, who being fore diffreshed by the continual Invasions of the Danes, to procure his Peace, was compelled to charge his People with insupportable Payments; for first, he paid them at five several times. 113000 Pounds, and afterwards granted them 48000 Pounds yearly, See Rog. Hoveden, parte poster, suor, Annal. in H. 2 fol. 344. a. and Ingulph fol. \$10. a. Spelm. Gloff. and Selden's Mare Clauf. fol. 190. and Kennet's Gloffary. Danelaga. See Merchenlage.

Danger, Dongeria, A Payment in Money, made by the Forest-Tenants to the Lord, that they might have leave to plough and fow in time of Pannage, or Mast-feeding; in some places call'd Lyef-silver,

and Lef-silver.

Dapiter, A Dapes ferendo. At first a Domestick Officer, like our Steward of the Houshold, or rather Clerk of the Kitchin; then by degrees, any Fiduciary Servant, especially the chief Steward, or Head-Bayliff of an Honor, Barony, or Mannor. I think Dapifer Regu, is in most of our Records, to be taken for Steward

e. ultimus; and we use it in the same sense, as. Warreyne Continuance, See Continuance.

Darreyne Prefeniment, Ultima presematio. See

Assile of Darryene Presentment

Dates, Is the Fruit of the Tree, in Latin call d Pal-ma. in English the Date-Tree; of which who will understand the Nature or Diversities, may read Gerrard's Herbal, lib. 3. cap. 131. They be numbred among Spi-

be Datise, and Removeable, or Perpenual, shall be try'd by the Ordinary. An. 9. Ric. 2. cap. 4. Si Prior Datife & Removeable, suffer escape, respondeae Superior. 45 Ed. 3.

9, 10 in Scotland so call'd. — Apud priscos Scotos, one Dawach of Land, quod continet quatuor araira terra, quorum unumquodque trakiter osto bobus. Skene — Non fiet taxatio juxta numerum davatarum; seu baroniarum; sed secundum verum valorem bonorum. Statut. David

Reg. Scot. cap. 48., Day, Dies, Is sometimes us'd in the Law for the Dey of Appearance in Court, either originally, or upon Affignation, and formetimes for the Returns of Write. For Scaccar. An. 61. Hen. 3.

Example, Days in Bank, be Days set down by Statute, or Order of the Court, when Writs shall be returned lemus Hoppeshort, tenet dimidiam virgatam terta in or when the Party shall appear upon the Writ served. Example, Days in Bank, be Days set down by Statute, or Order of the Court, when Writs shall be returned,

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and of this you may read the Statutes 51 H.3 cap.1,2. Marl. cap. 12. 52 H.3. and 32 H 8.cap.21. To be difmissed without Day, is to be finally discharged the Court, Kitchin fol. 193. He had a Day by the Roll, Id.fol. 197. that is, he had a Day of Appearance Affigued him. Day, Year, and Wast. See Dies and Year.

Days-Pan. In some Northern Parts of England, any Arbitrator, Umpire, or Elected Judge, is com-monly term'd a Deies-man, or Days-man: Which reminds me of what Dr. Hammond well observes, in his Annotation on Heb. 10. 25. That the Word Day, in all Mioms, doth fignify Judgmem. So 1 Cor, 3. 13. Arbention, it may not be improper to observe, (because no Notice has been yet taken of so small a matter) that the Addition of Dey or Day, to the Doom-book, or Liber Judicia lu, the General Survey, in Time of Will. Conq. was note meant with any Allusion to the Final Day of Judgment, as most Persons have conceited: For Day does no augment the Sense of the Word, but only doubles, and confirms the same Meaning: Isay, The Syllable dey or day, in that Composition does not really figuify the Measure of Time, but the Administration of Justice. So as Doomsday-Book is but more Empharically, the Judicial Decifive Record, the Book of Doom-

ically, the Judicial Decinve Record, the Dook of Looming Judgment, and Decreeing Justice.

The Dayeria, The Dayri, Dairy. It is derived by Dr. Skinner from the Fr. Derriere, as if the Dairy were on the back part, or behind the rest of the House. The Learned Fr. Junius is no more happy, when he refers it to the Greek, Daeles, & per Syncopen, Julies. Helychio exponitur Daneson fur engly, on and, perisa. Non enim cujustis est curare lacticinia, sed à lassiciniis edulia concinnaturum singulari rusticarum rerum experientia imconcinnatarum singulari rusticarum rerum experientia imbutam esse oportet. Omnino interim buc persinet, quod Gallis Dariole dicitur cibi genus, quod issem Galis alias nuncupasur. Laicteron, vel Flan de Laict. Ac fortasse quonq, Darnis ab eadem origine, Darete dillum eft jenta. culum, quod Septentrionales la diciniis jemare sum soliti. Both these Conceits of Skinner and Junius, are trifling Conjectures. And indeed nothing has more exposed the Noble Studies of Etymology, than the Fancies and Flights of some Great Men; who by indulging their Wit, and their Invention, have made such odd and farfetcht Allusions, as nothing but a like Heat of Fancy, could imagine or Believe. But to return: The Word Deirie or Dairy, is originally English from Day, Deie, Saxon Day; and fignified at first the daily yield of Mileb-Cows, or the daily Profit made of them. As a Day-were of Land, was one days ploughing, which the French call'd Journel, Lat. Jornele; and our Mid-land Farmers fill calla Fourny. So in Lorrain and Champaigne, they now use the Word Dayer, for the meeting of the Day labouring Women togive an account of their daily Work, and receive the Wages of it. Hence any young Artificer, who af-fifts a Mafter Workman, is still call'd a Journee-man. As a Thresher, Hedger, &c. who works by the Day, s term'd a Days-man. And I am apt to think, That the Yoman hired by the Day, to help in the Kitchin, &c. usually call'd a Chair-woman, is no more than a four-woman, or fourne-woman. A Dairy in the North, is woman, or Journe-woman. A Dairy in the North, is call'd The Milhness; as the Dairy-maid, is in all parts a Milk-maid: Shee is call'd Androchia by Fleta, lib. 2. ca. 87. Androchia pudica esse debes, & laboriosa daeriz.

Composus Henrici Deye, & Johannz uxoris sua, de omnibus exisibus, & proventibus de Dayri Domini Prioris de Burncestre. Paroch. Antio p. 448 ris de Burncestre. Paroch. Antiq. p. 348.—Computant de xxxv. solid. vi. den receptis de dayeria de la Breche, Id. p. 570.

Daymere of Land, As much Arrable Ground as could be plough'd up in one Day's work. or one fourney, as the Formers fill call it. _____Confirmavi -Confir**m**avi

decem Daywerc, de terra arabili. Cartular. Rading. MS. fol. oo. a

Dayngune, In manerio de Stiventon, Com. Berk. virgatarii secabunt in Autumno per tres dies septimana, & sune quilibet secabit dimidium acra, & vocatur Daynynne, Placit An. 9. Ed. 1.

Deadly Heud, is a Profession of an unquenchable Hatred, until we be revenged, even by the Death of our Enemy. It is deriv'd from the German Word Feed, which, as Hottoman faith, In verbis Feudalibus, modo bellum, modo capitales inimicitias fignificat. This word

is us'd 43 Eliz. cap. 13.

Dead Bledge, Morsuum vadium. See Morsgage.

Deaffereffed, That is, discharged from being Forest,

or exempt from the Forest-Laws, 17 Car. 1. cap. 16.

Dean, Decamus, Is an Ecclefiastical Magistrate, so call'd of the Greek, Nea, decem; because he hath power over Ten Canons at the least: Howbeit in England we use to call him a Dean, that is next under the Bishop, and Chief of the Chapter, ordinarily in a Cathedral Church; the rest of the Society, we call Capitulum, the Chapter: How diversly this Word is used, read Linwood, tit. judic. ca. pri. verbo. Rural Dean, where Deans Rural. are said to be some that have Jurisdiction Ecclefiaftical over other Ministers, and Parishes nearedoyning, affign'd unto them by the Bishop and Archdeacon, being placed and displaced by them. As there be two Foundations of Cathedral Churches, the Old and the New, (the New be those which Henry the Eighth, upon Suppression of Abbot, or Prior and Covent, turned to Dean and Chapter;) so there be two means of creating these Deans: For those of the Old Foundation are brought to their Dignity much like Bishops, the King first sending out his Conge d'Estire, to the Chapter, the Chapter there chusing, the King yielding his Royal Asfent, and the Bishop confirming him, and giving his Mandas to install him. Those of the New Foundation are by a shorter course Installed, by vertice of the King's Letters Patents, without either Election or Confirmation. This Word is apply'd to divers that are the chief of some peculiar Churches, or Chappels, as Dean of the King's Chappel, Dean of St. Paul's, Dean of the Arches, Dean of St. George's Chappel in Windsor, Dean of Bocking in Eslex, Sc. See Mr. Kenner's Gloslary, in Decanus Christianitatis.

De bene elle, Are common Latin Words, but their Meaning is something more dark: As thus, To take or do a thing de bene effe, is to allow or accept for the present, till it comes to be more fully examined, and then to fand or fall, according to the merit of the thing, in it's own nature, so that valeat quantum valere potest. in Chancery, upon motion for one of the less principal Defendants to be examin'd, the Court sometimes will order it de bene esse, that is, he may be examin'd, but so, that upon Hearing, and fully examining the Case, his Deposition may be allow'd, or suppress'd, as the Court shall think fit. See Langbam's Case, Cro. 3, par. fel. 68. So also at Common-Law; the Judges frequently take Bayl de bene effe, that is, to be allow'd or disallow'd upon the Exception, or Approbation of the Plantiff's

Atturney; however in the Interim, they have a Wellbeing, or Conditional Allowance.

Deatherrennata, Diwarrenned; when a Warren was broke up, and laid in common. K. Henry III. in a Charter to the Citizens of London, dated 18 Aug. An. Regn. II. grants to them,~ -quod tota Warrena de Stanes, cum pertin. suis fit dewarrennata, & deafforestata in perpesuum. -Placit. temp. Edw. I. & Edw. II. MS. fol. 144.

Debentur, Wasa kind of Writing, given in the late Times of Usurpation, to the Souldier, to secure the Payment of his Arrears; but that is now out of doors. Abbati & Conventui de Rading, tres acras, & fex. The Word is mention'd in the Ad of Oblivion, 12Car. 2.

cap. 8. They use Debenturs also in the Exchequer. See Auditor of Receits. In the King's House, Debenturs are given usually to the King's Servants, for the payment of their Wages, Board-Wages, and the like.

Debet & folet, Are Words frequently m'd by the Writers of the Common-Law. For Example, It is faid in the Old Nat. Brev. fol. 98. This Writ de Jexta Molen. dini, being in the debet & foler, is a Writ of Right, &c. And again, fol. 69. a Writ of Quod permittat, may be pleaded in the County before the Sheriff, and it may be in the debet and foles, or in the debet without the foles, according as the Demandant claimeth; wherefore note, That those Writs that be inthis fort brought, have these words in them, as formal words, not to be omitted: And according to the Diversity of the Case, both debet and foles, or debet alone: That is, If a Man sue to recover any Right by Writ, whereof his Ancestor was diffeifed by the Tenant, or his Ancestor, then he useth only the word debet in his Writ; because soles is not fit, by reason his Ancestor was diffeised, and the Cufrom discontinued: But if he sue for any thing that is now first of all denyed, then he useth both these words, debet & folet; because his ancestors before him, and he himself usually enjoyed the thing sued for, as Suit to a Mill, or Common of Pasture, until the present re-fusal of the Tenant. The like may be said of Debet & Detiner: as appeareth by the Reg. Orig. in the Writ Dedebito, fol. 140.

Debito, Isa Writ which lyeth, where a Man oweth to another a certain sum of Money, upon an Obligation, or other Bargain, for any thing fold unto him, F. N. B. fol. 119. This Writ is sometimes made in the derines, and not in the debet, which properly falleth out, where a Man oweth an Annuity, or a quantity of Wheat, Barley, or such like, which he resuseth to pay, old Na.

Brev. fol. 75. See before Debet & Solet.

Decem tales. See Tales.

Decies tantum, Is a Writ that lyeth against a Juror, which hath taken Money for the giving of his Ver-dict; call'd so of the Effect, because it is to recover ten times so much as he took: It lyeth also against Embracers, that procure such Enquest. 38 E. 3. cap. 13.
Reg. Orig., fol. 188. F. N. B. fol. 171. New Book of Emries, verbo Decies tantum.

Deceit, Detepte, fraus, dolus, Is a subtle, wily shift or device, having no other name: Hereto may be drawn all manner of craft, subtilty, guile, fraud wiliness, slight, cuaning, covin, collution, practice, and offence us'd to deceive another Man by any means, which hath none other proper or particular name, but offence, West, Symb. part. 2. tit. Indictments, sett. 68. See Cosening.

Decenne, and Decenniers, See Deciners,

Detennary, Decemaria, The Limits or Compass of ten Friburgs. See Deciners.

Descritione, Is a Writthat lyeth properly against him, that descitfully doth any thing in the name of another, for one that receiveth Damage or Hurt thereby, F. N. B. fol. 95. This Writ is either Original, or Judicial; as appeareth by the Old Nat. Brev. fol. 50. where you may read the use of both: for some Satisfaction, take the Words of that Book; This Writ of Deceit, when it is Original, lyeth in case where deceis is us'd by one Man to another, by which deceis he may be difherited, or otherwise evil intreated, as appeareth by the Register, &c. And when it is Judicial, then it lyeth out of the Rolls of Record; as in case where Scire facias is sent to the Sheriff, that he warn a Man to be before the Justices at a certain day, and the Sheriff return the Writ served, whereas the said Man was not warned, by which the Party that sued out the Scire

the Original Writ of Deceit lyeth, where any deceit is done by a Man to another, so that he hath not sufficiently performed his Bargain, or Promise: In the Writ Judicial, he concurreth with the former Book. See Reg. Orig. fol. 112. and the Regist. Judicial, in the Table, verbo Deceptione.

Decimation, Decimatio, The punishing every tenth Souldier by Lot, was term'd Decimatio Legionn: It may be firetched to fignific Tything, or paying the There was another fort of Decimation in tenth part. the late Times of Usurpation, which too many of His Majesty's Loyal Subjects have so much sad cause to remember, that I need not renew the Memory of it.

Decimis folbendis pro Possessionibus alienige-narum, Is a Writ, or Letters Patents, yet extant in the Register, which lay against those that had farm'd the Priors Aliens Lands of the King's, for the Rector of the Parish, to recover his Tythe of them, Reg. Orig. fol.

Deciners, alias Decenniers, alias Doffners, Demarii, Cometh of the French Dizeine, i. e. Decas, Ten. It fignifieth in the ancient Monuments of our Law, such as were wont to have the Oversight and Check of ten Friburghs, for the maintenance of the King's Peace; and the Limits or Compass of their Ju-King's l'eace; and the Limits of Compals of their Jurisdiction was call'd Decema, Brast. lib. 3. trast. 2. cap. 15. Of whom you may also read Fleta, lib. 1. cap. 27. and Reg. Orig. fol. 98. b. These seemed to have large Authority in the Saxons Time, taking tognisance of Causes within their Circuit, and redressing Wrongs by way of Judgment, as you may read in the Laws of King Edward, set out by Lamb. num. 32. In later Times mention is made of these, as in Britton, cap. 12. who saith in the King's Person (as he writeth his whole Book faith in the King's Person (as he writeth his whole Book in that manner) 'We will that all those that be fourteen Years old, shall make Oath, That they will be fufficient and loyal to Us, and that they will neither be Felons, or affenting to Felons; and We will that all be en dozeine & plevis per dozeners, that is, profess themselves of this or that dozeine, and make or offer Surety of their Behaviour, by these or those Dozeniers except Religious Persons, Clerks, Knights, and their Eldest Sons, and Women. Yet the same Author in his 29 Chapter, toward the end, doth fay, That all of twelve-Year old, and upward, are punishable for not coming to the Turn of the Sheriff, except Earls, Prelates, Barons, Religious Persons, and Women. Stamf. plac. cor. fol. 47. out of Fiszberbers hath these Words, The same Law is, where the Dozeniers make present. ment, that a Felon is taken for Felony, and delivered to the Sheriff, &c. And Kitchin out of the Register, and Britton faith thus, Religious Persons, Clerks, Knights, or Women, shall not be Deciniers, fol. 33. From all which Premises may be gathered, That of late Times, this Word signifieth nothing but such a one as by Oath of Loyalty to his Prince, is settled in the Combination or Society of a Dozein. And a Dozein seemeth to exor Society of a Dozein. And a Dozein seemeth to extend so far as every Leet extendeth; because in Leets only this Oath is ministred by the Steward, and taken by such as are twelve Years old, and upward, dwelling within the compass of the Leet, where they are sworn, F. N. B. fol. 161. a. The particular of this Oath you F. N. B. fol. 161. a. may read in Bratton, lib. 3. tratt. 2. cap. 1. num. 1. where he fetteth down fifteen Years for the Age of those that are sworn to the King's Peace; but lib. 3. traft. 2. ca. 11. num. 5 he nameth twelve Years, see Inleughe. From hence we may note the diversities between the ancient and present Times, in this point of Law and Govern-ment, as well for the Age of those that are to be sworn, as also that Decemier is not now us'd for the chief Man facius recovereth, then the Party which ought to have of a Dozen, but him that is sworn to the King's Peace, been warned, shall have the saidWrit against the Sheriff. And lastly, That now there are no other Dozens, but In the Terms of the Law, verbo Deceit, it is said, That Leers; and that no Man ordinarily giveth other Security for the keeping of the King's Peace, but his own Oath. And that therefore none answereth for another's Transgression, but every Man for himself. See Frank Pledge,

and a par. Inft. fol. 37.

Declaration, Declaratio, Is a shewing in writing the Grisf and Complaint of the Demandant or Plantiff, against the Defendant or Tenant, wherein he is supposed to have received some Wrong. And this ought to be plain and certain, both becaule it impeaches the Defendant, and also compels him to answer thereto Such a Declaration in an Action Real, is term'd a Count Note, That the Count or Declaration, ought to contain Demonstration, Declaration, and Conclusion: In Demon-Aration are contained three things: Quis queritur, conera quem, & pro qua caufa. In the Declaration there ought to be comprised, Quomodo inter partes Allio accrevit, quando E qua die, anno E loco, E cui dabitur. And in the Conclusion, he ought to aver, and profer to prove his Suit, and shew the Damages he has sustained by the Wrong done him. See Count.

Decretals, Decretales, Are a Volume of the Canon-Laws, containing the Decrees of fundry Popes; or else a Digest of the Canons of all the Councils, that per-

tained to one matter under one Head.

Dedbanna, Sax, Dadbana, An adual Homicide, or Man flaughter ; ex Dæd, fastum, & bana, Ho-micida. — Qui ad occidendum aliquem innoxium Redbanna, vel Decianna, fuerit convictus noxe componet inde folas. Leg. Hen. I. cap. 85. That is, If any one be con-victed of the Crime of killing another, either as Redebane, or Accessary by his Counsel, and perswasion, or as Dede-bane, or Actual and Deed Committer of the Murder, then he shall himself alone Compound for his Fine, or Satisfaction.

Dedi, Is a Warranty in Law, to the Feoffee and his Heirs: As if it be said in a Feoffment, A. B. bath given

and granted. Go It is a Warranty, Co. on Lit.. 384. a.

Y Dedication Day, Festum dedicationis. The
Wake or Feast of Dedication, kept in every Parish of
old, and in some now, with Solemnity and generous Entertainment. Most of the old annual Fairs were affixed to that Day; and first arose from the conflux of People to that Solemnity. See at large the History of the Institution and Observance of Wakes, or Feasts of Dedication, in Mr. Kenner's Paroch. Antiq. p. 610.

Dedimus Poteffatem, Is a Writ, whereby a Com million is given to a private Man, for the speeding of some Act appertaining to a Judge. The Civilians call it Delegationem: And it is granted most commonly upon Suggestion, that the party which is to do something before a Judge, or in Court, is so feeble, that he cannot travel. It is us'd in divers Cases, as to make a perfonal answer to a Bill in Chancery, to make an Atturney for the following of a Suit in the County, Hundred, Weapentake, &c. Old Nat. Brev. fol. 20. To levy a Fine, West. Symb. par. 2. tir. Fines, fed. 112. and divers other Effects, as you shall see by F. N. B. in divers places. In what diversity of Cases this Writ, or Commission is us'd, see in the Table of the Reg. Orig. verbo Dedimus Potestatem.

Deede, Falta, fignific in our Common-Law, Writings that contain the Effect of a contract made between Man and Man, which the Civilians call Literarum Obligationem: They may be written in Parchment or Paper, but chiefly in Parchment, and to confift of three things, Writing. Sealing, and Delivery. Of these Deeds there be two forts; Deeds Indented, and Deeds Poll; which Division, West. in his Symb. par. 1 lib. 1. felt. 46. saith, Grows from the form or fashon of them, the one being cut in the fashion of denss in the top or side, and there A Deed Indensed, is a Deed confifting of two Parts, or | cer uses it in these words.

more, wherein it is express'd, That the Parties to the same Deed have to every part thereof interchangeably, or severally set their several Seals. See the rest there, where at last he shows the cause of the Name, viz. for that confifting of more parts, each part is indented, or cut one of them into the other, that by the cut it may appear, they belong to one Business or Contract. A Deed Poll, or Polled, he describeth thus, sed. 46. A Polled Deed is a Deed testifying that only one of the Parties to the Bargain, hath put his Seal thereto, after the manner there by him described. See also Termes de la Ley. verbo Fait.

Deemsters, or Demsters, are a kind of Judges in the Iste of Man, who, without Process, Writings, or any Charge, decide all Controversies there; and they are chosen from among themselves, Camb. bris. tit. Brittish

Deer-Feld. A Park or Deer-fold; Sax. Deor, Fersa. & Fald, Stabulum.

Deer-hays, Anno 19 H. 7. cap. 11. makes them to be Nets, or Engines made of Cords to catch Deer.

De effendo quietum De Colonio, Is a Writ which lyeth for them, which are by Priviledge freed from the Payment of Toll; of which read at large F. N. B fol. 225.

Deeppensis Militum, Is a Writ commanding the Sheriff to levy so much a Day for the Expences of a Knight of the Shire, and a like Writ to levy 2 Shillings a Day for every Citizen and Burgess, call'd De Expensis Civium & Burgenfum. 4 Inft- fol. 46.

De facto, A thing actually done, done in every Deed. Default, Defaita, Cometh from the French Default, and is an Offence in omitting that which we ought to do, West. Symb. part. 2. tit. Indicament, fed. 2. Of this Bratton hath a large Discourse, lib. 5. traft. 3. By whom it appeareth, That a Default is most notoriously taken for Non-appearance in Conrt at a Day assigned. Of this you may read Fleta, lib. 6. cap. 14.

Defamation, Defamatio, Is when a Man speaks flanderous words of another Man, of a Court of Juffice, Magistracy, or Title of Land; for which the Party shall be punished, according to the nature and quality of the Offence. Sometimes by Action upon the Case for Slander ; at other times in the Ecclefiaftical Courts ; as if a Man contrive any false Lies against Prelates, Dukes. Earls, &c. then an Actio de Scandalis Magnatum will lie by the Statute 2 R. 2. cap. 5, But for Defamations in the Spiritual Courts to be determined, they ought to have three Incidences First, To concern matter meerly Spiritual, and there tryable; as to call a Man Heretick, Schismatick, Adulterer, &c. Secondly, That it concern matter meerly Spiritual. Thirdly, That is only for punishment of the fault, for the Soul's health of him that offends. For the Slander or Defamation of a Title of Lands, see Co. lib. 4. fol. 18.

Defeigance, Cometh of the French Deffagre, or Deffayr, that is, Infellum reddere quod fallum eft; and fignifieth a Condition relating to a Deed, as an Obligation, Recognisance, or Statute, which being performed by the Obligor, or Recognisor, the A& is disabled and annulled, as if it had never been done. And the Difference between a Proviso or Condition in Deed, and a Defeasance, is this, That a Proviso or Condition is an nexed, or inserted in the Deed or Grant, whereas a Defeasance is usually a Deed by it self. For the Form and Manner of Defeafances, according to the Diversity of the Case, see west. Symbol. part. 1. lib. 2. sest. 156. g 230. 231.

Defend, Defendere, Signifies in our ancient Laws and fore call'd Indentures, the other being plain. And the Statutes, as much as to forbid and prohibit, Leg. Edw. Definition of a Deed Indented, he expressed thus, sed. 47. Conf. cap. 37. & S. R. 2. cap. 7 In the same Sense Chau-

Where

Where can you say, in any mammer Age, That eyer God defended Marriage.

And in 7 E. 1. we have a Statute intituled, Statutum de defensione portandi arma, &c. It is defended, that is, forbidden to diftrain upon the Highway, Co. on Lit. fol. 161. nay, in common speech Men frequently say, God defend, instead of God forbid; and the fence moneth is more properly the defence moneth, that is, the for-bidden month, or tempus verifium, Marwood's Forest Law, cap. 13. num. 1. See fence moneth.

Register, to be taxt for such a quantity of Land. the mannor of Brill. com. Buck. having been rated or alsest at twenty Hides, it is said,-June IX. bida se

defendebant, Paroch. Antiq. p. 165.
Defendere fe per corpus fuum. Duel, Combat, or Camp-fight, as a legal Trial, or Appeal. The Phraise occurs in Bratton. 1. 3. de corona. cap, 26, 32, &c. and many other of our English Writers

Defence, Is that which the Defendant ought to make immediately after the Count or Declaration made, that is, that he defends all the wrong force and damage, &c. and then to proceed either in his Plea or to imparle.

See more, Termes de lay Ley, verbo Defence.
Defendant, Defendens, Is he that is sued in an Adion personal; as Tenant, is he which is sued in an Acti-

on teal, Termes de la Ley.

Defendemus, is an ordinary word in a Feoffment or Donation, and hath this force, that it bindeth the Donor and his Heirs to defend the Donee, if any man go about to lay any servitude upon the thing given, other than is contained in the Donation, Bratton, lib. 2. cap. 16. num. 10. See also Warrantizabimus & Acquietabimus.

Defender of the Faith, Defenfor Fidei, Is a peculiar Title given to the King of England by the Pope, as Catholicus to the King of Spain, and Christianissimus to the French King. It was first given by Leo the Tenth, to King Henry the Eighth, for writing against Martin Luther in behalf of the Church of Rome, then accounted Domicilium fidei Catholica, Stow's Annals, pag. 863. The Bull for it bears Date Quinto Idus, Offo. 1321. and may be read at large in the Lord Herberts History of Henry the Eighth, fol. 105.

Defensa. A Park, or Place fenced in for

Deer, and defended as a property and peculiar for that –Idem Dux facit instaurare prædictum Use and Service .parcum de feris Defensæ Leices treusis. Henr. Knyghton sub ann. 1352 --- Dux Lancastriæ fecit maznam Con-vocationem magnatum Regni ad tenandum apud Legeces eriam in Foresta at Desensa, et in omnibus parcis suis ibi-

dem. ib. sub. 1390.

The perfection of the part of the perfect of

tom. p. 2. 114. 3 Defento, That part of an open Field that was for Corn and Hay, upon which there was no Com. moning or Feeding, was said to be in Defenso, So any Meadow-Ground laid in for Hay. And so any part of a Wood, where the Cattle had not Liberty to run, but was enclosed and fenced up to secure the Growth of the Under-wood. - Boscus de Naffoke debet esse in De-

fenso dum durat pannagiem, videlicet a Festo Michaelis ad Festum S. Martini, Mon. Angl. tom. 3. p. 306.

Defensiba. The Lords of Earls of the Martines, the Warden of Defension of Defensio fensiva locorum seu vice comites locis statuentur statutis. Rad. dediceto sub ann. 1153 — In Marchia principales Desensiva locorum, &c. ib. sub. 2nn. 1198.

Deforcement, Deforciamentum, A withholding Lands or Tenements by force from the right Owner. See Mat. Paris, fol. 422. and Co. on Lit. fol. 331. b. See deforceor.

Deforciant, The same with Deforceor, Anno 13 Elia

Deforceor, Deforciator, Cometh of the French Forceur, expuensior: In the sense of the Law it fignifies one that overcometh, and caffeth out by force; and differeth from Diffeisor first in this, because a man may diffeise another without force; which A& is called Simple disseisen, Brieton, cap. 53. next, because a man may deforce another that never was in possession. As for example, If more have right to Lands as common Heirs, and one entring, keepeth out the reft, the Law saith that he deforceth them, though he do not diffeise them. Old Nat. Brev. fol. 118. And Littleton in his Chapter Discontinuance, fol. 117. saith, That he which is infeoffed by the Tenant in tail, and put in possession, by keeping out the Heir of him in the Reversion, being dead, doth deforce him, though he did not diffeise him, because he entred when the Tenant in tail was living, and the Heir had no present Right. And a Deforcer differeth from an Intruder, because a man is made an Intruder by a wrongful Entry only into Lands or Tenements void of a Posses, and a Deforceor also is, by holding out the righ Heir, as abovesaid, Brason, lib. 4, cap, 1. See more of this in Polton de pace Regis, fol.

34, 35.

13 Deforciatio. A distress, Distraint, or Seifure of Goods for Satisfaction of a lawful Debt.—Nos et beredes nostros distingere possunt, per bona mobilie et immobilia S bominum nostrorum & Desorciationem tenere queusque plenarie fuerit satisfactum. Paroch. Antiq.

p. 293.

De Defendendo, In defending himself, as if one and he which is affailed fly till he Man affail another, and he which is affailed fly till he come toa River fide, or Wall, that hinders him to fly any further, and there he refifts the Violence offered to him, and kill the other; this is faid to be done Se defendendo, and the Law putteth him to sue out his Pardon of course, and punisheth him by forseits of Goods,

Bacon's collections of the Law.

Degraphing. See Difgrading.

Deguttare. To Bast Meat in Roasting by letting Butter, Fat, or Driping, gutter or run by drops upon it — Nec minori tormento vexabantur, qui verubus transfixi, ad ignem assati Deguttabantur a damonibus ex-

metallis liquefaltis. Mat. Pur, sub. ann. 1153.

Deis. The High Table, or upper Table in some English Monasteries was so call'd.—Priore prandente ad magnam mensam quam Deis appellamus. Additam ad Mat. Par. p. 148. Es sciendum quod non permittitur cipbus cum pede in Resedorio nisi tantum in majori mensa, quam Deis appellamus, ib.

Dei Judicium, The old Saxon Ordeal was so called because they thought is an appellamus.

so call'd, because they thought it an appeal to God for the Juffice of a Cause; and did believe the decision was according to the will and pleasure of divine providence.—Picor contradixis suum testimonium de Viuadence. nis & vili plebe, & de præpositis qui volum desendere per sacramentum, aut per Dei judicium. quod ille qui tenuit terram, liber bomo suit——Domesday in Cerdeson. See Dr Brady's Introd. p. 272.

Delegates, The Stat. 26. H. 8. cap. 19. fays, Are Commissioners delegated or appointed by the Kings Commission, to sit upon an appeal to him in the Court of Chancery, and is granted in three Cales. First, When a Sentence is given in any Eccle fiastical Cause by the Archbishop, or his Official. Secondly, When any Sentance is given in any Eccle liastical Cause in plane In Marchia principales ces exempt. Thirdly, when Sentence is given in the

Civil Law, 4. par. Inft. fol. 339. Anno 8 Eliz. cap. 5.

Deliberance, See Replegiare.

Delfe, From the Saxon delpan to dig , we ftill retain the word Delve, for dig; is a Quarry or Mine where Stone or Coal is digged, Anno 31. Eliz. 2 cap. 7. And Cambden mentions a Charter of Edward the Fourth, wherein mention is made of a Mine or Delfe of Cop-

Demain or Demesne. Dominicum, Is a French word otherwise written Domaine, and fignifieth Patrimonium Domine, as Hottoman saith In verbis feudalibus verbo Dominicum, where by divers Authorities he proveth those Lands to be Dominicum, which a man holdeth originally of himself, and those to be feedum which he holdeth of a superiour Lord. And by the word Domanium as Demanium, are properly fignified the Kings Lands in France, appertaining to him in property. In like manner do we use it in England, although we have no Land (that of the Crown only excepted) which holdeth not of a superior, for all dependeth either mediately or immediately of the Crown, wherefore no common person hath any Demaynes simple understood; For when a man in pleading, would fignifie his Land to be his own, he faith, That he is or was seized thereof in his Demayne, as of Fee, Lit. lib. 1. 6. 1. whereby he meaneth, that although his Land be to him and his Heirs for ever, yet it is not true Demayne, but depending upon a superiour Lord, and holding by Service, or Rent in lieu of Service, and by both Service and Rent; yet these words have been used in the Kings Right, 37 H. 8. cap. 16. and 39 El. 22. But the application of this speech to the King and Crown Land is crept by error and ignorance of the word Fee. Brisson, cap 78 sheweth, That this word Demayne is diversly taken, sometimes more largely, as of Lands and Tenements beld for life, Se. and sometimes more strictly, as for such only as are generally held in Fee. This word sometime is used for a distinction between those Lands, that the Lord of the Mannor hath in his own hands, or in the hands of his Leffee, demised upon a Rent, for term of Years or Life, and such other Land appertaining to the said Mannor, which belongeth to Fee or Copy-holders. Howbeit, the Copy hold belonging to any Mannor, is also in the Opinion of many good ing to any Mannor, is allo in the Opinion of many good
Lawyers accounted Demaynes, Bratton, lib. 4. trait. 3.
cap. 9 num. 5. saith, Est autem Dominicum, quod quis babet
ad mensam suam & propriè, sicut sunt Bordlanda Anglice.
Item dicitur Dominicum Villenagium, quod traditur villinis quod quis tempessive & intempessive sumere possit

Control of the Estata 200 writers. pro voluntate sua & revocare. Of this Fleta also writeth much after the same manner, Lib. 5. cap. 5. sed. Dominicum autem. And the reason why Copy-hold is accounted Demaynes, is because they that be Tenants to it, are judged in Law to have no other Right, but at the will of the Lord; so that it is reputed still after a fort to be in the Lords hands. And yet in common speech, that is ordinarily called Demeans, that is, neither Free nor Copy. And here note, That Demayne is fometime used in a more special fignification, and is opposite to Frank Fee. For example, those Lands which were in the possession of Edward the Confessor, are called ancient Demaine, and others be called Frank Fee, Kitchin, fol. 98. And the Tenants which hold any of those Lands be called Tenants in ancient Demaine, the other Tenant; in Frank-Fee Kitchin, ubi fupra. And also Tenants of the Common Law, Well. Symbol. part. 2. tit. Fines, sed. 25. 1 he reason is, because Tenants in antient Demain cannot be sued out of the Lords Court, Termes de la Ley, verbo Ancient Demaine. And such Tenants, though they hold all by the Verge, and have none other Evidence, but Copy of Court-Roll, yet are

Admiralty in Suits Civil and Marine, by order of the they faid to have Free-bold, Kitchin 81. See Ancient Demesne. See more on this Subject in the learned Spelman, verbo Domini cum.

Demaine cart of an Abbor, Seems to be that Care which the Abbor useth upon his own Demaine, Anno 6.

H 3. cap. 21.

Demand, Postulatio, signifies a calling upon a Man for any thing due. It hath also a more proper meaning diffinguished from Plaint; for all civil Actions are pursued either by Demands or Plaints, and the Pursuor is called Demandant or Plaintiff, viz. Demandant in Actions real, and Plasmiff in personal. If a man release to another all demands, this is the best Release can be given, and shall enure most to his advantage that hath it, Lit. fol. 117. a. There are two manner of Demands, one in Deed, another in Law; In Deed, as in every Pracipe there is express Demand: In Law, as every Entry in Land, diffress for Rent, and such like als are demands in Law. See more concerning Release of all Demands, Co. lib. 8. fol. 153, 154.

Demandant, Petens, 1s the Plaintiff in a real Acli-

on so called, because he demanderb Lands, &c. Co. on

Demyhaque. See Haque and Haquebuz.

Demise, Dimissio, is applyed to an Estate either in Fee-simple, Fee-tail, or for term of Life, and so it is commonly taken in many Writs, 2. par. Inst. fol. 483. The King's death is in Law termed, The demise of the

Demiters. See Deemsters. Demurrer, In Latin Demorare, Cometh of the French word Demurer that is manere in aliquo loco. It fignifies in our Common-Law a kind of paule upon a point of difficulty in any Action, and used substantively; for in every Action the Controversic consistent ei-ther in the Fact, or in the Law; if in the Fact, that is tryed by the Jury; if in the Law, then is the Case plain to the Judge. or so hard and rare, that it breedeth just doubt: I call that plain to the Judge, wherein he is affured of the Law, though perhaps the Party and his Councel yield not to it, and in such case the Judge, with his Aflociates, proceedeth to Judgment without farther work; but when it is doubtful to him and his Affociates, there is then a stay made, and time taken, either for the Court to confider further of it, and to agree if they can; or else for all the Justices to meet together in the Exchequer Chamber, and upon hearing of that, the Councels shall stay on both parts to advice and fet down what is Law; and what soever they conclude, standeth firm without farther remedy, Smith de Repub Angl. lib. 2 cap. 13. In Chancery the Defen-dant demurs to the Plaintiffs Bills averring it to be defestive in such or such a point, and demands the Judg ment of the Court thereupon, whether he shall be com-pelled to make any further or other answer thereunto,

Sc. See Moratur in Lege.

Demy fanke ou Sangut, Of the half Blood, is, when the Man marries a Wife, and hath liftue by her a Son or a Daughter, and the Wife dies, and then he takes another Woman, and hath by her also a Son or Daughter; now these two Sons or daughters are after a fort Brothers or Sifters as we usually term them balf Brothers, &c. or Brothers of the balf Blood, because they had both one Father; but are not Brothers by the Mothers fide, as having several Mothers, and therefore cannot be Heirs one to another, for he that shall Claim as Heir to one by Descent, must be of the whole Blood

to him from whom he claims,

Den et Strond. Liberty for Ships or Vessels to run a Ground, or come a Shoar. K. Edw. 1: grants this Privelege to the Barons of the Cinque Ports.

——Quod fint Wrecefry & Wystefry & Leftagefry & Lone.

Lonetopfry & quod babeant Den et Strond apud Gerne-Placit. temp. Ed. 1. et Ed. 2. Ms. 4to. penes Dom. Fountaines ex Æde Christi Oxon.

Deneriata terra. See Farding-deal of Land. Denariatus, Precium rei que Denario constat. have read octo Denariatus annui redditus.

nave read octo Denariatus annui redditus.

Dena terræ, A hollow place between two Hills; you may find it in the beginning of Doomsday Book.

De Silva ofto denæ parvæ & tres magnæ Domesdei. — una parva dena Sylvæ, ib. Dederunt Abbati terram viginti aratorum & xiii. Dennas glandes portantes. Will. Thorn. sub ann. 826. Sax. den, A low place which gives termination to very many Names of Places, especially among the Woods as in the Weald of Places, especially among the Woods, as in the Weald of Kent, Tenterden, Biddenden, &c. In some North parts of England they keep the Word Dene for a Vally. as in the Bishoprick of Durbam, they say, Skarrs and

Denes, i. c. Hills and Vales. Denarii. A Gene Denarii, A General Term for any fort of

Antiq. p. 320.

Denarius terrius Comitatus. In the Fines and other Profits arising from the County Courts, two Parts were reserved to the King, and a third Part. or Penny to the Earl of the County, who either receiv'd it in Specie at the Assises and Tryals, or had an equivalent composition paid from the Exchequer. So Eubulo le Strange in right of his Wise Alice Daughter and Heir of Henry de Lacy Earl of Lincoln had by Letters Patent. Dat. 5. Ed. 3. Custodiam & Wardam ca-stelli nestri de Lincoln cum balliva ibidem & viginti libratas annui reditus, pro tertio denario Comitatus. Paroch.

Antiquit 418.

Antiquit 418.

Earnest Dei. God's Penny, Arles or Earnest Money.

It. quod neuter Mercatorum ab illo contrastu posit discedere venes contrabentes datus suerit et receptus. Cart. 31 Ed. 1. M. 4. See Argentum Dei,

The occasion of this Earnest Money being call'd God's Peny, Denarius Dei, was this, In former times the piece of Money so given to seal the Contract

was given to God, i. e. to the Church or the Poor, but the Pious use is now gone.

Denarti de Caritate. Whitsun Farthings, or Pentecostals, the Customary Oblations made to the Cathedral Church about the time of Pentecost, when the Parish Priests and many of their People went in procession to visit their Mother Church. This custom of voluntary Honour was afterward changed into a fetled Due, and commonly charg'd upon the Parish Priest; though at first but a Gift of Charity (Denarii de Caritate) or elemosynary Present to help maintain and adorn rhe Bishop's See or Cathedral Church. Salvo, quod denarium S. Petri & denarios de caritate persolvant, quos hactenus persolvere consueverunt.

Cartular. Abbat. Giston. Ms. f. 15.

Denarius So. Wetri, Peter-Pence. See

Romescot.

The Denbera, A Place for the running of Hogs, a Swine cumb, or low Valley for the Pennage or Feeding Swine. From the Sax. Den, a Vale, and Berg a Barrow, a Hog. In a Charter of K. Ethelred granting the Mannor of Mersham to the Church of - Hec sunt Pascua porcorum que nostra Denbera nominamus. — And in a Lingua Saxonica Denbera nominamus. -Charter of K. Offa to the said Church, -Denberis in communi saltu. --- See Somner of Rom. Ports and Forts, p. 110.
Dene, Dena, In the same Book signifies a Dale.

Denne, In the same Book stands for a Town.

Denelage, Denelagia, Is the law that the Danes made here in England, out of which, and Merchenlage and West Saxon-lage, the Conqueror Compounded certain Ordinances for his Subjects, Camd. Brit. pag. 94. & 183.

Denizen, From the French Donaison, i. Donatio, fignifies in Law an Alien that is enfranchised by the Kings Charter, and inabled in all respects almost to do as the Kings Native Subjects do, viz. to purchase and to possess. Lards, and to be capable of any Office or Dignity; yet it is short of Naturalization, because a stranger naturalized, may inherit Lands by Descent, which a Man made only a Denizen cannot. And in the Charter, whereby a Man is made Denizen, there is commonly contained some one Clause or other, that abridgeth him of that full benefit which natural Subjects do enjoy. And when a Man is thus infranchised, he is faid to be under the King's Protection, or effe ad fidem Regis Anglia, before which time he can enjoy nothing in England, Braff. lib. 5. traff. 5. cap. 25. num. 3. Nay he and his Goods might be seised to the King's Use, Horne in his Mirrour of Justices, lib. 1. cap. de la Venue de francpledge, and 2 par. Inst. fol. 741. See also the Statute 27 H. 8. cap. 24. and Co. lib. 7 Calvin's Costa. Case. It seems that Donaiso is the right Name so called, because his Ligitimation proceeds ex denatione Regis, from the King's Gift.

Earth, Turf, and Stubble into heaps, and when dried to burn them into Ashes, for a Compost on poor bar-ren Land. This Method of Improvement is call'd Burn beating, and in some parts of Staffordshire they

term it Denshering of Land.

De non Reindentia Clerici Regis, Is an antient Writ, whereof see the form in 2 par. Inst. fol. 624.

Deodand. Deodandum, Is a thing given or rather forfeited, as it were, to God, for the pacification of his Wrath, in case of Miladventure, whereby any Christian Man cometh to a violent end, without the fault of any reasonable Creature. For example, If a Horse should strike his Keeper, and so kill him: If a Man in driving a Cart, and seeking to redress any thing about it, should so fall as the Cart-wheel running over him, should kill him: If one should be felling a Tree, and giving warning to Company by, when the Tree were near falling, to look to themselves, and any of them should be slain nevertheless by the fall of the Tree. In the first of these Cases, the Horse; in the second, the Cart-wheel, Cart and Horses; and in the the third the Tree, is to be a Deodand, that is, given to God; that is, to be fold and distributed to the Poor, for an Expiation of that dreadful event, though effected by unreasonable, yea senseles and inanimate Creatures. Stamf. pl. tor. lib. 1. cap. 2. Brast. lib. 3. trast. 2. cap. 5. Britton, cap. 7. and West. Symbol. tit. Indistrnents, sest. 49. Fleta, lib. 1. cap. 25. verbo de Submersis saith, That this is sold, and the price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful People departed this Lite; which Law is in imitation of that in Frodus. chap. 21. See Coke lib. 5. imitation of that in Exodus, chap. 21. See Coke. lib. 5. fol. 110. and Plowdens Com. fol. 260. b.

Omnia quæ movent ad mortem sunt Decdana. What moves to Death, ne understand Is forfeit as a Deodand.

This word is mentioned in the Statute de Officio Corona-

toris. 4 E. 1. See 3. par. Inft. fol. 57.

De deoneranda pro rata portionis, Is a Writ that lyeth, where one is distrained for a Rent that ought to be paid by others proportionably with him. For example, A Man holds ten Ox-gangs of Land by Feality,

and ten Shillings Rent of the King, and alienateth one Ox-gange to one, another to another in Fee; afterward the sheriff, or other Officer cometh and distraineth only one of them for the Rent; he that is distrained may have this Writ for his help, F. N. B. fol. 234.

Edeparter or Edeparture, From a Plea, or Matter, is where a Man pleads a Plea in bar of an Action, and being replyed thereunto, doth in his Rejoynder shew another matter contrary to his sirst Plea, that is called a Departure from his bar, Plond. Com. fol. 7.8. Reniger and Fogassa's Case. It may also be applied to a Plaintist, who in his Replication shews new matter from his Declaration, Co. 2. par. fol. 147. Bagshawes Case. So if a Man plead a general Agreement in Bar, and in his Rejoynder alledge a special one; this shall be adj dged a Departure in pleading. So in Trespass, if the Detendant will plead a Discent, and the Plaintist that after this the Defendant enseoffed him; and the Defendant saith, this Feossment was upon condition, for the breach whereof he entred: This is a Departure, for it is new matter. Ot this, see divers Examples in Broke, tit. Departer de son plea.

Eparture in despight of the Court, Is, when a Tenant or Desendant appears to an Action and hath a day over in the same Term, or is called after, though he had no day given him, so that it be in the same Term; if he do not appear, but make Default, it is a Departure in despight of the Court, and therefore he shall be condemned. And here observe, That Deparparture in despight of the Gourt, is always on the part of the Tenant or Desendant, and the entry thereof is quad Predictus A. licet solenniter exactus non revenit sed in contemptum curia recessit is desaitam secit: And this is when in judgment of the Law he is present in Court, and being demanded, departs in Despight of the Court This amounts to a Bar in respect of the despight and contempt of the Court. See Co. lib. 8. fol. 62.

To Depart. To Divide or Separate actively. This Hill departed the Land of the Ammonites from that of the Amorites. But upon But. lib. 14. cap. 13. Men that divide and depart Fields. ib. cap. 50. So in Wichlive's Translat. Gen. 1. 4. Depart the Light from Darkness. And it was in that Age properly express in our old Office of Matrimony, till death us depart now more intelligible to the Vulgar, till death us do part. Hence the Departers of Gold and Silver were no more than the Dividers and Refiners of those Metals.

Departers of Bold and Dilber. See Finers.

Depopulation, Depopulation, Is the laying waste, destroying and unpeopling of a place Co. 12. Rep. fol. 30. This is now the apparent effect of Enclosing Lordships and Mannors, by which means several good old populous Villages have been reduc'd from a great number of sufficient Farms, to a few Cottages.

Depopulatores agrozum, Were great Offenders by the Common-Law, as appears by the Statute 4 H. 4. 2. and were called Depopulatores agrorum, because by prostrating and ruining of Houses they seemed to depopulate Towns, that is, leave them without Inhabitants, 3. par. Inst. fol. 204. See also 13 El. 10. and 14. El. 11.

Deposition, Depositio, Is the Testimony of a Wirness set down in writing by way of Answer to interrogatories exhibited in Chancery, where such Witness is called a Deponent. Deposition is also sometimes used for death, as in Provin. Ang. lib. 2. tit. de Ferris; Where it is said, Ordinamus quod festum Depositionis sansii Johannis de Bevarlaco celebreter, &c. 7 die Maij.

Depribation, Deprivatio, Is a bereaving or taking away, as when a Bishop, Parson, Vicar or Prebend, is deprived or deposed from his Preserment for any matter in Fact or in Law; as it a Schismatick, or meer Lay-man, be presented, admitted, inflituted and inducted; this is good Cause of Deprivation. See other Causes of Deprivation, 13 Eliq. cap. 12. 21 H. 8. cap. 13. See also 2 & 3 E. 6. cap. 20. Deprivation of Bishops and Deans, 39 Eliq. cap. 8. See also Co. lib. 4. sol. 70. and lib. 7. As. b.

shops and Deans, 39 Eliz. cap. 8. See also Co. lib. 4. fol. 79. and lib. 7. 44. b.

Deputy, Is he that exercises in another Man's Right, either Office or other things; and his Forfeiture or Missemeanour shall cause the Officer, or him whose Deputy he is to lose his Office: But a Man cannot make his Deputy in all Cases, except the Grant so be, as if it be with these, or such like words, To exercise and use by himself, or his sufficient Deputy, Or if the words go farther, To himself, or his Deputy, or the Deputy of his Deputy. Then he may make his Deputy, and his Deputy also may make a Deputy, or else not. As if the Office of a Parkership be granted to one, he cannot grant this over to another, because it is an Office of Trust and Considence, and shall not be forseited. And there is great difference between a Deputy and Assignee of an Office, for an Assignee hath an Interest in the Office it self, and doth all things in his own Name; for whom his Grantor shall not answer, unless in special cases. But a Deputy hath not any Interest in the Office, but is only the shadow of the Officer, in whose Name he doth all things. And where an Officer has power to make Assigns, he may implicitly make Deputies, for cui licet quod majus est, non debet quod minus est non licere. And a Sheriss may make a Deputy, or Undersheriss, although he have not such express words in his Patent.

De quibus sur disset, Is a Writ of Entry. See Fitzb. Nat. Brev. fol. 191.

Debocatione Parliamenti, Is a Writ for recalling a Parliament, as in 5 Edw. 3. the Parliament being summoned, was recalled by such a Writ before it met. See Prinnis Animadu. on the 4th Institutes.

Deraigne or Derepne, Difrationare vel dirationare. May seem to come of the French Disarroyer, id est, confundere, to confound or disorder, or destranger, to put in disorder; or of the Nerman word Desrene; which signifies nothing but a proof of the denial of a man's own Fact. In our Common-Law it is used distinctions of the denial of the state versly. First generally, To prove, as Dirationabit jus suum bæres propinquior, Glanvile, lib. 2. cap. 6. And babeo probus bomines, qui hoc viderunt & audierunt & parati sunt boc dirationare, Id. lib. 4. cap. 6. And dirationavit terram illam in curia mea, Id. lib. 2. cap. 20. he proved that Land to be his own, &c. And pertinentiam eam dirationavit in vita sua vel alio modo juste perquisivit, Id. lib. 6. cap. 12. And Brallon useth it after the same sort, in these words, Habeo sufficientem difratiocinationem & probationem, Lib. 4. tract. 6. cap. 16. And fo he useth Dirationare, Lib. 4. cap. 22. And fo in Westm. 2. 13 E. 1. cap. 32. And to derayne the Warranty, Old Nat. Brev. sol. 146. And to derayne the Warranty Paramount, 31 H. 8. cap. 1. And dereigner le Warranty in Plonden, Baset's Case, in fine 2. partis fol. 6, 7, 8. hath the same Signification. So it is used, Westm. 2 cap. 5.13 E. 1. in these words. when the Parson of any Church is disturbed, to demand Tythes in the next Parish by a Writ of Indisavit; the Patron of the Parsonso disturbed, shall have a Writ to demand the Advowson of the Tythes, being in demand; and when it is deraigned, then shall the Plea pass in the Court-Christian as far as the same is derayned in the Kings Court. Brass. also Lib. trass. 2. cap. 3. num. 1. speaking of him that appealeth another

for any Treason or Felony, hath these word, Propenat accusans appellum suum in bunc modum, sc. debet dicere secujans appelium juum in bune modum, ic. aebet altere se intersuisse. O vidisse certo loco, certo die, certa bora; o scivisse ipsum accusatum praelocutum suisse mortem Regis vel seditionem suam, vel exercitus sui, vel consensisse, vel auxilium o consilium impendisse, vel ad praesitus sui, vel consensutoritatem prastitisse, o boc ego juxta considerationem curiae disrationare paratus sum. He useth it likewise as the Normans use Disraisniam, for him that offereth to justisse his denial, as Lib. 2, trass. 28, num. I. justifie his denial, as Lib. 3. trast. 2. cap. 28. num. 1. in these words, Rex constillo Episcoporum & bonorum misst propter comitem, ut statuo die veniret ad curiam, ad distationandum vel desendendum se si posst. Lastly, in some places the S bestantie Derainment is sound used in the very literal fignification of the French Dorager or Distanger, that is, turning out of Course, as dereinment or departure out of Religion, 31 H. 8. c. 6. and dereignment or discharge of their Protession, 33 H. 8. 29. which is spoken of those religious Men which forstook their Orders, or Protession, as also 5 & 6 E. 6. cap. 13. So doth Kitchin use the word, fol. 152, saying, The Lesse entreth into Religion, and afterward is dereigned. And Britton hath these Word; Semounse distributes, for a Summons that may be challenged as defective, or not lawfully made, cap. 21. Of this you may read more in Skene de verb. Signif. verbo Difrationare, where he confoundeth it with our waging and making of Law.

Detachiare, Dittachiare, By Writ of De-tachment or other course of Law, to seize or take into

Custody another's Goods or Person.

Detinat, Detinendo, Is a Writ that I yoth against him, who having Goods or Chattels deliver'd to him to keep, refuseth to deliver them again. See of this F. N. B. fol. 138. To this is answerable in some sort, Allio deposition the Civil Law. And he taketh his Action of
Detinue, that intendeth to recover the thing delivered, and not the damages sustained by the Detinue, Kitchin, fol 176. See the New Baok of Entries, verbo Detinue.

Delient, Sec Difent. Derinet. Sec Debito & debet.

De son Cost Bentesme, Seem to be certain words of form in an Action of Trespass, us'd by way of Reply to the Plea of the Defendant: For Example A. fueth B. in an Action of Trespals, B. answers for himself, That he did that which A. calleth a Trespass, by the Commandment of C. his Master. A. saith again, That B. did it De son tort de demesne sans ceo que C. luy command, medo & forma, &c.

Debt or Der, Is a Writ that lies, where any Sum of Money is due to a Man by reason of Account, Bargain, Contract, Obligation, or other Specialty, to be paid at a certain day, which is not paid, then he shall have this Writ; but Action of Debt will not lie for Money due to a Lord by his Tenant for any Rent-fervice, but he must distrain for it. So for Rent-charge or Rent-seck, which any Man hath for Life, in Tail, or in Fee; he shall not have any Action of Debt as long as the Rent continues, but his Executors may have an Action of Debt for the Arrearages due in the Life of their Testator, by the Stat. 32 H. S. cap. 37. See more Co.

lib. 8. 147. home in villa delinquit & Devadiatus fuerit nil inde ba-

against Executors, for paying Legacies and Debts without Specialty, to the prejudice of the Creditors that have Specialties, before the Debts upon the faid Specialties be due; For in this Case the Executors are as lyable to Action, as if they had wasted the Goods of the Teflator riotoully, or without Cause, for such irregular

and illegal Payments are accounted in Law a masting of the Goods of the Testator, as much as if they had given them away without cause, or fold them, and converted them to their own use. See Dyer. fol. 232. pla. 5.

them to their own use. See Dyer. fol. 232. pla. 5. And also the Office of Executors, cap. 12.

Dependent, Is a Writ directed to the Escheator, when any of the Kings Tenants holding in Capite dies and when his Son and Heir within Age, and is the King's Custody, dies, then shall this Writ go forth, commanding the Escheator, that by the Oaths of twelve good and lawful Men he inquire what Lands or Tenements, by the death of the Tenant, come to the King. See Dyer. fol. 260. pla. 4. But see the Server. the King. See Dyer, fol. 360. pla. 4. But see the Stat.

12. Car. 2. cap. 24. and 14 Car. 2. cap. 11.

Debeth, (Devester) is contrary to Invest; for as Investire lignifics pessessionem tradere, so Devestere is possible.

Sessionemanferre, Feud. lib. 1. cap. 7.

Debile, or Dibile, Cometh of the French Divifir, separare, or Deviser, to confer with. This word is properly attributed in the Common-Law, to him that bequeaths his Lands and Goods by his last Will and Testament in writing, and he is called the Devisor. And here we are to observe, That the Laws of the Realm, and the Judges thereof, favour Wills and Testaments, and Devises, in yielding to them such a reasonable Construction as they think might best agree with the mind of the Deceased, and are more favourably interpreted in Wills than in Deeds: We will set down some few examples, as if one devise to J. S. by his Will all his Lands and Tenements, here not only all those Lands that he hath in possession, but all those that he hath in Reverfion, by vertue of the word Tenements pais. Lands be devised to a Man, to have to him for ever, or to have to him and his affigns: in these two cases the Devise shall have a Fee-simple: But if it be given by Feossment in such manner, he hath but an Estate for term of Life. — If one devise to an Irsant in ventre matris sue, it is a good devise; but otherwise by Fe-offment, Grant or Gist; for in those cases there ought to be one of ability to take presently, or otherwise it is void. See 14 Eliz. Dyer, 304. and Co. on Lit. fol. 111. And this favourable allowance to Wills even the Heathens observed, as appears by these Verses.

Sed legemservanda fides; suprema voluntas Quod mandat, fieriq; jubet, parere necesse est s

Laws must be reverenc'd; and what ere is laid Upon us by a Will mugt be obey'd.

Debiscere. The word is used in Dooms-day Book. tit. Hereferd. in the same Sense of devising by Will. Signis morte preventus non devisisset qua sua erant, Rex babebit omnem ejus pecuniam.

Debogges of Daleps, Is as much to lay as a Duty. It is used in the State of 2 R. 2. Stat. 1. cap. 3. and 5 R. 2. Stat. 2. cap. 2. where it fignifies the Customs brought to, or carried out from Calays, while our Staple remained there. See 34 E. 3. cap. 18. paying their Customs

and Devoyres to the King.

Debotte, alias Dibotte, Divortium, Is with our Common Lawyers accounted that separation between two, defacto married together, which is, a Vinculo matrimonii, non folum a mensa sed & a Thoro, and therefore the Woman so divorced received all again that she brought with her. This is not but only upon a Nullity of the Marriage, upon some essential Impediment, as Consanguinity or Affinity within the Degrees forbidden, Pre-contract, Impotency, or such like, of which Divines reckon Fourteen, according to these

> 0 2 Error

Error, Conditio, Votam, Cognatia, Crimen; Cultus, Disparitas, Vis, Ordo, Ligamen, Monestas, Si saffinis; si forte, coire moquibis; Si parochi duplicis dest prasentia testis, Raptove fit, mulier, Uc.

For all these, see Co. lib. 6. fol. 66. Co. lib. 5. fol. 98. 19. Lib. Ass. Pl. 2. Co. lib. 7. Konne's Case. And Co. on Lit. fol. 235. In the old Law, the Woman divorced, was to have of her Husband a writing, which was called Bill of Primers

called a Bill of Diverce.

Destrarius, Willielmus de Breofa dedit Regi tres dextrarios quinque Chacures, & viginti quatur, senfas pro bebendo seisina castrurum de Grosmunt Shemfrith & Clasteli. Rot. Cast. in turr. Lond. de Anno 7 Joh. n. 38. That is three light Horses or Horses for the great Saddle, from the Fr. Destrier, which lignifies a Horse for Service.

Degnetti Canta, -- Willichnus Couch tenet du

as carrentes terra de Domino Rege apud Benham com.
Berk per feriantiam custodiendi unam mentam Deynoctorum Causum, ad custum Domini Regis, Ann. 12 Ed.
1. Tenures, p. 38.

Tenures, p. 38.

Dialper, Diaper, or Linnen variagated in
the Weaving.

Henricus Abbas Glaston. tempere Regis Henr. 1. ifii Euclesia contails ornamenta fates
tratial, widel, welles nonem ortimes, engrum madam

quantum ex omni genere bladi vel leguminis expendetar in femine Dica illa dividatur in duo & una pars Dica illa dividatur in due w ma pars deputshine enflodise Hospitalis Eratris — altera Grangiurio Statut. ard. de Sompingham. p. 748. Dicker of Leather, Is a quantity consisting of ten Hides: The name may from to come from the Greek

Name which fomething resembles the Latin word

Decem.

Diera ferri. A quantity of Iron confifting possibly of ten Barrs. — T. R. E. reddebat civitas de Glorecchre xxxvi. Libr. numerates, & xii. sextaria mellis ad menfuram Burgi, & xxxvi. Dictas ferri, & centum virgas ferreas ducities ad clavos navium Regis, & quassam alias minutes consutudines in Aula & in ta-mera Regis, ------ Lib. Dornassay Glocest.

mera Regis, —— Lib. Dornefday Gloceft.

Diction be lkenelimenth, Was an Edick between

Henry the Third and his Barons, fo called, because it was made at Kenelmorth Castle in Warnick-hire, 51 H.
3. containing a Composition of those who had forfeit-

ed their Estates in that Rebellion.

Diem claufit errremum, Is a Writ that lyeth for the Heir of him that holdeth Land of the King, either by Knights-service or Socage, and dyeth, he he under or at full age, directed to the Escheator of the County, to inquire of what Estate the Party dyed seifed, and who is now Heir and of what release the land. who is next Heir to him, and of what value the Land is. The Form whereof, and other Circumstances, you may read in F. N. B. fol. 251.

Deer, Was a learned Lawyer, and Lord chief Juflice of the Common-Pleas in Queen Elizabeth's Time, who writ a Book of great account, called his Commen

taries or Reports.

Dies, There are four force of Days, A day natural, and so the Scripture saith, The Evening and the Morning made the first day. 2. A day artificial, and that

is a crepafulo matutino uff; ad crepafulum vespertinum;
3. Dies aftrologius, an Aftrological day from Sun to
Sun. 4. A legal day, and that is of two forts, r. Dies
Jaridicus. And 2. Dies non Furidicus. Dies Jaridici

1. Des Jaridicus. Dies Jaridicus are all days in Bank, Continuance, Effein-days, and other days given in Youn to the Parties in Court. Dies non Faristici are all Sundays in the Year, belides, in the foveral Terms particular Days, as in Easter Term, festum ascentionis Domini; in Trinity Term, sestum sandis Johannis Baptistæ; in Michaelmas Term, festum omnium Santtorum, & festum omnium animorum; and in Hillory Term, sestum Purissectionis besta Marie Virginis. And this was the ancient Law of England, and

yet in use, 2. par. Inft. 264.

**P Dies. One days Entertainment, Form, or Recoption, — reddebat man diem de frma, & valebat man diem de france. 94. Libr. & 6. desar. Domesday, where there be many other Fee Farm Rents, as we may call them, re ferred to the King in formany Days or Night Provi-

Dies batus, Is a Refpite given to the Tenant of Defendant by the Court, Broke, tit. Continuouse.

Dies Barthiz. The day of Congress or meeting tween the English and Statch, appointed annually to be held on the Marches or Borders, to adjust all differences, and preferve the Articles of Peace. -Lanchastrine. - pro Die Marchie (pront Moris est) tenenda inter Anglos & Scotos annis singulis, in partes concesserat boreales. Tho. Walfingham, in Ric. 2. p. 278. Convenerant ad Diem Marchia, & conventum fuet

inter ees pro commodo pacis, &c. 1b.p. 307.

Dieta, M Days-work.

Per servitium metendi bladum Domini per tres Dietas in Antum non ad ethum ipfms Domini ad primam dictam per quatur ho-mines, &c. Cartular. Rading. MS. pag. pemli.

Dieta tationabilis, 1s used in Bratton for a reason-

able Days Journey, Lib. 3. part. 2. cap. 16. It hath in the Civil Law divers other fignifications not needful

here to be fet down, w. wocab. Utrinfy, juris.

Dignitatees, Dignitarii, Are such as are advanced to any Ecclesiastical Promotion, as Dean, Arch-

deacon, Prebendary, &c. 3 par. inft. fol, 155.

Bigmity Getlefinftient, Dignitas Etelefinftica. mentioned in the Statute 26 H. 8. cap. 3. and by the Canonifes defined to be Administratio cum jurifdictione & potestate aliqua conjucta, Glof. in cap. 1. de confuet. in fexte, whereof you may read divers Examples in Duarems de facris Eccl. minister, & Benefic. lib. 2.

cap. 6.

2Dilapitation, Dilapinatio, A walleful destroying or letting of Building run to ruine and decay, for want of Reparation, 13 Eliz, cap. 23. and the Mony recovered for Dilapidations shall be employed in the te-

pair of the same Houses, 14. El. 11.

Dilligrout, Pottage formerly made for the King's Table on his Coronation Day. —— Robertus Agyllon tenet unam carncatam terra in Adington in com. Surv. per serjantam faciendi unum sercalum in villa lutea in coquina Domini Regis die coronationis sua ès voca-

tur Dilligrout, 39 H. 3. — of Tenur, p. 1.

The Moity or one half — Sciant quod Ego Matilda Filia Willielmi le Franceys dedi

Waltero de Stetton Dimidietatem illus Burgagii, dec. fine dat. Ex Libro Cart. Priorat. de Losminstre.

Dioces. Discess, A Greek word compounded of the and tempers, and fignifies with us the Circuit of every Bishop's Jurisdiction; for this Realm hath two forts of Divison, one into Shire or Counties, in respect of Temporal Policy; the other into Dioceles, in respect of Jurisdiction Ecclesiastical, of which last we reckon in England two and twenty, belides four in Wales,

Dien for at, these are words oftentimes used in our Law; and it is a Maxim, that the Ast of God shall prejudice no Man: And therefore if a House be beaten down by Tempest, or rather Ast of God, the Lesses for Liste or Years shall not only be quit in an Asia of Wash beauty against him. Action of Walt brought against him, but hath by the Law a special Interest to take Timber to build the House again, if he will for his Habitation, Co. lib. 4-63. It lib. 11. 82. 4. So, when the Condition of an Obligation conside in two parts in the Divination Obligation confifts in two parts in the Disjunctive, and both are possible at the time of the Obligation made, and afterwards one of them becomes impossible by the Ast of God; the Obligor is not bound to perform the other Part, for the Condition shall be taken beneficially for him. Co. like a Go. ken beneficially for him, Ca lib. 5.22.

Dimithaque, See Haque, When a Candidate for Holy Orders has a title in one Diocele, and is to be ordained in another: The proper Diocesan gives his Letters Dississory directed to some other ordaining Bishop, giving leave that the Bearer may be ordain'd to such a Cure within his District.

Dinarium. A Disner, the Meal oppos'd to

Prandiam. Et cariabit bladum per unum diem le babebit tam ad dinarium quam ad Prandium Panem cervifiam le carnes. — Consuetud. Domus de Farendon. is carnes. •

Dirgs, or Dyrgs, A Mournful Ditty, or Song of Lamentation over the Dead, not a Contraction of the Lat, Dirige, in the Hymn Dirige grefus meas, as some pretend: but from the Teutonick Dyrke Laudare, to praise and extol: whence it is possible their Dirks and our Direct was a laudatory Song to commemorate and our Dirge was a laudatory Song to commemorate and applaud the Dead.

Disability, Disabilitas, Is, when a Man is disabled of, or made incapable to inherit or take a Benefice, which otherwise he might have done, which may hapwhich otherwise he might have done, which may happen four ways, by the Act of the Ancestor, by the act of Law, and by the act of God.

1. Difability by the act of the Ancestor, as if a man he attained of Treaton or Felony; by this Attained rhis Blood is corrupt, and thereby himself and his Children difabled to inherit.

2. Difability by the act of the Party himself; as if one man make a Feosiment to another that then is sole, uson conditions that he shall another that then is fole, upon condition, that he shall enfeoff a third before M. and before M. or the Feoffment made, the Feoffce takes a Wife; he hath by that difabled himself to perform the Condition according to the I ruft in him reposed, and therefore the Feof the trust in him reposed, and therefore the Feoffer may enter, and out him, Lit. fed. 357. So if I bind my felf, that upon furrender of a Leale, I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: In this Case, though I afterwards purchase the Reversion, yet I have forseited my Obligation because I was once disabled to perform it. Case gation, because I was once disabled to perform it; Co. gation, decause 1 was once dilabled to perform it; Co. lib. 5, fol 21. Also if a Man be excommunicated, he cannot during that time seu any Action, but shall be thereby disabled Co. lb, 8, fol. 69, and so in other cases. 3. Disability by act of Law, is properly when a Man by the sole act of the Law is disabled, and so is an Alien born. And therefore if a Man born out of the Kings Ligeance, will seu an Action, the Tenant or Defendant may say, That he was born in such a Country, out of the Kings Ligeance, and demand Judgment if he shall be answered; for the Law is our Birth-right, to which an Alien is a stranger, and therefore diffiled to take any benefit thereby. 4, Difability, fore distilled to take any benefit thereby. 4. Distilly, by the act of God, as to be Non compes mentis, or non same memoria, which so disables him, that in all cases, where he gives or passes any thing or estate out of him, after his Death it may be disamulled and avoided. And here observe, That it is a Maxim in our Law, That

a Man of full ago shall never be received to disable bis enn Person, and this in capacity to disable himself, as to some is personal, extending only to the Party himself. to some is personal, extending only to the Party himself; but as to others it is not personal, yet shall hind them as Privies. Now there are sour manner of Privities, viz. Privity in Bleed, as Heir. Privit in representation, as Executors or Administrator., Privities in Estate, as Dones in Tail, the Reversion or Remainder in Fee, Go. And Privies in Tempre, as Lord and Tenant. Two of these may disable the person of the dead, which was Non same Memorie, or, Go. and shall avoid his Grants or Feosiments, viz. Privies in Blood may she we the disability of the Ancestor, and Erives in Representation the infirmity of their Testator or Intestate, Co. lib. 4. sel. 123, 124. See Lit, Ses. 406, and testate, Co. lib. 4. fel. 123, 124. See Lit. fell. 406, and Co. lib. 8. fel. 43.

Difalt, Significan as much as to difable, Littleten

in his Chapter of Discontinuance.

Discontinuance.

Discontinuance.

Properly to unlade a Ship or Veffel by taking out the Carge or Goods.

Et predictus Prior carcare & discarcare seit ihidem Merchandiss & Denariatas quas cunq; Placit. Parl. 18 B. 1.

Discontinuance.

Distrartatio, An unloading. Disporatio, A Conversion of wood Grounds into Arable or Pasture; and assarting, See Assart.

Discepte, Deceit and Deceptione. See also the New

Distreys, Deceit and Deceptione. See also the New Book of Entries, verbo Discoite.

Distrent, Discoulus, In the French Descent, signifies in the Common-Law, an order or means whereby Lands or Tenements are derived unto any Man from his Ancestors, as to make his discont from his Ancestors, old Nat. Brev. fol. 101. Is to shew how, and by what degrees the Land in question came to him from his Ancestors; as first from his great Grand-father to his Grand-father, from his Grand-sather to his Father, and so to him, or in such other such like sort. This discont is either lineal, or collateral; Lineal discont is confcent is either lineal, or collateral; Lineal discent is conveyed downwards, in a right line from the Grand-father to the Father, and from the Father to the Son, and from the Son to the Nephew, &c, Collegerial discens is springing out of the side of the whole Blood, as Grandfathers Father, Fathers Brother, &c. See Tirmes de la Ley, and Lie, lib. 3. cap. 6. Sat. 32 H. 8. cap. 33, Co. on

Lit. fol. 237.

Disclaymer, Disclamium, Is a Plea containing an express denyal or refusal; as if the Tenant sue a Replevin upon a Distress, taken by the Lord, and the Lord avow the taking of the Distress, saying, That he holderth of him as of his Lord, and that he distrained for Rent not paid, or Service not performed; then the Tenant denying himself to hold of such Lord, is said to disclaime, and the Lord proving the Tenant to hold of him, he loseth his Land, Termes de la Let 274. Also if a Man deny himself to be of the Blood or Kindred of another in his Plea, he is faid to disclaim his Blood, or another in his race, he is law to ayutam his prood, F. N. B. fol. 197. See also Bro. tit. Disclaymer: If a man arraigned of Felony, do disclaim Goods, being cleared, he loseth them. Stamf. pl. car. fol. 186. See also Co. lib. 8. fol. 62. Lit. self. 146. Co. lib. 3. fol. 26. New Book of Entries, were Disclaymer. Stame de verbo.

Sign, verb. Disclamation,
Discontinuance, Discontinuatio, Cometh of the
French Discontinuer, that is, cesare, and significant in the Common-Law nothing elle but an interruption, or breaking off, and is twofold, Discontinuance of Possifier, and Discontinuance of Process: The effect of Discontinuance of Process: The effect of Discontinuance of Process: The effect of Discontinuance of Profession is this, That a Man may not enter upon his own Lands or Tenements alienated, whatsoever his Right be unto it, of his own felf, or by his own authority; but must bring his Writ, and seek to recover possible by Law, See the Termes of the Lap, verbo Discontinuance, Institutes of the Common Low, cap. 43.

Co. Rep. lib. 3. Case Of Fines, fol. 85. The effect of Discontinuance of Plea or Protess, when the instant is lost, and may not be regained, but by a new Writ to begin the Suit afresh: For to be discontinued, and to be put fine die, is all one, and nothing else but to be dif-missed sinally the Court, We. Symbol. part. 2. tit. Fines, self. 115. So Crompton in his Jurisdictions, fol. 131. useth it is the coming of the Villes the King manual by the not coming of the Justices, the King may renew the same by his Writ, &c. In this signification Fitzberbert in his Nat. Brev. useth the Word divers times, as Discontinuance of Corrody, fol. 193. To discontinue the right of his Wife, 191, & 193. Dissontinuance of

an Affice 182, & 187. Anno 31 Eliz. cap. 1. 12. Car. 2. cap. 4. 14. Car. 2. cap. 10. Co. on Lit. 325.

Discus, Descus, A Desk or leaning Shelf.
Super reparatione discorum, & stallorum in cancello Ecclefix controversia orta est. Hist. Croyland. Contin. p 521. So Robert de Replingbam Chancellor of the Ch. of York. in his laft Will proved 3. Kal. Sept. 1332. -ltem Cathedran meam & descum meum Gamellar. Ebor. successoi meo. Ex Collettan. Matth. Hutton. S. T. P.

Disfranthise, To take away from any one his Priviledge or Freedom, 14 Car. 2. cap. 31. It is con-

trary to Enfranchist, which see.
Difgrading, or Begrading, Degradatio, Is the punishment of a Clerk, that being delivered to his Or-dinary, cannot purge himself of the Offence whereof he was convicted by the Jury, and is the privation of him from those Holy Orders which he had, as Priest-hood, Deaconship, &c. Stamf. pl. cor. 130, & 138. There is likewise the disgrading of a Knight, Lord, &c. So Sir Andrew Harkley Earl of Carlisle was convicted, degraded, and attained of Treason, 18 E. 2. Coram Rege Rot. 34, 35. And it is not to be omitted, that by the Common-Law there be two sorts of disgrading, one formers by word only, and another solution, by de-Common-Law there be two lotts of difference, one fummary, by word only, and another folems, by develting the Party degraded of those Ornaments and Rites, which be the Ensigns of his Order or Degree. See Seldon's littes of Honour, fol. 787. So by the Statute of 13 Car. 2 cap. 15. William Lord Mounson, Six Henry Mildmay, and others therein named, were degraded, Gr. See the Act at large.

Dispersion, Is an old word fignifying as much as difficulting. It is used in the Statute of Vouchers made

inheriting. It is used in the Statute of Vouchers made

20 E. 1. and in 8 R. 2. cap. 4.
Disperitor, One that disinberiteth, or puts another

out of his Inheritame, 3 E. 1. cap. 39.

Difmes, Decima, Are Tythes, and fignifieth the Tenth part of all the Fruits of the Earth, or Beafts, or our Labour due unto God; and fo consequently to him that is of the Lords Lot, that is, our Pastor. It fignifieth also the Tenths of Spiritual Livings yearly given to the Prince, called a perpetual Diff, 2 & 5. 6. cap. 35. which in ancient time were paid to the Pope, till Pope Urbane gave them to Richard the Second, to Aid him against the French King Charles, and those other that unheld Chemost the Seventh against and those other that upheld Clement the Seventh against thim, Polydor. Virgil. Ang. Hist. tib. 20. Lastly, It signifies a Tribute levyed of the Temporalty, Holinshed In H. 2. fol. 111. Tythes are of three forts, Predial, Personal, Mixt: Predial Tythes are of things that come of the Ground only, as Corn, &c. Personal Tythes are paid of such things as come of the Labour and induttry of Mans Perfon, as Buying and Selling, &c. Mixt Tythes are of Calves, Lambs, Pigs, and fuch

Disparagement, Disparagatio, Is in a legal fense used especially for matching an Heir in Marriage under his or her Degree, or against decency. See Comell's Inflitutes, tit. de Nuptiis, fect. 6. Co. on Lit. fol. 107. 1it. lib. 2. cap. 4.

of his Poverty, attested by his own Oath, of not being worth 5 l. his Debts being paid, is admitted to sue in forma pauperis, if afterwards before the Suit be ended, the same party have any Lands, or personal Estate sallen to him, or that the Court, where the Suite depends, think sit for that or any other Reason, to take away that Privilege from him, then he is faid to be dispansered, i. e. put out of the capacity of suing in forma Pauperis.

Distribute, Dirationare, Fr. Defrener. To justifie or make good the Denial of a Fact. We now call it Traversare, or Traverse. Dirationare it has been used for to clear ones self of a Crime. See Gloss. in x. Seript. And Deraign

Diffetsin, Difeisina, Signifieth an unlawful dispossessing a Man of his Land, Tenement, or other immoves his an incommend Richard immoveable or incorporeal Right, Institutes of the Common-Law, cap. 15. And how far this extendeth, see Brass. lib. 4, cap. 3. And therefore the Assistance called Writs of Distersion, that lie against Dissersion in any case, whereof some be termed little Writs of Distersion, case, whereor some be termed little Writs of Discession, being Vicontiel, that is, sueable before the Sherist, in the County-Court. Old Nat. Brev. fol. 109. because they are determined by the Sherist without Assist, Reg. Orig. fol. 198. b. as for Nusances of no great prejudice: Dissession is of two sorts, either simple, committed by day without Force and Arms, Bras. lib. 4 cap. 4. Brit. cap. 42, 43, 44. where you shall find in what especially it is sawful, and in what not. Brit. cap. 62 especially it is lawful, and in what not. Brit. cap. 53. And diffeisn by force, for which see Desorceor, see Fresh-disseisn, Redisseisn, and Post-disseisn. See also Skene de verbor. Signif. verbo Ditteisna. How many ways it is committed, see Fleta. lib. 4. cap. 1. sell. fit autem, bec. and when it is lawful, cap. 2. wrongful Disseisin is no descent in Law, 32 H. 8. cap. 33.

To Disseise, To Disseise, Eject, or turn out of Possession. ———— Rex Richardus primus disseisvit Gerardum de Canvilla de Castello & vice comitatu

Lincolniensi. Paroch. Antiq. p. 152.

Differsoz, Is he that putteth another out of his Land, and Disselse is the person so put out, 4 H. 4. cap. 7.

Disselse is a Woman that disselse another,

Co. on Lit. fol. 357.b.

Diffeifin upon Diffetin, Is whete a Diffeifor is diffeised by another.

Distress, Signifies a Compulsion in certain real Actions, whereby to bring a Man to appear in Court, or to pay a Debt of Duty denyed: The effect whereof most commonly is to drive the Party distrained to replevy the Diffress, and so to take his Action of Tresplevy the Distriction and so to take his Action of I rei-pass against the Distrainer, or essential to Compound Neigh-bourly with him for the Debt or Duty for which the distress was made. In what Case a distress is Law-ful, see New Termes of the Law. The Civilians call it Pignorem captionem: There are divers things not distrainable, for a Distress must be of a thing whereof a valuable property is in some Body, and therefore Dogs, Bucks, Coneys, and the like, that the feræ naturæ, cannot be distrained. 2. Although it be of a valuable property, as a Horse, (yet when a Man or Woman is riding of him) or an Axe sin a Man's hand-cutting of Wood, and the like, they are for that time priviledged, and cannot be distrained.
3. Valuable things shall not be distrained for Rent, for benefit and maintenance of Trades, which by consequence are for the Common-wealth, and are by authority of the Law there; as a Horsein a Smiths Shop shall not be distrained for the Rent issuing out of the Shop, nor the Materials in a Weavers Shop for mak-ing Cloth, nor Cloth, or Garments in a Taylors Shop, nor Sacks of Corn or Meal in a Mill, nor in a Market,

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nor any thing distrained for Damage-feasant, for it is in Custodia Legis. 4. Nothing shall be distrained for Rent that cannot be rendred again in as good plight, as it was at the time of the Diffress taken, as sheaves or shocks of Corn cannot be distrained for Rent, but for Damage-feasant they may. 5. Beasts belonging to the Plough averia carucæ shall not be distrained, but Goods or animalia otiosa may be distrained. 6. Furnaces, Cauldrons, or the like, fixed to the Freehold; or the Doors or Windows of a House or the like compatible. Doors or Windows of a House, or the like, cannot be distrained. When one takes a Distress that hath Life, he must bring it to the Common Pound, or keep it in an open place where the Owner may give it Food. See the Stat, de directione Scaccarii, 51 H. 3. Britton, cap.
71. divides Distress into real and personal; Distress real
is made upon immoveable Goods, as the Grand Cape and Petit Cape. And thus it is interpreted by Hotoman de Verb. Feudal, verbo districus. This differeth from an Attachment, in this point among others, that it cannot be taken by any common person, without the compass of his own Fee, F. N. B. 904, except it be presently after the Cattel or other thing is driven or born off the Ground by him that perceiveth it to be in danger to be distrained. See Attach and the Stat. 17 Car. 2. cap. 7. Distress personal is made, by taking a Man's moveable Goods, and detaining them for security of his appearance to the Suit. Distress is also divided into finite and infinite, Finite is that which is limited by Law, how often it shall be made to bring the Party to Tryal of the Action, Old Nat. Brev. fol. 43. Distress infinite is without limitation, until the Party come, as against a Jury that refuseth to appear super certificatione Affia, where the Process is Venire facias, babeas corpora, and Diftress infinite, Old Nat. Brev. 113. Then it is again divided into a Grand Distress, 52 H. 3. cap. 7. which Fitzberbert calleth in Latine Magnum directionem, Nat. Brev. fol. 126. and an ordinary Distress: A Grand Distress is that which is made of all the Goods and Chattels the Party hath within the County, Britton, cap. 26. fol. 52. But see whether it be not sometimes all one with a Distress infinite, Id. fol. 80. with whom all the Statute of Marlebridge agrees, 52 H. 3. cap. 7. 9, 12. See Grand Distress and Attachment, also Old Nat. Brev.

fol. 71.
Diffrictus, Is for etimes used for the Circuit within which a Man may be compelled to appearance, Britton, cap. 120. And whereas we say Hors de son fee others use extra districtum sum. So likewise Reg. Orig.

Diffrittiones. Distraints, or Goods Di-frain'd, or Distresses, kept in Custody till Payment and full satisfaction be made. - Possunt Nos & Successores nostros & prædictas omnes terras -- distringere ad folutionem memoratam & districtiones retinere quousq; plenare fuerit satisfaltum. Paroch. Antiquit. p. 344.

Diffringas, Is a Writ directed to the Sheriff, or any other Officer, commanding him to distrain one for Debt to the King, &c. or for his appearance at a day; as a Distringas Jurat. &c. There is great variety of this Writ in the Table of the Register Judical, verbo

Distringas Divel on the Meck. A tormenting Engine formerly in use among the persecuting Papilts, to extort Consession and Apostacy from the Poor Lollards. It is thus describ'd by Mr. Fox in his Acts & Mon. Sub. It is thus described by Mr. For in his Acts & Front, jac.

R. H. 8. Certain frait Irons called the Devil on the
Neck being after an borrible fort devised, fraitning and
winching the Neck of a Man with his Legs together, in such
fort as the more be stirreth in it, the straiter it presset
bim, so that within three or four bours, it breaketh
and crusheth a Man's back and body in pieces.

Dividend in the Erchequer, Seems to be one part

of an Indenture, An. 10. E. 1. cap. 11. & 28 F. 1. Stat. 3. ca. 2. Dividend in the University, Is that share or part which every one of the Fellows do justly and equally divide among the a selves of their Annual Stipend.

Dibidenda, The word was antiently used for Indenture. Claus. 6. Ed. 2. in Dorso. M. 24. and Stat. de Escuetoribus 29 Ed. 1.

Divisa, Divises or Bounds. Divisas per ambulare, to walk the Bounds of a Parish. ——— U supra terram unde calumpriata fuit ipse cum suis, Ego vero cum meis ad divisas perambulandas convenerimus. Cartular. Rading. MS. f. 108.b. So is Devisa used for the Borders or Limits of Division between Lands, Parishes, or Countries, -- Sic usque Hetheneburn inter Akemanstrete inter devisas inter com. Oxon. & Buck. Paroch. Antiquit. p. 324. Hence the Devises, or Divizes, a Town in Wiltshire, scituate on the confine of the

West-Saxon and Mercian Kingdoms.

Ditusa. A last Will or Devise of Worldly Goods. Notum facio quod apud Waltham — s.ci divisam meam de quadam parte pecunia mea in bunc modum. Testamen. Hen. 11. apud Gervas. Dorobern. sub Ann.

Divisa. A Device, Sentence, or Decree. Omnis causa terminetur vel hundredo, vel comitatu. vel

Divisis Parium. Leg. Hen. 1. cap. 9.

Divoste, See Devorce.

Docket, Is a Brief in writing, Ann. 2. & 3. P. &.

M. cap. 6. West writeth it Dogget, by whom it seemeth to be some small piece of Paper or Parchment, containing the effect of a larger writing, Symbol. part. 2. tit. Fines, sett. 106.
To do Law, Facere Legem, Is the same with to

make Law, 23 H. 6. cap. 14. See Make.

Doctor and Student, Is a Book containing certain Dialogues between a Doctor of Divinity, and a Student at the Common-Law, wherein are contain'd Questions and Cases, as well of the Equity and Conscience used in the Common-Law, as also a comparison of the Civil Canon, and Common-Law together, very worthy the reading. The Author is faid to be one Saint German, and the Book was written in the time of Henry the Eighth.

Dog-brate, Is an apparent deprehension of an Of-fender against Venison in the Forest. There be four There be four of these mentioned by Manwood in his Forest Law, cap. 18. num. 9. viz. Stable-stand, Dog-dram, Back-bear; and Bloody-band; where he faith, That Dog-dram is where any Man hath stricken or wounded a wild Beast, by shooting at him either with Cross-Bow, Long-Bow, or otherwise, and is found with a Hound, or other Dog drawing after him to receive the same.

Dogger, A kind of little Ship. 31 E.3. Stat. 3.cap. prime.

Dogger, A kind of the Ship, 31 E. 3. Stat. 3. cap. 2. Seemeth to be Fish brought in those Ships to Blackney-baven, &c.

Dogger man, Anno 2 H. 8. cap. 4.

Dogget, See Docket.

Doithin, A base Coin prohibited by 3 H. 5. cap. 1.

Hence probably we retain that Phrase when we would undervalue a Man, to fay, He is not worth a Doit or Doitkin.

Dole, Dola, a Saxon word, fignifying as much as Pars or Portio in Latine: It hath of old been attributed to a Meadow, and still so called as Dole-medow, 4 Fac. cap. 11. because divers persons had shares in it we still retain the Word to signific a share, as to deal

a Dole; he dealt his dole among so many poor People, that is, he gave every one a share or part.

Dolefish, Seems to be that Fish, which the Fishermen yearly imployed in the North-Seas, do of custom

receive for their allowance. See the Stat. 35 H. 8. cap. 7.

**Dolg:bote, A recompence made for a Scar or
Wound, Sax. Diction. Inter Reg. Aluredi Regis; cap. 23. legiter Dolgbot.

Momel:

Dometimen. Judges, or Men appointed to doom and determine Suits or Quarrels. — Qui fin-Pomesmen, fra libertatem seu bundredum de Irchenfeld com. Heref. saciunt sectam ad curiam Hundredi, ut minores li-tes Dirimant vocantur Domes-men, i. e. Judices seu Homines Judiciarii. See Sil. Taylor of Gavelkind, p. 110. Hence falling of Domes is the Scotch Phrase for reversing of Judgment, or annulling of Decrees. Hence the Island-

Domur judicium, and eg-deme, I Deem or Judge.

Domboc, A Saxon word fignifying Liber Judicialis as appears by the Laws of King Edward the Elder, cap. This was probably a Book of Statutes 1 roper to the English Saxons, wherein perhaps the Laws of former Saxon Kings were contained: That Chapter feeming to

refer to the Laws of King Ina, cap. 29. Domefbay or Domefbai, Leber Judicarius and Consualis Anglia, Is a Book now remaining in the Exchequer. The Author of the Old Nat. Brev. fol. 15. faith, It was written in the time of St. Edward the Conf for, containing in it not only all the Lands through England, but also the Names of those in whose hands they were at that time: But Lambert proves it was made in the Conquerours time, with whom agrees Camden in his Brit. proving it out of Ingulphus that flourish'd the same time, whose very words are these, Totam terram descripsit, nec erat Hyda in tota Anglia, quin valorum ejus & possessorem scivit nec Lacus nec Locus aliquis quin in Regis rotulo extitit descriptus, ac ejus redditus & proveneus, ipsa possessionium, ejus pessession occidentation manifestatus, juxta Taxatorum sidem, qui electi de qualibet patria, territorium proprium describebant: Iste Rotulus vocat, est Rotulus Wintoniæ, & ab Anglis pro sua generalitate, quod omnia Tenementa totius terræ continuit, Doomsday cognominatur. So it isalled in Estatute 1 R. 2. cap. 6. I his Book was also called Liber Judicatorus, or Judiciarius, quia in eo Regni descriptio diligens continetur & tam de tempore Regis Edwardi quam de tempore Regis Gulielmi, sub quo fastus est, singulorum fundorum valenti exprimitur, as Ockham in his Lucubrationis, de sssci Regis ration, testifies: Gervas Tilburiensis saith, it was called Doomday, Quod à predicto Judicio non liceat ulla ratione disce-dere. It was finish'd (faith Stow) in the Fourteenth Year of William the Conqueror, Camden, calls it Gensulem Gulielmi, King Williams Taxbook, See more in Spelm. Gloss and 4 Inst. 269. See Day's-Man.

Domitellus, Sir Edw. Co. 4. Inft. fol. 37. would scem to derive it from Demoicel, a French word, as he fays though mistaken, for it is an old Latine word, and anciently given as an Addition to the Kings natural Sons in France, see Spelm. Gloss. verbo Domicellus. This word is also used in a Charter of Legitimation of several Children of John of Gaunt, 20 R. 2. confirmed by Parliament at Westm. 9. die Febr.

Domigerium. Damage, Danger, — Vitam suam in laboribus variis ducens cum Domigerio magno mendicando. Hist. Elien. apud Whartoni Angl. Sac. P. 1. p. 652.

Dominica in Ramis Palmarum, Is Palm-Sund y, fo called, because on that day they used to distribute branches of Palm and other green Boughs in commemoration of our Lords riding to Ferufalem, and the People cut Palm Boughs, &c. to strow in the way, crying Hosanna.

Dominus, In antient times being Prefix'd to a Name, usually denoted him a Knight, or a Clergy-Man. For so we find it often in Charters, with His Testibus Domino Edwardo de Santio Mauro, Willielmo was given to a Gentleman of Quality, tho' not a Knight, especially if he were Lord of a mannor. Dominicum, Demain, or Demesne.

ra dominicales. Lands not rented to Tenants, but hold in demesse, or in the Lord's own use and occupation. Antiquum Dominicum Regis, the King's antient Demesne, or such Royal Mannors as were reserv'd to the Crown, to yield Provision for the King's Houshold, and so let out in Soccage for firms or victuals, or in Ser jantrie for some Domestic Services: but not dispos'd to Barons or Knights to be held by any Feudatory or military Service. See Demain.

Domina, A Title given properly to those honourable Women, who in their own Right of Inheritance held a Barony. So Mand the Daughther of Rebertus de Oilly sen, who inherited the Honour of Waling ford, was therefore stil'd Matildis Domina de Waling-

ford. Paroch. Antiq. p. 78.

Dominium. Right or Legal Power. — In filva diffi manerii sive Dominii de Pidintona, ant infra præcinctum ejusdem, non babent aliqui extranei dominium aliquo modo in parte vel in totose intromittere. Paroch.

Antiq. p. 408.

Douto Reparanda. Is a Writ for one against his Neighbour, by the fall of whose house he searcth hurt to his own, Reg. Orig. fol. 153. In this case the Civilians have the Action de damno infacto.

Donatibe, Is a Benefice meerly given and collated by the Patron to a Man, without either Presentation to the Ordinary or Institution by his Ordinary or Indiction by his commandment F. N. B. fol. 35. Of this Petroger. de benefic. cap. 11. 10. hath these words, Si tamen capelle fundate par Laicos non fuerint a Diocesano approbatæ & (ut loquuntur) Spiritualizatæ non censentur Beneficia, nec ab Episcopo conferri possunt, sed sant sub pia dispositione fundatoris. And Mr. Gwin in the Preface of bis reading, saith, That as the King might of ancient times found a free Chappel, and exempt it from the Jurisdiction of the Diocesan. So he might also by his latters Patents lineages a common Person to Exempt his Letters Patents lincence a common Person to Found fuch a Chappel, and to Ordain, That it shall be dentive, and not presentable, and that the Chaplain shall be dentiveable by the Figure 1. be deprivable by the Founder and his Heirs, and not by the Bishop, and this is most likely to be the Original of these Donatives in England. Fitzberbert faith, That there be some Chantreys which a Man may give Letters Patents, Nat. Brev. 33. 42. All Bishopricks were in antient time Donative by the King, Co. lib. 3. fol. 75.

Donos and Donce, Doner, is he who gives Lands or Tenements to another, and he to whom the same is

given in the Donee.

Doome, (From the Saxon Dom) signifieth a Judgment or Sentence; a Word much used in References to Arbitrators: We have several words that end in dom, as Kingdom, Earldom, &c. fo that it may feem to fignify the Jurisdiction of a Lord or a King. also Mion. Ang. 1. Par. fol. 284. a. Habeat Grithbrich & For stal, & Dom. & Som. & Wreche in Mari.

Dorture, Dormiterium, Anno 25 H. 8. cap. 11. the common Room, Place or Chamber, where all the Fryers of one Covent slept and lay all Night.

Dofens. Streight Cloaths made in Deven

shire, and so called in Rot. Parl. 2 Hen. 5.

Doffale, Dorfale. Hargings, Dederat ei duo dorfalia bonesta. Rog. Hovenden, sub ann. 954. — Dossale in tit. Abb. S. Albani.. - Dossale sive tapesium Mat. Par.

Dote assignanda, Is Writ that lies for a Widow, where it is found by Office, that the Kings Tenant was seized of Tenements in Fee or Fee-tail at the day of his death, &c. and that he holdeth of the King in chief, &c. For in this case the Widow cometh into the Chancery, and there maketh Oath, That she will not marry without the Kings leave, Anno 15 E. 3. cap. 4. and hereupon she shall have this Writ to the Escheator :

ator; for which see Reg. Orig. fol. 297. and F. N. B. fol. 263. And this fort of Widows is called The Kings Widow. See Widow.

Dote unde nihil habet, Isa Writ of Dower, that lyeth for the Widow against the Tenant, which bought Land of her Husband in his Life-time, whereof he was seised solely in Fee-simple or Fee-tail, in such fort as the iffue of them both might have inherited it, F.

N. B. fol. 147. Regist. fol. 170. Dotis abmensuratione. See Admeasurement, and

the Reg. Orig. fol. 171.

Donam. Any fort of Property, Goods or - Per captionem & retentione averio-Endowment. rum nestrorum & aliorum Donorum quorumcung, ad nostrum Manusterium spectantium. Curtular. Abbat. Glafton. M.f. 48.

Deubles, Anno 14 H. 6. cap. 6. signific as much as Letters Patent, being a French word made of the

Latine Diploma.

Double-Pien, Duplex placitum, Is that wherein the Desendant alledgeth for himself two several matters, in bar of the Action, whereof either is sufficient to effect his desire in debarring the Plaintiff. And this is not to be admitted in the Common-Law; wherefore it is well to be observed, when a Plea is double, and when not; for if a Man alledge several matters, the one nothing depending of the other, the Plea is accounted double; If they be mutually depending one of the other, then it is accounted but fingle, Kitchin, fol. 223. and see Brooke, tit. Double Plea. And Sir Tho. 223. and see Brooke, tit. Double Plea. Smith gives this Reason, why our Law admitteth not a double Plea, because the Tryal is by twelve ignorant Men, whose Heads are not troubled with over many things at once, Lib. 2. de Rep. Angl. cap. 13. Domus Convertorum. See Rolls.

Domus Dei, The Hospital of St. Julian in Southampton fo called, Men. Ang. 2. part. fol. 440 b.

Double Duarrel, Duplex Querela, Is a complaint made by any Clerk, or other, to the Archbishop of the Province against an Inferior Ordinary, for delaying of Justice in some Cause Ecclesiastical, as to give Sentence, to institute a Clerk presented, or the like: The effect whereof is, that the faid Archbishop taking knowledge of some delay, directeth his Letters under his authentical Seal, to all and lingular Clerks of his Province, thereby commanding and authorifing them, and every of them to admonth the faid Ordinary, within a certain number of Days, namely, nine Days, to do the Justice required, or otherwise to cite him to appear before him or his Official at a Day, in the faid Letters prefixed, and there to alledge the cause of his delay. And lastly, to intimate to the Ordinary, that if he neither perform the thing enjoyned, nor appear at the Day affigned, he himself will without further delay proceed to perform the Justice required; And this seemeth to be termed a double Quarrel, because it is most commonly made against both the Judge, and him at whose Peticion Justice is delayed.

Downger, Detata, A Widow erdowed. But chiefly an addition applyed in General to Widows of Princes, Dukes, Barls, and Persons of Honour.

Power, Dos, Signifieth in our Common-Law two things: First, That which the Wife bringeth to her Husband, otherwise called Maritagium, Marriage-Goods; next and more commonly, that which she hath of her Husband after the Marriage determined, if the out-live him, Glanvile, lib. 7. cap. 1. Brast. lib. 2. cap. 38. Britton, cap. 101. And in Scotland it signifieth the same, Skene de verb. Signif. verbo Dos; the former is in French called Dot, the other Dovayre: And accordingly some Authors would distinguish the first by the

often confounded. Of the former our Law Books fay very little; This only may be noted, That whereas by the Civil-Law, Instruments are made before Marriage, which contain the quantity of the Wives Dowry, or Substance brought to her Husband, that he having the use of it during Marriage, may, after certain deductions, restore it again to his Wives Heirs or Friends after the Marriage dissolved. The Common-Law of England, whatfoever Chattels moveable or immoveable, or ready Money she bringeth, doth make them forthwith her Husbands own, to be disposed of as he will, leaving her at his curtefie to bestow any thing or nothing upon her at his Death, be an Inheritrix, the Husband holdeth her Land but during her Life, except he have Issue by her; but then he holdeth it by the Curtete of England during his own Life, see Curteste. And again, if he have any Land in Fee, whereof he was possessed during the Marriage, she is to have a third part thereof during her Life, though she bring nothing to him: except she do by Fine release her Right during the Marriage. Therefore upon Speech of Marriage between two, the Parents on both fides are commonly more careful in providing each for his Child than the Parties themselves; and by their nicans divers Pargains be made fometimes for the conveyance of Lands, &c. to them and by their Issue: And this said, To be given in Franck Marriage. Sometime to her during her Life, and that before or at the Marriage: If before the Marriage, then it is called Jointure; for a Joynture is a Covenant, whereby the Husband is tyed ratione juxtura, in consideration of the Marriage, that the Wife surviving him shall have during her Life, this or that Tenement or Lands, of thus much Rent yearly payable out of such Land, &c. with Clause of Distress, and this may be more or less, as they do accord, Britten, cap. 102, 133, 104, 110. for convention vincit legen, Bratt. lib. 5. tratt. 4. cap. 9. The diversities of these Joyntures you may read in West. Symbol. part. 1. lib. 2. The diversities of these fett. 128, 129, 130, 131, 132, 133. But if mone of those Agreements be made before Marriage, then must the Wife stick to her Dower; and that is sometimes given ad oftium Ecclesia, at the Church-door, and may be what the Husband will, so it exceed not a third part of his Lands, Glanvile, lib. cap. 1. or the half, as some say, F. N. B. fol. 150. And this Dower is either certainly set down and named, or not named, but only in generality, as the Law requireth: If it be not named, then it is by Law the third part, and called Dos Ligitima, Bratt. lib. 4. tratt. 6. cap. 6. num. 6. & 10. Mag. Charta, cap. 7. or the half, by the Custom of some Countries, as in Gavelkind, F.N. B. fol. 150. And though it be named, it feems that it cannot be above half the Lands of the Husband, ibid. And the Woman that will challenge this Doner, must make three things appear, viz. 1. That she was married to her Husband. 2. That he was in his Life-time feated of the Land whereof she demandeth Dower. And 3. And 3. That he is dead, Co. 2. Rep. fol. 93. Bingham's Case. Of these things see Glanvile, lib. 6. 649 1, 2, 3. Brad. lib. 2. cap. 38, 39. & lib. 14. tract. 6. cap. 1. & 6. and Britton, cap. 101, 102, 103, 104. and F. N. B. fol. 147, 148, 149, 153. And this Customary Dower seemeth to be observed in other Nations as well as in ours. See also Co. on Lit. fol. 33. b. If the Wife be past the age of nine Years at the death of her Husband, she shall be endowed: If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconciled, she loseth her Dower by the Statute of Westin. 2. cap. 34. 2. part. Inst. fol. 433. Camden in his Brit. tit. Suffex, relates out of the Parliament Records, Camden in his name of Dowry. The second, Of Dower, but they are 30 E. 1. A memorable Case of Margaret the Wife of

ir John Cameys, cited also in 2. Inst, fol. 435, which for brevity fake I on it, and defire you there to read at

Dozein, Decenna, In the Statute for view of Frank pledge, made 18 E. 2. one of the Articles for Stewards in their Laots to enquire of, is, If all the Doziens be in the Affile of our Lord the King, and which not, and who receive them, Art. 3. See Dociners. There is also a fore of Devonstire Kerleys called Dozens, 5 & 6 E. 6. cap. 6.

The Standard, Enfign, or Mili-ry Colours bore in War by our former Kings, having the Figure of a Dragon upon them ---*Cum* Rex Anglix fixisset signum saum in medio, & tradidiset Draco-nom suum Petro de Portellis ad portandum - Rog. Hoved. sub ann. 1191. See Wattes Gloffary.

😭 Diacca. A Drain. -– Cum Triginta aeris prati juxta dillum novum locum ex parte veridentuli in Dracca juxta fossatum de Redeclos jucentibus. — Contin-Hist. Crogland. p. 479. The Word is printed Dracca,

but I think it a Mistake for Drana.

Pragium, Drag, A courser sort of Bread Corn. -- Item reddit computum de duobus quarteriis avene de teto exitu grangie trituratis per summom, & de xvii. quasteriis & tribus busellis Dragii supra mixtis—triturabit busellos ordei vel dragei avene — Con uetud. Domas de Farendon MS. f. 11. In Staffordshire they now use a sort of Malt made of Oats mix'd with Barley, which they call Dreg-Malt. And in Essex, &c. they have a Grain call'd Dreg, of which Tho. Tusser in his Husbandry, p. 32.

Sow Barley and Dreg with a plentiful hand, Left Weed sted of Seed overgroweth thy Land-Thy Dreg and thy Barley go Thresh out to Malt.

Drags, Anno 6 H. 6. cap. 5. Seem to be Wood or Timber so joyned together, that swimming or floating upon the Water, they may bear a Burden, or Load of

other Wares down a River.

Trana. A Drain, or Water-Course to sew id empty wet places. -- Concessimus bamam illam quæ pratum in bistlemor quod est intra vetus fosatum & nemus de Godeshall. & inter Dranam, & riperiam de Avene cum tota crista dicti fossati, Carutlar. Abbat Radinges, MS.

Dame Cert, Any Harness or other Furniture of Cart Horses for drawing a Waggon or other Carriage.

Profactura de Draw-Gere per Walterum Carpenter de Langton IIId. Paroch. Antiq. p. 549. See Mr.

Kennet's Gloffary.

Deatwlatches, Anno 5 E. 3. cap. 14. and Anno 7 R. cap. 5. Lambert in his Eirenarcha, lib. cap. 6. cal-2. cap. 5. Lambert in his Eirenarcoa, 110. tap. 0. capleth them Mitchin Thieves, as Wasters and Roberds Men, Mighty Thieves, faying, That the Words be grown out

of ule.

Prascus. Grains, or the refuse of Malt after Brewing, called still in some Places Draines, and Draff. — Et prebendam quotidianam ad duos equos de granario nostro sumendam, unum cribrum furfuris, & majorem cuvam de Drasco, i. e. a great Basket of Grains. Mat. Par. in tit. Abb. S. Albani.

Dreit-Dreit, Signifies a double Right, that is, Jus Possessionis & jus Domini, Bract. lib. 4. cap. 27. & lib. 4. tract. 4. cap. 4. & 5. tract. 5. cap. 5. Co. on Lit. fol. 266.

Dienches or Dienges, Drengi, Were Tenants in Capite, says antient M. S. Doomsday, tit. Lestr. Reg. Pistaviens Neuton. They were, says Spelman, Egenere vassallorum non ignobillum, cum singuli qui in

Doomiday nominantur, singula possiderent Maneria. Such as at the Conquest being put out of their Estates, wete afterward restored; for they that being Owners thereof, were against him neither by their Persons or Counsels, Go. on Lit. fol. 5. says Drenches, are free Tenants

of a Mannor. See also Mon. Ang. 2. par. fol. 598. a.

Deengage, Drengagium, The Tenure by which the

Drenches held their Lands, of which see Trin. 21 E. 3. Ebor. & Northumb. Ret. 191. And we may observe, says the learned Spelman, Qui è Drengorum classe erant, vel per Drengagium tenuere sua incoluisse Patrimonia ante

adventum Normannorum.

Dzeba, A Drove, a Drift-way, or Common Road for driving Cattle. — Walterus Cantuar. Archiepiscopus concest ad vitam Magistro Michaeli de Bercham pasturas de la Rede & Haute juzta Berham, cum
omnibus suis juribus & pertinentiis, drovis, viis, semitis & sossilatis. Dat. 10, Kal. Sept. 1319. Ez Registr.

Ecclesiæ Christi Cantuar. MS.

Dige Erchange, 3 H. 7. cap. 5. Cambium ficcum, Seemeth to be a subtle term, invented to disguise a foul Usury, in which something is pretended to pass on both sides, whereas, in truth, nothing passes but on the one side, in which respect it may be well called Dry: Of this Lud, Lopes tractat. de Contract. & negatiat. lib. 2. cap. 1. sect. Deinde postquam, writes thus, Cambium est reale vel siccum, Cambium reale dicitur, quod consistentiam veri Cambii realem babet, & Cambium per trans & Cambium minutum.

Cambium autem siccum est Cambium non babens existentiam Cambii sed apparentiam ad instar arboris exsiccate, que bumore vitali jam carens apparentiam-arboris babet, non existentiam. See also Sum. Syl. verbo Usura.

Ruest. 6.

Dap:Rent, Rent:feck. See Rent.

Drift of the Forest, Agitatio animalium in Foresta, Is an exact view or examination what Cattel are in the Forest, that it may be known whether it be overcharged or not, and whose the Beasts be. This Drift, when, how often in the Year, by whom, and in what manner it is to be made. See Manwood's Forest Laws, cap. 15. and 32 H. 8 cap. 35. and 4 Inst. 309.

Deinklean, Is a contribution of Tenants towards a Potatio, or Ale, provided to entertain the Lord or

his Steward; perhaps the same with a Scot-Ale.

Daoften, Among our Ancestors, the Saxons signified a Grove, or woody place, where Cattle were kept, and the Keeper of them was called 'Drofman.

Droffand or Dryffand, Another Saxon Word, denoting antiently a yearly Payment made by some to their Landlords, for driving their Cattel through the Mannor to Fairs and Markets. Mr. Philips mistaken

Recompence, fol. 39.
Dzoit Right, The Law makes fix kinds of it; 1. Jus recuperandi. 2. Jus intrandi. 3. Jus babendi. 4. Jus retinendi. 5. Jus percipiendi. 6. Jus possiden-di. All these several sorts following the Relation of their Objects, are the Effects of the Civil-Law, Co. on

Lit. fol. 266. & 345. Co. 8. Rep. fol. 151. 153. Of meer Droit, and very Right. See 27 H. 8. cap. 26.

ED 2011 D' Addontion. See Rello de advocatione Ec-

Droit Close. See Rello clausum. Droit de Domer. See Rello doiis.

Droit fur Difclaymer. See Rello fur Difclaymer. Droit Patens. See Relio Patens, and Calthorp's

Rep. fol. 132. Droffen, Druff,

All according to the Books of Doomf-day, Gignifies a Thicket of Wood in a Valley. Dru. Druften.

Dremo:

Promones, Dromi, Dromunde. Ships or larger Vessels made for great Burden and swift sailing. Ric. Regis Iter. Hieros, cap. 60. — Quumq; prospere versus Achon velisicaret, 8. Idus Junii apparuit ei navis quadam permaxima, quam Dromundam appellant, missa a Saladino. Mat. Par. sub. anno. 1191.

Druggeria, Drogeria. A Place of Drugs, - Quoddam Messuagium situm in a Drugster's Shop. vico Northlode inter tenementum quod fuet Wilhelmi de Scheftesburg Capellani & tenementum proxime Druggeriam, quod quidem tenementum, &c. Chartular. Abbat. Glaston. MS. f. 125. 4.

Dowry or Jointure of a Wise settled on her in Marriage, to be enjoy'd after her Husband's Decease. The Word Dowrie. is by Fr. Janius, rightly referr'd to the old English, to Dowe, i. e. to give, as Chaucer, To whom for evermore my Heart I dow. See Mr. Kennet's Classican.

Gloffary.

Duces tecum, Is a Writ commanding one to appear at a Day in the Chamery, and to bring with him fome Evidence, or other thing that the Court would view. See the New Book of Entries, verbo Duces tecum. There is also another kind of Duces tecum direcked to a Sheriff, upon return that he cannot bring his Prisoner without Danger of Death, he being adeo Languidus, then the Court grants a Habeas Corpus in the nature of a Duces tecum licet languidus.

Duell, Duellum, By Fleta, is a Fight between two Persons, for the Tryal of the Truth, the Proof of which seemed to be on the Conquerours side, Stat. de fmibus livatis, 27 E. 1. This fort of Combat is still dis-used, though the Law be still in Force. See 3. par.

Infl. fol. 221. and see Combat.

Duke, Dux, In antient times among the Romans fignified Dustorem exercitus, such as lead their Armies, who if by their Prowess they obtained any famous Victory, they were by their Soldiers saluted Imperatores, as Hoteman de verb. Feudal. verb. Dux proveth out of Livy, Tully, and others: Since that they were called Duces, to whom the King committed the Government of any Province, Id. In some Nations to this day the Soveraigns of the Country are called by this Name, as Florence, or the great Duke of Tuscam, Duke of Millan. In England, Duke is the next Secular Dignity to the Prince of Wales. After the coming in of the Conquerour, there were none bore this Title till Edward the Thirds days, who made Edward his Son Duke of Cornwall. Since that there have been several made, whose Titles have descended by Inheritance to their Posterity; they were created with Solemnity per cinduram gladii, sappaq, & circuli aurei in capite impositionem. See Cambd. Brit. pag. 166. Zazium de feudis, pag. 4. num. 7. Callan. de consuet. Burgund. pag. 6. 10. And Ferne's Glory of Generosty, 139. At this day we have many of these created Dukes in England, whose Titles are very well known to every Body.

Dum fuit infra ztatem, Is a Writ which lies for him, that before he came to his full Age, made a Feoffment of his Land in Fee, or for term of Life, or in Tail, to recover them again from him, to whom he

conveyed them, F.N. B. fol. 192.

Dum non fuit compos mentis, Is a Writ that lyeth against the Alience or Lessee, for him that not being of sound Memory, did alien any Lands or Tenements in Fee-simple, Fee-tail, for term of Life, or for Years, F. N. B. fol. 202.

ing inter_alia quoddam Dumetium in Dale. Duna, A Bank of Earth cast up, The side of a Ditch - Faciet fossatum adeo forte & bonum prout voluit, ita quod fundum a retro Dunæ utriusq; fessati sit in sundo 14 pedum. Chartular. Glaston. M. s, 75.

Dunio, A sort of base Coin less than a Far-

thing, a Double. -- Nec denarios invenerunt præter octo Daniones qui sterlings dues non valebant. -rald. Cambr. apud Whartoni Angl. Sacr. P. 2. p. 595.

- Pateat - quod-ego Fo-Dunnarium, bannes de Mobun miles dedi Abbati & Canonicis de Nutle pasturam in omnibus brueris seu Dunnariis meis. Dat. 29 Ed. 3. Penes Decan. & Capit. Eccl. Cath. Christi Oxon. It seems to signific a Down, a Hill, or Heathy Ground:

Dunum A Downe, In which Termination (a little, in some varied in o Don) many Names of our Towns end, as Ashdown, S Names of our Cleydon, &c. Doomsd. Duna,

Tresilian Justitiarius -- apud S. Albanum convecari secit duodenam quam pridie averraverat ad indistandum & prodendum Malesasores. Tho. Walfingham, p. 276.

Duplicat, Is used by Crompton for second Letters Patent granted by the Lord Chancellor in Case wherein he had formerly done the same, and was therefore thought void, Gromp. Jur. fol. 215. Also any Copy or Transcript of a writing is called a Duplicat; the word is used 14 Car. 2. cap. 10.
Durben, A Thicket of Wood in a Valley.

Dureste, Duritia, Is in our Common-Law, a Plea used by way of Exception, by him that being cast in Prison at a Man's Suit, or otherwise by Beating or Threats hardly used, sealed unto him a Bond during his Restraint: for the Law holdeth such specialty void, but rather supposeth it to be by Constraint, and Duresse pleaded shall avoid the Action. Bro. in his Abridgment, joyneth Duresse and Manass together, that is, duritian & Minas. See the New Book of Entries, verbo Durels.

Duffy:foot, A Forreigner, Trader; Pedlar, or travelling Merchant, who has no fettled Habitation. - Siquis extraneus Mercator transfiens per regnum, non babens terram, vel mansionem infra vicecomitatum, sed vagans qui vocatur Pie poudreux, bot est Anglice Dully-Foot, &c. Hence the Court of Piepowder erected for Relief of fuch Forreigners. See Piepowder.

Dutchet-Court, Is a Court wherein all Matters appertaining to the Dutchy of Lancaster, are decided by the Decree of the Chancellor of that Court. And the Original of it was in the Reign of Henry the Fourth, who after the deposing of Richard the Second, coming to the Crown, and having the Dutchy of Lancaster by Descenty in the right of his Mother, he was seised thereof as King, and not as Duke; so that all the Liberties, Franchises, and Jurisdictions of the said Dutchy past from the King by the Great Seal, and not by Livey or Attornment; as the Possession of Euerwick, and the Earldom of March, and such others did, which had descended to the King by other Ancestors than the Kings: But at last *Henry* the Fourth passed a Charter by Authority of Parliament, whereby the Possessions, Liberties, &c. of the said Dutchy were severed from the Crown; yet Henry the Seventh reduced it to his former Nature, as it was in Henry the Fifths days, Gromp. Jur. fol. 136. The Officers belonging to this Court, are, The Chancellor, Attorney, Receiver-General, Clerk of the Court, Messenger: Besides these, there be certain Affistants of this Court, as one Attorney in the Exchequer, one Attorney of the Dutchy in the Chancery, Dumetium, Dumetum. A Ground full of four learned Men in the Law, retained of Council with Bushes and Brambles. I have seen a Deed grant- the King in the said Court. Of this Court, Guin, in the King in the faid Court. C

the Preface to bis Readings, faith thus, The Court of the Dutchy, or County-Palatine of Lancaster, grew out of the Grant of King Edward the Third, who gave the Dutchy to his Son John of Gaunt, and endowed it with fuch Royal Right as the County-Palatine of Chester had. And for as much as it was afterwards extinct in the Person of Henry the Fourth, by reason of the Union of it with the Crown; he separated the Dutchy from the Crown, and setled it in the natural Person of himself and his Heirs. In which estate it continued during the Reigns of H. 5. and H. 6. that descended of him: But when Edward the Fourth, by Recovery of the Crown, recontinued the Right of the House of York. he appropriated that Dutchy to the Crown again; and yet fo, that he suffered the Court and Officers to remain as he found them: And in this manner it came together with the Crown to Henry the Seventh, who again separated it, and so left it to his Posterity, who still enjoy

Dyke reeve, An Officer that hath the Overlight of the Dykes and Drains in Deeping Fens, &c. mentioned

17 & 18 Car. 2. cap. 11.

Denge-thriff, An old Play or Spart, of which it is now hard to derive the Name, or to define the Thing. There is a Letter directed to the Official the Thing. of the Archdeacon of Richmond, for censuring one William Baker, Chaplain of Ripon, upon several Articles exhibited against him, of which one run thus; Item fuit Inventor principalis cujusdam ludi pestiferi Item fuit inventor principalis cujujdam iuai pejtiferi & a jure reprobati, qui invulgari dicitur Dynge-thrift, qui se Magistrum & Abbatem illius ordinis secerat nominari, & pro tali se gesti, & quam plurimos tam Clericos quam Laicos apud Ripon illo ludo noxio & damnoso informavit. —— Dat. 16. Kal. Nov. 1311. Collectian. Matth. Hutton S. T. P. ex Reg, Grenefeld Archieport. Ebor. MS.

Detenum, Dittenum, A Dittany, Ditty or Song. Whence vinere cum toto ac pleno dyteno, was, to fing Harvest home, Homines de Hedyngdon ad curiam Domini singulis annis inter festum S. Michealis & S. Martini venient cum toto ac pleno dyteno ficut bactenus

consueverunt. Paroch. Antiquit. p. 320.

E.

Ron solum est litera sed præpositio etiam & per se for out of Court; Ejicio to cast out, and the like.

Calberman or Calborman, Aldermans, Among

the Saxons was as much as Earl among the Danes, Cambd. Brit. pag. 107. It is as much as an Elder or Statesman, call'd by the Romans Senator, who were rather Counsellors at large, than bestowed upon any particular Office, as Comites were, see County. And that signification we retain at this day almost in all our Cities and Boroughs, calling those Aldermen that are Associates to the chief Officer in the Common-

Council of the Town, 24 H. 8. cap. 13. Or sometime the chief Officer himself, as in Stamford.

**The Common of the Town, 24 H. 8. cap. 13. Or sometime the chief Officer himself, as in Stamford.

**The Common of Common of Stamford of Stamford of Common of C quoque eadem Ecclesia socam & sacam, on Stronde and on Streme, on Wode and on Felde, on Grithbriche, on Burghbrich, Hundred. Sotene, Adda and Ortelas, Ellehordas busa berden, &c. Cartular. Abbat. Glasson.

MS. fol. 14.

Gate Cap. In the Saxon Laws of King Ethelred, cap. 6.

Et fi Eahtayn occidatur, pertineat red, cap. 6. — Et si Eahtayn occidatur, pertineat infractio Pacis intra curiam, vel adimentias ejus, Eahtayn persolvatur plena wera. Mr. Somner interprets cap. 2.

Eabtayn to be Eight Men, or such a Number, slain but I suppose the word is rather meant Heab-Tain, High Thane or superior Lord, the Penalty on whose Murder was augmented in Proportion to his Quality.

Carl, Comes, according to Lambert, in his Explication of Saxon Words, verbe Paganus, is Saxon, and he interpreteth it Satrapam. Verflegan in his Restitution of decayed Intelligence, deriveth it from two Dutch words (Ear, that is, Honor) and Ethel, that is, Noble: But whencesoever it is derived, this Title in antient time was given to those that were Affociates to the King in his Counsels and Martial Actions; as Comes was to those that followed the Magistrates in Rome, and executed their Offices for them as their Deputies, and dyed always with the Man. And the ancient manner of their Creation, was only per cincliuram gladii comitatus, without any formal Method of Creation. But the Conqueror, as faith Cambden, gave this Dignity in Fee to his Nobles, annexing it to this or that County, and allotted them for their Maintenance a certain proportion of Money rising from the Princes Profits for the Pleadings and Forfeitures of the Province. For Example, He bringeth an antient Record in these words, Henricus 2. Rex Anglie his verhis Co-mitem creavit. Sciatis nos fecisse Hugonem Bigot Co-mitem de Norfolk sc. de tertio denario de Norwic. U Norfolk,, ficut aliquis Comes Anglia liberius comitatum fuum tenet, which Words (faith the fame Author) an old Book of Battel thus Abby Expoundeth, Confuetudinaliter per totam Angliam mos antiquitus inoliverat. Co-mitos provinciarum tertium denarium fibi obtinere, inde Comites disti. Ferne, pag. 12. says, One Duke or Earl had divers Shires under his Government, and had Lieutenants under him in every particular Shire called a Sheriff; and this appears by divers of our antient Statutes as namely by the Sentence of Excommunication pro-as namely by the Sentence of Excommunication pro-nounced by the Bishops against the Infringers of Mag. Charta and Charta de Foresta, Anno 38 H. 3. Roger Bi-got is named Earl both of Norfolk and Suffolk, and 18. 3. Thomas Earl of Lancaster and Leicester, Humpbry Bobun Earl of Hereford and Esex, Dyer, fol. 285. num. 39. At this day, as long fince, the Kings of England make Earls by their Charters, but give them no Authority over the Country, nor any part of the Profit ari-fing of it, but only fome annual Stipend out of the Exchequer, rather for Honors sake, than any great Com-modity; the Solemnity of their Creation is set down at large in Stones Annals, pag. 1121. Their Place is next after a Marques, and before a Viscount. See more on this Subject in Spelman's Glogary, werbs Comites, And and in his Traft of Feuds, cap. 6. and in Seldens Titles of Honour. fol. 676. and fee Countee.

Talkenent, Assamentum, Is a Service which one

Neighbour hath of another by Charter or Prescription, without Profit, as a way through his Ground, a Sink, or fuch like, Kitchin, fol. 105. which in the Civil-Law, is called Servitus predii, Glanvil, lib. 12. cap.

Castintus, An Easterling, Sax. East-Tyne, Easterly Coast or Country. In the Laws of King Edward the Elder -Si fit Estintus, si fit Northtintus, amendet sicut scriptura pacis continet — where I am apt to think. Eastintus was rather meant Eastinus, and Nortintus, Nordtinus, i. e. whether he lived on the East side of the River Tine, or on the North.

Ebba, Ebb, or low Tide. regnum in peregrinatione fuerit, - Dilationem ba-bebit 40 dierum, & duorum fleddorum & unius ebbæ, quia de ultra mare, &c. Bracton. lib. 4. tract. 1. cap. 5. In quibus essoniis dabitur dilatio ad minus 40 dierram & unius stud & unius cbbæ. ib. lib. 5. tract. 2.

Eboomadarius, An Officer in Cathedral Churches, appointed weekly to surpervise the regular Performance of divine Service and other Duties, and to perscribe the particular Office of each Person attending in the Choir, what Part he is to bear for that Week in reading, finging, praying, &c. To which purpose the said Ebdomary or Weeks-man, at the Beginning of his Week, drew up a Form or Bill of the re-spective Persons and their several allotted Duties, called Tabula, and the Persons there entred were called Intabulati. ——— This appears particularly in the Sta-

Intabulati. This appears particularly in the Statutes of the Church of Pauls, digested by Ralph Baldok, Dean, anno 1295. MS. penes Joh. Episc. Norwic.

Theremosti, Bare or right down Murder, Eberemurder. Ex his placitis quadam emendantur centum solidis, quadam vera, quadam vita, quadam non possum emandari qua sunt Husbreche, & Bernete, and Openthes, & Eberemorth Leges Hen. 1.

Cap. 12.

Cheremurder, Apertum murdrum, Was one of those Crimes, which by Henry the First's Laws, cap. 13. Emendari non possunt, boc ex scelerum genere fuit nullo pretio expiabilium, &c. Spelm.

Eccleffa, A Church or Place set apart, and consecrated to the Service of God. But Fitzberbert will have it only to intend a Parsonage, Nat. Brev. 32. When the question was, whether it was Ecclesia sive capella, &c. The issue was whether it had Baptisterium & Sepulturam; For it he had right to administer the Sacraments, and for Sepulture, it was in Law adjudged a Church, Trin. 20. E. 1. in Banco Rot. 117. 2.

Inst. fol. 363.

Church, which was often cut out or cast in Plate or other Metal, and preserv'd as a religious Treasure or Relique. As in the Visitation of the Treasury of the Church of St. Paul, anno 1295. — Duo turri-bala argentea, exterius totaliter deaurata, cum opere gravato de levato, cum ecclesis de terribus de sexde-cim campanellis argenteis appensis, de catenis albis argenteis, ponderis 11. marc 20. den. Uc. Mon. Angl. tom.

3. p. 309.

Occlesiatical Persons, are either regular or secular; Regular are such as lead a Monastick Life, of Abbase Priors. Monks, Friers, &c. Sethis fort are Abbots, Priors, Monks, Friers, &c. Secalar are those whose ordinary Conversation is among those of the World, and profess to take upon them the Cure of Souls, and live not under any Rule of Religi-

ous Orders: Such are Bishops, Parish-Priests, &c.

Ther, A Hedge. Eder-breche, The Trespass of Hedge-breaking. Sax. Eador-bryce, which occurs in the Large of Fig. 1865.

in the Laws of King Alfred, cap. 45.

Mobaut comest Domino Johanni de Barker pro servi-tio suo totam terram cum edestiis, & cum omnibus pertin. suis. Ex Register. Priorat. de Wormley. Perhaps from Aysiamenta, Easements.

Evia. — Qualiter quoque onera incum-bentia Regi & Regno levius ad Bdiam communitatis fupportari poterunt.

The learned Du fresne interprets it Aid, Auxilium.
But it is indeed meant of Ease, from the Saxon Eath, and in Westmorland they still say Eathy for Easte.

Cele-fares, alias Cele-bare, 25 H. 8. Be the Fryor Brood of Eles.

Effrattozes, Is a Latin Word, properly fignifying Breakers; the Law termes them Burglars, that break

open Houses to steal.

The mulch, Fine, Wite, or Penalty imposed by the old English Laws for the sheding of Blood, which the King granted to many Lords of Mannors. As among the Privileges granted to the Ab-

Abbas & Conventus babent by of Glastonbury.

Egyptians, Egyptiani, We commonly call them Gypsies, and by our Statutes, and the Laws of England, are a counterfeit kind of Rogues, that being English or Welsh People, accompany themselves together, difguising themselves in strange Habits, blacking their Faces and Bodies, and framing to themselves an unknown Language, wander up and down, and under pretence of telling Fortunes, curing Discases, and such like, abuse the Ignorant common People, by stealing all that is not too hot or too heavy for their Carriage, Anno 1 & 2 Phil. & Mar. cap. 4. and 5 Eliq. cap. 20. These are like those whom the Italians call Cingari, spoken of by Franciscus Leo in suo thesauro fori Ecclesia-

flici, part. Prim. cap. 13.

Eis, An Island, an Eyt, Sax. Eage. Hence the Termination of Rumes-eia, Schepe-eia, and many other English Islands. Hence the French borrow their

Eau, Water. Ejettione custodiæ, Ejeliment de gard, Is a Writ which lieth properly against him that caseth out the Guardian from any Land during the Minority of the Heir, Reg. Orig. fol. 162. F. N. B. 139. Termes de la Ley, verbo Gard. There be two other Writs not unlike this, the one is termed Droit de gard, or Right of Ward; the other Ravishment de gard, which see in their places.

Ejection firmz, Is a Writ which lyeth for the Leffee for term of Years, that is cast out before his term expired, either by the Lessor or a Strarger, Reg. Orig. fol. 227. F. N. B. fol. 220. See Quare ejecit infra terminum, and the New Book of Entries, verbo

Ejectione firmæ.

Ejettum, Ejelius Maris. Quod è mari ejici-tur. Jet. Jetsom, Wreck. — Et si de navi taliter periclitata aliquis bono vivus evaserit, & ad terram venerit, omnia bona & catalla in navi cum ista contenta remaneant, & sint eoram quorum prius fuerant & eis non depereant nomine ejecti. _____ Si vero infra prædi-Etum terminum nullus venerit ad exigenda catalla sua tum nostra sint, & bæredum nostrorum nomine ejecki, vel alterius qui libertatem babet ejeckum babendi. Cart. Hen-

rici Reg. Angl. anno 1226.

Eigne, French, Aisne, Maximus natu, The first born as Bastard Eigne, and Mulier puisne, Lit. sest. 399.

See Mulier.

Cinetia, Is borrowed of the French Aisne, Primogenitus, and signifies in the Common Law Eldership, Stat. of Ireland, 14 H. 3. Skene de verbor. Significatione, verbo Eneya, says, That in the Statute of Marlbridge, cap. 9. made in the time of H. 3. It is called Enitia pars bareditatis: And likewise in another place of the same King, Jusefnicia, that is, in proper Latine, Jus primogenitura. See Enitia pars, and Esnecy.

Cyre, alias Cire, From the old French word Eire,

that is, Iter, a Journey, as a grand Eire, that is, Magnis itinneribus. It signifies in Britton, cap. 2. the Court of Justices Itinerant. And Justices in Eyre are those only which Braston in many places calleth Justiciarios itinerantes, of the Eyre, and Lib. 3. trast. 2. cap. 1, 2. saith, The Eyre also of the Forest is nothing but the Justice-seat otherwise called, which is, or should by ancient Custom be held every three Year by the Justices of the Forest, Journeying up and down to that purpose, Cromp. Jur. fol. 156. Manwood's Forest Laws, cap. 24. Read also Skene de verb. Signif. verbo Iter, whereby as by many other places, you may see great Affinity between these two Kingdoms in the administration of Justice and Government. See Justice in

Clettion,

Election, Is, when a Man is left to his own free Will to take or do one thing or another, which he pleases; As if A. covenants to pay B. a Pound of Pepper or Saffron before Whitsontide; it is at the election of A. at all times before Whitsontide, which of them he will pay; but if he pays it not before the faid Feaft, then afterwards it is at the election of B. to have Action

for which he pleases. Dyer, fol. 18. pl 104.21. H. 7. 19.
Co. lib. 5. fol, 59. and lib. 11. fol. 51.

Election be Clerk, Electione Clerici, Is a Writ that lyeth for the choice of a Clerk affigned to take and make Bonds called Statute Merchants, and is granted out of the Chancery, upon suggestion made, that the Clerk formerly assigned is gone to dwell in another place, or hath hindrance to let him from following that bufinels, or hath not Land sufficient to answer his Transgression, if he should deal amis, &c. F. N. B. fol.

164.

CIremolina, Alms. Dare in puram & perpe-tual eleemolinam, to give in pure and perpetual Alms, or in Frank-Almoigne, as Lands were commonly given to religious uses, and so discharged from military Servi-

ces, and other secular Burdens.

Cleemosinaria, The Place in a Religious House, where the common Alms were reposited, and thence by the Almoner distributed to the Poor. In old Engl. the Aumerie, Aumbry, Ambry, which in he North they now use for a Pantry or Cup-board, as the Welsh do Almari, yet the Word Eleemesinaria was sometimes taken for the Ossice of Almoner, to which, as to other Offices, there were peculiar Rents allotted, Decima prædicti molendini Eleemofinariæ Santi Augustini solvatur. Will. Thorne inter X. Scriptor. sub anno 1128.

Officer who received the Eleemosinary Rents and Gifts, and in due Method distributed them to pious and charitable Uses. There was such a chief Officer in all the religious Houses. The greatest of our English Bishops had their peculiar Almoners, as in the Council of Oxford, anno 1122. Statut. cap. 2. and Lin-moed's Provincial, lib. 1. tit. 12. The Dignity and Duty of Lord Almoner to the Kings of England is de-

fcrib'd in Fleta, lib. 2. cap. 23.

Elegit, (So called from the words in it, Elegit fi-bi liberari) Is a Writ Judicial, and lyeth for him that hath recovered Debt or Damages in the King's Court against one not able in his Goods to satisfie, and directed to the Sheriff, commanding him that he make deli-very of half the Parties Lands or Tenements, and all his Goods, Oxen and Beafts for the Plough excepted, old Nat. Brev. fol. 152. Reg. Orig. 299. & 301. And the Table of the Register Judicial, which expressed divers uses of this Writ: In the New Terms of the Law it is said, That this Writ should be sued within the year. The Creditor shall hold the Moyety of the Land so delivered unto him, till his whole Debt and Damages are satisfied, and during that term he is Tenant by Elegit, Westm. 2. cap. 18. See Co. on Lit. fol. 289. b.

CIE Arrows, Flint Stones sharpned and jagged of each side, in shape of Arrow Heads, made and used in War by the Antient Britains, of which several have been found in England, and greater plenty in Scotland, where they call them Elf-Arrows, and do imagine they dropt from the Clouds.

Clike, A kind of Ene to make Bows of 32 H. 8.

Cap. 9.

Cloyne, In French Esloigner, To remove or fend So the word is used 13. E. 1. cap. 15. If such as be within Age be eloined, so that they cannot sue perfonally, their next Friends shall be admitted to sue for

Clopement, Is when a married Woman departs from her Husband, and dwells with an Adulterer, for which, without voluntary reconcilement to the Husband, she shall lose her Dower by the Statute of Westm. 2. cap. 34. according to these old Verses.

Sponte virum Mulier fugiens & Adultera facta Dote sua careat, nisi sponso sponte retracta.

Nor shall the Husband in such Case be compelled to

allow her any Alimon

Emblements, Be the Profits of Land which have been fowed; but the word is fometimes taken more largely for any Profits that arise and grow natue rally from the Ground, as Grass, Fruit, Hemp, Flax, &c. If Tenant for Life fow the Land, and afterwards dye, the Executor of the Tenant for Life shall have the Emblements, and not he in Reversion: But if Tenant for Years fow the Lands, and before he hath reaped, his term expires, there the Leffor, or he in Reversion, shall have the Emblements. See Co. lib. 11. fol. 51. and although it is commonly held, that if a man leases Lands at Will, and after the Lessee sows the Land, and then the Will is determined, that the Lessee shall have the Emblements; yet if the Leffee himself determines the Will before the Severance of the Corn, he shall not have the Emblements. See Co. lib. 5. fol. 116.

Parl. 21 E. 3. n. 62. where divers Murders, Emblers des Gentz. Robberies, &c. It comes from the French Embler, to steal, and seems to signific stealing from or

robbing the People.

Embraceor or Embracour, 19 H. 7. 13. Is he that when a matter is in Tryal between Party and Party, comes to the Bar with one of the Parties (having re-ceived fome roward so to do) and speaks in the Case, or privily labors the Jury, or stands there to surveigh or overlook them, thereby to put them in fear and doubt of the matter; the Penalty whereof is 20 l, and Imprisonment at the Justices Discretion by the aforecited Statute. cited Statute. But Persons learned in the Law may speak in the Case for their Clients.

Embracery, is the offence of an Embraceour, to pre-instruct the Jury, &c. is Embracery, Noy's Rep-

Embre or embring days, 2 & 3 E. 6. cap. 19. Are those by the ancient Fathers called Quatur Tempo-Are those by the ancient rathers called Quatur Tempora, and of great Antiquity in the Church, being observed on the Wednefday, Friday, and Saurday next after Quadrigesima Sunday, Whit-sunday, Holy-rood-day in September, and St. Lucyes-day in Detember. They are mentioned by Britton, cap. 53. and others. Co. in his Inst. part. 3. fol. 203. saith, These embring-days are the week next before Quadrigesima; which must needs be a great mistake in the Printer, for it is not possible that learned. Man could be ignorant in a thing possible that learned Man could be ignorant in a thing fo well known.

Emendals, Emenda, Is an old word still used in the Accounts of the Inner-Temple, where so much in Emendals at the Foot of an Account, signifies so much in Bank in the Stock of the House for the supply of all emergent occasions: Spelman says it is that, Quod tri-

emergent occasions: Speiman 1298 it is that, know iribuitar in restaurationem damni.

""" Emendare, Emendam, solvere, To make amends or Satisfaction for any Crime or Trespass committed.

Domino Regi graviter emendare debent. Leges Edw. the Confess. cap. 35. Hence a capital Crime, not to be aton'd by Fine or pecuniary Commossion. position, was said to be Inemendabile. Leges Kanuti

Correcting Abuses, according to stated Rules and Mea-

Aulnage, Unage, or looking to the Assis of Cloth, that it be of the just Ell or due Measure. Emendation pairs to cervisia, the assis of Paris to cervisia, that it do not the just his or due Measure. Emendatio panis & cervisiae, the assissing of Bread and Beer, or the Power of supervising and correcting the Weights and Measures of them, a Priviledge granted by the King to Lords of Mannors, which gave occasion to the present Office of Ale-Taster, appointed in every Court-Lete, and sworn to look to the Assis of Bread, Ale, or Beer, within the Precincts of that Lordship. Beer, within the Precinas of that Lordship. Ad nos spectat emendatio panni panis & cervisia & quicquid Regis est excepto murdredo & latrocinio probato.

Paroch. Antiquit. p. 196. Cmillarius, A Steed, a Stallion. De Emiffa-rio, cui insederat, cecidit. Matth. West. sub annoab ipso vulneratas in brachio de suo de 1014.

jestus est Emissario. ib. lub. anno 1079.

Capanel, Impanellare vel Ponere in Assis, & Furatis, Cometh of the French Panne, i. c. Pellis, or of Paneau, which denotes as much as Pane with us, as a Pane of Glass, or of a Window: In Law it signifieth the writing and entring the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, which he hath fummoned to appear for the Performance of inch publick Service as Juries are in ployed in. See Panel.

Emperiance, Licentia interlequendi, Cometh of the French Parler, to talk, and in the Common-Law ingnifieth a Desire or Petition in Court, of a Day to The Civilians call it Petitiopause what is best to do. And Kitch. fol. 200. interprets it in nem induciarum. these words, if he impart, or pray continuance; when praying continuance is spoken interpretative. And fol. 201. he mentions emparlance general and emparalance special; Emperlance general seemeth to be that which is made only in one word, and in general terms. Emparlance special, where the Party requires a day to deliberate, adding also these words, Salvis omnibus advantagiis tum ad jurisdictionem Curia quam ad breve & vantagiis tum ad jurijdictionem Curia quam ad oreve-es narrationem. or such like. Britton, cap. 53. useth it for the Conference of a Jury upon the cause committed to them. And an Emparlance or Continuance is thus entred, Et modo ad bunc diem, scilicet diem veneries, vsc. isto eodem Termino usq; ad quem diem prædictus. A. babuit licentiam interloquendi, vsc. see Imparlance.

Emprovement. See Improvement. Encheson, Is a French Word much used in our Law Books, as in that Statute 53 E. 3. cap. 3. and it fignifies as much as the Occasion, Cause or Reason for which any thing is done. So it is used by Stamf. lib. 1. cap. 12. in his Description of a Drodland. Skene de verbor. Signif. verbo Enchesor, says, That Edward, the first King of England, Westm. 1. cap. 6. Statutis & Ordinis, That no Man shall be an Merchande, with an

reasonable Encheson.

Encroachment, or Accreachment, Cometh from the French word Accrocher, to pull or draw to, and it fignifies an unlawful gaining upon the Rights or Pof-fessions of another: For Example, if two Grounds lying together, the one preffeth too far upon the other; or if a Tenant owe two Shillings Rent-Service to the Lord, and the Lord taketh three. See Co. 9. Rep. fol. 33. Bucknal's Case. So it is said, That Hugh Spencer the Father, and Hugh Spencer the Son, encroached unto them Royal Power and Authority, Anno 1 E. 3. in

Enditement or Inditment, Indictamentum, Com-eth of the French Enditer, indicare; or according to Mr. Lambert, from the Greek & Suxvupt, Eirenar. lib. 4. cap. 5. pag. 468. It fignifies in our Common-Law as much as Accusatio in the Civil Law, though in some points it differ, West. part. 2. Symb. tit. Inditements,

defineth it thus, An Inditement is a Bill or Declaration made in form of Law (for the benefit of the Commonwealth) exhibited as an Accusation of one for some Offence, either criminal or penal unto Jurors, and by their Verdict found and presented to be true, before an Officer having power to punish the same Offence. It feems to be an Accusation, because the Jury that enquireth of the Offence, doth not receive it, until the Party that offereth the Bill appearing, subscribe his Name, and proffer his Oath for the Truth of it. It is Name, and proffer his Oath for the Truth of it. It is always at the Suit of the King, and differs from an Accusation in this, that the Preferrer is no way tyed to the Proof thereof upon any Penalty, if it be not proved, except there appear Conspiracy. See Smith de Rep. Angl. lib. 2. cap. 19 Stamf. pl. cor. lib 2. cap. 23, 24. & fic usg; ad 34. Enditements of Treason ought to be very exactly and certainly penned, Co. 7. Rep. Calvin's Case; and they must contain the Day, Year, and Place. See 37 H. 8. cap. 8. and 3. par. lnst. fol. 134. Convolument, Dotatio, Signifieth the giving or assuming of Dower to a Woman; for which see more in

fuming of Dower to a Woman; for which see more in Dower: but it is sometimes by a Metaphor used for the setting or severing of a sufficient Portion for a Vicar towards his perpetual Maintenance, when the Benefice is appropriated, and so it is used in the Statutes, 15 R. 2. cap. 6. and H. 4. cap. 12. See Appropriati-

Endowment de la pluis beile part, Is where a man dying feifed of some Lands holden in Knights-Service, and other some in Socage, the Widow is sped of her Dower rather in the Socage-Lands, than those holden in Knights-service, as being le pluis belle pert, the fairer part, of which read Littletonat large, Lib. 1.

Enfranchiste, Is to make Free, to incorporate a Man into a Society or Body-Politick, or to make one a

free Denizen.

Enfranchisement, Cometh of the French word Franchise, libertas, and signifies the incorporating of a man into any Society, or Body Politick: For example, He that by Charter is made Denizen of England, is faid to be enfranchifed; and so is he that is made a Citizen of London, or other City, or Burgels of any Town Corporate, because he is made partaker of those Liberties that appertain to the Corporation, whereinto he is enfranchised: So a Villain is enfranchised, when he is made free by his Lord, and made capable of the benefits belonging to Free-men. And when a Man is thus enfranchised into a City or Burrough, he hath a Freehold in his Freedom for his Life; wherefore, whatever shall be the Cause of his disfranchisement, ought to be a Fact, and not only an endeavouring or enterprising; what shall be sufficient cause to disfranchise a Free-man, and what not. See in Co. 11. Rep. fol. 91.

Bagg's Cale. Englechery, Englechire or Engletherp, In Latine Engleceria, Is an old word, fignifying nothing more than to be an English-man. ample, If a Man were privily flain or murder'd, he was in old time accounted Francigena, which word con:prehended every Alien, until-Englecery were proved, that is, until it was made manifest that he was an English-man, Brast. lib. 3. trast. 2. cap. 15. fol. 134. The original whereof was this, Canutus the Dane being King of England, having settled his Estate in Peace, at the Request of his Lords, discharged the Land of his Armies, upon Condition, That whoever should kill an Alien should be liable to lustice; and if the Manan Alien, should be liable to Justice; and if the Man-flayer escaped, the Town where the Man was Slain should forfeit 66 Marks to the King, and if the Town was not able, then the Hundred should pay: And further, that every Man murthered should be accounted

Fran-

Praisigena, except Englecery were proved; the manner of which see Brast. ibid. cap. 15. num. 7. See also Hornes Mirrour of Just. lib. 1. cap. Of the Office of Coroners and Fleta. lib. 1. tap. 30. This Englecery, for the Abuses and Troubles that were afterwards perceived to g ow by it, was utterly taken away by 14 Ed. 3. cap. 4. See Co. lib. 7. fol. 16. Calvin's Case.

Enheritance. Sce Inberitance. Enitia pars. Scc Finecia.

Enpleet, Was antiently used for implead --- May empleet and be empleeted in all Courts. Mon. Angl. vol. 2.

Enquest, Latine Inquisitio, Is the same with the French word, and all one in signification: Howbeit it is especially taken for an Inquisition by our Jurors, or a Jury, which is the most usual tryal of all Causes both Civil and Criminal within this Realm; for in Causes civil, after proof is made on either side, of so much as each Party thinketh good for himself; if the doubt be in the Fact, it is referred to the discretion of twelve indifferent Men, empanelled by the Sheriff for that purpose, and as they bring in their Verdick, so Judgment passeth; For the Judge saith, The Jury sindeth the Fact thus, and the Law is thus; For the Enquest in Criminal Causes, see Jury, and Smith de Rep. Anglish. 2. cap. 19. An Enquest is either ex Ossaio, of Ossico, or at the mise of the Party, Stams. pl. cor. lib. 3. cap. 12. This word is used in the Statutes of 25 E. 3. cap. 13. and almost in all Statutes that speak of Trials by Jurors.

This more french, Saigne, Blooded, let blood.

Si vicanus ensigne surerit, duas notices

Ensigné, French, Saigné, Blooded, let blood.

Si vicanus ensigne fuerit, duas nostes soluminodo babebit quietis, communiquem non amittat. Stat. Ecclesiz Lichfield. in Mon. Angl. tom. p. 244. The Word was likewise used substantively for bleeding. or blood-letting, as—Quod solum quatuor vicarii widelicet duo ex utraq; parte chori quolibet mense solum ensigné recipient in session trium quam novem lestionum.

——ib.

Entaple, Feodum talliatum, Cometh of the French Entail, is e. infoysus, and in the Common-Law is used as a Substantive abstract, signifying Fee-tail, or Fee-intailed: Littleton in the second Chapter of his Book draweth Fee-tail from the Verb Talliare, (an obsolete and superannuated word, I am sure, if any,) whereas in truth it must come from the French Taille, setsura, or teiller, seindere; and the reason is manifest, because Fee-tail in the Law is nothing but Fee abridged, scanted or curtail'd, or limited or tryed to certain Conditions. Taille in France is metaphorically taken for a Tribute or Subsidy, Lupanus de Magistratibus Francorum, lib. 3. cap. Talea. See Fee, see Tail.

Entendment, Cometh of the French Word Entendment, intellectus, ingenium. In a legal sense it signifies as much as the true meaning or signification of a word or sentence. See for this Kitchin, fol. 244. When a thing is in doubt, then sometimes by entendment it shall be made out: As if an Inquisition be found before a Coroner, that a Man was murthered at A, which is a Liberty, and it is not said in the Inquisition at A, within the Liberty of A, yet it shall be good by entendment; for peradventure the Liberty may extend beyond the Town, Co. lib. 5. fol. 121.

Enterpleder, Interplacitare, Is compounded of two French Words, Entre, that is Inter, and Pleder, that is Disputare; and signifies in the Common-Law as much as Cognitio prejudicialis in the Civil, that is, the discussing of a point incidently falling out before the principal Cause can take end: For Example, Two several Persons being found Heirs to Land, by two several Offices in one Country, the King is brought in doubt to which of them, Livery ought to be made, and

therefore first they must interplede, that is, formally try between themselves who is the right Heir, Stamf. Poarog. cap. 12. & II Bro. tit. Enterpleder, and Co. lib. 7. fol. 45.

Entitering or Intierry, A kind of French word fignifying Entirenes; it is contra distinguished in our Books from Moyety, and denoting the whole.

Entire Tenancy. Is contrary to several Tenancy, fignifying a sole Possession in one Man, whereas the other significth Joynt or common in more. See Bro. several Tenancy, and the New Book of Entries, verbo Entire Tenancy.

Entry, Ingressus; Cometh of the French Entree, and properly the taking possession of Lands or Tenments. See Plond Affle of fresh Force in Lordon, fel. 13. b. It is also used for a Writ of Possession, for which fee Ingressus, and also read West. Symbol. part 2. tit. Recoveries, fell. 2, 3. who there shews for what thing it lies, and for what not. Of this Britton in his 114 Chap. writeth to this effect, the Writs of Entry savour much of the right of Property: As for Example, Some be to recover Customs and Services in the which are contained these two words, Solet & debet, as the Writs Quo Fure; Rationalibas divisis; Rationabili esseverio, and the like. And in this Plea of Entry there be three degrees; The first is, where a Man demandeth Lands or Tenements of his own Seifin, after the term is expired. The second is where one demandeth Lands or Tenements, let by another after the term is expired. The third, where one demandeth Lands or Ienements of that Tenent that had Entry by one, to whom some Ancestor of the Plantiff did let it for a term now expired, according to which degrees, the Writs for more fit remedy are varied. And there is yet a fourth Form, which is without degrees, and in case of a more remote Seisin, whereunto the other three degrees do not extend. The Writ in the second degree is called a Writ of Entry in le Per, and a Writ in the third degrees is called a Writ of Entry in the Per ly Cui, and the fourth Form without these Degrees is called a Writ of Entry in le Post, that is to say, after the Diffeisin which such a one made to such a one; and if any Writ of Entry be conceived out of the right case, so that one form be brought for another, it is abareable. And in those four Degrees be comprehended all manner of Writs of Entry, which are without number or certainty. Thus far Britton, by whom you may perceive that those words, Selet & Debet, also those other words, in le Per, in le Per & Cui; and in le Post, which we meet with many times in the Bock shortly and obscurely mentioned, do signific nothing else but divers forms of this Writ, applied to the case whereupon it is brought, and each form taking his name from the words contained in the Writ, and of this read Fitzb. Nat. Brev. fol. 193, 194. This Writ of Entry differeth from an Affife, because it lyethfor the most part against him who entred lawfully, but holdeth against Law, whereas an Assise lyeth against him that unlawfully Diffeised; yet sometimes a Writ of Entry lyeth upon an Intrusion, Reg. Orig. fol. 223. b. See the New Book of Entries, verbo Entre brevis, fol. 254.col. 3. I have also read of a Writ of Entry in the nature of an Affise. Of this Writ in all his Degrees, read Fleta, lib. 5. cap. 34. & fequent. Also there are five things which put the Writ of Entry out of the degrees, viz. Intrusion. Succession, Disseisin upon Disseisin, Judgment and Escheat. 1. Intrusion, is where the Disseisor dies seised, and a stranger abates, 2. Succession, is when the Diffeisor is a Man of Religion, and dies, or is deposed, and his Successor enters. 3. Disseisin upon Disseisin, is when the Disseisor is disseited by another. 4. Judgment, is when one recovers against the DiffeiHeir, or doth Felony, whereby he is attaint, by which the Lord enters as in his Escheat. In all these Cases the Disseissee or his Heir shall not have a Writ of Enmy within the degrees of the Per, but in the Post; because in those cases they are not in by Descent, nor by Purchase.

Entry at Communem Legem, Is a Writ which lies where Tenant for term of Life, Tenant for term of anothers Life, Tenant by the Curtefie, or Tenant in Dower, aliens and dies, he in the Reversion shall have

this Writ against whomsoever is in.

Entry in calu Plovilo, Lies if Tenant in Dower alien in Fee, or for term of Life, or for anothers Life, living the Tenant in Dower, he in the Reversion shall have this Writ, which is provided by the Statute of Glouc. cap. 7.

Entry in calu confimili, Is a Writ that lies where Tenant for Life, or Tenant by the Curtefie aliens in Fee, he in the Reversion shall have this Writ by Westm.

Entry ad terminum qui preteriit, Lies where a man leafes Land to another for term of Years, and the Tenant holds over his term; the Lessor shall have this Writ.

Entry fine affenin Capitali, Lies where an Abbot Prior, or fuch as has Covent or Common Seal, aliens Lands or Tenements of the right of his Church, without the affent of the Covent or Chapter, and dies, then

the Successor shall have this Writ.

Entry causa Patrimonii petlocuti, Lies where Lands or Tenements are given to a Man, upon condion, that he shall take the Donor to his Wife within a certain time, and he does not espouse her within the limited time, or espouses another; or otherwise dis-bles himself, that he cannot take her according to the faid condition, then the Donor and her Heirs shall have the faid Writ against him, or against whoever

else is in the said Land.

Entrution, Intrusio, Signifieth a violent or unlawful entrance into Lands or Tenements, being utterly ful entrance into Langs or account would of a Possessor, by him that hath no Right, nor Reast. lib. 4. cap. 2. For fpark of Right unto him, Brad. lib. 4. cap. 2. For example, If a man flep into any Lands, the Owner whereof lately died, and the right Heir neither by himself, or others, as yet hath taken Possession of them: The difference between an Intruder and an Abator is this, that an Abator entreth into Lands void by the death of a Tenant in Fee; and an Intruder enters into Lands void by the death of a Tenant for Life or Years, F. N. B. fol. 203. and Co. on Lit. fol. 297. yet the Book of Entries expressed the Abatement by the Latine word Intrusionem, fol. 63. C. which the New Terms of Law calls Interpositionem and introitionem per interpofitionem. See Abatement, see Dissessin, see Britton, cap. 63. Intrusio is used also for the Writ brought against an Entruder, which see in Fitzb. Nat. Brev. 203. and of Marl. cap. ult.

Entrusion be gard. Is a Writ that lies where the Infant within age entred into his Lands, and held his Lord out: for in this case the Lord shall not have the Writ de communi Custodia, but this Old Nat. Brev.

fol. 90.

Entroyce. See Invoyce.

Entrot. Signifieth to take place or effect, to be available. As a Release shall entre by way of extin
rittletan. cap. Release. And a Release made to a Tenant for term of Life, shall enure to him in the Reversion.

Episcopalia, Synodale, Pentecostale, and other customery Payments from the Clergy to their Diocelan Bishop; which Dues were formerly collected by the

5. Escheat, is when the Diffeissor dies without Rural Deans, and by them transmitted to the Bishop. As in a Charter of Walter, Bp. of Coventr. and Lichf. to the Abby of Derley, ——Concedimus etiam ut pra-distus Abbos aut quisque Successorum ejus sit Decanus de omnibus ecclesiis ____ & teneat Capitalum ___ & E-piscopalia reddat, vel reddere faciat de Ecclesiis decanatus sui. Mon. Angl. tom. 3. f. 61. These customary Impositions were called Onus Episcopale, and were by special Privilege remitted to those free Chappels that were built upon the King's Demelie, and exempt from Episcopal Jurisdiction. See Mr. Kennet's Glossary in Episcopale onus.

Eques Auratus, Is taken to fignifie a Knight, and termed Auratus, because anciently none but Knights might beautific and gild their Armor, or other Habiliments of War, Fernes Glory of Generosity, pag. 102. Yet in Law we never use Eques Auratus, but Miles,

and fometimes Chivalier, Co. 4. Inft. fol 5.

& Equitatura, — Sciunt — quod ego St nus de Ebroicis dedi Ecclesia S. Leonardi de Pyonia-- quod ego Stepbaleudinum meum de Froma — G pradicti Fratres babeant Equitaturam G saccum cum blado vel farina, Gc. Reg. Priorat. de Warmley, fol. 22. a. penes Ed. Har-ley, Mil. Baln. And it seems to signific here, the Liberty of riding or carrying Grift and Meal from a Mill on Horse-back. Miles cum equitatura, is taken for a

trary effects, for the one doth abridge, and take from the Letter of the Law, the other doth inlarge, and add thereto. The first is thus defined, Equitas est correction legis generating lata, qua parte descrit. Equity is the Correction of the Law generally made in that part wherein it fails, which Correction is much used in our Law: As for example, when an Act of Parliament is made, that whosoever doth such a thing shall be a Felon, and suffer death; yet if a Mad-man, or an Infant that hath no discretion, do the same, that shall not be Felons, nor suffer death therefore. The other Equity is defined to be an extension of the words of the Law to Cases unexpressed, yet having the same reason; so that when one thing is enacted, all other things are enacted that are of the like degree: As the Statute which ordains, that in an Action of Debt against Executors, he that doth appear by Distress shall answer, doth extend by equity to Administrators; for such of them as shall appear first by Distress, shall answer by equity of the said Act, quia sunt in aquali gene-

&T Equus Coopertus. A Horse with Saddle and Furniture on him. _____ Inveniendo pro quolibet feodo unum equum coopertum vel dues discopertes -Inqu. 16 Ed. 1. de Baronia de Dunham-Massey.-Eremitagium, A Hermitage, or desert Place, for the Retirement of Hermites. rium in bofco D. Ducis petiit, ubiq, domum bunc aliquan-

3. p. 18. a. Erius alias Aris, Is the flower de Lys, whose divers kinds you may read in Gerrards Herb. lib. 1. cap. 34. The root of this is mentioned among Merchandile, Drugs to be garbled, Anno 1 Jac. cap. 19.

Ermins, Seemeth to come of the French word Er-

wine. It fignifieth a Furr of great price.

Criming tett, See Watling freet.

The look feattered Lars of Corn that are left on the Ground after the binding or cock--Conducto ad preparandum usque ad careing of it. -&am xxix. feliones ordet cum les Ernes viii. den. Parochial Antiquit. p. 576. From the old Teuton. Abr.

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an Bar of Corn, Ernde, Harvest, Ernden, to cut or mow Corn. Hence to ern, is in some Place to glean,

See Mr. Kennet's Glossary, in Ernes.

Errant, Itinerant. May be derived from the old word Erre, i. Iter: It is attributed to Justices that go the Circuit, Stam. pl. cor. fol. 15. and to Baylists at

large. See Justices in Fyre and Bayliff. See also Eyre.

**That item, A Waif or Stray, etring or wandring Beast. ———Si Erraticum quod vulgo dicitur Weredrif in curiam Sacerdotis vel Clevici qui in atrio manent, venerit, vel in eleemosinam ejusem Ecclesia, vel in atrium, Episcopi erit. Constitut. Norman. A. D. 1080.

Cometh of the French Erreur, and fignifi-Erroz, eth especially an Error in Pleading, or in the Process, Bro. tis. Error. And thereupon the Writ which is brought for remedy of this overfight, is called a Writ of Error, in Latine Breve de Errore corrigendo, thus defined by Fitzh. in his Nat. Brev. fol. 20. A Writ of Error is that properly which lyeth to redress false Judgment given in any Court of Record, as in the Common-Bench, London, or other City having Power by the King's Charter or Prescription, to hold Plea of Debt above twenty shillings, or Trespass. See the New Book of Entries, verbo Error. This is borrowed from the French Practice, which they called Proposition de erreur, whereof you may read in Gregorius de appellatione, pag. In what diversity of cases this Writ lyeth, see the Register Original, in the Table, verb. Errore corrigendo, and Reg. Jud. fol. 34. There is likewise a Writ of Error, to reverse a Fine, West. Symbol. part 2. tit. Fines, 151. for preventing abatements by Writ of Error upon Judgments in the Exchequer. See 16 Car. 2. cap. 2. and 20 Car. 2. cap. 4. And for redreffing and prevention of Error in Fines and Recoveries, fee the Stat. 23 Eliz. cap. 3. for inrolling them.

Trope Corrigendo. See Error.

& Cabiancatura, From the French esbrancher, to cut off the Branches or Boughs, ______ Qui autem for is fecerit in foresta Regis de viridi sive per culpaturam sive per Esbrancaturam sive per ceditionem turbarum, sive per escoriationem more sive per essartum, Gc. erit in misericordia, Gc.-

Testaldare, To scald, as escaldare porcos, to scalds Hogs. - In the Inquisition of the Serjeancies and Knights Fees in the 12th and 13th Years of King John, within the Counties of Essex and Hertford, Rogerus de Legburn, de Robertus de Sutton de eo, tenet Bures per (erjantium escaldandi porcos Regis Lib. Rub. Scaccar. MS. f. 137.

Escambio, Is a Licence granted to one, for the making over a Bill of Exchange to another over Sea, Reg. Orig. fol. 194. For by the Statute of 3 R. 2. cap. 2. No Merchant ought to exchange or return Money beyond Sea, without the Kings Licence.

Escape, Escapium, Cometh of the French Eschap-per, that is, effugere, to fly from, and figuifies in the Law a violent or privy evalion out of some lawful re-ftraint. For example, If the Sheriff, upon a Capias directed to him, take one, and indeavour to carry him to the Goal; and he in the way, either by violence, or by flight break from him, this is called an Escape, Stam. pl. cor. fol. 70. The same Stamford in his Pleas of the Crown, lib. 1. cap. 26, 27. nameth two kinds of Escape, the one voluntary, the other negligent: Voluntary is, when one arresteth another for Felony, or any other Crime, and afterward letteth him go whither he lifteth. Negligent escape is, when one is arrested, and afterwards escapesh against his will that arrested him,

this point, read in Practica criminali Claudii de B. attaindier, reg. 143. Read also Cromp. Just. fol. 35, 36, 37. and Termes de lay Ley. There is likewise an escape of Beasts, and therefore he that by Charter is Quietus de Escapio in the Forest, is delivered of that punishment which, by order of the Forest, lyerh upon those whose Beafts he found within the Land forbidden, Crom. In-

Beafts he found within the Land rifd. fol. 156. See also Co. 3. Reports, Ridgeways Case, Plowd. Com. Platos Case.

Clean Com. Platos Case.

Clean Devia, The Chandlary, or Chandry, the Office where Candles were reposited, and delivered willielmus de Bigod.

Willielmus de Bigod. tenet terras & villam de Bures per serientiam Eschanderiæ & valet villa centum folidos. 11 Hen. 3.

Elchange or Erchange, Escambium or Excambium, Hanc terram cambiavit Hugo Briccuino quod modo tenet comes Moriton & ipsum Scambium valet Duplum, Dooms-

day, vide Exchange.

The Change is a function of the company of th ipso bosco nisi forte per escapium eveniat. Cartular Ab-bat. Glafton. MS. penes Dom. Clarges ex Æde Christi

Oxon. f. 67. b.

& Escepp, A Scepp or Measure of Corn.

Ricardus de Revesbia recepit unam bovatam in Sticcefordia per idem servitium per annum, excepto quod Richeppa brasii quam debet habere erit de avena.

Mon. Angl. tom. 1. p. 823. See Sceppa.

Clehequer, Scaccarium, May be derived from the French word Fschequier, i. abacus, tabula Lusoria, and fignifieth the Place or Court of all Receits belonging to the Crown, Polyd. Virg. lib. 9. Hist. Aug. faith, That the true word in Latine is Statarium; but it may with more probability be taken from the German word Schatz, denoting as much as Thefaurus or Fiscus. Cambden in his Brittannia. pag. 113. faith, That this Court or Office took the Name from tabula and quam affidebant, proving it out of Gervasius Tilburiensis, the Cloth which covered it being parti-colored or chequered. By the Grand Custumair, it is brought from the Normans, cap. 56. where you may find it thus described, The Eschequer is called an assembly of High Juto whom it appertaineth to amend that which the Bayliffs and other meaner Justiciers have evil done, and unadvisedly judged, and to do Right to all men without delay, as from the Princes mouth. Skene de verbor. Signif. Scaccarium, hath out of Paulus Amilius these words, Scaccarium dicitur quasi staturium, quod bomines ibi in jure sistantur, vel quod sit staturium perennis curia cum catera curia essent indictiva nec loco nec tempore stata. Also he addeth surcher, that it might be called Scaccarium à similitudine Ludi scaccborum, from the refemblance it has to the Game at Cheffe, many persons meeting and pleading their Causes there, as if they were fighting in an arrayed Battel. And Smith deduces it from an old Saxon word Scata, fignifying Treasure, whereof Account is made in the Chequer. This Court confifteth, as it were, of two parts, whereof one dealeth especially in the judicial hearing and deciding of all Caufes appertaining to the Princes Coffers, anciently called Scaccarium computorum, as Ockbam testifies in his Lucubrations. The other is called The Receipt of the Exchequer, which is properly imployed in the receiving and paying Money, Cromp. Jur. fol. 105. fays, It is a Court of Record, wherein all Causes touching the Revenues of the Crown are handled: The Officers belonging to both these, you may read in Cambdens Brit. cap. Tribunalia Anglia, to whom I refer you. The Kings Exchequer now settled at Westand is not pursued by fresh Suit, and taken again before the Party pursuing hath lost the sight of him, Id. cap. Of the course of Punishment by the Givil-Law in minster, was in divers Counties of Wales, 27 H. 8.

cap. 5. but especially 26. and 4. par Inft. fol. 103.

Clebett, Eschaeta, Cometh of the French Escheeir, eadere, excidere, and significath in a legal Sense, any Lands, or other Profits, that fall to a Lord within his Mannor by way of Forseiture, or the death of heaving without Hein gament or forcial or leaving. nant, dying without Heir general or special, or leaving his Heir within age, and unmarried, Mag. Charta, rap. 31. B.N.B. fol. 143 Grc. Escheat is also used sometimes for the Place or Circuit within which the King or other Lord bath Efcheats of his Tenants, Bratt.lib.3.tratt.2.cnp.

& Pupillo oculi, pat 2 cap. 22. Thirdly, Efcheat is used for a Writ which lieth, where the Tenant having an Eflate in Fee simple in any Lands or Tenements holden of a superior Lord, dyeth seised without Heir general or special; for in this case the Lord bringeth this Writ against him that possesses the Lands after the death of his Tenant, and shall thereby recover the same in lieu of his Services, F. N. B. fol. 144. Those that we call Escheats, are in the Kingdom of Naples called Ex-Those that we cadentia, or bona excadentialia, as Bare locat excadenti as eo modo quo locata fuerunt ab ontique, ita quod in nulto debita fervitia minuantur & non remittit gallinam de hisam, Jacob de Franchiis in praludiis ad feudorum u fum, tit. 1. 1810. 23. & 29. And in the fame figuifintion, that we say the Fee is escheated; the Feudists lay, Fendum aperitur. See Co. on Lit. fol. 92. b. gal, those Obventions and forfeitures which belonged to our Kings by the ancient Rights of their Crown and supreme Dignity. 2. Feedal, those which did accree to every Lord of a Fee, as well as to the King, by reason of his Seigniority. OF Clebrat of Winer,

All the Appendages of Lop and Top, Gre. that belonged to a Tree fell'd or cut down, John de Grey, Bishop of Norwich, gave Liberty to the Monks of his Church, that in his Wood of Thorp, babebunt unam arborem cum ramis, cortice, cofpetis, radice, & tota eschaeta. Ex Reg. Eccl. - Ex Reg. Eccl.

Clebeator, Efchetor, Derived from Efcheat, Officer that taketh notice of the Elcheats of the King in the County, whereof he is Escheator, and certifieth them into the Exchequer. This Officer is appointed by the Lord Treasurer, and continueth in his Office but a Year; neither can any be an Escheator above once in three years, Anno 1 H. 6. cap. 8. and 3 H. 8. once in three years, Anno 1 H. 6. cap. 8. and 3 H. 8. cap. 2. See more of this Officer and his Authority in Bromptons Juffice of Peace, see 29 E. 1. The form of this Oath, see in Reg. Orig. fol. 301. b. Fitzberbert eaths him an Officer on Record, Nat. Brev. fol. 100. because that which he certifieth by vertue of his 100. hath the credit of a Record. Officium Escaeteria, This Office, the Escheatorship, Reg. Orig. fol. 259. having its chief dependance on the Court of Wards, is

naying us enter dependence on the Lours of Wards, 18 feed in a manner out of date. See 4. Infl. fol. 225.

Contacts Appeal, Paring off the Turf of Rigy or moorifu Ground for burning. Qui antem fortigy or moorifu Ground for burning. Qui antem fortigy or moorifu Ground for burning. Qui antem fortigy or mooriful Ground for burning. Qui antem fortigy or mooriful ground for the per electrical form, five per electrical form, five per electrical form, five per electrical form, five per culpationem de subnemore? Arc. Rog. Hoveden. Annal. p. 784.

de subnemore ; erc. Rog. Hoveden. Annal. p. 784.

Escuage, Schragium, Cometh of the French Escu,

coppens, a Shield. In Law it signifieth a kind of Knights fervice, called Service of the Shield, whereby the Te-Welsh Wars at his own charge; for which sees to of welsh Wars at his own charge; for which see Chivalry. But note, that Escuage is either uncertain or certain: Escuage uncertain is properly Escuage and Knights service being subject to Homage, Fealty, and (formerly) Ward and Marriage; and so called, became it is uncertain how often a man what his charge to the service where the service was and what his charge follow his Lord into those Wars, and what his charge generaliter omnia, que ex re de qua agitur orta sunt, ve

will be in each Journey. Escuage certain is, when a certain Rent is paid yearly in lieu of all Services, being no further bound then to pay his Rent, called a Knights Fee, or the fearth part of a Knights Fee, according to his Land; and this loseth the nature of Knight-ferming the with told the nature of Knight-ferming. vice, though it hold the name of Escuage, being in effect but Socage, F. N. B. fol. 8. But see the Stat. 12 Car. 2. cap. 24. for taking away the Court of Wards and Liveries, and turning all Tenures into Free and Common Socage, See Littleton. lib. 2.cap. 3. and fee Capite.

&P Citurare, To scour or cleanse. insuper quod quoties by quando necesse erit by opportunum ditta fossata nostra mundare, purgare, vel cscurare, liceat mobis de successoribus nostris totam aquam dictorum fofsatorum convertere or transferre. --Carta Thoma Episcopi B. W. dat. 29. Oct. 4 Ed. 4... lettaneis Matth. Hutton, S. T. P. MS.

&F Eskectores, From the French Efcher. cunt etiam (Juratores) quod latrones de Eskectores de terra de Morgannon intraverunt pradiciam terram de Brekenhok, —— Placit Parl. 20 Ed. 1. Robbers or Destroyers of other Mens Lands or Fortunes.

ST Eskenage. The Mayor and Aldermen Callice petition the King to grant them the Affice of Wine, Ale, Beer, and Bread, within the Jurisdiction of the same Town called la Eskenage. Rot. Parl.

4 Hen. 4.

3 Cashpamentum. Clauf, 1. Ed. 1. whereby the Sea port Towns were to provide certain Ships

Sumptibus proprils of duplici eskippamento. Sir

Robert Cotton englisheth it, double Shippage, i. e. double Tackle, or Furniture, as I suppose.

& Eskippeton, Shipping or Pallage by Sea.

—Cefte Endenture faire parente bis noble bome Monf. Thomas Beaucamp, Counte de Warwyke d'une park, & John Russel E/culer d'autre park, & qua le dit John oura Eskypcioun covenable pur son passage for repassage outre meer, a custages le dit Counte, cyc. Done a Warwyke 2. Jan. 50 Edw. 3. And Humfry, Barl of Bucks, in a Deed dated 13. Febr. 22 Hen. 6. covenants with Sir Philip Chetwind, his Lieutenant of the Castle of Castle Counter, and the Castle of Castle Counter, and the Castle of Cas lais, to give him Allowance for his Soldiers Skippejan

ldis, to give him Allowance for his politices suppejon and Reskippejon, i. e. Passage by Ship, and Repassage.—
Ethete, As a Prerogative given to the eldest Coparcener, to chuse sing after the inheritance is divided, Fleta, lib. 5. cap. 10. [cd. in divisionem. Salvo capitali Message primogenito filio pro dignitate Associate sue, Glanvil. lib. 7. cap. 3. jus Associat, jus Primogenitura. Skene de verb. Sig. Stat. Marlb. cap 9. calls it Enitia pars hareditatis. See Co. on Lit. sol. 166. b.

As Ethecaltare. Expeditare. To expeditate, which

calls it Entria pars hareditatis. See Co. on Lis. pol. 100.0.

Compensation, Expediture, To expeditate, which in a proper old English Term was called Lawing of Dogs, and was done two several Ways; either, first, by cutting off the three fore Claws of the Right Foot: Or secondly, by cutting out the Ball of the Foot; that so by either way the Dogs might be disabled from hunting or running hard. This Method of preventing Mischief from Dogs neighbouring on a Forest, was invented by K. Hen. 2. or at least by him first inwas invented by K. Hen. 2. Or at least by him first in-join'd in the Affise of Woodstock, Artic. 6. Wul-lus dominicos canes Abbatis & Monachorum espealta re cogat, verum canes hominum suorum intra forestam manentium Abbas dy Monachi espaaltari faciunt. --- Cartular. Abbat Glaston. MS. penes Magist. Clarges, pu

per ex Ade Christi, f. 7. See Expeditive,

Ciplets, Expletia, perhaps from Exples, Seem to
be the full profits that the Ground or Land yieldeth; as the Hay of the Meadows, the Feed of the Pasture, the Corn of the Arable; the Rents, Service, and such like Issues. The Profits comprised under this word, the Romans call properly Accessiones; nam accessionem ea

ubi frustus, partus & omnis causa rei & quacunq; ex re procedunt. And note, that in a Writ of right of Land, Advowson, or such like, the Demandant ought to alledge in his Count, that he or Ancestors took the Estate in demandant otherwise the pleading is ples of the thing in demand, otherwise the pleading is

not good, Termes de la Ley. Eipervarius & Sparverius, French, Esperver, A Hawk, Charta Forest, cap. 13. Reddit. solut. W. Talboys Arm ad manerium summ de Keyme pro omnibus serviciis secularibus unum Esperverium, &c. Compus. David Gafferon collett. Raddit. de Wragby, Anno 35

& Espleuenantia, The Office of Spigurnel, or Sealer of the King's Writs. The Word Spigurnellus, which Spelman and Du Fresne recite without interpreting, seems detorted from the Saxon Sparran, to shut up Oliver de Standford, in 27 E. 1. held or enciole. Lands in Wettlebed Com. Oxon. per serjeantiam espicurnantiæ in cancellaria Domini Regis. Paroch Antiquit.

p. 292. See Mr. Kennet's Gloffary, Ibid.
Clutter, Armiger, In French Escuier, i. Scutiger, was

originally such a one attending a Knight in time of War, did carry his Shield; but this Addition hath not of long time had any relation to that Office, but fignifieth with us a Gentleman, or one that beareth Arms as a Testimony of his Nobility or Gentry, and is a meer Title of Dignity next to and below a Knight. They who by right claim this Title now, are all the younger Sons of Noble-men, the four Esquires of the Kings Body; the eldest Sons of all Baronets, Knights of the Bath, and Knights Batchelors; Those that serve the Ring in any Worshipful Calling, such as are created Esquires by the King, with a Collar of SS of Silver; the chief of some ancient Families are likewise Esquires by Prescription, those that bear any superior Office in the Common-wealth, a Justice of Peace while he is in Commission, and Utter-Barristers. In Walfingham's History of Richard the Second, we read of one John Blake, who being Juris Apprenticius, has the addition of Scutifer given him. Canden in his Brit. fol. III. having spoken of Knights, hat these Words of them, His proximi fuere Armigeri qui by Scutifer hominess, ad arma disti, qui vel a clypeis gentilitiis qua in mobilitatis insignia gestant; vel qui principibus by majoribus illis nobilibus ab armis erant, momen traxerunt, byc. The learned Spokman in his Glosser says. A principe sunt Ar. learned Spelman in his Glossary says, A principe siunt Armigeri, vel scripto, vel symbolo, vel munere: Scripto, cum Rex sic quempiam constituerit. Symbolo, quam collum ergo alicujus argenteo sigmatico, (boc est torque ex SS. confesto) adornaverit, cumve argentatis calcaribus donaverit. Tales in occidentali Anglia plaga Whitespurs disti sunt. Munere, cum ad munus quempiam evocaverit, vet in Aula, vel in Repub. dyc. Hotoman in the Sixth Chapter of his Disputations upon the Feods saith, That those which the French call Esquires, were a military kind of Vassal, having Jus sent, that is, they bear a Shield, and in it the Ensignes of their Family, in token of their Gentility or Dignity. learned Spelman in his Glossary says, A principe funt Ar-

in token of their Gentility or Dignity. & Effartum, Erartum, Affartum, Assart, or Placitum quoq; Woodland broke up or plough'd. —— Placitum quoq; Forestarum de Estartis, de cassone, de combustione, de venatione. —— Leg. Hen. 1. Reg. Angl. cap. 17. Sec

Eftendi quietum de Colonio, Is a Writ that lyeth for Citizens and Burgefles of any City or Town, that hath a Charter or Prescription to exempt them from Toll through the whole Realm, if it happen the same to be any where exacted of them, F. N. B. 226. Reg. Orig. fol. 258.

Effoine, Essonium, Cometh of the French Essoine or

or other Impediment. It signifieth in the Common-Law, the allegation of an excuse from him that is summoned, or sought for to appear, and answer to an Action real, or to perform Suit to a Court-Baron upon just cause of absence: It is as much as exempatio with the Civilians. The Causes that serve to essime any man summoned, are divers, yet drawn chiefly to five heads; whereof the first is, Oltra mare, whereby the Defendant shall have forty days. The second, De terra Sancta, where the Defendant shall have a year and a day, and these must be laid in the beginning of the Plea. The third, De malo Veniendi, which is also called, common essoine. The fourth is, De malo letti. And the fifth, De fervitio Regis. For further knowledge of these, I refer you to Glavile, in his whole First Book, and Bracton, lib. 5. tract. 2. per totum, and Britton, cap. 122, 123, 124, 125. and Hornes Mirrour of Justices, lib. 1. cap. de Essoines, who maketh mention of some more Essoines touching the Service of Kings Celestial, and of some other points not unworthy to be known. Of these Effoines you may read further in Flesa, lib. 6. cap. 8. dy feq. And that these came to us from the Normans, is well shewed by the Grand Customars, where you may in a manner find all faid that our Lawyers have spoken of this matter, Cap. 39, 40, 41, 42, 3, 44, 45. Efficines and Proffers, Anno 32 H. 8. cap. 21. Sec.

Proffer.

Effonio de malo lecti, Is a Writ directed to the Sheriff, for the sending of four lawful Knights to view one that hath essined himself de malo le&i, Reg. Orig.

Efiablishment of Dotter, Seemeth to be the affu-rance of Dower made to the Wife by the Husband, or

rance of Dower made to the Wise by the Husband, or his Friends, before or at Marriage; and Assignment is the setting it out by the Heir afterwards, according to the establishment, Britton, cap. 102. & 103.

Thathe, Ceste endenture tesmoigne que cum il y avoir dehate entre eux du soule ou dit A. ad fait planter une Estache de pere & de merymo en Selby water, &c. Ex Registr. de Selby, fol. 51. It seems here to be used for a Bridg or Stank of Stone and Timber, from the French Estacher, to sasten.

Chandard or Stankard, Cometh of the French Estandard. i. seems unwillum. It signifies an Ensigne

Estandars, i. signum, vexillum. It signifies an Ensigne in War as well with us as with them. But it is also uled for the standing Measure of the King to the scantling, whereof all the Measures in the Land, are, or ought to be framed by the Clerk of the Market, Alneger, or other Officer, according to their Functions; for it was established by the Statute of Magna Charta, Anno 9 H. 3. cap. 9. That there shough the whole Anno 9 H. 3. cap. 9. That there should be put one scantling of Weights and Measures through the whole scantling of Weights and Measures through the whole Realm, which is since confirmed by 14 E. 3. cap. 12. and many other Statutes; (one especially made 17 Car. 1. cap. 29. which says, From henceforth there shall be one Weight, one Measure, and one Yard, according to the Standard of the Exchequer throughout all the Realm:) It is not without great reason called a Standard, because it standeth constant and immoveable, and hath all Measures coming towards it for their Conformity: even as Soldiers in the Field have their Standard or Colors, for their direction in their March or Skirmish to repair to. Of these Standards and Measures, read Britton, cap. 30.

S. Standard of Money. The Standard and Allay of old Esterling, and the old right Standard of England, are to be understood thus: A Pound Weight Troy of Gold was divided into twenty sour Carats, and every Carat into four Grains of Gold. And a

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three Grains and a half of fine Gold, and half a Grain of Allay; which Allay might be Silver or Copper. Again, a Pound Weight Troy of Silver was then (as it has been ever fince) divided into twelve Ounces, every Ounce into twenty penny weight, and every penny weight into twenty four Grains; and every Pound Weight of old Sterling or right Standard Silver of England, confifted then (as it does now) of eleven Ounces and two penny Weight of fine Silver, and eighteen peny weight Allay. Vid. Lawndes Essay upon Coints. p. 18.

Estate, May be deduced from the French word Estat, i, Conditio, and significth that Title or Interest which a man hath in Lands or Tenements; as Estate simple, otherwise called fee simple; and Estate conditional, or upon Condition, which is as Littleton saith, Lib. 3. cap. 5. Either upon condition in Deed, or upon condition in Law: Estate upon condition in Deed is, where a man by Deed indented inseosseth another in Fee, reserving to him and to his Heirs yearly a certain Rent payable at one feast, or at divers, upon condition, that if the Rent be behind, Grc. that it shall be lawful to the Feosser, and to his Heirs to enter into the Lands or Tenements, Grc. Estate upon condition in Law, Is such as both a consideration in Law annexed to it, though not specified in writing: For example, If a Man grant to another by his Deed the Office of a Parkership for term of his life, this Estate is upon condition in the Law, or implyed by Law, viz. if the Parker shall so long well and truly keep his Park. I read also of an Estate particular, which is an Estate for Life, or for term of Years, Perkins Surrenders, 581.

Chacha framents, An old Mensure of Corn; perhaps the same with a Strike or Bushel.

perhaps the same with a Strike or Bushel. —— Puke leschurch reddit in gabulo assis ziii. libr. —— Grantular. Abbat. Glaston. MS. penes Dom. Clarges. f. 40. b.

Efterling. See Starling.

Efterprel. From the French Estouper, oppilare, obstipare, Denotes as much as an Impediment, or bar of an Action, growing from his own Fact that hath, or otherwise might have had his Action. For example, a Tenant maketh a Feossment by Collusion to one, the Lord accepteth the Services of the Feossee; by this he debarreth himself of the Wardship of his Tenants Heir, F. N. B. fol. 142. Divers other Examples might be shewed out of him, and Broke boc situlo, Co. lib. 2. fol. 4. Goddards Case, defineth an Estoppel to be a Bar or Hindrance unto one to plead the truth, and restraineth it not to the Impediment given to a man by his own Act only, but by an others also, Lib. 3. the Case Of Fines, fol. 88. There are three kinds of Esloppel, viz. By matter of Record, by matter in Writing, and by matter in Paiis; of which see Co. on Lit. Sol. 262.

Efisivers, Effoverium, Cometh of the French word Effover, i. fovere, and in the sense of the Law significath Nourishment or Maintenance. For example, Bradion, lib. 3. tradi. 2. cap. 18. num. 2. useth it for that sustenance which a man taketh for Felony, is to have out of his Lends or Goods for himself and his Family, during his Imprisonment. And the Statute made 6 E. 1. cap. 3. useth it for an allowance in Meat or Cloth. It is also used for certain allowances of wood, to be taken out of another mans Woods. So it is used Westm. 2. cap. 25. Anno 13 E. 1. West. Symb. part 2. tit. Fines, self. 26. saith, That the Name of Estovers containeth House bote, Hap-bote, and Plongb-bote; as if he have in his Grant these general words, De rationabili Estoverio in boseis, &c. he may thereby claim these three. In some Mannors the Tenants have Common of Estovers out of the Lords Woods,

and pay a certain small Annual Rent for the same, Rasionabile Esto verium, vide antea Alimony. Chrangtra, Are sometimes taken for those that

Changers, Are fometimes taken for those that are not Privies of Parties to the levying of a Fine, or making of a Deed. Sometimes for those that are born beyond Sea.

Estray. Extrabura, From the old French, Estrayenr, pererare signifies any Beast not wild, sound within any Lordship, and not owned by any man; for in this case, it being cryed, according to Law, in the Market-Towns adjoyning, if it be not claimed by the Owner in a year and a day, it is the Lords of the Soyl. See Briston, cap. 17. Vide estam Estrayes in the Porest, 27 H. 8. cap. 7. and New Book of Entries, verbo Trespass concernant Estray. The ancient Law of King Inawas, Diximus de ignotis pecoribus, at nemo habeat sine testimonio Hundredi, strue hominum Decenna, that is, the Suiters at a Court-Leet, Spelm.

Entract, Extractum, Is used for the true Copy, or Duplicate, of an original Writing. For example, Of Americaments or Penalties set down in the Bolls of a Court, to be levyed by the Bayliff, or other Officer, of every man for his offence. See F. N. B. fol. 57. 67 76. and so also is it used, Westm. 2. cap. 8.

Clerk of the Caretta, Clericus extradorum. See in Clerk.

& Estrectatus, Streightned, blockt up. Inquiratur de vits Domini Regis estreciatis. —— Placit. Co-

oron, temp. Ric. 1.

S. füregbords, Eastern Boards, or Deal, or Fir brought from the Eastern Parts for Wainscote and other Uses. — Es in sex Estregbords, videl. Wayn-scots empis and Steresbregge 11. Sol. 111. den. Parcoch. Antiquit. p. 574.

Coch. Antiquit. p. 593.

Carepe, French Efiropier, i. Musilate: To make Spoil by a Tenant for Life in Lands or Woods, to the prejudice of him in the Reversion.

Carepement or Carepament, Effrepamentum, from the French word Estropier, mutilare: It figuisfies the spoil made by Tenant for life upon any Lands or Woods, to the prejudice of the Reversioner, as namely in the Statute made Anno 6 E. 1. cap. 13. and it may feem by the derivation, that Estrepement is properly the unmeasurable soaking or drawing out of the heart of the Land by plowing or fowing it continually, without manuring, or other such usage as is requisite in good Husbandry: and yet eftropier signifying mutilare, may not improperly be applied to those that cut down Treer, or lop them, farther than the Law will bear. This fignifies also a writ, which lieth in two manners; the one is, when a man having an Action depending, (as a Formedon, or Dum fuit infra atatem, or Writ of Right, or any other) wherein the Demandant is not to recover Damages, suesh to inhibit the Tenant for making waste during the Suit. The other fort is for the Demandant, that is adjudged to recover Seifin of the Land in question, and before Execution fued by the writ Habere facion seisinam, for fear of wast to be made before he can get possession, sucth out this writ. See more in F. N. B. fol. 60, 61. Reg. Orig. fol. 76. and Reg. Jud. fol. 33. In ancient Records we often find Vallum & extrepamentum facere; and Spelman

thinks Estrepamentum west genus designare.

Etate probanda, or rather Etate probanda, is a Writ of Office, and lies for the Heir of the Tenant that held of the King in chief, to prove that he is of sull age, directed to the Sherist to enquire of his Age, and then he shall become Tenant to the King by the same Services that his Agestors made to the King. But see the Statute 12 Car. 2: cap. 2. for abolifying the Cours of Wards and Liveries, which hath in a manner utterly taken away this Writ.

Ctheling

Ctheling or Atheling, la 2 Saxon word fignifying Noble, and among the English-Saxon was as the Title of Prince among us, or as the Kings eldeft Son, fach was Edgar Atheling the deligned Successor of Edward the

Confessor. Chenings, The Deliver at Even or Night of a certain Portion of Grass or Corn, or Under-wood to a cuftomary Tenant, who performs his wonted Service of cutting, mowing, or resping for his Lord, and at the End of his Days Work, receives such a Quantity of the Materials he works upon, to carry home with him, so a Gratuity or Encouragement of his bounden Service. So in the Mannor of Burcefter, Com. Oxon. Virgato turra integra ejusdem tenura habebit liberam ad vesperas qua vocatur Evenings tantum seut Pal-cator petest per salcem levare & damum pentare per ip-Sec Mr. Ken-

fum — Paroch Antiquit. p. 401. — See Mr. Kennet's Gloffary, at the End of that Work.

Ensuivelibility, Torkbire, Heretofore to called, haply derived from the Latine Exercises, from which Eberse, and Euric or Everwick corruptly is no so strange variation; and the Sanon Seyre, which signifies shire or

Are such as fland under Walls or Windows by Night or by Day, to hear News, and to carry them to others, to make strife and debate among Neighbours: These are evil Members in the Com mon-wealth, and therefore by the Stat. Westen. s. cap. 33. are to be punished. And this Misdemeanor is pre-centable and punishable in the Court-Leet, Kinchin, fol.

Embence, Exidentia Signifies generally any Proof be it Testimony of Men, Seconds or Writings. Sir Themas Smith uleth in both forts, Lib. 2. cap. \$7. in these words, Evidence is authentical writings of Contrasts, after the manner of England, that is to fay, written, fealed and delivered: And Lib. 2. cap. 23. Speaking of the Prisoner that flandeth at the Bar to pleak for his Life, and of those that charge him with Felony, He faith thus, Then he telleth what he can fay; after him, likewise all those who are at the Prisoners Apprehensions, or who can make any proof, which we in our Language call Evidence against the Malefactor. It is called Evidence because it makes the Issue evident to the Jury; for Probationes debent effe evidentes & perspicua, Co. on Lit. fal. 283.

SP Embrice, Spoule-breach, Adultery, from the Saxon Ewe, conjugant, & bryen, fractio. The word Saxon Ewe, conjugium, of bryon, fractio. The word occurs in the Laws of King Edmund, Sect. 4. though in the Edition of Brompson, it is fally wrote Ewice. From this Saxon-Ewe, Marriage, we derive our prefent

English Words to woo, a Weser.

ST Cinagium. Carta Regie Johannis Deo & beato Jahanni & Hominibus de Beverlaco qued sint quieti de Thelmio, Scutagio, Paffagio, Pefagio, Lestagio, Stallagio, & de Wrea, & de Lagan, de Ewagio & de Lene, & c. Hillar. 14. H. 3. in Thesaur. Reg. Scacc. Ebor. Roc. 15. —— Ewagium is the same with Aquagium, from French Ean, Water, and fignifies Toll paid for Water-puffage, unless possibly it be maritagium.

Entractors Regio, The Hings Exastor, sometimes taken for the Sheriff. And in this sense the Black-Book

in the Exchequer, Part. 1. cap. ult. Tabelar, quibus Vicomes cenjum Regions collegis Rotulum Exactorium vocat, but generally Quicung; publicas pecunias, tributa, velligalia de res fisco debitus exigit, proprie nominantur

Exactor Regis.

Exactor negative and the state of the state

is, where he wrefts a Fee or Reward, where none is

Craminers in Chancery, Examinatores, Are two Officers that examine upon Oath, Witnesses produced on either fide, apon such laterrogatories as the Parties to any Suit do exhibit, to that purpose; and sometimes the Parties themselves are by particular order examined also by them. Heretosore there (was such an Examiner in the Star Chamber, but the Court being abolished, the Office and Officer is extinct.

Trannual Roll. In the old way of delivering the Sheriffs Accounts, the firme mortne vel obfilete, i.e. illeviable Fines and desperate Debts were transcribed into a Roll called the Examual Roll, which was to be yearly read to the Sheriff upon his Accompt, to see what might be gotten: Read Hale of Sheriff's Ac-

compes, p. 67.

Excaminator, Was anciently used for an Exchange or of Land, [such I suppose as we now call Brokers, that deal upon the Exchange between Merchants.] In libro cartarum Priorat. Leominst. de anno 2 Ed. 2 is faid, Ita quod unufquifq; corum qui damna suftinuit alique casu contingence, qued Excambintor refundat dames, &c.

Exception, Exceptio, Is a flop or flay to an Acion, being used in the Civil and Common-Law both alike, and in both divided into dilasery and peremptory: Of these see Bratton, lib. 5. traft. 5. per totum, and

Britton, cap. 91, 92.

Cropange, Exeambium vel Cambium, Hath a pecu liar fignification in our Common Law, and is afed for that Compensation which the Warrantor must make to the Warrantse, value for volte, if the Land war ranted be recovered from the Warrantee, Bradi lik a. cap. 16. & lib. 1. cap. 19. It figuifieth also generally as much as Permunatio with the Civilians, as the Kingl Exchange, 1 M. 6. sap. 1- 6 4. and 9 E. 3. Shir. 2) cap. 7. which is nothing elfe but the place appointed by the King for the exchange of Bullion, Gold, Silver, or Plate, eye. with the Kings Coin. These Places have been divers heretofore, as appeareth by the faid Statutes: but now there is only one, viz. The Tower of London conjoyned with the Mint, which in time past might not be, as appeareth by 1 16. cap. 4. Exchangeous, Are those that use to return Money

beyond Sea, by Bills of Exchange, which by the State 5. R. 2. ought not to be done without the Kings Li-

cence. See Escambio.

Erthequer, See Exchequer. Erebenter. See Efchentor.

Exile, is a Charge or Imposition laid upon Beer, Ale, Syder and other Liquors, within the Kingdom of England, Wales, and Berwick, by Act of Parliament made 12 Car. 2. cap 13 during the Kings life, and according to the Rates in the faid Act mentioned. See

13. Car. 2. cap. 13. and 17 Car. 2. cap. 4.

ert un. Et ripan Saverna in Perefia fun ad tepent ap: ... nendam Enclusam piscaria vel molendini de Estona.
Cart. Hen. I. in Mon. Angl. tom. I. fagium of the fame import, as _____ Dedi in puram elemofinam exclufagium de flaguum de piscaria de molendino de Wederballa. ____ Mon. Anglican. tom. 1. p. 398. And Bearer to our present English, Slufagium — ex dono Riobarde Filit Luca slusagrum unum
super terram suam ad molendimum Monachorum fullericum.
ib. p. 868.

Excommongement, 23 H. 8. cap. 3. Is in Law-French, the same with Excommunication in Etiglish.

Errommunication, Encommunicatio, Is thus defined by Panarmitan, Excommunicatio est nibl alind where an Officer extorts more than his due. Exaction quam cenfura a Canone vel judice Ecclefiaftico peolata & infieltà

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inflista privans legitima communione Sacramentorum & quantoq; hominum. And it is divided in Majorem & quandoq; hominum. And it is divided in majorem of Minorem; Minor est, per quam quis a Sacramentorum participatione conscientia vel sententia arcetur: Major est qua non solum a Sacramentorum, verum etiam sidelium communione excludit, sy ab omni adu legitimo separat sy dividit. Venatorius de senten. excom. The sort of the sextom of old thus, Audoritate Dei Patric Omnipotentis sy filii sy Spiritus Sandii G Beata Dei Genetricis Mariz, omniumq, Sanctorum Excommunicamus, Anathematizamus & a limitibus Excommunicamus, Anathematicamus & a limitibus
Sancta Matrie Ecclesia sequestramus illos Malefactores N.
consentaneos quoq; & participes & nisi resipuerint & ad
satufactionem venerint, sic extinguatur lucerna corum
ante viventem in secula saculorum, Fiat, Fiat, Fiat,
Amen. Ex emendat. Legum Will. Conquestor in lib. vocat, Textus Roffensis.

Ercommunicato captende, Is a Writ directed to the Sheriff for the apprehension of him who standeth obstinately excommunicated forty days, for such a one not feeking Absolution, hath, or may have his Contempt certified into the Chancery, whence iffueth this Writ, for the laying of him up without Bail or Mainprise, until be conform himself, F. N. B. fol. 62. 5. Eliz. cap.

23. Reg. Orig. fol. 65, 67, 70. Excommunicate beliberando, Is a Writ to the Under-Sheriff, for the delivery of an excommunicate person out of Prison, upon Certificate of the Ordinary of his Conformity to the Jurisdiction Ecclesiastical, F. N. B.

fol. 63. and Reg. Orig. fol. 65. 6 67, Ercommunicate recipionde, Is a Writ whereby persons excommunicate, being for their obstinacy, committed to Prison, and unlawfully delivered thence, before they have given Caution to obey the Authority of the Church, are commanded to be fought for, and laid up again, Reg. Orig. fol. 67.

Executions faciends. Is a Writ commanding execution of a Judgment: The divers uses whereof, see in the Table of the Register Judicial, verbe Executione

Gerentione facienda in withernamium, Is a Writ that lies for the taking of his Cattel, that formerly hath conveyed out of the County the Cattel of another, fo that the Bayliff having authority from the Sheriff to Replevy the Cattel so convey'd away, could not execute

his Charge, Reg. Orig. fol. 82.

Execution, Executio, In the Common-Law fignifies the last performance of an act, as of a Fine or a And the execution of a Fine, is the obtaining possession actually of the things contained in the same by vertue thereof, which is either by Entry into the Lands, or by Writ; whereof fee at large Weft.

part. 2. Symbol. tit. Fines, fell. 136, 137, 138. Executing of Judgments and Statutes, and such like, fee F.

N. B. in indice 2. verbo Execution. Co. in his 6. Rep.

Blamfields Case, fol. 87, maketh two forts of Executions. ons, one final, another with a quotiq; tending to an end: An Execution final, is that which maketh Money of the Defendants Goods, or extendeth his Lands, and delivereth them to the Plaintiff; for this the Party accepteth in satisfaction, and this is the end of the Suit, and all that the Kings Writ commandeth to be done. The other sort with a quousq; is tending to an end, and not final; as in the Case of a Capian ad satisfaciendum, Sc. This is not final, but the Body of the Party is to be taken, to the intent and purpole to farisfie the Demandant mandant, and his Imprisonment is not absolute, but until the Defendant do latisfie, Idem. ibid.

Executor, Executor, is he that is appointed by any man in his last Will and Testament, to have the dispofing of all his Substance, according to the Contents of the said Will. This Executor is either particular or universal; Particular, as if this or that this committed to his Charge: Universal, if all. as if this or that thing only be is in the place of him whom the Civilians call Heredem defignatum, or Testamentarium; and the Law accountis, as having all the advantage of Action against men that he had, so likewise being subject to every mans action as himself was. This Executor had his beginning in the Civil-Law, by the Constitutions of the Emperors, who first permitted those that thought good by their wills, to bestow any thing upon godly and charitable Uses, to appoint whom they please to see the fame performed: and if they appointed none, then they ordained, That the Bishop of the place should have Authority of course to effect it, Lib. 28. cap. de Episcopis & Clericis. And hence probably grew the use of Universal Executors, and also brought the Administration of their Goods, that die intestate, unto the Bishop.

Executor de fon tost, Or Executor of his own wrong, Is he that takes upon him the Office of an Executor by intrusion, not being so constituted by the Testator; nor for want thereof, appointed by the Ordinary to Administer. How far he shall be liable to Creditors, see 43 Eliz. cap. 8. Deer 166. and wide etiam libelhum

vocat. The Duty of Executors, cap. 14.

Gremplification of Letters Batents, Anne 13 Eliz. cap. 6. Is a Copy or Duplicate of Letters Patents made from the Inrolment thereof, and sealed with the Great Seal of England, which Exemplifications are as effectual to be shewed or pleaded as the Originals themselves. Mosa, nothing but matter of Record ought to be exemplified, 3. Inst. fol. 173. See Co. 5 themselves. Rep. Pages Case.

Exemplifications, Is a Writ granted for the exemplification of an Original. See Reg. Orig. fol. 290.

Exemption, Is a Privilege to be free from Service or Appearance, and therefore a Baron and Baroness dignitatic causa, are exempted to be sworn upon any Enquest, Co. lib. 6. fol. 53. Also Knights, Clerks, and Women are exampted to appear at the Sherists Turn, by the Statute of Marlb. cap. 10. And a man may be exempted from being put upon Enquests and Juries by the Kings Letters Patent, as the Colledge of Physitians, London, where by Letters Patent of Hen. 8. Co. lib. 8. fol. 108.

Exercituale, Was anciently used for a Heriot, Exercituale Vironis five Baronis Regis, qui erit preximus ei, quatuor equi. K. Edw. Conf. 1. -- This demon-- This demonstrates the Derivation of Heriot or Heregete from Here, Exercitus, because the old feudal Heriot was paid only

in Arms or Military Accourtements.

& Extrebiare, To break the Peace, to commit open Violence: from the Saxon Frede, Frith, Peace. Prithian, to protect. — Si quis profiliat, & domum extredict, nec tamen aliquem percutiat, dimidio forisfallo culpa confistat: Leges Hen. 1. Cap. 31.

Er gravi Ducrula, Is a Writ that lyeth for him

to whom any Lands or Tenements in Fee within a Cito whom any Lands or Lenements in rec within a city, Town or Burrough, being devifable, are devifed by Will, and the Heir of the Devifor entreth into them, and detaineth them from him, Reg. Orig. fol. 244. Old. Nat. Brev. fol. 17. See F. N. B. fol. 198. Ceptanium, Exennium, A Gift, a Present, a Token, more properly a New-Years-Gift. ——In extension Domini Regis dis exennitic eidem fallis and Foundation.

pensis Domini Regis by exenuis, eidem salis apud Fa-rendon centum sol. sex denar. inexpensis Domina Regina ibidem pernolantis by exhennis eidem salis lxxv. Sol.— Ex Compoto domus de Farendon. MS. pensis W. Ken-

net. f. 31.

Exhibit, Exhibitum, When a Deed, Acquittance, or other writing is in a Chancery-Suit exhibited to be proved proved proved by Witnefles, and the Examiner writes on the back that it was shewed to such a one at the time of his Examination; this is there called an Exhibit. The

word is mentioned 14 Car. 2. cap. 14. fuch as the Keligious Appropriators made to the poor depending Vicar. So in all Churches appropriated to the Abbey of Ofeney. — Vicarius babebit sufficientem exhibitionem ficat Canonici quond vidualia in menfa Canonicorum ubi Canonicimoram faciums. —— Paroch.
Antiquit, p. 304. The Benefactions fettled for maintaining of Scholars in the University, not depending on the Foundation, are now called Exhibitions.

Erigenvary of the Common Bench, Exigendaries de Banca Commund, Is otherwise called Exigenter, 10 H. 6. cap. 4. and is an Officer belonging to that Court, for

which see Exigenter.

Erigent, Exigenda, Is a Writ that lyeth where the Defendant in an Action personal cannot be found, nor any thing within the County whereby he may be attached or diffrained; and is directed to the Sheriff, to proclaim and call five County-days one after another, charging him to appear under the pain of Outlawry, Termes de la Ley. This writ lyeth also in an Indictment of Felony, where the Party indiffed eannot be found. Smith de Rep. Ang. lib. 2. cap. 19. It feemeth to be called an Exigent, because it exacteth the Party, that is, requireth his Appearance to answer the Law; for if he come not at the last days Proclamation, he is said to be Quinquies exactus, and then is Ontlawed, Crom. Jarild. fol. 188. And this Manwood also setteth down for the Law of the Porest, cap. 18. See the New Book of Entries, verbo Exigent.

Erigenter, Exigendarius, 18 H. 6. cap. 9. k an Officer of the Court of Common Pleas, of whom there be four in number: They make all Exigents and Proclamations in all Actions, where Process of Outlawry doth lie, and Writs of Superfedens, as well as the Protonotaries, upon such Exigents as were made in their Offices. But the making Writs of Supersedem is since taken from them by an Officer in the same Court, erected by King James by Letters Patent, towards the latter end

of his Reign.

& Crilium, Waste, Deftruction, as in the Statute of Marlebridge under Henr. III. cap. 25. rii tempore sirmarum suarum vestum, venditionem vel exilium non facient de domibus, boscu, vel hominibus. where exilium relating to Hominibus, feems to be the Injury done to an Estate in respect of the Tenents, by altering their Tenente or Condition, by ejecting, advancing, remitting, Gr. And this indeed is the Sense that Fleta does expresly determine. Valum by Destru-Elio fere aquipollent, & convertibiliter se babent in domi-bus boscis & gardinis, sed exilium dici poterit, cum servi manumittantur, ant a tenementis suis injuriose ejiciuntur.

Fleta, lib. 1. cap. 11.

Extens, iffue, Child or Children.

Qui genuit Robertum de Alfreton Baronem — qui per Agnetem vxorem ejus babuit exitum Thomam Filium & Hafredem. — Mon. Angl. Tom. 2. p. 607. The Word is frequent in our old Law Writings, and in some Epitaphs, as on a Ground-stone in the Chancel of the Parish Church of Amer/den, in the County of Oxford. — Sepul-tus est hic Johannes Denton films primogenisus Johannis Denton by Magdalena uxoris ejus nupsus Theodoreta Blon-dell uni filiarum Johannis Blondell by moriebatur fine exitu e corpore ejus exeunte invita pradicti Johannis septimo

die Septemb. 1566.

& Critus, Issues, Rents, Profits. — Et sciat vice-tomes quod redditus blada in grangia de omnia mobilia prater equitaturam, indumenta, & utensilia domorum conti-nentur sub nomine exituum. —Stat. 11. Westim. cap. 43.

Er mero motu, Are words formally used in any Charter of the Prince, whereby he fignifieth, that he doth that which is contained in the Charter of his own will and motion, without Petition or Suggestion made by any other; and the effect of these words are to bar all Exceptions that might be taken unto the Infirment, wherein they be contained, by alledging, that the Prince in passing that Charter was abused by any sale Suggestion, Kitchin, fol. 152. Co. lib. 1. fol.

45. Ex Officio, By a Branch of a Stat. made t Eliq. cap. 1. the Queen by her Letters Patent might authorize any Persons, &c. to administer an Oath Ex Officio, whereby the supposed Offender was forced to confess, accuse, or clear himself of any criminal Matter, Gre-But this branch relating to the faid Oath is repealed by

the late Stat. 17 Car. 1. cap. 11.

Exontrations (sets., Is a Writ that lyeth for the Kings Ward, to be disburthened of all Suit, &c. to the County, Hundred, Leet, or Court Baron, during the time of his Wardship, F. N. B. fol. 158.

Exparts, Of the one part; in the Chancery it hath this fignification, as a Commission exparts, is that which is taken out and executed by one fide only; whereas a Joint-Commission is by consent, and joyning of both.

Er parts talis, Is a Writ that lyeth for a Bayliff, or Receiver, that having Auditors affigued to hear his Account, cannot obtain of them reasonable allowance, but is cast into Prison by them, F. N. B. fel. 129. The manner in this case is to take this Writ out of the Chancery, directed to the Sheriff, to take the four Mainpernors, to bring his Body before the Barons of the Exchequer at a day certain, and to warn the Lord, to appear at the same time, Termes de la Ler, verb.

Expediant, Is used in the Common-Law with this word Fee, and thus it is opposite to Fee simple. For example, Lands are given to a man and his wife in Frank marriage, to Have and to Hold to them and their Heirs. In this case, they have Fee simple: But if it be given to them, and the Heirs of their Body, &c. they have Tail and Fee expellat, Kitchin, fol. 152. Matthess de offilis useth the Adjective Expessantiva substantively in the same figuification, Desci 292.

num. 2. pag. 412. Explets. See Esplees.

Expeditate, Expeditare, Is a word usual in the Forest, to cut out the Balls of the great Dogs feet, for the prefervation of the Kings Game: Every one that keepeth any great Dogs not expeditated, forfeileth to the King three shillings four pence, Cromp. Jurifd. fol. 152. Manwood useth the same word in his Forest Laws, cap. 16. num. 6. 8. fetting down in the manner of excap. 16. num. 6. 8. letting down in the manner of expeditating Dogs heretofore, faying, That the three Claws of the fore-foot on the right fide, shall be cut off by the skin; whereunto he also adds out of the Ordinance called the Affice of the Forest, that the same manner of expeditating Dogs shall be still used and kept, and no other. Quare, how it happens that Crompton and he differ. The one saying, the ball of the foot must be cut out; the other, that the three fore-claws are to be cut off by the skin, 4. par. Inst. sol. 208. Be See Fibealt are. fol. 308. 10 See Efpealture.

8 Cryptditates Arbotts, Trees rooted up, or cut

down to the Roots. down to the Roots. — Inquiratur de querenbus of alik arboribus expeditatis in foresta — vel si ali-quo ingenio alio dictus quereus cadere fecerint. — Fleta,

ib. 2. cap. 41. Sea. 31.

Expenditors, Anno 37 H. 8. cap. 11.. Seems to fignific those that pay, disburse, or expend the Tax in the Statute mentioned, by Anno 7 Jac. cap. 2. Paymaster. the The

The Steward or Iworn Officer who supervises the Repair of the Banks and Water-courses in Romney Marsh, is now called the Expenditor.

Expensis militum levandis, Is directed to the Sheriff for levying the allowance for Knights of the Parlia-

ment, Reg. Orig. fol. 191.

Expensis militum non levandis ab hominibus De Dominico, nec a Matibis, Is a Writ to prohibit the Sheriff from levying any allowance for the Knights of the Shire, upon those that hold in ancient Demesne,

&c. Reg. Orig. fol. 261.

&T Explicita, Expletia, Expleta, The Rents or mean Profits of an Estate in Custody or Trust.

— Capiendo inde Explicia ad valentiam quinque folidorū dy amplius. -- Paroch. Antiquit. p. 414.

Sec Esplees.

Orplojatoj, A Scout, la memoriam Henrici Croft equitis aurati, Exploratoris in Hibernia Generalis, obiis Anno 1609. Where Explorator Generalis fignifies Scout-Master-General. Sometimes also it is used for a Hunts-man, as Idem Abbas babens exploratores snos (his Hunts-men) ponere fecit retia, Gr. In Itim. Pichering, 8 Ed. 2 Rot. 4.

Extend, Extendere, In a legal sense denotes to value the Lands or Tenements of one bound by Statute, &c. that hath forfeited his Bond to such an indifferent rate, as by the yearly Rent the Obligator may in time be paid his Debt. The course and circumstances hereof, see in

F.N.B. fol. 131. Brief de execution far Statute-Merchant.

Extenti facias, Is a Writ ordinarily call'd a Writ of Extent, whereby the value of Land, Gre. is commanded to be made and levyed in divers cases, which

manded to be made and levyed in divers cases, which see in the Table of the Register Original.

Other Table of the Register Original.

Other texts, Extenta, Hath two significations, sometimes signifying a Writ or Commission to the Sheriss, for the valuing of Lands or Tenements, Reg. Indic. in tabula. Sometime the act of the Sheriss, or other Commission upon this Writ, Bro. zit. Extent, fol. 313. 16 or 17 Car. 2. cap. 5. & And it more frequently signified the Estimate or Valuation of Lands, which when done to the utmost Value, was said to be to the soll extent whence our extended. Rents Lands, which when done to the number value, faid to be to the full extent, whence our extended Rents or Rack-rents. Hec est Extenta terrarum – quantum valeant instantare, & quantum deinstaurare. Mon. Angl. tom.

Extinguishment, In our Law fignifies an effect of Coslolidation: For example, If a man have due to him a yearly Rent out of any Lands, and afterwards purchase the fame Lands, now both the Property and Rent are confolidated or united in one Posicifor; and therefore the Rent is said to be extinguished. In like manner it is, where a man hath a Leafe for years, and afterwards buyeth the Property; this is a confolidation of the Property and the Fruits, and is an extinguishment of the Leafe, fee Termes de la Ley. So if a man have a High-Way appendant, and after purchase the Land wherein the High-Way is; then the way h exems, and so it is of Common Appendent. But if a man have an Effate in Land but for Life or Years, and buth For simple in the Rent; then the Rent is not extinguiffet, but in suspence for the time; and after the term, the Reat Mall be revived.

Emispatione, is a Writ Judicial, that lyeth a-Land, the doth malicioully overthrow any House up owit, forc. and it is two-fold, one ante Indicium, the other post Indicium, Reg. Jud. fol. 13-56. 58.

Extracare, To stock up, to grub Wood-land, and reduce it to Arable or Meadow. Dediction

eis pratum--quod Rogerus de Tocheham de grava qua--Mon. Angi. tom. 2. p. 71.

Extestion, Extesto, is an unlawful or violent wringing of Money or Money-worth from any man: For Example, if any Officer, by terrifying any the Kings Subjects in his Office, take more than his ordinary Duties or Fees, he committeth this offence, and is inditable for it. To this (faith Mr. Weft) may be referred the Exaction of unlawful Ulury, unlawful Games; and in one word, all taking of more than is due, by colour or pretence of Right, as excef-five Toll in Millers, exceffive prices of Ale, Bread, Victuals, Wares, &c. Weft. Symbol part 2. sit. In-dictments, fed. 65. Manwood faith, That Extertion is colore Officii, and not vertute Officii. Crompton in his Justice of Peace, fol. 8. hath these words, Wrong done by any man is properly a Trespass, but excessive wrong by any man is called Extension; and this is most properly in Officers, as Sheriffs, Mayors, Bayliffs, E(cheators, and the like, that by colour of their Office do great Oppression, and excessive Wrong unto the People, in taking excessive Rewards or Fees, for the execution of their Office: Great diversity of Cases touching Extortion, you may read in Crom. Justice of Peace, sol. 48, 49, 50. See the difference between colore Officis & virtute vel ratione Officis, Plow. fol. 64. Dives Case. This word is used in the same figuification. Dries Cale. This word is used in the same signification in other Gountries; for Cavalcanus de brachio Regio, part. 5. num. 21. thus describeth it, Et extortio dicitur sieri, quando Index cogit aliquid sibi dari quod non est debitum vet quod est ustra debitum, vel ante tempus petitid, quod post administratum justitiam debetur.

Extracta Curia, The Issues or Profits of holding a Court arising from the customary Dues, Fees, and Americanents.

Computant de tribus dena

riis receptis de extraffis unius Curia tenta apud Burcester.

Parochial Antiquis. p. 572. Extracts & Extreats. See Estreats.

Extra-judicial, Is when Judgment is given in a Cause or Case not depending in that Court, where such Judgment is given, or wherein the Judge has not Juridiction.

Estra-Parachial, Out of any Parish, privileged or exempt from the Duties of a Parish. Stat. 22 &

23 Car. 2. Of Subsidy. - Abbas igitur & Conventus accipientes corum extentas cum gandio in majorem transtulerunt ecclesiam in mansoleo nobiliter exculp-- Cartular, Abbat. Glafton. MS. penes

virum Rev. Dom. Clarges, f. 15.

Ey. Insula, An Island, Doomsday.

Eyet, Insuletia, A small Island or Islet: It is corruptly called by the Moderns vulgarly an Eyet.

Eyear, An Ey, Eyric, Brood, Nest: Sir Thomas Havyll his Sou and Heir entred to the said ecc. Acres of Pasture, which Thomas released his Tile to the said Poor, to have IIII. Couples of Eyrare Swannys (i. e. Brood-Swans) in the Water, with all Islue and Prosits.

Manimenta Hospital. SS. Trinitat. de Ponttestallo. MS. f. 52. ponttefratto. MS. f. 53.

Exit. Soe Eire.

Extensels, An old Messure of Corn. Wisielmus de longe campo Episopus Eliensis ordinavit ut in die Anniversarii sui densur pangeribus xiii. Eytendeles de frumenta. Histor. Elien. apud Whartoni Angl. Sacr. P. I. p. 633.

Who ever muliciously shall strike any person with a Weapon in the Church or Church-yard, or draw any weapon there with intent to firike, shall have one of his Bars cut off; and if he have no Lars, shall be marked

marked on the check with a hot Iron, with the letter F. that he may be known for a Fighter, or maker of

Frays, 5 & 6 E. 6. cap. 4.

fabrick Lands, Are Lands given to the rebuilding, repair, or maintenance of Cathedrals, or other Churches, and mentioned in the Act Of Oblivion, 12 Car. 2. cap. 8. In ancient time every one almost gave by his Will, more or less to the Fabrick of the Cathe. dral or Parish-Church where he lived. And these were called Fabrick Lands, because given ad Fabricam Eccle-sia reparandum. In Dei nomine Amen, &c. Die vene-ris ante sessum Nativitatis sandi Johannis Baptista, Anno Domini, 1423. Ego Richardus Smith de, &c. Item lego Fabricæ Ecclesia Cathedralis Hereford xii. d. Item lego Fabricæ Capella beata Mariæ de Bromyard xl. d. These Fabrick Lands by the Saxons were called Timber-Lands.

& Facta Armoum, Feats of Arms, Justs, Tor-- Rex Ricardus in Angliam transiens stanements. tuit Facta armorum qua vulgo Torneamenta dicuntur, in Anglia exerceri. - Hist. Joh. Brompton in Ric. 1.

r. 1261.

Factum, A man's own Act or Deed. ——Pra-dictus vero Willielmus postea per concordiam quietam cla-mavit libere dy pacifice ab omni servitio dictam advocan-tiam —— ut patet per sactum suum. Mon. Angl. tom.

Faculty, Facultas, As it is restrained from the original and Active figuification, to a particular understan-ding in Law, is used for a Priviledge, or special Power granted unto a man by favour, Indulgence and Dif-pensation, to do that which by the Common Law he cannot do; as to eat Flesh upon days prohibited, to Marry without Banes first asked, to hold two or more Ecclesiastical Livings; the Son to succeed the Father in a Benefice, and such like. And for the granting of these, there is an especial Court under the Archbishop of Canterbury called The Court of the Faculties, and the chief Officer thereof the Mafter of the Faculties, Magister ad Facultates, whose power to grant as aforesaid, was given by 25 H. 8. cap. 21. Sec 28 H. 8. cap. 16. and 4. par. Inft. fol. 337. -- Engl. Anno 4. E. 4. cap. 1.

ST fraing Wen. →Nec Rex suum pastum requirat, vel habentes bomines, quos nos dicimus Fæfting-Men, nec eos qui accipitres portant vel Falcones, &c. Carta Cenulphi Regis Merciorum in anno 821. In Monast. Anglican. tom. 1. p. 100. Du Fresne renders this Word Homines commendati Vassali, ex Saxon. Fx-sting, commendatus dy Man, homo: And says, babentes idem valet ac divites. But I rather think Fasting Men and babentes bomines mean rather Pledges, Sureties, or Bondsmen, which by Saxon Cuftom were fast bound to answer for one another's peaceable Beha-

A Badge wore in Times of Popery on the Sleeve of the upper Garment of those who had recanted and abjured what the then Powers called Herefie. For those poor terrified Wretches were not only condemned to the penance of carrying a Fagget to such an appointed Place of Solemnity, but for a more lafting Mark of Infamy, they were to have the Sign of a Faggot embroidered on one, and fometimes each Sleeve. And the leaving of this Badge or Faggot was often alledged as the Sign of Apostacy.

Folds for Sheep in any Fields within their mannors, faire alias figure. (Peria) Cometh of the French Feire, and figurifies as much as Nundina with the Civilians, that is, a folerm or greater fort of Market granted to any Town by Priviledge, for the more speedy and commodious provision of such things as the Subject needeth, or the utterance of such things as we abound in above our own uses and occasions; both our Enghsh as were usually folded in one Cote, Pen, or Fold.

and the French word seemeth to come of Feria because it is always incident to a Fair by priviledge, that a man may not be molested or arrested in it for any other Debt, than what was first contrasted in the same, or at least was promised to be paid there, 17

E. 4. cap. 2. and 1 R. 3. cap. 6.

Fait, In Latine Factum, A Deed, which is a writing fealed and delivered, to prove and testifie the Agreement of the Parties, whose Deed it is, and confifts of three principal Points, Writing, Sealing and De-livery. By writing is shewed the Parties name to the Deed, their dwelling places, degrees, thing granted, upon what Confideration, the Rstate limited, the time when granted, and whether simply, or upon condition, Gc. 2. Sealing is a farther testimony of their consents, as appears by these words, In witness whereof, egc. In cujus rei testimonium, egc. without which the Deed is insufficient. In the time of the Saxons our Ancestors they only subscribed their Names, commonly adding the fign of the Crofs, and in the end fet down a great number of Witneffes, not using any kind of Seal, which fashion continued until the Norman Conquest; whose Custom by little and little prevailing, brought in the use of Seals. The first sealed Charter in England, is supposed to be that of Edward the Confessor to the Abbey of Westminister, which he being educated in Normandy brought thence: This change is mentioned by Ingulphus, who came in with the Conquerour, in these words, Normanni Chirographorum confessionem (cum crucibus aureis do aliis signaculis sacris in Anglia firmari (olitam) in ceram impressam mutant, modumq; scribendi Anglicum rejiciunt; but this Custom was at first used only by the Nobility, as, appears in the History of Battel Abbey, where Richard Lucy chief Justice of England, in the time of Henry the Second, is reported to have blamed a mean person for using a Seal, which (he said) pertained only to the Nobility; yea in Edward the Thirds time Seals became very common, according to every mans fancy. 3. Delivery, though it be fet last, is not the least; for after a Deed is written and sealed, if it be not delivered, it is to no purpose : And therefore in all Deeds, care must be taken that the Delivery be well proved.

Falcatura, One days mowing or cutting Grass, Falcare prata, to cut or mow down Grass in Meadows hay'd, or laid in for Hay, was a customary Service for the Lord by his inferiour Tenants, Ralcatura una, was the Duty of one time mowing, Falcator was the Servile Tenant, performing this Labour. Falcata was the Grass fresh mow'd and laid in Swathes.

See Mr. Kennet's Gloffary, in Falcare.

Falto, A Falcon, Falconarius, Fulco Gentilis, a Jer-falcon, Falco Spuarius, a Sparrow Hawk. King John, in the 14. of his Reign, granted to Owen Fitz-David, and Griffin Fitz-Rodher ——tria cantreda teunenda per servitia subscripta — unam motam canum per annum, & decem leporarios, & omnes accipitres by Falcones gentiles by Spuarios distorum trium Cantredorum.

Pat. 14. Joh.

Falva, A Sheep-fold, Et quod oves sit levontes by cu-

bantes in propria falda, dec. Rot. Cart. 16 Hen. 3.

fallage, Faldagium, Is a priviledge which anciently feveral Lords referved to themselves, of setting up Folds for Sheep in any Fields within their Mannors,

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Nullus in villa S. Edmundi potest aut debet babere faldam nisi Cellerarius, preter Henricum Auri fabrum qui potest fabere faldam a parte villa australi, sed faldata ejus non palcere ultra viam apud Herdenyk. Ex Cartular. S. Edmundi. MS. f. 327.

S. Faldfey or Faldfee, A Composition paid by

some customary Tenents, that they might have Liberty to jold their own Sheep upon their own Land. — Custumarius in Bosbury, debet quastam consuetudines videl. Tak by Toll by Faldsey by sanguinem soum emere.

— The Liberty of folding or penning Sheep by Night, is still in Norfolk called Fouldage.

Faltila or faltzia, A bank or hill by the Sea-side, Co. on Lit. fol. 5. b. See Doomsdey Book. Falke-land alias folk-land. See Copy-bold and

Free hold.

&F falmotum, falchelmota, Folkmote, From Sax. fole, People, and mote or gemote, a Conception or Assembly; so as a Falkmote was a general Word for a common Meeting or general Affembly of the People, and did extend to three several Kinds of popular Concourse. 1. It signified a common Council of all the Inhabitants of a City, Town, or Burrough, and was then otherwise called the Burgmote or Portmote, conven'd often by Sound of Bell, call'd Mose-bell, to the Mote-ball or Mote-bouse. Or, 2. It was applied to a larger Congress of all the Free Tenents within a County, called the Shire-mote, where formerly all Knights and Military Tenents did their Fealty to the King, and elected the annual Sheriff on Oliob. 1. till this popular Election, to avoid tumultuary Riots, was devolved to the King's Nomination, Anno 1315. Edw. 11. after which the City Folkmote was swallowed up in a feleft Committee or Common Council, and the County Folkmote in the Sheriff's Turn and Affiles. But .3. The Word Folkmote was fometimes of a less Extent, and denoted any kind of populous and publick Meeting, as of all Tenants at the Court-Leet or Baron of their Lord. So as to a Charter of Wido de Meriton, about 10 Hen. 11. Testes donationis sunt Falco Sacerdos de Meriton, Luvellus de Hofpath, & totum falmorum - Paroch. Antiqu. p. meorum hominum & fuorum. See Folkmote.

falle Claime, Is, where a man claimes more than his due: As the Prior of Lancaster, by reason of a Charter, had the tenth of all the Venison, viz. Incarne tantum sed non in corio. And because he made a salse Claim, and said, That he ought to have the tenth of all Venison within the Forest of Lancaster, as well in Carne as in Corio; therefore he was in misericordia de decima venationis sua in Corio non percipiendo, Manwood's

Forest Laws, cap. 25. num. 3.
Falle Impulsonment. Falsum imprisonamentum, Is a Trespals committed against a man by imprisoning him without lawful cause: It is also used for a Writ which is brought upon this Trespass, F. N. B. fol. 86, 88. Vide Cooks, and the New Book of Entries, uerbo False Imprisonment.

falle Judicie, Is a Writ that lyeth for falle Judgent given in the County, Hundred, Court-Baron, or other Courts, being no Courts of Record, be the Plea real or personal, Reg. Orig. ful. 15. F. N. B. fol. 17.
And the New Book of Entries, verbo Falic Judgment.
Falic Braphecies. See Prophecies.

Fallo retorno brevium, is a Writ lying against the Sheriff, for salse returning of Writs, Reg. Judic. fol.

43. b. Fallify, Seemeth to figuific to prove a thing to be

Bede in his Ecclesiastical Oxen can till in one year. History, lib. 4. cap. 3. hath these words, Donavis terram quinquaginta Familiarum ad confirmendum Monafterium : And Creffy in his Church-Hiftery, fol. 723. Ubi Boda Familiam, Saxonicus ejus interpres coataneus pafsim Hide redderet. Anglo Normanni Carucata terra, Gloff. in Script.

fanaticks, Anno 13 Ca. 2. cap. 6. Is used as a general Name for Quakers, Anabaptists, and all other Sectaries and Factious Diffenters from the Church of England.

Fanatio, Mensis Fanationis, The Fawning-Time or Fence-month in Forests, fifteen Days before Midsummer, and fifteen Days after; when great Gare was taken that no Diffurbance should be given to the Does or their young Fawns. See Mr Kennett's Gloffary in Fannatio.

& Fannatum frumentum, Wheat or Bread-Corn clean'd up or fann'd with a Wind-Fann or Knee Fann. Cellerarius Mon. Wigorniæ recipiet in septimana decem sexturies frumenti fannatos, dy decem mis-tas brassii. Mon. Angl. tom. I. p. 136. b.

Faonatio or feonatio, From the French Faonaer, signifieth a bringing forth of Young, which in Does we

properly call Favoning, Charta Foresta, cap. 8.

Farding or Farthing of Gold, Seemeth to be a Coyn used in ancient times, containing in value the Fourth Part of a Noble, wiz, twenty Pence in Silver, and in weight the fixth part of an Ounce of Gold; that is, of five shillings in Silver. This word is used 9 H. 5. cap. 7. thus, Item, That the King do to be ordained good and just weight of the Noble, half Noble, and forthing of Gold with the Rates necessary to the and farthing of Gold, with the Rates necessary to the same for every City, &c. By which place it plainly appeareth to have been a Coyn, as well as the Noble and half Noble.

Farantman. According to the interpretation of Skene de verber. Signif. is a Merchant-Stranger, to whom, by the Laws of Scotland, Justice ought to be done with all expedition, that his Business or Journey be not hindred.

Farbel of Land, Is according to some Authors, the fourth part of a Tard-Land; yet Nov in his Compleas Lanyer, pag. 57. will have two fardals of Land make a Nook, and sour Nooks make a Yard-Land.

Farbing stal alise Faruntel of Land, Quadrantata terrea, Significh the Fourth part of an Acre, Crom. Jur. fol. 220. Quadrantata terra is read in the Reg. Orig. fol. 1. b. where you have Denariata by Obolata, Solidata by Librata terra, which peny must arise in proportion of quantity, as an half-peny, penny, failling, pound, rife in value or estimation; then must Obolata be half an Acre, Denariata an Acre, Solidata twelve Acres, and Librata twelve score Acres: And yet I find Virginti libratas terra vel reditus, Reg. Orig. fol. 94. and fol. 248. whereby it seemeth, Librata terra is so much as yieldeth twenty shillings per annum, and centum solidas terrarum, tenementorum of redditions, fol. 249. And in F. N. B. fol. 87. are these words, Viginti libratas terra vel reditus, which argueth it to be so much Lands as twenty shillings per annum, see Purleng. Others hold Obolata terra to be but half a Perch, and Denarians a Perch. See Spelm. Gloss. verbo Obolata terræ. Sciatu, cyc. me R. de J. dedisse Medietatem unius Fermendel terræ, de meo Domi-

nio, foc. Mon. Ang. 2. par. fol. 913. b.
fare, Signifies a Voyage or Passage, or according as we now use it, Money paid for passing by Water, a

faile, Perkins, Dewer 383, 384, 385.

Familia, Is sometimes taken by our Writers for a Hide, sometimes called a Manse, sometimes Carneata, or a Plough-land, containing as much as one Plough and tage, by custom he must pay fix pence to the Lord for R 2

a farley, which probably may be in lieu of a Heriot; for in some Mannors Westward, they difference Farley as the best good, from Heriot the best Beast.

farme or ferme, Firma, Derived from the Saxon word Femmian, which fignifies to feed, or yield Victuals; for in ancient time the refervation was as well in Victuals as Money. It is usually the chief Mes-suage in a Village or Town, whereto belongs great demeans of all forts, and hath been used for term of Life, Years, at Will. The Rent reserved upon such a Lease, is called Farm, and the Tenant or Leffee Farmor. See Ferme, and Spelm. Gloff. verbo Firma.

Farthing of Land, Seems to be a great quantity, and differs much from Farding-deal; for in a Book Of Survey of the Manner of West-supton in Com. Devon, there is an Farmann and West-supton in Com. there is an Entry thus made, A. B. holds fix Farthings of Lands at 126. lt. per annum. See Fardal and Hardingdeal. & Farthing always imported the fourth Part. And therefore Quarter-Risls or Pieces of Gold that passed for two Shillings fix Pence the fourth Part of a

cessit Abbati duos fassos dorsules ramorum grossorum bosci

ipfius. Mon. Angl. tom. 2. p. 238.

Fatt, fat or Clatt, Is a great wooden which among Brewers and Malsters is ordinarily used at this day to measure Malt by for expedition, contain ing eight Bushels, or a Quarter, mentioned 1 H. 5. cap. 10. 11. H. 6. cap. 8. It is also a leaden Pan or Vessel for the making of Salt at Droitwich in the County of Worcefler, whereof the several Owners or Proprietors do claim Estates of Inheritance and Burges-ship. Also a great Brewing Vessel used by all Brewers to run their Wort into.

Afauletum, A Faucet, a mufical Pipe or Flute. Organum tamen 🕝 decentum 🛭 fausetum 🚱 Pipeth omnino in divino officio omnibus nostris utriusque sexus intendicimus. Regul. Ordinis de Sempringham. p. 717:

Fautors, 16 R. 2. cap. 5. Are Favorers, Suppor-

ters or Abettors

Fayling of Record, Fayler de Record, Is, when an action is brought against one, who pleads any matter of Record, and avers to prove it by Record: And the Plaintiff (aith, Nul tiel Record, whereupon the Defendant hath a day given him to bring it in, at which day he fails, or brings in such a one as is no bar to this Action; this is said to be a failer of Record, &c. Termes

de la ley 346.

Faynt alias ffeynt Action. Is as much as fayned A. Elion, viz. such an Action as though the words of the writ be true, yet for certain Causes he hath no Title to recover thereby, whereas in a falle Allion the words of the writ are falle, yet in Co. upon Lit. fol. 144. & 361.

they feem to be confounded as Synonima.

Faynt pleaner, Falfa placitatio, Cometh of the French reint, a Particle of the Verb feindre, finulare, fingere and pledoir, placitare. It fignifies a falfe, covetous, or collusory manner of pleading, to the deceit of a third Party, Anno 34 & 35 H. 8. cap. 24.

Fagre pleading. See Bau-pleader.

Faytours. Seemeth to be a French word antiquated, or fomething traduced; for the modern French word is Faileue, that is, factor: It is used in the old Statute, 7 R. 2. cap. 5. and in the evil part fignifying a bad Doer. It may not improperly be interpreted an idle Liver, taken from Faitardife, which fignifies a kind of number or fleepy Difease, proceeding of too much fluggishness, which the Latines call Veturnus; for in the said Statute it seemeth to be a Synonymon with Vagabond.

Feal, The Tenents by Knight's Service did Iwear to their Lord to be feal and leal, i. e. faithful and loyal. See Spelman of Parliaments, p. 59.

Fealty, Fidelitas, Cometh of the French Feaulte, that is Fides, and fignifieth in our Common Law an Oath, taken at the admittance of every Tenant to be true to the Lord, of whom he holdeth his Land: And he that holdeth Land by this only Oath, holdeth in the freest manner that any man in England under the King may hold: Because all with us that have Free hold per may noid: Becaule all with us that have precending per fidem of fiduciam, that is, by fealty at the leaft, Smith de Repub. Ang. lib. 3. cap. 8. For fidelitas is de substantia seudi, as Duarenus saith, de Fend. cap. 2. num. 4. And siattheus de afflissis descis, 320. num. 4. pag. 465. saith, That fidelitas est substantiale feudi non servitum: The Particulars of his Oath, as it is used among the Envision. the Feudists, you may read well exprest by Zasius, in his Trastate de feudis, part 7. num. 15, 16. which is worth the comparing with the usual Oath taken here in England. This fealty is also used in other Nations, as the Lombards and Burgundians, Cassanaus de consuet.
Burgund. pag. 419, 420. and indeed the very creation of this Tenure, as it grew from the Love of the
Lord toward his Followers, so did it bind the Tenant to Fidelity, as appeared by the whole Course of the Feods; and the breach thereof, is the loss of the Fee, Duarenus in Commentariis feudorum, cap. 15. num. 4. Et sequen. Antonius Contius in methodo feudorum, cap. quibus modis feudum amittitur. Hotoman in his Commentaries de verbis feudalibus, sheweth a double fealty, one general, to be performed by every Subject to his Prince; the other special, required only of such as in respect of their Fee are tyed by this Oath to their Landlords: We may read of both in the Grand Custumary of Normandy, being of course performed to the Duke by all resiant within the Dutchy. This fealty special is among us performed either by Freemen or Villains. The form of both see in Anno 14 E. 1. Stat. 2. in these words, When a Freeman shall do fealty to his Lord, he shall hold his right Hand upon a Book and fay thus, Hear you my Lord R, that I A.B. shall be to you faithful and true, and shall owe my Fealty to you, for the Land that I hold of you, and truly shall do you the Customs and Services that I ought to do to you at the termes affigned: So belp me God, and all bis Saints. And shall kis the Book, but he shall not kneel. When a Villain shall do Fealty to his Lord, he shall hold his right Hand over the Book, and say thus, Hear you my Lord R, that I R. F. from this day forth unto you shall be true and faithful and shall owe you realty for the Land which I hold of you in Villenage, and shall be justified by you both in Body and Goods; So help me God, and all his Saints. See Reg. Orig. fol. 302. a Fidelitas (saith Spelman) est fidei, obsequii de servitii ligamen, quo generaliter subitus Regi, particularly, Vassallus domino astringitur.

fet, Feudum vel feodum, Cometh of the French Word Fief, i. predium beneficiarium vel res clientelaris, and is used in our Common-Law to fignific divers things: As first, all those Lands which we hold by perpetual Right, as Hotoman well noteth verbo Fedum, verbis feudalibus. Our ancient Lawyers have not exprest what they fully meant by it, but only say, that by this Name go all Land and Tenements that are held by any acknowledgment of superiority to a higher Lord.
They that write of this Subject, divide all Lands and Tenements where a man hath a perpetual Estate to him and his Heirs, &c. into Allodium, & feudum. 1. Allodium, They define to be every mans own Land, &c. which he possesseth meerly in his own Right, without acknowledgment of any Service, or payment of any Rent to another; and this is a property in the highest degree. 2. Feudum,

Is that which we hold by the benefit of another, and in the Name whereof we owe Service, or pay Rent, or both, to a superior Lord: And all our Land here in England (the Crown-Lands being in the King's own Hands, in the Right of his Crown excepted) is in the Nature of feudum or Fee; for though many have Land by descent from their Ancestors, and others have dearby deternt from their Aucetross, and others have dearly purchased Land with their Money; yet is the Land
of such a nature, that it cannot come to any either by
descent or purchase, but with the burthen that was laid
upon him, who had Novel Fee, or first of all such coil
as a benefit from his Lord to him and to all such to whom it might descend, or any way be conveyed from him. So that in truth no man hath directum Dominium, the very property or demain in any Land, but only the Prince in the Right of his Crown, Camb. Brit. pag. 93. For though he that hath fee, hath jus perpetuum & utile Dominium, yet he oweth a duty for it, and therefore it is not fimply his own; which thing, I take those words, that we use for the expressing of our deepest rights in any Lands or Tenements to import : For he that can say most of his Estate, says thus, I am selfed of this or that Land or Tenement in my Demain os of Fce, Seisitus inde in Dominico meo ut de feudo, and that is as much as if he said, it is my Demain or proper Land after a fort, because it is to me and my Heirs for ever; yet not fimply mine, because I hold it in the nature of a benefit from another. Yet the Statute of 37 H. 8. 16. useth these words of Lands invested in the Crown; but it proceedeth from the not knowing the nature of this word Fee, for fee cannot be without Fealty sworn to a Superior, as you may read partly in the word fealty, but more at large in those that write de feudie, and in particular Hotoman both in his Commentaries and Disputations. And note, that Land, &c. with us is termed Fee in two respects, one as it belongeth to us and our Heirs for ever, the other as it holdeth of another. Britton, cap. 23. defineth it thus; Fee is a Right confishing in the person of the true Heir, or of some other that by just Title hath purchased it. Fleta faith, Fendum est quod quis tenet ex quacung, causa sibi d beredibus fuis, five fit tenementum five reditus qui non provenium ex camera & alio modo dicitur feudum, sicut ejus qui seossant de quod quis tenet ab alio sicut dicitur, talis tenet de tali tot seuda per servitium militare, Lib. 5. cap. 5. sect. seudum autem. And all that write de fendis, hold, that fendatarius hath not an intire property in his Fee. 15- But the Definition of Sir Henry Spelman is most intelligible. A Fend is a Right which the Vassel hath in Land or some immoveable thing of his Lords, to use the same, and take the Profits thereof hereditarily, rendring unto his Lord such seudal Duties and Services as belong to military Tenure, the meer Propriety of the Soil always remaining to the Lord. Spelman of Feuds, cap. 1. 1. The The divisions of fee in divers respects are many to be known, here we divide them only into Fee ables. to be known; but we divide them only into Fee absolute, otherwise termed Fee-simple; and Fee-conditional, otherwise called Fee-tail. Fee-simple, feedem simplex, is that of which we are seised in these general words. To Us and Our Heirs for ever. Fee-tail, feodum tali-atum, is that whereof we are seifed to Us and our Heirs, with limitation, that is, the Heirs of our Body, &c. And this Fee-tail is either general or special: General is, where Land is given to a man and the Heirs of his Body; the reason whereof, is given by Littleton, lib. 1. cap. 2. because a man seised of Land by such a Gift, if he marry one or more Wives, and have no Issue by them, and at length marry another by whom he hath Issue; this Issue shall inherit the Land. Feetail special is that, where a man and his wife be seised of Lands to them and the Heirs of their two Bodies.

The reason is given likewise by Littleton in the same place, because in this case the wise dying without Issue, and he marrying another by whom he hath Issue; this Issue cannot inherit the Land, being specially given to such Heirs, &c. This Fee-tail hath the Original from fuch Heirs, &c. the Statute of Westm. 2. cap. 1. made 13 E. 1. Yet see Braston, lib. 2. cap. 5. num. 3. in his verbis, Item qua-dam absoluta by larga, & quadam strilla by coartiata ficut certis heredibus. To whom add Plomden, fol. 235 Willions Case, for besore that Statute, all Land given to a man and his Heirs, either general or special, was accounted in the nature of a Fee; and therefore held to be so firmly in him to whom it was given, that any limitation notwithstanding he might alien, and sell it at his pleasure, much like that which the Civilians call Nudum praceptum, binding rather by counsel and advice, than compulsion or restraint. But this seeming unreasonable to the wisdom of our Realm, that a man meaning well to this or that Posterity of himself, or his Friends, might be forthwith deceived of his Intention; the faid Statute was made for redress of that inconvenience, whereby it is ordained, That if a man give Lands in fee, limiting the Heir, to whom it shall descend, with a Reversion to himself or his Heirs, for default, &c. that the form and true meaning of his Gift shall be observed; He then that hath fee, holdeth of another by some duty or another, which is called Service; and of this Service, and the diversity thereof, see Chivalry and Service. Secondly, This word Fee is sometimes used with us for the compass or circuit of a Manner or Lordship, Brallon, lib. 2. cap. 5. In eadem villa & de eodem feodo. Thirdly, It is used for a perpetual Right incorporeal, as to have the keeping of Prisons in see, Old Nat. Brev. fol. 41. Foster in see, Eod. fol. 6. Rent granted in see, Eod. fol. 8. Sherist in see, 28 E. 1. Stat. 3. cap. 8. Lastly, It is taken for a Reward or Wages given to one for the execution of his Office, as the fee, of a Forester, of a Keeper of a Park, or of a Sheriff for serving an Execution, limited by 20 Eliz. cap. 4. And also for that consideration given a Serjeant at Law or Counsellor, or a Physitian, for their Counsel and Advice in their Profession, which, as it is well observed by Sir John Davis, in his Preface to his Reports, is not properly Merces, but Monorarium; yet in the Law Language it is called a Fee.

fite-Expectant, is by the Feudists termed feudum expeliativum, or expeliativa substantively used. Matthews de affillis discis 292. num. 2. pag. 417. See Expeliant.

fet fatm, Feudi firma, Is a compound of Fee, and ferme, pradium, and fignifieth in a legal fense Land held of another in fee, that is in perpetuity to himself and his Heir, for so much yearly Rent as it is reasonably worth, more or less, so it be the fourth part of the worth, Old-Tenures. See Exposition of the Statute of Glomester, Anno 6 E. 1. without Homage, Fealty, or other Services, other than be specially comprised in the Feostment; But by Fitzh. in his Nat. Brev. fol. 210. it seemeth, that the third part of the value may be appointed for the Rent, or the sinding of a Chaplain to sing Divine-Service, &c. And the nature of it is thus, that if the Rent be behind and unpaid for the space of two years, then the Feoster, or his Heirs, have an Action to recover the Lands as his Demessines, Britton, cap. 66. num. 4. But observe, that West in his Symbol, part. 1. lib. 2. self. 463. that the Feostment may contain Services and suit of Court, as well as Rent. And in Termes de la Ley, that Feefarme, oweth Fealty, though not expressed in the Feostment, for that Fealty belongeth to all kind of Tenures; this is near the nature of that which, among the Civilians, is called Ager Vestigalia, qui in perpetu-

um licetur, i. bac lege, ut quamdin pro eo Vettigal pen datur, tam din neg; ipsis qui conduxerunt, neg; in qui in loonen eorum successerunt auferri cum liceat. Et The Fee-Parm Rents remaining to the Kings of England rom their ancient Demesnes, were many of them alienated from the Crown in the Reign of King Charles 11. But how doubtful Men are of the Title to Alienations of any Nature, is evident from this, that whilst these Rents were exposed to Sale for Ready Money, searce any would deal for them, and they remained unfold, till the Method of doubling Orders did a little help; but that which made Men earnest indeed to buy them was the Stop upon some of his Majesties other Payments, which made Men to refort to this as the most eligible in that Conjuncture. Vid. Reasonable Desence of

seasonable Discourse, p. 27.

Seed alias Seud, Feida alias fayda, Signifieth in the German Tongue, Guerram, that is, Capitales inimicities. Hotoman Disput. De feudis, cap. 2. Lambert in his Exposition of Saxon words, writes it Feeth, and saith likewise, that it denotes Capitales inimicities: And also that Peud now used in Scotland, and in the North parts of England, is the same, that is, a Combination of Kindred, to revenge the death of any other Blood against the Killer, and all his Race. See Skene de verbor. Signif. verbo Affidatio.

Feilus, A imall Bundle, an Armiul. . isti debent prata Domini falcare levare & carriare, & babebunt unum multonem G unum cafeum, G quilibet babebit unum feifum de berba, & omnes bomines villa debent singult dimidiam acram metere. Cartular. Abbat. Glafton. MS. f. 40. a.

ficio de Cs, Is he that commits Felony by murthering of himself, Cromptons Just. of. Peace, fol. 28. and Lamb.

Eirenarc. lib. 2. cap. 7. pag. 243.

Felonia, Felonia, Scemeth to come of the French
Felonie, (i.) impetuofitas. Felonia, saith Motoman,
de verbis feudablibus, non consumanam vassalli in Dominum, bujusve in Vassallum persidiam significat verum quedvis capitale facinus. And again, Felonia, Gothis of Longobardis dicitur quod Germanis bodie Schelmarey, Latinis Scelus. Sir Edward Coke says, Ideo dieta est felonia, quia sieri debet selleo animo, lib. 4. fol. 124. Hosliensis in sua summa, tit. de Feudis. And others write of it thus, Est culpa wel injuria propter quam Vasfallow amittie feudum, &c. But we account any Offence Felony, that is in degree next Petit Treason, and comprise th divers particulars, as Murther, Theft, killing of a mans Self, Sodomy, Rape, wilful burning of Houses, and such like, which are to be collected out of the Statutes, which have made many Offences Felony that before were not. Felony is differenced from lighter Offences in this, that the punishment thereof is death, yet not in all cases: For Petit Larceny, which is the stealing of any thing under the value of twelve pence, is felon, as appeareth by Broke the Coron num. 2 his reason is, because the Indictment against such a one must have these words, Felonice Cepit; and yet this is not punished by Death, though it be loss of Goods. Any other Exception I know not, but that a man may call that Felony, which is under Petit Treason, and punished by death. And of this may be reckoned two forts, one lighter, that for the first time may have the benefit of the Clergy, another that may not. And these you may learn to know from the Statutes, for Clergy is allowed, where it is not expresly taken away. Clergy is allowed, where it is not exprelly taken away. Of this read Stam. pl. cor. lib. 1. from the end of the second Chapter to the 39, and the Statutes. See also Lamberts Justice of Peace, lib. 2. cap. 7. in a Table drawn for that purpose. And also lib. 4. cap. 4. pag. 404. And Cromp. Justice of Peace, fol. 32, dyc. Felony is also punished by Loss of Lands not entailed, and Goods

and Chattels as well real as personal; and yet by the 37 H. 8. cap. 6. a difference is made in some cases touching This Offence ordinarily worketh corruption of Blood, unless expresly provided against by Statute, as 39 Eliz. cap. 17. How many ways felony may be committed, fee Termes de la Ley, pag. 357, 358. and Spelm. Glossary, and Mr. Kennett's Glossary, in Felonia.

Feltrum, Course Hat, a Felt. See Filtrum.

Fenne Court, Is a married Woman, who is also

said to be under Covert-Baron, 27 Eliz. 3.

Sence-month, Mensis vetitus, Is a month wherein it is unlawful to hunt in the Forest, because in that time the Female Deer do sawn. It begins always sifteen days before Midsummer, according to the Charter of the Forest, viz. In initio quindecem dierum ante feflum Sancti Johannis Baptista, quando Agistatores nostri conveniunt pro seonatione bestiarum nostrarum; and it doth end fiteen days after Midsummer, which is upon St. Cyrils-day: and here observe, That every common month is but 28 days, but the Fence month is 31 days, Assis Foresta de Pickering, fol. 20. Searjeant Fleetwood in his Collection of the Forest Laws, fol. 5. saith, That the Fence month hath always been kept with Watch and Ward in every Bayliwick through the whole Forest fince the time of Canutus, Manwood's Forest Laws, cap. 13. and 20 Car. 2. cap. 3. Some ancient Foresters do call this month, The Defence month, because then the Deer are to be desended from scare or sear. There are also certain Defence-months, or seasons for Fish, as appears by Westm. 2. cap. 47. 13 E. 1. in these words, All Waters where Salmons be taken shall be in defence for taking of Salmons from the Nativity of our Lady, unto St. Martins-day, and likewise that young Salmons shall not be taken nor destroyed by Nets, drc. from the midst of April, to the Nativity of St. John Baptist. See alfo 13 R. 2. Stat. 1. cap. 19.

fengeld, A Tax or Imposition exacted for the re-

peling of Enemies, M. S. Antiq.

Fron, The learned Sir Henry Spelman gives this Definition: A Fend is a Right which the Vaffal hath in Land, or some immoveable thing of his Lord's to use the same, and take the Profits thereof hereditarily: Rendring unto his Lord such second Duties and Services as belong to military Tenure, the meer propriety of the Soil always remaining unto the Lord. Spelman of Feudes and Tenures, cap. 1.

Foodal, Neodalis vel feudalis, Of or belonging to

the Fee, Fee farm, or Fee-fimple, Anno 12 Car. 2.

Feodalitas, Feodality or Fidelity paid to the ord by his feodal Tenant. —— fecit feodalitatem Lord by his feodal Tenant. suam, prout decet di&o Domino. Cartular. Radings MS.

feodary, feudary or feudatory, Feudataria, Was an Officer in the Court of Wards, appointed by the Master of that Court, by vertue of the Statute 32 H. 8. cap. 46. to be present with the Escheator in every County at the finding of Offices, and to give in Evidence for the King as well for the value as the tenure: His Office also was to survey the Lands of the Ward after the Office found, and to return the true value thereof into Court; to affign Dower unto the Kings Widows, to receive all the Rents of the Wards Lands within his Circuit, and to answer them to the Receiver of the Court. This Officer is mentioned 32 H. 8. cap. 46. and is wholly taken away by 12 Car. 2. cap. 24. And in some ancient Writings it appears, that Noblemen had their particular Feoduries. See Mr. Kenner's Gloffary, in the Word Feodary.

See Mr. Kenner's Gloffary, The Tenant who held his Estate

by feodal Service. These Grantees to whom Lands in Feud or Fee were granted from a superiour Lord, Were

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were called generally in our Latin Characters, Homines, Men or Homagers, and in some other Writings are term'd Vassals, Leuds, and Feudataries. At the safterwards call'd) they were revocable at the Will of the lord. Petron or Department he placed to Associate the lord. the Lord, Patron, or Donor, when he pleased. Aster-ward they were granted for a Tear, and then for the Life of the Fendatory or Vaffal, when in Process of Time they became successive to the Heirs Male, and by Degrees hereditary to the Female. See Dr. Brady

in his Gloffary, p. 39. which by vulgar Computation, contain'd 480 Acres, as 24 Acres made a Virgate, four Virgates a Hide, and five Hides one Knight's Fee, for which the common Relief paid to the King or other Lord was one hundred Yet no doubt, the Measure was uncertain, and differed with times and Places. See Mr. Kennet's

Gloffary. & Feodum Laicum, Frodum Laicum, A Lay Fee, or Land held in Fee, from a Lay Lord by the common Services to which military Tenure was subjected; in Opposition to the Ecclesiastical holding in Frank-almoigne discharged from those Burdens. See Mr. Kennet's Glossary.

De feoffmento beteri & nobo, Their Phrases began in the Reign of Hen. 11. when those Knights or Military Tenants who had been enfeoffed in any Fees or Parts of a Fee at or before the Death of K. Henr. 1. were laid tenere feoda de veteri feoffamento. those who had been infeoffed in their Lands after the Death of the faid King, they were faid tenere de novo

feoffamento.

Ftoffment, Feoffamentum, By the Opinion of Sir The. Smith de Repub. Anglor. lib. 3. cap. 8. And Welt. part. 1. Symb. lib. 2. self. 280. is descended from the Gothilh word Feudum, which we interpret Fee, and fig-nifieth donationem feudi: But (as the same West addeth) it fignifieth in our Common-Law any Gift or Grant of any Honours, Caffles, Mannors, Mcffuages, Lands or other corporeal and immoveable things of like nature unto another in Fee-fimple, that is, to him and his Heirs for ever, by the delivery of Seisin, and the possession of the thing given, whether the Gift be made by Deed or Writing: And when it is in writing, it is called a Deed of Feoffment, and in every Feoffment the Giver is called the Feoffor, Feoffator, and he that receiveth by vertue of the same Feoffe, Feoffatus. And Littleton saith, That the proper difference between a Feoffer and a Donor is, that the Feoffer giveth in Feesimple, the Donor in Fee-tail, Lib. 1. cap. 6. It is the ancient and most necessary Conveyance, because so-lemn and publick; and also because it cleareth all Disfeisins, Abatements, Intrusions, and other deseasible Estates, where the Entry of the Feosfer is lawful, which neither Fine, Recovery, nor Bargain and Sale by Deed indented and involled doth, Ephon ensented Abrabam, Gen. 23. See Co. on Lit. lib. 1. cap. 1. fed. 1.

feoffer and feoffet, Feoffer, is he that infeoffs, or makes a Feoffment to another of Lands or Tenements in Fee-simple. And Feossee, is he that is infeossed, or to whom the Feossent is so made.

ST Storm, Among our Saxon Ancestors, those who held the Outlands of the Lord or Thane, as customary Tenants, rendred unto him a certain Portion of Victu-als and Things necessary for Humane Life. This Rent This Rent or Retribution they call'd Feorm, which Word in the Saxon, fignified any Meat or Victuals. And though we have ever fince Hen. II. Time, changed this Refervation of Victuals into Money, yet in letting our Lands, we ftill retain the Name of Farms and Farmers. See Spelman of Feuds, chap. 7.

Ferdella, terræ, is ten Acres. Fardel.

Ferdindel. See Farding-deal.

Ferdlare, Significat quietantiam eundi in exercitum. Fleta, lib 1. cap. 47. that is, to be quit from going to

Ferdwit, Significat quietantiam murdri in exercitu, Fleta, lib. 1. cop. 47. that is, to be quit of Murder committed in the Army, of fint quieti de Fillwite, Flidwite, of Ferdwite, of Hengwite, of Leirwite, oc.

Charta, 11 H. 3. m. 33. for not going forth in a Military Expedition, to which Duty all Persons who held Land, were in necessity obliged. And therefore a Neglect or Omission of this common Service to the publick was punished with a pecuniary Mulch of 120 s. called the Ferdwite; which Penalty was remitted, and Immunity from it granted by feveral Charters.

8 Feria lecunda, Monday, or the second Day of the Week. Feria tertia, Tuesday, and so on to Feria sexta, Saturday. Hence the Week Days, as distinguisht from Sunday, the Prosane from the Sacred, were called Dies Feriales, as in this Charter. Nos Willielmus Prior Ecclefia Elyen of Conv. Concessimus Johanni Dounbam Capellano Scholam nostram Grammaticalem fub hac conditione ut celebrabis per tres dies feriales in capella Ellemofinaria nostra, Es per alios tres dies feriales in capella S. Maria, diebus vero dominicis ubicunq, voluerit celebravit. 28. Mart. A. D. 1448. — Ex Cartular. Eccl. Elyensis. MS. penes Job. Episc. Norwic. f. 36.

fort of People to the Feast of Dedication, and therefore in most Places the Fairs (by old Custom, not by later Grants) are on the same Day with the Wake, or Festival of that Saint to whom the Church was dedicated, and for the same reason kept in the Church-Yard, till by Authority restrained. See Mr. Kennes's

Glossary in Feria.

Feriz, Furz, Sax. fyrs. —— Item diximus per sacramentum quod non vidimus tempore Heurici & Riper sacramentum quod non vidimus tempore Henrici do Ri-chardi quondam Regum Anglia quod aliquis redderet dici-mus de icriis aut de genefiu aut de fossis ubi prius suerint demosmata. — Conventio salia apud Rhotomagum inter Clerum do Barones A. D. 1205. Ferial Days, Dies feriales, seria, According to the proper Latine signification, signifies Holy days, or days vacant from Labour and Pleading; but in the Sta-tute 27 H. 6. cap. 5. Ferial-days are taken for Work-ing days.

ing days.

Ferling, Ferlinger, The fourth part of a peny, Quadrans, Quando quarterium frumenti venditur pro 12. denar. tunc panus Wasselli de Ferlingis ponderabit 5. lib. & 16. fol. Assis, panus de cervis. 51 H. 3. Cambden in his Bris. tit. Huntington says, There were in this Borough four Ferlingis Paris of Western

fings, that is, quarters of Wards.

Ferlingatz terru, The fourth part of a Yard-Land,
Decem acra faciunt unam Ferlingatam, '4. Firlingatz
virgatam, 4. Virgata hidam, & 5. Hida feodum militare, Esc. 12 Rd. 2. D. 18. Ebor. In ancient Records
is used both Ferlingus & Ferdlingus terra. See Mon.

Ang. 2. par. fol. 8.
ferme or farme, ferme or farme, Firma, Cometh of the French Ferme, pradium, and fignifieth with us House or Land, or both, taken either by Indenture of Lease, or Lease, parol. This in the North parts is called a Tacke, in Lancashier a Ferm-bolt, in Essex a Wike. We may conjecture, that both the French and English Word came from the Latine firmus; for I find locare ad firmum, to fignific with others as much as to fet or let to Farme with us, the reason whereof, may be in respect of the

fure hold they have beyond Tenants at Will. Vide Vocabul. utriniq, juris, verbo Afflictus. In the Terms of the Law it is derived from the Saxon Feormian, which fignifieth to feed or yield Victual. For in ancient time the Refervations were as well in Victuals as Money: How many ways Farme is taken, see Plowden, fol. 195. Wriotheflyes Cafe. See Feorm.

fermisona, The Winter-Season of Deer, as Tempus pinguedinis is the Summer-Season. See Tempus pingue dinn; Rex diletto R. C. Gr. Cum mittamus dilettum valetium nostrum Johannem de F. ad instantem Vermisonam in parcis mostris ibidem, &c. Claus. 30. Ed. 1. m. 18.

Fernigo, A wast Place where Fern grows - Retentis Abbati Glastoniz dy ejusdem loci Conventui piscaria de fernigine de toto arundineto ejusdem manerit.

Cartular. Abbat. Glafton. MS. fol. 536. fes, which we ftill call an Iron Grey. foro veniens quasivit cujulmodi equum haberet ille Archidiaconi cliens, & cum audiret ferrandum, dixit se quendam talem equitatum vidisse. Girald. Cambr. apud Whar-

ferruere, The shooing of Horses.

Ferschet, A Fare or Fare-Scot. The customary Payment for a Passage over a River, or crossing a Ferry in a Ferry Boat with faring-Men, or Feres, or Passengers.

Seningmen, Ut illud Monasterium sit liberatum ab illis incommodis que nos Saxonica lingua Festingmen dici-

mus, Mon. Ang. 1. par. fol. 123. a.

The Saxon Festenmon, fignifies Fidejussor, a Pledge; fo that to be free of Festingmen, in all probability is to

be free of Frank-Pledge, and not to be bound for any mans forth-coming, who fhould transgress the Law.

Selvang Penny, Earnest given to Servants when bired or retain'd, is so call'd in some Northern Parts of England, and in other it is term'd Arles Penny, from

the Saxon fastnian, to fasten or confirm.

feunal. See Feodal. feubaty. See Feedary.

Furd batt, is a recompence for engaging in a frud or faction, and the contingent Damages. It having been the custom of ancient times, for all the Kindred to engage in the Kindman Quarrel; according to that of Tacitus, De moribus Germanorum, suscipere tam inimical seu patris, seu propinqui, quam amicitius necesse

Inter antiquas consuctudines Abbatia de Se Sancto Edmundo. — Tota passura bruera de Herdwyk pertinet ad Cellerarium, ut nullus positi ibidem poscere neque aliud quid fotere aliquo tempore anni sine li-centia. Cellerarii prater seugeram bruera qua pertinent ad tenentes de Herdwyke. Caetular. Edmundi MS. s. 328.

fittale, filbale and filkbale, Braffen, lib. 3. fol. A compotation or entertainment made for gain by Bayliffs to those of their Hundreds, or rather according to Co. 4. Infl. fol. 307. An extertion colore corporationic. See Sestate.

First factas, is a Writ Judicial, that lyeth at all times within the year and day, for him that hath requered in an Action of Debt or Damages, to the Shecovered in an Action of Debt or Damages, to the Sheriff, to command him to levy the Debt or the Damages of his Goods against whom the Recovery was had, beginning from Weffm. 2. cap. 18. Anno 13 E. I. See Old Nat. Brew. fol. 152. See also great diversity thereof in the Table of the Register Judicial, verbo Fieri facius. See also Scire facius, and Title Execution.

Titula, Feria, A Pair, In a Charter of Alan de Greun, granted to the Months of Croyland. Barera concedimus eis decimum denariorum de sieria nostra

Petr. Blesen. Contin. Hift. de Botulfston.

Croyland. p. 126.

**fifteenth*, Decima quinta*, Is a Tribute or Imposition of Money laid upon a City, Burrough, or other Town, through the Realm; not by the Pole, or upon this or that man, but in general upon the whole City or Town, and so called, because it amounted to a fifteenth part of that which the City or Town hath been valued at of old; or to a fifteenth part of every Mans Goods and personal Estate, according to a reasonable valuation. This is now imposed by Parliament, and every Town through the Realm knoweth what a figscens for themselves doth amount to, became it is per-petually the same. Whereas the Subsidy, which is railed of every particular Mans Lands or Goods, must needs be uncertain, because the estate of every several man is uncertain. And in that regard, a fifteenth feems to be a Rate acciently laid upon every Town, according to the Land or Circuit belonging to it: whereof Camden in his Brit. makes frequent mention, particularly pag. 168. of Wells in Somerfetshire, thus, Quo tempore ut testatur censualis Anglia liber, Episcopus ipsum oppidum temnit, quod pro quinquaginta bidis geldavit. And pag. 172. Of Bath, Geldabat pro viginti bidis, quando schira geldabat. Thirdly, pag. 181. Old Sarum or Salisbury, pro quinquaginta bidis geldabat. And these Bates were taken out of Doomsday Book in the Exchequer. So that in old time this seemed to be a yearly Tribute in certainty; whereas now, though the Rate be certain, yet it is not levyed but by Parliament. See Tax and Quinzime.

SF fiffils À Fifful was a Measure for Corn. Et in eisdem sessivitations singulos fissuls de frumento ad wastellos de granario. Mon. Angl. tom. 1. p. 149. Habere debent Monachi singulos sissuls de granario ad wastellos. ib.

#ightwite, A Saxon word, fignifying a Mula of 120 shillings, for making a Quarrel to the disturbance of the Peace. So that Fightwite is truly forisfactura

pugna, MS. codex.

fliactr, Filacarius, Possibly derived from the Latine filum, a Thread, Is an Officer in the-Common Pleas (so called) because he files those Writs whereon he makes Process: There are fourteen of them in their feveral Divisions and Counties, they make out all original Proces, as well real as personal and mixt; and in Actions meerly personal, where the Defendants be returned or summoned, there goeth out the Distress infinite un-til Appearance; if he be returned Nibil, there Process of Capius infinite, if the Plaintiff will; or after the third Capius, the Plaintiff may go to the Exigenter of the Shire, where his Original is grounded, and have an Exigent or Proclamation made. Also the Filacer maketh all forts of Writs of view, in Causes where the view is paid; and upon all Replevins or Recordare's, Writs of returno babendo. Second Deliverance, Writs of returns habends. Second Deliverance, and Wibbernam, They enter all Appearances and special Bayls upon any Process made by them. They make the first Scire facias upon special Bayls; Writs of Habens Corpus, Distringen Nuper-vice-comitem vel Ballivum & Duces tecum, and all Supersedens upon special Bail, or otherwise. Writs of Habens corpus cum causa upon the Shanish Rature, that the Defendant is detained with Sheriffs Return, that the Defendant is detained with other Actions, Writs of adjournment of a Term, in case of Pestilence, War, or publick Disturbance, and (until an Order of that Court made 14 Jac. which limited the Filacers to all Matters and Proceedings before appearance, and the Protonotaries to all after) did enter Declarations, Imparlances, Judgments and Pleas; whereunto a Serjeants hand was not requifite, and made out writs of Execution, and divers other Judicial writs after Appearance. And in the Kings Bench of later

later times, there have been Filacers who make Process upon Original Writs returnable in that Court, upon Actions contra pacem. The Filacers of the Common-Pleas having been Officers of that Court before the Statute of 10 H. 6. cap. 4. wherein they mentioned & fllacium, The File or Thread upon which

Writs or loofe Papers are filed up together, to preferve them. _____ Iftud breve est in Filaciis Mareschalle. Will. Thorn. Hence Custodes Filaciorum, or Filekeepers in our Courts of Judicature, were called

file, Filacium, Is a Thread or Wyre, whereon writs and other exhibits in Courts and Offices are filed, for the more fafe keeping of them.

filialus, A little Son properly, fometimes taken for a God fon, fometimes for a Nephew.

filkale. See Sothale and Fidale.

Filtrum, Feltrum, A Covering for the Head made of coarse Wool, not wove, but cotton'd together; a Hat, a Felt. -Archidiaconum ultimo venientem, ut mos habebat, ultimus ipsorum juvenis scil. uxoris Prapositi Frater, sub filtro pluviali ipsum attentius intnens quasito statim nomine ipsius & audito, dixit ei, quod parumper expectaret, &c. Graidus Cambren. apud Whar-

toni Angl. Sacr. P. 2. p. 594.

Filum aquæ, A Stream or Coutse of Water. Filum aque, A Stream or Coutie or Water.

— Quoddam fossatum quondam fuit jacens inter manerium pradicii Abbatis de Andredesey, & filum aque usque ad pontum de Bledeneburgh. Ex Cartular Abbat. Claston, MS. f. 88. b.

Finary. See Blomary.

finders, 18 E 3. Stat. 1. and 14 R. 2. cap. 10. Seem to be all one with which now we call Searchers. See 17 R. 2. cap. 5. 1 H. 4. 13. and 3 t Hen. 6. cap. 5. They are imployed for the discovery of Goods import-

ed or exported, without paying Custom.

Fine. Finis, Hath divers Applications in the Gommon-Law, fometimes being used for a formal or ceremonious Conveyance of Lands or Tenements: Or as West saith. tit. Fines, sell. 25. of any thing inheritable, being in esse tempore sinis, to the end to cut off all Controversies. The same West in his 2. par. Symbol. sell. 1. thus defines it, To be a Covenant made before Justices, and entred or Record. But Glanvile more nobly thus, Lib. 8. cap. 1. Finis elt amicabilis compositio & finalis concordia ex consensu & licentia Domini Regis vel justiciariorum. And Lib. 9. cap. 3. Talis concordia finalis dicitur, eo quod finem imponit negotio, adee ut neutra pars litigantium ab eo de catero poterit receivis re. And Braston, lib. 5. cap. 28. num 7. thus, Finis ideo dicitur finalis concordia quia imponit finem litobus & est exceptio peremptoria. The Author of the New Termes of the Law defineth it to be a final Agreement, had between persons concerning any Lands or Rent, or other thing whereof any Suit or Writ is between them hanging in any Court. See the New Book of Entries, verbo Fines, and 27 E. 1. Stat. 1. cap. 1. This Fine verbo Fines, and 27 E. 1. Stat. 1. cap. 1. is of so high a Nature, that Brallon, lib. cap. 7. num. 3. saith of it thus, Item immediate pertinet ad Regem querela finis fasti in curia Domini Regis & non observati, & est ratio, quia nemo potest finem interpretare nisi ipse Rex, in cujus curia fines fiunt. The Civilians would call this Solemn Contract, Transactionem judicia-The Civilians lem de re immobili, because it hath all the Properties of a Transaction, if it be considered in the original use, Wesemb, parat. tit. de Transact. For it appeareth by the Writers of the Common Law before recited, that it is nothing but a Composition or Concord acknowledged, and recorded before a competent Judge, touching some Hereditament, or thing immoveable, that before was in Controversie between the Parties to the same Con-

on, being, by imputation, made in the presence of the King, because it is levyed in his Court; and therefore doth it bind Women covert being parties, and others, whom ordinatily the Law disableth to transact, only for this reason, that all presumption of deceit or evil meaning is excluded, where the King is privy to the act. [Originally the use of this final Concord was instituted and allowed, in regard that by the Law, and ancient Proceedings, no Plaintiff (giving real Security de clamore suo prosequendo,) could agree without Li-cence of the Court: So as Fines have been anciently levyed in personal Actions.] But subtilty of wit and reason hath in time wrought other uses of this Concord, which in the beginning was but one, viz. to secure the Title that any man hath in his possession against all men; to cut off Entails, and with more certainty to pass the Interest or Title of any Land or Tenement, though not controverted, to whom we think good, either for Years or in Fee: Insomuch, that the passing of a fine, in some Cases, now is but mera filio Juris, alluding to the use for which it was invented, and supposing a doubt or controversie, where in truth none is , and so not only to work a present Prescription against the Parties to the Concord or Fine, and their Heirs, but within five years against all others, not expressly excepted (if it be levied upon good consideration, and without covin) as Women-covert, persons under one and twenty years of age, Prisoners, or such as be out of the Realm at the time when it was acknowledged. Touching this matter, see the Statutes, I R. 3 cap. 7. 4 H. 7. cap. 24. 32 H. 8. 36. and 31 Eliz. 2. This Fine hath in it five effential parts; I. The Original Writ taken out against the Cognisor. 2. The Kings Licence, giving the Parties liberty to accord, for the which he hath a Fine called The Kings Silver, being accounted a part of the Revenue of the Crown. 3. The Concord it felf which thus beginneth, Et est concerdia talis, &c. 4. The foot of the fine, which is an abstract of the Original Concord, and beginneth is an abstract of the Original Concord, and beginneth in this manner, so. Inter R. Querentem by S. by E. uxorem ejus deforciantes, byc. 5. The foot of the sine, which beginneth thus, Hac est finalis concordia satta in curia Domini Regis apud Westm. a die Pascha in quindecem dies, anno, &c. So as the foot of the sine, includeth all containing the day, year, and place, and before what Justice made, Go. vol. 6. fol. 38, 39. Tejes Case. This sine is either single or double. A single sine is, that by which nothing is granted or rendred back again by the fine is either fingle or double. A fingle fine is, that by which nothing is granted or rendred back again by the Conusces to the Conusors, or any of them. A double fine containeth a grant or render back again, either of some Rent, Common, or other thing out of the Land, or of the Land it self to all, or some of the Cognisors for some Estate, limiting thereby many times remainders to strangers, which be not named in the Writ of Covenant, West. ubi supra, self. 21. Again a Fine is of the effect divided into a sine executed, and a sine executory. A sine executed, is such a sine, as of his own force giveth a present possession (at the least in Law) unto the Cognise, so that he needeth no Writ of Habere facias seissam for the execution of the same, but may enter, of which sort is a Fine, Sur cognizance de droit come ceo que il ad de son done, that is upon acdroit come cee que il ad de son done, that is upon ac-knowledgement that the thing mentioned in the knowledgement that the thing mentioned in the Concord be Jus ipsins Cognizati ut illa qua idem habet de dono Cognitoris, West. sett. 51. And the reason of this seemeth to be, because this sine passeth by way of Release that thing, which the Cognisee hath already (at least by supposition) by vertue of a former Gift of the Cognisor, Co. Rep. lib. 3. fol. 89. Case of Fines, which is in very deed the surest fine of all Fines executory be such as of their own force do not execute the fory be such as of their own force do not execute the cord : And that for the better credit of the Transacti- possession in the Gognisees, as fines sur Conusance de droit tantum

fantum, fines fur dones, Grant, Release, Confirmation of Render; for if such fines be not levyed, or such Render made unto them that be in possession at the time of the fines levyed, the Conuses must needs sue Writs of Habere facias seismam, according to their several Cases, for the obtaining of their Possessions except at the levying such executory fines, the Parties un-to whom the Estate is by them limited, be in possession of the Lands passed thereby: For in this case such fines do enure by way of extinguishment of right, not alter-ing the estate of Possession of the Cognisee, but per-chance bettering it, West, whi supra sed. 20. Touching chance bettering it, West, whi supra sett. 20. Touching the form of these sines, we must consider, upon what Writ or Action the Concord is to be made, and that is most commonly upon a Writ of Covenant; and then fifft there must pass a pair of Indentures between the fiff there must pass a pair of Indentures between the Conusor and Gonusee, whereby the Conusor covenant-erli with the Conusee, to pass a fine unto him of such or such things, by a day set down: And these Indentures, as they are fiff in this proceeding, so they are said to lead the fine; Upon this Covenant, the Writ of Covenant is brought by the Conusee against the Conusion, who hereupon yieldeth to pass the fine before a Judge; and so the acknowledgment being recorded, the Cognisor and his Heirs are prefently concluded, and all Swangers such excepted, after sive years once. and all Swangers not excepted, after five years once passed. If the writ whereupon the fine is grounded be that a writ of Covenant, but of Warrantia Charta, or Writ of Right, or a Writ of Messe, by a Writ of Cufroms and Services (for all these fines may also be founded, Well (ubi supra sett. 23.) then this form is observed, the Writ is served upon the Party that is to acknowledge the fine, and then he appearing, doth accordingly, see Dyer, fol. 179. num. 46. [Fines are now only levyed in the Court of Common-Pleas at Westminister, in regard of the Solemnity thereof, ordained by the Stat. 18 E. 1. that before were levyed in other places.] This world fine, sometimes also fignisseth a a sum of Money paid for an Income to Lands or Tenements let by Lease, anciently called Gersuma; sometimes an amends, pecuniary punishment or recom-pence upon an Offence committed against the King and his Laws, or against the Lord of a Mannor: In which case a man is said Finem facere de transgressione cam Rege, &c. Reg. Jud. fol. 25. 2. And of the diverlity of these Fines, with other matter worth the learning, see Cromptons Justice of Peace, fol. 141, 143, 144. and Lambards Eiren. lib. 4. cap. 16. pag. 555. But in all these diversities of Uses it stath but one significant the content of the second s nification, and that is a final Conclusion, or End of Differences between Parties. And in this last sense, wherein it is used for the ending and remission of an Officiace, Bratton hath it, Lib. 2. cap. 13. num. 8. speaking of a common fine, that the County payeth to the King for salfe Judgments, or other Trespalles to be assessed by the Justices in Eier before their departure, by the Oath of Knights, and other good men, upon such as ought to pay it, with whom agreeth the Statute 3. E. 1. cap. 18. There is also a common fine in Leets, see Kitchin, fol. 13. Vide Common Fine. Fleta. lib. 1. cap. 48. and Co. on Liv. fol. 126.

Fine annullation senses be determined and such the antique nominico, is a Writ to the Justices, for the difanulling of a Fine levyed of Lands holden in ancient Demesor to the prejudice of the Lord, Regist. Owherein it is used for the ending and remission of an Of-

ent Demelae to the prejudice of the Lord, Regift. O-

rig, fol. 15.

Fine capitation pin terris, &c. Is a Writ lying for one that, upon Conviction by a Jury, having his Lands and Goods taken into the Kings Hands, and his Body committed to prison, obtaineth favour for a sum of Money, &c. to be remitted his Imprisonment, and his Lands and Goods to be redelivered unto him, Reg. Orig. fol. 142.

fine force, Cometh of the French Adjective Fin. figuifying sometimes crafty, sometimes artificial or exact, and the Substantive force, in Latine Vis; so that it figuifies an absolute necessity or constraint not avoidable; as when a man is conftrained to do that which he can no way avoid, we say, He doth it de fine force, and in this sense it is used, Old Nat. Brev. fol. 78. and in the Statute 35 H. 8. cap. 12. and in Perkins Domer, 321. In Mantell and Woodlandi Case, Plow. fol. 94. And in Eytons Case, cited in Foxleys Case, Co. 6. Rep.

Fine levando de Cenementis tentis de Rege in Ca-pite, c. Is a Writ directed to the Juftices of the Common-Pleas, whereby to licence them to admit of a Fine for fale of Lands holden in Capite, Reg. Orig. fol. 167.

fine non capiendo pro pulche placitando, ls a Writ

to inhibit Officers of Courts to take Fines for fair plead-

g, Reg. Orig. fol. 179. See Pleder. Fine pro redificiting captenda, gc. Is a Writ that lieth for the release of one laid in Prison for a Redisseisin, upon a reasonable Fine, Reg. Orig. fol. 222.

fines for Altenation, are reasonable Fines paid to the King by his Tenants in chief, for licence to alien their Lands according to the Stat. 1 E. 3. cap. 112. But see the Statute lately made, 12 Car. 2. cap. 24.

Fines pro licentia concordande. See 21 H. 8. cap. 1.

See Fine.

finite. To Fine or pay a Fine upon Composition. - Inquirendum est etiam que vidue non finierunt pro se maritandis, & finis capitatur ad opus Domini Regis. Rog. Hoveden, p. 783. finors of Gold and Gilver, Be those that purifie and

separate those Mettals from other courser, by Fire and Water, Anno 4 H. q. cap. 2. They be also in the same place called Pasters, sometimes Departers.

Sfilicetum, A bracky Ground, Ubi filices creschnt. Co. 1 Hist. 4. b. See Doomsday.

firdhole. Sce Fridftole.

EFfirmute. A Mulet or Penalty imposed on Military

Tenants for their Default in not appearing in Arms, or coming to an Expedition. See Ferdwite.

Fithbutthi, Ferdwrithi, Military Men, or Men worthy to take Arms, or mustred, or enrolled to appear noon any occasional Expedicion. pear upon any occasional Expedition. Volo us Abbas & Fratre Ramesia babeant Sacam in omnibus such per bomines qui sunt Motwrthi, Fredwrthi, Faldwrthi, în isto hundredo & dimidio. Histor. Monasterii Ramesci.

in Edit. Gale. cap. 103.
firrbare, That without delay, they raife and repair the Signs and Firebares upon the highest Hills in every Hundred, that the whole Country by those Signs, as orten as necessity shall require, may be fore-warned, voc. Ordinatio pro Virgil. observand. a Linne wsq. ad Yarmouth. temp. E. 2. Peradventure derived from the Saxon hyptop, a Beacon, or high Tower, near the Sea-side; wherein were Lights, either to direct Sailors

in the Night, or to give warning of the Enemy.

Fire-bote, For the Composition of the word, Fire bote, For the Composition of the word, see Hay-bote. It signifies an allowance of Wood or Estovers, to maintain competent firing for the use of the Tenant.

Fire Dibeal, Our devout old Ancestors had a way of Purgation or acquitting themselves from any Charge or Accusation of Crime, by an Appeal as it were to God himself, and therefore called it Dei judicium, or Gods Ordeal. This was commonly of two Sorts, Fire-Ordeal and Water-Ordeal. This Fire-Ordeal, which was the Privilege only of Free men, and the better fort of People, was twofold, either first, By stepping bare foot and blindfolded over nine Ploughshares red-hot, which if the Defen. laid in length at equal Distance, which if the Defendant passed unburnt, he was judged innocent, but if

burnt, he was concluded guilty. Or Secondly, By taking a Piece of red-hot Iron in the Hand, usually of one Pound Weight, which was called simple Ordeal, or of two Pounds, which was duplex, or of three Pound Weight, which was triplex Ordalium. See Water-Ordeal.

firma, Ad firmam notis, Was a Custom or Tribute paid towards the entertaining of the King for one Night, according to Doomsday, Comes Meriton T. R. E. reddebat firmam unius nollis; that is, entertainment for one Night, or the value of it. Firma Regis, anciently pro villa Regis, By a Charter of King Edgar to Ely, it is limited to a penalty, to pay one Nights Ferme, it the priviledges be broken by any man. See Doom!

Firmaratio, Firming or holding to firm. Firmary's or Farmers's Right to the Lands and Tenements let to him ad firmam. -Canonicus Firmarius --- si firmæ solutionem per dies omiserit a firmaratione cujus sic firman bracino vel camera solvere tenebatur ipso satto sit amotus.

Statuta Eccl. Pauling. MS. s. 49. b. Hegce antiqua firma was the old customary Rent. And affirmatus was farmed out, or let for such a certain firm or rent. See Mr. Kennet's Gloffary in Ad firmam dare.

opposed to Buck-season. Et seiendum est opposed to Buck-season. _____ Et sciendum est quod tempus pinguedinis hic computatur inter Festum bea-ti Petri ad vincula de exaltationem Sansta Crucis: Et tempus firmationis inter Festum S. Martini 👉 Purificatio-

nem beata Maria. 31 Hen. III.

&F firmum, Feorm, Food, Victuals, or Furmety
given by the Lord to entertain his labouring Tenants. -Quilibet debet flagellare dimid. crannock frumenti

Firth fruits, Primitia, Are the Profits of every Spiritual Living for one Year, given in ancient time to the Pope through all Christendome. But by the Stat. 26 H. 8. cap. 3. translated to the King here in England; for the ordering whereof, there was a Court erected 32 H. 8. cap. 45. but again diffolved Anno primo Maria, Seff. 2. cap. 10. And fince that time, though those Profits be reduced again to the Crown by the States of the Crown by the Sta tute 1 Eliz. cap. 4. yet was the Court never restored, but all matters therein wont to be handled, were transferred to the Exchequer. See Annates.

fingarth 23 H. 8. cap. 18. A Dam or Weare in a River made for the taking of Fish, especially in the Rivers of Owse and Humber. See Garth.

fitch. See Furrere.

fithwite, But more rightly Fithewite, From the Sixon Feonz'and pize, mulita; fo that it is a Fine laid upon one for fighting and breaking the Peace: Si pug naverint of percusserint se quamois sanguinem non extraxe-rint, Prior babebit inde Fithwite, that is, amerciamenta, Ex Registro Priorat. de Cokessord.

fitzherbert, Was a famous Lawyer in the Days of King Henry the Eighth, and was chief Justice of the Common-Pleas: He wrote two Books of great Reputation, one An Abridgment of the Common Laws, another

intituled. De Natura Brevium.

& flaccus, A Felck, a Fletch, an Arrow, Fr. leche. —— Reginaldus de Grey tenet manerium de Waterhall in com. Buckingh. per servitium inveniendi u-num bominem super unum equum sine selta pret. xv. & unam arcum fine corda, dy unum flaccum fine capite, cum Dominus Rex mandaverit. 17 Edw. 3. -

Flasco, a Flask, a Bottle. - Instituebant fieri strepitum magnum tundentibus singulu & flagellantibus clipeos dy galeas, cellas & afferes, Molia dy flasco-

nes, pelves & patellas ___ Ga Iter Richardi Regis. cap. 13. lib. 4. Gaufridus de Vinasauf.

Fletta, A seathered Arrow, or sledg'd Arrow, a fleet Arrow. Radulphus le Fletcher tenet in Bradele com. Linc. per servitium reddendi per annum viginti flectas ad scaccarium Domini Regis ~ – 9 Edw. 1.therwise called Sogitta fledata. -Willielmus de Greseley tenet manerium de Drakelow, in com. Derb. 67 reddit unum arcum sine corda, dy unam pharetram de Ta-tesbit. & duodecim sagittas slectatas. ibid. p. 15. fledwit, Cometh of the Saxon Word Fled, that

is, a fugitive and wite, which some make but a certain termination, fignifying nothing of it self; howbeit others say, it fignifies a Reprehension, Censure, or Correction. It signifies in our Law, a discharge or freedom from Amerciaments, where one having been an outlawed Fugitive, cometh to the Peace of our Lord of his own accord. Raftals Exposition of words, and Termes de la Ley. See Bloodwit and Childwit. See Fletwit.

First, A famous Prison in London, so called, as it seemeth, of the River upon whose side it standeth. Cambd. Brit. pag. 317. Unto this none are usually committed, but for contempt to the King and his Laws, or upon absolute Command of the King, or some of his Courts. Or lastly, upon Debt, when men are unable, or unwilling to satisfie their Creditors.

Flem and Fleth, Saxon Flema, an Outlaw, and Flet,

a House, In a Plea of Quo Warranto, Abbas de Burgo dicit quod clamat annum & vastum & medium tempus per

hac verba Flem & Fleth, Trin. 7. Ed. 3.
flemenes frinth, But more truly Flymena frymthe. NUMERIES WINTER, BUT MOTE LIVING THEMERY JETHONE.

Vide Leg. Ina, cap. 29. & 47. Leg. etiam H. I. cap.
10. 12. It figuifies the relieving of a Fugitive, Cum
Sacha & Socha, Tol & Team, Infangtheof & Flemenes
fyrythe et Gridbrech, Forstal, Hamsocne, Blodwite, Ordel & Oreste. Carta Edw. Conf. Mon. de Waltham.
This word is variously written in old Charters, as Flemanuford Flemensfrit. Flemensfrit. meneferd, Flemenefrit, Flemenefemith, Flemanisstit, Flemeneward, Fremenefrenda, and Flemenesfrielbe, but

without question intending the same thing.

Flemenesstreme and flemenesstrents, are said to be

the Chattels of Fugitives, Mich 10 H. 4. Hertf. 59. Coram Rege, Rot. 59. See Flemenesfrinthe.

Flemelwitz, Signifies the liberty to challenge the Cattel or Americaments of your Man a Fugitive, Rastals Exposit. of words. Fleta writes it two different ways, viz. Flemenesfrevie and Flemenes freillbe, and interprets it, Habere catalla Sugitivorum, Lib. 1. cap. 47.

See Flem and Flemenes-ferintbe.

Fleta, A feigned Name of a learned Lawyer, that writing a Book of the Common Law of England, and other Antiquities in the Fleet, termed it thereof Fleta. He lived in the times of Edw. the Second and Edward

the Inved in the times of Edw. the Second and Edward the Third. See his First Book, cap. 20. set. Qui ceperint, and lib. 2. cap. 66. set. Item quod nullus.

Filtta, A Flota, a Flete, or place where the Tide or Float comes up. Dilaterra extendit se in longitudine a communi via de M. versus aquilonem usque ad Fletam de Ee versus austrum. Cart. 5. 14. 8. Hence Flete ditch and Flete bridge in London.

Fittinitt alias Fredinite. Shene de verb. Signif verb.

fletwitt alies frenwitg. Skene de verb. Signif. verb. Melletum, saith, That Flichwit is liberty to hold Courts, and take up the Americaments pro mellitis, and the reason he gives is, because Flicht is called Flitting, in French Melle, which sometime is conjoyned with Hand-stroke, and in some Books Placitum de melletis, is the Pleaof beating or striking. See Fledwit.

Flinethists, But indeed more truly Slidethrift, o

therwise called Shovegroat, Is the Game now known by the name of Shovel-board, mentioned 32 H. 8. cap. 9

Flitchwite

filtechtwite alie filtwite, Spelman faye, it fignifies Mulliam ob contentiones, riccas de jurgiu impositam, de cui bac a Principe conceduntur; potest in curia sua cognoscere, de hujusmetti exangressionibus de multas inde provenienres. Hoc. a delinquentibus exigere & fibimet retinere.

Flight. Bec Finer. Mitoreness, A kind of Cloth fo called, Anno 1. R. 3.

Allowner. A current Piece of English Gold. By Indenture of the Mint 18 Ed 3. Every pound weight of Old Standard Gold was to be Coined isto Fifty Florences, to be current at Six Shillings a piece, all which made in Tale Fifteen pounds, or into a proportionable number of half Florences or quarter Flo-

filotages. That is a swimming at the top, which we properly call floating, are such things as swim on the top of the Sea, or other great Rivers; the word is used sometimes in the Commissions of Water-Bayliffs.

flotion alias flotiam, is a word proper to the Seas, figuifying any Goods that by Shipwrack be folt, and ly thorting or swimming upon the top of the water, which with feefon, and Lagon, and Shares, are given to the dord Admiral by his height pattern in denote of forms a thing out out of the Ship, being in danger of wreak, and boaton to the those by the Waters, or cast on the share by the Mariners, Co. Vol. 6. fol. 106. Lagon alias Lagan or Ligan, is that which lyeth in the bet-tom of the Sea, Co. Ibid. Shares, are Goods due to more by proportion, Sec Coo. lib. 5. Sir Hemy Constables Cale.

bies Cale.

Fire-wood. Capiatur Focale, (see Fire-box) quarerus fiori potest de ficus et in fructuosis ramus dy arboribus (gr. Statut. Bocl. Paulioz MS. f. 44. b.

Francours one. Statut. Eccl. Pauling MS. f. 44. b.

* Frobber. Or Fother of Lead, a weight of
Lead containing Eight Pigs, every Pig Three and
Twenty Stone and a half. In the Book of Rates a
Fedder of Lead is faid to be Two Thousand pound
Weight; At the Mines, it is 22 Fundred and a half,
among the Phumbers at London it is 19 hundred and a
half half.

& Fabbertorium, Provilion, or Folder, or Forrage, to be paid by Custom to the Kings Purveyors

Johannes Abbas. S. Edmundi et D. Stephanns, Prior by -quod de exitibus maneriorum Conventus. Conv. Saturat exceptis readstibus qui dicuntur bidagium et Fodderto-rium et sellis hominum ad hundreda qua sunt quasi regalia nibil babebit vel habere debet Dominus Abbas &c. En Cartular S. Edmundi. MS. f. 102.

Foder, Fodrum, Signifies in plain English any kind of Meat for Horses, and other Cattel. But among the Rendiffs it is used for a Prerogative that the Prince hath to be provided of Corn, and other Ment for his Horfes, by his Subjects, towards his Wars, or other Expeditions. Arnoldus Clapmarius de arcanis Imperii, lib. 1. cap. 11. and Hotoman de verbis fendalibus, titera F. S. Foela, Grafs, Herbage, Fr. Foison. en dono Rainaldi de Bordeneio Ex folidos in Foela foresta et deci-

mam molendinorum ipsius , Mon. Angl. tom. 2. p. 506.b.

Jogage, Fogagium, Rank Grafs not eaten in Summer,

Leg. Foreflor. Scot. cap. 15.

Folclands, Copy hold Lands, to called in the time of the Baxons, as Charter Lands were called Bot-lands, Kitchin 174. Fundus sue scripto possessus (says Master Somner) censum pensitans annum & officiorum servituti obnixius, Terra popularis.

Folcland, Was terra unigi, the Land of the vulgar People, who had no Estate therein, but held the same under such Rents and Services as were accu-

accounted Predium rusticum of ignobile, vid. Spelman of

Founds. 1000. 5.

Folkmott or Folkmott, Saxon Fokgemote, that is
Convenies: populi, compounded of Folk populus, and
Gumertun convenire, fignifies (as Lambert faith in his
Exposition of Saxon words, verbo Conventus,) two kinds
of Courts; one now called The Country Court. The
other, The Sheriffs Turn. This word is fill in use in the City of London, and denotes Celebrem ex tota civitate conventum, Stows Survey of London. But Man-wood fays in his Forest Laws, Polke is the Court holden in London, wherein all the Polk and People of the City did complain of the Mayor and Aldermen, for milgovernment within the City. Mr. Somner in his Saxon Distinary fays. It is a general Assembly of the People, to consider and order Matters of the Common-wealth. Ommes proceres Regni de milites de liberi homines universi torius Regni Brittania facera debent in pleno Folcmote fidelitatem Domino Regi, &c. In Leg. Edw. Conf. cap. 35. 15 As to the Folc mote or Folc Gemet. Sir Henry Spelman tells us it was a fort of annual Parliament or Convention of the Bishops, Thanes, Aldermen, and Freemen. upon every May-day yearly; where the Lay-men were sworn to defend one another; sware Fealty to the King, and to preferve the Laws of the Kingdom, and then to confult of Common Safety, Peace and War, and publick Weal. But Dr. Brady from the Laws of our Saxon Kings, does infer that the Folc-Mote, was an inferiour Court, before the Kings Reve, or Steward: held rather every Month to do Folc right, or to Compole finaller Squabbles, from whence Appeal should lye to the Superiour Courts of Justice. See Dr. Brady's Gloffary. p. 48.

Fold courte, Cro. 2. par. fol. 432. Vide Faldage. Holghers, or eather Holgers, Be Followers, if we interpret the word according to the true figuification: Braction faith it fignifies, Eos qui aliis deserviunt, lib. 3.

tract. 2. cap. 10.

Footgetee, Is an Amerciament for not cutting out the Balls, of great Dogs feet in the Forest, for which fee Expeditate. And to be quit of Footgelde, is a priviledge to keep Dogs within the Forest unlawed, with-

out punishment or Controul, Comp. Jur. fol. 197. Man-mouts Forest Law, cap. 25. num. 3. See Foutgeld. Foot of the time. See Chirographer. Forage, Fodder for Gattel, Cestes sont Covenants faits le vendredy prochein devant la feste de seint Jaques Pa-postle, &c. 30 E. 1. Et le dit J. trovera andit N. berbe de

ferne & forage pour un Harkeney, &c. out——— Custumarius de Hardewyk—— triturabit de mandabit pro quolibet opere dimidiam summam de quolibat genere bladi per mensuram grangiarum --& habebit in recessu suo quando triturat ad grangias ad quodlibet opns quantum possit semel Colligere de Forragio tunc triturato cum rastello de dicitur Helm. Ex Cartular. S Edmundi MS. f. 321.

A Furrow, A Furlong. Per viam qua ducit usque Tattesord, usque ad Forarium de Lang sur-long & iterum a dicto Forario de Long surlong usque ad —Munimenta Hospital, SS. Trinitatis de Pontestacto

MS. f. 53.

& Forbalca, A Fore-balk, or Balk, lying forward

Compellit estiam eis omnia alia or next the High-way, — Concessit etiam eis omnia alia emolumenta de pradicia villa vel curia sua qualitercunq; in villa vel in campie ejus surgentia, scilicet, Wastis, hirnis, forbalcis terra arabilis, à fordikis circa suum molendinum & stagnum. Petrus Blesensis Contin. Hist. Croyland. p. 116.

Sozathe, Liberaliis autem home (!) Pegen modo

stomed or agreed, at the Will only of their Lord the crimen sum non sit inter majora, habeat sidelem hominem. Thane, and it was therefore not put in Writing, but qui possit pro eo jurare juramentum, (i) Forathe si au-

vem non habet, ipsemet juret, nec pardonetur ei aliquod juramentum, Couslit. Canuti Regis de Forest, cap. 12. nec pardonetur ei aliquod cited by Manwood in his Forest Law, pag. 3

forbarre or fortbar, is for ever to deprive, 9 R.

2. cap. 2. and 6 H. 6. cap. 4.

Forbuther of Armor, Forbator, Si quis forbator arma alicujus rescaperit adpurgandum, &c. Leg. Aluredi,

M. S. cap. 22.

force, Vis. in our Common-Law, is most usually applyed in pejorem partem, figuifying unlawful Violence. West thus defines it, Symb. part. 2. tit. Indictmenn, feet. 65. Force is an offence by which Violence is used to persons or things; where also he divideth it thus, Force is either simple or compound, Simple force is that which is so committed, that it hath no other Grime adjoyated to it; As if one by force do enter into another mans possession, without doing any other unlawful act. Mind or compound force, is that Violence which is committed with fuch a fact, as of it felf only is criminal: As if any by force enter into another Mans Polsession, and kill a Man, or ravish a Woman there, &c. He farther divideth it into true force, and force after a fort, and so proceedeth to divers other Branches worth the reading, as foreible Entry, foreible Detaining, un-lewful Affembly, Routs, Riots, Rebellions, &c., feeefble detaining or holding of Polletium, Is a

violent act of Resistance by strong Hand of Men weaponed with Harnesse, or other action of fear in the fame place, or eltewhere, whereby the lawful Entry of Justices, or others, is barred or hindred, West. Symbol. para 2. sis. Indictments, fed 65. Of this fee Cromp. Just.

of Peace, fel. 58. ulq, ad 63.

Fortile Entry, Ingression manu forti fallus, la a violent actual Entry into a House or Land, dec. or taking a Diffress of any person weaponed, whether he of-fer violence or fear of hure to any there, or furiously drive any out of the Policifion thereof, West. Symbol. part 2. tis. indictments, sett. 65. Cromp. Just. of Peace, fel. 58, 59. use, ad 63. It is also used for a Writ grounded upon the Scattle 8 H. 6. 9. whereof read F. N. B. fel. 248. See the New Book of Entries, verbo Fetcible Entry. See Lamb. Definition in certain cases, inen. 110. 2. cap. 4. pag. 145. & Fanna, A. Ford or Shallow, made by damming

or penning up the water — Non liceat alicul de catero facere Dominas out Fordas, ant alia impedimenta in aliquibus landeis, watergangis, fossatis sine aquagis com-munibus in marifeo pradisto. Ordinatio Munici Rume-

fiensis, p. 69.

27 forbika, Grals or Herbage, growing on the edge or Bank of Dikes or Ditches. See Forbalia.

Gr fernol, forbalia --- Concestit etiam eis omnia alia emolumenta de predicta villa vel curta fua quali-turcunque in villa vel in campie ejus surgentia, scilicet, surcunque in unua vei in campu ejus jurgentia, scilicet, washi, birnis, surbalkis terra arabilu, Fordol. prati, sy sordikes sium molendinum sy stagnum. Petr. Blesen. Contin. Hist. Cayland, p. 116. Fordalu, in a like sense occurs in Mon. Angl. Tom 1. p. 657. Es teuditus; ad magnum aquam de Agr. sy Fordales ejustem prati qua percutiunt ex una parte super pratum Hospitalu. This latter word Des Fresne, consonals with Forda. and thinks it implies some Parten Hospitalus. confounds with Forda, and thinks it implies some Re-lation to Ford or River. But it is indeed from the Sax. For, Fore or Before, and dele, a part or portion. So as the Fordol, Fordelia, or Fordelia; was no more than a But or Head-band that did shoot upon other Bounds.

Foreigne, Fr: Powign Lat. Forinfecus, is in Law wied adjectively, being joyned with diverse Substantives in several senses, not unworthy the Exposition; as Forreign Matter, that is Matter triable in snother County, pl. ctr. 154. Or Matter done in another County, Kitche, fol. 126. Foreign Plea, Forinsecum placitum, is a refulal of the Judge as incompetent, because the Matter in

hand was not within his Precinct, Kitchin, fel. 75. & a 4 M. 8. cap. 2. by 22 H. 8. cap. 2. by \$4. Foreign Answer, Forinfeca Responsio, that is such an Answer as i. not triable in the County where it is made, 19 H. 6, cap. 5. Foreign Service, Forimecum servitum, that is such Service whereby a mean Lord holdeth over of another, without the compass of his own fee, Bro. sit. Temeres, fol. 251. mm. 12. dy 28. dy Kitchin, fol. 209. Or else that which a Tenant performeth either to his own Lord, or to the Lord Paramount out of his Fee. Of these Services Brallon speaketh thus, Item funt quadam servitia qua dicuntur foripseca quamvis sunt in Charta do de Feoffamento expressa do nominata, do qua ideo dici possimt forinseca, quia pertinent ad dominum Regem & non ad Dominum capitalem, nisi cum in propria persona projectas fuerit in servitio, vel nisi cum pro servitio suo satisfecerit Domino Regi quocunq, modo & finnt incertis temporibus cum casus es necessitas evenerit es varia babent nomina es diversa. Quandos, enim numinantur torinseca; large sumpto vocabulo quod servitium Domitorinseca; lurge sumpto vocabulo quod servitium Domini Regis, quandoq; scutagium; quandoq; servitium Domini Regis & ideo sorinsecum dici potest, quia sit de capitur soris, sive extra servitium quod sit Domino Capitali. Vide Bro. Tenures 28. 95. Foreign Service, seemeth to be Knights-service, or Escuage uncertain, Perbins Reservation 650. Foreigne Attachment, Attachmentsom forinsecum, is an Attachment of Foreigners Goods sound within a Liberty or City, in the hands of a third Person, for the satisfaction of some Citizen, to whom the said Foreigner oweth Money. At Lemsser whom the said Foreigner oweth Money. At Lemster (anciently Leoninstre) there is the Burrough and the Foreigne, which last is within the Jurisdiction of the Mannor, but not within the Liberty of the Bayliff of the Burrough. Foreigne Appofer or Oppofer, Is an Officer in the Exchequer, to whom all Sheriffs and Bayliffs do repair to be apposed by him of their Green Wax, after they are appoind of their Sums out of the Pipe-Office; and from thence draws down a Charge upon them to the Clark of the Pipe: His bufiness is to examine the Sheriffs Estreats with the Record, and to ask the Sheriff, what he says to every particular Sum therein. Vide, The Practice of the Exchequer, fol. 87. and 4 Inft. fol. 107.

Fotera, Terra tranfverfalls feu Capitalis. A Headland, or (as they vulgarly call it Hadeland, - Um c4pite abuttante super Foreram Rogert Attecastel, Carte de

anno 47 E. 3. See Mr. Kennett's Gloffary in Forera.
Foretta, Foretta, Significs a great or vast Wood, in French Lien Foressier de Sarvage, is Locus sylvestris de saltueseu, Such as have written upon the Common-Law, desine it thus, Foresta est locus ubi fera inhavitant vel includurur, with mon agree several others. Some do say it is called Foreste quasi ferarum statio vel tuta Man-sio ferarum. Manwood in his Forest Laws, cap. 1. num. 1. thus defineth it, A Forest is a certain Territory of woody Grounds, and fruitful Pastures, privileged for wild Beasts, and Fowls of Forest, Chase, and Warren, to rest and abide in the safe Protection of the King, for his Princely delight and pleasure; which Territory of Ground so priviledged, is meered and bounded with un-removeable Marks, Meers and Boundaries, either known by matter of Record, or else by Prescription, and also replenisht with wild Beasts of Venery or Chase, and with great Coverts of Vert, for the succor of the said wild Beasts to have their abode in; for the preservation and continuance of which said place, together with the Vert and Vention, there are certain particular Laws, Priviledges and Officers belonging only to the same. The manner of making Forests, as the same Author well setteth down, cap. 2. num. 2. is this, the Ring sends out his Commission under the Great Seal of England, directed to certain discreet Persons, for the view.

view, perambulation, meering and bounding of the Place he mindeth to a Forest; which being returned into the Chancery, Proclamation is made throughout all the Shire where the Ground lyeth, That none shall hunt or chase any manner of wild Beasts in that Precinct, without the Kings special Licence; after which, he appointeth Ordinances, Laws, and Officers fit for the preservation of the Vert and Venison; and so it becometh a Forest by matter of Record. The properties of a Forest are these in especial; First, a Forest, as it is truly and strictly taken, cannot be in the Hands of any but the King; the reason is given by Manwood, because none hath power to grant Commission to be a Justice in Eyre or the Forest but the King, cap 24. num. 1. The second property, be the Courts, as the Justice-seat every three years; the Swainmote thrice every year; and the Attachment once every forty days, Idem cap. 21. num. 1. The third property, are the Officers belonging to it, for the pre-fervation of the Vert and Venison: As first, the Justices of the Forest, the Warden or Keeper, Verderers, Foresters, Agistors, Regarders, Bayliffs, Beadels, and Aginors, Regarders, Baynins, Beadels, and luch like, which you may fee, and their Duties, in Manwood, cap. 21. num. 1, 2, 3, 4. But the chief property of a Forest both by Manwood, cap. 23. and Cromp. pag. 146. is the Swainmote, which, as they both agree, is no less incident to it, than a Court of Pye-powders to a Fair. Other Courts and Offices are not fo requisite in those Forest courts and Offices are not for requisite in those Forest Courts and Offices are not for requisite in those Forest Courts and Offices are not for requisite in those Forest Courts and Offices are not for requisite in those Forest Courts and Offices are not for requisite in those Forest Courts and Offices are not for requisite in those Forest Courts and Offices are not for requisite in those Forest Courts and Offices are not for requisite in those Forest Courts and Offices are not forest Courts are not forest Courts and Offices are not fo rests that are in the Hands of Subjects, because they be not truly Forests. But if this fail, there remains nothing of a Forest, but it is turned into the nature of a Chace, see Chace. The Forests that I have read of in England are these, The Forest of Windsor in Berkshire, England are these, The Forest of Windsor in Berkshire, Cam. Brit. pag. 213. Of Pickering, Cromp. 190. Of Shirwood, Id. fol. 202. Of Englewood in Cumberland, Anno 4 H. 7. cap. 6. And Cromp. fol 42. Of Lancaster, Idem. fol. 196. Of Wolmore, Stow's Annals, pag. 462. Of Gillingham, Idem. pag. 113. Of Knaresborough, 21 H. 8. 17. Of Waltham Caral, Brit. 328. Of Breden, Idem. pag. 176. Of White-hart, Id. 150. Of Wiersdale, Id. pag. 589. Of Lownsall, ibid. Of Dean, Id. p. 266. 8 H. 6. 27. 19 H. 7. cap. 8. Of St. Leonards in Sussex, Manwood, p. 1. 144. Of Waybridge and Sapler, Id. pag. 63. Of Whitney, Ibid. 81. Of Fekenbam, Cambd. pag. 441. Of Rockingham, Id. 396. Forest bam, Cambd. pag. 441. Of Rockingham, Id. 396. Forest de la mer, Id. 467. Of Huckestow, Id. 456. Of Ashdowne, in the County of Sussex, 37 H. 8. 16. Of Whittelwood, and Swaly in the County of Northanton, 27 H. 8. 16. Of Whittelwood, and Swaly in the County of Northanton, Co. Liv. 38. Of Fronselwood in the County of Somerset, Co. lib. 2. Cromwels Case, fol. 71. Waterdown Forest, Amdelworth and Dallington, all in Suffex, besides several o-

thers. See 17 Car. 1. cap. 16.

Foreflarius, The Foresler or Keeper, of a Forest,
Assigned by the King as Head Forester; or Warden of a whole Forest; or else deputed by Knights and Barons who held Lands and Woods within the bounds of a Forest, as under Foresters — Rex pracipit quod omnes illi qui boscos babent intra metas foresta Domini Regis, quod ponunt idenees Forestaries in boscie suis — item pracipit quod sui Forestarii curam capiunt super Forestaries muli-– item pracipit

quou jui rateiuri curam capiuns juper rorestatios mustum by aliorum. Parochial Antiquit. p. 174.

Forestagium, Seems to signific some Duty or Tribute payable to the Kings Foresters, as Chiminage, or such like; Et sint quieti. de Theolonio do Passagio, do de Forestagio, doc. Carta 18. E. 1. m. 10. n. 30.

Forestal. See Rorsel

Fortual, See Forstal.

Fore closed. 33 H. 8. 39. Barred, and utterly excluded for ever, 2 par. Inft. fol. 298.

Forefler, Foreflarius, Is a sworn Officer of the Forefl, appointed by the Kings Letters Patents, to walk the Forests both early and late, watching both the Vert and the Venison, attaching and presenting all Trespasses against them within their own Bayliwick or Walk,

whose Oath you read in Crompt. fol. 201. And though these Letters Patent be ordinarily granted but quamdin se bene gessirint; yet some have it to them and their Heirs, and thereby are called Foresters in Fee, Id. sol. 157. 159. By the same Crompton in Latine, fol. 175. Forettarium feudi.

Foreindger, Forujudicatio, Signifies a Judgment, whereby a Man is deprived, or put by the thing in question: It seemeth to be compounded of Fors, i. prater and judger judicare. Brakton, lib. 4. trakt. 3. cap. 5. hath these Words, Et non permittas quod A. capitalu Dominus feudi illius baberi custodiam baredu, &c. quia in curia nostra foris judicatur de custodia, &c. So doth Kitchin use it, fol. 29. and Old Nat. Brev. fol. 44. & 81. and the Stat. § E. 3. cap. 9. and 21. R. 2. cap. 12 Forjudicatus, with Authors of other Nations, fignifieth as much as Banished, or as Deportatus in the ancient Roman Law, as appeareth by Vincentius de Fran-chis, descis 101. Mathaus de afflicis, Lib. 3. Feub.

Rub. 31. pag. 625.

#foreindged the Court, Is, when an Officer of any
Court is expell'd the fame for fome Offence, or for not appearing to an Action by Bill filed against him, and in the later he is not to be readmitted, till he shall appear, 2 H. 4. 8. He shall lose his Office, and be forejudged the Court. Spelman sayes, Forjudicare interdum

est male judicare.

Foregoers, Be purveyors going before the King and Queen in Progress to provide for them, Anno 36. E. 3.

Foifeiture, Ferifaliura, Cometh of the French word forfaid, id est, soelw; but in our Language signifieth rather the effect of transgressing a penal Law; then the Transgression it self, as forseiture of Escheates, 25 E. 3. cap. 2. Stat. de Preditionibus: How Goods forseited, and Goods confiscate differ, see Stam. pl. cor. fol. 186. where those seem to be forfeited that have a known Owner, having committee and the whereby he hath lost his Goods; and those confiscate, that are disavowed by an Offender, as not his own, nor claimed by any other; but we may rather say, that Forfeiture is more general, and Confifcation more Particular, to such as forseit only to the Kings Exchequer. Read the whole Chapter, Lib. 3. cap. 24. Full forseiture, plena forial fasting athermise otherwise and River of the such as the suc Chapter, Lib. 3. cap. 24. Full forfeiture, plena forufaliura, otherwise called Plena visa, is forfeiture of
Life and Member, and all else that a Man hath, Man-2000d, cap. 9. The Canonifts use also this word Forisfa-

Elura sunt pecunia ria pana delinquentium. Fortetture of Marriage, Forusallura Maritagii, Is a Writ lying against him, who, holding by Knights service, and being under age, and unmarried, refuses her whom the Lord offers him without his disparagement, and marrieth another, F. N. B. fol. 141. Reg. Orig. fol. 163.

Forfang, Antecaptio, What we use to call Pre-em ption, is the taking of Provision from any one in Fairs or Markets, before the Kings Purveyors are served with Necessaries for his Maiesty. Ét sint quieti; de Wardwite, & de utlewe & Forvenge & Withfang, &c. Carta Hen. 1. Hofp. fandi Barth. London. Anno

1133. & Forgabulum, Forgavel, A fmall referved Rent in Money. A quit Rent. Ita quod ego Henricus, Mal-merius vel beredes mei nibil juris de dicto tenemento cum pretinentiis de catero poterimus vindicare, exceptis vi denariis de Forgabulo annuatim percipiendis ad Pascha pro

omnibus servitiis. Ex Cartularia Abbatia de Radinges, Ms. f. 88.

Songella, Forgeld In the Charter of Hen. 1.
To the Church of St. Peter in Tork—Canonici of Suc-- sint quieti de omnibus geldis cessores de corum bomines -Dane geldis, Sengeldis, Horngeldis, Forgeldis, Penligedis, the thing peny, bundred pany. Miskeningis, cheragio, cheminagio de MS.

forgia, a Forge. Forgia ferraria. A Smith, Smiths Forge-Omnibus-Henricus Rex-sciatis me consessige-Mmachis meis de Dene-decimam castanearum mearum, Grangiam qua dicitur tuartedena, dy unum forgiam ferrariam ita liberam Cart. Henr. 11.

o fotherda, A Herdland, a Had-land, a Fore-land, ot Headland- Exceptin quinque Acrin videlicet Ebingatre, tribus acris in Muslund, ma forhurdatub Langdone, & alia forherda fub la Gnolle ad pedes terrarum de dominico -Cartular Abbat- Glafion MS. f. 76.

Forting, Quietantium prioris prisa designat in boc enim delimpunt Burgenses Londonscoles, cum prisas suas ante prilat Regis faciunt, Flets, lib. 1. cap. 47. See Forfange.

#819819. See the word next following. viz. Forger

faile Deeds.

Forger of falle Detos, Cometh of the French Forger, i. accedere, to beat on an Anvil like a Smith, or else to fashion or bring into shape; and signifieth in our Common-Law either him that fraudulently maketh and pubhisheth false Writings, to the prejudice of any Mans Bight, or else the Writ that lyeth against him that committeth this Offence, F. N. B. fol. 96. calleth it a Writ of Deceit. See Terms of the Law, verbo Forger of false Deeds, and West. Sim. part 2. tit. Indicaments, sell. 66. See the New Book of Entries, verbo Forger de Faits. This is a Branch of that which the Civilians call Crimen falsi, Nam faljarius est, qui dicipiendi causa scripta publica falsisicas. Speculator de crimine falsi, falsi crimen proprie dicitur quod utilitatis private causa fallum eft. Connanus, lib. 5. cap. 7. num. 4. Ad effe falsitatis stila requirement, mutatio veritatis, delus & quod alteri sis sectum, &c.. The Penalty for this Offence is declared in the Statute of 5 Eliz. 41.

to forinteeus, Outward, or on the outside. - Exfaciehdum quandam viam 🗕 i.e. the outward Ridge or Furrow to be left for a Path or common way,

Mr. Kennet's Gloffary.

16 fostaleeum, Servitium, The payment of Aid, Seutage, and other extraordinary burdens of Military Service; opposed to intrinsecum Servitium, which was the common and ordinary Duties within the Lords Court and local Liberties. See Mr. Kenner's Gloflary.

& forinfecum, Manerium, The Mannor, as that part of it which lies without the Barrs or Town, and not included within the Liberties of it. Summa reddihum affiforum de manerio Forinseed Banbury cum molendinis Forinfecus. Paroch. Antic. p. 351.

Forther. See Forester.

Forestel. Forestal. Properly signifies the stopping up of ways; but now is valgarly used for such as intercept and buy things before they come to the Market,

Doomstay. See Forestal.

formston, Breve de forma Donastones, is a Writ
that lies for him that hath right to any Lands or Tenements, by vertue of any Entail growing from the Statute of Westm. 2. cap. r. It lyeth in three sorts, and accordingly is termed Forma donation's, or Formedon in the Destender, Formedon in the Reverter, or Formedon in the Remainder: Formedon in the Descender, lyeth for the recovery of Lands, dre. given to one and the Heirs of his Body, or to a Man and his Wife, and the Heirs of their two Bodies, or to a Man and his Wife, being Goulen to the Donor in Frank marriage, and afterwards alienated by the Donee; for after his Decembe, his Heirs shall have this Writ against the Tenant or Aliance, P. N. B. fol. 221. He maketh three forts of this Formedon in Descender: The first is in the manner now exprest. The second is for the Heir of a Coparcener that aliens and dies, fol. 241.

The third he calls (in fimul senut) fol. 216. which lyeth for a Coparcener or Heir in Gavelhind before partition, against him to whom the other Coparcener or Heir hath alienated, and is dead. Formedon in the Reverter lyeth for the Donor or his Heirs, where Land entailed to certain and their Issue, with condition, for want of fuch Iffue, to revert to the Donor and his Heirs, against him to whom the Donce alienateth, aster the liftue extinct to which it was Intailed, F. N. B. fol. 219. Formedon in the Remainder lyeth, where a Man giveth Lands in tail, the remainder to another in tail; and afterwards the former Tenant in tail dyeth without Issue of his Body, and a Stranger abateth, then he in the Remainder shall have this Writ, Fitch. Nat. Brev. fel. 217. see Reg. Orig. fel. 238, 242, 243. Of this also fee the New Book of Entries, verbo Formedon, and Coo. on Lit. fol. 326.

8 Formella, A weight of Lead thus described in the Statute of Weights and Measures, 51 Hen. 3. A. U.
1267. La Charre de plumbo constat ex 30. Formellis, & quelibet Formella continet sex petras, exceptis 2 libris, & que libet petra constat ex 12. libris, & quelibet libra

constat ex pondere 25 solidorum.

fornagium, Signifies the fee taken by a Lord of his Tenants bound to bake in his common Oven, as is usual in the Northern parts of England, or for permission to use their own; also Chimney or Hearth money, see Furnage. Et Dominus Rex proinde admittit per an. de exitibus fornagii sui 10 libras Pl. coram Regi & ejus con-eil. in Parl. 18 E. 1. in Turri London.

fornication, Fornicatio, 1 H. 7. 4. Whoredom, the Act of incontinency between fingle persons; for if either Party be marryed, it is Adultery: The first Offence herein was punisht with Three Months Imprisonment; the second was made Felony in the late Times of Usurpation, by a pretended Act made 1650. cap. 10. Scobells Collettion.

Foreptile, Foreprison, May be derived from the French word For, that is extra and price, capito, in which sense it is used in the Statute of Ex. 14 E. 1. but there written Horseprise; we still use it in Conveyauces, wherein excepted and foreprised is a usual expreffion.

Foitin. Many times used for a Foreiner, 34 & 35.
8. cap. 1. 8. See Foreine.

H. 8. cap. 1. 8. See Foreine.

foreithouse, Seems to figuify originally as much as Forfaken in our Modern Language, or Direlissum with the Romans: It is especially used in one of our Statutes for Lands or Tenements seized by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the year and day. As it we should say, that the Tenant, which seeing his Lands or Tenements taken into the Lords hand, and possessed so long, taketh not the course appointed by Law to recover them, doth in due presumption of Law disavow or forsake whatsoever right he hath unto them; and then such Lands shall be called Forschoke says the Stat. 10 E.

1. cap. unico. Forescheta. From Sax. For, before, and Sceat a part or portion, the outer or forepart of a Furlong, the Scirt or Slip or small piece that lay next the high-way——Una acra & dimidia videl. Forchet jucent ibidem. Paroch. Antiquit. p. 531. hac pecia terra Prioris vocatur Heralds Pece, & habet unum Forschatum jacentem proxime juxta pradictam meram, ib. 535. See Mr. Kennets Glossary.

Fores. Catadupe, Watersals, Cam. Brit. tit. West-meelend.

merland.

Fortial. Is to be quit of Amerciaments, and Cattel arrefled within your Land, and the Amerciaments thereof coming lays; Termes de la Ley, But Spelman lays, 'Tis via obstructio vel itimeris interceptio, with whom

whom agrees co. on Lit. fol. 161. In Doomlday 'tis written Foristel, which see before. Dedig, eis torstallum, &c. de terram que jacet ex utreq; part. ejusdem forstalli,

Gr. Mon. Ang. 2. par. fol. 112. 60. Forefalling, rorestallatio, Or according to Spelman,

viarum obstructio, signifies the Buying or Bargaining for any Victuals or Wares coming to be fold towards any Fair or Market, or from beyond the Seas towards any City, Port, Haven, Creek, or Road of this Realm, and before the same be there, to the intent to sell the same

again at a higher and dearer price, 51 H. 3. Stat. 6. Well. Symbol. part 2. tit. Indictment, 1et. 64.

Forestaller, In Cromptons Jurisdiction, fol. 153. Is used for stopping of Deer broke out of the Forest, from returning home again, or laying between him and the Forest in the way that he is to return. See Regrators and Engrosses, Cromp. Just. of Peace, fol. 69. In the Terms of the Law, 'tis thus defined, Forstalling Forstallamentum, is the buying of Corn, Cattel, or other Assessment of the the way. Merchandise, by the way, as it cometh towards the Market or Fair to be sold, Fleta says, Significat obtrusionem via vel impedimentum transitis de suga averiorum, lib. 1. cap. 47. who shall be adjudged a forestal. See in 5 & 6. E. 6. cap. 14. Forestal. cst, si aliquis portaverit halec vel bujusmodi res ad forum, & statim alius venerit & emerit ab iffo illes res, ut carius vendat, Prior babebit emendas ab iffo. Ex Reg. Priorat. de Cokesford.

See 3 par. Infl. fol. 195.

Solanda, Land edging or bordering, or lying outward - Walterus Archiepiscopus Cantuar. concessit Wilhelmo de Presenden 150. acras murisci in parachia de Scone in hundredo de Oxne-do terram super quam walla debet fituari, cum xxiv. pedibus de Fot-land extra eandem wallam dat Anno 19 Ed. 11. Ex Registro Ecclesia Christi Cantuar. Ms. It seems an illowance in Meeting and Bounding, which they now

call Freebourd.

ffortescue, Was a learned Lawyer, and Lord Chancellor in the days of Hen. 6. who writ a Book in the Commendation of our Common-Law, intituled, De Laudibus Legum Anglia.

& Foitheia, -- Dedimus unam virgatam terra cum messuagio propinquiore Fortheiæ, & alteram virgatam cum mesuagio propinquiore demui qua fuit Alonci de Tydin-ton — Cartular de Radinges Ms. fo. 116. 6.

Fostility, Fortalitium vel fortelitum, Significs a fortified place, or Bulwark or Casile; so tis said 11 H. 7. cap. 18. within the Towns and Fortilities of Berwick

and Carlifle.

Fortlet, (Fr.) fignifies a place of some Strength, Old. Nat. Brev. fol. 45.

Fortgingles, Otherwise Farthengdel, is the fourth part of an Acre or Peny, &c. See Farthingdeal, see the Book of Doomsday.

Fosta & Furca. See Furca.

Fourth, A long flip of Ground. - Una acra inter tenementum Aurifabri de terram Abbatu, & una Forurthe qua se extendit a pradicta acra versus orientem juxta cursum aque, dy computatur pro una acre Cartular. Glaston MS. 6. 124.

Folfatum, A Ditch, or rather a place fenced with a Ditch, Ex done Henrici Regis avi noft i unum fossatum tam largum quod naves pessint ire & redire a flumine de Withonia usq; ad Tupholme Carta. 20 H. 3. m. 9. where it seems to signify the Trench of a cut River.

&F follatozum operatio, Fosse-work, Or the lervice of labouring, done by Inhabitants and adjoining Tenents for Repair and Maintenance of the Ditches round a City or Town: For which some paid a Contribution

called, Fossigium. See Mr. Kennets Glossary.

Softellum, Fossetellum, A Small Ditch. una virgata terre, cum pertinentiu in West Pennard qua vo-

catur la More, videl, quinque acras in Chasecrost simul cum prato & tossello in eadem crofta. Cartular. Glaston, MS. f. 117

fosteway, From Fossier, digged was anciently one of the four principal High-ways of England, so called I Because supposed to be digged and made passable by the Romans, and having a Ditch upon one fide. See Watling-Areet.

&T fosse, Item diximus per sacramentum quod non vidimus tempore Henrici (cy Richardi quondam Regum Anglia quod quis redderet decimas de feris aut de genestis aut de toss ubi prim suerint demosmata. Carta A. D.
1205. apud Scriptor. Normun. f. 1509. Du Fresne
cites this Authority in the word Frocus, and thinks it
should be read de froscu, instead of de fossu, i. c. A. he interprets, wait and barren Ground : But he knows not what to make of demosmatic, unless it might be read domin dirute. To give sense to these dark words, I think rather fifts is to be taken for foefis, Fr. Foisson, Grass cut or mowed for Hay; and demosmasis, for de-moissonatu, Fr. moissoner, demoissener, to mow or cut down; and then the version will run thus: Also we have deposed upon Oath, that in the time of Henry and Richard, Kings of England, we never faw that any one paid Tith of Furz or Broom; or of Latter-math or after Pasture, where the Grass or Hay had been once mowed before.

Folier land, Is Land given, affigned or fet forth for the finding of Food or Victuals for any person or per-

fons; as in Monasteries, for the Monks, dec.

Fother or Fodder, Is a weight of about a Tun, or twenty hundred, which is a Wain or Cart-load. Speight in his Annotations upon Chaucer, in the Book of Rates, there is mention made of a Fodder of Lead, which according to Skene, is about one hundred twenty and eight fione.

Formel, A weight of Lead of Ten flone or Seventy pounds, as in this remarkable Authority, for the menturation of Lead. Saccus lana debet penderare 28. petras, & folebat ponderare summam frumenti & sic saccus lana ponderat fextam partem carectata plumbi scil. 50. petru, sex Gy viginti petra faciunt carellatam plumbi London. Summa librarum carellate London, plumbi London. 2 mille & centum libra scit. de Watersorth malet: Sex sacci lana faciunt carestatam plumbi dy quilibet saccus ponderat, 5. sotmels plumbi. Et duas petras scil. 18. libr. dy quatur xx duodecim Weyes, faciunt unum characteristics. raliatum plumbi, quelibet Wey continet 26. petras, scil.

2. cuttes, fotmel, & 6. petras qualibet petra continet
vii. libras cera dy x. petra faciunt fotmel, ac fotmel
ponderat 70. libr. dy sic 21. fotmel dy 2 petra faciunt
carellatam plumbi, dy sic de una carellata plumbi possunt
20. pedes in altitudine dy etiam in longitudine otsidem cooperiri — E F. 6. f. 260. - Ex Cartular. S. Albani. MS. Cotton Tiber

Fouta, A Grave for Burial of the Dead. In the Statutes of the Church of St. Paul in London, it was ordained in the Chapter, De servientibus Ecclesia quod pro fovco facienda in cemiterio per garciones suos non recipient disti servientes pro divita ultra iii. denar—pro mediocri, ii. den.—cum per garciones eorum sit sovea, alioquin nihil percipiant. Liber Statutorum Eccl. Pauline London, MS. f. 29.

Founday, At the Iron works in melting and.

preparing the Mine, every Six days they call a Founday; in which space, they make commonly Right Tun of Iron, If you divide the whole Sum of Iron made by the Foundays: For at first they make less in a Founday, at last more. From the French Foundre to melt. To Found, whence Bell-Founder, a Fount or Funt of

Letters, &c. Fourth, Afforciare, Seemeth to come of the Fr. Fourchir,

Fourchir, i. titubare Lingua, and fignifies a delay, putting off, or prolonging of an Action, and it seems no unpleasant Metaphor, for as by stammering we draw out our Speech, not delivering that we have to fay in ordinary time; so by fourching we prolong a Suit, that might be ended in a shurter space. To fourch by Essoin, Westm. 1. cap. 24. Anno. 3 B. 1. where you have words to this effect; Coparceners, Joynt-tenants, and Tenants in common, may not fourch by Essoine, to Essoine severally, but have only one Essoine, as one sole Tenant may have. And Anno 6 E. I. cap. 10. it is used in like fort. The Defendants shall be put to answer without fourching, &c. See 23 H. 6. cap. 2. and 2. par. Inft. fol. 250.

foutgeld or footgeld, is a compound of two German words, viz. Fous. pes, and Gyldan Jolvere; and fignifieth an Americament, for not cutting out the balls of the feet of great Dogs within the Foreft, fee Expedit ate. And to be quit of Footgeld, is a priviledge to keep Dogs

within the Forest, unlawed, withour punishment or control, Manwoods Forest Law, cap. 25. num. 3.

Foundation, The founding of a Colledge or Hospital, is called Foundation quasi sundidatio, or fundamenti

focatio, Co. lib. 20.

Founder. Is he that melteth Mettal, and maketh any thing of it, by casting it into a mould, Anno 17
R. 2. cap. 1. derived from the Verb Fundere, to pour out. We also say, That whoever builds and endows a Colledge or Hospital is the Founder.

Fowles of Marren. See warren.

Frampole tences, Are such as any Tenant of the Manner of Writtle in Essex hath against the Lords Demesnes, whereby he hath the wood growing on the Feace and as many Trees or Poles as he can reach from the top of the Ditch with the Helve of his Axe, towards the repair of his Fence; but the reason of the name Etymologically we are yet to learn, and not willing to obtrude any idle fancy.

Franchsis, Franchesia, Libertas, Is taken with us for a Priviledge or Exemption from ordinary Jurisdictions and Committees an immunity from Tributa. It is

on, and sometimes an immunity from Tribute: It is either personal or real, Cromp. Jurisd. fol. 141. that is, belonging to a person immediately, or else by means of this or that Place, or Court of Immunity, whereof he is either chief or a Member. In what particular thing a Franchife commonly consists, see Britton, cap. 19. Franchife Royal, 15 R. 2. cap. 4. and 2 H. 5. cap. 7. in fine, seemeth to be that where the Kings Writ runs, not as Chester. Durham, Grc. which are called Seigniories Royal, Anno 28 H. 6. cap. 4. The Author of the New Termes of the Law saith, That Franchise Royal is, where the King granteth to one and his Heirs, that they fhall be quit of Toll, or fuch like. See Franchise in the New Book of Entries, Bratton, lib. 2. cap. 5. See Sac. See also Old Nat. Brev. fol. 4.

francigena. See Englecery.

Frantling A Freeholder, Qui libere tenes, See For-tescue de Laud. Leg. Ang. cap. 29. Frank-almoin, Libera Elemospna, In French Frank-In French Frankau/mone, Signifies a Tenure or Title of Land or Tenements bestowed upon God, that is, given to such People as bestows themselves in the Service of God, for pure and perpetual Alms; whence the Feoffers or Givers cannot demand any terrestial Service, so long as the Lands, &c. remain in the Hands of the Feoffers. With this agreeth the Grand Customary of Normandy, cap. 32. Of this you may read at large, Bracton, lib. 2. cap. 3 de 10. See F. N. B. fol. 211. and the New Book of Entrier, verbo Frank almoine. Briton, in the forecited, makes another kind of this Land, giving in Alms, but not in free Alms. As if an Abbot, &c. hold Lands of his Lord for certain Divine Service to be done, as to fing

every Priday a Mass, or do some other thing, and if such Divine-Service be not done, the Lord may diffrain; in fuch case the Abbot ought to do Fealty to the Lord; and therefore it shall not be said a Tenure in Frank-almoine, but a Tenure by Divine Service; for it cannot

be Frank-almoine, if any certain Service be expressed.

Frank-banke. See Free-bench.

Frank-Chase, Libera Chasea, Is a Liberty of free Chase, whereby all Mea having Ground within that compass, are prohibited to cut down Wood, &c. without the view of the Forester, though it be in his own

Demesnes, Cromp. Jur. fol. 187.

frank-see, Liberum feudum, Is by Broke, tit. Demesne, num. 32. thus expressed, That which is in the Hands of the King or Lord of any Mannor being ancient Demesne of the Crown, (viz. the Demesnes) is called Frank-free, and that which is in the Hands of the Tenant is ancient Demesne only. See Reg. Orig. fol. 12. whereby that seemeth to be Frank-fee which a Man holds at the Common-Law to himself and his Heirs, and not by fuch Service as is required in ancient Demesne, according to the custom of the Mannor. And again, in the same Book, fol. 14. there is a Note to this effect, That the Lands which were in the Hands of King Edward the Confessor at the making of Doomsday-Book, is ancient Demesse, and that all the rest of the Realm is called Frank-see, wherewith Fitzberbert agrees in his Nat. Brev. fol. 161. So that by this rule all the Land in the Realm is either ancient Demesse or Frank-see. The Author of the Termes of Law defines Frank-see to a Tenure in Fee-simple of Lands pleadable at the Commonalaw. and not in ancient Demesse. Seekingsee. mon-Law, and not in ancient Demelne. Fachiness, lib. 7. cap. 39. makes Fendum francum effe pro quo nullum servisium prasatur Domino, with whom agrees Zasius de seudis, part. 12. saying, That therefore it is Feudum

improprium, quia ab omni servitio liberum.

Arank-steme, Firma Libera, Is Land or Tenement, wherein the nature of fee is changed by Feossment out of Knights service, for several yearly Services; and whence meither Homage, Worship, Marriage, nor Relief may be demanded, nor any other Service not contained in the Reoffment Rrittem, cab. 66. num. 2. See tained in the Feoffment, Britton. cap. 66. num. 3. See

Fee-ferme.

Frank fold, Is, where the Lord hath benefit of folding his Tenants Sheep within his Mannor for the manuring of his Land, Kel. Rep. fol. 198. It is a compound irregular out of the French Franc, that is, free;

and the Saxon fald, that is, a fold. See Faldage.
Frank-lain Libera Lex, See Cromp. July. fol. 156.
where you shall find what it is by the contrary; for he that for an Offence, as Conspiracy, &c. loseth his Frank-law, is said to fall into these Mischiess; First, That he may never be impanelled upon any Jury or Affile, or otherwise used in testifying any Truth. Next, If he have any thing to do in the King's Court, he must not approach thither in person, but appoint his Attorney. Thirdly His Lands, Goods, and Chattels must be seifed into the Kings Hands; and his Lands must be estreaped, his Trees rooted up, and his Body committed to Prison; for this the said Author citeth, Lib.

Ass. fol. 59. Compiracy, 24 E. 3. fol. 34. See Conspiracy.

Frank-marriage, Liberum maritagium, Is a Tenure in tail special, growing from these Words in the Gist comprised, Sciant &c. me M. H. de W. dediffe & conconfinited, Sciani & ... me in. ii. de W. deaige & con-cessis: & prasenti Charta mea confirmasse J. A. silio meo by Margerize uzori ejus, silia vera T. N. in liberum maritagium unum Messuagium, &c. West Symbol. part 1. lib. 2. sect. 3c3. The effect of which Words is, That they shall have the Land to them and the Heirs of their Bodies, and shall do fealty to the Donor till the fourth degree. See Termes de la Ley, Glanvile, lib. n.

eap. 18. and Bratt. lib. 2. cap. 7. mm. 4. divideth Ma-ritaginist in liberum & servitio obligatam, see Marriage. Fleta gives this reason why the Heirs do no Service until the fourth Descent. Ne donatores wel corum haredes, per homagii receptionem a reversione repellantur. And why in the fourth Descent, and downward, they shall do Service to the Donor, Quia in quarto gradu vehementer prasumitur, quod terra non est pro defellu baredum Dona-torium reversura, lib. 3. cap. 11.

Frank-plenge, Franci plegium, From the French Frank, liber, and pledge, i. fidejussor, significe a Pledge or Surety for Free-men: For the ancient Custom of Freemen of England, for the prefervation of the Publick Peace, was, That every free-born Man at fourteen Years of age, after Bracton (Religious Person, Clerks, Rnights, and their eldest Sons excepted) should find Surety for his Truth towards the King and his Sabjects, or elle be kept in Prison; whereupon a certain number of Neighbours became customably bound one for another, to see each Man of their Pledge forth-coming at all times, or to answer the Transgression committed, by any broken away: So that whosoever offended, it was forth-with inquired in what Pledge he was, and then they of that Pledge either brought him forth within 31 Days to his Answer, or satisfied for his Offence. This was called Frank-pledge, and the Gircuit thereof Decema, because it commonly consisted of ten Housholds, and every particular Person thus mutually bound for himself and his Neighbours, was called December, because he was of one Decenna or another. This Cufrom was to liept, that the Sheriffs at every County-Court did, from time to time, take the Oaths of young Ones, as they attained the age of fourteen Years, and fee that they comprised in some Dozen; whereupon this Branch of the Sheriffs Authority was stilled Visual Franci Plegii, View of Frank-pledge. See the Statute for View of Frank pledge, made 18 E. 2. See also Droemler, Leet, View of Frank pledge, and Friborgh. That we borrowed this Custom of the Lombards, manifestly appears in the Second Book of Fends, cap. 33. upon which read Hotoman, tyc. what Articles were wont to be enquired of in this Court. See in Hornes Mirrour of Justices, lib. 1. cap. de la venue des frank pledges; And what these Articles were in former times, see in Fleta lib. 2. cap. 32. and 4. par. Inst. fol. 73. In an ancient Charge of the Quest of Wardmore, in every Ward in London, It is said, And if there be any person within the Ward that is not under Frank-pledge, that is

to fay, under Love and Law, dge
Frateria, A Fraternity, Brotherhood, or Society
of Religious Persons who were mutually bound to pray for the good Health and Life, &c. of their living Brethren, and the Souls of those that were dead. In the Statutes of the Cath. Church of St. Pauls in London, the Statutes of the Cath. Church of St. Pauls in London, collected by Ralph Baldock Dean, 1295. there is one Chapter de Frateria Beneficiorum Eoelefia, S. Pauli: and the Institution of it in that Church is thus recorded. Anno ab incarnatione Domino, M. G. R. vii. in erastino afcensionis beata Maria authoritate Rasulphi de Diceto Ecclesia S. Pauli Lundoniarum Devani & assensione Fratram Canonicorum institutum est us in singulis annis quater in nano conveniant universi Officium pro desunctis Fratribus Societatis — celebraturi. Ser anotount erant Sacredobas Societatis — celebraturi, dy quotquot erunt Sacerdobas ejufdem Societatis fratres eadem die — missam celebrabunt, drc .- Ex Libro Sentut, Eccl. Paul. Lond. Script.

ad mandatum Thr. Lyfeaux Decani. Ms. f. 24. b. 87 Frechenchia, Fretebenchia Among the cuflumary Services done by the Tenzats in Chelesworth, a Mannor belonging to the Abby of St. Edmindsbirgs praterea numeret ad firmam unam summam & dimidiam de brasio avena Go dimidiam summam de grudo ordei G dimidiam summam frumenti, do quarterium vuecce do

dimidiam Preschenciam pacabiles de mam ancam, est. Cartular. 8. Edmundi Ms. f. 410.frumens i der dimidiam vaccam & unam Freschensciam pacabiles, ib. where by Pressenscia I think is meent a Porker, or young Hog killed for Pork, not Bacon. & Frestatus. Navis Prestata. A Ship freighted,

a laden Veffelvilla Bristol anno 18 Edw. II. compertam est quod Ma-gister Navis Santi dominici de Placentia de alie socii juic monstraverunt domino Rege quod iretati suerant cum vinis adducendis in Flandriam.

Frenta, Fret-work. Frediatus, fretted. Fridains. So Predura, a fresse, or frenture.—Capia operea fameto rubeo, cum fredis & scutis breudatis, praterquam -Capfa operta

mis palatis of undatis, ib. p. 314.

free-bench, frankbank, Francus bancus, that is, leder libera, fignifies that Estate in Copy hold Lands, that the Wise being espouled a Virgin bath, after the decease of her Husband, for her Dower, Kirchin, fol. 102. Bracton, lib. 4. tract. 6. cap. 12. num. 3. hath these Words, Consuetudo est in partibus illis, quod nuores maritorum defunctorum babeant francum bancum samm de terris sockmannerum & tenet nomine detis. Pitzberbert calls it a Custom, whereby in Certain Cities, the Wife shall have her Husbands whole Lands, &c. for her Dower, Nat. Brev. fol. 150. See Plowden fol. 411. In the Case of Newis. Of the Free-bench, several Mannors have several Customs, as at East and West Enborne in the County of Berke, If a customary Tenant die, the Widow, shall have her Free-bench in all his Copy-hold Lands, dum fold & cafta fuerit; but if the commit Incontinency, the forfeits her Estate: Yet if the will come into the Court riding backward on a black Ram, with his tayl in her Hand, and (ay the words following, the Steward is bound by the Custom to readmit her to her Free bench.

> Here I am Riding upon a black Ram, Like a Whore as I am; And for my Crincum Crancum, Have toft my Binkum Bancum; And for my Tayles game, Have done this wordly shame, Therefore I pray you, Air. Steward let me have my Land again.

The like Custom there is in the Mannor of Torre in Devenshire, and other Parts of the West.

Free born, Franchorden, in some places they claim as a Free-bord, more or less ground beyond or without the Fence. In Mon. Anglac. par. fol. 241. It is faid to contain two foot and a half, viz. Et tatum beform vocat. Brendwood cum frankbords, Et duerum pedum &

dimid. per circuitum illins bosci, dyc.
free-Chappel, Libera Capella, In the Opinion of some is a Chappel founded within a Parish, for the Service of God, by the devotion and liberality of some good Man, over and above the Mother-Church, to which it was free for the Parishioner to come, or not to come, and endowed with Maintenance by the Founder and thereupon called Free. Others with more probability fay, That those only are free Chappels that are of the King's foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may Licence a Subject to found such a Chappel, and by his Charter exempt it from the Diocelans Justification. See Reg. Orig. fol. 40, 41. These Chappels were all given to the King.

with Chanteries, 1 E. 6. 14. Free-Chappel of St. Martin le Grand, 3 E. 4. cap. 4. and 4 E. 4. cap. 7. Freedholl. See Fridfiell.

freehold, frank-tenement, Liberum Is that Land os Tenemens which a Man holdeth in Fee, Fee-tail, or at the least for term of Life, Bratt. lib. 2. In the Termes of the Law 'tis faid, That Freebold is of two forts, Free-hold in Deed, and Free-hold in Law: Free-bold in Deed, is the real possession of Land or Tenements in Fee, Fee-tail, or for Life. in Law, is the Right that a Man hath to such Land or Tenements before his Entry or Scifure. It hath likewise been extended to those Offices which a Man holdeth either in Fee, or for term of Life. Britton defines it to this effect, Frank Tenement is a possession of the Soil, or Services issuing out of the Soil, which a Free-man holdeth in fee to him and his Heirs, or at the least for term of his Life, though the Soil be charged with free Services or other cap. 32. Free-bold is sometimes taken in opposition to Villenage, Bratt. lib. 4. 37, 38. Lambers in his Explication of Saxon words, verb. Terra by scripto saith, That Land in the Saxons time was cal-led either Bock-land, that is, holden by Book or Writ-ting; or Fole-land, that is, holden without Writing. The former he reports was held with far better condition; and by the better fort of Tenants, as Noblemen and Gentlemen, being such as now we call Free-hold. The later was commonly in the possession of Clowns, being that we now call Ad voluntatem Domini, At the will of the Lord. The Register Judicial, fol 68. and in divers other places saith, That he which holds Lands upon an Execution of a Statute Merchant, until he be fatisfied the Debt, Tenet ut liberum tenementum fibi & affiguatic fais. And fol. 73. the same may be read of a Tenant by Elegit, where the meaning is not, that they be Free-bolders, but as Free-bolders for their time, that is, until they have gathered Profits to the value of their Debt. Free-bolders in the ancient Law of Scotland were called Milites, Sheno de verbor. Signif. verb. Milites. Doffor and Student, that the possession of Land after the Law of England, is called Frank-tenement or Free bold,

fol 97. a. fragimetum, A Wood of Ashen-Trees, Doomsday. frenchman. Francigena, was heretofore woot to be used for every Outlandish-man, Brast. lib. 3. trast. 2.

cap. See 14 Engleceres.

Fremultis-man, Was the Saxon word for him that we call an Outlaw, and the reason might be, because upon his exclusion from the King's Peace and Protection, he was denied all help of friends after certain days; Nam forisfecit amicos, Bract. lib. 3. trall. 2. cap. 12. num. 1. whose words are these, Talem vocant Angli (Rough) & alia nomine antiquities solet nominari, sc. (ntlongh) & also nomme antiquitus solet nominari, sc. Frendless-man, de sic videtur quod soris secit amicos, & unde si quis talem post Utlagariam se expulsionem scienter paverit, receptaverit vel scienter communicaverit aliquo modo, vel receptaverit, vel occultaverit, eadem pana puniri debet, qua puniretur utlagatus, ita quod careat omibus bonis suits & vita, utila Rex el parcat de sua gratia.

nibus bonis suis & vita, nisi Rex et pareat de sua gratia. Frenduste vel Justeng, Significat quietantiam prioris prise ratione convivii, Fleta, lib. 1. cap. 47.

Be Fretez. Fresh-water, or Raio, and Land. Floud.

Reddendo inde nobis duas marcas argenti — pro omis servitio, nisi quod debet mallare secundum quantitatem illius terra intus so extra, tam contra salsam, quam contra srescam, sicut cateri, & curiam nostrem sequi — Charta Antiq. in Summer of Garvelkind, p. 132.

Freth Distetsin, Prise dissessina, Cometh of the French Fraiz, i. recens and dissessina, possible sich a dissessina, a possible sich a dissessina as a Man may seek to deseat

diffeisin as is not above fifteen days old, Bratton, lib. 4. cap. 5. whom you may read at large in this Matter, concluding that it is arbitrary, and so doth Britton, cap. 65.
But cap. 43. he seemeth to say, That in one case it is a year. See him also, cap. 44.

Fresh fine, Is that which was levyed within a year

past, Westm. 2. cap. 45. Anno 13. E. 1.

Stess force, Irisca forcia, is a force done within forty Days, as seems by F. N. B. fol. 7. For if a Man be diffeiled of any Lands or Tenements within any City or Borough, or deforced from them after the death of his Ancestor, to whom he is Heir, or after the death of his Tenant for Life, or in tail; he may within forty Days after his Title accrued, have a Bill out of the Chancery, to the Mayor, &c. See the rest there, and

Old Nat. Brev. fol. 4.

freth luit, Recens in secutio, Is such a present and earnest following of an Offendor, as never ceaseth from the time of the Offence committed or discovered, until he be apprehended. And the effect of this in the pur-Juis of a Felon is, that the party pursuing shall have his Goods again, whereas otherwise they are the Kings. Of this see Stamf. pl. cor. lib. 3. cap. 10. 6 12. where you shall find handled at large what suit is to be accounted fresh, and what not. And the same Author in his First Book, cap. 27. saith, That fresh suit may continue for seven years. See Cokes Rep. lib. 3. Ridgeways Case. fresh suit seemeth to be either within the View or within out; For Manwood faith, That upon fresh suit within the View. Trespetiers in the Forest man has a second by the Officers pursuing them, though without the limits and bounds of the Forest, cap. 19. per totum.

Frettum, Freight-Mony. — Acquietari facietis frettum navium secundum quod Marinelli earundem Na-vium probare possint quod erit debitam de Fretto — Claus.

19. Joh. m. 16.
fribotgh, alies fributgh, alies frithbutgh, Frideburgum, Cometh of two Saxon words, viz. Free, i. liber, and borgh fidejussor, or of frid Pax, and Borghe Sponfor, this is called after the French Frank pledge, the one being in use in the Saxons time, the other since the Conquest: Wherefore, for the understanding of this, read Prank Pledge. That it is all one thing, appears by Lambert in his Explication of Saxon words, verdo centuria. And again, in the Law of King Edw. fet out by him in these Words Praterea est quadam summa for maxima securitas, per quam omnes statu sirmistimo sustimentur, viz. ut unusquisq, stabiliat se sub side justimis securitate quam Angli vocant Freodorghes. Soli tamen Eboracenses discust candem Tienmanatale quod sonat Latine decem hominum numerum. Hac securitat not mada solida and de amendua aissus and de considera aissus accounts. verbo Centuria. And again, in the Law of King Edw. ritas hoc modo fiebat, quod de omnibus vilus totius Regni sub decennali fidejussome debebant esse universi; ita quod si unus ex decem, foris secerit, novem ad ressum eum ha-berent, quod si ansugeret davetur lege terminus et 31. dierum, ut quasitus interim dy inventus ad justitiam Regis adduceretur, dyc. As in the Book Braston maketh mention of Fridburgum, lib. 3. trast. 2. cap. 10. in these words, Archiepiscopi, Episcopi, Comites dy Barones, dy omnes qui habent Soc & Sak, Tol dy Team, dy hujusmodi libertates militar suos dy propries servientes, dec. sub suo libertates milites suos & proprios servientes, dyc. sub suo Fridburgo babere debent. Item & ifti suos Armigeros & alios sibi servientes: Quod si cui forisfecerint, ipsi Domini sui habeant eos ad rellum etsi non habuerint, solvant pro eis forisfacturam, & sic observandum erit de omnibus aliis qui de alicujus manupastu. Out of which words may be gathered the reason why great Men were not combined in any ordinary Dozein, viz. because they were a sufficient Assurance for themselves and their Servants, It fignifies such a Disseisin as a Man may seek to defeat of himself, and by his own Power, without the help of the King or Judges, Britton, cap. 5. and that such verb. Frieborge. Fleta writes this word Frithborgh, and T 2

useth it for the principal Man, or at least for a Man of every Dazein. Frishborgh (faith he) est landabilis homo testimonii liber vel servus, &c. lib. 1. cap. 47. sect. Frithborgh. See Hoveden, part. poster. annal. suor. in

Henrico 2. fol. 345. Frimall & Frithnow. From the Saxon Fird, nilying Peace, and Stoll a feat or ftool; so that it is a Seat, or place of Peace. In the Charter of Immunities granted to the Church of Saint Peter in Tork, confirmed Anno 5. H. 7. Fridstoll is expounded Cathedra pacis of quietudinis. There were many of these in England, but the most famous was at Beverly, bearing this Inscription, Hac sedes lapidea Freedstoll dicitur, id est, Pacis Gatbedra, ad quam reus sugiendo perveniens omnimodam babet securitatem, Carnd. & In the Charter of Hen. 1. to the Church of Saint Peters in York, Siquis vefano spiritu agitatus diabolico ausu quemquam ca-pere presumet in cathedra Lapidea juxta Altare quam Angli vocant Fridstoll id est cathedra quietudinis vel pacis, hujus tam slagitiosi sacrilegii emendatio sub nullo judicio erat, sub nullo pecunia numero cladebatur, Ms. frier, Frater, In French Frere, is an Order of Re-

ligious Persons, of which these are the four principal Branches, viz. 1. Minors, Grey-fryers or Franciscans.

2. Augustines. 3. Dominicans or Black-fryers. And 4. White-fryers or Carmelites, of which the rest descend. See in Zachius de Rep. Eccl. Pag. 380. Vide Linwood titulo de Relig. domihus, cap. 1. verb. Santi Augustio.

frier observant, Brater observans, Is an Order of Franciscans, which are Minors, as well the Observants as the Conventuals and Capuchines, Zach. de Rep. Ecclestra. de Regular, cap. 12. These we find mentioned An. 25. H. 8. cap. 12. They be called Observants because they are not combined together in any Cloyster, Convent or Corporation, as the Conventuals are; but only tye themselves to observe the Rites of their Order more strictly then the Conventuals do; and upon a fin-gularity of Zeal, separate themselves from them, living in certain places, and Companies of their own chusing: And of these you may read Hospinian, de Orig. & Progress. Monachatus, fol. 878. cap. 38.

Friperit, Is deduced from the French Fripier, in-expolator, one that scoureth up and cleanfeth old Apterpolator, one that scoureth up and cleanfeth old Apparel to fell again: It is used for a kind of Broker, Anno

1 Jac. cap. 21.

Frithborgh. See Free-borgh.

Frithborgh. Pacis violatio, The breaking of the Peace,
Leg. Ethelredi, cap. 6. See Frythe.

Frithgear. Inter Leges Presbyterorum Northan-humbrensium cap. 48. Si superstitiosus ille conventus qui Frithgear dicitur, habitus suerit in terra alicujus circa lapidem, arborem, fontem, foc. Mr. Somter thinks it a fort of Jubilee, or Yearly-meeting for Peace and Friendship,

from Sax. Frith, Peace, and gear, a year.
Frithmote per Frithmote, J. Stanley Arm. clamat
capere annuatim de villa de Otton qua est infra feodum & Manerium de Aldford infra forestaria de la mer 10 sol. quos Comites cestria ante confectionem curia pradicia solebant capere. Pl. in Itin. apud Cestr. 14 H. 7.

Frithsoken, Frithsocre & Fritiste, Signifies surety of Defence, Tuenda pacis Jurisditio. It seemeth to be drawn from these two Words, Frith or frid, pan, and some libertas. Fleta saith, it is Libertas babendi Franci plegii, or locus immunitatis.

See Friburgh and Frank-Froboug or Froburgh.

pledge.

Frommottell, But more truly Freemortell, Is an Immunity or Freedom granted for Murder or Man-flaugh-

& Frogse. Among the Customs of the Abbey of Saint Edmundbury, folemnly declared by the Abbot, Prior, and Convent, 17. Kal. Novemb. 1280. -Quia

multotiens resectio Conventus in Refectorio propter desection piscium tenuis habetur & exilis, de zetero cibarium illud quod dicitur Froyse certis diebus in resellorio tum pro ferculo quam pro pitantiis prandentibus apponatur, ut ex eo melius resicientur & recreentur, — Cartular. St. Edmunds, Ms. penes Job. Epum Norwic. f. 102. By which we may conclude the old Conventual Frosse was plain Pancakes or Fritters, not fried with Bacon, intermixt as what we still call Frosse is now prepared.

Frumgylo, Is an old Saxon Word, which fignifies

the first payment made to the Kindred of a slain Person, in Recompence of his Murder, Leg. Edmundi, cap.

ultimo.

frumfiol, Sedes primaria, The chief Seat or Man-fion House, Leg. Ina Reg. cap. 38.

Frusca terra. (Uncultivated and defart Ground. -Fundata fuit Ecclefiola in fitu seu furndo-

rundata fuit Ecclesiola in situ seu surndo contmente 40 acras terra stusca quas quidem 40 acras

sine aliquo seculari servitio, sine decimis alicui Ecclesia solvendis, seu subjectione quia inanes erant & vacua
donavie. Mon. Angl. tom. 2. p. 327.

Fussura Domorum. House-breaking. Robatus
de latro ciniis & frussura domorum. Gervae, Dorobern.
Sub. ann. 1195. Frussura terra. New broke Land, or
lately ploughed up. Distam autem nonam garbam
dabimus, Ego & haredes mei in sepetuum, tam in stussuris
qua de novo siunt, quam in aliis terris dominii mei prius
cultis Mon. Angl. tom. 2. p. 204.

dtis — Mon. Angl. tom. 2. p. 394.
Frustare terrans, To break up new Ground, and duce it in frusturam, to new broke Land. — Iden reduce it in frussum, to new broke Land. —— Idem Galfridus concessis pradicto Ablati decom acras terra ad strussandum cum viginti quatuor acras terra qua strussand sunt in Baddebury. Salvo pradicto Galfrido dy baredibus suis communi passura in pradicta strussura post blada asportata. Cartular. Abbat. Glaston. As. f. 48. a Frustrira terram in the same sense. is. f. 90. and Frustretum sar a Field new broke up, ibid. f. 71.

Frustrum terra. Or. according to Spelman Frustum,

Fruitrum teers, Or, according to Spelman Fruftum A small piece of Land, Refidum quiddam prater acras numeratus vel campum mensuratum. Cum in Doomstay Frustrum terra accipiatur pro ampla portione seorsum a campo villa, Manerio jacenti. Doomsday, tit. Hamtisc. Rex Abedestone; In insula babet Rex unum Feudrum terre unde exemit di Vomeres.

freth, Co. on Lit. fol. 5. Expounds it a Plain between two Woods, and fo is it used in Doomstan; Chaucher uses it for a Wood. Camden in his Bris. for an Arm of the Sea, or great River, and so we frequently use it at this Day. Smith (in his Englands Improve-ment) makes it fignifie all Hedgewood, except Thorns. ly use it at this Day. It is a task to reconcile this, when they all dilagree with the Saxon, with whom we know frid or frith fignifies Peace.

Frutting of Wheels. Perhaps what we now call the rinding of Wheels, i. e. fitting and fuffning the Fellows (or pieces of Wood that conjointly make the Circle) upon the Spokes, which on the top are let into the Fallows, and at the bottom into the Hub. ______In fo-

lutis pro fryttynge quinque rotarum hoc anno vii. donar.

Rarochial Antiquit, p. 574.

Fuant or Focaga, Derived a foco: In the Reign of Edward the Third, the black Prince of Wales having Acquitayne granted him, laid an Imposition of Fuage or Focage upon the Subjects of that Dukedorne, viz. twelve pence for every Fire, called Herth-Money, Rot. Parl. 25 E. 3. 'Tis probable our Herth-Money took its original from bence.

Fuer, Fuga, From the French Fuir, fugere; Though it be a Verb, yet it is used substantively, and is two-fold; Fuer in fait (in fallo) when a Man doth apparently and cosporally sly, and fuer in ley (in lege) when being called in the County he appeareth not, until he

be Outlawed; for this is flight in interpretation of | fol.

Law, Stamf. pl. cor. lib. 3. cap. 22.

Fugerium, John Grey Bishop of Norwich grants
to the Prior and Monks of his Cathedral Church this Priviledge in his Woods at Thorp. Omnes exitu de ne-mere communi provenientes equaliter dimidiabimus scil berbagium pannagium, pasturam, bruerium, turbarium, fugerium, Subboscum, radices siccas, placita, forisfaturas, &c. Ex Reg. Eccl. Normic.

fugacia, Signifies a Chafe, and is all one with Cha-Jea : Charta Matildis Imperatricis Miloni de Glouc.

Fugitives Goods, Bens fugitivorum, Are the proper Goods of him that flyeth upon Felony, which after the fight lawfully found, do belong to the King, or Lord of the Mannor, Co. vol. 6. fol. 109. See Waif.

fumage, Fumagium, Dung, or manuring with Dung, Et sint quieti de sumagio of Maremlo cariando, Crc. carta R. 2. Prierat, de Hertland, Pat. 5 E. 4. part 3. m. 13. & But indeed fumagium was properly-Smoke, Farthings, or a custumary Payment from every House that had a Chimney or Fire Hearth.

Fumathors of Fumanots, 14 Car. 2. cap. 31. Our Pilchards garbaged, falted, hanged in the Smoke, and prefied, are so called in Italy and Spain, whither they

are carried in great numbers.

Finnates. The Founder of a Church, College, Hospital, or other Publick Benefaction. This Title in the old Religious Houses was equivalent to Patron: For it was not only given to the first actual Funder, but continued to those Barons and Knights, who held the see of the site or endowments of such Monasteries, and by such tenure had the patronage or advonton of them. And if after the Extinction or long totermission of this Title, any Person could prove his Descent from the first Founder. He was assumed by the Religious to the Name and Honous of their Founder. See Mr. Kennett's Gloslary in Fundator.

Furbote, fprbate, firebate. A Liberty granted by the Lord to his Tenant, to take under-wood for Fire, or occasions of burning in his Family.

beant of in boscis meis bushote, of beybate, of finbota.

Catular. Abbat. Glaston. Me. f. 36. b.

Fursa. (Et sossa) The Gallows and the Vit; In succent Priviledges it fignified a Juristicians of pumishing Felons, that is, Men by hanging, Women by drowning. Shene de verbor. Signif. verb. Fossa, hath these words concerning this Matter. Erestio futerrum est meri im-perii & alta Justitia, & significat. Dominum aeris, quia suffensi pendent in aera: Et merum imperium consistit in quattor, sicut sint quattuor elementa: In acre at hi qui su-penduntur, in igne quando quis comburitur propter malaficium. In aqua quando quis penitur in cules & in mare proficitur ut parricida, vel in amnem immergitur ut Fæ-mina fucti damnata. In terna cum quis decapitatur & in

terram profernitur. -Caveant Vis 👉 Mulier implacitati, quod semper in essonir alterius alter com-pareat, quandiu tucare possist, de cum ultua non possius concurrent earum essonia in suis locis. Hao autem omnia dico de pluribus Participibus, ubi terra im per titu est. sen tenementum videlices de surcatione essonit dy de dofaltis provenientibus. Badulf de Hengham. Magna cap.

See Fourch.

Furcare ad taffum. To pitch Corn, in loading a Waggon, or in making a Rick or Mow. Tenentes debent falcare, spangere, vertere, cumulare, cariare in manei um Domini, ég ad tassum surare umam acrum pra-

Furcare carectam, I suppose to hang a Waggon or Cart, i. e. to fit the Body of it to hang right upon the Axel and Wheels. — Allocantur eifdem pro

& pro Johanne Bowden furcante carectam per unam diem 3d. ——Paroch. Antiquit. p. 550.

dal, Fardingel, Farundel, or Ferling of Land, i. e. the fourth part of an Acre, which in Wileshire is fill called a Furdingale, and in some other parts a Furthindale. Whence in the North, a Furendale or Frundel of Corn is two Gawns or Gallons, i. e. the fourth part of a Bushel.

See Mr. Kennet's Gloffary.

2 An Furcam & Flagellum. The meanest of servile tenure, when the Bondman was at the disposal of his Lord for Life and Limb.

Defendens dicit quod non debit fucere dotem --quia ipse tenet in villenagie ad furcam & flagillum De Domino suo Ricardo de Cam--Placit. term. Mich. anno 2 Joh. Rot. 7.

Frussetum, A Wood, or Wood ground, Doomsday. furlong, Ferlingum terra, Is a quantity of Ground containing in most places forty Poles, every Pole fix-teen foot and a half in length; eight of which furlongs make a Mile, Anno 35 E. 1. cap. 6. It is otherwise the eighth part of an Acre; yet an old Book Printed in Henry the Eighths time makes 600 foot, by sivescore to the hundred, a furlong, see Acee. In the former significa-tion, the Romans call it Stadium, in the later Jugerum: A Pole is in some places called a Perch, and differs in

length according to the Cuftom of the Country. See Perch. furnage, Furnagium, Eft tributum quod Domino furni a sectatoribus penditur ob usum surni. For in many a leastorious penatrur ou unum iurui. For in many places the Tenents are bound to bake their Bread in the Lords Oven. Est estam lucrum seu emolumentum quod Pistori conceditur in Pistionis sumptus by mercedem & tunc potest Pistor de quelthet quarterio frumenti lucrare 4. Den. & surfur by duos panes ad surmagium. Affisa panis dy cervissa, 91 H. 3. See Fornagium.

Eurez. Eurema. Cometh. from the French Burrer.

furst. Furrura, Cometh from the French Fourrer, pelliculare, to line with Shins. The Statute 24 H. 8. cap. 13. mentions divers, as Sable, which is a rich A of colour between black and brown, being the Skin of a Beaft called a Sable, of bigness between a Pole-cat; and an ordinary Cat, and shaped like a Pole-eat; bred in Russia, but the most and best in Tartary. Lucernes is the Skin of a Beast so called, being near the bigness of a Wolf, of colour between red and brown, something mailed like a Cat, and mingled with black ipots; bred in Mulconia and Ruffia, and is a very rich Furr. Genet in Mulcowia and Ruffia, and is a very rich Purr. Genet is the Skin of a Beaft to called, of bigness between a Cat and a Wheezle, mailed like a Cat, and of the nature of a Cat; bred in Spain, whereof there be two kinds, black and grey, and the black the more precious Furr, having black spots upon it hardly to be seen.

Figures is of sashion like the Sable, bred in France for the most part; the top of the Furr is black, and the Ground whitish. Marterne is a Beast very like the Sable, the Skin fomething courfer, it liveth in all Countries that be not too cold, as England, Ireland, &cc. the best that be not too cold, as England, Ireland, &&c. the best be in Ireland. Minius is nothing but the Bellies of Squirrils as some say; as others, it is a little Vermine, like unto a Weezle, Milk-white, and brought from Musowy. Fitch is that which we otherwise call the Belseast here in England. Shankes by the Skin of the Shankes or Leg of a kind of Kid, which beareth the Furr that we call Budge. Calaber is a little Beast, about the bigness of a Squirrel, of colour gray, and bred effectively in High German.

pecially in High Germany.

& Sutta. A right or priviledge derived from the King, as prime Lord to try, condemn and execute Thiefs and Felons within such bounds or distinct of an Honor, Manor, &c.--clamat habere liberam warrenamely furtam in terris suisquoad pradictas furtas dicit, quod Dominus H. Rex concessit et Infangenthef & ut upon the Axel and Wheels. — Allocansur eisdem pro sangenthes in similius terris suis. Cartular. Abbat. Gla-Ricardo, Plumbario surcante carestam per xii. dies iii. ston, Ms. s. 86. b. yet I rather think, it ought to

be read Furca, and means directly a Gallows.

fuffic, A kind of Wood used by Dyers, and brought from Barbadoes, Jamaica, Gre. spoken of in the Stat.

12 Car. 2. cap. 18.

Fyrneringa. An Offence or Trespass, for which the Fine or Compensation was reserved to the King's Pleasure, in the Laws of H. I. cap. 10. Spel-man would read it Fynderinga, and interprets it Trea-sure trove, but indeed the Word is truly Fynderinga or Firdering, and figuified properly a going out to War, or a Military Expedition at the King's Command, which upon refulal or neglect was punish'd with a wind or Mulitary Expedition. Fird wite, or Mulct at the King's Pleasure. See Fird-

G.

Gabella, Gabellum, In French Gabille, that is Velligal, hath the fame fignification among our old Writers that Gabelle hath in France: Mr. Camden in his Brit. pag. 213. Speaking of Wallingford, hath these Words, Continebat 276 Hagas, i. domos reddentes novem libras de Gablo. And pag. 228. of Oxford these, Hacurbs reddebat pro felonio & gablo, & alis consuetudinibus, per annum Regi quidem viginti libras & sex sessarios mellis, comiti vero Algaro decem libras. Gabella, as Cassaneus defines it, De cons. Burgund. pag. 119. Est vectigal quod solvitur pro bonis mo-bilibus, id est, pro iis que vebuntur, distinguishing it stom tributum, quia tributum est propriè quod sisco vel Principi solvatur pro rebus immobilibus. The Lord Coke, in his Comment upon Littleton, saith thus, lib. 2. cap. 12. fol. 213. Here note, for the better understanding of fol. 213. Here note, for the better unde ancient Records, Statutes, Charters, &c. That Gabel or Gavel, Gablum, Gabellum, Gabellettum, Galbellettum and Gavillettum, do fignifie a Rent, Castom, Duty or Service, yielded or done to the King, or any other Lord. But that Gablum did as well extend to Money as to other things in kind, is very plain by that Record in Doomsday-Book in Windsor in Berksbire, where 'tis said, Rex Willichmus tenet Windsores, in Dominio Rex Edw. tenuit ibi xx. bide, Gr. Et adbuc sunt in villa C. Hage V. minus; ex bis sunt xxvi. quiete de Gablo & de aliss exeunt xxx folid. And lastly, In the same Book in Somerfet shire, it is thus expressed in the Title of Terra Rasis (which observe) Rex tenet cedre (I suppose it is that Chedder, so famous for its Checse) Rex Edw. tenuit, nunquam Geldavit, nec scitur quot Hida sunt ibi, Gc. in Dominio, Gc. xx. Bord cum xvii. Car. & vii. Gablatores redd. xvii? These seven Gablateres did pay seventeen Shillings, and from their paying of Rent were termed Gablatores: to me it feems probable, That this Gablum is to be diftinguished from a Rent or Payment made upon Contract or Bargain, and have relation to such a one as was imposed by the Power and Will of the Lord. And these different sorts of Payment are passed in Doomsday Book under several Expressions, according to the nature of them; where sometimes it is written, That one Reddit to such a one fo much, without any other addition; and this, I believe, was Rent upon Agreement and Contract: Another Reddit de conjuetudine so much, and a third Reddit de Gablo so much.

& Gablum, Gabulum, Gabula. The Head, or End, or extreme part of a House or Building. The gable-bead, the gable-end, &c. — Quandam particulum terra—extra gablum molendini odo pedes in latitudine. Paroch. Antiquit. pag. 201. — Qua domes si-ta est inter gabulum tenementi mei, & gabulum tene-menti Laurentii Kepeharme. ibid. pag. 286. See See Mr. Kennet's Glossary.

Safold-gyld, Is a Saxon word, fignifying the pay-ment or rendring of Tribute or Cuffom. Also it fometimes denotes Ufury

Safol land alies Saful land, Terra censualis, Land liable to Tribute or Tax. The Saxon Dictionary calls

it rented Land. See Gavel.

Gage, Vadium, Signifies a Pawn or Pledge, and is derived from the French Gager, that is, pignori dare. Glanvile, lib. 10. cap. 6. saith, Quandoq, rei mobilis po-nuntur in vadium, quandoq, res immobiles; and a little after that thus, Invadiatur res quandeq, ad terminum, quandoq; fine termino; Item quandoq; invadiatur res aliqua in mortuo vadio, quandoq, non. And from that Chapter to the end of the twelfth in the same Book, he handleth this one thing; though the word Gage be retained as it is a Substantive, yet as it is a Verb the use hath turned the G. into a W. so as it is oftner written Wage, as to wage deliverance, that is, to give security that a thing shall be deliver'd: For if he that diftrained, being fued, have not delivered the Cattel that were distrained, then he shall not only avow the Di-stress, but gager deliverance, that is, put in Sureties that he will deliver the Cattel distrained, F. N. B. fol. 74. curity, as if the Cattel dyed in the Pound, Kitchin, fol. 145. Or if he claim a propiety in the Cattel fued for, Termes de la Ley. To wage Law, see Law; and alfo see Mortgage.

Sager deliverance. See Gage.

Bayle. See Gaol.

Sager del Ley. See Wage and wager of Law.
Sagers, See Gawgers. This word is mentioned in

12 Car. 2. cap. 4.

Saynage, Wainagium Plaufiri apparatus, Is near the French Gaignage, lucrum, and fignifieth in our Law the profit most properly that comes by the Tillage of Land, held by the baser kind of Soke-men or Villains.

Reaften lib x cap a speaking of fresh both these Bration, lib. I. cap. 9. speaking of such, hath these words, Et in boe legem babet contra Dominos, &cc. us si eos destrunt, quod salvum non possis eis esse Wainagium suum. And again, lib. 3. tract. 2. cap. I. Miller bomo non ameriabitum niss secundum modum de listi, secundum quod delistum fuit magnum vel parvion G salvo contenemento suo: Mercator non nifi salva Mercandifa sua, & Villanus non nisi salvo wainagio suo. This in Westm. I. cap. 6. Anno 3 E. I. is called Gaynure and again, cap. 17. And in Magna Charta, cap. 14. it is called Gainage. In the Old. Nat. Brev. fol. 117. 'tis termed Gainor, in these words, The writ of Aiel was bracing We and reddat was bracing very de was pracipe, &c. quod reddat unam bovatam rerra & unam bovatam marifei. And the Writ was abated, for that the Oxgange is always of a thing that lyeth in This word was used only concerning Arable Land, because they that had it in Occupation, had nothing of it, but the Profit and Fruit raised by their own pains towards their Sustenance, nor any other Title, but at the Lords Will. Gainer, again in the same Book, fol. 12. Is used for a Soke-man, that hath such Land in his Occupation. In the 32. Chapter of the Grand Custimmary of Normandy, Geigneurs be Agricola, qui terran elemosinatan possiblem. And Britton useth Gainer for to Plow or Till, fol. 42. & 65. West. Symbol. pars 2. tit. Recoveries, see. 3. hath these words, A Pracipe quod reddat lyeth not in Bovata Marisci. 12 E. 2. fol. 3. nor de selimer terra because of risci, 13 E. 3. fol. 3. nor de selione terra, because of the incertainty; for a felian, is a piece of Land sometime containing an Acre, sometimes half an Acre, sometimes more, sometimes less: It lyeth not of a Garden, Cottage or Croft, 14 Aff. 13. 8. H. 6. 3. 22 Ed. 4. 13. de Virgata terra, &c. For they be not in Demesne, but in Gain, &c. Lastly, In the Statute of Distresses in the Exchequer, Anno 15 H. 3. are these words, No Man

of Religion, or other, shall be destrained by his Beasts that gain the Land. See Wainege.

Salanagium, or Balainagium, in the socga-

ing Account is indeed explained with two much objectsity, error and confusion. For Gaynage or Waynage was properly no more than all the Plough tackle, or leaplements of Husbandry, without any respect to gain or profit; and the equity of those Proviso's in Magna Charta, &c. lay in this meaning of the Word.

The Knight and Free-holder should be amerced. Salve continuents fin, i. c. saving his Free-lands and Tenements, which were not to be touch'd by arbitrery Fine. The Merchant or Trader was to be amerc'd falva merchantifa fine, i. e. faving his Goods and Steek, which were necessary to carry on his Trade. And so likewise the Village, the Country-Man, or Plough-Man should be fined or amerc'd for his Offences, but fill salva eximatio say in faving all his Disputs general strains and the country-Man. fill falvo gainagio (no, i. e. faving all his Plough geer, and necessary templements of Husbandry, which it differants of templements of Impositions would find the control of the control distable Him from carrying on his Employment of Agriculture: contrary to the Fundamental Liberty of Subjects, which was so to be mulcted, or sin'd or amere'd, as should punish them, but not break them, or undo them.

Gaintey, Gillage or Agriculture, Or the Profit accrewing thereby, or of the Boats used therein.

Sainurs, Westm. 1. cap. 6. & 17. signifies the same

with gainery.

Galige, Galice, Seemeth to come of the French Galloches, which fignifieth a kind of Shooe worn by the Gauls in dirty weather; and at present the fignification differs not much among us. The word is nied A 4 E. 4. cap. 7. And 14 & 15 H. 8. cap. 9. where it is written plainly Galoches.

Balingal, is a Medicinal Herb, the nature and diversity whereof is expressed in Generals Merbal, lib. cap. 22. The root of this is mentioned for a Drugge to be

garbled, 1 Jac. 19.
Sallchalpens, Were a kind of Coyn which with Suskins and Deskins were forbidden by the Statute of 3 H. 5. 1. M They where a Ganon Coin, brought in by the Genoese Merchants, who trading hither in Galleys, lived commonly in a Lane near Temer-fireet, and were call'd Galley-men, landing their Goods at a place in Thames-firees call'd Gally-Key, and trading with their own finall Silver Coin call'd Galley half-pence. See Stows Survey of London, 137.

Balloches. See Galege.

Galls, Be a kind of a hard and round Fruit like a Nut, growing upon the Tree, in Latin called Galla: The divers kinds and uses whereof Gerard expresseth in his Herbal, lib. 3. cap. 34. This is a Drug to be gar-

bled, 1 Jac. 19.

Es in prate junta Bereford sex acros de duas garas, for in prate de Atrefert fex acres for duas garas, for.
Mon. Angl. tom. 3. Par. 2. p. 29.

Sang intek. Sex Regation week.

Soal, Gaola, Cometh of the French Geol, i. Caveda,

A Cage for Birds, but is metaphorically used for a Prifon; thence cometh the Master of a Prison to be called

Goaler, or Japler.

Sarine, Cometh of the French word Garbe, alias Gerbe, i. faseis: It figuifies with us a bundle or sheef of Corn, Charta de Paresta, exp. 4. And Garba sagittarium is a sheaf of Arrows, containing twenty four, otherways called Shaffa fagittarum. Skene de verbr

Signif. verbr. Garba,
Garbles, Anno 21 Jac. cap. 19. Signifies the Dust,
Soul, or Uncleanness that is severed from Spice, Drugs, Ge.

Ge.

Sarbling of Boincianes, Anno 1 R. 3. cap 11. Is
the forting or culling out the good from the bad. As
garbling of Spice is nothing but to purify it from the
drofs and duft that is mixed with it. It may feem to
proceed from the Italian Garbo, that is finencis, neglness: thence probably we say, when we see a Man in
neat habit, He is in a bandfame Garbe.

Barbler of Emices. 21 Fac. icab. o. Is an Officer

Garbler of Spices, 21 Jac. icap. 9. Is an Officer of great Antiquity in the City of London, who may enter into any Shop, Ware-house, dyr. to view and search Drugs, Spices, circ. and to garble the same, and make

them clean.

Exercine. The word possibly is so printed by mistake for Sasine, however it so signifies, the Baggage of an Army. ---- Cum certam nostri elegissent Stationem ____ cariagium quoq; (quod Garcinas appellamus)
a tergo locaffent. Walfingham in Ric. 11. p. 242.

Servant. Fr. Garcon. But it seems of old Galic, or British original: For in the present Irish (if there be any truth in Toland) Garfon is an appellative for any menial Servant. See Mr. Kenner's Glossary.

Menial Servant. See Mil. Remes, Supplied by Gardenba, was meant a Closet, or an small apartment for hanging up a Cloath.——Ricardus Abbas & conventus, S. up a Cloath.-Edmundi-concesserunt Johannes Frary totum messua-gium-aidel unam aulam cum duebies solories adjuncties eidem anla cum duom garderobis ad eadem felaria, unam parvam cameram cum una, garderoba ad ea Cartular. S. Edmuni. M. S. f. 294.

Garberobe. See Wardrobe, and 2. Inft. fol. 255. Gard, Cuftodia, Significth a cuftody or care of De fence, but hath divers fignifications, sometimes applyed to those that attend upon the safety of the Prince, called the Life-guard, or Temms of the guard; some-times to such as have the Education of Children under Age, or of an Ideot, sometimes to a Writ touching Wardship: Which Write are of three forts, one called a Writ of Gard or Ward, in French Drait de gard, F. N. B. fol. 139. The second is Ejestment de garde, Idem. sol. cod. The third is Ranishment de gard, Idem. sol. to Gardone. Son Ward

fol. 140. See Gardeyne. See Ward. Garbeyne or Garbian, Cuffos, Cometh French Gardien, and yet the German word Warden is nearer to it. It fignifies generally him that hath the change or custody of any Person or thing; but more notorioully him that hath the Education or Protection of fush People, as are not of sufficient Discretion to guide themselves and their own Affairs, as Children and Ideots, being indeed as largely extended as Tutor and Curator among the Civilians; for whereas Tutor is he that hath the government of 2 Youth, until he come to fourteen years of Age. And Curator he that hath the disposition and ordering of his Estate after wards, until he attain to the Age of five and twenty Years, or he that hath the charge of a frantick Person during his Lunacy, we use only Gardian for both these? And for the better understanding of the Law in this point, we are to observe, That a Tutor is either Testa-mentarius, or a Preture datus ex lege Atilia; or lastly, Legitimus. So we have three forts of Gardians in England, one ordained by the Father in his last Will, another appointed by the Judge, the third cast upon the Minur by the Law and Custom of the Land: Touching the first, A Man having Goods or Cattels, may appoint a Gardian to the Body or Person of his Child, by his last Will and Testament, until he come to the

Age of fourteen Years, and so the disposing and ordering his Estate so long as he thinks meet, which is commonly to one and twenty years of Age. The same he monly to one and twenty years of Age. The same he may do of Lands not holden in Capite, or by Knights. fervice : but the ancient Law in this case is very much altered by the Statute of 13 Car. 2. cap. 24. which, in all cases, gives the Father power to appoint a Gardian for his Child; But if the Father order no Gardian to his Child, the Ordinary may appoint one to manage his Goods and Chattels, till the Age of fourteen Years, at which time he may choose him another Gardian, accordingly as by the Civil Law he may his Curator; for me all hold one Rule with the Civil and the for we all hold one Rule with the Civilians in this case, and that is Invito Curator non datur. And for his case, and that is Invito Curator non datur. And for his Lands the next on Kin on that side, by which the Land cometh not, shall be Gardian, and was hereofore called Gardian in Socage. See more of the old Law in this Case, 28 E. 1. Stat. 1. And Fortescue de laudibus legum, Ang. cap. 44. Stams. Prærog. cap 1. Old. Nat. Brev. fol. 94. And Skene de verbor. Signif. verbo Varda, from whom you may learn great affinity, and yet some difference between the Law of Scatland and Ours some difference between the Law of Scotland and Ours in this Point.

Guardia, Is a word used among the Feudists for the Latin Custodia, de Guardianus seu guardio, dicitur ille, cui custodia commissa est, Lib. Feudor. 1. tit. 2. & 11.

Gardeyne or Suardian of the Spiritualities, Cuftos Spiritualium vel Spiritualitatu, Is he to whom the Spiritual Jurisdiction of any Diocess is committed, during the vacancy of the Sec 25 H. 8. 21. And the Guardian of the Spiritualities may either be Guardian in Law, or Jure Magistratus, as the Archbishop is of any Diocess within his Province; or Guardian by delegation, as he to whom the Archbishop or Vicur-General doth for the time depute, 13 Eliz. cap. 12.

Gardene or Gardian of the Beate, Custos pacis. See

Conservator of the Peace.

Gardeyne or Gardian, or rather Watarden of the Enque Posts, Gardianne quinq; portuum, Is a principal Magistrate that hath the Jurisdiction of those Havens in the East-part of England, which are commonly called The Cinque-Ports, that is, the five Ports or Havens, who there hath all that Jurisdiction that the Lord High Admiral of England hath in places not exempt. And the reason why one Magistrate was assign'd to so few Havens, was, because they, in respect of their situation anciently, required a more vigilant care than other Havens, being nearer, and more obvious to Enemies, by the narrowness of the Sea in those parts. Cambden in his Bris. pag. 238. saith, That the Romans, after they had settled themselves and their Empire here in England, appointed a Magistrate or Governor over those Eastern Parts, whom they called Comitem litorie Saxonici per Brittanniam, having another that did bear the fame Title on the opposite part of the Sca, whose Office was to fortify and furnish the Sea-Coasts with Munition against the incursions and Robberies of the Barbarians; and farther figuifieth his Opinion, That our Warden of the Cinque Ports was first erected among us, in imitation of that Roman Policy. See Cinque Ports.

Gerdenne de L'ellemary, Anno 17 Car. 1. cap. 15. Warden of the Stanneries.

Bardent bel Eiglift, In English Church wardens, Who are Officers choten in every Parish, to have the care and custody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other things they may do for the benefit of the Church. And by 43 Eliz. cap. 2. They are to joyn with the Overseers for the making of Rates, and other Provision for the Poor of the Parish.

Gart. Anno 31 E. 3. cap. 8. Is a course Wool full of Hairs, such as groweth about the Pezzle or shanks of

Exciosission. But more truly Garyophylli, Is that fort of piece we call Cloves. There is a referention in a Char-Spice we call Cloves. ter of Hugh de Wygeton, of the Priory of Leominster, Anno 1283. in these words, Salva beredibus meis post decessum meum uno clavo Gariosil. in prad. festo sancti

Mich. pro omni fervitio saculari.

S Garlanda. A Chaplet, a Cornet, a Garland. Coronula aurea, que vulgariter Garlanda dicitur, redimitus. Mat. Par. an. 1247.

Sarneffura, Garniture, Furniture, Prov. Ammunition, and other Implements of War. nificanit Soldanas Regi Francorum, ut sedatis omnibus civitatem Damiata cum sus tentumentis, qua garne-sturas vulgares appellant, consultius resignaret. Mat. Par. sub anno 1250.

Sarntamentum, Garnish, Trimming, or any way adorning Cloaths, or wearing Apparel. cuilibet eorum per annum tres ulnos tela- de unum Gar-niamentum laneum quolibet anno. Mon. Angl. tom. 2. – 👉 unum Gas-

pag. 321. Garnifi, As to Garnish the Heir, that is, to warn the

the Heir, 27 Eliz. cap. 3.
Sæntifiet, Is taken for the Party in whose hands Money is attached, within the Liberties of the City of London, so used in the Sheriff of Londons Court, because he has had garnishment or warning not to pay the Money, but to appear and answer to the Plaintiff Creditors Suit.

Carnishment, Cometh of the French Garmir, i. infirmere, and in a legal sense intends a warning given to one for his Appearance, for the better furnishing of the Caule and Court. For example, One is fued for the Detinue of certain Evidences and Charters, and faith, That the Evidences were delivered to him not only by the Plaintiff, but another also, and therefore pray that that other may be warned to plead with the Plain-tiff, whether the faid Conditions be performed, yea or no; And in this Petition he is faid to pray Garniffment, New Book of Entries, fol. 212. col. 3. and Termes de la Ley, Cromp. Jur. fol. 211. Which may be interpreted either warning of that other, or else furnishing of the Court with Parties sufficient throughly to determine the Cause, because until he appear and joyn, the Defendant is, as it were, out of the Court, F. N. B. fol. 106. and the Court is not provided of all Parties to the Action. With this agrees Britton, cap. 28. where he faith, That Contracts, some be naked and sans garnment, and some furnisht, or (to use the liberal fignification of the word) apparelled, but a naked Contract, Nudum Pallum, giveth no Action. And therefore it is necessary or needful, that every Obligation be apparell'd, which ought to be with these five sorts of Garnements, &c. Howbeit it is generally used for a warning in many places, particularly in Kitchin, fol. 6. Garnisher le Court, is to warn the Court; and reasonable garnishment in the same place intends reasonable warning, and again, fol. 283. and many other Authors. And in the Stat. 27. Eliz. cap 3. upon a Garnishmens, of two Nichills returned, byc. But this may well be thought a Metonymy of the effect, because by the warning of Parties, the Court is furnished and adorned.

Sattemer. See Warranty.

Satreuna. A Warren. Johannes Episcopus Elgen, &c. Noveritis nos concessific diletto Servitori no-firo Thoma de Fardham — officium custodia garrenna nofire de Brandon in com. Suff. -Pront alii custodes garrennæ nostra, &c. dat 12. Sept. 1421. Cartular. Eccl. Elgen. M. S. penes Joh. Episc. Norwic. M.S. f. 50.

Garfumme.

Garlummuns, A Fine or Amerciament. See Doomj-

day; 'Tis written in Spelman Gloff. Gersuma. Bartte, Garterium, in French Jariter, i. Periscelis; fignifies with us both in divers Statutes and otherwise, one especial Garter, being the honourable Eosign of a great and noble Society of Knights, called Knights of the Garter, and this is xar' 'Koxlu', as being of all others the most excellent. This high Order, as apseareth by Mr. Cambden 211. and many others, first instituted by the famous King Edward the Third, upon good success in a Skirmish, wherein the Kings upon good fuccets in a Skirmin, wherein the Rings Garter (as it is faid) was used for a Token: 'Tis true Polydore Virg. gives it a more slight Original, but his Grounds, by his own Confession, grew from the Vulgar Opinion, however take it as it is. Edward the Third, King of England (says he) after he had obtained many great Victories, the Kings of France and wasland being both Personers in the Tower of London tained many great Victories, the Kings of France and Scotland being both Prisoners in the Tower of London at one time: King Henry of Castile, the Bastard expulsed, and Don Pedro restored by the Prince of Wales, did, upon no weighty occasion, first erect this Order 1350 viz. He dancing with the Queen, and other Ladies of the Court, took up a Garter that happened to fall from one of them, whereat some of the Lords smiling, the King said, That ere it were long he would make that Garter to be of high Reputation, and shortly make that Garter to be of high Reputation, and shortly after instituted this Order of the Blue-Garter, which every Companion of the Order is bound daily to wear, being richly deckt with Gold and precious Stones, and having these words fixt on it, HONI SOIT QUI MALY PENSE, which is commonly thus interpreted, Evil to him that evil thinketh, or rather thus, To him be it that evil thinketh. Ferne in his Glory of Generofity, fol. 120. agrees with Cambden, and more particularly fets down the Victoria particularly fets and will not fet hing some of der was occasioned. We will not (it being none of our Work) insist upon the Cause of its beginning, [but leave you for the fearch thereof to an Ingenious and most laborious piece of Work concerning this matter, given to the World by Elias Assemble Esquire, J but how or whatever the beginning was, the Order is in-ferior to none in the World, confishing of 26 Martial and Heroical Nobles, whereof the King of England is the Soversign, and the rest be either Nobles of the Realm, or Princes of other Countries, Friends and Allies of this Kingdom: The Honors being such, as Emperors and Kings of other Nations have defired, and thankfully accepted. He that will read more, let him converse with Mr. Cambden, Polydore, Perne, and the foresaid Mr. Ashmeles Books. The Geremonies of the Chapter proceeding to Election, of the Investiture and Robes, Installation, and now with all other Observa-tions. See Mr. Segars Honor, Military and Civil, lib. 2. cap: 9. fol. 65. and the same Mr. Ashmole. Garter also fignifieth the Principal King of Arms among our English Heralds, created by King Henry the Fifth, Stow, pag. 584. and mentioned 14 Car. 2. cap. 33. See Herald.

Barth. Significs a little Backfide or Close in the North of England. Also a Dam or Wear in a River, for the catching of Fish, vulgarly called a Fishgarth. It seems to be an ancient British word, for Garda in

that Language signifies Garden.

Sarthman. 13 R. 2. Stat. 1. cap. 19. 19 17. R. 2. cap. 9. It is Ordained, That no Fisher or Garthman shall use any Nets or Engines to destroy the Fry of Fish, Sec. whereby it seems to intend one that owns an open Wear where Fish are caught: We may haply derive it from the scotch word Gart, that signifies compelled or enforced, because the Fish are forced by the Wear to pass in at a Loop, where they are caught.

Cattel, Signifies Tribute, Toll, Cuftom, yearly Rent, Payment or Revenue; Of which we had of old feveral kinds, Gavel-Corn, Gavel-Mals, Ont-gavel, Gavel-Fodder, as you may read in Mr. Fab. Philips Book, stiled The Missaken Recompence, fol. 39, 40. And Taylors History of Gavel-kind, pag. 26, 27. 4 102.

Sabtlet, Is a special and ancient kind of Cessavit

used in Kent, where the Custom of Gavel kind con-tioneth, whereby the Tenant shall forseit his Lands and Tenements to the Lord, of whom he holdeth, if he with-draw from him his due Rent and Services, which is done after this manner. If any Tenant in Gavel-kind with-hold his Rents and Services, let the Lord, feek by the Award of his Court from three Weeks to three Weeks, to find some Distress upon the Tenement until the fourth Court, always with Witnesses, and if within that time he can find no Diffress on that Tenement, whereby he may have Justice of his Tenant, then at the fourth Court let it be awarded, that he take that Tenement into his Hand in name of a Distress, as if it were an Oxe or a Cow, and let him keep it a year and a day in his Hand without manuring: In which time, if the Tenant come and pay his Arrearages, and make him reasonable amends, let him re-enjoy it; but if he come not in that time, then let the Lord go to the next County-Court, with his Witnesses of his own Court, and pronounce there his Process; and by the Award of his Court (after the Country-Court holden) he shall enter, and manure those Lands and Tenements as his own; and if the Tenant come afterwards, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord according as it is anciently faid.

> Nighefith, yeild, and Nighefith geld Let him nine times pay, and nine times repay.

Hath he not fince any thing given? nor hath he not any thing fince paid? let him pay v. lib. for his Error, before he become Tenant or Holder again. See hereof before he become Tenant or Holder again. See hereof 10 H. 3. Fitz. ceffavit 60. and the Statute of Gawelet, where it appeareth to be a Writ used in the Hustings at London. And Bleta says, it is used in other Liberties, lib.cap. 55. In the Collection of Statutes, London 2. Is matter much tending to this purpose, That by this word Gawelet, the Lord shall have the Land for the censing of the Tenant. Mr. S. in his 31. page, Of the History of Gawel-kind, hath these words, Et postea per quandam conjustudinem que vocatur Gawelate, usitatam in comitatu isto (viz. Kanc.) de terris sy tenementis de Gavel-kind, pro redditibus & servisiis qua a retro surint de cisdom, per plures annos, devenerunt cadem terra in manus cuinssam Abbatis, syc. Now this Consuetudo de Gawelate (as he surther adds) was not a Rent or Service, but betokeneth a Rent or Service with-held, denied, or detained, causing the sorsieture of the Tenenied, or detained, causing the forseiture of the Tenement to the Lord, with which agree the Lord Coke, where he says, Gaueletum, is as much as to say, to cease, or to let to pay the Rent; Breni de gaveleto in London, est breve de Gessavit in Biemium, Orc. pro redditu ibidem quia tenementa suerunt indistringibilia. So that this Writ lay in London as well as Kent.

Sabellug. Pen. Tenants who paid a reserved Rent, besides some custumary Duties to be done by them.

Merksbury reddit in gablo sex libras, in done xx. fol.——Gaveling-men, sunt ibi xii. quorum quilibet debet warestare qualibet septimana dimidiam acram, de predicti Gaveling-men debent cotidie operari inter vin-

cula S. Petri & Festum S. Michaelis, &c. Cartular. Abbat. Glaston, M. S. f. 38 b.

&avel kinn, Is by Mr. Lambert in his Exposition of Saxon words, verbo Terra & scripto, compounded of U three

three Saxon words, Gyfe, Eal, Cyn; Omnibos cognatione proximis data. But Verstegan in his Restitution of decayed Intelligence, cap. 3. Calls it Gavel-kind, quasi, give all kind, that is, give to each Child his part. But Taylor in his History of Gavel-kind, would derive it from the Brittish Gasael, a Hold or Tenure, and Cennee or Cennedb. Generatio aut familia, and so Gavel cenedb might signisie Tenura generationis, pag. 92. Gr 132. But whatever is the true Etymology, it signisses in Law a Custom, whereby the Land of the Father is equally divided at his death among all his Sons, or the Land of the Brother equally divided at his death among Land of the Brother equally divided at his death among all his Brethren, if he have no Issue of his own, Kitchin, fol. 107.

Tentonicis priscis patrios succedit in agros, Mascula stirps omnis ne stret ulla potens.

This Custom is still in force in divers Places of England, but especially in Kent; Urchenfield, in Hereford-lbire, and essewhere, though with some difference; but by the Statute of 35 H. 8. cap. 26. All Gavil kend Land in Wales are made descendible to the Heirs, according to the Course of the Common Law. Cambden cording to the Course of the Common Law. Cambden in his Brittannia, pag. 239. Saith in express words, Cantiani ea lege Gulielmo Normanno se dediderunt, nt patrias consuetudines illass retinerent, illamque imprimis quam Gavel-kind nominant. He terra que en nomine censentur, liberis masculis ex aquis portionibus dividuntur, vel faminis si masculi non suevint, adding withal worth the noting, viz. Hanc hareditatem cum quintundecimum annum attigerint, adeunt, & sine Domini consensu, cuilibet vel dando vel vendendo, alienare licet. Hac silii parentibus surti damnatis in id genus licet. Hac filii parentibus furti damnatis in id genus fundi, Grc. It appears by 18 H. 6. cap. 3. that in those days there were not above thirty or forty persons in Kent that held by any other Tenure, but it was altered afterwards in much Land in that County, upon the Petition of several Gentlemen there, by a Statute made 21 H. 8. cap. 3. See Lamberts Perambulation of Kent, Sumuers Discourse on this Subject, [Taylors History of Gavel-kind.] Vide etiam Termes de Ley, and Gavelet. In Mon. Ang. 2. par. fol. 6400. you may read thus, —Dedi totam terram, quam vendidis mibi Michael de Turnham sicut suum liberum Gavisikind de Stoikind ad fundandum ibi Domum Religionis, Gc. --In Gavelkind, though the Father be hanged, the Son shall inherit; for their Custom is, The Father to the Bough, the Son to the Plough, Dollar and Student, cap. 10. Coo. on List. lib. 2. cap. 10. fell. 165, and Co. 9. Rep. Shelleys Cafe.

Shelleys Case.

**Formelbeth. Corn, — Rent, or Provision of Bread, reserv'd from the Tenant to be paid in kind.

Allocantur per annum pro gavelbred ad berdemet tres summa by dimid. — In pane ad gavelbred, de consuctudine avantum by metentium duas summas. — Somner of Gavel-kind, p. 25.

**Formula Profit. — Si autem in gavelgida id est, in gablum reddente don't pugna siat, vel in gebures, 30 sol. culpa judicetur. Leges inæ Regis West-Saxon, cap. 6.

Idem Radulsus tenet unum tostum — sy non dat

- Idem Radulfus tenet unum toftum -– dy non dat

35. acris de consuetudine arandi, Gavel-herte. sunt ibi quinque jugera, quodlibet arabit unam dimidiam acram ad semen srumenti, do seminabit, do berciabit, do vocatur issud opus Gavelerth. Somner of Gavel-kind, p. 17.

er Sabelmed. The Duty or Work of mowing or Grass, or cutting Meadow-Land, required by the Lord from his custumary Tenant. -Consuetudo fal-- Somner of Gavelcandi que vocatur Gavelmed kind. Append.--Et pro una septimana dum fal-

catur stipula que vocatur Gavelmed, ib.

Saveloces. Javelins, Darts.—Frisiones igitur—issum Willielmum tam jaculis, que vulgariter Gaveloces appellant, quorum maxime notitiam babent dy usum—bostiliter in sequentur. Mat. Par. sub anno 1246.

Capelrep. Bedreap, or duty of reaping at the bidor command of the Lord. De consuerudi. - De consuetudi

ne metendi 40 acras (of dimidiam de Gavelryp in Autumno 40. fol. 6. denar. Somner of Gavel-kind, p. 19.21.

8 Gaynarium. Wainage, Plough-tackle, or Implements of the Mainagium and Wainagium. — Ita quod nibil ex nunc remanet in
many diffi Privic in (affortationem (ni wifi tentum any manu dilli Prioris in sustentationem sui, nist tantum gay-

maria (lege gaynaria) manerij pradiči cum proficuis preno minatis. Mon. Angl. tom. 1. p. 603.

Savelletter, Sextarius Velligalis, is a certain Meafure of Rent-Ale; Among the Articles to be charged
on the Stewards and Bayliffs of the Church of Canterhuries Mannora, this of all was and the Gardinal on the Stewards and Bayliths of the Church of Canter-buries Mannors, this of old was one, De Gavelsesser chiuslibet bracini braciati infra libertatem Maneriorum, viz. unam Lagenam by dimidiam Cervisiae. We may find it else-where under the name, of Tolcester thus, De Tolcester cervisia, box est de quolibet bracino per unum annum lagenam de cervisia, and is without dispute the same. In lieu of which the Abbot of Abbinton, of Custom, received that Peny, mentioned by Selden in Custom, received that Peny, mentioned by Selden in his Dissertation annexed to Fleta, cap 8. num. 3. and there (I believe) misprinted Colchester peny for Tolche. ster-peny.

Saugetum, A Gauge or Gauging, done by the Gangeator or Gager. Libera clausa 55 H. 3. de Dollorum mensura & gaugetto Mercatorum Burdegal, & de gau-geatoris seodo & denarium pro dolio, scil, obolum ab emp-

tore, de obolum a venditore.

Saturator or Sagetti Gangeator, Comes of the French Gawebr, i. in grum torquere; and fignifies with us an Officer of the Kings appointed to examine all Tuns, Pipes, Hogheads, Barrels, and Tertia's of Wine, Beer, Ale, Oy!, Honey, Butter, and give them a Mark of Allowance, before they be fold in any place. And because this Mark is a Circle, made with an Iron Instrument for that purpose: it seems that from thence he taketh his Name. Of this Office you may find many Statutes, the first whereof is in 2.7 E. 2. commonly ny Statutes, the first whereof is in 27 E. 3. commonly called the Statute of Provision or Purveyors, cap. 8. The others are 4 R. 2. cap. 1. 18 H. 6. 17. 23 H. 6. 16. 1 R. 3. 13. 28 H. 8. 14. And lastly, 12 Car. 2.

cap. 4. Sawge-peny, May be thought to be the Gawgers

Fee, by Anno 23 H. 6. cap. 16. adjoining district. Seburscipa. Neighbour-nood, or adjoining district.

vel jusjurandum inveniat, si possit, in quo repetenti satissit; si non possit, nominentur ei sex bomines de eadem geburscipta, in qua ille residemses. Leges Edw. Conses. cap. 1. de Perjusia, p. 2.

Seburus. A Country Neighbour, an Ishabitant of the same geburscip, or Village. Sax. Gebure, a

Carl, Plough-man, or Farmer.

Beld, Geldum, Among the Saxons fignified, pecunia vel tributum, also the compensation for a Crime: Hence, in our ancient Laws Wergild was used for the value of a Man flain, and Orfgeld of a Beaft. Et fint quieti de Geldis, & Danegeldis, & Horngeldis, & For-geldis, & de Blodwita, & Fitwita, & Plitwita, & Leirwita & Heinwita, & Fremenefuda, & Werdpeny, & Aver peny, & Toling-peny, Charta Rich. 2. Priorat.

de Hertland in Devon, Pat. 5 E. 4. part. 3.m. 13. See

Belvable. See Gildable.

Semote, Is a Saxon word fignifying Conventus, an Affembly: 'Tis used in the Laws of Edward the Confessor, cap. 35. for a Court, viz. Omnis bomo pacem babeat eundo ad gemetum de rediens de gemoto, nisi probatus fur fuerit. Sec Mote.

-Percipiant decimas agnorum, lana, — lini, canapi, genecti, cirporum piscationum, pastura, — Carta Joh. Archiepiscopi Cant. apud Will. Thorn. p. 2112. Mr. Somner takes it for genisa,

broom-

General Mut. See Mue.

Streath, Villanus, as Regis Geneath is the Kings Villain, Leg. Ina M. S. cap. 19.

Streath When a Mother-Abby or old Religious House had foread it felf into feveral Colonies. or depending Cells, that Issue or Off-spring as it were of the Mother Monastery was called Generatio, quasi proles & soboles Matricis Domus. Quaftio prioratus inter Abbatem de Waverle & Abbatem Furnessii terminatur boc modo, videlicet quod Abbas de Furnesio habeat pri-oratum in tota generatione elemosynæ in Anglia, & in generatione Saviniaci in Anglia tantum. Abbas antem Waverle babeat prioratum ubiq; tam in congregationibus Abbatum qua fuerint per Angliam, quam alias per ordinem universum. Annual Waverl. 1232.

Destruit. The fingle Commons, or ordinary Provision of the Religious were called Generale, as their general Allowance, distinguished from their Pic-

their general Allowance, distinguished from their Pietantia or Pittances, which upon extraordinary occasions were added as Over-Commons. Among the Observances of the Cluniac Monks, they are thus described, — Generale appellamus quod fingulis in fingulis da-tur scutellis: Pietabria quod in uno scutella duobus. And among the Customs of the Abby of Glassenbury, we have this Account. ——In privatis diebus videlicet de-minica die, die Martis, die Jovis, & Sabbato, tria ge-neralia ad refestionem babuerant Fratres, & duas pietantias, cateris vero diebus feilicet feria secunda, feria quarta, & sexta duo generalia & tres pitantias. Chartular. Glaston. M. S. f. 10.

Controla, Seems of late to be a good Addition;

for if a Gentlewoman be named Spinfter in any Original Writ, Appeal or Indictment, the may abate, and

quash the same, 2 Inst. fol. 668.

Senets alias Jenets. See Furre.

Sentleman, Generosus, Is an irregular compound of two Languages, the one from the French Gentil, that is, Honestus, vel bonesto loco natus; the other from the Saxon Mon, as if you would say, a Man well born. The Italian followeth the very word, calling those Gentil buomini, whom we call Gentlemen. The Spaniard keepeth the meaning, calling him Hidalgo of Hijo d'algo, that is, the Son of some Man, or of a Man of Reckoning: The French also call him Gentil bom So that Gentlemen be those, whom their Blood and Race doth make noble and known: In Greek they are Eèpareic, in Latine Mobiles, Smith de Rep. Ang. lib. 1. cap. 20. Under this Name are comprised all above Yeomen, fo that Noble-men be truly called Gen-tlemen; but by the Course and Custom of England, Nobility is either Major or Minor; the greater contains all the degrees from Knights upward, the leffer, all from Barons downward, Smith ubi supra, cap. 21. The Reason of the Name may grow from this, that they observe gentilitatem suam, that is, the Race and Propagation of their Blood, by giving of Arms, which

many hundred years fince, Gentiles homines. See in Tiraquel de Nobilitate, cap. 2. pag. \$3. Cicero in his Topicks of this matter, speaks thus, Gentiles sunt qui inter se eodem sant nomine ab ingenule oriundi, quorum majorum nemo se servitutem servitute, qui capite non sunt diminuti. And in the sirst Book of his Tusc. Quest. he calleth Tulius Hostilius, one of the Kings of Rome, Gentilium sunm. These words, gentilis homo, for a Gentleman, was adjudged a good addition, Hill. 27 E. 3. The addition of Knight is ancient, but of Esquire or Gentleman rare before the First of Hen. 5. cap. 5. See 2. par. Inst. fol. 595. 667.

Totolet Roble. A piece of Gold currant at six Shillings eight Pence in I Hen. 8. when by Indenture of the Mint one pound weight of Gold was to be coined

of the Mint one pound weight of Gold was to be coined into eighty one George Robles, vid. Lowndes Essay upon

Coins, pag. 41.

Sersuma, Samptus, In ancient Charters it is used for a fine or income; as dare in Gersuman. And Gersuman capere, de nativa nostra impregnata sine licentia nostra quod dicitur Childwit. Mat. Paris writes it Gersoma, and in Scotland they say Gressume, and in Decould we find it Gassumme. Vide antea Gassumme. Doomsday we find it Garsumme. Vide antea Garsumme,

and Spelm. Gloff. & Certumattus. Finable, or liable to be mulct, fined or amerc'd at discretion of the Lord. — In Berton parva-funt tres Cotsetes quorum quilibet operabitur semel in obdomada dy metet in Autumpue unam acram de blado biemali vel tres rodas ordei. Dominus babebit tres bederepes si voluerit ad cibum suum. Omnes sunt Ger-summani ad voluntatem Domini. Cartular S. Edm. M. S.

Othu e fains, Is a Writ, but grown out of use,

Lamb, Eiren. lib. 4. cap. 14. pag. 531.

& Sett. From French Gift. A Lodging, or Stage of Rest in a Journey or Progress. As in the Progress of Edw. 6. A. D. 1552. when the Gests (i. e. the Stages of his Majesties Progress) were altered, Arch-Bishop Cranmer entreated Cecil to send him the new resolved upon Gefts, that he might from time to time know where his Majesty was. Strype Memor. Arch-Bishop

Cranmer, p. 283. ing of Beer, or Ale. - Ita quod Pistores poterunt sic vendere, & in quolibet quartario lucrari tres denarios, exceptis brennio & duobus panihus ad furnarium — & in sale obolum. & in gesta obolum, & in candela quad ran-tem. Mat. Par. sub. anno 1202.

Gethbrech. But more truly Grithbrech, Si pacem quit fregerit ante mediocres Foresta, quod dicunt Gethbrech, emendet Regi decem solidis, Constitut. Canuti de Foresta, cap. 18. See Grithbrech.

Giggenils, Were for the fulling of woollen Cloth, and forbidden, 5 E. 6. cap. 22. They were a kind of

Fulling-Mills.

Bild elies Beld, 18 Car. 2. cap: 1. It is used as a Verb, and as a Substantive also; and as it is a Substantive; it is latined gilda, and fignifies a Tribute, or tive; it is latined gilda, and fignifies a Tribute, or fometimes an Amerciament, or thirdly, a Fraternity or Company combined together, with Orders and Laws made among themselves, by the Princes Licence. Cambden citeth many Antiquities, by which it appears to fignify a Tribute or Tax, as pag. 135, 139, 159, 168, 178. Crompton in his Jurisdiction, fol. 191. Sheweth it to be an Amerciament, as Footgeld. And fol. 197. he interpreteth it to be a Prestation within the Forest in these words. To be quit of all manner. the Forest, in these words, To be quit of all manner of gelds, is to be discharged of all manner of Prestations, to be made for gathering of sheaves of Coro, of Lamb and of Woll, to the use of the Foresters, Cambthe common fort neither doth, nor may do; for by the Cost that a Gentleman giveth, he is known to be, or not to be descended from those of his Name, that lived the first Geldable, because Tribute is thence gathered,

the fecond Libertatem S. Ethelredi, and the Statute of 27 E. 2. Stat. 2. cap. 13. and 11 H. 7. cap. 9. use gittable in the same sense, and so doth the Stat. 27 H. 8. cap. 26. From hence Lamberd is perswaded (ubi (upra) that the common word Gild or Gild-ball doth proceed: And in Reg. Orig. fol. 219. we may read gildam mercatoriam, that is the Merchant-gild, which was Liberty or Priviledge granted to Merchants, where-by they are enabled to hold certain Pleas of Land within their own Precincts. This word Gildes or Guilds is so used, 37 E. 3. 51. and 15 R. 2. cap 5. And Gildhalda Teutonicorum is sused for the Fraternity of Easterling Merchants in London, called the Stilyard, 22 H. 8. See Co. lib. 8. fol. 125. This word is also mentioned 15 H. 6. 6. and 15 Car. 2. cap. 7.

Colloale, A Composition, where every one paid his

share. See Sothale.

Silvable or Selvable, That is, lyable to pay Tax or Tribute; and therefore Cambden calls one part of Suffolk Geldable. It is mentioned 27 Hen. 8. cap. 26. It is also expounded in an Old M. S. to be that Land or Lordship, which is sub districtione curia Vicecom. 2. par. Int. fol. 701. Jur. dicunt, quod Prior de Sempringham, tenet tres Carucatas terra in S, de non funt geldabiles, Ex Rot. Hundr. in Turr. Lond. de Anno 3 E. I. Linc. See Gild.

Gilv hall, The chief Hall of the City of London

Gildarum nomine continentur non folum minores Fraternitates & sodalitia fed ipfa etiam Civitatum communitates, fays the learned Spelman, See Gild.

Gilphalda Tentenicojum, The Stylyard. See before

Gild.

Gild-merchant, Gilda Mercatoria. See Gilde. Gilowite. See Gyltwite.

Giager, Zinriber, 1s a Spice well known, being the Root of a Plant, that groweth in hot Countries, as Spain, Barbary, &c. The true form whereof you have expressed in Gerards Herbal, fib. 1. cap. 38.

a Spice whose Root is to be garbled, 1 Fac. 19.

Gyang Bepper, Piper de Guinnea, 1s otherwise called Indian Pepper, of the place whence it corneth; the Nature, and farther Description whereof you have in Gerards Herbal, lib. 2. cap. 66. This is mentioned appears Drugg and Spices to be gashled, but The Tennes.

among Drugs and Spices to be garbled, by 1 Jac. 19. Estat. 3. Cap. 6. Is according to Skene de verb. Signif. vervo Gysarum, a kind of Hand-Axe, Fleta, lib. 1. cap. 24. sett. Item quad quilibet, writes it Silarmes. Spelman says, Est armorum genus longo manubrio by porvello cuspide. rello cuivide.

Clawance ore. See Plowden, fol. 320. The Cafe

of Mines.

Glanuil, Was a learned Lawyer, and chief Juftice in Henry the Seconds days, who writ a Book Of the Com-mon Laws of England, which is the ancientest of any extant, touching that Subject, Staimf. pre. cap. 1. fol. 5. He was then called in Latine Ranulphus de Glanvil-la. He died in Richard the Firsts days, at the Siege of la. He died in Richard the First days, at the Siege of Acres, in the Coast of Palestine, being with him in his Voyage to the Holy Land, Plowden, fol. 368. Stowels

& Glavea, A Glaive, or Gleave, a Javelin, a and dart. —Quod cum vidisses quipiam de castello or adversarium agnovisset, telo gracili, quod Ganca (legendum est Glavea) dicitur eum jam cominus positum petiit, que testam capitis ipsius male nudati perferavit.

Gervas- Dorobern, sub anno 1144.

Olyn, Significe a Valley. See Doomsday-Book.

Olyn, Gleban ferre. Anno 1335. Custos of Magister domus beata Maria Magdalena extra portam australem civitatis Exoniensis tulerunt glebam pro redditu excunte de quodam gardino extra portam orientalem ly bound, than to the Peace; for the Peace is not bro-

civitatis pradicia vocato Murley Shulteshay, & hac con-suetudo vocatur Gleba. Izackes Antiquities of Exeter, suetudo vocatur Gleba. p. 48. For it seems the ancient custom of that City was, when the chief Lord in Fee could not be answered of the Rent due to him out of his Tenement, and no distress could be there sevied for the same; then the Lord came to the Tenement, and there took a Turfor Stone, and brought the same to the Court seven Days successively: and this was called Gleba, ib. p. 50.

Oleabland, Oleba, Church-land, Dos ad Ecclesiam

pertinens, Chart. Elredi Regis Maguæ Brit. Monast. de Croiland, apud Ingulphum. Imprimie totam insulam Creilandia pro gleba Eccesia - Dono. Linwood says, Gleba est terra in qua consistit Dos ecclesia, mentioned in the Stat. 14. Car. 2. cap. 25. we most commonly take it for Land belonging to a Parish-Church, beside the Tythe. Skene says, The four aickers of Land qubil is granted to the Ministers of the Evangel within this Land, is called ane Glebe, the qubilke fuld be free fra payment of any Teinds, De verbor. Sig. verb, Manjus.

Stebaria, Turis, Pete, or combustible Earth.

In silvis, campis—vis, semitis moris, glebariis, lapidibus, metallis, avibus, &c. Mon. Angl. tom. 1.

p. 920.

Some School-filter. Money given to fome Servants by custom to buy them Gloves as a reward and encouragement of their Labours. Inter antiquas confuetudines Abbatia de Santio Edmundo—— Capiunt etiam quidem ex – Capiunt etiam quidem ex pradiais servientibus Glove-silver in Pesto S. Petri ad oncula quarum hac sunt nomina, Clericus Cellerarii ii. den. Armiger Cellerarii 11. den. Grangiarius 11. den, Gc. vaccarius I. den. Ancilla I. den.– -Ex Cartular. S. Ed. mundi, M.S. f. 323.

60. Is used formetimes in a special Signification, as

togo to God, is to be dismissed the Court; so also is to go without day, Broke, tit. Fayler de Records, man. 1. See Smith de Rep. Angl. lib. 2. cap. 13. and Kitchin,

Souling of Clagabonds. That is, fending to the

Goal, 35 Eliz. cap. 7.
Soubott. Was a Fine or Amerciament for Crimes and Offences against God, an Ecclefiastical or Church

Sood behaviour. See Good abearing;

cogingues, A Cuckingstool for Scolds and - In Burgo de Montgomery. Objurgatrices & Meretrices multa mala in villa orian--videlicet lites, pugna, dissimulationes, &c. ac-alia multa quimietationes per earum botefias & clamores. Igitur utimur de eisdem quod cum capta suerint, babeant judicium de la Gogingstoole, & ibi stabunt nudis pedibus & suis crinibus pandentibus & dispersis tanto tempore, ut aspici possint ab omnibus per viam transcuntibus, secundum voluntatem Bullivorum nostrorum capita-

Goats, No, Man may common with Goats within the Forest without especial Warrant. Nota, That Capriolus non est bestia, venationis Foresta, Manwoods Porest-

Law, cap. 25. numb. 3.

& Solda. A Gullet, a Sink, a Padage for Water, &c. —— Concessionem etiam quam idem Thomas secit de terris suis de terris tenentium suorum tum li-beroram quam nativorum, a Goldis mundandi per se de suos secundum consuetudinem in locis de Alserton de Norton

usitatum. Mon. Angl. tom. 2. p. 610.
6000 abtaring, Bonus gestus, Is by a special signification, and exact carriage or behaviour of a Subject to the Ring and his Liege People, whereunto Men upon their evil course of Life, or loose Demeanor, are sometimes bound: For as Lambard in his Eirenarcha, lib. 2. cap. 2. faith, He that is bound to this, is more strict-

ken without an Affray, but this Surety do bono geftu may be forfeited by the number of a Mans Company, or by his or their Weapons or Harness. Whereof see more in that learned Writer in the same Chapter, as also in Cromp. Just. of Peace. fol. 119, 120, 121; 122, 124, 124, 126, 127.

123, 124, 125, 126, 127.
Sood Country, Bono Patria, Is an Affife or Jury of Countrymen or good N. ighbours. Stene de verbor. Sig-

nif. verb. Bona Patria.

Bank, or Sea-wall, or a pullage worn by the flux and

reflux of the Sea.

Goice. May be fetcht-the French Gore, that denotes a Wear, [it is a Pool or Pit of Water to keep Fish in; by the Grant whereof the Soyl it felf passes, and a Pracipe quod reddas lyes of it, as you may see in 4 E. 3. 29. b. and 8 E. 3. 13. a. and F. N. B. fel. 191.] It is also a stop in a River: It is accorded, that all such Gorces, Mills, Wears, Stankes, Stakes and Kiddles, which be levyed, and set up in the time of King Edward, the King's Grand-sather, and after, whereby the King's Ships and Boats be disturbed, that they cannot pass in such River as they were wont, shall be out, and utterly pulled down, without being renewed, 25 E. 3. cap. 4. Co. on Lis. fol. 5. would derive it from Gurges, but with what reason, I will not inquire.

87602e, A small narrow slip of Ground. — Dua roda jacent junta viam scilicet le gores super shotesorlong. Paroch. Antique pag. 393. una acra & dimidia jacent simul ibidem, & vocantur quinque gores. ib. 532. una acra cum una gore. ib. p. 534. See Mr. Kennet's

Glossary.

poset, 23 H. 8. 5. A Ditch, Slace or Gutter, I suppose with more ease drawn from the Latine word Guttur, than the Saxon Geotan, that signifies, as one saith,

Spaduates, Graduati, Are Schollars as have taken

degrees in an Univerfity, 1 H. 6. 3.

E Gialto, Ciaphio, Cianio, A Grave, as in Landigrave, a Magistrate, a Judge, an Advocate—Nec Princips nec Grassio bane lenitatem prefatam mutare audeat. Carta kenulphi Regis Merciorum apud Mon. Angl.

tom. p. 100.

& Graffium. A Writing Book, a Register, a Lieger Book, or Cartulary of Deeds and Evidences. David Episcopus Menevensis, Sancto Thoma Archiepiscopo in existem detruso, a Custodibus Capitale sigillum abstilis, by Librum possessionum quod Grafium appellatur. Annal. Eccles. Menevensis apud Augl. Sacr. P. 1. p.

653.

© Jain. The 24th part of a peny weight. In 51 Hen. 3. Denating Anglia qui nominatur Sterlingus, rotundus fine tonfura ponderabis triginta de duo grana frumenti in medio (pica. These thirty two Grains in the middle of the Ear of Corn are the natural Grains, which for the better accommodation of Accompts, are now reduced to 24 artificial Grains.

Graffer, Graffarius, Signifies a Notary or Scrivener, and is used in the Statute 5 H. 8. cap. 1. Why may it not be derived from the Greek Verb pease, Scribe: I

am fure it is apt enough.

Gialls. Giavale fiu Giavale. A Gradual, or Book containing some of the Offices of the Roman Church. Gradule, says Linuvood, sic distum a gradulibus in tali libro contentis. Provincial Aug. lib. 3. The word is mentioned in Plowden, fol. 542. and 37 H. 6. 32. It is sometimes taken for a Masse-Book, or part of it instituted by Pope Celestine, Anno 432, according to Cotgrave.

Grand Affile. See Affile, and Magna Affile. Grand Cape. See Cape and Attachment. Grand Bayes. Are those in every Term solemnly kept in the lines of Court and Chancery, viz lit Eafter Term Ascension day, in Trinity Term St. John Buptishs-day, in Mithielmas Term All-Saints-day, (and of late All-Saints-day.) and in Millary Term the Feastrof the Puriscation of our Lady, commonly call'd Candlemas-day. And these are Dies non Juridici, no Days in Court.

Orange Different Magna Diffriction. Is so called for quality and extent therefore, for thereby the Sheriff is commanded. Quad distringut tenentem, it a quad inference aliquis per informat as a manum appenat, donce basis respondent, by quod de scribbus commandem nobis respondent, by quod baseas corpus etc. Sec. This Writ lies in two Cases, either when the Tenant or Desendant is attached, and so returned, and appears not, but makes default; then a grand Distross is to be awarded or else when the Tenant or Desendant hath once appeared, and after makes default, then this Writ lies by the Common Law in lieu of a Petit Cape, 2. par. Inst. fol. 254. 51 H. 3. cap. 9. Westm. 1. cap. 44. and Flesa lib. 2. cap. 69. sell penult. See Distross.

Grangs, Grangia, Is a House or Rarm, not only where

Corn is laid up, as Barnes be, and Granaries, Gr. but also Stables for Horses, Stalls for Oxen, Styes for Hogs, and other-things necessary for Husbandry: And by the grant of a Grange such places will pass, Provinc. Angl. lib. 2. sit. de Judiciis, cap. Item Omnis.

Officer belonging to Religious Houses, who was to look after their Grange or Farm in their own Hands.——Grangerus qui est unus Servientem de seodo cipus institucion special ad Abbatem debet esse in curia Grangarina——Gribi in omnibus commodo Cellerarii intendere—Ex Cartular. S. Edmundi. M. S. f. 323. He was otherwise called Grangiarina, and in this he differed from the Granatarius, that this latter was keeper of the Granatary or Corn-chamber in a Religious House, the other accounted for the profits of a Country Grange: And therefore it was expressly provided that the same Person should not execute both Offices.——Nes subsidiation quad Prapositus sit Granatarius & Grangiarius simul Fleta. l. 2. c. 82. Sect. 1.

Stant. Concession, Signifies a Gift in writing of such a thing as cannot aptly be passed or conveyed by word only, as Rent, Reversions, Servises, Advowsors in gross, Common in gross, Tythes, Exc. Or made by such Persons as cannot give but by Deed, as the King, and all Bodies Politick, which differences be often in speech neglected, and then it is taken generally soft every gift whatsoever, made of any thing by any Person; and he that grantesh is named Grantes, and he to whom it is made the Grantee, West. Symbol. part 1. sib. 2. sed. 334. A thing is said to lie in grant, which cannot be affigued without Deed, Cole, lib. 3. sol. 63.

Lincoln Colledge Case.

& P Stant. A Devil, a Spectre, an Apparition, so called by our Fore-fathers, and thus described by our Country-man Gervase of Tilbury, in his. M. S. Tract. De Otis Imperialibus: lib. 3. cap. 64. Est in Anglia quoddam Damomum genus, quod suo idiomute Grant nominatur, ad instar pulli equini annicult, tibis erectum, oulis scintillantibus. Istud Damomum genus serifime comparet in platein in issua apparet, suturnin in ute illa, vel vico portendit incendium. Cum ergo sequente die vel vico portendit incendium. Cum ergo sequente die vel vico portendit incendium. Gum sugam simulat, sequentes remes ad insequendum spe vana consequendi invitat: bujusmodi illusio convicaneis de ignis custodia cautalam sacit, so sic afficiosum damonum genus, dum aspicientes tenet,

terret, sue adventu munire ignorantes solet. — I wish fome ingenious Citizen of York would enquire into the appearances and effects of the Barr-Gueft, or Apparition which is faid to haunt the Streets of that Place; and compare it with the Grant before described.

with a Plough, as we still say the Skin is gras'd or lightly hurr, and a Bullet grafes on any place, when it gently turns up the furface of what it strikes upon Hence the customery Service for the inferiour Tenants to bring their Ploughs, and do one days work for their Lord, was within the Parish of Ameridan in the County of Oxford, call'd Grafs-bearth, and Grafs-burt. See Parachial Antiquities, p. 496, 497. and Mr. Kemes's Glosfary annex'd to that Work.

Soldier Bellen. Salva nobie of Succ. nofrie una grava continente circiter dues acras bosci jacente juxta boscum nofrum in Balsham, &c. Cart. Philippi Epi Elien. dat. 17. October 1435. See likewise Mr. Kennet's

Gloffar y.

Spice Medicinable and wholesome, whereof you may see divers kinds in Gerards Herbal. lib. 3. cap. 148. These are comprised among Merchandise to be garbled by 1 Jac. 19.

Great men, Are sometimes understood of the Temporal Lords in the higher House of Parliament, as 43 E. 3. cap. 2. and 8 R. 2. in Process and sometimes of the Members of the House of Commons, as 2 R. Stat.

2. in principie.

2. in principie.

Status, A little Wood, Doomsday.

Status, but ach or Warrath-butach. Is intended for a breaking of the Peace by Saxton, in his Description of England, and Rasial, tit. Exposition of Words, but mistaken for Grithbrech. See Grishbrech.

Opts, Cometh of the French word Gre, that is good-like and in I am furnifies Contentment or Satisfaction.

liking, and in Law fignifies Contentment or Satisfaction, in 2 R. 2. cap. 15. To make gree to the Parties, is to give them contentment or latislation for an Offence done unto them. So in 25 E. 3.cap. 19. That Judgment shall be put in dispence, till gree be made to the King of his Debt. See Agreement.

Otten: Cloth. See Counting-House.

Operabeto, Is also one with Vert, Manwoods Pereft-

Law, cap. 6. num. 5. See Vert.

Occu-Silber, Argentum Viride, By Cuftom in the Manner of Writttle in Effex, every Tenant having his Fore-door opening to Greenbury, pays a half-peny year-ly to the Lord of the Manner, by the Name of Green-

Orten-SMap, Is a word used in 42 E. 3. 9. and 7 H.
4. 3. and figuifies the Estreats of Fines, Issues and Amerciaments in the Exchequer, under the Seal of that Court made in Green-Was, to be levyed in the County.

See Foreigne Appofer.
OreWanne, See Gersuma.

Octor, Prapositus, Is a word of Power and Authority, fignifying as much as Comes, or Vice comes. Lamb. in his Exposition of Saxon words, verbo Prefestus, makes it all one with Reve. The Saxon word is Gerefa, of which we have divers words compounded, as Shreve, Portreve, &c. which, by the Saxons, were written Scyregerefa, Portgerefa. See Shireeve and Portgreve. Hovedon part. poster. annal. sol. 346. saith, Greve dictur, ideo quod jure debeat Grith, i. pacem ex illis facere qui patria inferunt va, i. miseriam vel malum.

& Oleva. The Sea shore, or Sand, or Beach.

tom. 2. p. 625.

Crichbieth, is a breach of the Peace, In causis Regiu Grithbrech 100 fil-emendabit, Leg. H. 1. cap. 36. Charta Willelmi Conq. Eccles. santi Pauli in Hist.

ejuld, fol. 90.
Stills, A kind of little Fish, 22 E. 4. 2.
Stithuole, Bedin pack, A Sanctuary. See Frodmortell.

Scottes, By 37 E. 3. 5. Where Merchants that engrossed all Merchandile vendible; but now it is a particular and well known Trade, incorporated into a Company which is one of the Twelve, and have a very

Company which is one of the I weive, and linve a very Handsome Hall, from them stiled Grocers-Hall.

Chonna, A deep hollow Pit; a Bog, a Miry Place.

I fine Haroldi corpus effodere & in gronnam projecre juste. Roger Hoveden, p. 438. So Grunna, in the Life of Saint Shidan Bishop of Fern in Ireland. num. 10. Erat autem magna grunna inter eos 41. fil-

vam, per cujus circuitum via erat.

Shoome, Vallettus, 33 H. 8. cap. 10. Is the Name of a Servant in some inseriour place. Vestegan in his Restitution of decayed Intelligence, saith, That he sindeth it to have been in times past a Name for Youths, who albeit they served, yet where they inferior to Men-fervants, and were sometimes sent on foot of Er-

Men-lervants, and were cometimes sent on 1000 to mirants, serving in such manner as Lackeys do now.

Stoffa. A Groat. Concessa est Regi una grossa, qua contines quatuor denarios de quolibes viro est Muliere. Henry Knyghton, sub anno 1378.

Stoffe, in Grosse. Absolute, Independent, as formerly a Villan in grosse, was such a servile Person, as was not appendent or appendix to the Land or Manas was not appendant or annex'd to the Land or Mannor, and to go along with the tenure as an Appertinance of it: but was like the other personal Goods and Chattels of his Lord, at his Lord's free Pleasure and Disposal. So Advouson in grosse distinguish'd from Advouson appendent.

Oseffe bois, Is great Wood, and properly fignifies such wood as is either by the Common Law or Custom

Gerfam. For Plow. fol. 271. saint is consepted in the Gerfam. For Plow. fol. 271. saint thus, Et le dit J. K. grant per mesme le indenture a payer en la fine de le dit terme de 10. Ans al dit W.N. deze Mille de tiles on le value de eux en argent en nosme de Grossome; And in

fol. 285. it is written Gressame.

61. 2

Opposite the Board Records of the Forest of whom

you may read in the Forest Records.

© Outz. Gruel, Broth, Pottage. In the Accounts of the Cathedral Church of St. Paul in London, about 5 Edw. II. Summa frumenti ad panem 185. quarter. Summa frumenti ad grutam 135. quarter. Sun ordei ad grutam 135. quarter... Ex Libro Statut. Eccl. Paulinæ. M.S. f. 73.
Sueth-Taktes or Gift-Taktes. See Agiftors.

Oughaut. Guydagium, Is that which is given for lase Conduct through a strange Territory, or unknown wayes. Cassaness de consuetud. Burgun. p. 119. whose words be these. Eft guidagium quod datur alicui, ut tuto conducatur per loca alterius, Co. 2. Infl. fol. 526. calls it an old legal word.

Ouild. See Gild.
Ouildhalda Entonicorum. See Gild.

Ouls of August. Gula Augusti, Westm. 2. cap. 30. 27 E. 3. Stat. 3. cap. unico P. N. B. fol. 62. alias Goule de august. And Plowden, fol. 326. Case of Mines is the very day of St. Peter ad vincula, which was wont, and

is fill celebrated upon the first of August. And in pro-bability called The Gule of August, from gula a Throat. The reason we have in Durands Rationale Divinorum, lib. 7. cap. de fello santii Petri ad vincula, where he faith, That one Quirinus a Tribune having a Daughter that had a Difeate in her Throat, went to Alexander, then Pope of Rome, the fixth from St. Peter, and defired of him to borrow, or fee the Chains that St. Peter was chained with under Nero, which Request obtained; his faid Daughter kiffing the faid Chain, was cured of her Discase, and Quirinus with his Family baptized. Tunc distus Alexander Papa, saith Durand, boc festum in Calendis Augusti celebrandum instituit sy in bonorem beati Petri Ecclesiam in urbe Fabricavit, ubi ipsa vincula reposuit of ad vincula naminavit of Calendis Augusti dedi-cavit. In qua festivistate populus ille ipla vincula bodie osculatur. So that this day that before was only called The Calends of August, was upon this octasion termed indifferently either of the Instrument that wrought the Miracle, St. Peter's day ad vincula; or of that part of the Mind whereon the Miracle was wrought, the Gule of August. See Hospinian de origine festorum, sol. 85. Averagium astivale sieri debas inter Hock-day & gulam

Averagium aftivale pieri debas inter Hock-day & gulam Augusti: Rentale Manerit Regalit de Wy.

& Dulbum. Texation, or pecuniary imposition

— Abbas & conventus sunt quiett de eschapiu latronum, bobus de diseisna, guldis, theoloniu, &c. Cartular. Glafton, M. S. f. 87. a.

& unitwit, Is an amends for Trespass, according to

Saxton, in his Description of England, cap. 11. But we may suppose it mistaken for Gystwit, because no such word is found either in Spelman's Gloffary, the Saxon Distinuty, or ancient Record.

Suest, Holpes, Is used by Brazion for a Stranger or Guest, that lodges with us the second night, Lib. 3. trast. 2. cap. 10. In St. Edw. Laws, published by Lamb. man. 27. it is written Gest. Of this see more in uncoutb.

or Sumfes, Sumphus. The hook upon which the turns. — In granario coperiendo xxvi. fol. x. den. In offits eidem faciendis cum gumis & vertin ellis (i. e. with hook and hinges) vii. fol. iv. denar. Computus Dornus de Farendon. M. S. f. 18.

Summer, Is a clammy or tough Liquor iffuing out of Trees, and hardned by the Sun. Of these there be divers forts, harmaght from bound for the same forts.

Trees, and hardned by the Sub. Of thele there be divers forts brought from beyond Sea, that are Drugs to be garbled, as appeareth by the Statute 1 Jac. 19.

8- Outta. The Gout. Anno 1287. Quidam infirmitate quan Medici guttam vocant vexabatur, ut nec pedes nec manus absque dolore gravissmo movere posses. Liber de miraculis Tho. de Cantilupo Episcopi Hereford M. S. penes Willielmum Glynne Baronettum.

ST Guttera, A Gutter or Spout to convey the Water from the Leads and Roofs of Churches. — Cu-flos operis post singulas magnas phusas faciate serutari vol tas superiores Ecclesia, by tunc similiter mundari faciat deambulatoria superiora circa Ecclesiam exterius ut pluvia liberum flucum babeat per gutteras, nec amplim, &c. Liber Statatorum Eccl. Paulinze London, M. S. f.

Outter-tile alie Comer-tile, is a Tile made three-

corner-wife, especially to be laid in Gutters, and at the corners of tyled Houses and Dove-houses, 17 E. 4. 4. Single-mestcheb, is a British word, signifying a Fine made to some Lord of Mannors upon the Marris and to their Tangate. Panalescence of their Tangate. age of their Tenants Daughters, or otherwise upon their committing Incontinency. See Marchet and Lair-

Swalfiow, A place of Execution, Omnia Gualflown, id est, occidendorum loca totaliter Regu funt in foce wa.

6 bage, dwaie, dwaibium. They were properly fuch Goods, as Felons or Thieves when purfued, caft down and left in the High-way, which became a forfei-ture to the King or Lord of the Mannor, unless the right Owner did legally claim them within one year and right Owner did legally claim them within one year and a day. — Recognitum of Militibus & liberis bominibus, quod ad nos special le Gways, &c. ita & statim reddi num oft nobis le Gways de Ernicot scilicet duo porci cum quinq; porcillis. Paroch. Antiq. p. 196. where the Word fignifies only stray Cattle, Waif and Stray.

Optimyte, Habeatq, ipse Episcopus (fo. Oswaldus Ep. Weorgeceastre) &c. debita transgressionum & panam deliborum qua nos dicimus Osersegenesses. Ex ipso Autographo Eadgari Regis dat. anno 964. Penes Regem: It signifies a Compensation for Trespass or Fraud.

Tabeas Coppus, Is a Writ which a Man indicted of a Trespass before Justices of Peace, or in a Court of any Franchise; and being apprehended and imprisoned for the same, may have out of the King's Beach to remove himself thither at his own Costs, and to answer the Cause there, F. N. B. fol. 250. And the order of this Case is, first to procure a Certification of the Chantery, directed to the faid Justices, for the removing of the Indictment into the King's Bench, and upon that to procure this Writ to the Sheriff, for the causing of his Body to be brought at a day, Reg. Jud. fol. 81. where you may find divers Cases, wherein this Writ is to be used.

Pabeas sopposa, Is a Writ that lies for the bringing in of a Jury, or so many of them as refuse to come upon the Venire facias, for the Trial of a Cause brought to Islue, Old. Mat. Brev. fol. 157. Soe great diversity of this Writ in the Table of the Register Judicial, verbo Habeas corpora, and the New Book of Entries, verbo

Pabendum, Is a word of form in a Deed or Converance, every of which must have two parts, viz. the Premisses and the Habendum: The Office of the the Premises and the Rabendum: The Office of the premisses is, to express the Names of the Grantor, Grantee, and the thing granted. The Office of the habendum is, to limit the Estate, so that the general implication of the Bstate, which, by construction of Law passeth in the premises, is by the habendum controlled and qualified. As in a Lease to two Persons, habendum to the one for life, the Remainder to the other for life, altereth the general implication of the Joynt-tenancy in the Free-hold, which should pass by Joynt-tenancy in the Free-hold, which should pass by the premisses, if the babendum were not, Co. vol. 2. fol.

55. Bucklers Case. See use.

Se Pabentes bomines. 'In a Chartet of Cenulph
Ring of the Menlans, anno 821. Nec Rex summ pastum requirat, vel Habentes homines, quos nos dicimus Fzflingmen, nec eos qui accipitres portant vel falcones.
Mon. Angl. tom. 1. p. 200. Du Freine fays, they are no more than Divites Rich Men. But no doubt the word implies a firicter Senfe, and did import either the Ring's Guard or Retinue, who were at the Fine's Plant King's Guard or Retinue, who were at the King's Plea-fure to be Reafting-men, or plentifully entertained at the Houses of his Tenants: or rather those old Servants who were commended to the Religious by the King, and so fastned on them for corrodies or mainte-nance for Life. Or perhaps only the Pledges and Surethe Tithing Man, were to keep the King's Peace, and

be accountable for the breach of it. Pabere factas felfinam, is a Writ Judicial, which lyeth where a Man hath recovered Lands in the King's

Court,

Court, directed to the Sheriff, and commanding him to give feifin of the Land recovered, Old Nat. Brev. fol. 154. See great diversity thereof in the Table of the Register Judicial, verbo Hebere facias stismam. This Writ is sometimes isliving out of the Records of a Fine executory, directed to the Sheriff of the County when the Land lyeth, and commanding him to give to the Cognifee, or his Heirs, feifin of the Land whereof the Fine is levyed, which Writ lyeth within the year after the Fine, or Judgment, upon a Seire facias, and may be made in divers forms, West Symbol. 2 tit. Fines fell. 126. There is also a Writ called Habere facias seifinam ubi Rex babuit annum, diem & vaflum, which is for the delivery of Lands to the Lord of the Fee, after the King hath taken his due of Lands of him that was con-

victed of Felony, Orig. fol. 165.

Dabere facias bisum, Is a Writ that lies in divers
Cases, where view is to be taken of the Lands or Tenements in question, F. N. B. in Indice, verbo View. Brallon, lib. 5. trall. 3. cap. 8. of lib. 5. part. 2. cap. 11. See View, Reg. Jud. fol. 1. 26, 28, 45, 49, 52.

Detection. A fort of Fish, perhaps Haberdine,

or a fort of Cod-fish dried and salted. - & v. de angióllis & H. in gabulo affijo xiii.libras. —

in gabulo assign xiii. libras. — Gr. de anguillis & H. de haberillis, dr I. de parwis anguillis, vel tres solidos de piscaria. Cartular. Abbat. Glaston. M. S. f. 39. a. Haberietts or Hambergetts, Haubergetta, A kind of Cloth, una sit latitudo pannerum tinitorum, russarum dr Haubergettarum, scil. dua ultra infra listas, Mag. Chart. cap. 25, 26. Et pupilla occuli, part. 5. cap. 22. Habeliments of Watar, 31 Eliz. cap. 4. Are Armor, Harnes, and Provision of War of all forts, without which no War can be maintained, 3. par. Inst. sol. 79. Hables, is the plural of the French Hable, signifying a Port or Haven of the Sea; whence Ship set forth into other Countries, and where they do arrive when they return from their Voyage: This word is used 27

they return from their Voyage: This word is used 27

H. 6. 3.

**Padunda. Abundance, Plenty. Receptis de caseo sy butiro, sy eo minus propter habundam easei maximam. Paroch. Antiquit, p. 548.

**Phasett. A Harch, a Gate or Door. Saxa, haca, Pessulus, a Hatch or Bolt. Idem tenetur tempore conditions absence le bacche de merc. sy capere glebam sy fireuso obstruere le hacche de mere, de capere glebam de clausuram in mora. Cartular. Abbat Giaston. M.S. f. 42. b. Hence the Buttery-Hatch, and several Houses si-tuate on the High-way near a common Gate, are still call'd Hatches.

A Hatchet or cutting Infirument of & Pachetta. -Quidam Serviens ipfius Rogeri in prasentia Iron. ipsius Episcopi percussit de vulneravit usque ad enormem sanguinis essusantin Ricardum de ejusdem Episcopi comitiva, qui ceperat haschettam quam tenebat quidam familiaris alius ejusdem Rogeri, versus Dominum Episcopum cum dilla hachetta elevata veniens, quafi vellet eundem Epif-copum percutere. Abbat. Glaston, Gartularium. M.S. fol. 66. a.

&T machta. A Hack, a Vick, or Instrument for dig-ing. —— Adam de Holt, vendidit Henrico Scot quartam ging. partem manerii de Beterton, & statim perregerunt ad pradictam quartam partem de selione in selionem, es ad ultimum selionem dictus Adam cum hachia sodit quondam particulam terra, de tradidit illum dille Heurico nomine seifina. Placita 2 Edw. III. M. S.

Danbott, Was a Recompence made for the violation of Holy Orders, or violence offered to Persons in Holy Orders, Saxon Distionary.

Dade of Land, Hada terra ; Surfum reddidit in manus Domini duas acras verva continens decem feliones & duas Hadas, Anglice, Ten Ridges, and two Hades, jacent, inter. terr. Grc. Maner de Orieton, Anno 16. Jac.

of Haderunga, Respect of Persons, Partiality, from Sax. had, Person, Degree, Quality; and armg, honour-ing, admiring. Hence in the Laws of King Ethelred. Judicia debent effe sine omni haderunga, quod non parcatur diviti alicui vel egeno, &c.

Derede beliberando alii qui habet cuftodiam terra Is a Writ directed to the Sheriff, willing to command one, having the Body of him that is Ward to another, to deliver him to him, whose Ward he was by reason of his Land, Reg. Orig. fol. 161. This is now out of

use by 12 Car. 2. cap. 24. Deress aboutes, is a Writ that lyeth for a Lord, who having the Wardship of his Tenant under age, by right cannot come by his Body, for that he is conveyed away by another, Old Nat. Brev. fol. 92. See Ravifbment de Gard, and Hærede rapto in Reg. Orig. fol. 163. but now

& Peretare. To give a Right of Inheritance, or make the donation hereditary to the Grantee and his Heirs. — Tandem usus confilio & patrocinio amicorum hærctavit Sancium Paulum de quatuer bidis & dimidia.

Histor. Elienfis, Edit. Gale. cap. 41.
Deretteo comburendo, It is a Writ that lies against him that is a Heretick. viz. that having once been convicted of Herefie by his Bishop, and having abjured it, afterwards falleth into it again, or into some other, and is thereupon committed to the secular Power, F. N. B. fol. 269. This Writ lies not at this day, ac-F. N. B. fol. 269. cording to the Opinion of Sir Edward Coke in his twelfth Rep. fol. 93.

Daga. Is used as a kind of Latin word for a House

in a City or Burrough: In Doomsday Book in Suffex, Terra Rogerii, num. 11. Radulfus tenet unam Hagam de xii. denar. Will. quinq; hagas de s. fol. dyc. In an uld Book, sometimes belonging to the Abby of St. Austin in Canterbury, we find that King Stephen fent his Writ to the sheriff and Justices of Kent in this manner, Stephanus Rex Anglorum, Vice-comiti de Justiciariis de Kent, salusem, Pracipio quod faciatis babere Ecclesia Sunsti Augustini (g Monachie hagam fuam quam Gosceold eie dedit,

Paint Courts. Haine, Is a Danish word lignifying a Haven or Sea-port, in Letters Patent of Richard Duke of Gloucester, Admiral of England, 14 Aug. 5 E. 4. are these words, Ulterius dicent quod dilli Abbat & conventus de predecessores sui habent de habere consueve-runt per idem tempus in pradictio villis (Bancaster & Ringsted) cum bulmo, quasdam curias portus vocatas Hafne Courts tenendos ibidem, &c. Raven Courts, 4. Inst. fol. 147.

whence Haia. — Quod totum didum placeam —includere possint fossato de haga secundum assisam foresta Mon.

Angl. tom. 2. p. 273.

M. Paga. A Houle. Sax. bangh, hagh, whence our old English Haw. This word Haga for a Mansion or Dwelling House is frequent in Doomsday Book.

hagbut, See Haque and Haquebut.

bara, A Hedge, and sometimes taken for a Park or Enclosure, Vallatum fuit, &c. Fossata Haja de Palatio, Bract. lib. 2. cap. 40. num. 3. Hence Hajement for a Hedge-sence, Rot. Inq. 36 E. 3. in Scac. de Feresta. Watthout, 1s an irregular compound of the French Haye, i. Sepes, and the Saxon Bate, compensatio, and

used for a permission to take Thorns or Freeth to make or repair Hedges. See Hedgebote.

Dake. A fort of Fish dried and salted call'd commeriy Porr-John, in the Western parts of England, Hakot, from Sax. Hacod. The proverh obtains in Kent. on dry as a Hake —— Et in tribus copulis viridu piscis, cum uno viridi linge, cum tribus congere, do cum una co-pula de hake. Antiquit. Parochial. p. 575. See Spelman's Gloffary in Hakedus.

Dalstang. See Pillry and Healfang.
Dalstang. See Pillry and Healfang.
Dathmerk. Dimidia Merke, Is a Noble F. N. B. fol. 5 where he faith, That in case a Writ of Right be brought, and the seism of a Demandant, or his Anceflor, alledged, the seisin is not traversable by the Defendant, but he may tender or prosser the Half-mark for the enquiry of this seisin; which is in plain terms, that the Desendant shall not be admitted to deny, that the Demandant or his Ancestor, was seised of the Land in question, and to prove his denial; and that he shall be admitted to render balf a Mark in Money, to have an Enquiry made, whether the Demandant, &c. were fo feised or not. And in this fignification we find the same words in the Old Eng. Nat. Brev. fol. 26. Know, that in a Writ of Right of an Advowson brought by the King, the Defendant shall not proffer the half-mark, fre. whereof Fitzherbert, whi supra, giveth this reason, because in the King's Case, the Defendant shall be permitted to traverse the Seisin, by Liceuce obtained of the Kings's Sergeaut. To which effect see F. N. B.

fol. 31.

Dall-Seal, Is used in the Chancery for the sealing to Delegates, appointed upon any Appeal, either in Ecclesiastical or Marine Causes, 8 Eliz. 5.

Ball Congne, See Medietas Lingua.

Dalymote alias Bealgemote, Is a Court Baron, woods Forest's Laws, cap. 23. And the Etymology is the meeting of the Tenants of one Hall or Mannor. Sec Gwins Preface to his Reading, Omnis causa terminetur, vel Hundredo, vel Comitatu, vel Halymote, socum habentium, Leg. Hen. 1. cap. 10. The Name is fill kept in several places in Herefordshire. It is sometimes taken for a Convention of Citizens in their publick Hall; as in London every Company hath a Hall, wherein they keep their Courts, 4 Inst. fol. 249. It may also lignify a Holy or Ecclesiatical Court.

Pallmosfolk, i. e. Holy-work-folk, or Peo-ple who held Lands for the service of repairing or defending a Church or Sepulere, for which pious Labours they were excused from feodal and military Services. Hugo Episcopus Dunelmensis Monines de Episcopatu seculei coegis ire in guerram Scotia & cum redissent domi ab eo non licentiati, secis eos apud Dunelmum in carcerari. Quod ipsi graviter serentes, secenus se partem contra Episcopum, dicentes se esse esse se sono contra desenvia de contra c tenere ad defensionem corporis S'. Cutbbersi, nec debere se extre terras Episcopatus, scilicet ultra Tinam & Teysam pro Rege vel Episcopo. Hist. Dunelm. apad Wartoni

Ang. Sac. P. 1. p. 749.

Dall, Halls, The Saxon word is Healle, and ancientwhich word we retain in many Countries of England to this day, especially in the County-Palatine of Cheffer, where every Gentleman of Qualities Seat is termed a

Ballage, Is a Fee due for Cloaths brought for Sale to Blackwel Hall in London, Co. vol. 6. fol 62. b. Alfo the Toll due to the Lord of a Fair or Market, for fuch Commodities as are vended in the Common-Hall of the place.

Saints, Nov. r. One of the crois quarters of the Year was commonly to computed in ancient writings from Halymas to Candlemass.

Dallamshits, Is a part of Torkshire, in which the Towns of Shessield stands, 21 Jac. cap. 23.

Dalmetus. Villani ne vendant donent vel locent terras custummarias per carram vel sine convillanis vel Custumariis sine expresso comensus Primariorum by in plena curia vel Halmeto, ut per recordum Curia, &c. Statut. Eccl. Paul. London. M. S. f. 45. 6. See Halymote.

ham, A House, also a Village or little Town: is a termination of many Towns in England, as Nottingham, Buckingham, Walfingham, &c. Dambles, See Hables.

hambling, or hameling of Dogs, Is the fame, with expeditating; Manwords Forest Law, cap. 16. nam. 5. fays, This is the ancient term that Foresters used for that matter, and mum. 12. he adds, Canutus in his 31. Canon, doth call The lawing of Dogs, Genu scissio, which was a kind of cutting or laming of Dogs in the hams, which the old Foresters called Hambling. See Expeditate.

hamiet, as alfo hamel and hamplel, Are dimunitives of Ham, which figuifies Habitation, Camp.l. Brit. pag. 149. & 354. Kitchin hath Hamel in the fame lenfe, who also useth Hampfel for an old House or Cottage decayed, fol. 103. Hamlet, as Stow useth it in Edw. 3. seemeth to be the Seat of a Free-holder; for there he saith, The King bestowed two Mannors and nine Hamlets of Land upon the Monastery of Westmin-ster, for the keeping of yearly Obits for his Wise, Queen Elianor deceased. Spelman making a difference betwixt Villam integram, villam dimidiam of Hamlettam, hath Villam integram, villam dimidiam of Hamiettam, nath these words, Hamlettam vero que meditatem friborgi non obstinuit, boc est ubi quinque Capitales Plegii non sint deprehensi. The Statute of Exton, 14. E. I. mentions it thus, Lex nosmes de toutes les villes of Hamlets que sont en son Wapentake, &c.

Damellus. A Hamlet. Cum duodus solidis annui redditus in hamello de Chetham. Will Thorn

Pamfare, An Assault made upon a House. See Gloff.

in scriptores. Damma; A Home-Close, a small Crost, or little Meddow:——— Quoddam pratunculum quod vocatur Hamma. Paroch: Antiquit, p. 135. quatur acras prati in Gore juxta hamam Gilberti. ib. p. 176. Computant de sex solidas, octo denariis receptis de duodus hammas prati in campo de Wendleburg. ib. p. 572. in which latter Citation hamma prati seems to be a narrow skirt, hem. or edge of Meddow or Goos in the hem, or edge of Meadow or Grass in the common Field. See Mr. Kennete Gloffary

ield. See Mr. Kennets Glossary.

Damma. Some fort of Fishing-tackle, perhaps the Poles with which they beat the Water, to drive the Fish into the Nets. For the word Hamis in the Glof-stry of Du Fresne, is thus expounded from Johannes de Janua, sustin ancupabilis scilicet virgula, qua sustine rete, quo capiuntur fera, vel quod levat rete in quo capiuntur aves, of dicitur ab bamus. However it is plainly some Instrument of poching for Fish. — Nullus bominum de eatero in gressum babeat in piscariam ratione piscandi, sed omnia retia, le hammes, of alia instrumenta piscaria deferantur ad curlam de Mere ad opus Piscatorum. Cartular. Abbat. Glasson. M. S. f. 90. b.

piscaria deferantur ad curlam de Mere ad opus Piscaturum.
Cartular. Abbat. Glasson. M. S. f. 90. b.
Damsoken, See Homesoken, Skene de verbor. Signif.
writeth it Haimsuken; and deriveth it from Haim a
German word, signifying a House, and Suchen, that is,
to seek, search, or pursue: It is used in Scotland for
the Crime of him that violently, and contrary to the
King's Peace, assaulteth a Man in his own House,
which, (as he saith) is punishable equally with Ravishing a Woman. Significat etiam quietantiam misericordia intrationis in alienam domum vi & injuste. Fleta
lih. v. cad. 47. Our ancient Records express Burglary lib. 1. cap. 47. Our ancient Records express Burglary under this word Hampoene. In a Charter of Donation from King Edmund to the Church of St. Mary Glasson, we have these words, Concedo libertatem dy potestatem, jura, consuetudines by omnes forisfacturas omnium terra-rum suarum, i. Burgberith by Hundred-setena, Athas by Ordel by Infangtheofas, Hamsocne & Pridebrice by Po-restel & Toll by Team in omni Rogno meo, &c.

Pand.

Dand-horoto, A Surety, a manual Pledge, that is an inferiour Undertaker; for Head-borow is a superior or chief Instrument, Spelm.

Dand-habend. A Thief apprehended in the ve-

ry Fact, having the stollen Goods in his Hand — Ne forts bannitum, ant furem hand habbendam Francigenam oct Anglicum, ultra duodecimum etatis annum (8. denarios valenem, impunitum transeant. Leges Hen. 1. cap. 59. See Fleta lib. 1. cap. 38. Sect. 1. and Bracism l. 2. tract. de Conna. cap. 32. Sect. 2.

Dand in and hand out. 17 E. 4. cap. 2. Is the name

of an unlawful Game.

Dandful, Is four Inches by the Standard, Anno 33

8. 5. doc. the Ring with his own Hand. So among the Compacts of Alvred, and Gudrun. Sect 1. Et hoc est primum Edicum Ecclesia, pax inter parietes suos, ut Regis hand-grith semper inconvuls a permaneat. This the meaning of that Passage in the 13th. Chapter of the Laws of King Hen. 1. Hec mittunt hominem in miscricas in Pacing King Hen, t. Hee mittunt hominem in misericordia Regis, infractio pacis quam per manum suam dabit alicui.

Land-gun, Is an Engine prohibited to be used, and carried about by the Statute, 33 H. 8. 6. And though a Dag was invented of late time, and after the making of the said Act, and is not known by the name of a Hand-gun, but by its own special name; yet the carrying a Dag is within the said Act. See Co. lib. 5, sol.

71, 72. Danby marp, A kind of Cloth made at Cocksal, Bocking, and Brain-tree in Esfex, and mentioned in the

Statute 4 do 5 Phil. do Mar. 5. Hanifare. See Hinefare.

Dangwite alias Dangwit, or Deng-wit, Cometh of Dangwite alias Dangwit, or Deng-wit, Cometh of the Saxon words Hangian, pendere and wite, mulbia. Rastal saith, It is a liberty granted to a Man, whereby he is quit of a Felon Thief or hanged without Judgment, or escaped out of Custody. By some it hath been interpreted, Mulbia pro bomine injuste suspensa, and essewhere Mulbia pro latrone prater juris exigentiam suspensa vel elapso. It may also signify a Liberty, whereby a Lord challengeth the Forseiture due for him, who hangs himself within his Fee, sed quare. See Bloodwit.

Danper, Haniperium, The Hanaper of the Chancery, Anno 10 R. 2. cap. 1. feems to fignify the fame that Fiscus doth originally in the Latine. See Clerk of

the Hanaper

the Hanaper,
Danle, According to Ortelius in the Index to his Additament to his Theatre, ver. Anjiatici, Is an old Gothish word: It signifieth a certain Society of Merchants combined together, for the good usage and safe passage of Merchandise from Kingdom to Kingdom. This Society was, and in part yet is, endowed with many large priviledges of Princes respectively within their Territories. It had four principal Seats or Staples, where the Almain or German Merchants being the Erectors of this Society had an especial House, one of which was here in London, call'd Gildhalda Teutonico rum, or among us vulgarly the Steel-yard. ——Et quod habeant Gildam mercatorium cum Hansa, Gro. Charta

rum, or among us vulgarly the Steel yard. ——Et quod habeant Gildam mercatoriam cum Hanfa, &cc. Charta Hen. 7. Balivis & Burgen!, Montgomer.
Dappe. Cometh of the French Happer, i. Rapere, to feath or catch: and figuifies the fame with us, as to happe the possession of a Deed poll, Littleton, fol. 8. To happe the Rent, as if partition be made by two Parcenors, and more Land be allowed to one than the other, and she that has most of the Land charges it to the other, and she happeth a Rent, she shall remain an Assis without specialty.
Danue, Is a Hand-gun about three quarters of a yard long, 33 H. 8. cap. 6. and 2 & 3 E. 6. cap. 14. There

is also the Half-baque or Demy-baque. See Haquebut. haquebut. Is a fort of Gun, which we otherwise

call a Harquebufs, being both French words, 2 & 3 E.

6. 14. 4 & 5 Phil. & Mar. cap. 2.

Daratium, of Daratium (from the French Haras)
fignifies a race of Horses and Mares, kept for breed. Spel. Gloss, verb. Haracium. Et decimas de dominio suo, depratis, de bladis parcis, Haratiis, molendinis & de Vivariis, Mon. Ang. part 1. fol. 339.

Darotoice. Doomsday Tit. Glowec, Burg. Lumi-

care. ____ In Wales sunt tres Hardwices, Lumechare, Potischmet, do dimid. do in his sunt 8 carucata do 11 villani. Spelman feems to interpret it a hard village, and Du Frejne falls into a perfect blunder upon the I rather think it meant Heard wic, the Herdfman's Village, as Georiton the Churls-town: whence Herdwick and Charlton are now the Names of very ma-

ny places.

Dariot alias Partot, Heriotum. Is in the Saxon Tongue Heregate, which is derived from Hera, exerci-tus; and Geat is a Beaft, and in the Saxons time figuified a Tribute given to the Lord for his better preparation towards War. Lambert in his Explication of Saxon words, verbo Hereorum, The name is still retained, but the use is altered; for whereas by Lambert's Opinion, it did fignify so much as Relief doth now with us : now it is taken for the best Cattle that a Tenant hath at the hour of his Death, due to the Lord by Cuftom, Kitchin, fol. 133, 134. makes Heriot Service and Heriot Custom; for interpretation whereof, you shall find these words in Broke, tit. Hariot, num. 5. Hariot after the death of the Tenant for life is Hariot-Custom. Hariot-Service is after the death of Tenant in Fee fimple. In the Book called Les Termes de la Ley, 'tis faid, That Hariot-Service is often expressed in the Grant of a Man, that he holds by such Service to pay Hariot at the time of his Death, that holdeth in Fee-simple. Ha-riot-Custom is, when Hariots have been paid time out of mind by Cuftom, and this may be after the Death of Tenant for life. And for this the Lord may diffrain or seise. See Pland. fol. 95, 96. Bracton, lib. 2. cap. 36. Doll. and Stud. cap. 9. But of right neither the Lord nor Officer should take Hariot, before it be presented at the next Court holden after the Tenant is dead, that such a Beast is due for a Hariot. If the Lord purchase part of the Tenancy, Hariot-Service is extinguisht, but it is not so in Hariot-Custom, Co. 8. Rep. Talbots Case. If the Lord ought to have a hariot when his Tenant dieth, and the Tenant deviseth away all the Goods; yet the Lord shall have his hariot, for all the Goods; yet the Lord thall have his hartet, for the Law preferreth the Custom before the Devile, Co. on Lit. lib. 3. cap. 3. pag. 185. See Dyer, fol. 199. num. 58. This in Scotland is called Herrezelda, compounded of Here in Dutch, in Latine Herus, that is, a Lord or Master; and Zeild a Gift Tribute or Taxation. Skene de verb. Signif. verbo Herrezelda. Tribute or the delivering up of Arms at the decade of a Tenant or the delivering up of Arms at the decease of a Tenant did not obtain in England till the Sovereignty of the Danes, and are first mentioned in the Laws of Canute. The Book of Doomsday, and generally all Monkish writers have confounded Heriots and Reliefs: whereas there was very great difference between them. Heriot was often a personal, Relief always a pradial Service. Heriots were first contrived to keep a conquered People in Subjection, and to support the publick strength, and military furniture of the Kingdom. Reliefs for the private commodities of the Lord, that he might not have inutilem proprietatem in the Seigniory. Reliefs were a feudal service, Heriots before any feudal tenure. vid. Spelman of Feuds, cap. 18. See Mr. Kennet's Glof. fary'in Herietum.

&T haro,

An Ontery, or bue and cry after Felons and Malefactors Cubicularius Episcopi Siter Felons and Maleiachors Cubicularius Episopi
Rliensis Willielmum de Holm interfecit Margareta
forar intersecti secura est Episopum, clamore terribili
vociferans Harron super te Thoma de Lylde, Harron,
Harron super te, tu enim intersectit Fratrem meum
Willielmum de Holme, Harron super te, Harron. Hist.
Elien. anud Whartoni Angl. Sacr. Par. 1. p. 658. See
the Original of this Clament de baro among the Normans in La Coutume de Normandie, par M. Henry Basnage. vol.

p. 104. Darrecti canes. Harriers or Hounds for hunting Hare— Johannes le Boy tenet dues hides terra de Domino Rege in Bokhampton per serjantiam custodiendi unam mutam caniculorum harsectorum (i. e. one pack of Beagles, or small Harriers) ad custum Domini Regis. Cart. 12.Ed.1.

Cart. 12.Ed.1.

Part, is a Stagg of five years old compleat, Manmods Porest Laws, cap. 4. num. 5. which he hath out of Budans de Philolog. lib. 10. And if the King or Queen do hunt him, and he cleape away alive, then afterward be is called a Hart-Royal; And if the Beast by the King or Queens hunting be chased out of the Forest, and so cleape. Proclamation is commonly made there-shout. that in regard of the Passing. that the there-about, that in negated of the Passime, that the Beast hath shewed to the King or Queen, None shall hurt him, or hinder him from returning to the Forest; and then he is a Hart-Royal proclaimed.

fi per culpum illerum cenfringantur — Liber, Statusorum Eccl, Paulinæ Loudon. M. S. f. 29. a. Sacrifia curet qued Libri bene ligantur & haspentur, Gr. ib. 6. 39. b. Pass perci. A Shield of Brawn. — Johan-

na de Musegrave tenet terras in Blechesdon de Domino Rege per servinium deser andi Domino Regi unum haltam porci pret. 11. den, cum jugaverit in parce sue de Corobirie.

Parech, Antiquit. p. 450. Had land, whence the Head way or Had way. Paroch.
Antiquit. p. 587.

Thankhouse.

Jaciendo inde mibi: fatinfecum

forvition — & faciendo fervitium de Hunthoner quan tum pertinat ad pradictam vallom. — T. Mainweavin -T. Mainwearing Sir D. Leicester. p. 7.

Boubergets. See Haberjell s.

Date, A imali quantity of Land to called, as a Hemp-baw, a Bean-box, lying near the House; But fome Manuferipts say, That Hames upcartur manifemes. And Co. on Lit. fol. 5. says, That in an old Rice; relating to Reversham in Kent, Hames are interpreted to fignify the fame.

Hamsen. See Hamard. Hamberte, Cometh of the French Haubers, Lorina, whereupon he that holdeth Land in France, by finding a Cost or Shirt of Mayle, and to be neady with it when he shall be called, is faid to have Hauberticum. fouding, whereof Hofoman weiteth thus, Munbersicum familia, whereof Hofoman weiteth thus, Munbersicum familia, Gallica, Lingua vulgo dicitus pro Louicatum, is datum vasfallo oa conditione, ut ad edillum Louicatus sive Cataphralus sur prasto. Nam ut Lorica Latinus sive Catamen de lova fastame quo majuras in belle utelnomum, Etc. frequentissime autem pro anna armatura integre usamatur ; fic apud Gallos Haubert proprie Loricane anualis comtentam fignificat, quam vulgus Gote de Maida appollus, Hotom. in verb. Feudal. verbo Hauberticum Bendum

be used, 19 E. s. Sale. 3. cap. 6. Though in these days the word is otherwise written, as Hulbert, and signifies a Wespon well enough known.

hawes, in Deemsday Book signifies Mansions or

Dwelling Houses.

& Dames, Small Velicle of burden to carry Goods in the River Thames from Peversham, &cc. to London, such as are still called Hoys. Anno 30. Edm. Ante fundationem Abbatia de Faversbam fuit villa & manerium de Fauresham cum pertin. bus Regum Angl. -- quo tempore fueri at in predicta villa triginta o duo mansiones qua vocabantur triginta G dua hawes que pro rebus & bonis suis in aqua flotanti bus fuerunt scottantes de lottantes cum ipsis de Doverr in auxilium servitit sui viginti navium in quibus tenentur Demino Regi in guerris suis. --- Placit. temp. Ed. 1. de 2. M. S. yet I rather think it meant of maxii. Haghe, Haghs, or Houses.

Datakers, Be a fort of deceitful Fellows that go

from place to place, buying and felling Brafe, Pewter, and other Merchandile, that ought to be uttered in open Market: The appellation feemeth to grow from their uncertainty, like those that with Hawks seek their Game where they can find it; you may read the word 25 H. 8.6. and 33 H. 8.4. We now call those Hawkers that go up and down the Streets crying News-Books, and felling by Retail; and those who fell them

by Whole-fale from the Preis are called Mercury's.

Days, A Hedge, also a piece of Ground inclosed with a Hedge. See Haia.

Daytemp also pattern, is a compound of two French words, viz. Hay I. Sepes, and Gara, I. Cuffodia, and fignifies one that keepeth the common Herd of the Town, and the reason may be, because one part of his Office is to look that they neither break nor crop the Hedges of enclosed Grounds: He is an Officer sworn in the Lord's Court, and the form of his Oath you may fee in Kitchin, fol. 46

Pasannens, Ase Archas play at Hazard, and Game at Dice for called; . Hazardor sommuni ludens ad falsos Dalo, adjudicatur qued per sex dies in diversis loss pona-tur super Collistragium, lutter place Trin. 2 H. 4 Suf-

fex: DO.

Beathorous, Derived from the Sexon Head; it effi copus, to Borge, i. Pignite is lignified from that is chief of then Frank-pledge, and him that had the principal Government of them within his own Pledge. he was called Head-borom, for was he also called Burrowbead, Burfholder, Third-boness; Tything-man, Chief-pledge on Bustom-elder, according to the diversity of Spreak in several places. Of this few Lambert in his Explication of Sanonwords, words Centuria, and in this Breatife of Conflables, and Smith de Roy. Angl. Ho. 2. cap. 22.

This Officer is at prefine called a Conflable. See Conflable.

Dead pence, Was an Exaction of 40 fi. or more, heretofore collected by the Sheriff of Torthumbirland,

of the Inhabitants of that County evoice in weeks, years, that my every third and every fourth year, without any Account made to the king, which was therefore by the Statute of ag. H. G. copt is clearly put out for ever.

See Common Sine.

Man Salter, See Head punte. Peals ang. Is composeded of two Sanon words, vix. Hale, i. Colling, and Fong, capere : It is that punish mentique afficie estium firingatur. See Pillory.

Dates Ponty See Chimney-Money.

& The blancing A fort of Pochers, on unlaw his catob-Ers. of Fish on the River Thames. See Stow: Survey of

Condon; p. 19.

The Priviledge of Inving the Goods of a Thief, and the trial of him, within such Hauberke, with our Accelors, feamething figurity as in Goods of a Thick, and the trial of him, within fach france, a Shirt of Coat of Mule, and to it feameth to a Liberty. In a Charter of Edward the Confession to the X 2

iftas relitudines videl. bby of St. Edmund Hamsokoe, & Grithbrech, & Forstell, & Ferdwite, & Hebberther, & Fithwite — Gartular. S. Edmundi. Hebberther, & Fithwite -

M. S. f. 103. The Weeks-Man, or Ganon or Prebendary in a Cathedral Church, who had the peculiar care of the Quire, and the Offices of it for his own Week—Gamatiel Clifton elelins in Decanum Hereford 5. Jul. 1529. Milo Ragon Prebendarius de Preston fuit sunc Hebdomadius eoque pretextu Capituli Presidens
Registram Caroli Bothe Episcopi Heresord. M.S.

penes Johannem Epifc. Norwic.

@ Deba. A Hithe, or Port, a Wharf, or landing Place. As in this Gharter of Adelida, Wise of King Henry 1, —— Sciant prasentes of futari quod Ego Adolid dei gratia Anglorum Regina dedi Ecclesia Radings unoquoque anno in Natali Domini centum solidos de heda mea ad faciendum anniversarium Domini mei Regis Henrici, dy volo dy sirmiter pracipio quod ipsi sint primi centum solidi qui singulis annis exterint dy baberi poterint de predi-Ela heda mea London Test. Gr. Cartular. de Radinges.

M. S. f. 5. a.

**T Devagium. Toll or Custom paid at the Hith or Custom pai Wharf, for landing Goods, &c. from which custumary Duties, exemption was granted by the King to some particular Persons and Societies. --Sintque Abbas (y Monachi Radinge (y bomines eorum & res ipforum quiett de hedagiis & theloneis & annibus exactionibus & consuctudiaibus per totam Angliam. Cartular. Abbatia de Radinges. M. S. f. 7. a.

theck, Is the name of an Engine, to take Fish in the

River of Owle by Tirk, Anno. 33 Hen. 8. 18. 19. 4 Haven or Port, Doomsday.

theret, Heres, Though the word be bosrowed of the Latine, yet it hath not altogether the fame fignifica-tion with us that it hath with the Civilians, for whereas they call Haredom, qui ex testamento succelli in mi-versum jus Testatoris; The Common-Law calls him Heir, that succeeds by right of Blood in any mans Lands or Tenements in Fee; for by the Common-Law nothing passeth Jure bereditatis, but only Fee ; Moveables, or Chattels immovable, are given by Testament to whom the Teflator lifleth, or else are at the dispofition of the Ordinary, to be distributed as he in con-science thinketh meet. Cassanaus in consuernd. Burg. pag 909, hath a diffinction of heres, which, in some sort, accordeth well with our Law; for he saith, There is Heres (anguinis of baredibatis. And a Man may be Hares sanguinis with us, that is, Heir apparent to his Father or Ancestor; and yet may, upon displeasure, be defeated of his Inheritance, or at least the greatest part of it. Every beir having Lands by defcent, is bound by the binding acts of his Ameeffors, if he be named, Qui sentis commodum, sentire debet sy mus, Co. on Lit. fol. 7, 8.

Latiste. See Last.

Dirilount, Seemeth to be compounded of Heir and Loome, that is a Frame to weave in; the word by Time hath a more general figuification than at first it did bear, comprehending all Implements of Houshold, as Tables, Presses, Cupboards, Bedsteds, Wainscot, and such like; which, by the Custom of some Countries, having belonged to a House certain descents, are never inventoried after the decease of the Owner as Chattels, but accrue to the Heir with the House it self by Custom. Spelman fays of it, Omne utenfile robuftiss qued ab adibus non facile revellitur ideoque ex more quorundam locorum ad haredem transis, tanquam membrum hereditatis. And Co. on Lit. fol. 18. Lays. Consustudo Hundredi de Stretford in Com. Oxon. est quod haredes tenementorum infra Hundredam predictum existen. post mortem antecessorum suorum habebunt, &c. Principali-

um, Anglice an Heyte-loome, viz. de quodam genere catallorum, utenfilium, &cc. optimum planstrum, optimam carucam, optimum ciphum, &cc.

Peintate alles Pint-lart. Discesso famuli a Domino, The word is compounded of Hine, a Servant, and Fare,

an old English word figuisying a Passage.

Debberman, One that fishes below London-Bridge for Whitings, Smelts, &c. commonly at Ebbing-water, and therefore so called, mentioned in the Articles for the

Thames Jury, printed 1632.
Debbing-sources, They are mentioned in the Stat.

23 H. 8. cap. 5.

Degira. The Mahometan Ara, or Computation the flight of Mahomet from of Time, beginning from the flight of Mahomet from Rome, which was July 16. Anno Christi. 622.

Bella, Servitium, Inter placita de temp. Jo. Regis

Northampton 50.

, or Helm. Thatch or Straw. Inter antiquas con successful straight straight for the straight straight for the straight s –in villa de Herdpresentines Adoasia de S. Earminas—in villa de verawyke—— Custumarius sriturabit of mundabit pro quolibet opere dimidiam summam de quolibet genere bladi
per mensaram grangiarum— & babebit in recessus sum
quando triturat ad grangias ad quodlibet opus quantum
possit semel colligere de soragio tunc triturato cum rastell
de dicitur helm Ex Cartular. 5: Edmundi. M. S. s

& pelotre-wall. The Hell walls, or End-wall, that covers and defends the reft of the Building. From Sax. Helan, to cover or heal, whence a Thatcher, or Slater, or Tiler, who covers the Roof of a House, in the Western parts called a Hellier. In sol – In folutic eidem Donine pro quodem Helowe-will unius donus upud Carthyngton annuatim 11. den. Paroch. Antiquit. p. 573. The Hollen in the North is a Wall set before 373. The Hollen in the North is a Wall set before dwelling Houses to secure the Family from the blash of Wind rushing in when the heck or door is open to which most on that side next the Hearth or Chimney is affixt a Screen of Wood or Stone, See Mr. Kenner's

& Dem, The Ovens wherein the Lapis Calaminaris, or Calamine is bakt, have a Hearth made on one fide of the Oven, divided from the Oven it self by a Partition open at the top, by which the tlathe passes over, and so hearts and bakes the Calamine. This Par-

tition is called the Hem in Somersetshire.

firming many privileges to the Priory of Pulson 23. Edw. 3. quieti fint de fengeldis, bornezeldis, brengeldis, brengeldis, of Thenedirypeny, Hundredifpeny, by de Meskennyng, by de chevagio, o hened-peny, by Bucestall, by tribeling frifiris,fy triffits.—— Mon. Angl. tom. 2 p. 327. a. Du Fresne thinks it may be Hen—peny, gallinagium, or a Composition for Eggs. But possibly it is misprinted Hened-peny for Heved-peny, or Head-Peny.

Denehman'a Beiniman, A German word, fignifying Domesticum, aut unum de familia; It is used with us for one that runneth on foot, attending upon a Man of Honor, 3 & 4, 5, 24, H. 8. 13. It is written Henaman, 6 H. 8. 14

Penfare, An Amerciament for flight for Murder: Doomsday.: ..

Denghen, A Prison, or House of Correction, Si quis amicis destitutus, vel alienigena, ad tantum laborem ve in prima accufatione ponatur in Henghen, &c. Leg. Hem 1.

Penginte. Significat quiesantiam méjericordia de Latrone suspenso absque consideratione, Fleta, lib. 1. cap. 47. See Handwit.

Denemarn, A Duty to the King in Cambridge-shire: Doomsday.

Demppeni. Hearth-peny, Romefcot, nis heordpeni reddat ad Festam S. Petri, & qui non persolveret ad terminum illum deferát eum Roma. Leges

Edgari Regis. cap. 5. apud Bromtonum.
betain, heralt or harolu, Italian Heraldo, French
Herault, quasi herus altus. Vestegan thinks it may be
derived from two Dutch words, viz. Here, exercitus, and Healt, pugil magnanimus: As if he should be called The Champion of the Army. With us it signifies an Officer at Arms, whose business is to denounce War, to proclaim Peace, or otherwise be employed by the King in Martial Messages, or other business: The Romans called them Plurally Feciales. Polydore, lib. 19. describes them thus, Habent insuper Appartères mini-firos, quos Heraldos dicunt, quorum préfettus Armorum Rex vocitatur, bii belli dy pacis muntii ducibus, Gomi-tivus; a Rege faite insignia aptant ac corum funera curant. Nay more, They are the Judges and Examiners of Gentlemens Arms, marshal all the Solemnities at the Coronations of Princes, manage Combates, and fuch like: There is one and the fame use of them with us and the French, whence we have their Name; and what their Office is with them, see Lupanus, lib. 1. de Magist. Francor, cap. Heraldi. There be divers of them with us, whereof three being the chief, are called Kings at Arms. And of them Garter is the principal, inflituted and created by Henry the Fifth, Stowe's Annals, p. 584. whose Office is to attend Knights of the Garter at their Solemnities, and to marshal the Funerals of all the greater Nobility; as Princes, Dukes, Marqueffes, Earls, Viscounts and Barons. And in Plowden, in Reniger and Fogaffa's Case, we read that Edward the Fourth granted the Office of King of Heralds to one Garter, Cum feudis by proficus ab antique, &c. fol. 12. The next is Clarentius, Ordained by Edward the Fourth, for he attaining the Dukedome of Clarent by the Adapt. for he attaining the Dukedome of Clarence, by the death of his Brother George, whom he beheaded for afpiring to the Crown, made the Herald, which properly belonged to the Duke of Clarence, a King at Arms, and called him Clarentius; His proper Office is to marihal and dispose the Funerals of all the lesser Nobility, as Rnights and Esquires through the Realm, on the Southfide of Trent. The third is Norrey, or North-roy, whose Office is the same on the North-side of Trent that Clarentius hath on this fide, as may well appear by his Name, fignifying the Northern King, or King of the North parts. Belides these, there be fix other properly called Heralds, according to their Original, as they were created to attend Dukes, forc. in Martial Expeditions, viz. Tork, Lancaster, Somerset, Richmond, Chester and Windsor. Lastly, there be sour other called Marshals, or Purseyvants at Arms, reckon'd after a fort in the number of Heralds, and do commonly succeed in the place of the Heralds, when they die, or be preferred; And those be Blue mantle, Rouge-cross, Rouge-dragon and Portcullis. The Feciales among the Romans were Priefts, Nam Numa Pompilius divini cultus inftitutionem in olo partes divisit, de pita etjam sacerdotum olo ordines conflituit, &c. Septimam partem facra constitusionie collegio corum adjecit, qui Peciales vocantur: Erant stionle collegio eorum adjects, que rectates vocantur: Erans autem ex optimiu domibus, viri elesti, &c. quorum partes in eo versabatur, ut sidei publica inter populos praessen, neq. justum aliquod bellum forc sensebatur, nisi id per rectates esses indistum, Corasius Milcel, juris civilis, sit. 1. cap. 16. num. 12. Kings at Arms are mentioned in Stat. 14. Car. 2. 33. Of these, see more in Spelman's

herbage. Harbagium, Signifies the Fruit of the Earth, produced by Nature for the bite or mouth of the Cattel. But is most commonly used for a Liberty that a Man hath to feed his Cattel in another Man's Ground, as in the Forest, Grc. Comp. Jur. fol. 197. Occurrit frequents pro jure depascendi alienum solum ut in Poressis, says the learned Spelman.

Derbagium anterius. The first crop or Grass or Hay in opposition to After-Math and second Cut-ting. — Dicunt quad est communic via, & fua com-

munic pastura, quum senum dy anterius berbagium amove-antur. Antiq. Parochial p. 459.

Derbigere, Verebigere. To harbour, to en-tertain, from Heribergum, Heriberga. San. bere berg, a House of Entertainment.

Ballivi praceperunt civibus sufficientiam domorum ad herbigandum & ad bospitandum populum — in anno Jutilao apud Cantuariara 1420. Somners Antiquit. p. 248. Hence our Herbinger, or Harbinger, who provides Harbour or House-

Derbenget, From the French Herberger, that is Hospitio accipere, fignisheth an Officer in the King's House, that allotteth the Noblemen, and those of the Houshold their Lodgings, Kriechin, fol. 176. uses it for the Longings of the Longing of the an Inn-Keeper.

Percitions, From the French Hercer, to Harrow, Arabant & Herciebent ad curiam Domini, that is, they did plough and harrow at the Mannor of the Lord, 4.

Inft. fol. 270.

S. Perdinerch, Benthinerch. Herdinan's Work, custumary Labours done by the Shephards, Herds-men, and other inferiour Tenants at the Will of their Lord Cum antem in bojon nofiris aliqua succideri-mus, licebit eis sine aliquo ferramento vel aliquo ustilio succibili intrare, gra ramalia que de toruede remanserint, qua Anglice Spren dicuntur, colligere. Hac siquidem, babent pro opere quod Anglice Herdwerch dicitur, pro quo in Autumpno metant per mamanamo: samiliam ant diin Antumpno metant per unamquamq; familiam ant dimidiam acram ordei ant virgatam by dimidiam frumenti,
aut tantundem avena. — anno 1166. Regist. Reclefic Christi. Cant. M. S.

Prescumba, Presumba —— Tresdecem acras

dimidiam terra versus her cumbam de dominico meo
in her cumba de dominico meo zii. acras & dimidiam.—Cartular. Abbat. Glaston. M. S. f. 36. a. It is in other parts of the same Chartulary call'd Herteum-

ba, and Hertcumbatida. Decenitamenta, Signify all such things immoveable, be they corporeal or incorporeal, as a Man may have to himself, and his heirs, by way of Inheritance. See 32 H. 8. cap. 2. or not being otherwise bequeathed, do naturally, and of Course defeed to him which is next heir of Blood, and fall not within the compass of an Executor, or Administrator as Chattels do. It is a word of large extent, and much used in Conveyances; for by the grant of Heredital ments, Illes, Seigniories, Mannors, Honses and Lands of all forts, Charters, Rents, Services, Advowsons, Commons, and whatever may be inherited, will pass, Co. on Lit. fill. 6. Haredisamentum es some quod jure hands from ad hatalant translation and hatalant translation. bareditario ad baredem transeat.

herefare, Is a going in a Military expedition, a going to a Warfare. See Subfidy.
heregetat. See Harlot.
heregetat, Is a British or Tax levyed for the Maintenance of an Army. See Subfidy.

Periot, See Hariot.

& Percellus. A fort of little Fift, pethaps Misser rather Gudgeons. — Slathwere reddit tria nows, or rather Gudgeons. — Slathwere readit tria millia anguillarum & umum mille ex herellis, & funt -Ghartular. Glaston. M.S. xxviii. virgata terra. =

pereffita or Bereffa, Denotes a hired Souldier, that departs without Licence, derived from the Saxon Here, exercitus, and Sliten, to depart, according to Co. 4. Inft. fpl. 128. Whom I rather incline to follow than him who would in stead of sliten, to depart; put in flitan, scindere.

Deretico comburendo, Is a Writ that lies against a Heretick, who having been once convicted by the Bishop of Herefie, and having abjured it, after Relapses into the same, or some other, and is thereupon committed to the Secular Power. Britton, lib. 1. cap. 17. saith, that by the Common-Law, such as seloniously burn the Corn or Houses of others, Sorcerers and Sorceres and Sorceres. Socionistical persons and Hereticks should Sorcereffes, Sodomitical persons and Hereticks should be burnt.

Devetum. A Court or Yard for drawing up the Guards or Military Retinue, which usually attended our Prelates and Nobility. Thomas Langley Episcopiis Dunelmensis and maneriam de Houldon construct totas portas occidentales opere camentario, per quas tran-fierint ad heretum vel pomarium. Hist. Dunelm. apud

Whattoni Angl. Sac. Pars 1. p. 776.

Sometime Angl. Sac. Pars 1. p. 776.

Sometime Angl. Sac. Pars 1. p. 776.

Leader or Commander of military Forces: See at large the Name and Office in the Laws of Edward the Confessor, cap, 35. De Heretochiis.

Debbomas, A Week, derived from Inla, as Septimana from septem. Julius Casar divided the Year inro Twelve Months, each Month into sour Weeks, and each Week into seven Days, according to the Number of the seven Planets. See more of this matter at large, Skene de verbor. Signif. verbo Hebdonies domas.

domas.

Dering-filver. It seems to be a composition in Mony, as an equivalent for the Custom of paying so many Herrings, for the Provision of a Religious House.

Est quadam consustudo in villa de wylegh ubi villant tenentes debent solvere quilibet pro tenemento suo hering-silver, scil. 1. den bo Abbati de Colechestr.

Placita Term. S. Trinis. 18 Edw. r. Placita Term. S. Trinis. 18 Edw. r. From the Placita Term. S. Trinit. 18 Edw. r.

Detentium, Detnalium. From the Teuton.
Harnus. English, Harnels. It signified any fort of Furniture of a House, Implements of Trade, or Rigging of a Ship.

Mensa principals ubi Archiepiscopi comedere solent, adco see copit subito excutere, quod hernesimm corum totum, sellus scilicet, so chiellas, so catera supposita ad terram cum magno fragore desecrat. Girald. Cambr. apud Whartoni Angl. Sacr. Pars 2. p. 425.

Unam largam portam ad currus so carellas.

Go unam portam an latitudinem otto pedum ad summagia so hernasia ducenda in venella inter domum, &c. Mr. Izack's Antiquities of Exeter, p. 24.—Walterus Hobbe cepit quandam navem, so in preditta navi hernesia ad navem illam, spellantia ad valentiam centum solidorum. Placita Parliament, anno 22. Edw. 1. It was an oversight in Sir Henry Spelman to write the word from Pitzherbert sol. 94. Hervessum instead of Hernessum: which made him uvable to give any Explication of it.

able to give any Explication of it.

Described Hermitagium, A solitary place, the recess or cell of a Hermit. See Mon. Ang. 2. par fol.

Jago.

Dermitorium, Some Authors have confounded it with Heremitagium, but more rightly it may denote the Chappel, or place of Prayer belonging to a Hermitage; for fo it is faid in an old Charter, Capellam five Hermitorium.

Detplac, A Place of Immunity.

Detplac or Dealla, May be understood for a Capon, derived from the French Hesiondeau, a Caponet: Spelm.

See Rusca.

Descrit, King Athelstane in his return out of the North, after a Victory, went to Beverley, where he gave to God, &c. Quasdam avenas, vulgariter distas Hestcorne percipiendas de Dominis of Ecclesis in illis partibus quas, &c. Mon. Ang. 2. par fol. 367.

Theylone. — Rogerus Prior & Conventus Ecclesia Christi Cantuat. quietos chamant Magistrum of fratres Hospitalis S. Maria de Ospreng & eorum Successo,

res de consuetudinibus subscriptis videlicet de arura, de hatewite, Ripselver, Wadelade, Heylode Averselver, Lambselver, dy tribus buselles ordei, que consuetudines nobis sieri solent in curia nostra de Adesham.— dat mense Febr. 1242. Registr. Ecclesiæ Christi Cantuar. M. S. penes Joh. Norwic. Episcopum. where heylode seems to signify a custumary Load or Burden laid upon the inscription. Tenants, for mending or repairing the the inferiour Tenants for mending or repairing the hays or hedges

Deymectus. A Net for catching Conies, a Hay or Hay-Net — Omnia Placita de leporibus, rechibus, heymectis, Tessonibus, vulpibus, murilegis de perdicibus, de omnia americamenta de Escapius animalium — temp. Edw. III. — M. Blount. — who confesses his Ignorance of the meaning of Heyman. meEtus.

Deram, Was anciently a County of it self, and a Franchise, where the King's Writ went not; But by the Stat. 14 Eliz. 13. Hexam and Hexamshire shall be within the County of Northumberland. See 4. Inst. fol 222. It was also of old a Bishoprick, and in Latine still the state of th led Episcopatus Augustaldensis. See Monast. Ang. 2. par fol. 91.

fol. 91.

Detrifens. Herns. Universis, &c. Willelmus permis divina Prior Elien, of Com. &c. Noverits nos concessis divina Prior Elien, of Com. &c. Noverits nos concessis divina Prior Elien, of Com. &c. Noverits nos concessis divina Seman — custodiam parci nostri de Stecheworth — cum prosicuo pannagii of avium vocat. Hernesens in divio parco midiscantiam — salvis nobis duodecem compellis de Hernesens of Dat. 1. Mais. Anno 19. Hen. 6. — Ex Cartular Ecclesia Eliensis, penes Joh. Epum Norwic. M. S. f. 33.

Depunt, Daybott. From Saxon hay a hedge, and bote repair or emendation. The Liberty granted to a Tenant for cutting so much underwood and Bushes within the Premises, as was necessary for mending and maintaining the Fences or Hedges. John Fitz Nigel, Forestor of Bernwood had — in dominico bosci Domini Regis husebote of heybote pro custodia dicta foresta. —. Parochial Antiquis. p. 209.

Parochial Antiquif. p. 209.

Ditt of Land, Hida terra, Saxonice, Hydeland is a certain quantity of Land, fuch as might be plowed with one Plough in a Year, Termes de la Ley. By others with one Plough in a Year, Termes de la Ley, By others it is an hundred and twenty Acres: By Beda, who calls it Familiam; it is as much as will maintain a Family: Others hold it to be four yard Land. Cromp. in his Jur. fol. 220. fays, It contains an hundred Acres, every Acre in length forty Perches, and in breadth four, every Perch fixteen foot and a half. And again, fol. 222. a hide of Land contains a hundred Acres, and eight hides, or eight hundred Acres makes a Knights Fee. But Co. on Lit. fol. 69. fays, That a Knights Fee, a hide, or Plough-land, a Yard-land, or Oxgang of Land, contain no certain number of Acres. The diffiribution of England by hides of Land is very ancient, mention being made thereof in the Laws of King Ina, cap. 14. And Henry the First, to marry his Daughter to the Emperor, took of every hide of Land three Shillings, Spelman. And see Camb. Brit. fol. 158. and Mr. Kenner's Glossary.

Dide Lands, Sunt terra ad hidam seu testum pertinentes.

henres.

Dibre & Bayne, Old Nat. Brev. fol. 71. Co. lib. 4. Torringhams Cale; fignifies arable Land. See Co. on Lit.
fol. 85. Of old to gain the Land, was as much as to
till or manure it. See Gainage.

Dibagt, Hidagium, Is an extraordinary Tax to be paid for every hide of Land. Bracton, lib. 2. cap. 6. writes thus of it, sunt etiam quadam communes praflationes, qua servitia non dicuntur, nec de consuetuding veniunt. nisi cum necessitas intervenerit, vel cum Rexvenerit, sicut sunt hidalgia, coragia do caruagia do alia plura de necessitate, do ex consensu communi totius Regni

introdulla de qua ad Dominum feudi non pertinent, &c.. This was a frequent kind of Taxing as well for provision of Armor, as payments of Money; but especially in the Reign of King Ephelred, who when the Danes landed at Sandwich, taxed all his Land by hides, so that every 310 hides of Land found one Ship armed, and every eight hides found one Jack and one Saddle for the defence of the Realm. And aftrewards William the Conqueror took of every bide throughout England fix Shillings. In the Termes of the Law, Hidage is taken to be quit of that Tax, which was also called

Hyde gild.

**Thinkli, 1 H. 7. cap. 5. Seemeth to figurify a place of Protection, as a Sanctuary.

**Thinkling of the Protection of the Pr

Dis teffibus. These words were anciently added in Deeds after the In cujus rei testimonium. and written with the same hand as the Deed, which Witnesses were called, the Deed read, and then their Names entred: And this Clause of his restibus in Subjects Deeds continued till the Reign of Hen. 8. but now is quite left off, Co. on Lit. fol. 6.

properly a Servant, or one of the Family, but more properly a Servant at flusbandry; and the Mafter bine

is he that Oversees the rest, 12 R. 2. 4.

Ministate, See Hinefare, Si quis occidit hominem Regir of fact heinfarum, dat Regi xx. f. &c. Doom/day, tit. Arcanfeld.

Dine-gelv, Significat quietantiam transgressionis illata

in servum transgredientem

Dir ciscunda. The division of an Inheritance among the heirs, Goldm. dia. Allio Hirciscundz. See Action mixt.

hiro, Domestica familia, Inter pla. Trin. 12. E. 2. Ebor. 48. M.S.

With, See Hyth.

Pirfi, or Hurfi, A little Wood. See Doomsday. Wewcastle upon Tine, who dealt in Sea-coal, mention'd

Stat. 21. 7ac. 1. cap. 3.
Debters, Hobellarii, These were Souldiers lightly armed, and ordinarily horsed, but ready for any quick motion; fo that we may not improperly call them light horse men: But afterwards they were Men that, by their Tenure, were tyed to maintain a little light Nag. for the certifying of any Invalion made by Enemies, or fuch like peril towards the Sea fide; as Port/mouth, of

whom you may read 14 E. 3. Stat. 2. cap. 7. and 25 E. 3. Stat. 5. cap. 8. and Camb. Brit. 272, &c. &T Doctus falis. It feems to be a hoke, hole, or leffer pit of Salt .-- In which habuit Rex Edwardus domus xi, & in v. plateis habebat Rex E. suam partem. tepewick puteo Liv. saline & ii. hocci reddunt vi. sol. & viii. denar. In alio puteo Helperis xvii. salina. In tertio puteo Midelmic xii salina or ii. partes de i. hocco red-debant vi. solidos & viii. denarlos. _____ Ex Libro.

Doomsday. Worcestershire.

' Wockstuesvay:money, Was a Duty given to the Landlord, that his Tenants and Bond men might solemnise that day on which the English mastar'd the Danes, being the second Tensday after Easter week. See Mr. Phil-lip's Mistaken Recompence, fol. 39.

Doubetto: or hocqueteur, is an old French word

for a Knight of the Post, a decayed Man, 3. par. Inft. fol. 175. Que nul enquerelant neu respoignant soit surprise neu cheson per Hockettours, parent que la verits ne soit enjue, Stat. Ragmen.

bine,) is he that comes Geustwise to an Inn or House, and lies there the third Night, after which he is accounted of his Family in whose House he lyeth; and

if he offend the King's Peace, his Host must be an-

(werable for him, Bration, lib. 3. trail. 2. cap. 10. In the Laws of Ring Edward, let forth by Lambets, he is call'd Agenbine, where you may read more of this matter. Vide Third-night-awne hine.

hogs head, is a measure of Wine or Oyl, containing the sourth part of a Tun of 63 Gallons, Anno i R.

ing the source part of a suit of of case.

3. cap. 13.

3. cap. 13.

4. Dougue, Doutetus A Hog or Swine, beyond the growth of a Pig. — Porcelli primo competo postiquam natistate vacantur; secundo compoto Hoggi vocantur. Regula Compoti domus de Farendon. M. S. — solvent todem die pro porco superanuavo unum denarium dy prohogietto dimidii anni unum obolum. Carcular Radinges M. S. f. 221. a.

4. Dougactus, Dougaster. A Sheep of the second Year. — Aeni vrimo compoto postquam nazi sunt Agni

–Agni primo compoto postquam nazi sunt Agni vocantur secundo anno Hoggattri. Et conjunguntur mul-tones cum multonibus, de buttardi cum hurtardis, de fe-mella cum ovibus. Regulo Compoti domus de Farendon. M. S. -- Centum oves pascantur scilicet multones cum multonibus, matrices cum matricibus, hogacii cum hogaciis. Cartular. Abbat Glaffon. M. S. f. 48. a. And indeed in many, especially the Northern parts of England, Sheep after they lose the name of Lambs, are called Hogs, as in Kent Tags. Dolftings, See Hustings.

Dockstray, Otherwise called Hack-tuesday, or Hock-tide, was the second Tuesday after Easter week. In Monast. Ang. part. 2. fol. 550. It is said, Inter alsa—se-nescallus Cur. de la Hele babebit de celerario quinq; albos panes, &c. Et ad le Hokeday totidem. See Hock tuesdaymoney.

Holme, Hulmus, An Isle or Fenny-Ground, according to Beda and Doomsday, sometimes found in ancient Deeds and Records, Co. on Lit. fol. 5. and, as it seems, in a different signification, in Mon. Ang. 2. par. fol. 292. Cum duobus holmis in campis de Wedone. Dolt. A Wood or Grove, a Saxon Word: to

which Holborn in London owns its Name .- Johannes Hotham Episcopus Eliensis anno 1320, perquisivit ad augmentationem Prioratus. -Barkeres cum quodam Alneto vocato Lyth gates-Holt. Hiftor. Elien. apud Whartoni Angl.

Sacr. Part. 1. p. 643.
Domage, Homagium, Probably derived from home, because when the Tenant does this Service to his Lord, he says, I become your man; It is also called Marbood Co. on Lit. fol. 64. The French word imports as much as Fides clientelaris; for in the original Grants of Lands and Tenements by way of Fee, the Lord did not only tye his Tenants to certain Services, but also took a Submission, with Promise and Oath, to be true and loyal to him as their Lord and Benefactor. This Submission was and is called Homage, the form whereof you have in the second Statute 17 E. 2. in these words, "when a Free-man shall do Homage to his Lord, of " whom he holdeth in chief, he shall hold his Hands " together between the Hands of his Lord, and shall " say thus, I become your Man, from this Day forth for Life, for member, and for worldly bonour, and shall owe you my Faith, for the Land I held of you, saving the Faith that I owe unto our Soveraign Lord the King, and to mine other Lords. And in this manner the Lord of the Fee, for which homage is due, taketh homage of every Tenant as he cometh to the Land or Fee, Glanvil, lib. 9. cap. 1. except they be Women, who perform not how mage, but by their Husbands: yet Fizzberbert in his Nat. Brev. fol. 157. faith the contrary. Read Glanvil more at large of this in the faid First, and also the Second, Third and Fourth. The reason of this, Skene giveth de verb. Signif. verbo Homagium, because Ho mage specially concerneth Service in War. He saith also, That consecrated Bishops do no homage, but only Fealty;

Fealty; and yet we find the Archbishop of Canterbury do bornage on his Knees to our Kings at their Corona-tion, and thath been held, that the Bishop of Soder, in the Isle of Man, is Homager to the Earl of Derby. And in the Reg. Orig. fol. 296. that a Woman taking Live-ry of Landsholden by Knights-service, must do bornage, &c. Concerning the bomage of confecrated Bishops, read Fulbecke, fol. 20. in these words. By our Law a Religious Man may do bomage, but may not fay to his Lord Ego devenio bomo vester, because he hath prosessed himself to be only God's man; but he man lay, I do unto you homsee, and to you shall be faithful and loyal. See of this Britton cap. 68. Homage is either new with the Fee, or Ancesteel, that is, where a Man and his Ancestors, time out of Mind, have held their Lands by homage to their Lord, whereby the Lord is tyed to warrant the Land unto his Tenant. This homage is used in other Countries as well as Ours, and was wont to be called hominium. See Hotoman de verbus feudalibus. verbo Homo. Skene divided it into Ligeum de non ligeum, de verbor. Signif. verbo Homage; for the which see Liege and Hotoman, disputatione de seudis tertia. Homage is fometimes used for the Jury in a Court Baron, Smith de Rep. Ang. lib. 2. cap. 27. The reason is because it con-Rep. Ang. lib. 2. cap. 27. The reason is because it conflicts most commonly of such as owe homage unto the Lord of the Fee; And these, by the Feudists, are called Pares Curia. Of this homage you may read in the 29. Chapter of the Grand Custumary of Normandy, and others not used by. See further in Hotoman Distat. de feudis, pag. 861. Of bomage in Scotland read Skene de verb. Signif. tit. Hemagium, to whom you may also add a large Discourse in speculo Durandi, commonly called Secretary among the Civilian tit. Bemonly called Speculator among the Civilians, tit. Defeudis. The Steward of the Lord may take Fealty, but

not Homage. See the Stat, 12 Car. 2. cap. 24.

Domage Aunceftel, Is, where a Man and his Anceftors, time out of Mind, held their Land of their Lord and his Anceftors by bomage, and if such Lord have received bomage, he is bound to acquit the Tenant against all other Lords above him of every manner of Service, and if the Tenant hath done bomage to his Lord, and is impleaded, and vouches the Lord to warranty, the Lord is bound to warrant him; and if warranty, the Lord is bound to warrant him; and if the Tenant lofe, he shall recover in value against the Lord so much of the Lands as he had at that time of the Voucher, or any time after. To this effect Little-ton; upon which Coke says, In his example here put, There must be a double Prescription both in the Blood of the Lord and the Tenant; and therefore I think, there is little or no Land at all at this Day holden by homage Ancestrel. Yet (as one avers) in the Mannor of Whitney in Herefordshire, whose Lord is of the same Name, and the Family has continued there many Ages, is one West a Tenant, who can prescribe to hold his Land of Thomas Whitney Esq; the present Lord, by homage Ancestrel. homage Ancestrel.

Domager, One that does, or is bound to do homage: As the Bishop of Sodor, in the Isle of Man is said to be Homage to the Earl of Derby. See Homage.

& Domagium redbert. To renounce Homage, when the Vastal made a solemn Declaration of Disowning and defying his Lord. For which, there was a fet form and method prescrib'd by the scudatary Laws .reddere poterit Domino suo homagium suum, simul cum tenemente, propter capitales inimicities, ut liberius prosequatur Appellum suum, se sic dissolvitut homagium. Braten, sib. 2. cap. 39. sett. 35. This is the meaning of that Passage in Richardus Hugustaldensis de Bello Standard p. 221. Itanue Robertus enddits homagia and si dard. p. 321. Itaque Robertus reddito homagio quod ei fecerat—ad suos socios reversus est. And of Matthew Paru sub unno 1188. tunc Rex Anglorum Regi Francorum fecit homagium, quia in vprincipio hujus guerra homagium suum reddiderat Regi Francia.

homagio respectuando, is a Writ directed to the Richeator; commanding him to deliver Seifin of Lands to the heir that is of full Age, notwithstanding his bomage not done, which ought to be performed before the heir have Livery, or his Lands, except there fall out some reasonable cause to hinder it, F. N. B. fol.

home loken, But more truly Ham foken and Hamfoca, (for the derivation, see Hamseken) is by Bratt. lib. 3. tratt. 2. cap. 23. thus defined, Hameseken dictur invasio domus contra pacem Demini Regu. It appeareth by Rasial in the Title, Expositions of words, That in ancient times some Men had immunity to do this, for he defineth Homesoken to be an Immunity from Amerciament, for entring into Houses violently, and with-out Licence; which seemeth to be altogether unreafonable, I rather believe it should be a Power granted by the King to some person, for the punishment of such a Transgression. Si quis Hamsocam violaveris, jure Anglorum Regi emendet, 5. Libr. Leg. Canuti, cap. 39. See Hamsoken.

Comicide, Homicidium, Is the killing of a Man, and it is divided into veluntary and cafual: Homicide voluntary is that which is deliberate, and committed of a fetmind, and purpose to kill; and this is either with pre-cedent Malice, or without. The former is Murder, and is a felonious killing through Malice presented or and is a felonious killing through Malice presented or and is a felonious killing through Malice presented of any Person living in this Realm, under the King's Protection, West. part 2. Symbol. tit. Indictments, see 3.3. &c. 11/9; 51. Where you may see diverse subdivisions of this matter. See also Glanvil, lib. 14. cap. 3. Brast. lib. 3. trast. 2. cap. 4. 15 & 17. Britton, cap. 5, 6, 7. See Murder, Manssayber and Chancemedly.

Domine eligendo an custotiendam preclam signify protection of the second o

mercatogibus abiti, is a Writ directed to a Corporation, for the choice of a new Man to keep the one part of the Scal, appointed for Statutes Merchant, when the other is dead, according to the Statute of Allian Burnel, Reg. Orig. fol. 178.

Domine replegiando, Is a Writ to bail a Man out of Prifon, In what Cases it lies, see f. N. B. fol. 6. Reg. Orig. fol. 77. and the New Book of Entries, verbo-

Homine replegiando.

homine capto in Buithernamium, Is a Writ to take him, that hath taken any Bondman or Woman, and led him or her out of the Countrey, so that he or she cannot be replevied according to Law, Reg. Orig. fol. 79. See also Withernam.

Claim'd a priviledge of having their Causes and Persons tried only in the Court of their Lord. When Gerard de Camvil in 5 Ric. 1. was charg'd with Treason and other high Misdemeanors, he pleaded, that he was Homo Comitis Johannis, and would stand to the Law or Justice of his Court. Parochial Antiquit. p.

Cominatio, Doomsday. Idem quod Homagium, Spel.

Glofs, verb. Hominatio.

Dominate. A Home-Stall, or Manfion-House. As in a Charter granted about the 5 of Edw. 1. De-di tres obolos redditus quos Henricus Malemeins confue-vit annuatim solvere de uno itinere disto Abbati & Conventui, quod inter jacet juxta domum Alani Sacrista, es ducit versus Homstale. —— Cartular. Radinges. M. S. — Cartular. Radinges. M. S.

fol. 39. b. Dondhabend. A derivative from the Saxon Hond, that is, a hand, and babens, having; and fignifies a circumstance of manifest thest, when one is deprehended with the things stollen in his band, Brast. lib. 3. trali. 2. cap. 31 for 54. who also uses Handberend for the same, ibid. cap. 8.

Don't

Bond peny, Sint quieti de cheuagio, Hond-peny, &c. Priveleg. de Semplingham. But there is no Declaration made, what is intended by it, Ideo Quare.

thonor, Honor, Is, befide the general fignification, used more especially for the nobler fort of Seigniories, whereupon other inferior Lordships and Mannors do depend, by performance of Customs and Services to those that are Lords over them : And it seems that none were Honors originally, but such as belonged to the King, though afterwards given in Fee to Noblemen. manner of creating these Honors, may in part be collected out of the Statutes 34 H. 8. 5. where Hampton-Court is made an Honor. And 33 H. 8. cap. 37, 38. whereby Ampthil and Grafton be also made Honors. And 37 H. 8. cap. 18. whereby the King hath Power given by his Letters Patent, to erect four several Honors, of Westminster, of Kingston upon Hull, St. Osithes in Effex, and Dedington in Berk sbire: This word is used in the same fignification in other Nations. In reading, I have obsignification in other Nations. In reading, I have observed divers other bonors in England, of Aquila, Cambd.
Brit. 231. Of Clave Idem. 351. Of Lancaster, Idem.
581. Of Tick-bill, ibid. Of Wallingsord, Nottingham,
Boloine, Magna Charta. cap. 31. Of West-Greenwhich,
Cambd. pag. 239. Of Bedford, Pupilla oculi, part 5. cap.
22. Of Barkbamsted, Bro. tit. Tenure, num. 16. Wittam, Cambd. pag. 233. Of Pl. mpton, Cromp. Jur. fol. 115.
Of Crevecure and Huganet sobert, 32 H. 8. 48. Of EastGreenwich in Kent, Windsor, in Berk-shire, and Beaulien
in Essex, 37 H. 8. 88. Of Poverel in the County of
Lincoln, Reg. Orig. fol. 1. besides many other, which
we think not sit to name. See Bakers Chronicle, sol. Lincoln, Reg. Orig. tol. 1. belides many other, which we think not fit to name. See Bakers Chronicle, fol. 117. Inquil. 10 Edw. 2. Co. 4. Inft. fol. 224. &cc. Economic Courts, Are Courts held within the Honors aforefaid, mentioned 33 H. 8. 37 H. 8. 18. Economy Services, Are such as are incident to Grand Sergeanty, and annexed commonly to some Honor. See 12 Car. 2. cap. 20.

wor. See 12 Car. 2. cap. 29.

Spontfangenetief, This should rather have been written Hondfangenetief, and signifies a Thief taken with Hand-habend, that is, having the thing stollen in his

Hand.

S Doja Aurora. The Day Bell, or Morning Bell, or what we now call the Four a Clock Bell, was called Hora Aurora, as our Eight a Clock Bell, or the Bell in the Evening, was their Ignitegium or Coverfeu. See Savage Balliofergus. p. 39.

Dojnthuamt Bollengtes. Are Trees to called, that have been usually loyned, and are about twenty years.

have been usually lopped, and are about twenty years growth, and therefore not tythable; Plowden, fol. 407.

Soby's Cale.

homegely, (Is a Compound from the Saxon word Horn, cornu, and geld, solutio, signifying a Tax within a Forest, to be paid for horned Beasts, Cromp. Jurisd-197. And to be free thereof, is a priviledge granted by the King unto such as he thinketh good, Idem ibid. of Rastall in his Expositions of Words, Quietum esse de commi collectione in Foresta de bestiis cornutis assess. 4. Inst. tol. 369. Et fint quieti de omnibus Geldis, & Dane-gel-dis, & Vol-geldis, & Sene-geldis, & Horn-geldis, &c. Diploma, H. 3. Canonicis & Monialibus de Semplingbam.

&P bosn with bosn. The promiscuous feeding of Bulls and Cows, or all horned Beasts, that are allowed to run together upon the same Common. As in the to run together upon the same Common. As in the Constitutions of Robert Bishop of Durbam, 1276. Similiter de decimis que de vaccis proveniunt Statuendum duzimus, quod ubicunque suerit receptaculum earum litet in vicinis parochiis, Horn with Horn, secundum Anglicam linguam pascua querant, illi remaneat tota docima, ubi suerit domicilium Ver remanentia. Spelman, to which I need only add, that the commoning of Cattle Horn with Horn, was properly when the Inhabitants

of several Parishes let their common Herds run upon the same open spacious Common, (as now suppose on Otmore) that lay within the Bounds of several Parishes; and therefore that their might be no Dispute upon the right of Tyths, the Bishop ordains, that the Cows should pay all profit to the Minister of the Parish where the Owner lived, &c.

hoss de son tee, Is an Exception to avoid an Action brought for Rent, issuing out of certain Land by him that pretendeth to be the Lord, or for some Cuftoms and Services; for if he can justifie that the Land

is without the compass of his fee, the Action falls. Vide broke, boc titulo. See District.
Despitallers, Hospitalerii, were the Knights of a Religious Order, so called, because they built an Hospital at Jerusalem, wherein Pilgrims were received. these Pope Glement the Fifth transferred the Templers, which Order, by a Councel held at Vienna in France, he suppressed for their many and great Offences. The Institution of their Order was first allowed by Pope Gelains the Second, Anno 1118. and confirmed here by Parliament, and had many priviledges granted them, as Immunities from payment of Tythes, &c. you shall find their Priviledges reserved to them by Magna Charta, cap. 37. and you shall see the Right of the King's Subjects vindicated from the Usurpation of their Jurisdiction, by the Statute of Westm. 2. cap. 43. Their chief abode is now in Malta, an Island given them by the Emperour Charles the Fifth, after they were driven from Rhodes by Solyman the Magnificent Emperour of the Turks; and for that they are now called Knights of Malta. They are mentioned 13 E. 1. cap. 43, and 9 H. 3. cap. 37. Tho. Walfingham in Hift. Ed. 2. and Stone Annals, ibid. All the Lands and Goods of these Knights here in England were given to the King, by 32 H. 8. cap. 34. See Mon. Ang. 2. par. fol. 489.

32 H. 8. cap. 34. See Mon. Ang. 2. par. fol. 489.

32 H. 6. cap. 34. See Mon. Ang. 2. par. fol. 489.

Monachi Radinge habebunt hofte.

- Monachi Radinge babebunt hoftetheir Tenants. lagium suum in pradicto messuagio cum Merlebergam ve-

nerim. Cartular. Radinges. M. S. f. 157.

Dointium. A Hoard, a Treasure, a Spense, or Repository. As in the Laws of King Canute, cap. 104. — Sed sum horderium quod dicere possumus Dispenjam, & cistam suam, & trage, id est scrinium suum debet ipfa cuftodire.

Doidereigeld. Nos H. Abbas de Niwenham & ejustem loci Conventus remittimus — Abbati Glasson & Conventui — X. sol. de turno vicecom. vi. fol. der viii. den. de quodam redditu qui vocatur Herderesgeld, unde placitavimus pradicium Abbatem Glaston. per Breve Domini Regis. = - Cartular. Abbat. Glafton. M. S. f. 36.

Docteler, Hoffellarius, Cometh of the French Hoffeler, i. Hospes, and figuifieth with us those that otherwife are called Im-keepers, 9 E. 3. Stat. 2. cap. 11. We now usually term those that in the Stable look to

the Guests Horses in an Inn Hostlers.

Wolfer. Hoast Bread, consecrated Wasers in the holy Eucharist or Haost. Isabel Countess of Albermarle confirmed to the convent of Burcester five Quarters of Bread-Corn, -ad hostias faciendas in domo pradillis. Parochial Antiquit, p. 270. From this Latin Hostia Mr. Somner deduces the Saxon Husel, the Lord's Supper, and Huslian to administer that Sacrament: kept long in our old English, the Housel, and to boulal. See Mr. Kennet's Glossary.

87 Postillaria, Pospirularia. A Place or Room in Religious Houses, allotted to the use of receiving Guests and Strangers, for the care of which there was a peculiar Officer appointed, called Hostillarius, and Hospitalarius. - Nos Willielmus Prior Elgen. & ejusa.

loci Concentus ad rogatum -Henrici fexti Regis concessimus Johanni Norys Armigero officium Botillarii in Hostillaria nostra Eliensi- Ex Cartular. Eccl. Elyen.

M. S. f. 34. Austercus, from Lat. Asiur, a Goshawk. The manner of Broughton com. Oxon, in the Reign of Edw. II. was held by John Mauduit-–in capite per serjantiam mutandi unam hostricum Domini Regis, vel illum hostricum portandi ad curiam Domini Regis. Pa-

roch. Antiquities p. 569.

potchiot, In partem positio, Is a word brought from the French Hutspot, among the Dutch it signifies slesh cut into pieces, and sodden with Herbs or Roots, not unlike that which the Romans called Ferraginem. - Festus. But Littleton saith, That literally it fignifies a Pudding mixed of divers Ingredients, but by a Metaphor, fignifyeth a Commixture, or putting together of Lands of feveral Tenures, for the equal division of them, fol. 55. For example. A man seised of thirty Acres of Land in Fee, hath issue two Daughters, and gives with one of his Daughters, to a Man that marries her, ten Acresof the same Land in Frank-marriage, and dies seized of the other twenty Acres. Now it she that is thus marthe other twenty Acres. Now if the that is thus married will have any part of the twenty Acres whereof her Father died feized, the must put her Lands, given in Frank marriage, in Hoschpot, that is, she must refuse to take the sole Profits of the Lands given in Frank marriage, and fuffer the Land to be commixt, and mingled together with the other Land whereof her Father died seized; so that an equal division may be made of the whole between her and her Sifter, and thus for her ten Acres she shall have sisteen, else her Sister will have the whole twenty of which her Father died seized. See Co. on Lit. lib. 3. cap. 12. and Britton, fol. 119. There is also in the Civil Law Collatio bonorum answerable to this, whereby if a Child advanced by the Father, do after his Fathers decease challenge a Childs part with the rest, he must cast in all that formerly he had re-ceived, and then take out an equal share with the others.

Doutebote, A compound of bouse and bote, i. com-pensatio, signifies Estovers, or an allowance of necessary penjatio, signines Estovers, or an allowance of necessary Timber out of the Lord's Wood, for the repair and support of a House or Tenement. [And this belongs of common right to any Lessee for years or for life: But if he take more than is needful, he may be punished by an Action of Wast.] Housebote says Co. on Lit. fol. 41. Is two-fold, viz. Estoverium adificandi & ardendi dendi.

boule-robbing or houle-breaking, Is the robbing of a Man in some part of his House, or his Booth or Tent, in any Fair or Market, and the Owner, or his Wife, Children or Servants being within the same; for this is Felony by 23 H. 8. cap. 1. and 3 E. 6. cap. 9. And fince it is made Felony, though none be within the House, Booth, or Stall, by 39 Eliz. 15. See Burglary, and West, part 2. Symb. tit. Indictments, see Surglary.

67. Puvegelo, Significat quietantiam transgressionis illata in fervum transgredientem, Fleta, lib. 1. cap. 47. It may be thought in that place of Fleta to be misprinted for

Hine-geld, which see, do quare.

Dopcomb, Signifies a Valley in Doomsday Book, so al-

fo do Hope, Hawgh and Howgh.

Monthas, A Service to the King in Clofbaw, fays

Doomfdar; but I think rather it should be written Hasta, because it is supposed a Military Service.

house, Domus, In a House four things are necessary, 1. Habitatio hominis. 2. Delectatio inhabitantis. 3. Necessitas luminis. 4. Salubritas acris. For any hurt or hindrance to the first, third, and fourth of these an Action lyeth! For Probibetur ne quis faciat in suo, quod

The bouse of every Man is to him notere possit alieno. as his Cattle and Fortress, as well for his defence against injury and violence, as for his repose; according to the Maxim, Domus sua cuique est sutissimum resugium. See Co. 5. Rep. Stmaines Case. The priviledge that the Law gives to boules for the habitation of Men is great; for first, it ought to have the precedency in a Pracipe quod reddat before Lands, Meadows, Pastures, and Woods. Secondly, The house of a Man hath priviledge to protect him against an Arrest, by force of a Process of the Law, at the Suit of the Subject, Co. Rep. 11. Thirdly, Those that dig for Salt-peter, Bowles Case. shall not dig in the Mansion house of any Subject without his affent; for then he nor his Wife, nor Children, cannot be in safety, nor his Goods preserved from Thieves. 4. He that kills a Man which will rob and fpoil him in the bouse, shall forfeit nothing.

Budgeld. When a Villain or Servant had com-

mitted any Trespass, for which he deserved whipping or corporal Punishment, when he bought off his Penalty with Money, the price of Exemption from such Chastisement was called Hude-geld, or Hide geld. some fancy Money given to fave his hide. See Fleta lib. 1.

cap. 47. sect. 20.

Due and Gry, Hutefium & clamor, Is derived of two French words Huer and Crier, both fignifying to shout or cry aloud. Manwood in his Forest-Law cap.

19 num. 11. saith, That Hen is Latine, [Ex vox dolentis, as signifying the Complaint of the Party,] and Cry is the pursuit of the Felon upon the High-way upon that Complaint; for if the party robbed, or any in the Company of one robbed or murdered, come to the Constable of the next Town, and will him to raise the Hue and Cry [that is, make the Complaint known, and follow the Pursuit, after the Offender, describing the Party, and shewing as near as he can which way he went; the Constable ought forthwith to call upon the Parish for Aid in seeking the Felon, and if he be not and the next, until the Offender be apprehended, or found there, then to give the next Constable notice, this Brallon, lib. 3. trall. 2. cap. 3. Smith de Rap. Anglor. lib. 2. cap. 20. and the Stat. 13 E. I. of Wincheffer, cap. 3. Gr 28 E. 3. 11. Gr 27 El. 13. The Normans had such a pursuit with a Cry after Offendors, which they called Haro, whereof you may read the which they called Haro, whereof you may read the Grand Custumary, cap. 54. and it may probably be derived from Harrier, flagitare. Hue is used alone, 4 E.I. Stat. 2. This the Scots call Hutesium, and Skene-deverb. Signis. verb. Hutesium, saith, it is deduced from the French Oyer, i. Audite, (or rather Oyes) being a Cry used before a Proclamation; the manner of their Hue and Cry he thus describeth, If a Robbery be done, a Horn is blown, and an Out-cry made, after which, if the Party sly away, and not yield himself to the King's Bayliss, he may be lawfully slain, and hanged upon the next Gallows. Of this Hue and Cry, see Cromp. Just. of Peace, sol. 160. and in Rot. Claus. 30 H.3. m. 5. We find a Command to the King's Treasurer, to take the City of London into the Kings Hand, because the Citizens did not secundam Legem & consuerncause the Citizens did not secundum Legem for consuesu-dinam Regni, raise the Hue and Cry for the death of Guido de Aretie, and others who were flain.

Duers. See Conders. Duilfier. See Ufher. Bulme. See Holme.

Duika. A Hulk, or imali Vessel. misit cum eis de cepit tres caricas, de unum hulkum, quatuor Calingarias. Tho. Waltingham, p. 394.

Poullus. A Hill. ——— Habendum de tenen

dum Dictam pafturam in hullis de bolmie, i. c. in hills and dales, Mon. Angl. tom. 2. p. 292.

Dundted

hundred, Hundredum Centuria, Is a part of a Shire properly so called, because it contained ten Tythings, called in Latine Decennas, either because at first there were a hundred Families in each Hundred, or else sound the King a hundred able Men for his Wars. These were first Ordained by King Alfred the 29th King of the West Saxons, Stows Annul, Pag. 105. Of these Lambert in his Explication of Saxon words, verbo Century, saith Aluredus Rex, ubi cum Gutbruno Daco fadus interat prudentissimum illud Olim a Jethrone Mosi datum confilium, Angliam primum in Satrupias Centurias & Decurias partitus est. Satrapiam, shire a schyran (quod partiri significat) nominavit; Centuriam Hundred Decuriam, Tything five Tienmantale, i. Decemvirale collegium appellavit atque iisdem nominibus vel bodie vocantur, &c. And again afterward, Decrevit cum porro Aluredus, libera ut conditionis quifq, in centuriam ascribetur aliquam atque in Decemvirale aliqued conficeretur col-legium, dec. This form of dividing Counties into Hundreds, for better Governments, King Alfred had from Germany, where Centa or Gentena is a Jurisdiction over a bundred Towns, and contains the punishment of Capital Crimes. Hence may be learnt the original and old use of Hundreds, which still keep the Name and remain in some fort the same, for their several Services in divers respects, but their Jurisdiction is transferred to the County Court, fome few excepted, which have been by Priviledge annexed to the Crown, or granted to fome great Subject, and so remain still in the nature of a Franchife. And this has been ever fince the Stat. 14 E. 3. Stat. 1. cap. 9. whereby these Hundred Courts, formerly strend out by the Sheriff to other men, were reduced all, or the most part, to the County-Court, and so remain at present, so that where you read now of any bundred Courts, you must know, that they be several Franchises, wherein the Sheriff hath not to deal by his ordinary Authority, unless they of the Hundred refuse to do their duty. See West. Symbol. part 1. lib. 2. sest. 288. See Turne in the Termes of the Law. This word Hundredum is faid to be quit of Money or Customs due to the Hundredors.

Transpetites, Hunredarii, Are Men empannelled, or fit to be empannelled of a Jury upon a Controversie, dwelling in the Hundred where the Land in question lies, Cromp. Jur. fol. 217. and 35 H. 8.6. It signifies also him that hath the Jurisdiction of a Hundred, and holdeth the hundred Court, 13 E. 1. c.sp. 38. 9 E. 2. Stat. 2. Gr 2 E. 3. cap. 4. and sometimes it is used for the Baylist of an Hundred. Homes Miror of Justices, lib t. cap. del Office del Correct

lib. 1. cap. del Office del Coroner.

Dunbted Lagh, Signifies the bundred Court, from which all the Officers of the Kings Forest were by the Charter of King Canutus cap. 9. See Manwood, wide

etiam Warfcot. .

Quindith peny, Est autem pecunia quam subsidit causa vicecomes olim exigebat ex singulis Decuriis sui Comitatus, quas Tethingas Saxones appellabant. Sic ex Hundredis Hundred-peny, Spelm. Pence of the hundred, Cambd.

Brit. fol. 223.

Dundled lettera, Et habeant Sakam de Socam, on Strand de on streame, on Wode & on feld, Githbrice, Hundred lettera, Adas de Ordelas, &c. Carta Edgari Regis, Man. Glasion. Aano 12 Regni, Mon. Ang. 1 par. sol. 16. This word Setena in Composition signifies Inhabitants. & Surveys. The Cappers and Hat-Merchants, being called Hurrers were formerly one Company of the Haberdashers, Stone. Survey of Lond. p. 312. Burst. A littleswood. Doom/day. See Hirst.

Dura, A little wood, Doomsday. See Hirst.
Durcardus, Buttus. A Ram, or Weather, a male Sheep. Agni primo compoto possquam nuti sunt Agni vocantur, secundo anno Hoggastri, & conjunguntur Multones cum multonibus, & Hurtardi cum Hurtardis, &

femella cum ovibus. Regulæ compoti domus de Farendon. M. S. — De multonibus 381. de hustis dy mu ricis 207. De bogris 121. dy de agnis 100. Mon. Angl. tom, 2. p. 666.

Unicarit, is as much to say as Honfecarle, that is, a Domestick or Menial Servant; the word is often found in Doomsday, where we find the Town of Dorchefter paid to the use of Honfecarles one Mark of Silver.

See Karles.

Ous & Dant, Quidem H. P. captus per queremoniam mercatorum Flandria dy imprisonasus effert Domino Regi Hus & Hant in plegio ad standum rectody ad respondendum, &c. in curia Regis apud Shep-way, Pla. cur. Regis 27 H. 3. Rot. 9. Quare annon sit commune plegium sicut Johannes Doe, & Richardus Roe. See 4. Instit. fol. 72.

Dustans, Of the French Houseau, i. ocrea, a kind of Boot, or somewhat made of course Cloth, and worn over-the Stocking; a Busking, cr as the vulgar call it a

Spatterdasb.

Williams, House-bote. From Saxon bus a House, and bese amends or repair. The liberty allowed a Tenant to cut as much Timber and Wood upon the Premises, as was necessary for the support and repair of the Farm-house, and adjoyning Buildings. See Mr. Kennets Glossary.

Qusfaint. Is he that holdeth House and Land, Brailon, lib. 3. trail. 2. cap. 10. hath these words, Es in Franco plegio esse debet omnis qui terram tenet dy domum qui dicuntur Husfastne, dy etiam alii, qui illis deserviunt & dicuntur Folgheres, dyc. Some have corruptly written it Hurderesest dy Hurdesess, but more truly Heordsesse; which see in Glosse in decem scridtor.

Bulgable. House Rent. — Item tota illa terra, qua est inter dictum aulam & venellam, qua dicitur Swinegalle — reddit husgablum, aliter non geldabilis — Item terra cum domibus quam Johannes de Wipball dat husgabl, alias domus non dat husgabl, nec aliter sunt geldabiles, ut credunt. Mon. Angl. tom. 3, p. 254. Bulleling prople, The Pacishioners of Leominster.

in a Petition to King Edward the Sixth, fet forth that in their Town there were to the number of 2000 Hulfeling people, &c. that is 2000 Communicants, for Hulfel in the Saxon Tongue fignifies the Holy Sacrament.

Dustings, Hustingum, Derived from Hus Domus, and Thing, Causa, is as much as Domus causarum, antiquissum et celeberima Londoniarum Civitatis curia suprema, 11 H. 7. 21. F. N. B. fol. 23. 9 E. I. cap. unico 10. Of this Antiquity, we find this mention in the Laws of King Edward the Confessor, Debet etiam in London que est caput Regni et Legum, semper curia Domini Regis singulis septimanis die Luna Hustingis, sedere et teneri. Fundata eunu erat olim et adiscata ad instar et ad modum et in memoriam veteris magna Troja et usq: in bodiernum diem, Leges et jura et dignitates, libertates, regiasse, consuetudines suas una semper inviolabilitate conservat. See Taylors Hist. Gavelhind, pag. 59. This Court is held before the Lord Mayor and Aldermen of London; an Error. or Attaint lies there of a Judgment, or salse Verdict in the Sheriss Court, as appears by F. N. B. fol. 23. Other Cities and Towns also have had a Court of the same, Winchester, Lincoln, Tork and Shepey, and others, where the Basons or Citizens have a Record of such things as are determinable before them, Fleta, lib. 2. cap. 55. Stat. 10. E. 2. cap. unico 4. Inst. solutestum. A Hue and Cry.

Abbas et

Conventus usi sont bits libertatibus, scil. visum franciplegii, hutesium clamatum, et effusionem sanguinis. Cartular. Abbat. Glaston. M. S. f. 87.

Dybernagium. The Season for sowing Winter Corn, or Wheat and Rie between Michaelmas and Y 2 Christmas

Christmas: as oppos'd to tremaginm and astivaginm, the Scalan for sowing Sammer Corn in the Spring of the Year. The words were taken semetimes for the disferent Sexions, sometimes for the different Lands on which the different Grains were lowed, as Wheat and Ric on Fallow: Barley, Oats, Gro. on Land of one tilt: and again fornetimes for the different Corn, as hibernaglum was applied to Wheat and Rie, which we still call Winter Corn: and tremagium to Barley, Oats, Gr. which we likewife term Summer-Gorn. See Pleta Ho. 2. cap. 73. feft. 18. and lib. 2. cap. 41. feft. 1. where it is

called Thornagham. See Ibernagham.

bypte of Land. See Hide.

byptegib, A Ransom paid to save ones Skin, vig.
that it be not beaten. Also the same with Hidage.

byth, A Port or little Haven to lade or unlade Wares at, as Queen byth, Lamb byth, &c. New Book of Entries, fol. 3. & Mon. Ang. 2. par. fol. 142. [ayes, ——De tota medietate Hythz sua in, &c. cum libero introltu 🕁 exitu.

Hac litera est estam verbum seu restius pronomen, sciMeet ego unde derivatur possessium (mens) ut ab altero pronomine, (viz. tu, tuns) in English Mine and
Thine; or us we use Menun and Thum, the proper guides
of Right; and whose being misunderstood, hath been
the ground of all Operate

the ground of all Quarrels.

Jacks, Olim Wambafium, A kind of defensive Cost worm by Horstenen in War, not made of folid Iron, but many Plates fashed together, which some by Te-mure were bound to find upon an invasion. See

since were bound to man appearance statings.

Saddings & Stations, A Latin word fignifying him that loseth by default, Placinum form negleneris of Jackivus exinde remansits, failund, folen. 149.

Samaica. Is an American Illand, bying on the South of Cuba; in length from East to West fifty Leagues, and in breath twenty, the middle under the eighteenth deases of Northern Latitude: It was in part taken from degree of Northern Latitude: It was in part taken from the Spaniard by the English in the year 2655, and is

the Spaniard by the engige in the year 2000 mentioned in the Stat. 25 Car. 2. cap. 5.

**Equation of Mentioned 25 Car. 2. cap. 5. Is a kind of speckled wood, of which are anade Cabiriets, called there Grandillo. The Tree (as they say) is low

and small, seldom bigger than a Man's Leg.

Mampuum, Furz or Gorse; also a gorse Ground,
Ca. 1. part. fol. 179. a word much used in Fistes, and
the name seems to derive it self from the French Faulne, i. yellow, because the Blossom of it are of that eblour, Go. on Lit. pag. 5. says Jampan, figuities a waterish place. Manusod in his Worst-Line, sup. 25, mon. 3. says, No man may out down Farze or White, within

the Forest without good Licence. fins queritur quod bomines falcabant Juturen in quadum bruera quam babet in Dunheved. Placita 23 H. 3. Su-

apud Prinne. Collell. som. 9. p. 93.

87 Janton . -- Malefalieres venerunt in dan separalem pasturam in Oplym qua pertinet ad Ab-batism Glustonia & Janta & alia in endem cresonista com-busserunt.—— Osetular Glaston. M. S.

& Hisenzgium, Hibernaghum, Thernagium. Son for fowing Winter Corn. Et arabit unam aera fon for fowing Winter Corn. feminabit cum semine Domini, eaudem bereiabit, videlicet dimidiam acram ad Ibernagium by dimidiam ad tremagium, by cariabit de foens Domini. Chartelar. Abbat. Glaston. M. S. f. 91 a.

27 Ac Ditn. The Motto under the Arms of the

on Ic Thein, the Sax. D. with a firoke traverse being Th. and figuified I ferve, or am 'a Servant. As the Saxon King's Ministerial Lords were called Theins.

4 Jans ordus, Jans teens. A Bruife, a Swei-

any Hurt or Maim without breaking the Skin, which they called properly plaga, a Wound, and aperta plaga, an open Wound. — Si in veniantur plaga ga aperta, vel bruffira per ictus orbos. Braffon. lib. 2. traff. 2. cap. 5. fell. 7. So Orbis was used for a tlack and blue Spot, or the straff of Beating. — Ligna Carina bruffira or the straff of Beating. faciunt brusheras, ordes, dy illus, qui judicari non possunt ad plagam, ib cap. 24. sect. 2. So Illus caeus opposed to Illus cruentus and Illus apparens. As in the Laws of Hen. i. cap. 94. ——Si alius alium verberes caeis istibus & non cruentis, five cravatus ibi fit, wel non convailus, nexa vitam emendabat Domino, cujus hominem vulneravit.

Aute, Any great Earthen Pot, we commonly call a Veffel of Oyl, containing twenty gallons a Jarr.

Barrobut, 1 R. g. cap. 8. Is a kind of Cork to called by this Statute prohibited to be used in the dying of

Institute nominis, is a Writ that lies for him, who apon a Capias or Exigent is taken and committed to Prison for another Man of the Name, whereof see the form, and farther use in F. N. B. fol. 267. See Reg.

Orig. fol. 194.

Orig. fol. 194.

3888, Idus, Are eight days in every Month so called, in March, May, July and Ollober, they begin at the eighth Day of the Month, and continue to the sisteenth; in the rest they begin at the fixth and end at the thiracenth. But here observe, that only the last day is onlied the Ides, the first being termed the eighth Ides, the second the seventh, that is, the eight or seventh before the Ides, and so of the rest, and therefore when we speak of the Ides of such a Month, we must understand it of the sisteenth or thirteenth day of that Month. See Calends.

Motet, Is a word in Greek properly fignifying a private Man, who has no publick Office. Among the Latines it is taken for illiteratus, imperitus, and in our Law for non compos mentis, or a natural Fool. The words of the Statute, 17 E. 2. cap. 9. are Rex babebit callodiam terrarum faturum naturalium, whereby it appears he must be a natural fool, that is, a fool d natiposition in the manufacture root, that is, a root a nati-vitate: For if he was once wife, or became a Fool by chance or misfortune, the king shall not have the cu-ftody of him, Stand. Prerog. cap. 9. F. N. B. fol. 232. If one have understanding, to measure a Yard of Cloth, mumber twenty, rightly name the days of the week, dec. he shall not be counted an ideat, or natural Fool, by the Laws of the Realm. See 4 Rep. Beverlyes Cale.

Theoth inquirenda bel epaminanda, Is a Writ to

Writ to the Eschester or Sheriff of any County, where the King hath notice that there is an lieus naturally born, fo weak of underflunding, that he cannot govern or manage the Inheritance, to call before him the Party Inf-pered of silesy, and examine him. And also to inquire by the Oaths of twelve Men whether he be fufficiently witted to dispose of his own Lands with discretion or not, and to certify accordingly into the Chanceey; for the King hath the Protection of his Subjects, and by his Prerogative the Government of their Lands and Substance that are naturally defective in their own difcretion, Stat. de Prerog. Regis, edit. 17 E. 2. cap. 8. whereof read Stamf. Prerog. cap. 9. and of this Writ read F. N. B. fol. 232. and Reg. Orig. fol. 267.

Jeman, Sometimes used for Yeoman, as by this fol-

lowing, Seizms, &c. Quod ego J. S. de B. in com. H. Jeman dedi, &c Dat. 10. Jan. 9. H. 6.

Medagle, Is a compound of three French words

25 Ac Dien. The Motto under the Arms of the Yay faille, i. ego lappes sum, and in a legal sense denotes Prince of Waler. See Hen. Spelman judges it was San- un over-fight in pleading, Touching which you have a

far, that they have joyned Issue, which shall be tryed, or is tryed by a Jury, and this bleading or Issue is hading pleased or joyned, that it will be Error if they proceed: then some of the said Parties may, by their Gouncel, shew it so the Court as well after Verdist given, and before Judgment, as before the Jury he charged; the shewing of which Desegn, passage the Jury charged, was often, when the Jury came into Court to try the Issue, then the Connect swhich will shew it, shall say, The languest you engly not to take; and if it be after Verdist, then he may say, To Judgment you ought not so go: and because of this many delays grew in Saits, for the Eedress of which divers Stalays grew in Suits, for the tedrefs of which divers Statutes were made, viz. 32 H. 8. 30. before-mentioned, and others in Queen Elizabeth and King James his Days, vie. 18 Eliz. 14. 12 Jac. 13. yet the fault little amended.

& Jam. A Branch, or large Candleffick of Brass branched into several Sconces, and banging down in the middle of a Church or Choir, to spread the Light to all quets. This invention was finst call'd Arter Jesse and Stirps Jesse, from the Similitude to the branch or genealogical Tree of Jesse. This wheful Organization genealogical Tree of Jeffe. This wieful Ornament of Churches was first brought over into England by Engh de Flory, Abbot of St. Auflies in Canterbury about the Year 1100. 2s thus recorded by the Historian of that Abby, Pulpium stiam in Ecclefia facis, candelabrum stiam magnum in choro areum, qual Jesse queatur, in agrilus emit transmarinis. Chron. Will. Thorn. p. partibus emit transmarinis.

Artien, Artsen and Jotlon, From the French Jatter, ejtere, is any thing thrown out of a Ship, being in the

danger of wrec, and by the Waves driven to the shore.

See plation, Co. lib. 5. fol. 106.

Set plation, Indai. See Judaiin, anciently we had a

Court of the Justices affigned for the Government of Court of the jurisces arrigin a for the Government of the Jews. See 4. Inft. fol. 254. Rex — Vie. Wigor. falutem. Pracipismus tibi quod clamari dy observari faciae per totam Ballivane tuom, quod omnes. Judai deferant in superiori indumenta suo ubicung, ambulaverint vel aquian importore enumerore pur non any, amount of the equi-taverint infra villam fuel extra quos sina: tabular alhas in pettore fastar de linco panno vel de pergenturo, ita quod per bujusmodi signum manifaste possirs. Judzi, a Christianis discerni T. anice and Oxon 30. Martii class. 2 H. 3.

p. 1. 10. in Derfe. 20 Janis Justeinen. Purgation by Fire, or the old judicial fiery trial. Soc Ordeal.

and Ignitegium. The eight a clock Bell, fo call'd (as in old Engl. Gurfew. Cover fee, i.e. Cover-fire,) because the Conquerour Will. 1. ordered his Subjects at that hour upon the Signal of a Bell, or other found to When this suftom of put out their kiess and Lights. Extinguishing did by degrees it self expire, net the ring-ing of a Bell at eight in the Evening, being still kept up, was long after call'd by the lane. Name. As in the Statutes and Customs of St. Paul's Church in Landen, collected by Ralph Baldock Dean about the Year 1200 it is ordaio'd, ut farvientes oftia Ecclefia claudent tampare yemali poft initium pulfations Completerii ibidem & sonpore aftivali poft initeum pulfationis igniscgit apud San-

Egnoramus, is a word properly wied by the Grand Inquest, impannelled in the Inquistion of Gaules eriminal and publick, and written upon the Bill, when they millike their Evidence as defeative, or too weak,

Statute 32 H. 8, 30, whereby it is analted, That if the Lo make good the Presentment; the effect of which Jury have once past upon the Issue, though aftermant there be found a Jeofasie in the pleading, yet Judge ment shall likewise be given according to the Verdist without further answer. It hath a resemblance of that of the Jury. See Brs. it. Repleader. The Author of the Bew Terms of Law saith, That a Jeofasie is, when they absolved a person accused, did write A. upon a the Parties to any Suit have in pleading proceeded so little Table provided for that purpose, i. Absolutions; if they have joyned liste, which shall be tryed, if they judged him guilty, they writ C. id est, condenses it treed by a larve and this Pleading or Issue is that if they judged him guilty, they writ C. id eff, condemthey writ N. L. that is, Non Alguet. Ascanius Redianus in oratione pro Milone, Alexander ab Alexandro, Genial. digrum, Lib. 3. cap. 14.

A. Alexandro xx. bovies, pretium bovies xi. sol. viii. bovies pretium chiusites iis. viii.

jinietus pretium cujuslibet iis. I Affrum v. sol. Chartular. Abbat. Glafton. M.S. f. 60. Let the Curious enquire, whither Jinieta lignifies a Colt, a young Horse, a net, or not gather a Heifer, a young Cow, which in some old Latin was Junia and Junieta, quali junior

Theutingeret, Is one of the four famous ways that the Romans made in England, called Stratum Icenorum, because it took beginning ab Icenis, which were the People that inhabited Norfolk, Suffilk, and Cambridgfhire, Cambd. Brit fol. 343. Leg. Edw. Conf. cap. 12-

See Wating-firet.

See Wating-firet.

That may or cannot be levyed, an therefore Nibil is a word fet upon a Debt Illeviable.

and Colours the initial Letters, and the occasional Pictures in Manuscript Books.——It aut ipse Epicopus libras scribere, illuminare, by ligate non fatislistic Reconton, sub ann. 1076. Those Persons who particularly practised this Art, were called Illuminaspries, whence our Limners.

Sandaras. A floor of fatislistic substances.

Ambarge, A ftop or ftay, most commonly upon Ships by publick Authority, 18 Car. 2. cap. 5.

Empren. Imber daies. The four Ember

Weeks, or folemn Seasons for Ordination: first used as quarterly Fasts to pray for the Fruits of the Earth, they are mentioned in the Council of Anham, anno 1009. cap. 16. and in the Laws of King Alfred. cap.

Juntific or Ambesil, To waste, scatter and consume; as if a person intrusted with Goods wast and diminish them, we say, He hath imbesil'd the Goods, 14 Car. 2.

cap. 31.
3mbpacery. See Embracery.
A Brook, 27 Imbracus. A Brook, a Gut, a Water-passage.

Thum nostrum imbrocum de Blakeburn, sive pradillus brocus sit mejor sive minor, cujus broci longitudo ez australi parte incipit ad partem de Oxenal, & ducit super aquam de Limpnal. Sommer of Parts and Forts,

p. 43.

Impanulate. To impanel a Jusy. A privilege was sometimes granted, that a Person should not be impanell'd, or return'd upon a Jusy.— Non ponatur mee impanuleter in aliquibus Assis, Jurain, Recognitionibus, &c. Paroch, Antiquit. p. 657. See Mr. Ken. nibue, &c. P. nett's Gloffary.

Imparlance, Interlocutio vel interloquela. Is a motion made in Court upon the count of the Demandant by the Tenant, or Declaration of the Plaintiff by the Defendant, whereby he craweth Respite, or any other day to put in his Answer. See Bro. tit. Continuance. See also Dies datus. This Imparlance is either general or special; Special is with this Clause, Salvis omnibus advanagis tam ad jurisdictionem curia quam breve or narrationem, Kitchin, fol. 200. General, is made at large, without inferting that or any other like Clause. Sec Empar lance.

Amples

Impariente, As Parson imparsonee, Persona impar-sonata, is he that is inducted, and in possession of a Benefice, Dyer, fol. 40. num. 72. fays a Dean and Chapter, are Parlons imparsones of a Benefice appropriate unto them.

Impeachment of Quait, Impetitio vafti, Cometh of the French Empaschment, i. impedimentum, and fignifies a Restraint from committing of Wast upon Lands and Tenements. See wast. And therefore he that hath a Lesse without impeachment of Wast, hath by that a property or interest given him in the houses and Trees, and may make wast in them without being impeached for it, that is, without being questioned, or demanded any recompence for the wast done. See Co. lib. 11. Bowles Case, fol. 82.

-& Impechiare. French Empescher Latine Im-To impeach, to accuse and prosecute for Felony or Treason, – Et promisit Regi Navarra quod nunquam eum impechiaret pro morte dilli Caroli de Hispania. Hen, de Knyghton. Jub anno 1256.

Impedience, Hac est finalis concordia fasta in curia Domini Regis apud Westen. in Ostabis jansti Billarii, Anno Regni Regis Henrici plii Regis Johannis septimo coram, &c. inter Willielmum de Mohun querentem Gr Willielmum Bruere impedientem, &c. Where impedlentem is used for Defendentem or Deforciantem.

&T Impediatus. Expeditatus, Impediati canes. Dogs Lawed and Disabled from doing mischief in the Forests, and Purlieus of them .--Omnes canes infra forestam solebant effe impediati aut amputati sinistro or-

Impertration, Impretratio, An obtaining by Request or Prayer: It is used in our Statutes for the pre-obtaining of Benefices, and Church-Offices in England from the Court of Rome, which did belong to the dif. position of the King, and other Lay-Patrons of this Realm; the penalty whereof was the fame with Provisors, 25 E. 3. See 38 E. 4. Stati 2. cap. I.

Implement, 23 H. 8, 9. Significs as much as impairing or prejudicing; For the words of the Statute

are, To the great impediment and diminution of their good Nanes.

Implements, Cometh either of the French word Employer, to employ ; or the Latine Impleo, to fill up, and is used for all things necessary for a Trade, or Furniture of a House-hold : and in that fense you shall often find the word used in Wills, and Conveyances of moveables.

Impleau, From the French Playder, to fue, arreft,

or profecute by course of Law.

Impost, Is a French word signifying Tribute, and derived of the Verb Imposer, i. injungere, and signifieth the Tax received by the Prince, for such Merchandise as are brought into any Haven within his Dominions from Foreign Nations, 31 Eliz. 5. If may in some fort be diffinguished from Custom, because Custom is rather that profit the Prince maketh of Wares shipped

out; yet are they frequently confounded.

Imprimere, A Print, Impression; Mo the Art of Printing, and likewise a Printing-house, Anno 4. Car.

Impropriation, Of which there are in England 3845. It is properly so called, when it is in the hands of a Layman, and Appropriation when in the hands of a Bishop, College or Religious House, though sometimes they are confounded. See Appropria-

Improbement. See Approve. Impilonment, Imprisonamentum, Is the reftraint of a Man's Liberty, whether it be lin the open Field, or in the Stocks, or Cage in the Streets; or in a Man's

all these places the Party so restrained, is said to be a Prisoner, so long as he hath not his Liberty freely to go at all times, to all places whither he will, without Bail or Mainprife.

ar Impruiare, To improve Land. Impruiamentum, the improvement lo made of it. -- Nunquam liceat pradicto A nec borredibus ipsus pasturam de averilu suis pradicto manerio unquam impedire, Chartular. Abbat. Glaston. M. S. s. so. a. Breve de nova disse sina super impruiamentis fallis in moris de Sono remistra omnem querelam pro xii. acris impruiandis in eadem mora. ib. onerare, nec aliquid improvementum nostrum alicui in

In alto & imo, The same with Alto and Basso, which ſce

Jubeit & Dutbeit, Saxon. Vide Cambdens Britan. in Ottadinis, Where he fays, speaking of Edelingham, the Barony of Patricke Earl of Dunharre, which also was Inborow and Outborn between England and Scotland, as we read in the Book of Inquisitions, that is, (as he believes) he was to allow and observe in this part the ingress and egress of those that travelled to and fro between both Realms; for English-men in ancient time called in their Language an Entry and Fore-court or Gate-bonse, Inborow.

Inblaura. Profit or Product of Ground. Quoddam messuagium cum uno ferdello terra in manerio de Wringtoncum tota in blaura in perpetuum resig--Chartular. Glaston. M. S. f. 70.

In calu confimili, le a Writ, See Cafu confimili. In calu probile. Is a Writ. See Cafu Provijo.

Inchantet, Incantator, Is he that by Charms or Ver-fes Conjures the Devil. The Ancients called them Carmina, because in those days their Charms were in Verfe, 3. pare fuft. fol. 44.

Inchantress: Incantatrix, Is a Woman that uses Charms and Incantations, See Inchanter.

Incident, Incidens, Signifies a thing necessarily de-pending upon another as more principal. For example, A Court Baron is fo incident to a Mannor, and a Court of Pypowders to a Fair, that they cannot be severed by Grant; for if a Mannor or Fair be granted, these Courts cannot be severed, Kitchin, fol. 36. See Co. on Lit. fol. 151.

Inclanta. A Home Close, or Inclosure near the House. Dicunt per sacramentum suum, quod capitale messuagium valet per annum cum tota inclausa

11. fol. Paroch. Antiquit. p. 31.

Sintrementum. Dedi J. B. Quedam Incrementum terra mea apud D. Gre. by which is meant a parcel of Land inclosed out of common or wast Ground. But the word was more often used far Advance in Kent or other Payment. --- Reddendo antiquaum firmam de de incremento ni s. Paroch Antiquit. p. 164. Taxatio Spiritualitatis una cum incremento per relaxasionem. ib. p. 316. To which was opposed decrementum. Abarement, whence Delrements in the Buttery Books,

on accounts of batteling in Onford.

Encroch, Incrociare. See Encrochments. Admirals and their Deputies do meroach to themselves Jurisdictions, &c. 15 R. 2. cap. 4.

Incumbent, Is a derivative from the Latine Verb Incumbe, to mind diligently, and is a Clerk resident on his Benefice with Cure, Ca on Lit. fol. 119, and called incumbent of that Church, because he doth or ought to bend his whole fludy to discharge his Cure, 10 H. 6. 7. and 1 👉 2 P. & M. cap. 17.

ST Incarramentum, Is uled in Rot. Vaje 17. E. 1 M. 13. For incurring a penalty, or becoming subject to a kine of Amereement. So incurri alient, to be liable to another's legal Centure or Punishment. own House, as well as in the Common Gaol. And in the Statute. 2 Westmin. cap. 37. : Statutum elt qued eju/modi ejusmodi Tenentes capitalibus Dominis'aut Regi incunan-

Indecimable. Indecimabilis, That is not tythable,

or ought not to pay Tythe, 2. par. Inst. 490.

Inhetitute. Indentura, Is a Writing comprising some Contract between two, and being indented in the top answerable to another, that likewise contracts: This the Greeks called only gages or or any which the Civilian have defended to tame Contracts: Inis the Greeks call'd overgeen or overgeen which the Civilians have defined to be a Scriptura inter creditorem of debitorem indentata in cujus scissura interia capitalibus hac dictio Durryand, or plurally red overgeen, (cribitur, and it differs from criptypapor qui boc manu unius tantum puta debitoris scribitur & penes debitorem relinquitur. Pruinc. constitute de Offic archidicano can prim merbo in scriptical tut. de Offic. archidicano, cap. prim. verbo in scriptis. It differs from a Deed-Poll, which is a fingle Deed unindented, Co. on Lit. fol. 229.

Indefeisible, That cannot be defeated or made void,

as a good and indefeifible Estate.

Innefensus, One that is impleaded, and refuseth to

answer, M.S. de temp. E. 3.

** Indemnities, When a Church is appropriate to an Abby or College, then the Arch-Deacon for ever loofeth his Induction Money, in recompence whereof he shall have yearly out of the Church so Appropriate 12d. or 2s. more or less for a yearly Pension as it is agreed at the time of the Appropriating, and his Pay ments are called Pentions or Indemnities, M. S. in Bibl. Cotton. (Jub Effigie Cleopatra E. I.) fol. 84. a.

Judicavit, Is a Writ or Prohibition that lyeth for a Patron of a Church whole Clerk is Defendant in Court-Christian, in an Action of Tythes commenced by another Clerk, and extending to the fourth part of the Church, or of the Tythes belonging to it; for in this case the Suit belongeth to the King's Court by the Stat. Westm. 2. cap. 5. Wherefore the Patron of the De-Wesser. 2. cap. 5. Wherefore the Patron of the Defendant being like to be prejudiced in his Church and Advowson, if the Plaintist obtain in the Court-Christian, hath this means to remove it to the King's Court, Reg. Orig. fol. 35. See Old Nat. Brev. fol. 31. and Britton cab. 109.

& Indiction, (Indiction ab Indicendo) that space of 15 Years, by which Account Charters and publick Writings were dated at Rome, and anciently in England too, every year fill Increasing one till it come to 15. and then returning to one again, which account of time began at the Dismission of the Councel of Nice, Anno 312. — falla sunt bac Anno Dominica Nativitatis 964. Indictione & Regni vero Eadgari Regis Osmaldo Episco Wargeceastre. and a Charter of King H. 3. dated apud Chippeham 18 die April Indictione nona Anno Domini 1 266.

Indictor, Is he that indicteth another for any Offence, 1 E. 3. cap. 11. And Indiffee is he that is indiffed, 21 Fac. cap. 8.

Andiement, Indistamentum. See Enditement. Andivisum. Is used for that which Two hold in Common, without Partition, Kitchin, fel. 421. in these words, He holds pro indiviso, &c.

Indosfement, Indorsamentum, Is any thing written on the back of a Deed, as a Condition written on the back of an Obligation is commonly called An Indersement, West. Symbol. part 2. sea. 157.

Induction, Inductio, A leading into: It is most commonly taken for the giving possession to an Incumbent of his Church, by leading him into it, and delivering him the Keys, by the Commissary, or Bishop's Deputy, and by his ringing one of the Bells, Croke, Rep. 3. part fol. 258.

In effe, 21. Jac. 2. In being: The learned make this difference between things in esse, and things in posse, as ster threatned Brien Fitz Count, Lord of Walingford, in a thing that is not, but may be, they say, is in Posse, or the Reign of King Stephen ____ Et vos (quod tamen mi-

Potentia; but a thing apparent and visible, they say, is in effe, that is, has a real being, eo instanti, whereas the other is cafual, and but a possibility.

& Intwardus, Inwardus. A Guard, a Watchman, one set to Keep Watch and Ward. ____ In Li-munare Lest in Brisennei habet Rex consuetudinem seil. 11 caretos, & 11 sticas anguillarum pro uno Ineuuardo, dy de uno ingo de Northbnyge xii. denarios aut unum Incunardum de Dena xviii. denarios, de de Garra unum Ineunardum Lib. Doomsday. Chenth. Quando Rex venatui instabat de unaquaq, domo per consuetudinem ibat unus homo ad stabilitionem in silva. Alii homines nonhabentes integrae majuras inveniebant Incunardos, ad aulam quando Redierant in civitate 🗕 -Lib. Doomiday. Herefordshire.

Intang alias Inteng, Significat quietantiam prioris pri-

le ratione convivit, Fleta, lib. 1. cap. 47.

This word occurs only in Ralph de Hengham, summa parva, cap. 3. vir commisti feloniam ob quam fuit suspensus, utlagatus, vel alio modo morti damnatus, vel demembratus, vel apud Dovere infalistatus, vel apud Southampton submersus, vel apud Winton demembratus, vel decapitatus, ut apud Northampton: vel in mari superundatus, sicus in aliu partibus por-tuum. Mr. Selden in his Notes on that Author, says thus. "It appears that several Customs of Places " made in those Days capital Punishments several. But "what is infalistatus? In regard of its being a Custom
used in a Port-Town. I suppose it was made out of " the French word Falize, which is fine Sand by the mater-side, or a bank of the Sea. In this Sand or Bank "it seems their execution at Dover was. The elabotate Du Fresne does condemn this Derivation and this Sense of the word, but yet gives no better. And therefore till we have more authority, we may conclude that infalistatus did imply some capital Punishment inflicted on the Sands or Sea Shoar; Perhaps Infalistatio was exposing the Malesactor to be laid bound upon the Sands, till the next full Tide carried him away, of which Custom if I forget not, there is some dark Tra-dition. However I believe the Penalty took name from the Norman, Falele, Falefia, which fignified not only the Sands, but rather the Rocks and Cliffs adjoining or impending on the Sea shoar. See the like use of Falesia in Mon. Angl. tom. 2. p. 165. b.
Intangethete, hintangthete or Intangtheof, Is com-

pounded of three Saxon words; the Proposition In, fang or fong, to take or catch, and thefe a Robber: It fignifieth a Privilege or Liberty granted unto Lords of certain Mannors to judge any Thief taken their Free. Brallon, lib. 3. trall. 2. cap. 35. faith, Dicitur Insangthef latro captus in terra alicujus de hominibus suis proprius, seisstus Latrocinio. Utsangthese vero dicitur latro extraneus, veniens aliunde de terra aliena de qui captus fuit in terra ipfias, qui tales babet libertates, &c. In the Laws of King Edward the Conf. fet out by Mr. Lambert, cap. 26. you have it thus described, Infangthefe, justitia eognoscentis latronis sua est, de bomine suo, si captus fuerit super terram suam: Illi verò qui non babent has consuetudines coram justitia Regia restum fa-ciant in Hundredie, &c. The definition hereof see also in Britton, fol. 90. and Rog. Hovenden, part. poffer. fuor. annal. fol. 345. And Skene de verb. Signif. who writeth of it at large, reciting diversity of Opinions. Touching this, and Outsangthese, Fleta, lib. 1. cap. 47. says, Infangthese (for so he writes it) dicitur latro captus in terra alicujus, seisitus aliquo lutrocinio de suis propris

bominibus, Anno 1 & 2 P. & M. cap. 15. Infideles. Heathens. Inter infideles con rare, to excommunicate. So Henry Bishop of Winchefter threatned Brien Fitz Count, Lord of Walingford, in

bi confiteri grave est, nec cordi meo sedet) nisi correxerisis, inter insideles Anglia connumerabo. Paroch. Antiquit. p. 100. When the Popes of Rome gave empty Titles to some Bishops, affigning them to remote and imaginary Sees, they were said to be Bishops in partibus Insidelium.

In forma pauperis, When any Man that hath a just cause of Suit either in the Chancery, or any other the Courts of Common-Law, will come either before the Lord Keeper, Master of the Rolls, either of the chief Justices, or chief Baron, and make Oath, that he is not worth five pounds, his Debts paid, either of the said Judges will in his own proper Court admit him to sue in forma Pauperis, and he shall have Council, Clerk or Attorney affigned to do his business, without paying any fees.

Solution of the care or custody of this Insurance was an Apartment alloted for insurance of this Insurance was call'd Insurance. See Mat. Par. Jub anno 1252. Tho. Stubbs, Jub anno 1285. Will, Thorne, Jub anno 1128. &c.

fub anno 1285. Will. Thorne, fub anno 1128, &c.

Information See Enditement. Information for the
King, Informatio pro Rege, is the same that for a common Person we call a Declaration, and is not always
done directly by the King, or his Attorny, but sometimes by another, qui sequitur tam pro Domino Rege
quam pro seipso, upon the breach of some penal Law or
Statute, wherein a penalty is given to the Party that
will sue for the same.

Informatus non lum, or more truly 2001 lum Informatus, is a formal Aniwer made of course by an Attorney, that is commanded by the Court to say what he thinketh good in desence of his Clyent, who being not instructed to say any thing material; says, He is not informed, by which he is deemed to leave his Clyent undefended, and so Judgment passeth for the adverse Party. See the New Book of Entries, tit. Non sum informatus, and Judgment 12.

Informer. Informator, is any one who informs or profecutes in any the King's Courts of Common-Law, viz. Exchequer, King's Bench, Common-Pleas, Affices or Seffions, those that offend against any Law, or penal Statute; These, in some cases, are called Prometers; the Civilians term them Delatories.

ters; the Civilians term them Delatories.

3 Ingenium. An Engine, Instrument, or Device.

Exierunt enim jam sapins de castello, & ingenia ejus vel succiderunt, vel incenderunt. Flor. Wigorn, contin. sub anno 1138. — Ponant burrocas suas de alai ingenia ubicunq, veluerint ad capiendos pisces. Cartular. Abbat. Radinges. M. S. f. es. b.

Abbat. Radinges. M. S. f. 55. b.

Tangenuitas Regni. Ingenui, Liberi of Legales
Homines. Pree-Holders, Commonalty of the Kingdom.
Not that the word was reftrain'd to Yeomen or Piebeians. For it was fometimes given to the chief Barons,
as in the Reign of Hen. 1. Angelmus Archiep. Cant. in
Pascha Curiam venit, Regne Ingenuitatem prasens consult, i. e. the great Lord's and King's Common-Council.
Endmer Hift. Nov. fol. 70

Eadmer Hift. Nov. fol. 70.

Ingressiu. Is a Writ of Entry, whereby a Man seeketh Entry into Lands or Tenements: It lies in many cases, and hath many several forms. See Entry. This Writ is also call'd in particular, Pracipe quod reddat; because those be formal words in Writs of Entry. The Writs, as they lie in divers Cases, are these, set down in the Old Nat. Brev. viz. Ingressu ad Terminum qui praterit, fol. 121. Reg. Orig. fol. 227. which lyeth where the Lands or Tenements are let to a Man for term of years, and the Tenant holdeth over his term. Ingressu dum non suit compos mentis, Reg. Orig. 218. which lies when a Man selleth Land or Tenement, being out of his wits, &c. Ingressu dum spit infra atatem, Old N. B. fol. 123. Reg. Orig. fol. 228. lies where

one under age fells his Lands, &c. Ingress super disseisina in le quibus. Old N. B. 125. Reg. Orig. 229. Ins where a Man is disseised, and dyeth, for his Heir against the Disseisor. Ingress in le Per, Old Nat. Brev. 126. Reg. Orig. 229. Ingress sur in vita, Ver. N. B. 128. Reg. Orig. 229. Ingress sur in vita, Ver. N. B. 128. Reg. Orig. 230. both which see in Entry. Ingress sur cause matrimoniu pralocuti, Vet. N. B. fol. 130. Reg. Orig. 233. which see in cause Matrimonii pralocuti. Ingress in cause proviso, Vet. N. B. 132. Reg. Orig. 235. which see in case proviso. Ingress contained in vet. N. B. fol. 130. Reg. Orig. 232. For which see in case proviso. Ingress consistent see Case consistent. Ingress in case aftensu capituli, Reg. Orig. 60l. 230. Is a Writ given by the Common Law to the Successor of him that alienated sine assense in the Writ, Co. on Lit. fol. 325. And Ingress adomnated seem, Vet. N. B. 132. Reg. Orig. 234. which lieth where the Tenant for term of Life, or of anothers Life, Tenant by Courtesse, or Tenant in Dower, maketh a Feossment in Fee, and dieth: He in the Reversion shall have the aforesaid Writ against whomsoever that is in the Land, after such Feossment made.

Suggratus The Relief which the Heir or Suc-

2 Ingressus. The Relief which the Heir or Succession at full age paid to the prime Lord, for entring upon the Fee, or Lands, which were fallen by the Death or Forseiture of the Farmer Feudatary. This Relevium, Relevamentum or Relevatio, was sometimes call'd Ingressus, and sometimes Introitus, being but a Custumary due (as at first only an honorary Present) to the Lord from his new Vassal, for his Entry or Ingress upon his Land or Fee.

Ingroffator magni Rotuli. See Clerk of the Pipe.
In grofft, Is that which belongs to the person of the
Lord, and not to any Mannor, Lands, &c. As Villain
in gross, Advonson in gross, &c. Co. on Lit. fol. 120.

Ingressing of a fint, is making the Indentures by the Chirographer, and the delivery of them to the Party unto whom the Cognifance is made, Fitz. Nat. Brev. fol. 147.

Justifier, Ingrossator, From the French Grosser, that is, Solidarius venditor, is one that buys Corn growing, or dead Victuals to sell again, except Barley for Malt, Oats for Oatmeal, or Victuals to Retail; Badging by Licence, and buying of Oyls, Spices and Victuals, other than Fish or Salt, Anno 5. E. 6. cap. 14. 5 Eliz. 14. 13 Eliz. 25. but West. Symbol. part 2. tit. Inditements self. 64. says, This definition rather doth belong to unlawful ingrossing, than to the word in general. See Forestaller, and 3. par. Inst. fol. 195. Ingrosser is also a Clerk that writes Records or Instruments of Law in Skins of Parchment: As in Henry the Sixth's time, he who is now called The Clerk of the Pipe, was call d Ingrossator Magni Ratuli; and the Controwler of the Pipe, was called Duplex ingrossator, Spelm.

Inheritance, Haredisas, Is o perpetuity in Lands or Tenements to a Man and his Heirs: For Littleton, lib. I. cap. 1. hath these words, This word Inheritance is not only understood where a Man hath inheritance of Lands and Tenements by descent of Heritage, but also every Fee-simple or Fee-tail that a Man hath by his Purchase, may be said by Inheritance, for that his Heirs may inherit after him. Several Inheritance is that which two or more hold severally, as if two Men have Land given them to them and their Heirs of their two Bodies; these have joint Estates during their Lives, but their Heirs have several Inheritance, Kitchin, fol. 155. See Termes de la Ley, verbo Enheritance.

Termes de la Ley, verbo Enheritance.

Instinations, One attending the King in Hereford and Cambridge-shires, Doomsday.

Impubition, Inhibitio, Is a Writ to inhibit or forbid a Judge from farther proceeding in the Caufe depending

before him. See F. N. B. fol. 39, where he putteth probi-bition and inhibition together. Inhibition is most commonly a Writ illuing out of a higher Court Christian to a lower and inferior, upon an Appeal, Anno 24 H. 8. cap. 12. And Probibition out of the King's Court to a Court-Christian, or

to an inferiour Temporal Court.

Inhoc. This word was neither interpreted nor mentioned in any Gloffary before the Edition of Mr. Kennet's Parochial Antiquities. It properly fignifies, any corner or out part of a common Field ploughed up and fowed (commonly with Outs or Tares) and fometimes fenced off with a dry foot Hedge, within that Year wherein the rest of the same Field lies fallow and common. It is now called in the North an Intock, and in Oxfordshire a Hitchinne, or Hitching. It seems derived from Saxon Inge, a Field or Meadow, rather from inne within, and boke a Corner or Nook. The making of such Inboke, or separate Inclosure by any one Lord or Tenant, was a prejudice to All who had a right of Lord or Tenant, was a prejudice to All who had a right of Common. Frater Walterus Prior Berencestria sieri fecit quoddam Inhoc in campo waretabili utriusque Ernicote in Mucle crost sub curia ejusalem Prioris per quod Abbas Oscii dicebat se de communi pastura ibidem disseiri. roch. Antiquit. p. 297. Noverit Universitas vestra nos fecisse queddam Inhokium in campo de Dunthorp fine affensu de voluntate Prioris de Conventus de Cold Norton unde quorundam fra-trum der alierum Amicorum freti consilio pradictum Inhokium volunt de pascere, b. p. 298. This Trespass or Encroachment was exprelly prohibited in some Charters. tione quod Dominus bayam nec pasturam separabilem faciet ab bo-minibus infra campum wareet abilem. ib. p. 496. And therefore no such Hitchinne is now made without the joint confent of all the Commoners, who in most places have their stare by lot in the benefit of it. Except in some Mannors where the Lord has a special Priviledge of so doing. Mr. Kennet's Gloffary.

Iniunation, Injunctio, Is a Writ grounded upon an interlocatory Order in Chancery; fometimes to give possession to the Plaintiff, for want of the Befendants Appearance; fometimes to the Kings ordinary Court, and fometimes to the Court-Christian, to stay proceedings in a cause upon Suggestion made, that the rigour of the Law, if it take

place, is against equity, and conscience in that case. See West. Symb. part 2. tit. Proceeding in Chancery, sect. 25.

Inlays or Inlands, Inlagatus wel bomo sub lege, signifies him that is some Frank-pledge, and to Outlawed, of whom take Bratton's words, Lib. 3. Tratt. 2. cap. 11. Minor vero G qui infra atatem duodecem annorum fuerit, ut lagari non potest nec extra legem poni; quia ante talem atatem non est sub lege aliqua nec indecenna, non magis quam samina, qua utlagari non potest, quia ipsa non est sub lege, i. Inlaugh Anglici, sc. in franco plegio sive decenna sicut masculus duodecem annorum de ulterius, &c. Inlaughe significat hominem subjedum legi, Fleta, lib. 1. cap. 47.

Magary, Inlagatio, Is a restitution of one Outlawed to the King's Protection, and to the benefit or estate of a Subject, Bracton, lib. 3. tract. 2. cap. 14. num. 6, 7, 8. Britton,

cap. 13.
& Inlagare. To reftore to the benefit of the Law. Edgarus puer veniens ad eum a Scotia, de Rex eum inlagavit de omnes homines suos. Annal. Waverl. sub ann. 1074. ET Inlegiare. When a Delinquent has satisfied the Law,

and is again redus in curia, he is said se inlegiare. Sunt alia quedain placita Christianitutis in quibus Rex partem habet boc odo. Si Rex patiatur ut qui in Ecclesia secerit homicidium, ad emendationem veniet, primo Episcopo do Regi pretium nativitatis sue reddat, & ita se inlegiet, deinde componat de pace Ecclesia, 5. lib. &c. Leg. Hen. 1. cap. 11.

Inland, Inlandum, Terra Dominicalis, Pars Manerii Domimica, terra interior; For that which was let out to Tenants, was called Utland. In the Testament of Brithericus in Itinerar. Cantil, 'tis said thus according to Lamberts Interpretation, To Wulfee (I give) the Inland or Demeans, and to Elfeyth Outlands or Tenancy.——This word is often found in Doomsday. The Saxon Thanes, who possessed Bocland

or hereditary Lands divided them according to the proportion of their Estates into two sorts, Inland and Outland The Inland was that which lay next or most convenient for the Lord's Mansion house, as within the view thereof, and therefore they kept that part in their own hands for Supportation of their Family, and Hospitality. The Normani afterwards called these Lands terras Dominicales, the Demains, or Lord's Lands. The Germans terras indominicatas. The Feudists terras curias ac intracurtem, Lands appropriated to the Court or House of the Lord. See Mr. Kennet's Gloffary in Inlands.

87 Inlanditith, Johannes Ingleby Prior domks, Jesu de Bethlem de Shene & ejusdem loci Conventus Patroni Ecclesia paroehialis de Midleson Chendayt in com. Northampton, concedunt Jacobo Benett dilla Ecclesia Rellori omnes decimas in granis videlices banc decimam qua mihi vulgariter nuncupatur Inland tithe cum suis per tenentiis siqua sunt.

ultimo die Junii 1479. Ex Memorandis Thomæ Rotherham Episcopi Linc. M. S. f. 14. was opposed Delantal. Land tenanted or Outland. Abbat & Conventus Glaston. concesserunt vicario de Sappiwike decimas bladi omnium croftarum tunc existentium, duntaxat qua non sunt Inlantal in tota parochia de Sappiwike, eo quod omnes ha crosta sunt Delantal. Chartular. Abbat. Glaston. M. S.

Inlealed, From the French Enlafs, intangled or infnared; the word we may read in the Champions Oath, Co. Inft. 2.

Inmates, Be those that are admitted to dwell for their Money jointly with another man, though in feveral Rooms of his Mansion-house, passing in and out by one Door, and not being able to maintain themselves; which are inquirable in a Leet, Kitchin, fol. 45. where you may read who are properly Inmates, and who not.

Innts of Court, Holpitii Curia, Are so called, because the Students therein do study the Laws, to enable them to Prachile in the Courts of Westminster, or else where; and also because they use all other gentile Exercises, as may make them more serviceable to the King in his Court, Fortescue, cap. Of these there are four well known, viz. the Middletemple, Inner-temple, Lincolns-Inn and Grayes-Inn, which with the two Sergeants-Inns, and eight Inns of Chancery (as Sie Edward Coke says) make the most famous University for the Profession of Law only, or of any one humane Science in the World; concerning which, see Dugdales Origines Judiciales.

Inn, holpitium, Common Inns are inftituted for Pallenfor the proper Latine word is Diversorium, because he that lodgeth there is quasi divertens se a via; and therefore if a Neighbour which is not a Traveller, as a Friend at the request of the Inn-Keeper lodge there, and his Goods are stollen, he shall not have an Action, for the Writ is Hospitandos homines per partes, ubi buju/modi hospitia existunt transeuntes for in eildem hospitantes. Co. 8. Rep. Cayles Case: Neither shall the Inn-Keeper answer for any thing that is out of his Inn, but only for such things as are infra hospitium, the words are eorum bona & catalla infra hospitia illa existentia. Any person found tipling in any Inn or Ale-house, shall be adjudged within the Statutes against Drunkenness, 21 Jac. and 1 Car. 1. cap. 4. Innings.

Lands recovered from the Sea by draining and braking. As in Romny Marsh, old Records make mention of the Innings of Arch-Bishop Backet, Baldwine, Boni-

face, and Beckham. At this Day Elderton's Innings, &c. Infant, Infans, Before the Age of one and twenty Years, a Man or Woman is called an Infant in the Law, Co. on Lit. lib. 1. cap. 21. & lib. 2. cap. 28. An Infant of eight Years of Age, or above, may commit Homicide, and be hanged for it, viz. if it may appear by hiding the person, by excusing, or by any other act that he had knowledge of Good and Evil, and of the danger of the Offence; for here Malitia supplebit atatem; in Lit. sell. 409. faith, That an Infant shall not be punisht till the Age of sourteen, which, says he, is the Age of Discretion.

Punaturalitas. Unnatural Ulage.—Et ibidem Imperator coram omni populo congregato oftendit for notificavit omnibus innaturalitatem for in obedientiam ac improbitatem, quam Rex Francia ei fecerat, for ibidem Regem Francia diffidabat, for. Hen. de Knyghton, in Edw. 111. p. 2572.

Innotescimus, Letters Patents so called, which are always of a Charter of Feofiment, or some other instrument not of Record, and so siled in the words of the consultant.

of a Charter of Feofiment, or some other Instrument not of Record, and so stiled in the words of the conclusion, In-

notescimus per prasentes. An Innotescimus and Vidimus are one and the same. See Co. Rep. 5. Pages Case.

Junuendo, From Innuo, to beck or nod with the Head, is a Word frequently used in Writs, Declarations and Pleadings, and the Office of it is only to declare and afcertain the perion or thing which was named or left doubtful before; as to fay, He (innuendo, the Plaintiff) is a Thief, where there was mention before of another person; but this innuendo must neither inlarge the sense of the words, nor make a supply, or alter the Case where the words are desective. See

Hustons Rep. fol. 44.

Impense Dutpense, Concerning which, you may read in the Register of the Monastery of Cakesford, p. 25. thus, De Inpense of Outpense consustant talis est in Vella de East. Rudbam de omnibus terris qua infra Burgagium tenentur, viz. quod ipfe qui vendiderit vel dederit dictam tenuram aticui, dabit pro exitu suo de eadem tenura unum denarium & similiter proingressu suo, coc. These words and Custom are also mentioned in the Rolls of a Court there held, about the Feast of the Epiphany, Ann. 12. R. 2. Spelm.

Inprifit. Adherents or Accomplices. recepimus in gratiam nostram Gilbettum Mareschallum, & om-nes qui fuerunt Imprisii Ricardi Mareschalli —— Claus. 18. H. nes qui fuerunt Imprisii Ricardi Mareschalli

3. in Brady Hift. Engl. Append. p. 180.
Inquirendo, Is an Authority given to a person or persons, to enquire into something for the King's Advantage, which, in what cases it lyeth, see Reg. Orig. fol. 72. 85, 124, 265,

266, 267.

Inquilition. Inquisitio, Is a manner of proceeding in matters Criminal, by the Office of the Judge, or by the great Inquest before Justices in Eyre. See Eyre, and the places in Bratton and Britton there quoted. Hostersis defines it thus, Inquisitio nibil alind est quam alicujus criminis manifesti ex bono Gr aquo judicis competentis canonice salta investigatio. ca. qualiter de accusat. in the Decretals. Inquisition is also with usuled for the King in Temporal Causes and Profits, in which kind

it is contounded with Office. Stamf. Pranog. fol. 51. See Office. Anguistions, Inquisitors, Are Sherists, Corners, super visum corporis, or the like, who have power to inquire into certain Cases. Statute of Marlbridge, cap. 18. Britton, fol. 4. and Westm. 1. Enquirors or Inquisitors are included under the

Name of Ministri, 2. par. Inst. fol. 211.
Involument, Irrotulatio, 1s the Registring, Recording, or Entring of any lawful Act in the Rolls of the Chancery, 25 2 Entring of any lawful Act in the Rolls of the Chancery, as a Recognisance acknowledge, or a Statute, or a Fine, levied, or in the Rolls of the Exchequer, King's-Bench, or Common-Pleas, or in the Hustings of London, or by the Clerk of the Peace in any County. See West. Symbol. part 2. tit. Fines, set. 133. and 27 H. 8. 16.

Tinsectator, A Prosecutor or Adversary at Law.—Quod etiam ejus Insectatores parvo post tempore duraverunt, im dira morte perierunt. Paroch. Antiq. p. 388.

Tinsectator (Sax.) An Inditch. Item ordinaverunt quod Quelibet acra pro Wallis Insectenis by Watergangiis emendetur pro 40 sol. Ordinatio Romenciensis Marisci, pag. 73.

Insidiatores viarum, Waylayers, or such as lie in wait, are words which by 4 H. 4. cap. 2. are not to be put in Inditements, Arraignments, Appeals, &c.

Tinsidium, Ill Advice, or peruicious Counsel. Rex Danorum Swanus per insilium, in curiam by traditionem Normannici Comitis—civitatem Excecestram infresit, spoliavit, &c.

mannici Comitis — civitatem Excecessi am infregit, spoliavit, &c.

Sim. Dunelm. sub anno 1003. whence Infiliarius, an Evil
Counsellor. Filius Regis Æthenulphi cum omnibus suis consistairis imo infiliariis, tantum facinus perpetrare ausi sunt, ut
Regem a regno proprio repellerent. Flor-wigorn. sub anno 855.

Intendion, Is a Writ that lies against him that enters
Instinut tenutt, is one Species of the Writ called a For-

medon. See Formedon.

Infinuation, Infinuatio, 21 H. 8. 5. Is a covert, and cunning creeping into a Mans favour. Infinuation of a Will is among the Civilians, the first production of it, or the leaving it Penes Registrarium, in order to its Probate.
Intermus. Letters Patent so called, because they begin

after the Kings Title with this word Inspeximus, and is the same with Exemplification. See Co. 5. Rep. Pages Case.

Infialiment, A fettlement, or fure placing in, 20. Car. 2.

cap. 2. Sometimes it is confounded with Abatement.

Inflant, In Latine Inflans, and defined by the Logicians to be Unum indivisible in Tempore, quod non est Tempore, quod non est Tempore, quod non est Tempore, quod non est Tempore, and is much considered in Law; and though it cannot be actually divided, yet in conceit it may, and applied to several Purposes, as if they were several times. Whereof see in Plowdens Commentaries, Fulmerston and Several Costs. and Stuards Cafe, where the Statute of 31. H. 8. is expounded concerning an Abbots letting of Lands, &c. and there it is debated, that when the Termor takes the second Loafe, he surrenders his former Term; and so at the same inflant of taking the second Lease, the former is expired. And in the Case between Petit and Hales, he who kills himself, commits not Felony till he be dead, and when dead he is not in being, so as to be termed a Felon, but he is so adjudged in Law eo inflante, at the very inflant of this Fact doing; and there are many other Causes in Law, where the inflant time, that is not dividable in nature, in the confideration of the Mind is divided.

Inflaurum, Is used in ancient Deeds for a stock of Item Manerium illud Nullum potest suftinere Instaurum quia Nullum habet pratum. Mon. Angl. 1 part fol. 548. b. we read also in the same sense Staurum Instauramentum, proper--Et de instauramento tria ly young Beasts. Store or Breedmenta, i. e. three store Cattle. Paroch. Antiq. p. 288. Inflaurum was commonly used for the whole Stock upon a Farm, Cattle, Waggons, Ploughs, and all other Implements of Husbandry. - Inquirere debet de inflauro in quolibet manerio existente Fleta. l. 2. cap. 72. sell. 7. So Institution manerio existente Fleta. l. 2. cap. 72. sell. 7. So Institution Ecclesia is used for the Books, Plate, Vestiments, and all other Utensils belonging to a Church, by the Synod of Exeter, anno 1289, can. 12:44, 53. So terra inflaurata was Land ready flocked, or furnished with all things necessary to carry on the use or occupation of a Farm. As in the Magna Carta of King John, anno 1215. Et reddat haredicum ad plenam atatem venerit, terram suam instauratam de carucis & omnibus aliis rebus. Instauratio in our Historians and M. S. is taken in the same sense as Inflaurum

Juditution, Inflitutio, Is, when the Bishop fays to a Clerk who is presented to a Benefice, Instituo te Restorem talis Ecclesia cum cura animarum do accipe curam tuam do meam. E. very Rectory confifts of a Spirituality and Temporality. to the Spirituality, viz. Cura animarum, he is a compleat Per-fon by Institution. But as to the Temporalities, as Gleabland, &c. he has no Frank-tenement therein till Induction, Co. 4. Rep. Digbres Case. The first beginning of Institutions to Benefices was in a National Synod held at Westminster by John de Crema, the Popes Legate, Anno 1124. Which see in Seldens

History of Tythes, pag. 375.

Insuper, Is a word used by Auditores in their Accounts in the Exchequer, when they say so much remains in uper to such an Accountant, that is, so much remains due upon such an Account, Anno 21 Jaccap. 2.

Intakers, Were a fort of Thieves in Riddesdale, in the far-

thest Northern parts of England, mentioned 9 H. 5. cap. 8. and so called, because they dwelling within the Liberty, did take in and receive such Booties of Cattle, and other things, as their Consederates the Outpartners brought in to them. See Out-

Life,

Life, and holds out him in the Reversion or Remainder; For which see F. N. B. fol. 203. And every Entry upon the Possession of the King is called an Intension; as where the Heir of the Kings Tenant enters after Office, and before

Livery, this is called an Intension upon the King, as appears in Stamf Prarog. fol. 40. doc.

Inter Canem & Lupum, M. filia N. de Okcle Appellat. J.
C. pro raptu dy pace Regis fracta die Martis prox. doc. Inter Canem & Lupum, i. in, crepusculo, scilices Anglice Twilight, i. inter diem by nossem, Grc. Inter placita de Trin. 7 E. I. Rot. 12. Glouc. —— In placit. de domo combusta malitiose, bora velpertina, sc. Inter Canem & Lupum, venerunt malefallores, &c. Plac. Cor. Reg. apud Novem Castrum, 24 E. 1. Rot. 6. & This in Herefordshire, they call the Mock-Shadow, corruptly the Mach Shado: and in the Mock-Shadow. dow, corruptly the Mock Shade: and in the North, day

light's gate, others betwixt hawk and buzzard. Inter-commoning, is where the Commons of two Mannors lie together, and the Inhabitants of both have time out of mind depastured their Cattel promiscoully in each.

Interplation, Interdicio, Is used in the Common-Law in the same fignification that it hath in the Canon-Law, where it is thus defined, Interdictio est censura Ecclesiastica probibens administrationem divinorum, and thus it is used 24 H. 8. cap. 12.

Interdicted of Mater and Fitt, Were, in old time, those who for some Crime were banisht, which Judgment, though not by express Sentence pronounced, yet by giving Order that no Man should receive them into his House, but deny Fire and Water: They were condemned, as it were, to a civil

death; and this was called Legitimum exilium. Livy.

Social Mercatores Senenses trabunt Elyensem

The Principal. —Social Mercatores Senenses trabunt Elyensem Episcopum in causam coram Magistror Alexandrode Ferentya Judice a Domino Papa Delegato, super trecentis marcis de sorte de centum marcis de interesse 40H.3. Prynne Collest. tom. 2 pag. 360. Anthren, Interesse, is usually taken for a Term, or Chattels real, and more particularly for a future Term; in which case, it is said in pleading. That he is possessed de interesse termini: But ex vi Termini in a legal sense, extends to Essates, Right and Titles that a Man hath of, in, or to, or out of Lands; for his truly said to have an interest in them, Co. on Lit. fol. 345.

Interlocutory Diver, Ordo Interlocutorius, Is that which decides not the Cause, but only settles some intervening matter relating to the cause; As where an Order is made, motion in Chancery, for the Plaintiff to have in Injunction

to quiet his Possession, till the hearing of the Cause. This, or any such Order, not being final, is interlocutory.

Interctate, (Fr. entiercer) To put into a Third hand. In the Saxon Laws it was used in the same sense we now Sequefter. LL. Ina. M. S. cap. 74.

Juterpleder. See Enterpleder.

Inteflates, Inteflati; There are two kinds of Inteflates, one that makes no Willat all; another that makes a Will, and nominates Executors, but they refuse; in which he dies as an Inteffate, and the Ordinary commits Administration,

2 par Inft. fol. 397. See the Stat. 22 dy 23 Car, 2. cap.

Some Matter attent. Toll or Custom paid for things imported and exported, or bought in, and fold out. In the Charter of Hen. 1. to the Church of St. Peter in Tark babebant Canonici in domibus by terris suis soccam be saccam tol by the sam into by utto by Infangentheof, &c. M. S.

Intierty. See Entierty.

& Intrare marilcum, To drain any low wet Marsh or Bog, and by Dikes, Walls, eye. to reduce it to herbage or pasture Ground, to inne or take in. Whence many of the lowest Grounds in Romney Marsh, are called the Innings.

vid. Will. Thorn. (ub anno 1281.

Intrusion, Intrusio, Is when the Ancestor dies seised of any Estate of Inheritance, expectant upon an Estate for Life; and then Tenant for Life dies, between whose death, and the Entry of the Heir, a Stranger doth interpose and intrude, Co. on Lis. fol. 277. lib. 3. cap. 8. sett. 475. Bra-Hon, lib. 4. cap. 2. To the same purpose defines it thus, Instussio est using quis, cui nullum jus competis in renec scinsilla juris, possessionem vacuam ingreditur, qua nec animo nec cor pore possessionem vacuam ingreditur, qua nec animo nec cor pore possessionem de cap. 30. set 1. dy 2. Britton. cap. 65. The New Book of Entries, verbo Butrusson. See Entrusson. See Dissossion. See also Abatement, and the Stat. 21 Jac. cap, 14.

Antrulione, Is a Writ that lies against the Intruder, Regist.

fol. 233.
Solutiones, In the Inquifition of Serjeancies and 12 years of K. John, there be Ruights Fees insthe 12 and 13 years of K. John, there be fome Titles under the Character of Invasiones: and de Inva-

finition, and Invasiones super Regem.

The product of the confirmed of the super Regem.

The product of the confirmed of the

omnes alias donationes, venditiones & invadiationes rationabi-

liter factas, Mon. Angl. 1. par. fol. 478.

3 Innatiatus, is when one has been accused of some Crime which being not fully proved he is put Inb debita fide

by any Person, and not challenged by any Owner, which therefore by Common-Law was due to the King, who grant-ed the Priviledge to some particular Subjects. As K. Edw. r: granted to his Barons of the Ciuque Ports

babeant inventiones snas in mari dy in terra—Placit. temp.
Edw. I. & Edw. II. M. S. f. 89.
Inventory, Inventorium, is a Description or Repertary, orderly made of all dead Mens Goods and Chattels, prized by four or more credible Men: which every Executor or Adminiftrator is bound to exhibit to the Ordinary at fuch times as he shall appoint, West. Symbol. part 1. lib. 2. sett. 696. where likewise you may see the form. This Inventory proceeds from likewise you may see the form. This Inventory proceeds from the Civil Law, for whereas by the ancient law of the Romans, the Heir was obliged to answer all the Testators Debts, by which means Heritages were more prejudicial to many than profitable. Justiman; to encourage men the better to take upon them this charitable Office, Ordained, That if the Heir would make and exhibit a true Inventory of all the Testators Goods coming to his hands, he should be no further charged then to the value of the Inventory, lib. ult. Cod. de jure deliberando, &c.

Inventre fa mere, French, in the Mothers Belly : Is a Writ mentioned in the Register, And Anno 12 Car. 1. cap. 24.

Invest, Investire, Is derived of the French word Invester, and fignifies to give possession. Hotoman de verbis feudalibus, verbo Investitura: Investitura barbarum nomen, barbaricam quoq, rationem babet, Nam ut ait feudista, lib. 2. tit. 2. Invefittura proprie dicitur quando bafta vel aliquod corporeum traditur a domino. We use likewise to invest the Tenant, by delivering them a Verge or Rod in their hands, and ministring them an Oath, which is called Invefting. Others define it thus, Investitura est in suum jus alicujus introductio, a giving Livery of Scilin or Possession.

Inbetituce, The Customs and Ceremonies of investiture or giving possession, were long practiled with great variety and fingular oddness. Observe this form of investing a Canon in the Cathedral Church of St. Pauls in the time of Ralph Baldok, Dean about the year 1295. Cum fuerit quifquam prebenda investiendus -–induatur babitu Canonico & coram Decano de fratribus in Capitulo se presentes de pane albo susposito Regula Canonica in boc volumine consenta, investiat eum Decanus vel Major presens Decano ubsente Dicendo, Nos recipimus te in Canonicam & fratrem & tradimus tibi regularis observantia formam in volumine isto contentam pro cibo spirituali, & in remedium laboris resedionem in pane corporalem. Panis au-sem ille commistatur Elemosynario ad usus Pauperum. Ex Libro Statutorum Ecclesiæ Paulinæ M. S. penes Joh. Epum.

& Inditatoria, Those Hymns and Psalms that were fung in the Church to invite the People to praise God. As Veniti Exultenus Domino, Jubilate Deo, dyc. In the Statutes of the Church of St. Paul's in London, it was ordered, ut vicarii de novo recepti & in posterum recipiendi singulis die-

bus infra annum probationis sua unum no&urmum Psalterii ita dicant attente or Impoarium ac communem SanForum Historiam. Invitatoria, de Venitarium ad eo diligenter interea repetant quod ea corde tenus, dec. Liber Statutorum Ecclesiæ Paulihæ, M. S. penes Joh. Epura Norwic.

Indoyce, 12 Car. 2. cap. 34. Is a particular of the vain another Man's Ship, and configued to a Factor or Gor-

respondent in another Country.

June, Significs to take effect, as the Pardon inureth,

Seaurf. pret. fol. 40. See Enure. thers, State 22 by 23. Car. 2. Rocalia, Jewels, Barrard the first employed one Andersar

ad Joselia fue impiguorunda, Claus. 29 E. I.

Mocarious, A Jetter, In a Deed of Richard Abbot of Bernay to Henry Lovet, without date; among the Witnesses to it, was Willielm tune Jocario Domino Abbatis.

Joelet, A Saxon word fignifying Prediolum, a little Farm; imsome parts of Kent yet called Taclet, as requiring but a

fmall yoke of Oxen to till it, Saxon Diction.

Motion. See Jetsen & Flotzon.

Mounder, Is the coupling or joyning of two in a Suit or Action against another, F. N. B. fol. 118, 201, 221. and in many other places; as appeareth in the Index, web. Joynder.

Joynaer.

Joint-tenants, Simul scenences, or qui conjuntim tenent, Lib: intratimum, tit. Formedon in view, 3, be those that commette, and hold Linds or Tenentents by one Title proindining; or without partition, Ch. on Lit. lib. 3. cap. 3. fold. 277. These are distinguished from sole or several Tenente in common: and names, from Parceners, and from Tenents in common; and anciently they were called Participes, and not Haredes: And these must inputly implead, and joyatly be impleaded And these musta jointly implead, and jointly be impleaded by others, which property is common between them and Goparchies; but Joint-tenants have a sole quality of survivorship, which Coperceners have not; for if there be two on three Joint-tenants; that survive, shall have the whole by Survivorship. See Co. on Lit. ibid, fell. 180. See more of this Termes de la Ley, verbo Joynt tenants.

Idonnius of Mane, Juntio Exitus. See Mae.

Inspiritt, Juntiuma, is a Covenant whereby the Husband, or some other friend in his behalf, assureth unto his Wife.

or some other Friend in his behalf, assured unto his Wise, in respect of Marriage, Lands or Tenements for term of Eise, or otherwise, West. Symbol. part 2. lib. 2. tit. Covering, or otherwise, West. Symbol. part 2. lib. 2. tit. nants, sell. 128. 27 H. 8. cap. 10. It is so called either because granted rutione junctura in mutrimonio, or because the Land in Frank-marriage is given joyntly to the Husband and Wife, and after to the Heirs of their Bodies, whereby the Husband and Wife be made Joynt-tenants during the Coverture, Co. lib. 3. Baster and Baker's Case, fol. 27. See Frank marriage. Joynture is also used as the abstract of Joynt-tenants; Co. lib. 3. fol. 3. Marques of Whichester's Case. Jundura is also by Bration and Fleta nied for joyning of one Barghin to another; Fleta lib. 2. cap. 601 And therefore Jonnate in the first lightification may be so called; in respect nt it is a Bargain of Livelihood for the Wife, to the Contract of Marriage. See also the Termes of the Law,

Softum, Giftum. Agiftment or commonly pronounced Juicement, feeding or pafturing of Cattel. Ego Thomas Gybylan, Capellanus Filius Philippi Fil. Osberti de -confirmavi deo do beato Edmundo-

S. Eamundo—confirmant des cos de la mando—foram rus che clameum meum quod unquam habut vel habere potui in berbigio che josto in suburbio villa S. Edmundi, &cc.—Cartular. S. Edmundo. M. S. p. 242.

Journeys accounts, Dieta computata, Is a term in the Law to be thus understood, if a Writ, be abated without the default of the Plaintiss or Demandant, he may purchase a new Writ, which is it be purchased by Journeys accounts (that is within as little time as he possibly can afcounts (that is, within as little time as he possibly can after the abatement of the first Writ,) then this second Writ shall be as a continuance of the first, and so shall ought the Justices in Eye.

Tenant or Defendant of his Voucher, Plea of Non-tenure Joynt-tenancy fully administred, &c. or any other Plea which arises upon matter happening after the date of the first Writ; and fifteen days have been held a convenient time for the Purchase of the new Writ. See for this Writ

by Journeys accounts, Co. lib. 6. fol. 9. Spencers Case.

Mournal, A Diary or Day-Book, Journals of Parliaments are not Records, but only Remembrances; and are neither of necessity, nor have been of long continuance. See Jub.

Rep. fol. 109.

Journey choppers, 8 H. 6. 5. were Regrators of Yarn; whence the first part of the Word is derived, is somewhat obscure: but Choppers are to this time known to be Changers: As to shop and change is a samiliar phrase. See Chop-Chirch.

Journey man. Cometh of the French word Journes, that is, a day or days-work, so that properly it is one that wrought with another by the day, though now by the Statute made Anno quanto Eliz. cap. 4. It be extended to those likewise, that covenant to work with another in his Trade or Occupation by the year.

Fre an largum. To go at large, is a term frequent in the

Formmonths, Yellow lumps or clods of Earth, or foster Stone, found amongst Chalk in most Pits among the Chiltern parts of Oxfordshire, which are indeed a fort of indigested iron oar.

Arregularity, Irregularitas, Diforder : In the Canon-Law it is taken for an Impediment, which hinders a Man from taking holy Orders; as if he be base born, notoriously defamed of any notable Crime, maimed, or much deformed, or has consented to procure anothers death, and the like.

Arreptebiable or Arreptebilable, That neither may nor

ought to be replevyed or set at large upon Sureties; as the Diffress shall be irreplevisable, 13 E. 1 cap. 2.

Thinglass, Glutten Piscium, A kind of Fish-glue of Fish-gum, brought from Island, and those parts, and used in Medicines, and by some in the adulterating of Wistes, but for that prohibited by Statute made 12 Car. 2. cap. 25.

Mue, Exitus, Cometh of the French Isher, i. emanare: It hath divers Applications in the Common-Law, sometime being used for the children begotten between a Man and his Wife, sometimes for Profits growing from Amerciaments or Fines, and fometimes for profits of lands or Tenements, West. 2. 13 E. 1. cap. 39. Sometimes for that point of matter depending in Suit, whereupon the Parties joyn, and put their Cause to the Tryal of the Jury: And yet in all these it hath but one fignification, which is an effect of a Cause proceeding, as the children be the effect of the Mar-riage between the Parents; the profits growing to the King or Lord, from the punishment of any Mans Offence, is the effect of his Transgression; the Point referred to the tryal of twelve Men, is the effect of Pleading or Process. Iffue in this last signification is either general or special; General iffue seemeth to be that whereby it is referred to the Jury, to bring in their Verdict, whether the Delendant have done any such thing, as the Plaintiff layeth to his charge. For example, If it be an Offence against any Statute, and the Defendant plead Not Gailty; this being put to the Jury, is called The general issue. And if a Man complain of a private wrong, which the Defendant denyeth, and pleads no wrong nor Distribution, and this be referred to the Jury, it is likewise the general issue, Kitchin, fol. 225. See Dost. and Stud. fol. 158. The special issue then must be that, when special matter being alledged by the Desendant for his desence both Parties in on thereupon, and so complete the state of the second state. for his desence, both Parties joyn thereupon, and so grow rather to a Demurrer; if it be quastio juris, or to tryal by the Jury, if it be quastio falli, 4 H. 8. 3. 18 Eliz. cap. 12. and the New Book of Entries, verbo lisue.

Attestant, Itinerans, Travelling, or taking a Journey. Those were anciently called Justices itinerant, who were fent with a Commission into divers Countries to hear such Causes especially as were termed Pleas of the Crown. See

87 Inbilee.

& Junite, The most solematime of Festivity at Rome, when the Pope gives bleffing and remiffion of Sins to all the Credulous and Rich, who at that Juncture come to vifit Rome. The year of Jubilee is faid to have been first instituted by Popo Boniface the 8th in the year 1300. With a design, it should return each Century, or at the interval of one hundred Years. But Pope Clement the 6th. to honour his own Pontificate, and promote the fale of Indulgences, ordered a new Jubilee in the year \$350. and decreed the Solementy should return every sitty years, &c. in imitation of the grand Inbilee at Rome, the Monks of Christ Church kept a Jubitee at Camerbury every 50th year, to invite the greater concourse of silly People to the shrine of Thomas Becket. And N. Edward IP. kept a Jubilee at Court in the 50th year of his own Age, which was 1362. giving Pardons, Privile-

ges, and other civil Indulgences.

Junutine, Judainus, The Cultom, Religion, or Rites of the Jour. This word was often used by way of exception in old Deeds. The Statute de Judaismo was made 18 E. which Parliament the King had a Fifteenth granted him pro Expulsione Judzorum. Judaismus was also used for a Mostgage —— Pro bac autem domatione dederunt mini ditti Abbas Gr Canonici fer. Marcas fiert. ad acquietandam terram pradici am de Juditifino in quo firit impignorata per Robe fratrem meum, Pro bac autem domatione dederunt mihi dieli Abbas Ex magno Rot. Pipæ de Anno 9. E. 2.

Aunger, In Chefine to be Judger of a Town is to ferre

at the Lord's Court on the Jury. Levester's Arti. f. 302.

Junge of Manages, Juden & judices, All their Commissions are bounded with this express limitation, Facture quad ad justitiam pertinet seundum legem de consuetudinem Anglia. Judge at his Creation takes an Oath, That he shall indifferently minister Justice to all them that shall have any Suit or Pies before him, and this he shall not forbear to do, though the King by his Letters, or by express word of mouth should command the contrary, Gr. It is a Maxim in the Law, Aliquis non debet effe Judex in propria causa. King Henry the Fourth, when his eldest Son the Prince was by the Lord chief Justice, for some great missemeanours, committed to Prison, he thanked God that he had a Son of that Obedience, and a Judge to impartial, and of fach undaunted Courage; the flory is well known, and may be read at large both in Stow and Daniel, in vita, Hen. 5. Fortefene in his Book de Landibus legum Anglise 53. speaketh of a Judge, complaining of a Judgment given against a Gentlewoman of Sallsbury, who being accused by her own Man, without any other proof, for murdering her Husband, was thereupon condemned and burnt: The Man, who accorded her, being within a year after convicted for the same Offence, confest, That his Mistress was altogether innocent of that cruel Fact. But this Judge (as the fame Author Adds) sapius mibi sassuest, and nanquam in vita sua animum ejus de hoc fasto purgares. In septimo Hen. 4. the King demanded of Gascoigne Justice, If he saw one in his presence kill J. S. and another (which was not culpable) should be indised of this before him. what he would do in this Case? To which he answer'd, That he ought to respite the Judgment against him, and to relate the matter fully to the King to procure him a Pardon; for there he cannot acquit him, and give Judgment according to his rejected. to his private Knowledge. But where they have a judicial knowledge, there they may and ought to give Judgment according to that. See the like Case determined by King James, in his Disputations at Oxford, Rex Plat. p. 109, 113,

114, 115. Plow. fol. 83. Partridge against Strange.

MUNIMITED. Judicium, quafi juris dillum, Is the Censure of the Judges so called, and is the very Voice and final Doom of the Jaw. and the section is always to be seen and the law. of the Law; and therefore is always taken for unquestiona-ble truth. The ancient words of Judgment are very fignifi-cant, viz. Confideratum per carlam, &c. because Judgment is or ought to be given by the Court, upon confideration of the Record before them; and in every Judgment there ought to be three persons, viz. Allor, reus of Judex: Of Judgments some be final, and some not final. See Co. on Lit. fol. 39.

and Co. 9. Rep. Downam's Cafe.

ST Judices filtales, So Polydore Virgil calls Emplon and

Dudley, who were employed by Hen. 71 for taking the Benefit of Penal flatutes, and were put to Death by H. S. See Lord Herb. H. 8. fol. 5, 6.

Judicium Dei, The Judgment of Gody so our Ancestors call'd those now prohibited Tryals of Ordeal, and its several kinds, Si super defundere non posset Judicio Dei, seilices Aqua vel ferro, sieras de eo justicia, Leges Ed. Cons. cap. 16, See Spelmans Gloff, on this word, it and De. Brady, in his Gloffary at the end of his Introduct, to Eng. History.

Andgment of Tryal by the holy Grola, Long fince difuled. See Cresses Church History, fol. 960.

Inte. A watery place, according to Desmiday.

ST Jugulatos. A Cut-throat, or Murderer.——Statu tam est pracerea us nullus occulous Jugulator, quales Murde. rers appellant Anglè, de catero chartam de regia gratia obtinerat

Tho. Walfingham. p. 343. Jugum, Half an Arpent, so Perches, so mentioned in

Doomsday, as the same Book interprets, Jusum terra, to contain half a Plow-land. Inncaria or Isucaria, (from junding, the Latine word for a Rush;) is a foil or place where Rushes grow, Co. on Lit fol. 3. Cum Piscariie, Turbarin, Juneariis, & communibus pa

fluris ad messuagium predissum pertin. Rat. 6 E. 3. p. 1. m. 25. EP Juntari. To firow Rushes, as was of old the custom of accommodating the Parochial Church, and the very Bed. chamber of Princes .-- Terra in Ailesbury tenentur per servisium in veniendi Domino Regi cum venerit apud Ailesbury in astate stramen ad lectum summ & prater boc berbam ad jun-

Bunctum, Juneta, A Measure of Salt. — Et de tri-bus manjuris terra, & de decem junctis salis in wickie, cum duabus salinus, &c. Mon. Ang. 1800, 2. p. 99. Juneture. See Jonnure.

Jura, Regalia. See Regalia.

Jure Patronatus. See the New Book of Entries, verbo

Jure Patronaums. See the New Mook of Empries, werpe Jure Patronaum in Quare impedit, fol. 369. col. 36.

Butats, Jurati, 2 & 2 & 6. sap. 30. As the Mayor and Jarats of Mapdiane, Rye, Winebelfel, Tonderson, &c. are in the nature of Aldermen, for Government of their several Corporations. So Jersey hath a Bayliff and twelve Jurats, or sworn Affiltants to Govern the Illand, Cambd. Brit. Romeny Marsh is also incorporate of one Bayliff, twenty four Jurats, and the Commonwells thereof by Charter dated 22 Ref. x & 4.

and the Commonaity thereof by Charter dated 23 Feb. 1 & 4 and the commonancy thereor by Charter unice 23 pep. 1 g. 4

2 Janual, The Journal or Diary of Accounts in a Religious House. — Ut pates per Jurnale hec anno — ut pates
per pradictum jurnale. Paroch. Antiquit, p. 571. From French
Jour, a Day. Whence Journey was at first properly but one
days travel. And our Plough-men now use the word in a days travel. And our riougn-men now see the word in a strict and original Sense. For they call one days travel, or work at Plough, a Journey or Journe. Hence a Journeyman is one who works by the Day, Gro. See Jurneyman, May be derived from the Latine Jurare, to

iwear, and fignifies either twenty four or twelve Men fworn to inquire of the matter of Fact, and declare the truth upon such Evidence as shall be delivered them, touching the matter in question. Of which Jury, who may, and who may not be imponnelled, see F. N. B. fol. 165. And here observe, That in England there be three forts of Tryals, viz. one by Parliament, another by Battel, and the third by Affise or Jury, Smith de Rep. Angl. Lib. 2, cap. 5, 6, 7. Of the two former read him, and see Battel, Combat and Parliament. The tryal by Affise, (be the Action civil or criminal, publick or private, personal or real,) is referred for the Fact to a Jury, and as they find it, so passets the great savent that by this the Ring shows to his SubicAs. the great Favour that by this the King shews to his Subjects, more than the Princes of other Nations, you may read in more than the Princes of other Nations, you may read in Glanvil, lib. 2. cap. 7. where he calls it, Regale beneficium clementis principis de confilio Procerum populis indultum, que vita bominum de flatus integritati tam faluluiter confulitur, ut in jure, quod quis in libero soli tenemento possidet, resinendo, duelli causum declimare possint bomines ambiguum, &c. This Jury is not only used in Circuits of Justices Errant, but also in other Court and Matters of Office, at it the Fisher in other Courts and Matters of Office, as if the Efcheator make Inquifition in any thing touching his Office, he doth it

by Jury or Inquest. If the Coroner inquire how a Subject sound dead, came to his end, he useth an Enquest. The Justices of Peace in their Quarter-Sessions, The Sherist in his County and Turn, The Baylist of a hundred, The Steward of a Court-Leet or Court-Baron, if they inquire of any Offence, or decide any Cause between Party and Party, they do it in the same manner: So that where it is said, All things be tryable by Parliament, Battel or Affile, Affile in this place is taken for a Jury or Enqueft, empannelled upon any Caufe in a Court where this kind of Tryal is afed; and though it be commonly supposed that this Custom of ending and deciding Causes proceeded from the Saxons and Britains, and was of favour permitted to us by the Conquerour; Yet I find by the Grand Custumary of Normandy, cap. 24. that this course was likewise used in that Country, for Afficis in that Chapter defined to be an Afficial of wise Men. with the Bayliff, in a place certain, at a time affigned forty days before, whereby Juffice may be done in Caufes heard in the Court: Of this Cuftom also, and those Knights of Normandy, Johannes Faber maketh mention in the Rubrick of the Title demilitari testamente, in Institut. This Jury though it appertains to most Courts of the Common-Law, yet is it most notorious in the half year Courts of the Ju-Rices Errants, commonly called the Great Affijes; and in the Quarter-Seffions, and in them it is most ordinarily called a Jury: And that in civil Causes, whereas in other Courts it is termed oftner an Enquest, and in the Court-Baron, a Jury of the Homage: In the General Affile, there are usually many Juries, because there be store of Causes both civil and criminal, commonly to be tryed, whereof one is called The Grand Jury, and the rest Petit Juries, whereof it seemeth there should be one for every Hundred, Lamb. Eirenarch. lib. there should be one for every Mundred, Lamb. Eirenarch. Hb. 4. cap. 3. p. 384. The Grand Jury confists ordinarily of twenty four grave and substantial Gentlemen, or some of the better fort of Yeomen, chosen indifferently by the Sheriss out of the whole Shire, to consider of all-Bills of Inditement preferred to the Court, which they do either approve by writing upon them Bills vers, or disalow-by indessing Ignorams: Such as they do approve, if they touch Life and Death, are farther referred to another Jury to be considered of, because the Case is of such Importance; but others of lighter moment, are upon their allowance, without more lighter moment, are upon their allowance, without more work, fined by the Bench, except the Party traverse the Inditement, or challenge it for infusficiency, or remove the Cause to a higher Court by Certimari, in which two former Calle to a higher Court by Cersmant, in which two former Cases it is referred to another Jury, and in the later transmirted to a higher, Lamb. Eir. lib. 4. cap. 7. and presently upon the allowance of this Bill by the Grand Inquest, a man is said to be indited; such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled or torn. The Petit Jury consists of twelve men at the least, and are empanell'd as well upon criminal as upon civil Causes: Those that mass upon Offeners of I is and Death, do bring in their that pass upon Offences of Life and Death, do bring in their Verdict either Guilty, or not Guilty, whereupon the Prifoner if he be found guilty, is faid to be convicted, and so afterward receiveth his Judgment and Condemnation, or otherwise is acquitted, and set free: of this read Fortefame, cap. 47. Those that pass upon civil Causes real, are all, or so many as can conveniently be had of the same Hundred, where the Land or Tenement in question doth lye, being four at the least, and they upon due examination bring in their Verdict either for the Demandant or Tenant. Of this also see Rortescue, cap. 25, 26. According to which, Judgment passeth afterward in the Court, where the Cause began: And the reason hereof is, because these Justices of Assis are in this case for the case of the Court when the case of the Court was a second to the case of the Court was a second to the case of the Court was a second to the case of the Court was a second to the case of the Court was a second to the case of the Court was a second to the case of the Court was a second to the case of the Court was a second to the case of the cas case, for the ease of the Country, only to take the Verdict of the Jury by vertue of the Writ called Nisi prius, and so return it to the Court where the Cause in sign prius, and Lambert in his Explication of Saxon words, verhic Castrolia Lilia words are the Castrolia. bo Centuria, His words are these, In fingulis centuris Comitia sunto atq, libera conditionis viri duodeni atate superiores, una cum Praposito sacra tenentes, perante, se adeo virum aliquam innocentem haud condemnaturos, sontemue absoluturos. Sec also the Custumary of Normandy, cap 69. Vide esiam Enquest.

See Twelve men, and Lamberts Eiren. lib. 4. cap. 3. p. 384.

Autidical Bays, Dies Juridici, Days on which the Law is administred, days in Court. See Dies.

Autisticion, Jurifdilio, Is a dignity which a Man hath conferred on him to do Justice in Cases of Complaint made before him: Of this there are two kinds, one which a man hath by reason of his Fee, doing Right in all Plaints relating to his Fee; by virtue thereof, the other is collated by a Prince to a Bayliff, which division we find in the Grand Custumary of Normandy, eap. 2. which is not unfit for the conflitution of our Government: For under the name of Bayliff there, we may comprehend all that have Commission from the Prince to give Judgment in any Case. See Co. 4. Inst. in the Proamium. The Civilians divide Jurisdistionem into Imperium by Jurisdistionem, by imperium in merum by mixtum; Of which you may read several Tractates;

Juris utrum, Is a Writ that lieth for the Incumbent,

whose Predecessor hath alienated his Lands or Tenements the diverse uses of which Writ ice in F. N. B. fol. 48.

Jus Corons, The Right of the Crown is part of the Law of England, and differs in many things from the general Law, relating to the Subject. See Co. on Lit. fol. 15, b.

Jus Curtalitatis Anglis. See Curtefie of England.

Jus hereditatis, The Right of Inheritance. See Heir. Jus Patronatus, Is the right of prefenting a Clerk to a Benefice. See the New Book of Entries, verbo Jure Patronatus in Quare impedit, fol. 469, col. 3.

Justes, Cometh of the French Jouftes, i. decurfus, and fignificath with we contentions between Martial Men and Persons

nifieth with us contentions between Martial Men and Persons

of Honour, with Spears on Horseback, 24 H. 8. cap. 13.

Sometimes of Chebrash of Control of Chebrash of Chebrash of Chebrash of Chebrash of Control of Chebrash of Che

M.S. f. 401.

M.S. f. 401.

Callendary. Among the Customs observed in the Abby of Glassendary.

In diebns solennibus quam Fratres fuerunt in capis medenem babuerunt in justis, of simulas super mensan, or vimum ad caritatem of tria generalia — Chartular. Abbat. Glasson. M.S. f. 10. So Mon. Angl. tom. 1. p. 149.

Percipiet etiam quilibet Fratrum — cotidie justas Deas de cerevifia. Whence it is plain, that Justa was some Pot or Liquid Merfure.

Jutos, Jurator, Is one of those twenty four or twelve Men, which are sworn to deliver a Truth upon such Evidence as shall be given them touching the matter in question, of which see F. N. B. fol. 165. and the Statute 16 & 17 Car. 2. returning able and sufficient Juras.

Tunice, Jufficiarius, Signifies him that is deputed by the Rung to do Right by way of Judgment; the reason why he is called Justice and not Judex, is, because in ancient time the Latine word for him was Justicia, and not Justiciarius, as appeareth by Glanvile, lib. 2. cap. 6. and Rog. Hovenden, part. poster. sunal. fol. 413. Another reason why they are called Justiciarii, and not Judices, is, because they have their Authority by Deputation, as Delegates to the King, and not jure Magistratus, and therefore cannot depute others in their flead, the Justice of the Forest only excepted, who hath that liberty especially given him by 32. H. 8.35. for the Chancellor, Marshal, Admiral, and such like, are not called Justiciarii, but Judices: Of these Justices there are divers forts in England, of the manner of whose creation

with other appurtenances, read Fortescue, cap. 51. These in Magna Charta, cap. 12. and other Statutes, are called Justicers. Au flice of this Auflice of the Kings Bench, Capitalis justicia vel justiciarius de Banco Regis, 1s a Lord by his Office while he enjoys it, and the chief of the rest; His Office especially is to hear and determine all Pleas of the Crown, vig. such as concern Offences committed against the Crown, Diagonal States of the Crown Diagonal States of such as concern Offences committed against the Crown, Dignity, and Peace of the King; as Treasons, Felonies, Mayhems, and fuch like; which you may read in Bration, lib. 3. trati. 2. per totum, and in Stamf. Pl. Cor. from the first to the 51. chap. of the first Book. He also, with his Assistants, heareth all per-

fonal Actions and real also, if they be incident to his Jurisdiction. See Cromp. Jur. fol. 67. Of this Court Bradon, lib. 3. ction. See Cromp. Jur. fol. 67. Of this Court Bradon, lib. 3. cap. 7. num. 2. faith thus, Placita vero civilla in rem by perforance in Curia Domini Regis terminanda, covam diversis justiciariis terminantur; by illarum curiarum habed unam propriam, sicut aulam Regiam, by justiciarios capitales qui propriae causas Regie terminant by aliorum omnium per querelam vel privilegium sive liberatem; ut si sit aliquis qui implacitari non debeat, nisi coram Rege. This Justice hath no Patent under the Great Seal, but is made by Writ in this short form.

Rex, &c. M. H. falutem, schatis quod constituimme vos ju-sticiarium mestrum capitalem ad placita coram mobis tenenda, durante bene placito mestro, Teste, &c.

Of the ancient Dignity of this chief Juffice, we find that in the time of King John, and others our ancient Kings, it often occurs in Charters of Priviledges, Quod non ponatur refpondere nisi coram nobis vel capitali justicia nostra. The Court was first called The Kings Bench, because the King sometimes fat in it in his own Person, and was moveable with the Court, 9 H. 3. 11. The oath of the Justices see in the Stat. 18 E. 3. Stat. 4. and in Origines Juridicales, a Catalogue of all the Lords chief Justices in England. See Oath, and See Kings Bench.

Justice of the Common Pleas, Dominus Justice of the Common Pleas, Dominus Justiciarius Communium Placiforum. He is also a Lord by his Office, and, with his Affistants, originally did hear and determine all Causes at the Common-Law, that is, all civil Causes between common Persons, as well personal as real, Causes between common Persons, as well personal as real, for which cause it is called The Court of Common Plem, as dif-ferencing it from the Plem of the Crown, or the Kings

ferencing it from the Pleas of the Crown, or the Kings Pleas, which are special, and appertaining to him only. Of this, and the jurisdiction thereof, see Cromp. Jur. fol. 91. and 4. Inst fol. 99. This Court was always setted in a place, as appears by the Stat. 9 H. 3. 11. The Oath of him and his Associates, see 18 E. 3. Stat. 4. See Oath.

Mustice of the Fosest, Justicearius Foresta, Is also a Lord by his Ostice, and hears and determines all offences within the Forest, committed against Vert or Venison: Of these there be two, whereof one hath Jurisdiction over all Forests on this side Trent, the other of all beyond. The chief point of their Jurisdiction consistent woon the Articles of the King's Char-Jurisdiction confisseth upon the Articles of the King's Charter, called Charta de Foresta, made Anno 9 H. 3. concerning which, see Cambd. Brit. p. 214. See Protoforestarium. The Court where this Justice sits and determines, is called The Justice Seat of the Forest, held once every three years, as you may read in Manwoods Forest Laws, cap. 24. He is also called Justice in Eyre of the Forest; and is the only Justice that may appoint a Deputy, by the Statute of 32 H. 8.

35. Justices of Alule, Justiciarii ad capiendas Assisas, are such as were wont by special Commission to be sent (as occasion was offered) into this or that County, to take Affijes for the ease of the Subjects; for whereas these Actions pass always by Jury, so many men might not, without great damage and charge, be brought up to London, and therefore Justices for this purpose, by Commission particularly authorized to the second sec rised, were sent down to them. For it seems, that the Juflices of the Common Pleas had no power to take Assiss till the Stat. of 8 R. 2. cap. 2. for by that they were enabled to it, and to deliver Goals. And the Juffices of the Kings Bench by that Statute such Power affirmed unto them, as they had one hundred years before. These Commissions ad capiendas Affifus, luve of late years been fetled and executed only in Lant, and the long Vocation, when the Justices, and other learned Lawyers, may be at leifure to attend those Controversies; whereupon it also falls out, that the Matters that were wont to be heard by more general Commissions of Justices in Eyre, are heard all at one time with these Assign, which

duas to non plures. And by this means the Justices of both Benches being worthily accounted the fittest of all others, and their Affairs, were imployed in these Affairs. But so Juffices of either Bench, or any other, may be Juffices of Affice in his own County, Anno 8 R. 2. 2. and 33 H. 8. 24. And those who now are called Justices of Assie, and twice every year go the Circuit, by two and two through all England, dispatch their several businesses by several Commissions, Cromp. Jur. fol. 210. For they have one Commission to take Affer, another to deliver Goals, another of Oyer and Terminer, &c. That Justices of Assie, another of Oyer and Terminer, &c. That Justices of Assie, and Justices in Eyre did anciently differ, appeareth by 27 E. 3. cap g. And that Justices of Assie and Justices of Gaol Delivery were divers, is evident by 4 E. 3. 3. The Oath taken by Justices of Assie is all one with that taken by the Justices of the Kings Bench, Old Abridgement of Statutes, tit. Sacramentum justiciariorum. See Oath.

Jugices of Dyer and Terminer, Jufticiarii ad audiendum & serminandum, Whore Justices deputed upon some special or extraordinary Occasion, to hear and determine some peculiar Causes. Fitzberbert in his Nat. Brev. saith, That the Commission d'Oyer and Terminer is directed to certain Persons upon any great Assembly, Insurrections, heinous Mistermeanors, or Trespasses committed. And because the occasion of granting this Commission should be maturely weighed, It is provided by the Statute mide 2 E. 3. cap. 2. That no fuch Commission ought to be granted, but that they shall be dispatched before the Justices of the one Bench or other, or Justices Errant, except for horrible Trespasses, and that by the special favour of the King. The form of this Commislee F. N. B. fel. 110.

hon, ice F. N. B. 761. 110.

Tuniciarit, Ad placita transgressimum moneta audienda dy terminanda Claus. 7 E. 1. M. 6. de Judais.

Junicis in Cyps, Justiciarii itinerantes, Are so termed of the old French word, Erre, Iter, as (a grand Erre, i. magnis itineribus,) proverbially spoken. Their in ancient time, were lent with Commission into divers Countries to hear such Cauics especially; as were termed Pleas of the Crown. And this was done for the Ease of the People, who must else have been hurried to the Kings Bench, if the Cause were too high for the County-Court: They differed from the Juffices of Oper and Terminer, because they (as we said before) were sent upon one or few special causes, and to one place, whereas the Justices in Eyer were sent through the Provinces and Counties of the Land, with more indefinite and general Commission, as appeareth by Bradon, lib. 3. cap. 11, 12, 13. committion, as appeareth by orasson, 110. 3. cap. 11. 12. 13. and Briston, cap. 2. And again, because the Justices of Over and Terminer were sent uncertainty upon any uproar, or other occasion in the Country; but these in Eyre (25 Mr. Gwin sets down in the Preface to his reading,) were sent the property when agrees Home in his Mr. Gwin sets down in the Preface to his reading,) were sent but every seven years once, with whom agrees Horne in his Mirror of Justices, 16b. 2. cap. queux poient estre associates, &c. Et lib. 2. cap. des peches criminals, &c. al suit del Roy, &c. And lib. 3. cap. de Justices in Eyer: Where he also declares what belongs to their Office. [But there is a Book intituled, Orig. juridiciales, which says, They went oftner.] These were instituted by K. Henry the si, as Cambd. in his Brit. witnesseth, p. 104. 2nd Hovenden par, post. sor. annal. fol. 313. bath of them these words, Justiciarii itinerantes, constituti per Henricum Secundum, qui divisit Regnum summ in sex partes, per quarum singulas tres justiciarios itinerantes constituis, tes, per quarum fingulas tres justiciatios itinerantes constituit, &c. In some respect they resembled our Justices of Affice at present, though their authority and manner of proceeding much differ. Co. on Lit. fol. 293.

Justees of Goal Delivery, Justiciarii ad Gaslas deliberandas, Are such as are sent with Commission to hear and de-

termine all Causes appertaining to such as for any Offence are cast into the Gaol: part of his Authority is to punish such as let to Mainprise those Prisoners that be not bailable by Law, nor by the Statute de finibus. cap. 3. F. N. B. fol. 151. These seem in ancient time to have been sent into the Country worm this forward accordion, but asserted 25. was not so of old, as appears by Bracton, lib. 3. cap. 7. num. 2. Habet etiam justiciarios itinerantes de Comitatu in Comitaium; the Country upon this several occasion; but afterwards Juquandeq, ad omnia placita; quandoq; ad quadam specialia, sicut fices of Asse were likewise authorised to this, Anno 4 E. 3. Assistant, and Gaolas deliberandas, quandoq; ad unam vel cap. 3. There oath is all one with other of the Kings Justices flices of either Bench, Old Abridgment of Statutes, tit.

Sucramentum justiciariorum. See Oath. Justice of the Youndeth, Justiciarius Hundredi, erat. iple Hundredi Dominus, qui & Centurio & Centenarius appellutur,

Hundrediq, Aldermanus, faith Spelman.
Justicements, From Justicia, All things belonging to Juflice, Co. on Westm. 1. fol. 225.

Juliets of Laborers, Were Juliees heretofore appointed to redress the forwardness of labouring-men, that would either be idle, or have unreasonable Wages. See 21 E. 3.

cap. 1. 25 E. 3 cap. 8. and 31 E. 3. cap. 6. Indices of Dili Phius, Are all one at this time with Juflices of Assie, for it is a common Adjournment of a Cause in the Comman-Pleas, to put it off to such a day, Nisi prims justiciarii venerint ad eas partes ad capiendas Assias; and upon this Clause of Adjournment they are called Justices of Nisi prim, as well as Justices of Asse, by reason of the Writ or Action that they have to deal in. Their Commission you may see in Cromp. Jur. fol. 204. yet with this difference between them, that Justices of Affise have Power to give Judgment in a Caufe, but Juffices of Niss print only to take the Verdict. But in the nature of both their Functions, this feems to be the greatest difference, that Justices of Nisi prime have to deal in Causes personal as well as real; whereas Justices of Assie, in strict acceptation, meddle only with the possessory Writs called Assie.

Justices of traits basis, Were a kind of Justices appointed by King Edward the First, upon occasion of great Disorders with Real assistance in the Section of the Se

ders grown in the Realm, during his absence in the Scotch and French Wars. In the Old N. B. fol. 52. they are stilled Justices of Tryal baston: But by Holimshed and Stow, Traitebaston, so called (say they) of trailing, or drawing the staff of Justice: Or according to Co. 12. Rep. fol. 25. for their contents of the same as the Store of the same as the their summary proceedings, who says also, They were, in a manner, Justices in Eyer, and their Authority sounded on the Statute of Ragman. Their Office was to make Inquisition thro' the Realm, by the Verdict of substantial Juries, upon all Officers, as Mayors, Sheriffs, Bayliffs, Escheators, and others touching Extortion, Bribery, and other such Grievances; as intrusions into other mens Lands, Barretors, and Breakers of the Peace, with divers other Offendors; by means of which Inquifitions, many where punished by Death, many by Ransome, and the rest flying the Reatm; the Land was quieted, and the King gained great Riches towards the support of his Wars. See Mat. Wellm. in towards the support of his Wars. See Mat. Westm. in Anno 1305. As to the name Traile-basson, there are divers Opinions, some think that Baffon fignifies the Beam of a pair of Scales, and so is metaphorically applyed to the just poyfing of recompence for Offences committed. Others think it may be derived from the French (Treilles, i. Cancelli) Bars or Lattices, a Grate with cross bars: Others from the word Treille, i. Pargula, a Frame or Rayl, such as Vines use to run upon; and Bafton, a Staff or Pole, inferring, that the Justices imployed in this Commission, had Authority to proceed without any folemn Judgment-Scat, but might without more work proceed where-ever they could apprehend the Malefactors they fought for. If I may be admitted to give my thoughts, I suppose, it may be deriv'd from the French word Trayl, i. to draw; and Baston, a Staff; and the reason of this my supposition, is, that the Kings of England, having in those times many occasions in France, by reason of their frequent Wars there, and observing that the Marshals of France had a large Power, with which they were invested by the delivery of a Baston, (or as we call it a Bastoon) the Ensign of their Office and Au-When they returned and found firange diforders grown here, in imitation of that, erected these Justices, who (as they say) had a Baston delivered them as the Badge of their Office, fo that whoever was brought before them was Traille al Baston, traditus ad Baculum; whereupon with submission, may their Name easily be deduced, and they called Justices de trail Baston, or Justiciarii ad trabendum offendentes ad baculum vel baston. We find a Commiffion of Trail-bafton, coram Rogero de Grey de Sacite fuis

Justit. apud S. Albanum, Anna Regni Regis E. 3. post conque

stum s. See Spelman's Gloss, verbo Trail-baston. Processes Babilion, Justices of the Pavillon, Justiciarii Pavilionis, Are certain Judges of a Pye-powder Court, of a most transcendent Jurisdiction, anciently authorised by the Bishop of Winche. fler, at a Fair held on St. Giles's Hills near that City, by virtue of Letters Patent granted by King Edward the Fourth. See the Patent at large in Prynnes Animadv. on 4.

Indices of the Beace, Justiciarii ad pacem, Are they that are appointed by the Kings Commission the Peace of the County where they dwell; of whom some, upon special respect, are made of the Quorum, because some business of importance may not be dispatcht without the presence or affent of them, or one of them. See Quorum. The Office and Power of these is so various, being grounded upon several Statutes, that we cannot here recite them, concerning which, both Fitzberbert, Lambert and Crompton have written Books to their own great Commendation, and the general benefit of the whole Realm. See also Smith de Repub. Angler. lib. 2. cap. 19. They were called Guardians of the Peace till the thirty fixth year of Edward the Third, cap. 12. where they are called Justices, Lamb. Eiren. lib. 4, cap, 19. p. 578. Their Oath see also in Lamb. lib. 1. cap. 10.

Judices of Beate, &c. within Liberties Juficiarii ad pa-cem infra libertates, Are such in Cities and other Corporate Towns, as those others be of any County, and their Anthority or Power is all one within their feveral Precincts,

27 H. 8. cap. 25.

Justice-Stat, Is the highest Court that is held in a Forest, and is always held before the Lord chief Justice in Eme of the Forest, upon warning forty days before; and there the Judgments are always given, and the Fines set for Offences, that were presented at the Courts of Attachments, and the Offendors indited at the Swain motes, concerning

which, see Manwoods Forest Law, cap. 24.

Justician, French Insticier, A Justice or Justicer, The Lord Bermingham, Justiciar of Ireland, Baker, fol. 118.

Justician, Is a Writ directed to the Sherist, for the dispatch of Justice in some special Cause of which he cannot with condinents. Bernes had Discontinuous. by his ordinary Power hold Plea in his County-Court. Hereupon the Writ de excommunicato deliberando, is called a Justicies in the Old Nat. Brev. fol. 35. Also the Writ de homine replegiando, Ibid. fol. 41. And the Writ de secunda superoneratione passura, Ibid. fol. 73. There are many Presidents of this in F. N. B. fol. 117. in Account, and fol. 152. in Annuity, and fol. 119. in Debt. Kitchin, fol. 74. says, That by this Writ of Justicies, the Sheriss may hold Plea of a great sum, whereas, of his ordinary Authority, he can hold no Pleas, but of sums under forry Shillings, with whom agrees Crompton, fol. 231. It is called a Justiciandum aliquem to do a Man justice, and requires no return, Hereupon the Writ de excommunicato deliberando, is called a andum aliquem to do a Man justice, and requires no return, or any Certificate of what he hath done, Brail. lib. 4. trail. 6. cap. 13. num. 2. mentions a Justicies to the Sheriff of London, in a Case of Dower. See the New Book of Entries, verbo, Justicies.

Insuffication Justicies.

Austification, Justificatio, Is an affirming or shewing good reason in Court, why he did such a thing as he is call'd to answer, as to justify in a Cause of Replevin, Broke, tit.

Justificators, Justificatures, Seem to fignify Compurgators or such as by Oath justify the Innocency, Report or Oath of another, as in the case of waging Law; also Jurymen, because they justify that Party, for whom they deliver their Verdict. See Spelmans Gloss.

Alendar month. Mentioned 16 Car. 2. cap. 7. confifs of 30 or 31 days, (excepting February, which never hath more than 28, unless in Leap-year, and then but 29,) twelve of which months being those mentioned in the Kalendar make a Year, which we call vulgarly in the singular number, A Twelve-month. But if in the plural number we say Twelve-month. then if in the plural number, we say Twelve months, then shall it be accounted a month of Weeks, which is but 28 days. See Co. lib. 6. fol. 81. Catesbyes Cale.

87 Kalende, Rural Chapters, or Conventions of the

Rural Dean and Parochial Glergy; so called, because held on the Kalends, or first day of every Month: As at first every three Weeks, and at last only once a Quarter, and by degrees wholly intermitted, to the great decay of Discipline. See Parochial Antiquities, by Mr. Kennet, p. 640.

Bantref, According to the description of Mr. Humfing Loyd, out of the Laws and Ordinances of Howeldda, a Kentef had its denomination from one hundred

Kentref had its denomination from one hundred Towns, and fignifies as much, under which were contained so many Commots, which the Welsb call Commond, and signifies Provincia or Regio, and consisted of twelve Mannors or Circuits, and two Townships. We find the word mentioned in Mon. Ang. 1. part. fol. 319 thus—Le primier Conquerent de trois Kantref de la terre de Brecknoch, estoit Bernard de Nesmarch Norman. See Cantred.

&F Karite, Carite, The Religious called their best Conventual Drink, or their Strong Beer, by this Name; because, I presume, after Meals, they used to drink their Pocula Caritatis, or ad Caritatem, i. c. -Willielmus concessimus Magistro Petro Penteley Medico unum corro-dium in domo nostra videl. quo libet die duos panes de celario, unum album de pastu conventuali vocatum Houshold loof & alium nigrum vocatum Black white loof, & unam mensuram cervisia bona vocata Karite ex eodem vase de quo Conventui ipsi eodem die deservitur. Cartular. Eccles. Elyen. M.S. penes Job. Episc. Norwic. M.S. And unum Carite was used for one Grace-Cup, as William Prior of Ely, and the Convent, granted to Alice Appilton one daily Corrody, videl unam panem vocat. Black white loof, for unam mensuram cervisia melioris conventus seu de dolio conventus vocat. unum Carite

per diem dat. 8. Apr. 1411. ib.

& Barpie, Matthew Paris in the Lives of the Abbots of St. Albans, under Paul the 14th Abbot, Anno 1077.

P. 52. — Minutis autem qui de sua consuetudine passillis carneis vescebantur, esus substassit inordinatos, & pro car-ne, de allece & liborum edullis congessum quoddam fercu-lum ipsis in communi cumulavit. Quod more Normannolum ipsis in communi cumulavit. rum Karpie quasi Karempie sophistice nominavit. Dr. Wasts consesses himself ignorant of the meaning of this word. Dr. Freshe thinks it was the same with Carpeia, which was a part of Lenten fare, or a dish of salted or dried Fish, chopped and minored together with

other ingredients to make it more favoury, as we now dress a cold pickled Herring, or what is called by the barbarous name of Salmagundy.

Barle, A Saxon word, properly denoting a Man, but with any addition a Servant or Clown. Hence they called a Seaman, a Burscarle, and a Menial Servant, a Huscarle. See Huscarle. We may read this word frequently in Selden's Mare Clausum, Doomsday, and other ancient Records: And probably from hence by corruption, comes the modern word Churle.

Rarrata font, A Cartload of Hay, Mon. Ang. part 1. fol. 548. See Carella.

on the shore, for the loading and unloading of Vessels; we commonly call it a Warf. The Verb Cajare in old time (fays one) fignifies (as Scaliger reports) to keep in or restrain, and the Ground where Kays are made is forced and kept in with strong Planks and Possible Control of the Cont The Verb Cajare in old

Kayage, Kayagium, The Money or Toll paid for Whar-fage, tor loading or unloading of Goods or Wares, Rot. pat, 1 E. 3. m. 10. and 20 E. 3. m. 1.

jicula by Kebbars or Cullers, drawn out of a Flock of Sheep. But where or why the refuse Sheep are thus call'd, is perhaps not worth enquiring.

Beep. A strong Tower in the middle of any other Fort or Castle, wherein the besieged make their last Efforts of defence, was called a Keep. Hence the inner pile of Fortification within the Castle of Dover, crested by K. Henry 11. about the Year 1153.was called

the Kings Keep. So at Windsor, &c. & Betel, 12 E. 4. cap. 7. See Kiddle. Beeper of the Great Beal, Custos magni sigili, Lord by his Office, and filled Lord Keeper of the (Seal of England: He is one of the King's Privy-C cil; through whose hands pass all Charters, Commissions, and Grants of the King under the Great Seal; without which Seal, all fuch Instruments by Law are of no force. For the King is in the interpretation of Law a Corporation, and passeth nothing firmly but under the said Seal, which is as the publick Faith of the Kingdom in the high esteem and reputation justly attributed thereto. This Lord-Keeper, by the Statute 5 Eliz. 18. hath the same Place, Authority, Preheminence, Jurissidian, Execution of Laws, and all other Customs, Commodities, and Advantages, as hath the Lord Chancellor of England for the time being. He is constituted by the delivery of the Great Seal to him, and taking his Oath, Co. 4. Inft. fol. 87.

Reepers of the Liberties of Englang by Authority of Batliament. See Custodes Libertatis.

Beeper of the Privy-Seal, Custos privati sigilli, a Lord by his Office, through whose hands pass all Charters figured by the King before they come to the Great-Seal, and some things which do not pass the Great-Seal at all: He is of the Kings Privy-Council, and was anciently called Clerk of the Privy-Seal, 12R. 2. cap. 11. Gardien del Privy-Seal, in Rot. Parl. 11. H. 4. num. 28. And Lord Privy-Seal, and one of the great Officers of the Kingdom, by 34 H. 8. 4.

Respect of the Couch, 12 Hen. 6. 14. Seems to be that Officer in the Kings Mint, at this day called The

Master of the Assay. See Mint.

Beeper of the Forett, Custos Foresta, Is also called
Chief Warden of the Forest, Manwood Forest Laws, part 1. pag. 156. and hath the Principal Government of all things, and the check of all Officers belonging to the same; and when it pleaseth the Lord Chief Justice in Eyre of the Forest to keep his Justice-Seat, he sends out his Warrant, of general Summons, to him forty days before, for the warning of all Under-Officers to appear before him at a day affigned in the Summons, which fee in Manwood, ubi supra.

Etlus, In digging the Tin Mines in Cornwall, next the load or vein of Tin, there is a floor which

they call Spar, above which lies another RIM OF AMO-flance like a white foft flone, which they call Kellin.

**Extly, Made of Sea-wrack or Weed laid on heaps,

Girent to and fro with an iron Rake dried and burned, stirred to and fro with an iron Rake till it condenses and cakes together; used chiefly in

making Alom. -Inquisitio & extenta terrarum & tenementorum, qua fuerunt Roberti de Monte alto nuper de-functi, in Reseng in Norf. fasta die lung in crastino S. Fi-dis videlicet Regni Regis Edwardi tertiq—item de qua-Bay, Kaya & Caya, Is a convenient place fitted dam consuetudine qua vocatur Kerhere ad Festum S. Mi-

chaelis 12 denas. Ex bundello Eschaet anno g. Edw. 1. Perhaps a commutation for the Customary Duty of Carrier, or Carriage of the Lords Goods.

Menegild, (Sax.) Spel de Coneil. I Tom. fol. 406. Quare. Kennets, A fort of course Welsh Cloth, mentioned

33 H. B. 3.

Renter, idle Persons, Vagabonds, Nec non de illis qui dicuntur homines otiofi, & malefactoribus, qui etiam kernys dicuntur, Ordin. Hibern. 31. E. 3. m. 11. 12.

Bernellatus, Fortified, or according to the old fashion embattelled; according to which the Duke of Lancaster claimed to him and his Heirs Castrum summ de Halton, Kernellatum, 31 E. 3. Pl. de quo Warrant.

apud Cestriam.

Strengtars Bomum, To build a House with a Wall

With cranics or notches, or Tower, kernelled or crenelle, with cranies or notches, for the better conveniency of shooting Arrows, and making other desence. Spelman derives it from the Sax. Cyrnel, a seed or kernel; from whence, says he, Cyrnelen, to rise in knobs or bunches. But Du Fresne justly reslects on this violence done to the word, and finds it to be quarmellus or quadranellus, a four square hole or notch; ubicanq; patent quarmelli five fenestra. This form of Walls and Battlements for Military uses, might and chiefly for facoting with Bows and Arrows, might possibly borrow name from quadrellus, a four square

Nec tamen interes ceffat bulifts wel arcss.

Quadrellus has multiplicat, pluis ills logistus.

It was a common favour granted by our Kingsafter Caftes were for preventing Rebellion demolished, to give their chief Subjects leave to fortific their Mannor Houses with kernelled Walls. Licentium declimus Johanni de Handlo and info manlum soum de Rochall insta Brebull in Com. mus gernesses wass. Licentiam desimus Johanni de Handlo quad ips mansum suum de Borstall juxta Brebuil in Com. Buck. muro de petra & calce sirmane & kernellare possis. Dat. 1a. Sept. 1312. Paroch. Antiq. p. 353. Which form of Work does now appear in that ancient Seat of Borstal, Com. Buck. in the possession of the very worthy Sir John Aubrey Baronet.

& Mebers, A Cover or Veffel ufed in a Dairy-House for Milk on Whey. ——Competus Henrici Deze dy Jobanna exoris de existibus de proventibus de Dayri. Allo-cantur pro novo Kevete empso viii. den. Baroch. Antiq. p. 386. In Devonshire a Keeve is the Butt or Fatt wherein they work their Beer.

& Bayus, - Roberton de Tuteshal, Epikopon Norwi-Censis, & Ragerus de Monte alto concesserunt, quod ipsi ex tunc non caperent aut per ballivos suos capere facerent aliquod Theoloneum pro caseo es butiro super unito leguminibus es hujusmedi nisi in grosso vendentur, & quod non caperent aut capi facerent de quinq; pellibus rubeis qua vocantur Keyng nis unum obolum tantum. Placit. Parl. 18 Edw. 1. Whence it seems plain that a Keyng was sive Fella or Peter or Cheprochina mith their Wood on five Fells or Pelts, or Sheep-skins with their Wooll on

them.

8 Beyus, Reys, A Guardian, Warden, or Keeper.

Nolo etiam quod aliquis Soneschallus, Constabularius,

Fare Rarestarius, Serviens, vel venator.

are called the Keys of the Liland.

Beyles or Beeles, Ciuli, A kind of long Boats, of great Antiquity, montioned 23 H. S. 18. Longa neves quibus Britamiam prime ingressis small secures, Spelm.

Stickell, A Code 2 H. was a good old Caston for Code them.

Godfathers and Godmethers, every time their God-Children asked them bleffing, to give them a Cake; which was called a Gods-Kiebell. It is ftill a Proverbial faying in some Countries, Ask me bleffing, and I, will give you some Plumb-Cake.

Binder, Anno 5 Eliz. cap. 12. says, Every person being a common Badger, Kidder, Lader or Carrier. Where-by it fignifies one that Badges, or carries Corn, dead

Victual, or other Merchandise, up and down to sell; called also Kyddiers, 13 Eliz. cap. 25.

Kiddis, Midel or Menel, Kiddellus, A Dam or Wear in a River to catch Fish. The word is ancient, For in an a kiver to catch fish. The word is ancient, For in Magna Charta, cap. 24. it is said, Omnes kidelli deponantur de catero penitus per Thamesiam & Medeweyam & per totam Angliam niss per Costeram maris. And in a Charter granted by King John, Power was granted to the City of Landon, De keddellis amovendis per Thamesiam, & Medeweyam, Anno 1. H. 4. cap. 12. It was among other things accorded, That a Survey should be made of the Wears, Mills, Stanks, Stakes and Kidels in the great Rivers of England. In an Inquisition taken in the great Rivers of England. In an Inquisition taken at Derby the 15th of Novemb. 4 Eliz. after the death of Thomas Penderne, &cc. 'Tis said, Et fuit selsitus de woo kidello, vocat. a Wear ac de libera piscaria in Potlok.

cfc. Bundello 3.

They are now called Kettles and Kettle Nets, and are much used on the Sea Coasts of Kent and Wales.

Bilketh, An ancient servile kind of Payment, for in an old Manuscript 'cis thus written, Kilketh pro qualibet Hundredea 2 dena.

& Millagium, Keelage. Robertus de Brus habet apud Hertelpole, portum maris & capit ibi Killagium scil. de qualibet navi cum Batello, applicante ibi octo denar. Go de qualibet navi sine Batello quatuor denar. Rot. Parl. 21 Edw. 1 Tit. Northumberland.

Wilth, Acomnes annaules redditus de quadam consue-

tudine in Empas-Lacy wecat. Kilth. Par. 7 Eliz. p. 7.

Sing, Rex, Is thought by Camden in his Brit. pag.
105. to be contracted from the Saxon word Cyaing or Coning, figuifying him that naturative anguest and absolute Rule over the whole Land; and therefore the King is in intendment of Law cleared of those meetings are subject to; for he fignifying him that hath the highest Power, fore the King is in intendment of Law cleared of thole defects which common persons are subject to; for he is always supposed to be of sull age, although never so young, Cromp. Jur. fol. 134. Kinchin. fol. 1. He is taken as not subject to death, but is a Corporation in himself, Cromp. ibid. He is supra Legem by his absolute Power, Brail. lib. 1. cap. 8. Kitch. fol. 1. And though for the better and more equal course in making Laws, He do admit the three Estates, that is, Lords Swiethal Lords Temporal. and the Commons. unto Spiritual, Lords Temporal, and the Commons, unto Council; yet this derogates not from his Fower; for whatever they Act, He by his negative Voice may quash. See concerning this, Smith de Rep. Anglor. lib. z. cap. 3. and Bralton, lib. 2. cap. 16. num. 3. and Britton, cap. 39. He pardoneth Life and Limb to Offendors against his Crowu and Dignity, except such as he bindeth himself by Oath not to forgive, Stamf. pl. cor. tib. 2. cap. 35. And Habet omnia jura in manu fra, Bracton, lib. 2. cap. 24. num. 1. He may after or suspend any particular Law that seems hurtful to the Publick, Blackwood in Apologia Regum, cap. 11. For the

Rings Oath, fee Brallon, lib. 3, cap. 9, nem. 2.

Again, The Kings only Teftimony of any thing done in his prefence, is of as high nature and credit as any Record; Whence it comes, That in all Writs or Precepts fent out for the dispatch of Justice, He wheth no other Witness than himself, always using the words at the end, Tefle Meip/o. Laftly, He hath in the right of his Crown many Prerogatives above any common person, be he never so potent and honourable; whereof you may read at large in Stamfords Tradiate
upon the Statute thereof made 17 E. 2. Also in

Brafton, lib. 2. cap. 24. num. 1. fg 2.

Ring of Otralos, Rex Heraldorum, Is a principal Officer at Arms, that hath the Pre-eminence of the So-See Herald and Garter. Among the Romans he was called Pater Patratus.

King of the Minifirels, His Power and Priviledge appears by the following Charter.

Doban per le grace de Dieu, Roy de Castile & de Leon, Duke de Lancastre, a touts ceux, que cestu nos letres verront ou orront. Saluz saches nous avoir ordonez constitut. & assignez nostre bien ame le Roy de Minnsteaulx deins sostre Honeur de Tuttebury quare est, ou qui pur le temps serra pur prendre de arrester touts le Min-ttraulx deins meisme nostre Honeur de Franchise, queux refusount de fair lour services de Minstralcy as eux ap-purtenants, a faire de ancient temps a Tuttebury suis dit aunuelment les jours del assumption de nostre Dame. Donants & grantants au dit Roy des Minstraulx pur le temps esteant plein poyer de mandement de les faire resonablement, justisier & constrener de faire lour services ly Minstralejes en maner come appeint, ly come illon-ques ad este use ly de ancient temps accustome. En Tefilmonigniance de quel chose nous avons fait faire cestes nos Letres Patents, don sonz nostre Privy-Seal a nostre castel de Tuttebury le xxii.jour de August le an de Regne mostre tresdulces le Roy Richard Second, quart. Confirmed by Hen. 6. 22 Feb. 21. year of his Reign.

Bings Bench, Bancus Regius, Is the Court or Judgment Seat, where the King of England was sometimes wont to fit in his own Person; and therefore it was moveable with the Court or Kings Houshold, and called Curia Domini Regis, and Aula Regia, as Gwin re-ports in the Preface to bis Reading; and that therein, and in the Court of Exchequer, which were the only Courts of the King till Henry the Thirds days, were handled all matters of Justice, as well Civil as Criminal. This Court of the Kings Bench was wont in ancient Times to be especially exercised in all Criminal Matters, and Pleas of the Crown, leaving the hand-ling of private Contracts and Civil Actions to the Common-Pleas, and other Courts, Glanvile lib. 1. cap. 2, 3, 4. and lib 10. cap. 18. Smith de Rep. Angl. lib 2. cap. 11. Co. 4. Inft. fol. 70. and hath prefident of it, the Lord Chief Justice of England, with three or four Justices Affistants; or according to Fortescue cap. 51. four or five, and Officers thereto belonging, the Clerk of the Crown, a Protonotary, and other in-feriour Ministers and Attorneys. See Justice of the Kings Bench.

Ringeld, Escuage, or Royal Aid. As in a Charter of K. Hen. II. to the Abbot and Monks of Mirewell. Volo & firmiter pracipio, ut sint quieti per totam terram meam de theloneo & de sciris, & de hundredis, & de de Wapentachiis, & de Kingeld, & de Denegeld, & de Murdre. Mon. Angl. Tom. 1. p. 830.

Rings Silver, is properly that Money due to the King in the Court of Common-Pleas pro licentia concordandi, in respect of a Licence then granted to any Man for passing a Fine, Co. vol. 6. fol. 39. & 43. Eings Swan herb, Magister deductus Cygnorum, Pat.

16. R. 2. Pars. 1. m. 38. Radulphum Scot Custodem Cygnorum nostvorum, &c. No Fowl can be a Stray but a Swan, Co. 4. Inft. fol. 280.

Mintal, Is a certain weight of Merchandise, most commonly of one hunared pounds, or fomething un-der or over, according to the several uses of divers Nations. Plowden fol. 3. mentioned 2000 Kinsals of Woad in the Case of Reniger and Fogassa.

**This could be a seen and the seen at the seen at the seen and the seen at the seen at the seen and the seen at the se

bottom, and narrowed by degrees to the top, but left open at both ends, which they use for taking Fish; as particularly upon Opmore in Oxfordshire, where they call this way of treading the Water, and clapping down the Basket, and then groping for the Fish enclosed, Kipping and going to Kipe. From the

Sax. Cspa, a Basket. It is strange to observe, That this very manner of Fishing with Baskets of the same kind and shape, is practifed by the barbarous Inhabitants of Ceylon in the East-Indies, as appears in the relation and figure of it given by Mr. Knox in his Travels. p. 28.

Ripper-time, That no Salmon be taken between Gravelend and Henly upon Thames in Kipper-time, viz. between the Invention of the Cross (3 May) and the Epiphany. Rot. Parl. 50 Edw. 3.

Mirbees Duttl. Is an ancient Record remaining with the Remembrancer of the Exchequer, the meaning and Etymology whereof will appear by what fol-lows. Memorandum, quod Anno Domini 1277. Anno Regni Regis Edwardi filii Regis Henrici quinto, misit idem Rex per totam Angliam Ballivos inquirere, sub juramento dy in secreto de universis terris Anglia per Johannem de Kirby Thesaurarium suum, quisquis teneret & cu-jus feodi & quantum & cujus Regis tempore feoffati effent. Ex Regist. Glaston. Cænobii penes Rad. Sheldon Ar.

fol. 71.

Bit floor, A certain Bed in a Coal-Mine. Wednesbury in Staffordsbire; the 4th parting or laming in the Body of the Coal, is called the Kit-floor one

foot thick.

Knave, An old Saxon word for a Man-Servant, so is used, 14 E. 3. Stat. 1. cap. 3. And Verstegan in his Restitution of decayed Intelligence, c. 10. believes it is borrowed of the Dutch Gnapa, which figuifies the fame thing. And that is forme kind of Officer or Serwant, as Scild-knapa was he that bore the Weapon or Shield of his Superior, whom the Latines call Armigerum; and the French Escuyer. & The word is now perverted to the haddest meaning, a false and deceit-in Fellow. But it had a sense of simplicity and in nocence; it first signified a Child or Boy, Sax Cuapa, whence a Known-Child is a Soy diffinguished from whence a Knave-Child, i.e. a Boy diffinguished from a Girl in several old Writers.—— A Knave-Child between them two they gate. Gower, Poem f. 52. 106. And Wickliff in his old Engl. Translation, Exed. 1. 16. If it be a Knave-Child, i. c. A Son or Male Child. Afterward it was commonly taken for a Servant Boy, and by degrees for any Serving Man: As in the Vision of Piers Plowman, Cokes and her Knaves cryden hote

us it signifies a Person that beareth Arms, who for his virtue, and special Martial Prowess, is by the King, or one having the Kings Authority, fingled from the ordinary fort of Gentlemen, and raised to a higher step of Dignity. This among all Nations, takes his Name from the Horse, because in ancient times they served in the War on Horseback. The Romans called them Equites: The Italians term them Cavallieri: The French Chevaliers : The Germans Reyters : The Spaniard Gavallaros, &c. It appears by the Stat. Anno 1. E. 2. cap. 1. That in ancient times a Gentleman having a full Knights Fee, and holding his Land by Knights-service, might be urged by diffress to procure himself to be made Knight when he came to full age. But by the Statute 17 Car. 1. cap. 20. It is Ordained, That no Man fhall be compelled to take the Order of Knight-bood, &c. The manner of making Knights, Cambd. in his Brit. pag. 111. shortly expresfeth in these words, Noftris vero temporibus qui equestrem dignitatem suscipit, flexis genubus educio gladio leviter in bumero percutitur. Princeps bis verbis Gallice effatur, sois Chevalier au nom de Dieu, that is, fis eques nomine Dei. The folemnity of making Knights among the Saxons, Stow mentions in his Amuls, pag. 159. See the Priviledges belonging to a Knight in Fernes Glory of Generosity, pag. 116. Of these there be two forts, Knights Spiritual and Knights Temporal, Cassanaus in glaria mundi, patt 9. confiderat. 2. Discourses at large of them. The temporal or second fort of Knights, Ferne in his Glary of Generofity, pag. 103. makes here among us threefold, Knights of the Sward, Knights of the Bath, and Knights of the Garter, Shene de verbor-Significat. verbo Milites, faith, That in the ancient Laws of Scotland, Free-holders were called Milites, which may feem to have been a Custom with us. Also by divers places in Bradon, who faith, That Knights must be in Juries, which turn Free-holders do now serve. See Selden's Titles of Honour, fol. 770.

**This mighten Court, Is a Court-Baron or Honor-

Court, held twice a Year under the Bishop of Hereford at his Palace there; wherein those who are Lords of Mannors, and their Tenants holding by Knights-Service, of the Honor of that Bishoprick, are Suiters. Butterfeild's Surv. fol. 244. It the Suiter does not appear at it, he forseits 2 s. for Suit-Silver for respite of Homage.

Weighted of the Earter. Families Gasterii. or Peris.

Enights of the Gatter, Equites Garterii, or Perifcelidis, are an Order of Knights first created by King Edward the Third, after he had obtained many notable Victories, who, for surnishing of this Honourable Order, made a choice out of his own Realm, and all Christendom, of the best and most excellently Research Which in Victoria and Honourable Orders, who is the best and most excellently Research. Christendom, of the bett and most excellently Renowned Knights in Virtue and Honor, bestowing this Dignity upon them, and giving them a blue Garter, decked with Gold, Pearl, and precious Stones, and a Buckle of Gold, to wear daily on the Left Leg only, a Kirtle, Crown, Cloak, Chaperon, a Collar, and other stately and magnificent Apparel, both of stuff and feshion. other Rately and magnificent Apparel, both or trust and fashion; exquisite and heroical to wear at high Feasis, as to so high and Princely an Order was meet. Of which he and his Successors, Kings of England, were ordained Soveraigns, and the rest Fellows and Brethren, to the number of twenty fix, Smith de Rep. Anglor. lib. 1. cap. 20. This Honoursble Society is a Collegion of Congression. having a common Scal. here. Anglor. 11b. 1. cap. 20. In the Honourable Society is a Colledge or Corporation, having a common Seal belonging to it, and confifting of a Soveraign Guardian, which is the King of England, that always Governs this Order by himself, or his Deputy; Of twenty five Companions called Knights of the Uniter, of fourteen fecular Chanons that be Priests, or must be within one Year after their admission; thirteen Vicars, also Priests, and twenty six poor Knights, that have no other Sustenance, or means of Living, but the allowance of this House, which is given them in respect to their daily Prayer to the honor of God and St. George. There be also certain Officers belonging to this Order, viz. The Prelate of the Garter, which Office is inherent to the Bishop of Winchester for the time being; rent to the Bishop of Winchester for the time being; the Chancellor of the Garter; the Register, who is always Dean of Windson; The Principal King at Arms, called Garter, whose chief business is to manage and marshal their Solemnities at their yearly Feasts and Installations. Lastly, The Usher of the Garter, who is also the Usher of the Black-Rod. The scite of this Colledge is the Castle of Windson, with the Chapel of St. George, erected by Edward the Third, and the Chapter-House in the said Castle, and their Solemnity upon St. George's-day. Camden saith, This Order received great Ornament from Edward the Fourth. ceived great Ornament from Edward the Fourth, Ferne's Glery of Generolity, pag. 120. And that most Pious Prince Charles the First, as an addition to their Splendor, ordered all the Companions of the Order to wear on the left fide of their upper Garment, the Crofs of England encircled with the Garter and Motto, from whence round about are cast beams of Silver like the Rays of the San in full lustre. See Garter. I hear of a large Tract concerning this Order, written by Elias Astronome Esq; which see for further Satisfaction.

Unights Banneret. See Banneret. Unights of the Bath, Milites balnei vel de balneo,

Are an Order of Knights made within the Lifts of the Bath, and girded with a Sword in the Ceremony of his Creation. Perne's Glary of Generofity, 205. These are spoken of 8 E. 4. cap. 2. For the Antiquity and Ceremony of their Creation, see Mr. Dugdale's Discription of Worcestershire, fol. 531, 532. They are so called from Bathing the Night before their Creation. They take place of Knights-Batchelors, but come after

Unights of the Diver of St. John of Jerusalem, Melites Sansti Johannis Hierofelymitani, were an Or-der of Knighthood, that began about the Year of Our Lord 1120. Homeius being Pope, they had their de-nomination from John the Charitable Patriarch of nomination from John the Charitable Patriarch of Alexandria, though vowed to St. John the Baptift their Patron; Fern's Glory of Generofity, pag. 127. They had their Primary abode at first in Jerufalem, and then in the Isle of Rodes, until they were expelled thence by the Turks, Anno 1523. Since which time their chief Seat is in the Isle of Malta, where they have done cases Europeite against the Infields. But see have done great Exploits against the Infidels, but specially in the year 1595. They live after the Order of Friers, under the Rule of St. Angustine. Of whom mention is made in the Stat. 25 H. 8. cap. 2. and 26 H. 8. cap. 2. They had in England one general Prior that had the Government of the whole Order within England and Scotland, Reg. Orig. fol. 20. and was the first Prior of England, and fare in the Lords House of Parliament. But towards the end of Henry the Eighths days, they in England and Ireland being found over-much to adhere to the Pope against the King, were suppressed, and their Lands and Goods given to the King, by 32 H. 8. 24. The occasion and propagation of this Order more especially described, you may read in the Treatife, entituled, The Book of Honor and Arms, lib. 5. cap. 18. written by Mr. Richard

unights of Apalta, See Knights of the Order of St John of Jerusalem.

Mnights of Rhodes. 33 H. 82- 24. See Knights of the

Order of St. John of Jerusalem.

Rnights of the Comple, Templarii, Otherwise called Templers, was an Order of Knighthood instituted by Pope Gelasius, about the Year of Our Lord 1187. and fo called, because they dwelt in a part of the Building belonging to the Temple at Jerusalem, not far from the Sepulchre of our Lord. They entertained Christian Strangers and Pilgrims charitably, and in ed Christian Strangers and Pilgrims charitably, and in their Armor led tnem through the Holy Land, to view the Sacred Monuments of Christianity, without fear of Institute. This Order increasing and continuing by the space of 200 years, was far spread in Christendom, and namely here in England; but in process of time, some of them at Jerusalem being (as some report) found to fall away to the Saracens from Christianity, or rather, because they grew too potent, the whole Order was suppressed by Clemens Quintus, 1309, and by the Council of Vienna, 1312, and their substance given partly to the Knights of St. John of Jerusalem, and partly to other Religious, Cassan de gloria Mundi, part. 9. consid. 5. and Anno 1. cap. 24. These should here in England from Henry the Seconds days, till they were suppress. They had in every Nation a particular Governor, whom Braston lib. 1. cap. 10. calls Magistrum militia Templi. The Master of the Temple here was summoned to Parliament, 49. H. 3. m. 11. in Schedula; and the chief Minister of 49. H. 3. m. 11. in Schedula; and the chief Minister of the Temple Church in London is still called Master of the Temple. Of these Knights, read Dugdale's Anti-quisies of Warwick-shire, fol. 706. In ancient Records, they were also called Patres Militia Templi Solomonis, Mon. Ang. 2. part. fol. 554. Knights

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Knights of the Chamber, Milites Camera, mentioned in 2 Inft. fol. 666. And in Rat. Pat. 29. E. 3. part. 1. m. 29. feem to be such Knights Batchelors as are made in time of Peace, because Knighted commonly in the King's Chamber, and not in the Field, as in time of War-

Enights of the Shire, Milites Comitatus, otherwise called Knights of the Parliament, are two Knights, or other Gentlemen of worth, that are choice in Pleno Comitatu, by the Free-holders of every County that can dispend 40 s. per Annum, and be resident in the Shire, Anno 1 H. 5. cap. 1. 67 10 H. 6. cap. 2. upon the King's Writ, to be sent to the Parliament, and there to consult and advise concerning the Publick Affairs of the Realm: These, when every Man that had a Knight's Fee, were constrained to be Knights, were of necessity to be Milites gladio cinai, and so the Writ still runneth, Cromp. Jur. fol. 1. But now Custom allows Esquiers to be chosen to this Office, 23 H. 6. 6. So that they be resident in the County. For the choice of these Knights, See the Statutes, 7 H. 4. 15. 11 H. 4. 1. 6 H. 6. 4. 8 H. 6. 7. 23 H. 6. 15. with others; and the New Book of Entries, verbo Parliament. Their Expences are to be born by the County during the Parliament. 35 H. 8. 41. but that is of late disused in some measure.

Knight Marchal, Marescallus Hospitii Regis, Officer in the King's House, having Jurisdiction and Cognisance of any Transgression within the King's Cognifance of any Transgression within the King's House and Verge, as also of Contracts made there, whereunto one of the House is Party, Reg. Orig. fol. 185. & 191. and Spelman's Gloss. in verbo Marescallus.

Enights fervice, Servitium militare, Was a Tenure, whereby several Lands in this Nation were held of the King, which drew after it Homage, Escuage, Wardship, Marriage, &c. but taken away by 12 Car. 2. cap. 24. In Doomsay Book some Land holden by Kuights-

fervice is called Tainland, and Land holden by Socage, Reveland, tol 86.2.

Knight's fet. Peodem militare, Is fo much Inheri tance as is sufficient yearly to maintain a Knight with convenient Revenue, which in Henry the Third's days was 151. Cambd. Brit. pag. 111. But Sir Thomos. Smith in his Repub. Angl. lib. 1. cap. 18. rateth it at Forty Pounds. And I find in the Statute for Knights, Anno I E. 2. cap. 1. that such as had Twenty Pounds in Fee, or for term of Life, might be compelled to be Knights; but this Statute is repealed, 17 Car. 1. cap. 20. Stow in his Annals, pag. 285. faith, There were found in England, at the time of the Conqueror. 60211 Knights Fees: Others 12y 60215, whereof the Religious Houses before their suppression, were possessed of 28015, — unde olio Carneata terra faciunt feodum unius militis, Mon. Ang. 2. par. fol. 825. Of this you may read more in Seldons Titles of Honor, sol. 691. and Brac. lib. 5. trad. 1. cap. 2. and Co. on Lit. fol. 69. A Knights Fee contained twelve Plow-lands, 2 par. Infl. fol. 596. or 600 acres of Land. Knights Fee is sometimes used for the Rent that a Knight payeth for his Fee to his Lord, of whom he holdeth; and this was uncertain, as appears by Brallon, lib. 5. traff. 1. cap. 2.

15-Knoya, A Knob, Nob, Bosse, or Knot. super Evangelius cum uno classe habens ex uno latere quinq; Knopos argenteas, egc. Mon. Angl. Tom. 3. p. 365. Enighten-gylb, Was a Guild in London, consisting of

nineteen Knights, which King Edgar founded, giving unto them a Portion of void Ground lying without the Walls of the City, now called Port-Joken Ward, Stows Annals, pag. 151. This in Mon. Ang. 2. par. fol. 82. is written Cnittenegild,

Mydditts, 13 Eliz. cap. 35. See Kidder. th Mneton.men, The Lollards or good Christians in England called Herecicks, for opposing the corrup-tions and errors of the Church of Rome before our

happy Reformation, went commonly under the name of Known-men, and Just Fast-men; which Title was first given them in the Diocetle of Lincoln, under William Smith Bishop 1500. See Fox Martyrol, Vol. 2. pag.

d Knappa -– Dedi unum virgatam de Knappa quam Adreas tenuit, de totamterram de Fernburft.ther Charter, the same Donation is thus said unam virgatum terra de Chueppa, quam Andreus tenet.

Cartular. Abbat. Rading, MS. p. 94. Bylyin.—Et sint quieti de pastu & Kylyw & omnibus aliss exactionibus, quas Forestarit or alii ballivi solent exigere, Mon. Ang. 1 par. fol. 722. Perhaps it may signific some Liquid thing, exacted by Foresters. See See-We have to this day in the North the word Kele,

which the Country people use for Liquid Victuals.

**Explit, A Coffin or Chest for Burial of the dead, Sir Tho. Cumberworth Kt. made this Fanciful Will in the Year 1450.—Furth, I Gyffe, My Sawle to God my Lord and my Redemptor, and my wrechid Body to be Beryed in a Chitte without any Kyfie in the North yle of the Parish-Kirke of Someretby—But I will my Kyfie be made and stand by, and at my Bereall Giff it to hymthat fills my Grave. Ex Reg. Marmaduci Lumley Episc. Lincoln. MS.

Abel, The narrow flip of Paper or Parchment affixed to a Deed or Writing, for an appending Seal, is called a Label. So any Paper annext by way of addition or explication to a Will or Testament is called a Codicil or Label. ment, is called a Codicil or Label.

Laboratis, Isa Writ that lies against such as having not whereof to live, do resule to serve, or for him that refuseth to serve in Summer where he served in

Winter, Reg. Orig. fol. 189.
Laches, Cometh of the French Lascher, id est, Laxare; or Lasche, ignavas, and fignifies slackness or negligence, as appears in Littleton, sett. 403 & 726. where Laches of Entry is nothing elie but a neglect in the Heir to enter; whereupon, I take liberly to guess, that it may be an old English Word, as when we say, There is Lackes of Entry, it is all one as if we should say, There lack is of Entry, or there is lack of Entry; and indeed it hath no other signification, for so is it used, Lit. fol. 136. and Old Nat. Brev. fol. 110. So where a Man ought to make or do a thing, and he makes or does it not, I of his Laches cannot have an Assisc, but must take an Action upon the Case. See

Cook on Lit. fol. 246. do 380.

10 Laba, A Lade, Lath or Court of Justice, from Sax. Lathian, to Convene or Assemble. Hence the Annual Court at Dim-Church in Romney-Marsh, held about Michaelmass, for the Election of a Bayliff and other Officers, is called the Lath, and Dim-church-lath.

See Leits.

to Lana, A purgation by Trial, from San. Ladian, to purge by submiffion to any Legal Method of acquitment. Hence the Lada simplex, and the Lada triplex, or Lada plena, among our Saxon Ancestors, mentioned in the Laws of K. Ethelred, and of Hen. 1. See Spelman's Gloff.

15 Lada, A Lade, Load, or course of Water,parte scilicet orientali navigii vel Ladæ usq., ad locum qui dicitur Gangestede. Histor, Rames, Edit. Gale, cap. qui dicitur Gangestede. Histor, Rames, Edit. Gale, cap. 113. Where Navigium is properly Navigerium, and has the like Sense of a Navigable River.

Laford.

Lafordluick. Is derived from the Saxon Hlaford Dominus by swic proditio, Insidelitas erga Dominum, a be-traying our Lord and Master. In the Laws of Henry the First, cap. 13. Quedam Placita emendari, (i. Quedam crimina expiari) non possunt, Husbrech, Bernet, Openthese, Ebermath, and Lasordswick, which word is also found in Canutus Laws, cap. 61. which some Authors have written commonly Labordfith.

Laga, Lex, The Law, Lagam Regu Edwardi vobu reddo, cum illis emendationibus, quibus Pater meus eam emendavit, says Magna Charta. Hence we deduce Sax-

on lage, Mercen-lage, Dane lage, &c.

& Lagebagum, Laghdar, a Law day or time of open Court. Una cum omnibus sedis Lagedayorum qua prior de Ledes, & omnes alii corum tenentes deburunt ad Lagheday a mea de Nementon pertenementa qua de ipsis tenent in Hundredu pradictis. Charta Almerici de Lucy apud W. Thorn sub anno. 1280. — Sint quieti de secta – excepto quod villani sui ter in anno illius Hundredi venient ad la Laghday ad presentandum placita corona sine occasione. Mon. Ang, Tom. 1. p. 279.

Lageman, Homo habens legem, or as we term it, Homo legalis, such as we now call Good men of the Jury, which in the Writ are stiled, Probos dy legales homines. The word is frequently used in Doomsday, and in the Laws of Edward the Confessor, cap. 38. Thus Postea inquisisset Justicia per Lagamannos, & per meliores homines de

burro, &c.

Lagen, Lagena, Fleta. lib. 2. cap. 8, 9. time it was a Measure of six Sextarii. Donatio insuper de sex Lagenis olei annuatim. Carta, 2 E. 3. m. 25. n. 82.

Lagon or Lagan, Is such a parcel of Goods as the Mariners in danger of Shipwrack cast out of the Ship, and because they know they are heavy and fink, they fasten to them a Buoy or Cork, that so they may find and have them again. If the Ship be drowned, or otherwife perish, these Goods are called Lagan or Ligan, a ligando, and fo long as they continue upon the Sea, they belong to the Admiral, but if they are cast upon the Land, they are then called a Wreck, and belong to him that hath the Wreck, as appears in Co. lib. 5. fol. 106.

Lacerta, Is a Word mentioned in Doemsday Book,

and there fignifies a Fathome.

Lahllite, Lagflite, Laghlite Transgreffio Legie, breach of the Law, and sometimes the punishment for breaking the Law. Si quis Dei reditudines per vim teneat, folvat Lahslite cum Dacis, plenam Wytam cum Anglis, Leg. Hen. 1. cap. 13. Lamb. Explic. of Saxon Words, verbo Mulaa.

Lairwice, Lecherwite and Legergelbum, mulcia offendentium in Adulterio of Pornicatione, which Priviledge did anciently belong to some Lords of Mannors, in reference to their Villalus and Tenants, which Fleta, lib. 1. cap. 47. scems to infer. See Co.

4. Inft. fol. 206. Laifed Lins, Anno 1 R. 3. cap. 8.

Lambotc, - Manerium de Berton parva reddit aula Thomæ de Redgrave annuatim ad pascha, 1111. denar. & aula de Cnapwel de Tudenham ammatim, 11, Denar. eo quod le pyle molendini Domini debent jungere passura de Tudenham. & babere in illa passura Lam-bote. ___ Ex Cartular. S. Edmundi, MS. f. 111. & Lammestlver, Inter antiques consuetudines Abbatia

de Sancio Edmundo. — Capiunt etiam quidam, ex pra-diciis Servientibus Glovesilver in festo S. Petri ad vincula, & habent eodem die, 1. den. ad Lammesilver, & quicunque capit unum denar. ad Glovesilver babebit eodem die 1. ob. ad Lammesilver. Ex Cartular. S. Edmundi, MS. p. 222.

of the Cathedral Church of York, which is dedicated to St. Peter ad vincula, were bound by their Tenure to bring a living Lamb into the Church at High Mass. See Gule of August.

Lancett, Volo etiam quod habeant omnia amerciamenta hominum suorum, tam liberorum quam Lancetorum in Leta mea, Carta. Wil. de Albineo, Canobio Wimundham. These Lanceti were Agricola quidam sed ignota speciei, Spelm.

- Willielmus de Blanchevil tenet to Lancetagium. novem acras in Polingestand, qua fuerunt eschatra unde quatuor acra fuerunt libera for quinq, acra Lancettagii-Johannes Filius Richardi tenet XX. acros per cartam qua fuerint Lancettagii de dono Gilberti de Alvendon.

Catam. Santti Edmundi. MS. f. 401.

Landa, An open Field without Wood.

Land-bot, A Charter or Deed, whereby Lands or Tenements are given, or held, fic Anglo Saxones Chartas & instrumenta, nuncuparant, pradiorum Sessiones, jura & sirmitates continentia, says the Learned Spelman; And we read in Concil. Synodal. apud Clouesho, Anno Dom. 822. ut prafata Abbatissa pranominatam terram & cum libris quos Angli dicut. Land-boc, am hæreditatem traderet.

Landegandman, Was according to Spelman one of the inferior Tenants of a Manner; the word is used in

Cussumar. de Hecham.

Landicheap, An ancient customary Fine, paid either in Cattel or Money at every alienation of Land lying in fome peculiar Mannor, or the liberty of fome Borough. As at Malden in Effex, there is yet a Cuffom, that for certain Houses and Lands fold within that Borough, thirteen pence in every Mark of the Purchase-Money shall be paid to the Town; and this Custom of Land cheap they claim inter alia, by a Grant made to that Town by the Bishop of London, Anno 5. H. 4. Somner in his Saxon Dictionary says, Landceap est fortasse pretium fundi pacto datum vel debitum. The word is also read in Spel. de concil. vol. 1. fol. 502

Landigable, Is a Tax or Rent issuing out of Land, according to Doomsday, Census pradialis vel tributum quod a pradiu colligiter; that is, fays Spelman, a peny for every House; the Welsh use Pridgavel for Languvel.

This Landgavel or Landgable in the Register of Doomsday, was a Quit Rent for the Stile of a House, or the Land whereon it flood, the same with what we now call Ground rent. -- Tochi Filius Outi habuit in Civitate XXX Mansiones preter suam Hallam of duas Ecclesias de dimidiam. — de super Manssones babuit lo-cationem, de prater boc de unaquaq; unum denarium, id est, Landgable. Doomfday, Lincoln.

Landimets, Agrimenfores, Measures of Land so called of old, Landimera autem est terra limes wel

15 Landirecta. Those Services and Duties which in the Saxon times were laid upon all that held Land, which were three Obligations called Trinoda necessitas, Expedition, Burghbote and Brigbote: Which Duties the Saxons did not call fervitia, because they were not Feodal Services arising from the condition of the Owners, but Landirella, Rights that charged the very Land wholoever did possess it, Church or Layman. Vide. Spelman of Fends, cap. 10.

& Laurectus, Quere an Lantectus, Homines tam extra burgum quam infra debent eadem libertate frui infra banleucam prater Lantestos de Herdewyk & pares eo-- Cartular. S. Edmundi, MS. f. 316.

Land-man, Terricola, The Terre-Tenant.

Land-tenant, Is he that actually possesses the Land, or hath it in his manual Occupation, 14 E. 3. Stat. 5. Lammas bay, Is the first of August, so called, quasi cap. 3. 23 B. 3. cap. 1. 26 E. 3. Stat. 5. cap. 2. See Terre-Lamb mas, on which day the Tenants that held Lands Tenant, & 12 R. 2. cap. 4. & 4 H. 4. cas. 8. it is joyned with this word Possessor, as Synchimen, Anno 1 H. 6. See Terre-tenant.

cap, c. See Terre-senans. Laugemaunt, Item in ipfa civitate erant 12 Langemanni, i. babentes Secam & Sacom, Doomsday, tit. 1 incolnsbire.

Land, Terra, in a general and legal fignification, includeth not only all kinds of Grownds, as Meadow, Pa-flure, Arable, Wood, &c. but Houses and all Editees whatsoever; but in a more referained feuse it is taken only for Arable Ground, Co. on Lit. lib. 1. cap. 2. sell. 14. says, Terra est nomen Generalissimum er comprehendet omnes species terra, but properly terra dicitur a terendo, quia comere peritur; and antiently it was written with a fingle r, and in that fense includes whatever may be Plowed, The Earth hath in Law a great extent upwards, for Cujus est solum ejus usque ad colum, Co. 9. Nep. Alureds Case.

Lana placabilis. Fine-wood.

teneri in centum saccie bone lana de placabilis sine cot. de gard pro certa summa pecunia. Cartular. Radings. MS. f. 208.

&F Langerode, -- In Collingham, dua bovata terra facient umon quarterium de brafio ordei, vel duo quarteria de brafio avena, vel reddent, 111. denar. in festo Apostolorum Petri dy Pauli; item qualibet dua virguta facient 1 Langeroce, vel dabunt 1111. den. in Ex Cartalario S. Petri de Burgo, eodem festo, Swaftam die. MS. f. 139.

Lanis de creicentia Buallie traducendis abique Cu-

uma, ec. Is a Writ that lyeth to the Customer of a Port, for the permitting one to pass over Wools without Custom, because he hath paid Custom in Wales before. See the Register, fol. 279.

L'Anterium. The Lantent, Cupolo, or top of a Stee-

- Walterus Skyrlaw Episcopus Dunelmenfis (obiit 1405) magnam partem campanilis, vulgo Lanterii, Ministerii Eboracensis construxit, in medio cujus operis arma jua pojuit, Angl. Sacr. P. I. p. 775. & Lano niger. — One fort of Base com. Rex missi

Johannem de Gloucester ad monetam retonsam de conterfallam—arrestandum—idemq, Johannes ad Sandwic accedens,—invenit ibidem monetam quandam videlicet nigrum Lanoenm in partibus illu communiter currentem G inhibuit ne moneta illa de catere curreret, Memorand.

of inhibuts ne moneta illa de catero currerer, Mcmorauu. in Saccario. Mich. 22. E. I. by Sir John Maynard.

Thanks Marmorius. Qui quidem Henricus de Cliff (Clericus Rotulorum) in magna Anla Westenin. apud Lapidem Marmorium in prasentia Domini Cancellarii prassibis sacramentum, &c. Claus 18 Edw. 2. in 1. Dorso.

This Marble stone is about 12 Foot long and 3 Foot broad, and remains to this day at the upper end of Westminster-Hall, where there is also a Marble Chair placed at the middle of it, in which our Kings anciently Sate at their Corronation Dinner, and at other control of the control times the Lord Chancellor; but over this Marble-Table and Chair, are now erected the Courts of Chancery,

and Chair, are now erected the Courts of Chancery, and Kings-bench. See Orig. Jurid. fol 27.

Lapte, Lapfon, Is the omiffion of a Patron to prefent to a Church, within fix months after voidable; by which neglect, title is given to the Ordinary to collete to the faid Church: We say that Benefice is in lapse, or lapsed, whereunto he that ought to present hath omitted or slipped his opportunity, 13 Aliz. cap.

22. This Lapse happens, as well the Patron being ignorant of the avoidance. as Privy. except only upon norant of the avoidance, as Privy, except only upon the refignation of the former Incumbent, or the deprivation upon any cause comprehended in the Statute 13 Eliz. 12 Panor. in cap. quia diversitatem, num. 7. de concess. Prabend. Stc. In which cases she Bishops ought to give notice to the Patron.

2 Larbarium. The Larder, or place where the

Lard and Meat wore kept. - Tenentes de Pidington

cariabant salem Domini de soro ubi emptus suerit ad Lardarium Domini. Paroch. Antiquit, p. 496. Whence Larderarius Regis, the Kings Larderer, or Clerk of the Kitchen.

Larvole. In the Choir of the Cathedral of Durbam, the high Altar and S. Cutbberts Ferretory is all of the French Pierre curiously wrought, both inside and outfide, with fair images on Alabaster and Gilt, being called in the ancient History, the Lardose. Davies Rites and Momem. of Durbam, p. 12.

Latteny, Latrocinium, Is a wrongful taking away another mans Goods, with a mind to fleal them; and it is derived of the French Lareen, i. furtum; and in respect of the thing flolen is of two forts, viz. Great, which is called Theft fimply, where the things stolen exceed not the value of twelve pence, and that is Felony. And Petts Larcety, when the Goods flolen exceed not the value of twelve pence, Weft. part. 2. Symb. tit. Inditements. But he differeth from Bration, lib. 3. trall. 2. cap. 32. mm. 1. Of this see more Stams. Pl. Cor. lib. 1. cap. 15, 16, 17, 18, 19. See also Spel-man, who calls Minuta furta, Petty Larcenies, ex Assifis, Hen. 2. Clarendonia editie, &c.

Com. Wiles, the Tenants pay to the Marquis of Win-chefter their Landlord a small Yearly Rent, by this name, which I conceive to be for liberty to Feed their Hogs with the Mast of the Lords Woods, the Fat of a Hog being called Lard. Thus Mr. Blunt, who feems miftaken in the Etymology, it feems rather a commutation for fome cultomary service of Carrying Salt or Meat to the Lord's Larder.

Larons, Is the French Word for Thieves. In the Statute for view of Frank-pledge made 18 Ed. 2. the Larons, Is the French Word for Thieves.

statute for view of Frank-pleage made 18 Ed. 2. the fourteenth Article, to be given in charge at a Leet, is of Petty Larons, as of Geefe, Hens, byc.

Lathtite, It denoted the Danish common-Forseiture, which was twelve Ores, every Ore valuing about sixteen pence sterling, Seldens History of Tythes, p. 203.

Lati, Signifies in general a Burden, and particularly a certain Weight or Measure. As a Last of Pitch, Tar or Aspes, contains sourteen Barrels. 22 M.

Pitch, Tar or Afnes, contains fourteen Barrels, 32 M.

1. 14. A Last of Hides or Skins, twelve dozen,
1. 7ac. 33. A Last of Codish, twelve Barrels, 15. I fac. 33. A Last of Codish, twelve Barrels, 15. Car. 2. 7. A Last of Herrings contains twenty Cades, or ten thousand, every thousand ten hundred, and every hundred sixsore, 51 H. 3. stat. 2. cap. 2. A Last of Corn, 67c. is ten Quarters. A Last of Wooll is twelve Sacks. A Last of Leather is twenty Dickers, and every Dicker Ten Skins; of unpacked Herrings, eighteen Barrels make a Last. twenty Dickers, and every Dicker I en Skins; of in-pack'd Herrings, eighteen Barrels make a Laft: Also Last in the Marshes of East-Kent, signifies a Court held by twenty four Jurats, and summoned by the two Baylists thereof, wherein they make Orders, lay and levy Taxes, &c. for the preservation of the Marshes. See the History of Imbanking and Draming,

fol. 54.

Lan begge. Ultima bares, Is he to whom Land comes by Richest, for want of lawful Heirs, that is, the Lord of whom they held in some cases, but in others the King. Quippe Rex omnium baredum ultimus eft, ubi Oceanus omnium fluviorum receptaculum, Bract. lib. 7. cap. 17.

Latinge or Letinge, Laftagium, Is a Custom exacted in fome Fairs and Markets, to carry things where one will, according to Rafial. But 21 R. 2. cap. 18. it is taken for the Ballast of a Ship. In a Charter of Hen. 3. to the Monastery of Semplingham, we read _____ Et sint quieti de Theolonio & Pontagio, & Passagio, & Pedagio, & Laftagio, &c. where we must take it in the former fignification. So also in Diplon. H. 1. de libersatibus London, we find, Omnies bomines London fint

quieti de liberi de omnes res corum per totam Angliam de per purtus maris, de Theolonio, de Passagio, de Lastagio, de ab omnibus alius tonsuctudinibus, Lastage, according to others, is properly a Custom paid for Wares sold by the Last.

&T Latera. Sides-men. Companions, Assistants,— Novit autem vestra discretio quod salus Ecclesia Anglicana, o etiam Regni plurimum dependet, a venerabili Patre Domino Arepo Cantuariensi, quapropter necessarium sunt ei Latera non solum qua sapiant j.ra Regni, sed dy qua sa piant jura Dei — talibus lateribus jugiter fulciatur Do-minus Archiepiscopus. — Epist. Rob. Grosthead apud piant jura Dei -

piant jura Dei — talibus lateribus jugiter fulciatur Dominus Archiepiscopus. — Epist. Rob. Grosibead apud Append. ad Fusciculum. p. 388.

**Laterare. To lie sideways, in opposition to lying end ways. — unam peciam prati apud Langemede que capitat ad Regium stratram, & Laterar ad terras baredum Nicholai de Sandwyco militis — Dat. Anno 1317. Ex Registr. Eccl. Christi Cantuar. MS.

Anno 1317. Ex Regilir. Eccl. Christi Cantuar. MS. Lathe, Lasium, Is a great part of a County, sometimes containing three or more Hundreds, as in Kent and Sussex. See Leges Edw. Conf. cap. 35. by sint quieti de selis commitatuum, Leth, Hundred by auxilin Vice-comitatum, Pat. 1 H. 4. part. 8. m. 8.

Lathieut or Leidgreut or Thrithingreve. An Officer under the Saver Government. who had Authorite.

ficer under the Saxon Government, who had Authority over the third part of the Country, or three or more Hundreds or Wapentakes: whose Territory was thereupon called a Tithing, otherwise a Leid or Leithen, in which manner the County of Kent is yet divided, and the Rapes in Suffex feem to Answer the same; and perhaps the Ridings in Tork shire being now corruptly so called for Tridings or Tithings. Those matters that could not be determined in the Hundred Court, were thence brought to the Trithring where all the Principal Men of three or more Hundreds, being Assembled by Authority of the Lathreve or Trithingreve, did debate and decide it; or if they could not, did then fend it up unto the County Court to be there finally Determined, vid. Spelmans Antient Government of England.
Latimer, Seems to be used by Sir Edward Cole for

an Interpreter, 2. par. Infl. fol 51 5. I suppose the word is mistaken, and should be Latiner, because heretofore he that understood Latine, which, in the time of the Romans, was the prevailing Language, might be a good

Latitat, Is the name of a Writ, whereby all men in personal Actions are called originally to the King's Bench, F. N. B. fol. 78. And it hath the Name, supposing that the Desendant doth lurk and lie hid; and therefore being ferved with this Writ, he must put in Security for his Appearance at the day, for latitude of seculture, animo fraudandi creditors suos agere volentes. But the true original of this Writ was this; in ancient time, while the King's Bench was moveable, and followed the King's Court, the Custom was, upon commensing of a Suit, to send forth a Writ to the Sherist of the County where the Court lay, for the calling him in, and if the Sheriff returned: Non eff inventus in Balliva mea, &c. then was there a second Writ fued forth, that had these words, cum testatum est qued Latitat, &c. and thereby the Sheriff commanded to Attach him in another place where he may be found. Now when the Tribunal of the King's Bench came to be settled at Westminster, the former course of Writ was held for along time, first sending to the Sheriff of Middlesex to summon the Party, and if he could not be found there, then to apprehend him wheresoever; but afterwards upon pretence of eafing the Subject, and expediting Justice, it was contrived to put both these Writs directed to the Sheriff of the County where he is suspected to be. And by this Writ a man being

brought in, is committed to the Marshal of the King's

Bench, in whose Custody, when he is, he may be such upon an Action in that Court.

Latta, A Lath. — Mandatum ad cendulas & Lattas nostros (i. e. our Shingles and Lattis,) cariandas a parco, ad domos nostros reficiendos. Pat. 4. H. 3. P. 1.

M. 10. Hence a Lastice made of Laths.

** Latrocinium. In old Characters, the word is frequently used for the liberty of Infangenthef, or priviledge of adjudging and executing Thieves.

Sacam & Socam habtre in tota terra sua & Latroci-Dium.

Latine, False Latine shall not quash an Indictment, nor abate any Declaration; for although the original Writ shall abate for false Latine, yet judicial Writs, or a Fine, shall not be impeached for false Latine. See Co. 5. Rep. Long's Case. But if the word be not Latine. co. 5. Rep. Long's Calc. But if the word be not Latine, nor a word allowed by the Law, as Vocabulum artiu, (every Art and Science hath its proper terms) but be infensible; and if it be in a material point, this makes the Indictment insufficient, as Burglariter, murdrum, felonice, and the like, be terms of Art well known in the Law; and therefore if these words, or the like, be mistaken in an Indictment, so that in a material place there is an insensible word, which is not latine. Latine, nor any word known in the Law, this will make the Indistment vitious and insufficient.

& Labatojium. A Laundry, or Place to Wash in. There was in Cathedral Churches commonly a Lavatory in the Porch, or entrance where the Priests and other officiating Members were obliged to Wash their hands, before they proceeded to Divine Service. Hence in the Statutes of the Church of St. Pauls in London, it was ordain'd ut Sacrifta Lavatorium in vestibulo per servientes frequentur mundari faciat,ber Statut. Eccl. Paul Loudon. MS. fol. 59. 6. But it

was commonly an Ewer.

Laurels. Those pieces of Gold which were Coin'd in the Year 1619, with the King's head Laureated, were thence commonly call'd Laurels, the Twenty shilling piece markt with xx, the Ten shilling piece with x, the Five shilling piece with v. Camdeni

Annal. Jac. 1. MS.

8 Laudum. Any Arbitration or decisive Sentence of a chosen Judge or Arbitrator. --Arbitrationi, Laudo, seu dico venerabilis Patris Domini Roberti Cantuari. enfis Archiepiscopi in pramissis alte & basse nos submitti-- Cartular. Abbat. Glafton. MS. f. 83. 6.

& Laber bread. In Glamorganshire and some other parts of Wales, they make a fort of Food of a Sea plant, which seems to be the Oyster-green or Sea-Liver-wort. This they call Lauerbread. Near St. David's Near St. David's they call it Lhavan or Lhamuan, which I think they Interpret black Butter.

Lawes. Round heaps of Stone, which were a fort of rude Monument for the Dead, are in the Borders between England and Stotland called Lames. As in Staffordshire Loughs or Lows, from the Sau. Hilawe, a heap of Earth or Stones.

Launcegayes, Anno 7. R. 2. cap. 13. Were a fort weapons now disused, being prohibited by the

said Statute.

Law, Lex, In the general fignification is plain, and by Brallon thus defined, Lex eft fanklie justa, jubens bemesta by probibens contraria: And the divine School-man says, Lex bumana est quoddam distamen rationis, quo dirignatur bumani Asus. This in our Land hath been variable. First, Molmutius Laws, translated out of the British Tongue into Latine by Gildar, of which we find no obscure Remnants in our Laws now in use. See Mag. Cart. cap. 1. by 14. Secondly, Merchenlage, mentioned in Cambd. Brit. pag. 94. and Polyd. in Hift. Angl.

Angl. lib. 5. Thirdly, West-Saxon lage. And fourth-ly, Danelage, All reduced into a Body, and made one by Edward the Confessor. At present the Law of Eng-land is divided into three parts. 1. The Common Law, which is the most ancient and general Law of the Realm. 2 Statutes, or Acts of Parliament. And 3. Particular Cuftoms, Co. on Lit. fol. 15. Law hath an especial fignification also, wherein it is taken for that which is lawful with us, and not ellewhere: As Tenant by the Curtefie of England, 13 E. 1.3. And again, to wage Law, Vadiare legem, and to make or do Law, Facere legem, Bracton, lib. 3. traft. 2. cap. 37. whereof the first, fc. Vadiare legem is to put in Security, that he will make Law at a day affigned, Glanvil. lib. 1. cap. 9. And to make Law, is to take an Oath, that he own not the Debt challenged at his hand, and also to bring with him fo many men as the Court shall assign to avow upon their Oath, that in their Consciences he hath And this Law is used in Actions of Debt, fworn truly. without speciality; as also where a man coming to the Court after such a time, as his Tenements, for default, be seized into the Kings hands, will deny himself to have been summoned, Glanvile, lib. 1. cap. 9. 4 12. Ritchin, fol. 164. This is borrowed from Normandy, as appeareth by the Grand Cullomary, cap. 85. But Coke in his 4. Rep. fol. 95. Slade's Case, says, It springs originally from the Judicial Law of God, alledging for it the twenty second Chapter of Exodus, verse 7. The Feudiss call them that come to purge the Defendance of the Computation of the Compu dann, Sacramentales, lib. feud. tit. 4. felt. 2. fer tit. 10, for 26. And the Civilians call them Purgatores. Spelman says, Legem vadiare est cautionem dare de perim-pleudo legis exigentiam in re litigata; ut de prastando Sacramento ad indictam diem cum indicto consacramentalium seu conjuratorum numero. Anciently Laga was used as Latine sor Law, as Lagam Regis Edwardi wbis reddo sec. Magna Charta, H. I. I R. 3. cap. 2. 31 H. 6. cap. 6. Our Common Laws are properly and aptly termed Leges Anglia, because they are appropriate to this Kingdom of England, and have no dependance upon any Poreign Law whatfoever, Co. 2. par. Infl. cap. 9. These are the Birth-Might, and the most ancient and best Inheritance the Subjects have. most ancient and best innerstance the Subjects have.

Co.on Lit. lib. 2. cap. 12. fc8. 213. and in his Preface
to the fixth Report. All Books written in the Law
are either Historical, 'as the Tear-Books; Explanatory
as Stamford's Treatile of the Prerogative: Miscellaneous,
as the Abridgments; Or Manological, being of one certain Subject, as Stamford's Plea's of the Crown, Lambert's Institute. See Fulbeck's Parallels, cap. 3.

**Lastory. Regis beritus. Turis consultus. The Saxons Lawyer, Regis peritus, Juris consultus, The Saxons called him Labram.

Lain of Arms, Jus militare, Is a Low that give the Precepts and Rules concerning War, to make and observe Leagues and Truce, to punish Offenders in the Camp, and fuch like; for farther knowledge whereof, read such as write De Juri Belli.

Lain of Abrehants, Lon Managaria, Is a Priviledon.

Lain of Aperchants, Lex Mercatoria. Is a Priviledge, or special Law, differing from the Common Law of England, proper to Merchants, and summary in Proceedings, 27 E. 3. Stat. 8. 9, 19, 20. 13 E. 1. Stat. 3.

ceedings, 27 E. 3. Stat. 8. 9, 19, 20. 13 E. 1. Stat. 3. See Co. on Lit. fol. 182.

Law Spiritual, Lex Spiritualis, Is the Ecclefiaftical Law, allowed by the Laws of this Realm, being not against the Common Law, of this Realm, nor against the Statutes and Customs of the Realm, according to which the Ordinary, and other Ecclesiastical Judges do proceed in Causes within their Cognisance, Co. on Lit. fol. 344.

This was called Law Christian, and the Ecclesiaftical Court wherein this Law was administred, was called, Curia Christianitatis, and the Rural Dean who was Judge or President of the Court within his own district

was called Decames Christianisatis. And in opposition to this Law, the Common Law was often called Lex Mundata. terrona. Ro.

data, terrena, &c.
Law of the Staple, 27 L. 3. Stat. 2. cap. 22. Is the same with the Law of Merchants. See 4. Infl. fol. 237, 238. and Staple.

Lawof Sparang. See Reprifals. This word is used Anno 27 L. 2. fist. 2. cap. 17. and cometh from the Germain word March, i. limes, a Bound or Limit, because they that are driven to this Law of Reprifal, do take the Ships and Goods of him by whom they have received wrong, and cannot get ordinary Justice, when they meet with them in their own Precincts or Territories. See 9 H. 7. fol. 21. by Smith de Rep. Ang. lik 2. cap. 27.

lib. 2. cap. 21.

&P Lains of Molmutius. See Malmutian Lams.

&P Lains of Dieron. See Oleron Laws.

Lain-Bay, Is otherwise called View of Frank-Pledge, or Court Leet, Cromp. Jur. fel. 160. and is used for the Country-Court. 1 E. 4. cap. 2.

The Law-day or Lage-day was properly any day of open Court, and commonly used for the more Solemn Courts of a County or Hundred——Debent facere sellam ad Hundredum praticum ad dues Lagedaics per Annum — mum ad session beats Marsini by aliam ad la Hokedaie ——Cartular. Abb. Glasson. MS. sol. 43. a.

& Lain-Gilber. In Berton parva
Omnes fervientes curia debent babere cyrethecas cuntra
Autumnum, babebunt etiam die Santii Petri ad vincula
1 den. ad Law-Silver, Cartular. S. Edmundi. MS. fol. 111.

Lawing of Dogs, Expeditatio canum, Massiss must be lawed every three year, Cromp. Jur. fol. 163. that is, three Clawes of the Fore-soot shall be cut off by the Skin, Charta Foresta, cap. 6. or the Ball of the Fore-soot cut out. See Expeditate & pellota,

Lawless Court, On Kingsbill at Rochford in Essa,

Lawlets-Court, On Kingshill at Rochford in Essa, on Wednesday Morning, next after Michaelmas day, at Cock-crowing, is held a Court, vulgarly called, The Lawless Court. They whisper, and have no Candle, nor any Pen and Ink, but a Coal, and he that owes Suit or Service, and appears not, forfeits double his Rent every hour he is missing. This Court belongs to the Honour of Rangh, and to the Earl of Warwick, and is denominated Lawless, because held at an unlawful or Lawless hour: The Title of it in the Court-Rolls runs

Kingshill in a ff. Curia de Danino Rage Rochford & Dies fine lage,

Dista fine lage,
Tenta est ibidem
Per ejuldem consustadinem
Ante ortum solis
Luceat nisi Polas,
Senescallus solus,
Nil seribit nisi colis,
Toties volusvit
Gallus ut cantaverit,
Per cujus soli sonitus
Curia est soummunita:
Clamat clam pro Rege
In Curia sine lege,
Et nisi cita venevint
Citius panituerint,
Et nisi clam accedant
Curia mon attendat,
Qui venerit cum lumine
Errat in regimine,
Et dum sunt sine homine
Capti sunt in crimine,
Curia sine cura
Jurati de injuria.
Bb

Tenta

Tenta ibidem die Mercurii (ante diem) proximi post seflum Sandi Michaelis Archangeli Anno Regni Regio, dyc. This Court is mentioned in Cambden's Britannia, fol. 431. though imperfectly, which fee.

Lawleis-man, is he qui est extra legem, Brast. lib. 3.

trad. 2. cap. II. num. I. See Outlaw.

Laint, According to Doomsday, by the interpretation of Mr. Agar of the Receipt in the Exchequer, figuifies an Afcent, or eafie Summit.

Lawne or Lound, In Doomsday, fignifies a Plain be-

tween Woods.

Lawnd. See Landa. Layland, Terra inculta, Land that lies fallow.

ET Ltach troughs, Leach-brine. At the Salt-works in Staffordfore, they take the corned Salts from the reft of the Brine, with a Loos or Luse, and put it into Burrows, through which being fer in the Leach-troughs, the Salt Drains it felf dry; which draining they call Leach-brine, and preferve it to be boiled again as the best and Strongest Brine. From Islandick is Latur, a Drain or Torrent; whence the Bucking Tub or Vefsel to put Ashes in for Water to stain thro' them, to make a Lee or Lexivium for washing Cloaths, is in some parts called a Latch or Leche, and in other places a So in the Bishoprick of Durham a Leak or Leche Luck. is a Gutter: and in Torkshire, any slow or watry hole upon the Road is so termed. Sax: leccian, to let out

water, to leak.

&F Lagfall, (Sax.) A Place to lay Dung, Soil, or Rubbish in. See the Statute for the better Paving and Cleanfing the Streets of London, Anno 22, 23. c. 2.

&T Lta of Parn, (Stat. 22. 23. Car. 2. Cap.very Lea of Tearn, at Kidderminster, shall contain 200 Threads, on a Ree Four yards about.

Leap-year. See Biffextile.

Leale, Dimisso, From the French Laisser, permittere, is a demise or letting, or Lands or Tenements, right of Common, Bent, or any Hereditament unto auother for term of Years or Life, for a Rent reserved: And a Lease is either written, called a Lease by Indenture, or a Lease Parol. The Party that letteth this Lease is called The Leffor, and the Party to whom it is let is the Leffee : And a Lease hath in it fix Points, 1. Words sufficient to import a Demife. 2. A Leffee named. 3. A commencement from a day certain. 4. A term of years.

4. A determination. 6. A refervation of Rent, Co. lib.

6. fol. 55. Knight's Case. Co. on Lit. lib. 1. cap. 7.

162. 56. Co. 5. Rep. Case of Leases.

2 Leat, a Mill-leat, corruptly Milleat. A Trench

to convey Water to or from a Mill, mentioned, Stat. 7. Jac. 1. cap. 19. But most peculiar to Devonshire, where in conveyances the word does frequently oc-

CUT. Lechermite alie Legerwitt. See Lairwite.

Leccator, A debauched Person, a Tavern-hunter, a

Leacher. & Lecturnium, Lettorium. The Desk, the Reading Place, or Pew in Churches.-–Tunc Major pres biter redeat ad Lecturaium incepturus quod incumbit, &c. Statuta Eccl. Paul. Lond. MS. fol. 44.

Letts or Letts. Meetings appointed for the Nomination or Election of Officers; a Word often used in Archbishops Spottewoods History of the Ch. of

Scotland.

Leet, Leta visus Franchi Plegii, Is otherwise called a Landay, Smith de Rep. Ang. lib. 2. cap. 18. and feems to have grown from the Saxon Leo, which, as appears by the Lawsof King Edward, set out by Lambert, num. 34. was a Court of Jurisdiction above the Wapen-take or Hundred: Many Lords, together with their Courts Baron, have likewise Leets adjoyned, and thereby do enquire of such Transgressions as are subject to the en-

quiry and correction of this Court; whereof you may read in Kitchin, from the beginning of his Book to to the Fifth Chapter, and Britton, cap. 28. But this Court in whose Mannor soever it be kept, is accounted the Kings's Court, because the Authority thereof originally belongs to the Crown, Kitchin, fol. 6. Dyer, fol. 64. Saith, That this Leet was first derived from the Sheriffs Turn. And it inquireth of all Offences under High-Treason, committed against the Crown and Dignity of the King, though it cannot punish many, but must certifie them to the Justices of Affize, by the Statute of 1 E. 3. cap. ult. But what things be only inquitable, and what punishable, see Kitchin in the Charge of a Court Leet, from fol. 8. to fol. 20. See also the Statute 8 E. 2. and 4. Inft. fol 261. Hac est Curia p'ifca illa, (saith Spelman) qua inter Saxones ad Friburgos, Decanias Tenementalus pertinebat. The Jurisliction Decanias Tenementalus pertinebat. The Jurisdiction of Bayliffs within the Dutchy of Normandy, in the compass of their Provinces, seems to be the same, or very like our Leet, cap. 4. of the Grand Custu-

mary. & Legabilis. What is not Intailed as Hereditary, but may be Bequeathed by Legacy in a Last Will and Testament.~ - Consuetudo est in plerisq; civitatibus & burgis quod una domus potest legari in Testamento dy alia non, quia est de baronia, de illa non est legabilis, vel quia bodie potest esse legabilis de cras non. ———— Articuli propositi in Parliamento coram Rege 1234. ex Registr. Will. Wickwane Archiep. Ebor. MS.

Lega & Lada, anciently the Allay of Money was so called, Debita Nummi temperies quam veteres Legam

of Lactam (ni fallor) appellabant. Spelman.

Legacy, Legatum, is a particular thing given by a last Will and Testament; for if a Man transfer his whole Right or Estate upon another, that the Civilians call Haredisas, and he to whom it is so transferred, they term Heres; but we call him Heir only, to whom all a Mans Lands and Hereditaments descend by right of

Blood. Sec Heir. See more Devise.

Legatum, In the Ecclesiastick sense was Soul-Seat or Legacy given to the Church or accustomed Mortusry. In all Churches appropriated to the Abby of Olney, the perpetual Vicars by Endowment were to have every second Legacy, if to the value of fixpence, and one half of it, if beyond that value, Vicarius—habebit secundum legatum ad valentium sex denariorum, & quod ultrà sex denarios fuerit, intra ipsum & Canonicos dimidiabitur. Patoch. Antiq. p.

Legate. Embassadour or other Representative of a Prince, especially of the Popes of Rome, who in England had the Arch-Bishops of Cant. their Legates natos, and upon extraordinary occasions fent over Legatos a latere.

Legatte, Is the person to whom any Legacy is given by a last Will and Testament.

Legalis bomo, Is taken for a person that stands Relins in Curia, and in this sense are those Words so often used Probi dy legales bamines. Hence legality is taken for the Condition of such a Man, -- Ipse tamen malefactor tradat fidejussores de pace & legalitate tuend. Sureties for his good behaviour, Leg. Ed. Comf. cap. 18. See Teoman.

& Per Legem-Anglia tenere. To hold by the Law or courtefic of England. As when a Man is Tenant for life to the Inheritance of his Wife Deceased. -Henricus de Lacy Comes Lincoln, tenet manerium de Burcester ad terminum vita sua per legem Angliz de Hereditate Margaretæ Uxoris sua. Paroch: Antiquit. pag. 361.

Ligatary, Legatarine, He or the to whom any thing is bequeathed, a Legate.

& Le

& Legem facere. To make Oath. Legem babere, to be capable of giving Evidence upon Oath. Legem admittere. To lose the priviledge of being admitted as a Legal Evidence. Minor non habet legem, i. e. not capable of Testimonial swearing. See Mr. Seldens Notes on Hengham. p. 133.
Legatory, The lame with Legatory, Anno 27 Eliz.

Legergilo. Legergildum, The same with Lairwite. But in the Laws of Hen. 1. it seems to have a different signification, Si quis Dei sugitivum babet, injuste reddat eum ad reclum de persolvat ei cujus erit de Regi emendet secundum Legergildum.

Legiolus. Litigious, and so subjected to a Course of Law. — Inquisitio fall a Anno 1411. de viceria de Dunton in agro Norsolc. — ad quem vel ad ques ipsius prasenattio pertinet & pertinere debeat ista vice, & an dicta vicaria sit Legiosa pensionaria vel portionaria & si fit cui vel quibus, &c. Munimenta Hospital. SS. Trinitatis de Ponte fructo. MS,

Legelpeno. See Lespegend.

Legitimation, Legitimatio, A making lawful. Legituita, Or rather Lethervita, but more usually Lierwith, is the punishment for lying with a Woman unlawfully, according to Doomsday.

&T Lene. See Ewagium. &T Leidgreve. He who had authority over a Leid

or Lath. See Lath-reve.

Lent Quadragesima, A set time of fafting and ab flinence for forty days next before Easter, mentioned in the Statute 2 & 3 E. 6. 19. and first commanded to be observed in England by Ercombert, seventh King of Kent, before the year 800. See Baker's Chron.

Lep and Lace, Leppe to Lassee, Is a Custom in the Mannor of Writtle in Essex, that every Cart that comes over a part thereof called Greenbury (except it be the Cart of a Nobleman) payes 4 d. to the Lord of the Mannor. Mr. Tobias Edmonds Steward

there.

Lepotarius, A Greyhound for the Hare, Mon. Ang.

2 part, fol 283. Lepiolo Amobendo, Is a Writ that lies for a Parish, to remove a Leper or Lazar that thruseth himself into the Company of his Neighbours, either in Church, or other publick Meetings, to their annoyance or disturbance, Reg. Orig. fol. 267. and F. N. B. fol.

Er Le Roy le beut, By these words the Royal assent is signified by the Clerk of the Parliament to Publick Bills, which gives Birth and Life to them which

before were but Embrios, and to a private Bill his Anfwer is, Soit fait comme il est desiré.

Le Roy's avisera. By these words to a Bill pre-

fented to the King by his Parliament, are understood his absolute Denial of that Bill, in a more civil way, and the Bill thereby becomes wholly Nulled.

Letipop. The old fashioned Shoes tipt with Horn, and tied up with Silk Ribbons, or Silver Chains to the Khaes, were called Letipope. Res. Dedwarth Co. to the Knees, were called Leripoops. Rog. Dod/worth, Co-

Lest. M. vol. 39. p. 120.

Lespegend, Sint sub quolibet horum quatur ex mediocribus hominibus (quos Angli Lespegend Dani vero yoongmen vocant) locati qui curam & onus tum viridis tum veneris suscipiant, Charta de Foresta Canuti Regis,

Art 2.
ST Lectusium, (LL. Gul. 1. cap. 6.) seems to significe a Fine or Mulch, from the Sax. Lase onus.

Lenna, In Doomsday, but corruptly for Leura Spel. Gloss. verb. Leuca. See Leuca. The term is

now restrained to the number Three, but was formerly double, or perhaps indefinite. -Cant. & succ. sui semel in quolibet Anno, cum trasierint per distam Forestam (i. e. de Arundel) cum una lesia de sex Leporariis sine alus cambus & sine arcu babeant unum cursum in eundo do alium redeundo. Anno. 43. H. 3. Re-

liq. Spelman. p. 118.
Leffor and Leffee, The Leffor is he that leaffes Lands or Tenements to another for term of Life, Years, or at Will: And he to whom the Lease is made is the

Lessee.

Lettage or Lattage, Lastagium, Proceeds from the Saxon word Last, onus, and is a Custom challenged in Fairs or Markets for carrying of things, Rastal's Expesition of words, Saxton in the Description of Rogland, cap. 11. Lastage Anno 21. R. 2. cap. 18. seemeth to be the ballance of a Ship. Fleta termeth it lefting, saying, Quod significat acquietantiam Lestagii, lib. 1. cap. 47. fell. Lefting. & Lefting.

Wrecfry, de Wyttefry, de Lestagefry, de Lonetopfry, de quod habeant Den de Strond apud Gernemuth.——Placit. temp. Ed. 1. & Ed. 11. MS. 4to. penes Dom. Fountains

ex Æde Christi Oxon.

& Letibia. Among the Customs and Services done by the Tenants of Chebenhale to the Abby of St. Edmund in Suffolk —— Arabit & berciabit ad duas precarias cum cibo predicto, metet autem uno die in Augusto & babebit cibum suum ad mensam cum pane do aqua, do babebit inter duos & duos preciam carnis & Lesthiam casei, sero autem babebit unum panem & Lesthiam casei & portabit secum ad Domum. Cartular. S. Edmundi. MS. fol. 401,

Lettnes or Lettnes, Is a word used in Doomlds, to figuifie Pastures, and is still used in many places of England, and often inserted in Deeds and Convey

ances. & Letare Jerusalem. The old duty of Quadragefimals, or the Customary Oblations made on Midlent-Sunday, when the proper Hymn was Latare Jerusalem, Gr. by the Inhabitants within a Diocess to the Mother Cathedral Church; which old Custom of Procession and Oblation at that time, was the beginning of that Practice which is still retained among us, of Mothering or going to visit Parents on Midlent Sunday. But to return, these voluntary Offerings on that Sunday, were by degrees fettled into an Annual composition or pecuniary payment, charged on the Parochial Priest, who was prefumed to receive him from his People, and obliged to return them to the Cathedral Church; therefore in some Forms of Approbation, the fub-

Ex Libro Institutionum Oliv. Sutton Episc. Lincoln. MS.
Leth. See Lath.
Letherwitt, 2. Inst. fol. 488. See Lairwite.
Letters of Erchange. Litterra Cambitoria, vel litera

Cambii, Reg. Orig. fol. 194.

Letters Patent, Littera Patentes, Are Writings sealed with the Great Seal of England, whereby a man is authorized to do or enjoy any thing, that otherwise of himself he could not, 19 H. 7. 7. And they be so termed of their form, because they be open Bb 2 with

with the Seal affixed, ready to be shewed for confirmation of the Authority given by them. Common persons may grant Letters Patent, F. N. B. fol. 35. but they are rather called Patentes than Letters Patents to make Denizens, 32 H. 6. 16. yet, for difference fake, those granted by the King are called Letters Patent Royal, 2 H. 6. 10. Letters Patent conclude with Teste me ipso, Gr. Charters with His testibus, 2. par. Inst. 78. There is likewise a Writ Patent mentioned in F. N. B. fol. 1, &c.

& Letter Claus, Litera Claufa, Close Letters op posed to Letters Patent: These Clause Letters being commonly Sealed up with the Kings Signet or Privy Seal, while the Letters Patent were left open, Scaled with

the Broad Seal.

Letter of Attorney, Litera Attornati, Is a writing authorizing an Attorney, that is, a man appointed to do alawful Act in our steads, West, Symbol. part 1. lib. 2. sect. 559. As a Letter of Attorney to give seisin of Lands, to receive Debts, to sue a third person, &c.

See the Stat. 7. R. 2. 13.
Letters of Barque. See Marq and Reprifals, 14. H.6.7. Lebant and Couchant, Is, when Cattel have been fo long in another mans Ground, that they have layb down, and are risen again to feed; in Records in La-

tine, they fay, Levantes & Cubantes.

Letters Batent of Summons of Debt, Anno 9. H. 3.

Levari facias, Is a Writ directed to the Sheriff, for the levying of a Sum of Money upon Lands and Tenements of him that hath forfeited a Recognisance, Reg. Orig fol. 298. (y 300. and also F. N. B. 265.

Lebari facias bamna De Diffeilitogibus, Is a Writ direfled to the Sheriff, for the leying of Damages, wherein the Deffeisor hath formerly been condemned

to the Desseise, Reg. Orig. fol. 214.
Levari factas refinum debiti, Isa Writ directed to the Sheriff, for the levying the remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that hath in part satisfied before, Reg. Orig. fol. 299.

Athari facias, quando Aicecomes returnabit quod non habuit emprojes, Is a Writ commanding the Sheriff to fell the Goods of the Debter which he hath already taken, and returned that he could not fell them, and as much more of the Debtors Goods as will fatisfie

the whole Debt, Reg. Orig. fol. 300.

2 L vellus. A Level, even or upon the Level.

Anno 1240, venerunt Abbas S. Petri de Burgo & Radulphus de Basset de Pithesle ad emendandum stagnum molendini de Pithesse — concesserunt & providerunt — quod distum stagnum humiliabitur per Levellum sicut caterum pratum ex utraq; parte — ita quod aqua non excat de canali pro exaltatione dilli stagni nisi pra nimia inun-datione cretina — Cartular. Abbatiz S. Petri de

Burgo Swafbam dillum. MS. fol. 208.

Lebart fonum. To make Hay, or properly to cash it into Wind-rows, in order ad tassandum to Cock it up.

Homines de Hedingdon venient cum furcis suis ad dillum foenum Levandum & tassandum, Paroch. Antiq. p. 320. Hence una levatio funi was one days Hay-making, a service paid the Lord by inferiour Tenents. — Alicca qua fuit Uxor Richardi le Grey faciet unam sarcalaturam & unam Wedbedripam, &

levationem fæni, ch. p. 402. Levy, Levare, Signifies to collect or exact, as to levy Money; fometimes to fet up any thing, as to levy a Mill, Kitchin, fel. 180. Sometimes to cast up, as to levy a Ditch, Old Nat. Brev. fol. 110. And to levy a Fine, which is now a frequent and most usual term.

Leuca, Lenva, Leuga, Viespatium. Spel Gloff. verb. Lenca, They are often used in Doomsday for a Measure or Mile of Land. And Leunides hath the same signification there. Ler Bretople, The Law of the Britains, or of the

Marches of Wales, Lex Marchiarum. See Bretoyfe.
Lex Bichonia, The Brehon Law, was a Law peculiar to Ireland, overthrown by King John in the Twelfth Year of his Reign, and the English Laws setled instead thereof.

Les Deraisnia, But more truly Deraisna, is the proof of a thing, which one denies to be done by him, and his Adversary affirms it: This was used among the Normans, and in their Grand Custumary thus defined, cap. 126. Deraisina autem est Lex quedam in Normania constituta, per quam in simplicibus querelis, injecutus, factum quod à parte adversa ei objicitur, se non fecisse declarat. Vide plura ibidem de Dereyn.

Let mallerisica, The British Law, or Law of

Walls, Stat. Walliæ.

Ley-gager, Anno I Car. 1. cap. 3. Wager of Laws-Sec Law.

Ley, Lex See Law. We also term Pasture by a frequent Name in several Countries, Leys, and so is it

used in Doomsday.

Libell, Libellus, Literally fignifieth a little Book, but by use it is the original Declaration of any Action in the Civil Law, 2 H. 5. 3. and 2 E. 6. 13. It fignifies also, a criminous Report of any Man cast abroad, or otherwise unlawfully publisht, and then called Pamosus Libellus: And this is either in scriptis, aut sine scriptis: In scriptis is, when an Epigram or other Writing is composed or publisht to an others disgrace, which may be done Verbis aut Cantilenis: as where this is maliciously repeated or sung in the presence of others; or else Traditione, when the Libel, or any Copy of it is delivered over to scandalize the Party. Famosus Libellus fine scriptis may be two fold; I. Pitturis, as to paint the Party in a shameful and ignominious manner. Or, 2. Signis, As to fix a Gallows, or other ignominious figns at the Door of the Party, or elewhere, Co. 5. Rep. de famosis Libellis.

Libera, A Livery or delivery of so much Grass or Corn to a Custumary Tenent, who cuts down or prepares the said Grass or Corn, and receives some part or small portion of it as a reward or gratuity. Debet unam Wedbedripam. ____ & unam falcaturam be habebit liberam ad vesperas qua vocatur Glengngs tantum sicut falcator potest per falcem levare de portare do mum. Paroch. Antiq. pag. 401. So the Livery of Hay and Oats, or the giving out such a quantity for feeding Horses. Whence Livery-Stable, &c.

Libello habendo. See Copia Libelli deliberanda.

&T Liber Caurus, A Free Bull, Compertum per Jur quod Will. de Hosa fuit seisitus delibero Tauro babende in Hamfied, &c. ideo consideratum est quod pradidus W. Recuperet damna sua qua taxantur per Tur. ad iv. s. pro imparcatione ejusdem Tauri, &c. Norff. 16. Ed. 1.

Libera Batela, A free boat, Per liberam Batellam, boc est habere unam cimbam ad piscand. subter pontem Cestria & supra Etonam, & ibidem cum omni genere retium, Plac. in Itin. apud Cestriam, 14. nere retium, H. 7.

Libera Chalea habenda, Is a Writ Judicial granted to a Man, for a free Chace belonging to his Mannor, after he hath by a Jury proved it to belong to him, Reg. Orig. fol. 36, 37,

Libertus Ecclesiaftica. This is a most frequent Phrase in our old Writers to signific Church Liberty, or Ecclesiastical Immunities. The right of Investituture extorted from our Kings by force of Papal Power, was at first the only thing challenged by the Clergy, as their Libertas Ecclesiastica: But by degrees, under weak Princes, and Prevailing Factions, under the Title of Church Liberty, they contended for a Freedom of their Persons and Possessions from all Secular power and jurisdiction, as appears by the Canons and Decrees of the Councils held by Boniface ABP. of Canterb. at Merton, A. D. 1258. and at London, A. D. 1260.

Liberatt. Is a Writ issuing out of the Chancery, to the Treasurer, Chamberlains, or Barons of the Exchequer, or Clerk of the Hamper. &c. for the Ex-ment of any annual Penfion, or other Sums granted under the Great Seal. See Broke, tit. Tayle d'Exchequer, pum. 4. Reg. Orig. fol. 193. Or sometimes to the Sheriff, &c. Nat. Brev. fol. 132. For the delivety of any Lands or Goods taken upon forfeits of Recognisance. See Co. lib. 4. fol. 64, 66, 67. Fullwood's Case. It lies also to a Gaoler, for the delivery of a Prisoner, that hath put in Bayle for his Appearance, Lamb. Eirenarch, lib. 3. cap. 2.

Libertate probanda, Is a Writ that lay for such as

were challenged for Slaves, and offer to prove them-felves free, directed to the Sheriff, that he take fecurity of them for the proving of their Freedom before the Justices of Affife, and provide that in the mean time they be quiet from the vexation of those that challenge them, F. N. B. fol. 77. Villeage, and the Appendixes thereof, viz. Infranchisement, Writs de Nativo habendo, libertate probanda, &c. Were of old great Titles in the Books, but now antiquated. See Nativo habendo.

Libertatibus allocaudis, Is a Writ that lies for a Citizen, or Burgess of any City or Borough, that contrary to the Liberies of the City or Town whereof he is, is impleaded before the King's Juffices, or Juffices Errant, or Justice of the Forest, Grc. to have his privilege allowed, Reg. Orig. fol. 262. F. N. B. fol. 229.

Libertatibus etigendis in Atinere, Is a Writ whereby

the King willeth the Justices in Eyre to admit of an Attorney, for the defence of another mans liberty before

them, Reg. Orig fol. 19.
Liberum Derhagium. See Herbagium.

Liberty, Liberton, Is a Privilege held by Grant of Prescription, whereby men enjoy some benefit or Fa-wour beyond the ordinary Subject. Liberties Royal, what they be, see in Brass. lib. 2. cap. 5. and Broke boc situlo. See Franchife.

Liberta terræ, Contains four Oxgangs, and every Oxgange fifteen Acres, Shene de verbor. Signif. verbo Bovata terræ. See Farding-deal of Land.

16- Libre e aris peniats. A phrase which often occurs in the Doom/day Register and some other Memorials of that and the next Age. As Alesbury in Bucking-hamflire the King's Mannor in totic valentis reddit bamshire the King's Mannor-Lvi libr. ursas de pensatas, de de Thelonio X libr. ad numerum, i. e. in the whole value it pays Fifty fix pounds burnt and weighed; and for Toll Ten pounds by Tale. For they sometimes took their Money ad nimerum by Tail in the current Coin upon content: But sometimes they rejected the common Coin by Tale, and would Melt it down to take it by weight when purified from the drofs and too great Allay; for which purpose they had in those times alway a fire ready in the Exchequer to burn the Mony, and then weigh it. Litence to go to Clettion, Licentia Eligendi, Regift.

See Conge d'estire.

fol. 294. See Conge d'estre.
Licentit to avilt, Licentia surgendi, Is a liberty given by the Court to a Tenant that is essoined de malo letti, in a real Action: For the Law is, that in this Case he may not arise out of his Bed, or at least go out of his Chamber, until he have been viewed by Knights thereto appointed, and have a day affigured him to appear: And the reason of this is, that it may appear whether he caused himself to be essoned deceitfully or not;

and therefore if the Demandant can prove that he was seen abroad before the View, or licence of the Court, he shall be adjudged to be describully essented, and to have made default. Of this, see Bration. lib. 5. trail. 2. cap. 7. 10. dy 12. and Pleta, lib. 6. cap. 10. and Horne's Mirrour of Justices, lib. 2. cap. des Essoynes.

Licentia surgendi, Is the Writ whereby the Tenant essoined de male lelli, obtaineth liberty to rise.

Licentia transfretanti, is a Writ or warrant directed to the Keepers of the Port at Dover, Grc. willing them to let some pass quietly beyond Sea, who have formerly obtained the King's Licence thereunto, Reg. Orig. fol. 193.

Licentia Concordandi, 12 Car. 2. 12. See King's

Libford Law, Is a proverbial Speech, intending as much as to hang men first, and judge them after. like is said of Halifax in Tork-shire, I suppose because

their proceedings are fummary.

Liefetenant or Lieutenant, Locumtenence, pounded of lieu, locus for tenir, tenere, and signifies him that occupyeth the Kings, or any other Persons place, or representeth his person, as the Lieutenant of Ireland, 4 H. 4. 6. So also it is used 2 for 3 E. 6. cap. 2. whence that officer feems to take his beginning.

Lieutenant of the Didnance, 39 Eliz. cap. 7. We use the word Lieutenant also for a military Officer, next in Command to the Captain, whose Place and Duty is so well known, that I need not here enlarge

upon it.

Liferent, Is a rent or Exhibition which a man receives either for term of Life, or for sustentation of Life, Skenaus ad Quon. Attach. cap. 18. verse 3.

Liege, Ligem, Is a word borrowed from the Feudifts and hath two feveral fignifications in the Common Law, fometimes being used for Liege Lord, as 34 & 35 H. 8. cap. 1. and 25 H. 8. 3. and sometimes for, liege-man, as 10. R. 2. 1. and 11 R. 2. cap. 1. Liege Lord is he that acknowledgeth no Superior, Duarenus in Commentar. de consuetud. feudorum, cap. 4. num. 3. Liege-man is he that oweth Allegiance to his Liege-Lord. Shene de verbo Signif. verb. Ligeantia, saith, That it is derived from the Italian word, Liga, a Bond or Obligation: In whom read more of this matter.

See 8 H. 6. cap. 10. 14. H. cap. 2.

15 The word Ligim, was used for pure, full, or persect. As viduiting ligia was pure Widowhood. Isabel Gargat filia mea in ligia viduiate & Libera po-testate sua, Paroch. Antiq. p. 190. So Ligia potestas was free and absolute power of disposal.———— Ego Ela de Aldithleia in Libera viduitate mea & Ligia po-

testate. ib. p. 280. Leirwie est mulcta adulteriorum, Fleta. lib. 1. cap. 7 It is used for a Liberty, whereby a Lord challengeth the penalty of one that lyeth unlawfully with his Bond-woman. See Legraita and Lotherwit.

Ligrance, Ligeantia, Is such a Duty or Fealty as no

Man may owe to more than one Lord, and therefore it is most commonly used for that Duty and Allegiance which every good Subject owes to his Liege Lord the King. And it is thus defined in the Grand Custumary of Normandy, cap. 13. Ligeantla est, ex qua Domino tenentur Vassaki sui contra omnes bomines qui Dommo senensur Vajjaus jus contra omnes domines que mori possunt & vivere, proprii corporis prabere consisti & auxilii juvamentum & ei, se in omnibus innocus exdidere, nec ei adversantium partem in aliquo consovere, &c. This is otherwise called Legietan Cassan. de consuetud. Burgund. pag. 420, 421. This word is often used in our Statutes, as 14 H. 6. cap. 2. and several other.

Ligeance, Ligeantia, Is a true and faithful Obedience of the Subject to his Soveraign; Sometimes it fignifies the Dominions or Territory of the Liege Lord as 25 E. 3. Stat. 2. Children born out of the ligeance of the King: Also the same with ligeancy. See Co. on Lit. fol. 129. and 7 Rep. Calvin's Case.

i & Ligula. A Copy, Exemplication, or Transcript of a Court Rool or Deed.—Adam de Statton & Willielmus Filius Nigelli tunc Cumerarii de Scaccario liberarunt Jo-hanni de Berewic ad opus Justitiariorum Domini Regis itinerantium in Com. Cornub. Jub sigillo Thesauraria unam Ligulam de ultimo itinere G. de Berton, Gc. Mem. in

Saccar. 12 E. 1. By Sir John Maynard. Limitation of Alule, Limitatio Assa is a certain time set down by Statute, wherein a man must alledge himself, or his Ancestor, to have been seized of Lands, sued for by a Writ of Assis. See the Statute of Merton, cap. 8. Anno 20 H. 3. and Westm. 1. cap. 38. 32 H. 8. 2. 1. M. 1. Par. cap. 5. Theoloals Digest of Writs, lib. 10. cap. 2. So it is used in Old Nat. Brev. fol. 77. in these words, The Writ De & consusted initial light, where I, or mine Ancestors, after the limitation of Assign were not seiled of the Customs, drc. But before the limitation of Asse, we were seized, &c.

Linarium, A place where Flax groweth. & Linio A Linpin or Linipin, the Pin of Iron which fastens the Wheel upon the Axis .-–In duobses paribus rotarum Empt. vi s. in eisdem ferro Ligandis 111 s. 8 d. in coxibus of Linionibus 14 den. . tudinarium domus de Farendon. MS. - Con∫ue-

Lindwood, Was a Doctor both of the Civil and Canon-Laws, and Dean of the Arches: He was Embaffador for Henry the Fifth into Portugal, Anno 1422. as appeareth by the Preface to his Commentary upon the Provincials.

Littleton, Was a famous Lawyer living in the dayes of King Edward the Fourth, as appeareth by Stauf. Prac. cap. 21. fol. 72. He wrote a Book of great Account called Littleton's Tenures.

Liter= ab faciendum attornatum pro lecta facienda, Reg. Orig. fol. 172. Litera de annua pensione, Ibid. fol. Reg. Orig. fol. 172. Litera de annua pensione, lbid. fol. 266. & 307. Litera patens ad faciendum generalem attornatum qui insimum, lbid. fol. 21. Litera perquam Dominum remitrit curiam suam Regi, lbid. fol. 4. Litera de requestu, lbid. fol. 129. Litera Canonici ad exercerdam jurisdictionem loco suo, lbid. 305. Litera Patentes ad conferendum Beneficia, Domino in remotin agente, lbid. fol. 205, 206. Litera Regia deprecatoria pro annua pensione, lbid. fol. 307. See these in their proper places.

& Literatura, Literature, in old English, Ad Literaturam ponere, to put out Children to School. Which Liberty without consent of the Lord, was denied to

Liberty without consent of the Lord, was denied to those Parents, who were service Tenants. So in the Lands at Burcester, which were held in Villenage from the Prioress at Merk gate—Quilibet customariu non debet filium suum ad Literaturam ponere, neg, filiom suam maritare sine licentia a voluntate Priorissa Paroch. Antiq. This Julian like Prohibition of Educating Sons to Learning, was owing to this reason for sear, the Son being bread to Letters, might Enter into Re-ligion or Sacred orders, and 10 flop or divert the Services which he might otherwise do, as Heir or Successor to his Father.

&T Lith of Pukering in the County of Tork, i. e. The Liberty, or a Member of Pukering, from the

Saz. Lid. i. e. Membrum. Littera, As Tres Carellas Littera, Three Cart-loads of Straw or Litter, Mon. Ang. 2. par. fol. 33. b.

Livery, Liberatura, is derived from the French Livre, that is, infigne, gestamen, or else from Liverer, id eft, tradere, and accoordingly hath three fignifications. In

one it is used for a Suit of Cloth or Stuff that a Gentlemen giveth in Coats, Cloaks, Hats or Gowns, with Cognitance, or without, to his Servants or Followers; and is mentioned in 1 R. 2. 7. 20 R. 1. 2. 7. H. 4. 14 8 E. 4. 2. 13 E. 4. 3. 8 H. 6. 4. 3 H. 7. 1. 12. 11 H. 7. 3. 19 H. 7. 14. 3 Car. 1. cap. 4. In the other fignification, it betokened a delivery of possession to those Tenants which held of the King in Capite, or Knights-fervice; for the King, by his prerogative, hath primer feifin of all Lands and Tenements so holden of him, Stamf. Prerog. fol. 12. do cap. 3. Livery, in the third fignification, is the Writ which lies for the Heir, to obtain the Possession or Seisin of his Land at the King's Hands, which see in F. N. B. fol. 155. But by the Statute, 12 Car. 2. cap. 24. All Wardships, Liveries, &c. are utterly taken away, and absolutely discharged.

Libery of Stifin, Deliberatio feifina, Is a delivery of Possession of Lands or Tenements, or other things corporeal, unto one that hath right, or a probability of right to then: For as Brallon saith, Traditio debet esse vessita de non nuda, sc. quod tarditione pracedas vera causa, &c. lib. 2. cap. 18 num 3. West, Symb. part 1. lib. 2. sect. 169. calls this a Ceremony in the Common-Law, used in the Conveyance of Lands or Tenements &c. where an Estate in Fee simple, Fee-tail, or a Freehold fhall pass: And is a Testimonial of the willing departing of him who makes the Livery: from the thing whereof Livery is made, and the receiving of the Livery, is a willing acceptance of the other Party. And it was invented, that the common people might have knowledge of the passing or alteration of Estates from man to man, that thereby they might be the better able to try in whom the right of Possession of Lands and Tenements were, if they should be impan-nelled in Juries, or otherwise have to do concerning the same. Of this Livery there be two kinds, viz. Livery in Deed, and a Livery in Law; A Livery in Deed is, when the Feoffer taketh the Ring of the Door, or Turi or Twig of the Land, and delivereth the same to the Feoffe in the name of Seisin of the Land. A Linery in Law is, when the Feoffer saith to the Feoffee being in view of the House or Land, I give to you yonder Land, to you and your Heirs, and therefore enter into the Same, and take possession thereof accordingly; And the Feoffer doth accordingly in the life of the Feoffer enter, this is a good Feefiment, Co. on Lit. lib. 1. cap. 6. sed. 59. and 5 Reports. Skarpe's Case. For the form of words and manner hereof you may see them in West, Symbol. part 1. lib. 2. sed. 169. and Termes de la

Lieutenant, See Lieftenant. Lieutenant of the Cower, Seemeth to have been an Officer under the Conflable.

Locus partions, Significs a Division made between two Towns or Countries, to make out in which the Land or place in question lies, Fleta, lib. 4. cap. 15 .num. 1. Local, Localis, fignifieth in a legal fense as much as tyed or annexed to a place: For example. The thing is local, and annexed to the Free-hold, Kitchin fol. 180. And again, in the same place, An Adien of Trespass for Battery, Gre is transitory, not local, that is not needful that the place of the Battery should be set down as material in the Declaration, or if it be set down that the Descapation or if it be set down that the Descapation the place of the Battery should be set down that the Descapation or if it be set down that the Descapation or if it be set down that the Descapation or if it be set down that the Descapation of the Battery should be set down that the Descapation of the Battery should be set to be se down, that the Defendant should traverse it, by saying he did not commit the Battery in the place mentioned in the Declaration, and so avoid the Action. And again, fol. 230 the place is not local, that is, not material to be set down in certain. The guard of the person, and of the Lord differ in this, because the person being transitory, the Lord may have his ravishment de gard, before he be seised of him, but not of so the

Land, because if it local, Perkin's Grants, 30.

Lobbs, A great kind of North Sea-lift, Anno 31. E. 3. Stat. 3. cap. 2.

& Locus Partitus, fignifies a Division made between two Towns or Counties to make Trial in, whether the Land or Place in Question lyes, Fleta, lib. 4. cap. 15. N. & Lock-man. In the Isle of Mun, the Lock man is an Officer to Kxecute the Orders of the Governour or Deemsters, much like our Under Sheriff. See Mr. King's

Description of the Isle of Man. p. 26.

Locutorium. A Locutory or Parlour. The Religious after they had Din'd in their common Refectory, had a withdrawing Room, where they met for Discourse and Conversation, which Room for that Sociable use, they called Locutorium a Lequendo, and Par-

lour a Fr. Parler.

. & Logia. A Lodge or Lodgment. batiam castra metati sunt, sicut gentes tentoria sua, & Logias facientes —— Quo audito annali illi qui in Logiis jam quindecem diebus Excubios secerant, easdem Logias combusserunt, dy recesserunt ad propria. Hist. Croyland Contin. p. 454. Logium, an Out House or Hovel, still called a Lodge in Kent. Cementarit in opere sabrice Ecclesia Eboracensis dormitandi tempus habent post nonum in astate, dormiant autem in Logio que operantur, et non alibi-Anno 1371. Reg. Ebor. Hence Logges, Huts or Cottages for Lodging poorer fort of People. or Lottages for Longing poorer fort of People. — Prefentatum fuit per Juratores quod Prior de Tynemuth levavit unam villam super ripam aqua, by Tyne apud Sholes ex una parte aqua, by Prior Dunolmia levavit aliam ex altera parte aqua, ubi nulla villa deberet esse, nisi
tantum modo Logges de quibus Piscatores possent Hospi
tari. — Placit. Parl. 18. E. I.

Lonemanage. Is the Hire of a Pilot, for conducting a Ship from one place to another.

Love thip, A kind of fifthing Veffel, mentioned 31 E.

3. Stat. 3. cap. 2.

Love topics, Is one of the Works belonging to the Staneries in Cornwall, for which see Camden's Brit. tit. Cornwall. See Streme-works.

Logating, An unlawful Game, mentioned 33 H. 8.

Logating, Au unawful Game, mentioned 33 H. 8. cap. 9. now disuled.

Loginoon, Otherwise called Blockwood, brought from divers remote parts, and prohibited by the Statute of 23 Bliz. cap. 9. and 39 Eliz. cap. 11. but fince by 14 Car. 2. cap. 11. The importation and use of it is allowed.

Lotch fifth. As Lob, Ling, Cod, mentioned 31 E. 3.

Stat. 3. cap. 2.

Lollardy, 1 & 2. P. & M. cap. 6. The Doctrine and Opinions of the Lollards, Rogerus Allon miles pro proditione of Lollardia distrabatar of suspendatur; of sic suspensus pendeat ad voluntatem Regis. Middlesex, Plac.

Hil. 1. H. 5. Rot. 7. by Trin. 2. H. 5. Rot. 6.

Lollards, Lollardi, fo called (fays Tritemius) from one Walter Lollard 2 German, the first Author of that Sect, about the year of our Lord 1315. were in account of those times Hereticks, that abounded here in England in the days of Edward the Third, and Henry the Fifth, and mentioned 2. M. 5. 7. Whereof Wickliff was the Chief, Stow saith in his Annals, pag. 425. Against these Thomas Arrundel Archistopo of Canterbury in a Councel at Oxford, made several Decrees. Spotswood in his Hiftery of Scotland, fol. 61. fets forth their Tenets; Their intent was, to subvert the Christian Faith; the Law of God, the Church and the Realm, so said the forementioned Statute of 2 H. 5. 7. which was repealed by 1 E. 6. 12. The high Sheriff of every County is bound by his Oath to suppress them. See Co. 3. Inst. fol. 41. and Camdre's Case.

Tou (hall (fays the Oath) do all your pam and Diligence to destroy and make to cease all manner of Heresies and Errors commonly talled the Lollardies within your

Bayliwick, from time to time with all your power, &C. Loquela. Reprovilla de S. debet xx s. pro babenda loquela in Curia Domini Regis contra W. de Faucon-bridg, Rot. Pipa. 2. Johannis Linc. An Imparlance-Loquela fine die, was a respite in Law, or a Demurr to an indefinite time. Si vir tenens fuerit infra atatem, ut uxor plena atatu cum implacitati fuerint. Non remanebit loquela fine die propter minorem atatem viri

Paroch. Antiquit. p. 210.

1020, Dominus, Is a word of honour with us, and i diversly used: Sometimes attributed to a Man noble by Birth or Creation, and are otherwise called Lords of Parliament; sometimes to those that be so called by the courtefie of England, as all the Sons of a Duke, or the eldeft Son of an Earl. Sometimes to Men honourable by Office, 28 Lord Chief Juffice, &c. and some-times to a mean Man that hath Fee, and so consequent-ly the Homage of Tenants within his Mannor. In which last fignification, it is most frequently used by the Writers of the Law, and divided into Lord Paramount, and Lord Mejne; Lord Mejne is he that is Owner of Mannor, and by vertue thereof hath Tenants holding of him in Fee, and by a Copy of Court-Roll, and yet holdeth himself of a Superior Lord, called Lord Paramount, Old Nat. Brev. fol. 79. We read likewise of very Lord, and very Tenant, Ibid. sol. 42. and Bro. tit. Heriot, num. 1. Where very Lord is he which is im-Heriot, num. 1. Where very Lord is he which is immediate Lord to his Tenant, and very Tenant he that holds immediately of that Lord; so that if there be Lord Paramount, Lord Mesne and Tenant; The Lord Paramount of the Tenant o ramount is not very Lord to the Tenant, nor the Tenant very Tenant to him.

Lott in groffe, F. N. B. fol. 3. Is he that is Lard, having no Mannor, as the King in respect of his Crown, Ibid. fol. 5. and fol. 8. where is a Case wherein a private man is Lord in gross, viz. A man makes a Gift in Tayle of all the Land he hath, to hold of him, and dieth; his Heir hath but a Seigniori in gross.

Lotimers or Lotiners. May well be deduced from the Latine Lorum: They are one of the Companies of Lordan that make Pite for Bridles. Spars, and such like

London that make Bits for Rridles, Spurs, and such like

fmall Iron Ware, 1 R. 2 cap. 12.

Lot or Loth, Is the thirteenth Diffe of Lead in the Derbyshire Mines, which belong to the King pro Domino [10. See Ros. Rageman & de Quo Warranso de Itin. de Derbi. 9 E. 1. See Cope. Lotherwite, alias Legerwit, Is a Liberty or Priviledge.

to take amends of him that defileth your Bond-woman without License, Rastal's Exposition of words; so that it is an amends for lying with a Bond-woman. Saxtons in his Description of England, cap. 11. See Lairwit. Some think it should rather be written Legerwit, for Leger is the Saxon word for a Bed; or Lecherwite, a punishment for Lechery. See Bloodwit and Legerwit.

& Loureurdus, A Ram or Bell weather. Abbas babuit in staurum multones 1630. matronas 2611. Lourbabuit in staurum mutsones 10500 murronus 2011. Augnos curdos 32. Gredelingos fr. bagastros 1162. Augnos de anno primo 1276. summa ovium omnium per totum 6717. Chartular: Glaston. MS. f. 54. a.

Lourgulary. In Statute pro stratis London, Printed Anno 1573. Art. 45. Cassing any corrupt thing, or appoisoning the Water, is Lourgulary and Felony. Some think it a corruption of Burglary. See Gloss. in

X. Scriptores, verbo Burglaria.

Lowbellers, 23 Eliz. cap. 10. Are such as go with light and a Bell, by the fight whereof Bieds sitting on the Ground, become formewhat stupissed, and so are taken with a Net. This name is derived from the word Low, which in the Saxon, or old English, signifies a Flame of Fire. See the Antiquities of Warwick-(hire, pag. 4.

Luminare,

&Pinningers, A Lamp or Candle fet burning on the Akar of any Church ov Chapel, for the mainte-mance of which, Lawls and Rent-charges were frequently given to Religious Houses, and Parish-Churches. See Mr. Kennett's Glokery to Parochial Antiquities.

&PLaundpels, & Scening or Easterling in a re-Avained fense, fignified mothing but a Silver Penny, which at first was about three times as heavy as a Penny is now, and was once called a Lundress, because it was to be coined only at London, and not at the Country Mints. vid. Lowndes Effay apon Coius, p. 17.

&Flupanatrix, A Bawd or Strumpet. Rex majori & Vic. London Salt' quia intelleximus quod plures Roberia Mondora perpetrantur per receptatores & receptatrices publicas Eupamatrices in diversis locis in Civitate nostra

practiff as, &c. Claus 4 Ed. 1. p. 1. m. 16. dorio. & Lupimum caput gerere, To be Out-lawed, and fo have ones Head exposed like a Wolves, with a Re-ward to him that shall bring it in. ____Hugo filius Wateri Presbyteri ut legatus non comparuit unde dictum fait quoi en quo Hugo noluis comparere ad pacem Regis, quod gereret Lupinum caput sicus prim fecis. --- Placita Corena 4. Job. Rot. 2. in derfo.

Liquitiestium, A place where Hops grow, Co. 1. Inft.

Missells. See Fare. –In Scottin, & Geldie, & Danegeldie, & Lufgut, & Warpeni, & Nupeni, & de omnibus confue-tudinibus qua ad me pertinent certa. Hen. 2. G. G. n.

Lamborstir or Lamburgh, Was a bafe fort of Coyn used in the days of King Edward the Third; coyned beyond Son to the likeness of English Money, and brought in to deceive the King and his Subjets. To event and avoid which, it was made Treason for any Man wittingly to bring any fach into the Realm, as lanowing it to be false, by the Statute made Anno 25. Edw. 3. Status. 4. cap. secredo, and Co. Infl. 3. par.

& Lystedd, Let-filber, A imall Fine, or Pecuniary Composition paid by the Customary Tenant to the Lord for leave to Plow or Sow, Gr. Tenentes in Waldis non possint arare terras suas ab equinostic autumnali usque Pesium beati Martini sine licentia dy ideo reddunt conjuntim dimidiam marcam ad Pesium S. Martini, sive fuerit pessona, sive non, der vocatur Lycf-yeld. Somner of Gavet-hied, p. 27.

D'Lymputta, Extendens Lymputta juxta terram,

7. 3. Liber Niger Heref. A Lime-pit.

M. sa Nameral Letter, and stands for a Thou-der (Manslaughter) and admitted to the benefit of his Clergy, must be marked on the brawn of the left Thumb with an M. by 4 H.7. cap. 13.

Space grieft alias Pace-greffs, Machecarii, Are fuch

as willingly buy and sell stollen Flesh, knowing the same to be stollen, Britton, cop. 29. and Crampton's Justice of Peace, sol. 193. Vide Leges Ina, cap. 20. de carnem servicion tenente.

Dachecoliart, vel Macheconlare (from the Prench Majchecoulis, to make a Warlike Device, especially over the Gate of a Castle) resembling a Grate, through which Scalding Water, or offensive things may be thrown upon Pioneers or Assalants. I last.

fol. 5. 2.

The pacteana: Pachekana. Macelhum, the FleshMarket or Shambles. — da ana selda in Macecaria
qua sita est inter seldam Walteri Sudbred, & Seldam
Edwardi Galun. — Chartular. Radinges. MS. f. 127.

47 Machecaning, A Butcher. — Cum autem dillum est, quod nullus hominum emeret absque plegiis animal vi-vum, clamaverunt Machecarii de civitatibus dy durgis quod unaquaque die opertebat eos animalia viva emere,

occidere, et vendere. Leg. Edwardi Regis, cap. 39.

Pacto. A Malon.— Ippe cum Macione et maturis necessarilla reconstitution necessarilla Orderic. Vital. 1 6.-- Accitis itaque artifici--latomisque cum macionibus illic ad opus agendum

profedus est. Ibid cap. 12.

Apauning money, Old Roman Coins, sometime found about Dunstable, are so called by the Country-people; they seem to retain this Name from Magintum, used by the Emperor Antonians in his Itenerary for Dunstable. Cambd.

Matremium. Is derived from the old Norman words Mari(me or Timber,

Pagbote or Pagbott, A recompence for the flaying or murder of ones Kiniman; for anciently in this Na tion, corporal punishments for Murder, and other great Offences, were formetimes transmuted into Pecuniary Fines, if the Friends of the Party slain were so

content, Leg. Canusi Regis, part 1. cap. 2. often, as His testibus Magistro Johanne de Crost. It noted the Person had attained some Degree of Eminency in Scientia aliqua prasertim literaria. And in old time those who are now called Doctors were termed Magistri.

Magna Alula eligenda, Is a Writ directed to the Sheriff, to Summon four lawful Knights before the Justices of Asse, there upon their Oaths to chuse I welve Knights of the Vicinage, Gc. to pass upon the great Asse between A. Plaintiff, and B. Defen-

dant, Gr. Reg. Orig. fol. 8.

Apagna Charta, The Great Charter, was granted the Ninth Year of Henry the Third, and confirmed by Edward the First. The reason why it was termed Magna Charta, was either for that it contained the fum of all the Liberties of England, or elfe because there was another Charter, called Charta de Friesta, establisht with it, which was the less of the two; or because it contained more than many other Charters, or more than that of King Henry the First, or of the great and remarkable Solemnity in the denouncing Excommunication, and direful Anathema's against the Infringers of it. We read in Helinsbed, that King John, to appeale his Barons, yielded to Laws or Articles of Government, much like to this Great Charter: But we have now no ancienter written Law then this, which was thought to be so beneficial to the Subject, and a Law of so great equity, in comparison of those which were formerly in use, that Ring Henry, for the granting it, had the fifteenth peny of all the moveable Goods, both of the Spirituality and Temporalty throughout the Resian. Spelman in his Gloss on this word, calls it, Augustiffinum Anothersum libertatum divingua der serve. Augustissum Anglicarum libertatum diploma de sacra. Anchora. It is Magnum in Parvo, and hath been above

Anchora. It is Magnum in Parvo, and hath been above thirty times confirmed, says Coke upon Littleton, sol. 81.

Spanus specials. A great or general Reapday, the Lord of the Mannor of Harrow in Com. Middlefex, had (in 21 R. 2.) a Custom, that by Summons of his Bayliff upon a General Reapday (then called Magna precaria) the Tenants should do 199 days work for him, every Tenant that had a Chimney was to send a Man. Mr. Philips of Purveyance, pag.

Dagnum Centum Communem pafturam ad quadringentas oves per Magnum Centum cum tot agnis Carta. 20 Hen. 3. m. 1. This great Hundred is six-score.

Bagift rate,

Spantheate, Magistratus. He is Custos utrinsque, ta-bula, the Keeper or Preserver of both Tables of the Law; therefore if any Magistrate, or Minister of Ju-stice, in execution of their Office, or keeping of the Peace, according to the Duty of their Office, be flain; this is Murder, for their Contempt and Disobedience this is Murder, for their Contempt and Dilobedience to the King and the Law, for it is contra posessatem Re-

gis & Legis. Co. 9. Rep. Mackallye's Cafe.

**Pati Inductio, An Old May game, or ludicrous Custom for the Priest and People in Procession to go to some adjoyning Wood on a May-day Morning, and return in a fort of Triumph, with a May-Pole, Boughs, Flowers, Garlands, and such-like Tokens of the Spring. There was thought to be so much Heathen Vanity in this Practice, that it was condemned and inhibited within the Diocese of Lincoln with the proceed and supported Pister Conflict. coln by the good old exemplary Bishop Grosthead.—
Paciunt etiam, ut audivimus, Clerici Indos quos vocant
Industionem Maii, by festum Autumni, by Laici scotales, quod nullo modo vos latere possis. Si vestra prudentia super his diligenter inquireret.—Rob. Grossets, Episcopi Linc. Epist. apud Append. ad Fasciculum, p. 382. Parhint or Parhim, Mahemium, cometh of the

French word Mebaighe, and fignifies a corporal hurt, by which a Man loseth the use of any Member, that or might be any desence unto him in Battel: As if a Bone be taken out of the Head, or broken in any other part of the Body, or Foot, or Hand, or Finger, or Joynt of a Foot, or any Member be cut, or by Wound the Sinews be made to shrink; or if any Rye be put out, fore-teeth broke, or any other thing hurt in a Man's Body, whereby he is disabled to defend himself, or offend his Enemy, Glanvile, lib. 14. cap. 7. See Brafton at large, lib. 9. trafi. 2. cap. 24. num. 3. Britton, cap. 25. and Stamf. Pl. Cor. lib. 1. cap. 41. and The Mirrow of Justices, cap. de Homicide. But the cutting off an Ear or Nose, the breaking of the hinder Teeth, or such like, was no Mayben, it being rather a deformity of Body, than diminishing of Strength. But now by the Stat. of 22. & 23. Car. 2. cap. 1. the cutting off a Nole, or cutting off or disabling any Limb or Member, is made Felony without Benefit of the Clergy: Maybem is commonly tryed by the Justices inspecting the Party: And if they doubt whether it be a Maybem, or not, they use to take the Opinion of some able Chirurgeon in the point. The Grand Customary of Norrurgeon in the point. The Grand Cultomary of Normandy, cap. 6. calls it Mahaignium, and the Canonifis Membri mutilationem; but all agree, that it is the loss of a Member, or the use thereof; and Membrum, Caffan. de Conf. Burg. pag. 168. defines thus, Est pars corporis habens defineram operationem in corpore. See Skene de verborum significatione, verbo Machanium. See Co. on Lit. lib. 2. cap. 11. [eff. 194.

Malainen Rents. Is a Noble paid by every Tenant in

Maiben Rents, Is a Noble paid by every Tenant in the Mannor of Builth in Radnorshire, at the Marriage of a Daughter, and was anciently given to the Lord for his quitting the Custom of Marcheta, which I suppose was a Fine paid to the Lord, for a License to marry a Daughter: Sir Edw. Sawyer is now Lord of this Mannor. See Marcheta.

Maignagium, Derives it self from the French Maignen, i. Faber ararius, and fignifies a Braifier's Shop. Cotland. But Co. 4. Infl. fol. 338. confounds Managium with Mesuagium.

**Spathem, Maim, Wound, Hurt. Homo Maibemiatus, a Man maimed or wounded. By the Old English Law there lay an Appeal for Maibeim or wilful wounding: When it was laid to the charge of the Defendant or Appellee, that he did it nequiter in fe-lonia, i. e, maliciously, and with an evil or felonious intent: And the Appellant did offer difrationare versus

eum, sicut bomo maibemiatus prout curia Domini Regis con-sideraverit. Vid. Brallon, lib. 3. cap. 24. n. 1, 2. Anciently a kind of Money, but more large-

ly signifies not only Money, but any proportion of Grain, or other Rent; This later in the North is called Blackmaile, Inquis. capt. post mortem Will de Conwey, Anno 20 E. 3. num. 63. Lenc. Spelman says, There is in Ulverstone quoddam prosicuum vocat. Geesemales by quoddam prosicuum apud Plumpton vocat. Commale. See Blackmaile.

& Spailes, Silver Half-penies. In 9 Hen. Indenture in the Mint, a pound weight of old Sterling Silver was to be Coined into three hundred and fixty Sterlings or Penies, or seven hundred and twenty Mailes, or one thousand four hundred and forty Farthings. Vid.

Lowndes Essays upon Coins, p. 38.

Papainab, A false Oath, Perjury.

Si nolit abjurare, emendet ipsum Mainad, id est, perjurium dupli-

ter. Leg. Inz Regis. cap. 34. Patinour, alias Manour, alias Manour, alias Motinour, French Manier, i. manu trastare: In a legal sense, denotes the thing that a Thief taketh away, or stealeth. As to be taken with the Mainour, Pl. Cor. fol. 179. is to be taken with the thing stollen about him: and again, fol. 194 it was presented. That a Thief was delivered to the Sheriff or Viscount, together with the Mainour: And again, fol. 186. If a man be indited, That he felonionsly stole the Goods, of another, where, in truth, they be his own Goods, and the Goods be brought into the Court as the Mainour; and it be demanded of him, what he faith to the Goods, and he disclaim them; though he be quitted of the Felony, he shall lose the Goods: And again. fol. 149. If the Desendant were taken with the Manour, and the Manour be carried to the Court, they in ancient times would Arraign him woon the they, in ancient times, would Arraign him upon the Manour, without any Appeal or Indictment. I find this word used in the Old Nat. Brev. fol. 110. In this fort, where a Man maketh a thing by Manour, vying, or effopping; in such case he shall have an Affice, where it signifies handy labour, and is but an abbreviation of Mainovery.

Mainurt. See Minovery.

Mainpernable, That may be let to Bayl. See the Statute of Westm. 1. cap. 15. made Anno 3 E. 1. what Persons be mainpernable, and what not.

Mainstruois, Manucaptores, Are those Persons to whom a Person is delivered out of Custody or Prison, and they become Security for him, either for appearance or satisfaction; they are called Manucaptores, because they do it as it were mans capere of ducero captivum è custodia vel prisona. And the Prisoner is said to be delivered to Bail, from the words of the Bail-piece. viz. A. B. &c. traditur in Ballium J. D. & R. R. &c. See Mainprise.

Manucaptio, Is compounded of two French words, viz. Main, manus, Prins, captus: It figuifies in our Law, the taking or receiving a Main to friendly Custody, that otherwise is or might be committed to Prison when for the committed to Prison when the committed the committed to Prison, upon security given for his forth-coming at a day assigned: And they that thus undertake for any, are called Mainpernors, because they do receive him into their hands, Stamf. Pl. Cor. fol. 178. from hence comes the word Mainpernable, which denotes him that may thus be bailed; For in which denotes him that may thus be bailed; For in many Cases a Man is not mainpernable, whereof see Bro. tit. Mainprise per totum, and F. N. B. fol. 249. Manwood in his Forest Laws, pag. 167. makes a great difference between Bail and Mainprise; for he that is mainprised (saith he) is always said to be at large, and to go at his own liberty out of Ward until the day of his appearance; but otherwise it is, where a

man is let to bail to four or two Men by the Lord Chief Justice in Eyre of the Forest until a certain day; for there he is always accounted by the Law to be in their Ward and Custody for the time: And they may, if they will keep him in Ward or in Prison all that time, or otherwise at their Will; so that he that is so bailed, first not be said by the Law to be at large, or at his own liberty: Thus far Manwood. The Mirror of Justiown Hoerty: I nus lar Manwood. The Mirror of Justices distinguishing between Pledges and Mainpernors, saith, That Pledges are more general, and that Mainpernors, are Body for Body, lib. 2. cap. de Trespas venial, and lib. 3. cap. des Pledges & Mainpernors. When Mainprises may be granted, and when not, see Cromp. Just. of Peace, fol. 136. and 141. and Lamb. Eiren. lib. 3. cap. 2. pag. 336, 337, 338, 339, 340. See also Britton, fol. 37. cap. des Pledges by Mainpernors. Last-ly, The Mirror of Justices saith, That Pledges be those that bail or redeem any thing but the Body of a Man, but Mainpernors are those that free the Body of a Man and therefore that Pledges belong properly to real and mixt Actions and Mainpernors to personal.

Dainepolt, Is a small Duty, which, in some places the Parishioners pay to the Rector of their Church, in recompence of certain Tythes. See Waxshot, Spelman in his Glossary saith, That Vicaria de Wragly (in Com. Lincoln) consistit in toto Altaragio dy in Ceragio, vulga-riter dill. Waxshot, in panihus, vulgariter dill. Main-port, dy in incremento denariorum Sancti Petri, vulgariter

diet. Fire-hearth.

Maintainer, 19 H. 7. 14. Is he that supports or seconds a Cause depending in Suit between others, either by disbursing Money, or making Friends for either

Party towards his help.

Maintenance, Manutentio & manutenentia, Signifies the upholding of a Cause or Person, metaphorically drawn from succouring a young Child, that learns to go by ones hand: In Law it is taken in the worst sense, as appears by 32 H. 8. 9. And when a man's act in this kind is by Law accounted Maintenance, and when not. See Broke, th. Maintenance, and Kitchin, fol. 202. and F. N. B. fol. 172. and Cromp. Jurifd. fol. 38. The Writthat lies against a man for this Offence, is called Maintenance. See Co. on Lit. fol. 368- Special Maintenance, Kitching, fol. 204. Seemeth to be maintenance, most properly so termed. Of this see Cromp. Justice of Peace, fol. 155. and the New Book of Entries, verbo Mainte-

Mailon blu, is the French Name for an Holpital or Alm:-house. See Meason diu.

er Maifura -- Baldwinus Comes Exon omnibus Baronibus suis & Hominibus Francis & Anglisdedi Maisuram, quam ipse tenet, &c. sine dat. MS. Certarum penes Bli. Ashmole, Arm. Inter antiquas consuctudines Abbatia. S. Edmundi —— Siquis habuerit in villa unam maisura terra dabit inde per annum praposito s. Obolum ad 11. Terminos - Et siquis plures maisuras babuerit tot obolos quot mailuras. -- Cartular . S. Ed-

mundi. MS. f. 314.

& P Spatus-tus, Is a Writ or Proceeding in some Customary manners in order to a Tryal of Right of Land, and the Entry is ______ Ad banc Curiam venit W.L. in Propria Persona sua & dat Domino ii. Sol. ad vidend. Rotulos Curia & petit in quirend. utrum ipse babet ADaius ius in uno Messuagio, &c. an NT. & super boc Homag. dicunt, &c. Ex Libro MS. Vocat Butterfield in E-

piscopat. Heref. de temp. E. 3. fol. 244. b.

Anake, Pacere, Signifies to perform or execute; as to make his Law, is to perform that Law which he hath tormerly bound himself to: That is, to clear himself of an Action commenced against him by his Oath, and the Oaths of his Neighbours, Old Nat. Brev. fol. 161. Kitchin, fol. 192. Which Law seemeth to be borrowed of the

Feudifts, who call those Men that come to fweat for a nother in this cafe Sacramentales. Of whom Hotoman saith thus in verbis Feudal. Sacramentales à Sacramento, id est, juramento dicebantur ii, qui quamvis rei de qua ambigebatur, testes non fuissent, temen ex ejus, cujus res agebatur, anima sententia, in eadem que illi verba jurabant, illius videlicet propitate of innocentia confisi, &c. The formal words used by him that makes his Law, are commonly these, Hear, O je Justices, that I do not own this Sum of Money demanded, neither in all nor any part thereof in manner and form declared. So help me God, and the Contents of this Book. To make Services or Custom, is nothing else but to perform them, Old Nat. Brev. fol. 14. To make Oath, is to take Oath.

ST Dala, A Mule, a Porte-Mail, a Bag to carry Letters, Writings, Gr. Among the Rules of the Order of the Knights-Templar, cap. 40. Sacculus of mala cum firmatura non conceduntur. I suspect the word was Originally British, because Mala or Maile is said in the Modern Irish to signific a Pouch, Satchel, or Bag.

Malediation, Malediatio, A Curse which was of old usually annexed to Donations of Land made to Churches and Religious Houses. See the Charter of King Athelstane to the Monastery of Wiltune, Anno 933. and the Charter of King Eadred, in Mon. Ang. 2. par.

Mail teasance, A doing of evil, Cro. Rep. 2. par. fol. 266. It is derived from the French Mal-faire, to

offend or transgress.

Matestoopn. In the North signifies as much as For-worn, Brownloe's Rep. 4. Hobart's Rep. 8. Maletent, or Maletolte. Malum vel indebitum Telonium, In the Statute called The Confirmation of Liberties, &c. 25 E. 1. cap. 7. Is interpreted to be a Toll of forty shillings for every Sack of Wool. Stow. in his Annals calls it a Maletot, pag. 461. See also the Statute de Tallagio non concedendo, Anno 35 E. 1. Nothing from henceforth shall be taken of Sacks of Wool, by colour or occasion of Maletent. In France they had an extraordinary Tax called Maletofte.

Malin. See Marle.

The word occurs in Mat. Paris Lives of the Abbots of St. Albans,

ing Malt Solverit de Malt-shot termino circumking Malt .cionis Domini 20 Denarios. Somner of Gavel-kind,

p. 27.

Dalveilles (from the French Malvueillance, i. malice) may haply be used in our Records of his demeanors, or malicious Practices. Record de hiis qua fiebant in Parl. 4. Ed. 3. liberata in Cancellaria per Hen. de Ednaston Clericum Parl. Les sont les Treasons, Felonies de Malveilles faitzan nestre Segneur le Roy de a son People per Roger de Mortimer, &c. Ex Libro nigro de Wigmore penes Edw. Harly. mil.

Malbeis procurors, In Artic. Super Chart. cap. 10.

is understood of such as use to pack Juries by nomination, or other Practice, 2 Infl. fol. 561.

Dalutism, Fr. Manuais voisin, malus vicinus, The ill Neighbour, a Warlike Engine so called, to cast Stones, &c. for Battery of Walls. Propter petrariam qua Malveisine Gallice nuncupatur, qua cum machinis allis Franci ante castrum locata mutos acriter crebris i&i-- Mat. Paris sub Anno 1216. bus verberabant.

Dwelling or Inhabiting) a Manfion-House, or Dwelling-place. — Concessi capitale Managium menm cam pertinentis — carta Nich. de Balsham sine dat.

Manbott. Signifies a Recompence for Homicide, or a pecuniary compensation for killing a Man. Spelman

in his First Volume, concil. fol. 622. Says, Montre, i. compusatio Domino persistenta pro bushine son Mors, Anglorum lege Rugi sy Anchepiscop tres marcus de lominious vorum propriis soil Apiscop ejustem constitutus sy Consuli et Dapisco Rugis, Viginti solides, Baronibus antem aliis desem jolides, Sic. See Lambert in his desem jolides, Revento Affinatio, and Mountem in parte poster, annal mort. fol. 344. St. Bote. Spanca, Was a square Ricce of Gold, commonly valued at thinty mence: and Mancula was a sunch we a

heed at thirty pence; and Mancufa was as suitch as a Mark of Silver. See the Notes upon Camaria Laws, where it was called Muncufa quasi mann cusa, coined

with the Hund.

Spanciple, Manteps, A Cateres, An Officer anniently in the Temple, now sailed The Steward. Of whom our ancient Poet Jeoffry Chaucer, fometimes a Student there, thus writes,

> A Manciple there was in the Temple, Of which all Gasours might take enjemple.

This Officer still remains in Colledges in the Univerfities.

Mandamus, Is a Writ that lieth after the Year and Day, whereas in the mean time the Writ called Diem clausst extremum buth not been sent out to the Escheator for the same purpose for which it should have been lent forth, F. N. B. fol. 239. See Diem claufit extremun.

Mandamus, Is also a Charge to the Sheriff, to take into the King's hands all the Lands and Tonements of the King's Widow, that against her Oath formerly given, marryeth without the King's coulout, Reg. fel.

See Widow. Mandatary, Mandatarius, He to whom a Charge or Commandment is given. Also he that obtains a Bene-

fice by Mandamus.

Spanner, Mandeum, B a Commandment of the King, or his Justices, to have any thing done for dispatch of Justice, whereof you shall fee diversity in the Table of the Register Judicial, verbs Mandatan.

The Bilhops Mandates to the Sheriff, g I Etr. 9.

Pandati bits, Mandie or Munday-Thursday, the day before Good-Friday, when they commemorate and practice the Command of our Saviour, in walk-ing the Feet of the Poor, 800. As our Kings of England have long and Stifed the good old College of the land have long practifed the good old Curiom on that day of washing the Fect of soor Mon, in Number equal to the Years of their Reign, and giving them Shoots, Stockings, and Mottey.

P De Mandate pants, Louves or Bread given to the Poor upon Mandey-Thursday. Willielmus augmontavit tres passes de mandato de uno quarterio panis, itu qued fint namales panibus conventus. Chartulus. Glaston. 2005. f. 29.

Mantentes, Was of old used for Tenenter or Tenants Council. Symdol. whed Clovelnoo, Anne Ban. & Mangeour. Minteer, Mongeour, Mixt Corn,

Mullin. Iden composat de une quarterio de feu inffeth; de Mancorn emptis vj. Sol vij. Den. Ex Compote -Ex Compote Domes de Farendon. MS. f. 18.

Phanaing, Manopera, A days work of a Man; in fome Angient Deeds there is a teletve of fo much Reat,

and fo many mannings.

of an apprehended Thief. Passent juditium in → Facinat judicium in curia sue de latrone qui vocatur Infangenthief, cum contigerit talem latronem capi cum manaopete intra feodum ipfius, ita quod catalla talia latronis eidem P. G karedibus fuis remaneant. ---- Chartalar. Radinges f. 196.

Pannis, A Horse. Latus itaque dy alacer vir morarum impatiens jaffit mannum praparari, simul

come his qui sal se venerunt ad insulaine properans. Histor-Ratnes. Bait. Gale. cap. 33. Mutth. Puris uses the fance word for a Pad or Saudie-Horse, sub Anno 1200. From Sax. Mich, a florie. In the Laws of Alfred, we

Spanes Manerium, Seems to be derived of the Prench Manerium, Seems to be derived of the Prench Manerium, habitath, or either from manerals, of abiding there, because the Lord did usually relide there. Signif. faith, It is called Manerium than the laterance by the production of the laterance by the l nertum quafi manurium, because it is laboured by handyworks It is a noble fort of Fee granted partly to Fenants for occasion Services to be performed, and purely referved to the use of his Family, with Junif-diction over his Tenants for their Farms. That which was granted out to Tenants, we call Tenementales; thole referred to the Lord, where Doubinicales: The whole Fee was termed a Lordship, of old a Barony; from whence the Court, that is always an Appendunt to the Manner, is called The Court Buron. Touching the Original of the Minist, it feems that in the beginning there was a direct of Ground granted by the King to some Baron, or Man of worth, for him and his Heirs to dwell upon, and to exercise some Jurisdiction more or less within that compass, as he thought good to grant, performing such Services, and paying such yearly Rent for the faine, as he by his Grant required, and that afterward this great Man percelled his Land to other meaner Men, enjoying them such Services and Rents as he thought good and so as he became Tenant to the King, the inferiors became Tenants to him. See Perkins Referentions, 670. and Homes Mirror of Inflices, lib. 1. cap. de Ray Affred, and Fulbeck, Jol. 18. And according to this our Cuftom, all Lands holden in fee throughout France are divided into Pieff: and arritri fiefs, wheteof the former are fuch as are immediately granted by the King; the fecoul, fuch as the King's Praducibles do again grant to others, Gragorii Synsagm. lib. 6. cap. 5. num. 3. In these days a Manor rather fightcap. 5. num. 3. In these days a Manor rather fight-firth the Jurisdiction and Royalty incorporeal, than the Land or Scite. For a Man may have a Mandr in grofs, (as the Law termeth it) that is, the sight and interest of a Court-Baron, with the Perquisites thereunto belonging, and another or others have every isot of the Land, Kitchin, fel, 4. Broke, bec tituly per totum, Bracton, lib. 4. cap. 31. num. 3. divideth munerium into Capitale dy non engine. See Pet. A. Manor may be compounded of divers things, as of a Horfe, Arable-Land, Pallute, Meadów, Wood, Rent, Adrewson, Court Baren, and fuch like, and this ought to be by long continuance of time, beyond the memory of Mab. For at this day a Militar cannot be made, because a Court Baron cannot now be made, and a Manor cannot be without a Court Borde; and Suiters or Free-holders, two at the least; For if all the Free-holds, except one, closet to the Lord, or if he purchase all, except one, there his Mater is gone causa que supra, although in common speech it may be lo called.

Manpegarnou, Williehmen Walcote tenet menerium de Adington in Com Sur. per Servition inveniendi, al Coronatimem Regit quoddam Potagium vocat. Manpygaruon.

Spansion, Manjie à memendo, According to the de-nition of Bratien, 110, 4, cap. 28. mm. 1. Is a dwelfinition of Braden, tib. y. vap. 28. mm. I. Is a dwelling confifting of one or more Honfes. It is most commonly taken for the Lord's chief dwelling house within his Fee, otherwise called The Gapital Messuage, or chief Manor-place, Bratton, lib. 2. cap. 26. Manfi amongst the ancient Romans, was a place appointed for the Lodging of the Prince, or Soldiers in their Journey; and in this sense we read Priman mansionem, &c. It is probable, That this word Manson doth in some construction figuifie so much band as Bede calleth Familiam in his Eccelefiastical History. For Lambert in his Explication of Sacon words, verb. Hida terra, faith, That that which he calleth Familiam, others fince call Manentem well manfam, manfus by man-fum, you may read in the Fendifts, and in Skene de verbor. Significat, verbo Manfus. The Latine word manfio hath the fame fignification in the Charter granted by King Kenulphus to Ruchin the Abbot of Abing-ton, mentioned by Sir Edward Coke in his Book de jure Regis Ecclesiastico; and in a Charter of Edward the Con-fessor, it is written Mansa. See History of Pauls, fol. 189. Manlura & Malura, Are used in Doomsday, and other ancient Records, for mansiones vel babitacula villi-

Manslaughters' Homicidium, Is the unlawful killing of a man, without a prepended malice. As when two, that formerly meant no harm one to another, meet together, and upon some sodden occasion falling out, the one killeth the other, West. part 2. Symbol. tit. Inditements, self. 44. It differents from Murder, because it is not done with fore-going malice: And from Chance-Medley, because it hath a present intent to kill.

And this is Felony, but admitted to the benefit of Cler-

flon — Paroch. Antiquit. p. 150. Called fometimes
Curia capitalis— As Thomas de S. Waleri gave to the
Abby of Ofener — totum manerium meum de Mixebury cum capitali Curia, ibid. p. 151. The word Manerium was sometime used in the same sense, to denote the Court or Mansion of the Lord.

Maning, Anciently a Farm, Selden's History of Tythes, pag. 62. Mansum or mansus, is sometimes consounded

with meffuagium: Spelman.

Spanius Bissbyteri, The Manie or House of Residence for the Parish-Priest; the Parsonage or Vicarage Honse, --- Habet etiam dillus Vicarius (i. c. de Ambresdon) pro in habitatione sua illum mansum in quo Presbyter Parochia dicia Ecclesia inhabitare consucuit, or duo cotagia eidem adjacentia. Paroch. Abtiq. p. 431. & Bantea, Mantum, Mantellum, A Manteau, a

Mantel-- Rex indutus manted, &c. Mat. Paris sub

Anno 1188.

Mantels, Mantile, May be drawn from the French word Manteau, and fignifies with us a long Robe, Anno

24 H. 8. cap. 19.

Panualia Beneficia, The daily Distributions, or Portions of Meat and Drink ullotted to the Canoms and other Members of Cathedral Churches for their present Subsistence. — Confuetudinem que in quibusdam partibus in olevit, qua Canónici & alit Beneficiari seu Cle-rici Cathedralium do aliarum collegiatarum Ecclesiarum distributiones cotidianas qua alias manualia beneficia seu victualia nuncupantur, &c. Tho. Lyseaux Decani, Paulini Liber Statutorum Ecclefiz Sancti Pauli, London. MS.

Pannalis Diedientia, Sworn Obedience Submission upon Oath -- Henricus de Teisdale Prior de Fincale de Restor Esclesia de Gigleswick fecit pro illa Domino Johanni Archiepiscopo Ebor. manualem obedientiam die Synodi celebrata apud Ebor. 11. Kal. Collectan. Matthæi Hutton, S. T. P. Maii 1295.

ex Registris Ebor.

Spanubelum, The handle or haft of a Sword or Dagger, Jur. presentant. quod A. de C. Aurifaber 2. Junii, 2 Jac. apud S. predia. quoddam Manubrium Pu gionis ferreum, Anglice a Dagger hilt of Iron, &c. apud Maidíton.

Manucaptin, Is a Writ that lies for a Man, who, taken upon suspicion of Felony, and offering sufficient Bail for his Appearance, cannot be admitted thereto by the Sheriff, or other having Power to let to Mainprife, F. N. B. fol. 249. See Mainprife. How diversly it is used, see Reg. Origin. in the Table, and Prynn's Ani-

madversions, fol. 268.

Manuelis, Any thing whereof present pro-

Manuells, Any thing whereof present profit may be made, or that is employed or used by the hand, Stamf. Pravog. fol. 54. As a thing in the manuel Occupation of one, 1. actually used or employed by him. Annumission, Manumission, Is the freeing of a Villain or Slave out of his Bondage: The form of it, in the Conqueror's time, Lambers in his 'Apaniroplia, fol. 126. setteth down in these words, Si quis velis servum summ liberum facere, tradat eum Vicecomiti, per manum dextram in pleno Comitatu & quietum illum clamare debet à jure servitus sua per manumissionem; de ossendat ei liberas portas de vias & tradat ei libera clamare debet d jure fervitutis sua per manunissionem; de ostendat ei liberas portas de vias de tradat ei libera arma scilicet Lanceam de gladium de deinde liber homo efficitur. Some also were wont to be manumitted by Charter. Vide Broke, tit. Villenage, fol. 305. The Terms of the Law make two kinds of Manumission, one expressed, the other implyed: Manumission expressed is, when the Lord makes a Deed to his Villain, to infranchise him by this word Manumittere, The manner of which in old time was thus: The Lord, in the presence of other Persons, took the Bond man by the Head, saying, I will that this man be free, and thereupon shoved him forward out of his hand. Manumission implyed is, when the Lord makes an Obligation milfion implyed is, when the Lord makes an Obligation for payment of Money to him at a certain day, or fueth him, when he might enter without Suit; or granteth him an Annuity, or leafeth Land to him by Deed, for Years, or for Life, and fuch like. See Neif.

cimentum prasenti Scripto Sigillum nostrum duximus apponendum. His Testibus Domino Tho. de Marines, Rogero de Leukenore, Rogero la Ware, Will. Mauke militibus, &cc. Dat. apud Tenham 11 Kal. Apr. MCC. Octagesimo caravo. Reg. Eccl. Christi Cant. penes J. Episcopum Norwic

Apprehended in the Fact. See Mannopus.

Manupatius, We often find it in the Law Dialett. to figuifie a Domestick Servant, Spelm. Erit culpabilis tanquam de Manupaftio Manuvod, cap. 16. num. 6. That is, he shall be culpable as of a thing done by one of his Family, Gloss, in 10. Scriptor.

99 Manupes, A Foot of full and Legal measure. Dedimus quietantiam de cocciv. acris mensuratis Anno Domini Regis Henrici Patris mei xxxij. pracepto ipfius, per perticum xxv. pedum per manupedem in Com.

-Cirt. Ric. 1.

manus, Was anciently used for an Oath, and for him that took it, a Compurgator; as we often find in Old Records, Tertia, Quarta, Decima, manu jurare; that is, the Party was to bring so many to

swear with him, that they believed what he youched was true; if he swore alone, it was propria manu. in the Visitation of the Diocese of London by Rob. Winchelle, Archbishop of Canterbury, a Woman of Coggefhale in Effex accus'd of Adultery - Mulieri boc neganti purgatio fexta manu extitit indica, i.e. She was to vindicate her Reputation upon the Testimony of fix Compurgators. Reg. Eccl. Christi Cant.

& Danus media & intima homines, Men of a -Et plures mean condition, of the lowest degree. mediz manus quos ex justis de rationabilibus causis Rex Pater exharedaverat. Radulphus de Diceto sub Anno Inferioris & infime manus bomo, Idem 1112.

sub annis 1138. 1185. Maintenentia, is a Writ used in case of Maintenance,

Reg. Orig. fil. 182. & 189. See Maintenance.

Manworth, The price or value of a man's Life or Head; for of old every man was rated at a certain price, according to his Quality, which price was paid to the Lord in latislaction for killing him.

& Apara, A Meer, More, Lake, Pool, Pond, or place of Bog, Marsh, &c. — Cadens super lacum, quem usu quotidiano loquendi Maram vocamus — Will. Gemet. l. 2. c. 20. — Castrum des manerium de Bolyngbroke cum soke mara de marisco —— Paroch. Antiquis. p. 418. Called sometimes Mera, from Brit. Mer, Sax. Mer, Water. Whence a Mere-Swine, a Dolphin; a Mear or Meer, a Moor or low Marsh; Mire or Dirt, Meers or Ditches; Mere-stangs, and Mere slones, set for Land-marks, or Boundaries in open Fields. See Mera.

Marchia, Marchia, Be the Bounds and Limits between Us and Wales, or between Us and Scotland, 24 H. 8. cap. 9. Cambd. pag. 433. & 606. And the Marches of Scotland are divided into west and Middle Marches, 4 H. 5. 7. 22 E. 4. cap. 8. The word is used in the Statute of 24 H. 8. 12. generally for the Borders of the King's Dominions; And may be derived from the German March, i. limes, or from the French Marque, that is, Sigman, being the noto-rious distinction between the two Countries or Ter-

Sparchers, Were the Noblemen that lived on the Marches of Wales or Scotland, who, in times past, as Cambden saith, pag. 453. had their private Laws, as if they had been petty Kings, which are now abolish'd by 27 H. 8. cap. 26. Of these Marchers you may read 2 H. 4. 18. 26 H. 8. 6. 1 E. 6. 10. where they are called Lords marchers. See also 1 by 2 P. by M.

Sparchet. Marchetum, Consuetudo pecuniaria, in mun-cipiorum siliabus maritandis, Bract. lib. 2. tit. 1. cap. 8. This Custom is in divers Parts of England and Wales, as also in Scotland and the Isle of Guernsey! See Spelman at large of it. Coke on Lit. fol. 140. fays, it is called Marches, as it were a Chese or Fine for Marriage. In the Mansor of Denever in Com. Carmarthen, every Tenant at the Marriage of his Daughter, pays by Custom Ten Shillings to the Lord, which, in the Brittish Language, is called Gwahr merched, that is, a Maids Fee. See Maiden Rents, and Gwabr merched.

🖅 Parchiare, To adjoyn or border upon. Sex acra terra cum prate adjacente secundum q chiat, ad pratum Prioris de Brecon. - Cartular. S. Jo-

hannis Brecon. M. f. 74.

& Parculus, A Hammer, a Mallet. - Dentef-que caninos sanquam marculo ferrro sive malleo confringamus. Girald. Cambrens. Apud Whartoni Angl. Sacr.

Pars 2. p. 437.

Sparethall, Marefeallss, Is a French word, fignifying as much as Tribunus militum with the Ancient

Romans, or modificate, cap. 8. pag. 42. num. 17. The French word may feem also to proceed from the German Marschalk, i. Equitum magister, which Hotoman in verbis fendalibus verbo Marchalkus, derived from the old word March, fignifying a Horse. Others make it of the two Saxon words, Mar, i. equus, and Scalch, i. prafeding; or according to Verstegan, from Mare, the general appellation of all Horses, (as Horse is now in English) and Scale, which in the ancient Tutonick, he affirms, to fignifie a kind of Servant, as Scaleo doth at this day among the Balians. With us there be divers Officers of this Name, but one most Noble of all the rest, who is called Lord or Earl Marshal of England, of whom mention is made in diverse Statutes, 1 H. 4. 7. 67 14. and 13 R. 2. cap. 2. His Office confifts el-pecially in matters of War and Arms, as well with us as in other Countries, whereof you may read Lupanus de magistratibus Francia, lib. r. cap. Marciballus, and Tilius, lib. 2. cap. de Conestabili Mariscallo, &c. The next to this is the Marshal of the King's House, whose special Authority is (according to Britton and Gwin in the Preface to bis Readings.) in the King's Place to hear and determine all Pleas of the Crown, and to punish faults committed within the Verge, and to hear and judge of Suits between those of the King's Houshold, Gr. Cromp. Jur. fol. 192. of him you may read F. N. B. fol. 241. Gr 18 E. 3. stat. 2. cap. 7. and 27 E. 3. stat. 2. cap. 6. and 2 H. 4. 13. and diverse others. Whoever desires to know farther of this Officer, and his Duty, may find it in Fleta, lib. 2. cap. 4. 6 5. There be other inferior Officers of this Name, as Marshal of the Justices in Eyre, 3 E. 1. 19. Marshal of the King's Bench, 5 E. 3. cap. 8. and this hath the Custody of the King's Bench Prison in Southwark, F. N. B. fel. 251. And these inserior Marshals be either ad placisum, or in Fee, Kitchin, fol. 143. Fleta 280, lib. 2. cap. 13. mentions a Marshal of the King's Hall, whose Office is when the Tables he prepared to call out both Office is, when the Tables be prepared, to call out both those of the Houshold and Strangers, according to their worth, and decently to place them, Gr. There is also a Marshal of the Exchequer, 51 H. 3. stat. 15. to whom the Court committeeth the Custody of the King's Debtors during the Term time, for feauring the Debts. He also affigueth Sheriffs, Escheators, Customers, and Collectors, their Auditors, before whom they shall account. He hath all Inquisitions taken before Escheators virtute officii, delivered unto him, to be re-deliver'd by him to the Treasurer's Rememberance in the Exphanace membrancer in the Exchequer.

APARTETUM, (From the Fr. Maret, a Fen or' Marsh) Marsh-Ground, which the Sea or great Rivers overflow, Coke 1 Inst. fol. 5. a.

Partiage, Maritagium of Man, and Wise, but also the Institute of Man, and Wise, but also the Institute of Man, and Wise.

ful conjunction of Man and Wife, but also the Interest of bestowing a Ward or a Widow in Marriage, Magna Cart. cap. 6. and Brasson, lib. 2. cap. 3. And also it signifies Lands given in Marriage, Brasson, lib. 2. cap. 34.39. And in this signification the same Author saith, That Maritagium est, aut liberum, aut servitio obligatum, lib. 2. cap. 7. num. 3, 4. Liberum maritagium dicitur, ubi Donator vult quod terra sic ustio obligatim, 11b. 2. cap. 7. num. 3, 4. Liberum maritagium dicitur, ubi Donator vult quod terra sic data quieta sit & libera ab omni seculari servitio, quod ad Dominum seudi possit pertinere, & ita quod ille, cui sic data fuerit, nullum omnino inde faciat servitium usque ad tertium Haredem & usque ad quartum gradum, &c. See Shene de verb. Signis. vèrb. Maritagium, (which according to Glanvile, lib. 7. cap. 1.) is that Portion which the Husband receives with his Wise. See Dower

& Parinarius. A Mariner, a Seaman. Marina-riorum Capitaneus, the Admiral or Warden of the Ports,

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Ports, which Offices were commonly united in the same Person; the word Admiral not coming into use before the latter end of King Edward the First, before which time the King's Letters run thus - Rex Capitaneo Marinariorum & eisdem Marinariu Salutem. Paroch.

Antiquit. p. 322.

& Dariota, A Shrine or Image of the Virgin Ma-- Hic quoque fere perfecit pulcram Mariolam pertinentis. --in auftrali Ecclesia parte, juxta nobilem Mariolam.

Maritagio amillo per pefaltam, Is a Writ for the Tenant in Frank Marriage, to recover Lands, dyc. whereof he is divorced by another, Reg. fol. 171.

Baritagio logislato, Is a Writ. See Forufallura

maritagn.

Barke, Merca, From the Saxon Mearc, fignum, was a Picce of Silver money worth Thirty Pence, Lamb. Explication of Saxon words, verbo Mancula. In old time a Mark of Gold was the quantity of Eight Ounces, Stores Annals, peg. 32. and peg. 691. Twelve Marke of Gold Troy-weight was two bundred pounds Marke of Gold Troy-weight was two hundred pounds of English Money, after which rate every Marke weighed sixteen pounds, thirteen shillings, sour pence. Skene de verb. Signif. verb. Mark, saith, That in Trastatu de ponderibus for mensuris; a Mark signisteth an Ounce weight, or hair a Round, whereof the Dram is the eight part, as the Quince is the eight part of a Mark, citing Cassance de consuetud. Burg. Rub. ptim. sect. 7. verb Solz Tunnoss. A Mark of Silver every man knows is now thirteen shillings and sour rence.

onver every man knows is now tolrecen initings and four pence.

The paritagium habtre, To have the free disposal of an Heires in Marriage, a Favour granted by the Kings of England, while they had the Custody of all Wards or Heirs in minority.

Mandatum of Vice-Com. Oxon. quod habere faciat W. Com. Sarum, maritagium Filip Richardi de Camvil genite de Eustachiand opus Willielmi sui primoveniti. Paroch. Antiquit ad opus Willielmi sui primogeniti. Paroch. Antiquit.

p. 162,

ST Maritima Angliz, The Emolument ariling to
the King from the Sea, which Sheriffs anciently collected, but was afterwards granted to the Admiral.

Pat. 8 B. 3 m. 4. Ricardus de Lucy dicitur babere Ma-

rivimam Anglia.

Marche, i. Emporium; it signifies with us the same thing, and also the Liberty or Priviledge whereby a Town is enabled to keep a Market, Old Nat. Brev. fol. 149. So doth Brailm use it, lib. 2. cap. 24. vum. 6. & lib. 4. cap. 46. where he shews, That one Market ought to be distant from another, Sex Lucas by dim by tertiam partem dimidia. The reason whereof both he and Eleta give in these words. Outcomes. diam by tertiam partem aimidia. The realon whereof both he and Fleta give in these words, Quia comes rationabiles dieta constant ex 20. williaribus Dividatur ergo Dieta in tres partes, prima autem matutina desur euntibus versus mercatum, secunda detur ad emendum & vendendum; qua quidam sufficere debet comibus nissint forte mercatores statarii, qui merces deposuerint de exposuerint venales, quibus necessaria erit profixior mora in mercatu. Or tertia pars relinguitur redeuntibus de merexpoluerins venales, quibus necessaria erit profixior mora in mercatu, for tertia pars relinquisur redeuntibus de mercatu ad propria, &c. lib. 4. cap. 28. sect. Item refers. By the Statute 27 H. 6. 5. all Fairs and Markets are forbidden to be kept upon any Sunday, or upon the Feasts of the Ascention of our Lord, Corpus Christi, or the Assumption of our Blessed Lady; Ad-Saints, or Good-Friday, except for necessary Victuals, and in the time of Harvest.

Marketzeld, more truly Marketgeld, It figuifies Toll of the Market. The word Zeld denoting a payment. It is elsewhere written Markethgald. Plag. apud Ceftriam, 31 E. 3.

Mark peny, Every anhabitant at Muldon, who had Pipes or Guesers haid out of their Houses into the Street, paid one peny, Hill. 15 E. a. Mr. Philips of Purveyance.

Marle, Marla, Is a kind of Earth or Mineral, which men in diverse Counties of this Kingdom cast upon their Land to make it more fertile: it is also called

Malin, 17 E. 4. sap. 4. Parlenum. A Marle-pit; Mr. Dugdele hath an old Dead by him, wherein is mentioned this word, Scient, Scc. quod ego Rag. la Zouch, dedi, Scc. le quod habeant omnem libertatem, Scc. in boscis, in planis, Scc. in manhorits de omnibus allis locis ad predict. Manerium de Tonge (pellant. Et quod capiant marlam provoluntate sua ad terram suam marland, yoc. Reddendo, &c. And else we may read twenty Acras terra Marlatas, that is, marled Land.

Marque, From the Saxon Mearc, Signam: We use the word in the same sense to this day, when we say, Give such a thing a mack or sign; but in our Ancient Statutes it significs as much as Reprisals, as Anno 4 H. 5. cap. 7. where Marque and Reprifer are used as Synonyma; and Letters of Marque are found in the same signification in the same Chapter. See Reprifals, and see

also Marches.

Marquis or Marquette, Marchio, is now a Title of Honour neut before an Karl, and next after a Duke-, by the Opinion of Hotoman, verb. Marchio in verbis feudalibuse The Name is derived from the German March, i. Limes, fignifying originally as much as Cuffos limitis, or Comes de prafettus limitis. Ic was an Ancient Custom among the Britains, and after them, of the Saxons, to give the Title of Reguli to all Lords that had the Charge and Custody of Marches and Li-mis. See Selden's Mare Class. lib. 2. cap. 19. From hence it was, that in the time of Richard the Second, came up first the Title of diarquesses, which is a Governour of the Marches; for before that time, those that governed the Marches, were called commonly Lords Marchers, and not Marquesses, as Judge Doda-ridge hath observed in his Law of Nobility and Peerage, under the Title of Marquesses, pag. 31.

Batistus, A word frequent in Doomsday, and figni-

fies Palus, or locus Paludolus, a marthy or fenny Ground,

See Doomsday Book.

Darra, A Garden-Tool, a Hower, a Pick. Videres lathomum inusitatum enaras, picos, sculcos bain-lantem, terram fodientem, lapides scindentem, &c. Vita Roberti Betun Episcopi Hereford, apud Whartomi

Angl. Sacr. Pars 2. p. 302.

**Battom, Was a Lawyer of great Account in Henry the Seventh's days, whose learned Readings are extent, but not in Print, Lamb. Eirenarch. lib. 1. cap.

Marchall. See Mareshal.

Spathalist, Marescalsia, Is the Court or Seat of the Marshal, of whom see Cromp. Jur. fol. 102. It is allowed for the Prison in Southwark; the reason whereof may be, because the Marshal of the King's House was wont perhaps to fit there in Judgment or keep his Prison, See the Stat. 9 R. 2. cap. 5. and 2 H. 4. cap. 23. King Charles the first crested a Court by Letters Patents under the Great Seal, by the Name of Curia Hospitii Domini Regis, &c. which takes Cognisance more at large of all Causes than the Marshall Cognisance more at large of all Causes than the Mar-spalsee could; of which the Knight Marshal or his

Deputy are Judges.

Parlum, A word used in Doomsday Book, and interpreted by Mr. Agar of the Receit of the Exchequer, to lignifie a quantity of Coyn, fed quare.

Marternes. See Parre.

90 artiar

Partial Law, is the Law of War, depending up-on the Pleasure of the King, or his Lieutenant: For though the King in time of Peace never makes any Laws, but by common consent in Parliament; yet in War he useth absolute Power, insomuch that His word is a Law, Smith de Repub. Anglor. lib. 2. cap. 4. Sec

Law of Arms.

Darticology, Martycologium, Martilogium, A Calender or Register kept in our Religious Houses, wherein they fet down the Donation of their Benefactors, and the days of their Death, that upon each Anniversary they might commemorate and pray for And therefore several Benefactors made it a Condition of their Beneficence, to be inferted in the Martyrology. — So Isabel Gargate required from the Prior and Canons of Burcester, for the Favours done to them by her felf and Mother. ---- Cum de bac vita migraverimus, facient nomina nostra scribi in Martyrologio Juo. Paroch. Antiq. p. 189. See Mr. Kennet's Gloffary. lar Priest, in distinction from the Regulars, was called a Mass-Priest, who was to Officiate in the Mass, or ordinary Service of the Church. Hence Meffe Preoft in many of our Saxon Canons for the Parochial Minister; who was likewise sometimes called Messe-Thegne, be-cause the Dignity of a Priest in many Cases was thought equal to that of a Thein or Lay-Lord. But when the times of greater Superstition came on, the word Majs Priest was restrained to those Stipendiary Creatures, who were retain'd in Chantries, or at particular Altars to say so many Masses for the Souls of the deceased.

Matt. Glans, Glandis nomine continentur glans, ca-stanca, fagino, sicus do alia quaque qua edi do pasci poterunt prater herbam, Bracton, lib. 4. 226, Sec

Pessona.

Spatter of the Rolls: Magister Rosulorum, Is am Affistant to the Lord Chancellor, or Lord Keeper of the
Great Seal of England, in the High Court of Chancery, and, in his absence, heareth Causes there, and giveth Orders, Cromp. Jun. fol. 41. His Title in his Patent Clericus parva Baga, Custos Rosulorum do domus versorum. This Domus conversorum is the House conversorum. where the Rolls are kept, so called, because the Jews that were converted to Christianity, inhabited there: But this Office feems to take denomination from the fafe keeping of the Rolls of all Patents and Grants that pais the Great Seal, and of all Records of the Court of Chancery, drc. He is called Clerk of the Rolls, 12 R. 2. cap. 2. and in Fortefue, cap. 24. and no where Master of the Rolls, until 11 H. 7. 20. and yet 11 H. 7. cap. 25. he is also called Clerk: Sir Thomas Smith de Rep. Ang. lib. 2. cap. 11. saith, He might not unsitly be called Custos Archivorum: The Offices of the six Clerks, Clerks of the Petty-Bag, Examiners of the Court and Clerks of the Chappel are ners of the Court, and Clerks of the Chappel, are all in his dispose, Anno 14 & 15 H. 8. cap. 1. See

Matter of the Mint, Anno 2 H. 6. 14. Is now called the Warden of the Mint; and his Office is to receive in the Silver and Bullion to be Coined, and to take care

thereof, dec.

Manter of the Court of Wardes and Liveries. Magifler Curia Wardorum for Liberationum, was the chief Officer and Judge of the Court, named and affigned by the King, to whole Custody the Scal of the Court was committed. See Anno 33 H. 8. cap. 33. But this Court with the Officers, Members, Power and Appurtenances thereof is taken away and dissolved by the Statute made in Anno 12 Car. 2. cap. 24. Statute made in Anno 12 Car. 2. cap. 24. Batter of the Pople, is he that hath the Rule and

Charge of the King's Stable, being an Office of High Account, and always beflowed upon fome Nobleman

Account, and always bestowed upon some Nobleman of great Merit. He is mentioned 39 Eliz. 7. and 1.E. 6. 5. This Officer, under she Roman Emperors, was called Comes scri stabili.

Dather of the Dotts, Was an Officer of the King's Court, that had the appointing, placing, and displacing of all such through England as provide Post-horse, for the speedy passing of the King's Messages, and other Business, in the thorow-sair Towns where they dwell; as also to see that they keem a certain number dwell; as also to see that they keep a certain number of convenient Horses of their own, and when occasion is, that they provide others wherewith to furnish such as have Wasser feet. as have Warrant from him to take Poft-horfes, either from or to the Seas, or other Border or Places within the Realm: He likewise hath the care to pay them the Realm: He likewise hath the care to pay them their Wages, and make them Allowance accordingly as he shall think meet: This Officer is mentioned Anno 2 E. 6. 3. But now by a Statute made 12 Car. 2. cap. 34. One General Letter-Office or Post-Office is settled in London, the Master of which is appointed by the King by Letters Patent, with Rates and Rules prescribed in the Act for carriage of Letters. Mater of the Armony. Is he that hath the Care and Over-light of this Majesty's Armory in any standing Armories, with Power of placing and displacing all inserior Officers thereto appertaining: Mention is made of him 39 Elsz. cap. 7.

inferior Officers thereto appertaining: mention is made of him 39 Eliz. cap. 7.

Matter of the Newel Youte, Is an Officer in the King's Houshold, of great Credit, being allowed Bonge of Court, that is, Dyet for himself and inferior Officers, viz. Clerks of the Jewel-Honse, and a special Lodging in Court, having Charge of all Plate of Gold, or Silver double or parcel gilt, used for the King or Queens Table, or to any Officer of Account that attends the Court, and of all Plate remaining in the Tower of London, of Chains and loose Jewels, not fixed Tower of London, of Chains and loofe Jewels, not fixed to any Garment: He is mentioned 39 Eliz. cap. 7.

Patter of the King's Couthold, Magifter Hofpitii Regis, Is otherwise called Grand Master of the King's Hou-sheld, and also Lord Steward of the King's most Hononrable Housbold, 32 H. 8. 39. But in the first of Queen Mary, and ever fince, he is called Lord Steward of the King's Housbold, under whom there is a Principal Officer, called the Master of the Houshold, of great Authority as well as Antiquity.

Matter of the Didnance, 39 Eliz. 7. Is a great Officer, to whose Care all the King's Ordnance and Artillery is committed, being fome great man of the Realm,

and expert in Martial Affairs.

Manters of the Chancery, Magistri Chancellaria, are Affittants in Chancery to the Lord Chancellor, or Lord Keeper of the Great Seal, in matters of Judgment. Of these, there are some Ordinary, some Extraordinary: Of Ordinary there are twelve (whereof the Master of the Rolls is accounted one) whereof fome fit in Court every day in each Term, and have referred to them (at the Lord Chancellor's, Lord Keeper's, or Master of the Rolls discretion) Interlocutory Orders, for flating Accounts, Computing Damages, and the like; taking of Oaths, Affidavits, and acknowledgments of Deeds and Recognizances. The Eztraordinary do Act in all the Country ten miles from London, by taking Recognizances, and Affidavits, acknowledgement of Deeds, dyc. for the ease of the Subject.

Master of the King's Musters. Is a Martial Officer in all Royal Armies most necessary, as well for maintaining the Forces compleat, well armed, and trained, as also for prevention of such Frances as otherwise may exceedingly wast the Prince's Treasure, and extreamly weaken the Forces: He hath the over-fight of

all the Captains, and their Companies, and ought to have at the beginning delivered unto him by the Lord General perfect Lists and Rolls of all the Forces, both

General perfect Lists and Rolls of all the Forces, both Horse and Foot, Grc. He is mentioned Anno 2 E. 6. cap. 2. and called Muster-Master-General, 35 Eliz. 4. Braster of the Faculities, (Magister Racultatem) is an Officer under the Archbishop of Canterbury, who grants Licenses and Dispensations; and is mentioned 22, 23 Car. 2. Statute for laying Impositions at Law. Phaster of the Watardpobe, Magister Garderoba, is a great and principal Officer in Court, having his Habitation and Dwelling-House belonging to that Office, called The Wardrobe near pudale Wharf in London: He hath the Charge and Custody of all former Kings and Queens Ancient Robes remaining in the Tower of London, and of all Arras and Tapistry Hangings, Bedding, Queens Ancient Robes remaining in the Tower of London, and of all Arras and Tapisliry Hangings, Bedding, Agr. He hath also the Charge and delivering out of all Velvet or Scarlet Liveries, to any of His Majesty's Servants, Agr. mention is made of him 39 Eliz. 7.

***Patitinus, A great Dog, a Mastive. Fr. Mastin. — Rex pracepit quod expeditatio mastinorum siat, ubicunque fera sua pacem babent, vel babere consueverunt. Assis Foresta Itin. 11. Artic. 6. — Canes Mastini per omnes Forestas Anglia occiduntur. Hen. Knyghton, l. 2. c. 15.

****Passura. (Fr. Masure) An old decayed House or Wall, the Ruins of a Building. — In Burgo suerunt 118 Masura reddebant 4 l. 2 s. Doomsday.

****Passura tetra, Sunt in eisdem masuris 60. Domus plus quam antè suerunt, Doomsday. It is a quantity of Ground, containing about sour Oxgans.

*******Pastricula, A Register. As in the Ancient Church there was matricula Clericorum, which was a List or Catalogue of the Officiating Clergy: And Mas-

Church there was Matricula Clericorum, which was a Lift or Catalogue of the Officiating Clergy: And Matricula Pauperum, which was an Account of the Poor to be relieved. Hence to be entred in the Register of the University of Oxford, is to be matriculated, &c. & Matrix Eccletia. The Mother Church, either a Cathedral Church, in respect of the Parochial within the same Dioceses. Or a Parochial Church, in respect of

the same Diocese: Or a Parochial Church, in respect of

the Chappels depending on her.

Matter in Deed, and Matter of Record. Are faid to differ thus: In Old Nat. Brev. fol. 19. Matter in Deed feems to be nothing else but a Truth to be proved, though not by any Record: And Matter of Record is, that which may be proved by fome Record: For Example, If a man be fued to an Exigent, during the time he was in the King's Wars; this is Matter in Deed, and not matter of Record: And therefore he that will alledge this for himself, must come before the Scire facias be for execution be awarded against him, for after that nothing will serve but matter of Record; that is, some Error in the Process appearing upon Record. Kitchin, fol. 216. maketh a difference between matter of Record, and a speciality, and nude matter; Where he saith, That nude matter is not of so high a nature as either matter of Record, or a specialty, otherwise there called matter in Deed; whereby it seems, That nude matter is a naked allegation of a thing done, to nude matter is a naked allegation of a thing done, to be proved only by Witnesles, and not either Record or other specialty in writing under Seal.

Maugre, Is a Compound of the two French words, Mal and Gre, i. iniquo animo; fo that it is as much as to say, with an unwilling mind, or in despite of another, and so it is used in Lit. Self. 672. Where it is said, That the Husband and Wise shall be remitted, maugre the Husband, that is, in despight, or against the Will of the Husband.

Daum, A foft brittle Stone in some Parts of Oxfordshire, which the Inhabitants call Maum. Dr. Ploot's Nat. Hist. of Oxfordshire, p. 69. The Saxon Interpreter of Orosius, uses the word Maalm-stan, which Mr. Somner renders Soft-ftone. And in Northumber land they still use the word Maum or Moum, for soft and mellow.

Maund, A kind of great Basket or Hamper, containing eight Bales, or two Fats. See the Book of

taining eight Bales, or two Pats. See the Book of Rates, fol. 2.

**Paupigyrnum, An old fort of Broth or Pottage. Robertus Agyllon tenet unam carucatam terra in Adington in Com. Surrei per jerjantiam faciendi unum ferculum in olla lutea in coquina Domini Regie die coronationis sua dy volatur Dilligrout, do si sit Segm. (sagimen) in illo ferculo vocatur Maupigyrnun. — An. 39 H. 3. Mr. Blount of Tenures, p. 1.

**Parims in Law, Are Positions and Theses, being conclusions of Reason. and universal Propositions, so

conclusions of Reason, and universal Propositions, so fure and perfect, that they may not be impugned or disputed. For Co. upon Lit. faith, That Principia probant non probantur, and therefore contra negantem Prinbant non probantur, and therefore contra negantem Principia non est disputandum: It is another maxim, That as no Estate can be vessed in the King, without matter of Record, so none can be divested out of him, but by matter of Record. For things are dissolved as they are contracted, Co. Rep. 1. Cholmeye's Case. Another, That an Obligation, or other matter in Writing, cannot be discharged by an Agreement by word. And Argumentum ab authoritate fortissmum est in Lege, Co. on Lit. pag. 141. and many other. See Co. on Lit. fol. 11. And see also Dostor and Student.

and many other. See Co. on Lit. fol. 11. And fee also Dodor and Student.

Dayot. Is the chief Magistrate of a City, and anciently among the Britains called Meyr, which is derived from the British word Miret; which signifies Custodira, to keep and preserve; and not from the Latine Major, greater. Anno 1189. Richard the First changed the Baylist of London into a Mayor, and by that Example 1204. King John made the Baylist of Kings Lyn a Mayor, while Norwich obtained not that Title till the Seventh of Henry the Fifth 1419. See more of this word in Spelm. Gloss.

this word in Spelm. Gloss.

Plazette, Plazettin, A Drinking-boul.

Ipse Abbas reliquit — unum salarium argenteum, do picarium argenteum, item quatuor ciphos de Mazere vidilicet duos cum pedibus, &c. Chartular. Glasson. MS. f. 54. What this Mazere was, of which the Bowls called commonly Mazers were made, is not agreed on by Authors. Somner thinks it Maple-wood, Du Fresne believes it Marrhine-stone. I believe it was what we now call Porcellane.

Meale-rints, Are certain Rents still so called, but now paid in Money, which heretosore, by some Te-nants, in the honour of Clun, where paid in meal, to

make meat for the Lord's Hounds.

Deals, The Shelves of Sand or Banks on the Sea-Coasts on Norfolk, are called the Meals, and the

Peane, Medius, Signifies the middle between two extreams, and that either in time or Dignity. For Example of the first, His Action was mean betwirt the Diffeifin made to him and his recovery, that is, in the interim, (or as we usually say, in the mean time.) Of the second, there is Lord Mean or Mesne, (mentioned in the Statute of Amortifing Lands, made tempore E. I.)

and Tenant. See Mesne.

**Deale, Messignium, Scemeth to come from the French Maison, or rather Meix, which word you read in Cassanaus de Consuet. Burgund. pag. 1195. and interpreted by him Mansus. What Mansus is, see Mansion: It signifies a Messignium or Dwelling-house, Kitchin, fol. 139. and F. N. B. fol. 2. Stat. Hibernia, 14 H. 3. and 21 H. 8. 13. In some places called corruptly a Mise or Miseplace. See Mise, and Mese, and Mesuage.

Dealne. See Mesne.

Weafon:

Speason-bue, In French Maijon de dien, Domus Dei; A House of God, A Monastery, Religious House, or Hospital; the word is mentioned 2 & 3 P. & Ma cap. 23. 39 Eliz. 5. and 15 Car. 2. 7.

Speakure, Menjura, According to the 25th. Chapter of Mag. Chart. and the Stat. 17 Car. 1. cap. 19. all Weights and Measures in this Kingdom ought to be the same, and according to the King's Standard. See

4 Inft. 273. & Mensura. Peasurer. See Alneger.

Dealuring moncy, That certain Letters Patents, whereby fome Person exacted of every Cloth made, certain Money, besides Alnage, called the Measuring-money, may be revoked. Rot. Parl. 11. H. 4.

Aperlie, The Saxon Didionary interprets it to be a

Spedice, The Saxon Didionary interprets it to be a Bride or Reward; it also signifies that Compensation given in an Exchange, where the things exchanged are not of equal value; as in 4 E. 3. How so instant fall. 20. die Decemb. inter Dominum Hugonem de Courtenay ex parte una for Rich. Stanlake, for Johannam waverem ejus ex altera parte testatur, quod idem Dominus Hugo in excambium—remist, &c. and at last it follows. Quod ipsi non dabunt Medsee. See Aurura.

Deputators of Duestions, Anno 27 E. 3. Stat. 2. cap. 24. Where six Persons, authorized by that Sta-

cap. 24. Where fix Persons, authorized by that Statute, (who upon a Question risen amongst Merchants touching any unmarketable Wool, or undue Packing) might before the Mayor and Officers of the Staple, upon their Oath certifie and lettle the same; to whose Order therein the Parties were to give Credence with-

out any contradiction.

Spenseia, A Mead-House, or place where Mead

Machaelia was made.

Robertus Abbas Glasso
Robertus Abb or Metheglin was made. Robertus Abbas Glafto-nia tempore Henr. II. remisit suis Monachis ceram de mel que de mederia percipere solebant ejus Antecessores.

Chartular. Abbat. Glaston. MS. fol. 29. - Salva pensione Hence Medarius, the Mead-maker. decem marcarum quas idem Prior senesur solvere qua-tuor officialibus Glaston, videlicet Hostiliario, Insirmario, Gatdinario, & Medario. Chartular. Abbat. Glafton. f. 29.

SPEDIATES Lingue, Denotes a Jury Impanelled upon any Caufe, wherein a Stranger is Party, whereof the one half confifts of Denizens, the other of Strangers, and is used in Pleas, where one Party is a Denizen, and the other a Stranger; and this manner of Tryal was first given by the Statute of 27 E. 3. Stat. 2. cap. 8. and 8. H. 6. cap. 29. And by the Statute of 28 E. 3, cap 13. it was granted in Cases where the King himself was Party with an Alien: Before the first of these Statutes was made, this was wont to be obtained of the King, by Grant made to any Company of Strangers, Stamf. Pl. Cor. lib. 3. cap. 7. and is called a Party-Jury, Anno 14. Car. 2. cap. 11.

Mento Acquietando, Is a Writ Judicial, to distrain a Lord for the acquitting a mean Lord from a Rent which he formerly acknowledged in Court not to belong to him, Reg. Jud. fol. 29.

**Pediterranean, Is that which patieth through the

midst of the Earth. And for that reason the Sea which stretcheth it self from West to East, dividing Enrope, Asia, and Africa, is called The Mediterranean Sea; It is mentioned 12 Car. 2. in the Statute of

Mentum Ecmpus, Was of old taken to fignifie the mean Profits, as Annum diem & medium tempus.

citur quam quis inopinate commiserit non rizando solum O pugnando sed immiscendo se pacifice rei cuivis vel negatio, saith Spelman. Hence our usual Phrase, To meddle with other Folks Business.

Specifypy, A Harvest-Supper, or Entertainment given to the Labourers at Harvest-Home.———— In manerio de Stiveton Com. Berk. quando Tenentes metunt terras Domini babebunt convivium quod vocatur Mediypp, for dabunt Domino unum ex bennium de duabus lagenis -Placit. 9 Ed. 1. vini & una Auca-

Placit. 9 Ed. 1.

Detet, Merus, Though an Adjective, yet is used as a Substantive, to significe meer Right, Old Nat. Brev. fol. 2. in these words. This Writ hath but two Issues, viz. Joyning the mise upon the meere, and that is to put himself in the Great Assis of our Soveraign Lord the King, or to joyn Battel. See Mise.

Deghote. See Maghote. given to him that made the discovery of any breach of Penal Laws committed by another. The Promoter or Informer's Fee, see the Saxon Dictionary.

Dellosts. See Tales.

Deiny, Menagium, French Mesnie, As the King's I R. 2. cap. 4. That is the King's Family or Houshold Servants.

Melius inquirendo, Is a Writ that lyeth for a fecond inquiry of what Lands and Tenements aman died seized,

where partial dealing was suspected upon the Writ of Diem clausit extremum, Fitz. Nat. Brev. fol. 255.

Pemosta, Monuments or Sepulchres of the Dead.

Qui convenium ad vigilias nollis in vigilias Sanliorum ad corum Ecclesias vel memorias vel ad exequias defunctiorum. Epist. Rob. Grossetest apud Apend.

ad Fasciculum, p. 315.

Permortes, Are some kind of Remembrances or Obsequies for the Dead, in Injunctions to the Clergy,

1 R. 6.

Mania, fignifying the Walk of a House, or other Place,) are Houshold-Servants, that is, such as live within the Walls of their Master's House, mentioned in the Stat.

2 H. 4. 21.

**Penfalia, Were such Parsonages or Spiritual Livings as were united to the Tables of Religious Houses, and were called Menjal Benefices amongst the

PRenfis vetitus, -Habuit in pradi&o bosco centum capras cum fua festa per totum annum tam mense vetito quam alio tempore, &c. Pla. Parl. 18. E. 1. See Fench-moneth.

Mensura, In a Legal sense is taken for a Bushel, as Mensura Bladi, a Bushel of Corn. So in the Register of the Priory of Cohesford, it is used to the same purpose, viz. Prior babet mensuras tam aridorum quam signidorum signatas signo Domini Regis & quod nullus debet vendere nec emere in foro nisi per eas.

Mensura Regalis, The King's Standard-measure, kept in the Exchequer, according to which all others are to be made. See 17 Car. 1. cap. 19. Vide

Measure.

😂 Abera noctis, Midnight. -- Herlewinus *Ab*bas Glaston. sacro unguine delibatus in mera noctis diem clausit extremum. Chartular. Abbat. Glasson. MS.

Dercandifa, All Goods and Wares exposed to Sale in Fairs or Markets — – In omnibus burgis of villatis nostris, & etiam in singulis Nundinis & Mercatis nostris libere valeant emere & vendere omnes Mercandi-Montiett, Cromp. Justice of Peace, fol. 193. Is that which Bration calleth Medletum, lib. 3. tract. 2. cap. 35. It fignifies Quarrels, scuffling or brawling, and to be derived from the French Mesler, i. miscere, Culpa dior Trassiquers in Foreign Commodities, but extended

to all forts of Traders, or Buyers and Sellers. Omnes bominis & Mercatures bonoris de Walingford-ibid. p. 113. And therefore if the Scotch call their very Pedlars Merchants, they keep the Primitive use of the word.

& Rerceius, A Mercer.-– Concesse 👉 confirmari Thoma de Brandon Civi & Merceio London, tene tum, &c. 28 Ed. 3. ____ Minit. de Pontefracto MS. fol. 27. - Munimenta Coll. SS. Tri-

&T Perceunarius. A Hireling, a Servant. - Ego & baredes mei dy libera familia mea ad capellam de Ascote oblationes deseremus Mercennarii vero & Tenentes mei de Ascote de famuli corum adibunt ipsam capellam Chartular, Abbat, Glasson, MS. f. 115.

Dechenlage, is one fof those three Laws out of which the Conqueror framed our Common Laws with a mixture of the Laws of Normandy, and was the Law of the Mercians, when they governed the third part of this Realm. For Cambden in his Britannia, pag. 94. Gr. faith, That in the Year 1016 this Land was divided into three Parts, whereof the Well-Saxons had one, governing it by the Law called Weft-Saxonlage, and that contained these nine Shires, Kent, Suffex, Surrey, Barkshire, Hampshire, Wiltshire, Somerset, Dorset, and De-vonshire. The second by the Danes, which was ruled by the Laws called Dalenage, and that contained these since Shires, Tork, Derby, Nothingham, Leicester, Lincula, Northampton, Bedford, Buckingham, Hertford, Essen, Middlesex, Nofelk, Suffolk, Cambridge, and Huntington. The Third was possessed and governed by the Mercians, whose Law was called Merchenlage, and held these since Glassies Wasselber Hereford. Warmick, Oxford. cight, Glocester, Worcester, Hereford, Warwick, Oxford, Chefter, Salop, and Stafford. Out of these three (which relate not at all to a different Law, Custom, or Usage, but to several forts of Americaments, Muldis, and Fines, for the transgression of one and the same Law,) as we said, with some additions, was framed, that which now more than the same of the same

that which now we call, The Common Law of England. & Perchet, Perchetum, A Pine or Composition paid by inferiour Tenants, to the Lord, for Liberty to dispose their Daughters in marriage. No Baron, or Military Tenant could marry his sole Daughter and Heir, without such leave purchased from the King, pro Maritanda Pilia. And many of our Servile Tenants could neither fend their Sons to School, nor give their Daughters in Marriage, without express License from the Superior Lord. See Mr. Kenner's Gloffary in Mari-

Mercimoniatus Anglie, Was of old time uled for the

Impost of England upon Merchandisc.

Spercy, Mifericardia, Signifies the Arbitrement or diferetion of the King, Lord or Judge, in punishing any Offence, not directly centured by the Law: As to be in the grievus merey of the King, at H. 6. 6. is to be in hazard of a great Penalty. See Milericordia.

8 Sperennium, Sperannum, Sperremium, Spert-mium, Spacremium, Fr. la Merrien, and Marren, Any Timber or Materials of Wood for Building.

In Marcano empto apad Curtington cum carriagio ejufdem pro collis trigio apud Dadyngton de novo faciendo Paroch. Antiq. p. 557. Veins Merennum, was the refuge Wood, or old pieces of Timber and Boards left among the Rubbish, after Building, or Repairing, or pulling down of Houses.

Merie-Ware, (Six. Incola Paludian) So the Inhabitants of Rumney-Marsh in Kent were anciently

Mertlags. See 9 H. 7. fol. 14. b. Seems to be a corruption of, or a Law French word for Marty rologe. Mease. See Mease.

May be deduced from the French Mailne, i. minor natu, and fignifies him that is Lord of a Mannor, and so hath Tenants holding of him; yet himself holds of a Superior Lord, and therefore not absurdly drawn from the French Mailne, because his Tenure is inferior and minor to that of which he holds. Mesne also figuifies a Writ, which lyeth where there is Lurd, Mesne, and Tenant. The Tenant where there is Lord, Mefne, and Tenant. The Tenant holdeth of the Mefne by the fame Services, whereby the Mesne holdeth of the Lord; and the Tenant of the mefne is diffrained by the superior Lord, for that his Service or Rent which is due to the mefne, Fitz. Nat.

Service or Rent which is due to the mejne, and fighter fol. 135. 13 E. 1. cap. 9.

Speinalty. Medietas, Cometh of mejne, and fighter nothing but the right of the Mejne, as the Mejnalty is extinct, Old Nat. Brev. fol. 44. if the mejnalty defeend of the Tenant, Kitchin, fol. 147. For farther understanding whereof, take these words out of the Customary of Normandy, Medietati tenentur feuda, quanta aliqua versina interveneris Dominum & tenentes; Es de aliqua persona intervenerit Dominum & tenentes; Es boc modo tenent omnes Postnati, mediante ante nato.

Apestating. A Mower or Reaper, one that works Harvest-work, Fleta, lib. 2. cap. 75.

Apestenger of the Exchequity, Is an Officer in that Court, of which there are four, who as Pursuivants at tend the Lord Treasurer, to carry his Letters and Pre-

cepts. See Pursuivant.

9 Spelling, Reaping time, Harvest. _____ Et qualibet bida terra debet in Autumno tres preces ad Mcsfinam cum odo bominibus ad cibum Domini, & debent cariare quod metunt sine cibo. Chartular. Abbat. Glaston. MS. s. 40.

MS. f. 40.

9Defluage, Messagium, Is properly a dwelling-house, with some adjacent Land affigued to the use thereof, Weft, part 2. Symb. tit. Fines, Sell. 26. Brall. lib. 5 West, part 2. Symb. tit. Fines, Sell. 26. Brall. lib. 5. cap. 28. and Plowden, fol. 169, 170. Where it is said, That by the Name of a Message may pass also a Curtilage, a Garden, and Orchard, a Dove-house, a Shop, a Mill, a Cottage, a Tost, a Chamber, a Cellar, syc. yet may they be demanded by their single Names. Message in in Scotland, signifies the principal place or Dwelling-house within a Barony, which we call a Mannor-house. Shene de verbo, Signis, verbo. Messagium, In some places it is called the Scite of a Mannor. A Pracipe lies not de domo, but de messagio, Co. on Lit. cap. 8.

cap. 8.

Spettilo. Westine. Or rather Mescellane, That is, Wheat and Rye mingled together, — Et nonam gar-bam frumenti, mestilonis, filiginis & omnis generis bla-

Pet. 1 E. 3. par. 1. m. 6. -Duas acras comessi de dominico meo ejusdem manerii scilicet unam acram de frumento & alteram de Mestilun. Chartular. Abbat. Rading. MS.

Apetecosn. A measure or portion of Corn, given out by the Lord to fome customary Tenants, as a Re-ward and Encouragement for their Duties of Work and Labour.

Apettegabel. Cibi gablum seu vedigal, A Rent paid in Victuals, a thing usual of old, as well with the King's Tenants as others, till Henry the First changed it into money, Taylor's Histo of Gavelkind, pag. 118.

Spetheglin, A kind of Drink made of Water, Herbs,

Spice, and Honey boyled together: 'Twas an old Brittish Drink, and fill continues from Wales, in repute in England, and mentioned in the Act for Excise, 15 Car. 2.9.

Mealures. -Nos Henricus Burgh Prior Elien. & Conv. concessimus Johanni Downham Capellano septimanatim septem panes monachales,— & septimana-septimanatim septem panes monachales,— & septimana-septimanatim septem panes monachales,— & septimana-Catular. Elien. MS. f. 88. 1466.-

Bettelben.

Detechep, Wettelchep, Mettenlety, Some Reat or Acknowledgement paid in a certain measure of Corn; for which an Equivalent was sometimes paid in Money. It feems to have been commonly a Fine or Penalty impos'd on the Tenant, for his default in not doing his customary Service of cutting the Lord's Corn. As in the Mannor of Pidington, Com. Oxon .- Qualibet virgata terra folvet per annum quinque solidos, quatuor dies de consuetudine, videlicet unum diem ad pratum Domini falcandum, ad cibum Domini, vel domino dabit quadraginta denarios pro Metteshep. Paroch. Antiq. p. 495.

8 Pega, A mow of Corn laid up in the Barn. cariabant bladum per unum diem cum una carecta 😎 invenient unum bominem per unum diem ad faciendum Meyas in grangia. Mr. Blunt of Tenures, p. 130.

Dicel Gemotes, Micel Synods, The great Councils in the Saxon times, of King and Noble-men, were called Wittens Gemotes, and after, Micel-Synods, and Micel-Gemotes, i. e. Great and General Affemblies.

4Dichis, A fort of White-loaves paid as a Rent in

some Mannors.

Milbernir, Are a kind of Canvas, whereof Sail-Clothes, or other Furniture for Ships, are made, Anno

Fac. cap. 24.

Miliare, Is the distance of one thousand Paces, otherwise eight Furlongs, every Furlong to contain forty Lugs or Poles, and every Lug or Pole fixteen Foot and a half, 35 Eliz. 6.

Aprilitia, The Furniture and Habiliments for War,

12 Car. 2. cap. 2.

Dillate, A Trench to convey Water to or from a

Mill, more truly a Mill-eate.

Aprina. A Corn-mete or measure of different quantity, according to the things measured by it. fobn de Westerbam, Prior of Rochester about the Year 1320. gives this account of it—Mensura ad frumentum, by ad bladum, by ad pisa que also nomine Mina vocatur, continet 5 Eskippas de duro blado, by ista 4 mina cum gata que dicitur Gundussi 3 squarteria. Mina ad grutdum recipiendum continet 7 Eskippas. Mina ad brasium continet 3 Eskippas de duro blado. Mina ad farinum in prission continet largiter 7 Eskippas by debet mensurari sicut sal by radi. Hence Minagium, Minage, was a Toll or Duty paid for selling Corn by this measure of Mines. Dina, A Corn-mete or measure of different

this measure of Mines.

**Pinart, To Mine, or dig Mines Minator, a Miner — Petunt Archiepiscopi, Episcopi, & Clerus Anglia, ut Dominus Rex non suffineat Minatores suos de stagno, plumbo, vel ferro minare vel evertere terras Ecclesia, &c. Annal. Burton. sub Anno 1236. p. 291. - Juratores dicunt Minera, Mineria, Minerator, quod in principio quando Mineratores veniunt in camoum mineriam quarentes, inventa minera venient ad Ballivum — Placita debent teneri super minerias in Ballium -

Pecco. 16 Ed. 1. & Spinato: Carucz, A Plough-man. In the Table of Wages due to Servants and Labourers-+In bieme Minatores carucarum, ventator. Sub carrectarius, quilibet corum recipit xvj. denaries. Compotus Domus de Farendon. MS. f. 32.

Mineral Courts, Curia Minerales, Are peculiar Courts for regulating the Courers of Lead-Mines, as

Stannary Courts are for Tin.

Minuments, Minumenta, Are the Evidences or Writings, whereby a Man is enabled to defend the Title of his Estate, 5 R. 2. 8. and 35 H. 6. 37. Wangford says, This word Miniment includes all man-

ner of Evidences. See Muniment.

Diniari Regis, Extend to the Judges of the Realm, well as to those that have Ministerial Offices, Co. 2.

Inst. fol. 208.

Miniber. See Putre.

mino). One in nonage, minority, or under Age: More properly an Heir Male or Female, before they come to the Age of 21; during which minority, their Actions are invalid, &c. Yet a Minor may Present, as Patron to an Ecclesiastical Benefice

Dinois Minosites, The Franciscan Friers, so called by the Rules of their Order. Nullus vocetur Prior, led generaliter omnes vocentur Fratres minores, de alter alterius lavet pedes Ex Regulis S. Francisci, cap. 6. -Sub bis diebus Pradicatores qui appellati sunt Minotes, savente Innocentio Papa, emergentes terram reple-

verunt. Mat. West. sub Anno 1207.

Minotery, 7 R. 2. 4. Seemeth to be compounded of two French words, Main, i. manus, and Owver, i. operari, and fignifies fome Trespass or Offence committed by a Man's Handy-work in the Forest, as an Engise to catch Deer: Britton uses the word Mainoverer, to occupy and manure Land, cap. 40. and cap. 62. Maineure for Handy-work. Our English word Manure hath a great fimilitude with it.

Ministel, Ministrellus, From the French Menstrel, a Fidler or Piper, mentioned 4 H. 4. cap. 27. Lit. Pat. 24. April, 9 E. 4. Quod marefealli dy Ministrelli pradilli per le forent dy esse deberent unum corpus duna communitas perpetua, &c. See King of the Ministrels. Aprint, is the place where the King's Coin is formed, be it Gold or Silver, which is at present, and long hath been the Tower of London, though it appears to the silver.

pear by divers Statutes, that in Ancient Times the Mint hath been also at Caleys, 12 R. 2. 16. 9 H. 5. Stat. 5. cap. 5. The Officers belonging to the Mint have not always been alike: At present they are these, The Warden, who is the chief of the rest, and is by his Office to receive the Silver of the Goldlmiths, and to pay them for it, and to Over-see all the rest belonging to this Function: His Fee is a hundred pounds per Anum. The Master-worker, who receiveth the Silver from the Wardon, causeth it to be melted, and delivereth it to the Moniers, and taketh it from them again when it is made; His Allowance is not any set Fee, but according to the Pound weight, The third is the Comptroller, who is who is to see that the Money be made to the just Affize, to over-see the Officers, and control them, if the Money be not as it ought to be; his Fee is a hundred Marks per Annum. Them is the Master of Assay, who weigheth the Silver, and feeth whether it be according to the Standard; his yearly Fee is likewife a hundred Marks: Then is the Anditor to take the Accounts. The Surveyor of the melting, who is to see the Silver cast out, and not to be altered after it is delivered to the Melter, which is after the Assay. Master hath made Tryal of it. The Clerk of the Prons, who seeth that the Irons be clean, and fit to work with. The Graver, who graveth the Stamps for the The melters, that melt the Bullion before it Money. comes to the Coyning. The B boyl and cleanse the Money. The Blanchers, who do anneal, onev. The Porters, who keep The Provost of the Mint, who the Gate of the Mint. The Provost of the Mint, who is to provide for all the Moniers, and to over-see Lastly, The Moniers, who are some to shear the Money, some to forge it, others to beat it broad; some to round it, and some to stamp or coyn it. Wages is uncertain, according to the weight of Money coined by them.

APinnere, To let Blood. Minutio, Blood-let-This was a common old Practice among the Regulars, and the Secular Priefts or Canons, who were the most confined and sedentary Men. In the Regifter of Statutes and Customs belonging to the Cathedral Church of St. Paul's in London, collected by Ralph Dd 2

Baldock, Dean about the Year 1300, there is one express Chapter De Minutione. Minutal licentiam petant Residentes à Decano - debent notificare minutiones suas illis qui tabulam scribunt---- post petitam licentiam minuendi ad locum opportunum entra civitatem je transerre licitum est, ut observent minutionem in aere - MS. gratiori fanitatis caufa.

Minute Exthes, Minuta five minores Decima, Small Tibbes, such as usually belong to the Vicar, as Herbs, Seeds, Eggs, Honey, Wax, &c. See 2. par. Infl. fol. 649. and Udal and Tindales Case, Mill. 22 Jac. Where the Tythe of Wood was adjudged Minta Decima,

Cro. Rep. fol. 21. See Tythes. & Apiracula, A Superfittious Sport or Play, pra-filed by the Popish Clergy for Gain and Deceit: Pro-hibited by Bishop Großbead in the Diocese of Lincoln. - Faciunt etiam ut audivimus Clerici ludos quos vocant Miracula, & alios ludos quos vocant Industimem Maii.

Miracula etiam & ludos supra nomenatos & scotales omnina exterminetis.

Rob. Grosthead, Episcopi Linc. Epiftola apud Append. ad Fasciculum. p. 382.

GT Apita, A Compact or Agreement, a form of cace or Compromile. ——— Quonfque pass inter Dominum Regem & Barones apud Lewes per formam enjufdam Peace or Compromise. -Mile pra locut a compleretur. -

Brady's Hift. Engl. Append. p. 238. Spilaventure or Bilanventure, Infortunium, Has in Law a special fignification for the killing of a Man, partly by negligence, and partly by chance. As if one thinking no harm, carelelly throws a Stone, or shooteth an Arrow, Yos. wherewith he killeth another In this case he commits not Felony, but only loseth his Goods, and hath pardon of course for his Life, Stamf. pl. cor. lib. I. cap. 8. Britten, cap. 7. diftinguisheth between Aventure and Misaventure: Avenfure he maketh to be meer chance; as if a Man being upon or near the Water, be taken with some fielden Sickness, and so fall in and is drowned, and into the Fire, and be burned to death. Atifadventure he maketh, where a man cometh to his death by some untoward violence, as the fall of a Tree, or of a Gate, the sunning of a Cart-wheel, the skroke of a Horse, or such like: So that Miswenture in Stamford's Opinion is construed somewhat more largely the British understandesh it, West. Symbol. part 2. til. Inditement, Sell. 48. makes Homicide casual, to be meerly costal or mine. Hamicide by meer chance he definesh Sell. 49. to be, when a Man is slain by meer Fortune, against the mind of the Killer; as if one hewing, the An slyeth off the hast, and killeth a Man, and this is all one with Britton's Misconture; Homicide by chance mixed he defineth Self. 50. to be when the Killer's ignorance or negligence is joyned with the chance; as if a Man lop Trees by the High-way-fide, by which many usually Travel, and cast down a Bough, not giving warning, &c. by which a Man passing by is sain.

Missognisant, Ignorant, or not knowing. In the Stat, 32 H. &. cap. 9. against Champerty and Maintenance, It is Ordained, That the Justices of Affise shall twice every Tear, in every County, cause open Proclamation to be made of this present Asi, to the intent no Person should be ignorant or missognisant of the Dangers and Person this is thing and the standard of the Dangers and Person to the standard of the Standar

nalties therein contained,

Micontinuance, Kitchin, fol. 231. Is the same

with Discontinuance. See Discontinuance.

4916. Misa, is a French word, signifying as much as Expensum in Latine, and the Latine word Misa is used in Kitchin, fol. 144. and West. Symbol. part 2. tit. Proceedings in Chancery, Sect. 21. This word has divers significations, as first, it is a Gift or Customary Present which the People of Wales give to every new

King or Prince at their entrance into that Principality. It was formerly given in Cattel, but when that Dominion was annexed to the English Crown, the Gift was changed into Money, and that is now 5000 s. or more, which happened to be thrice paid in King James his Beign. First at his own coming to the Crown, and that Principality. Secondly, When Prince Henry was created Prince of Wales. And thirdly, When King Charles the Fift succeeded him in that Principality. Misa etiam dicuntur prastationes illa quas ob fruendas pristinas immunisates Cestria Palatinatus subditi now cuique Comiti impendant, that is, 3000 Marks for that County. By 27 H. 8. It is ordained, That Lord Mayors shall have all such Miles and Prosits of their Lands as they have had in times past, &c.. See 2 & 3 E. 6. 36. 33 H. 8.13. 4 & 5 P. & M. cop. 11. Sometimes Mises are taken for Taxes or Tallages, Anno 25 E. 1. 5. Sometimes for Costs and Expences, as pro miss of custagiis, for Costs and Charges ordinarily used in the Entries of Judgments in Personal Actions. Mise is also vocabulum artis, appropriated to a Writ of Right so called because both Parties have not themselves upon the led, because both Parties have put themselves upon the meer Right to be tryed by the Grand Affixe, or by Bat-tel. So as that which in all other Actions is called an Issue, in a Writ of Right is called a Mise, unless a collateral point be tryed, and there it is called an Issue, Collateral point be tryed, and there it is called an Issue, Co. on Lit. fol. 294. Lit. fol. 102. and Old Nat. Brev. fol. 2. 37 E. 3. 16. To joyn the mise upon the meere, is as much as to say, as to joyn the mise upon the clear Right, and that in more plain terms, is nothing else but to joyn upon this point, whether hath the more Right, the Tenant or Demandant Lit. Ish. 2. more Right, the Tenant or Demandant, Lit. lib. 3. cap. 8. fol. 101. This word is also sometimes used for a Particle, figuifying as much as cast out or put upon, Co. 6. Rep. fol. 124. Sassin's Case. And sometimes corruptly for Mease, a Messuage or Tenement, as a Mile-place in some Mannors is taken to be such a Messassin and Me fuage or Tenement as answers the Lord a Heriot at the death of its owner, 2 Infl. fol. 285. which in our Law-French is written Mees.

SPill-monty, Money given by way of contract or composition to purchase any Liberty, byc.—Custumarii infra bonorem de Clun Com. Salop, Domino bareditatem ineunti solvunt certam pecunia summam qua vo-catur Mise-money, ut quieti sint de finibus de amercia-mentis. Mr. Blount of Tenures, p. 162.

(Discrete, Is the Name, and first word of the 51

Pfalm, being most commonly that which the Ordinary gives to such guilty Malesactors as have the benefit of Clergy allowed them by the Law, and is usually cal-

led the Pfalm of Mercy.

Officeicophia, Is in Law used for an Arbitrary Amerciament imposed on any for an Offence; for where the Plaintiff or Defendant in any Action is americal, the Entry is Ideo in Miscricordia. Brallon, lib. 4. trall. 5. cap. 6. hath these words, Item si quis in miscricordiam inciderit pro dissessing, non remanchit miscricordia exigenda, si ille qui amiscrit, quasiverit convisionem. Kitchin. fol. 78. out of Glanvile, saith them. Est aucom miscricordia ania avia per intermenthus, Est autem misericordia, quia quis per juramen-tum legalium bominum amerciatus est ne aliquid de suo tum legalium bominum amerciatus est ne aliquid de suo bonnabili contenemento amistat. See Glanvile, lib. 9. cap. 11. Fitzberbert says in his Nat. Brev. fol. 75. That it is called Misericardia, because it ought to be very moderate, and rather less than the Offence, according to the Tenour of Magna Charta, cap. 14. Therefore is a Man be unreasonably americed in the Court not of Record, as in a Court Barm, &c. there is a Writ called Madrata Misericardia directed to the is a Writ called Moderata Misericordia, directed to the Lord, or his Bayliff, commanding them that they take moderate Amerciaments. Sometimes misericordia is to be quit, and discharged of all manner of Amerciaments

ciaments that a man may fall into the Forest. See Cromp. Fur. fol. 196. Vide Americantus, Merci, and Sec Cromp. Jur. fol. 196. moderata misericardia.

ST Mitericaphia. in clair & poru, Exceedings, or Over-commons, or any gratuitous portion of Meat and Drink given to the Religious above their ordinary Allowance. — Hie quaque procurauit — ut detestabiles in gurgitationes misericordiarum (in quibus profesto non erat misericordia) probiberentur. Mat. Par. Vit. Abb. S. Al-In some Convents they had a stated Albani, p. 71. In some Convents they had a stated Allowance of these Over-commons upon Extraordinary Days, which were called Misericordia Regulares, 25.
In minutionibus vero & misericordiis regularibus due & duo unam justam de cellario tum ad prandium quam ad cernam. Monest. Angl. Tom. 1. p. 149. b.

Distratans, Mildeads or Trespasses, Jury to enquire of all Purpressures and Minicalans, Cro. Car. fol.

498. and Missenfer a Trespasser, Co. 2. Inst. fol. 200.

19thering. See Abishersing and Miskering.

19thering, (Meskenninga, Leg. H. 1. cap. 12.)

inqua vel injusta in just vocatio; inconstantur loqui in Curia — Renovamus etiam & confirmamus privilegia an-tiquorum Regum atque ob reverentiam Domina nofira perpetua Virginis Mariz, sanctique Benedisti, sanctarumque virginismi, omnibusque futuris ibidem Abbatibus in tota possessime Monasterii Sacham & Socham, Theloniumque sumi in tetra & in aqua concedo & consuctudines nt abanamina apprisa de alamine intestimunam. omnibus apertius & plenius intelliguntur, Anglice scriptas, scilicet, Mundbriche, Ferdwite, Fitwite, Blodwite, Mikening, Frithsoke, Hamsockne, Forstal, Forphange, Theisephang, Hangwite, Frithbrich, Utlepe, Insongenthes, Suppriche, Tol & Tem aliasque omnes leges le consustant qua ad me peroinent tam plene le tam libere, sicut eas in manu mea babebam, Consirm. fundationis Monaft, de Ramefey per S. Edw. Conf. Mon. Ang. 1. par. fol. 23%.

Spishering, the off quietus offe pro querelis coram qui-ofenaque in transcomptione probata, M. S. L. L. Rob. Cot. ag. 262. See Milhering.

pag. 262. See Milbering.

**PHInestite. Compounded of the French Mes, which,

in composition, always fignists amis, and nomer, i. nominare, it signists the useing of one Name for another, or misterming. See Brokes-tit. Missource. Application, Mispriss, Cometh of the French Mespris, contemptes, and signistes in our Law, neglect or over-sight. As for Example, Mispriss of Treason or Felony, is a neglect or light account shewed of Treason or Felony committed, by not revealing it, when we know it to be committed. Steams. M. con. lib. 1. we know it to be committed, Stamf. pl. cor. lib. 1. cap. 19. Or by letting any Person committed for Treason or Felony, or suspicion of either, to go before he be Indicted. Misprison of Clerks, 8 H. 6. 25. Is a neglect of Clerks no Process shall be annulled or discontinued at \$2.00 and sy the Misprism of Clerks no Process shall be abnusled or discontinued, 14 E. 3. cap. 6. Stat. 1. Misprism of Treasm is the concealment, or not disclosing of known Treason, for which the Offenders are to suffer Imprisonment during the King's Pleasure, lose their Goods, and the Proses of their Lands during their lives, Cromp. Justice of Peace, cap. Misprism of Felony, fol. 40. West, Symbol. part 2. tit. Indiaments, sect. 63. in fine. Misprism of Pelony is only sinable by the Justices, before whom the Party is attained. Commun. flices, before whom the Party is attainted, Cromp. ibid. The Justices of the Common-Pleas have Power to affels Fines and Amerciaments upon Persons offending by Misprissons, contempts or neglects for not doing or milfripms, contempts or adjects for not do; ing or mildoing any thing in or concerning Fines, West, Symbol. part 2. tit. Fines, Sell. 133. Justices of Assign shall amend the defaults of Clerks misprising of a Syllable, or Letter, or Writing, Cromp. Jur. fol. 20. But here we are to observe, That other Faults may be accounted Misprisions of Treason or Felony,

because some later Statutes have inflicted that Painish ment upon them, that of old were inflicted upon misprisions, whereof you have an Example Anno 14 Eliz. cap. 3. Of such as Coyn Foreign Coyns, not current in this Realm, and of their Procurers, Aiders and Abetters. Misprision also signifies a mistaking, 14 E. 3. Stat. 1. cap. 6. Here note, That Misprison is included in every Treason or Felony; and where any man hath committed Treason or Felony, the King may cause him to be Indicted and Arraigned of Misprision only if he please. See more hereof, Samf. lib. 1. cap. 39. Vide esiam 3. Infl. fol. 36. & 139.

PHILAL Miffale, Is a Book containing all things to:

be daily faid in the Mafs, Lindw. Provincial lib. 3. tit. De Ecclefin adificandis, cap. 2. Parochiani Ecclefiarum tenentur invenire rei divina supelliculem, viz. Antiphoriarium, Gradale, Psalterium, Missale, Manuale, Bic. See Spelman's Glossary.

83 Miffaticus, A Meffenger. — Quando Miffatici Regis veniebant ibi (i. c. ad Dovor) dabant pro caballo transducendo tres denarios in hyeme, & duos in aftate. Lib. Doomsday in Chenth.

Mitts. Sec Mife.

Spillura, Singing the Name Dimittis, and per forming the many other Superfittious Ceremonies to recommend and difmifs a dying Perfor. In the Sta-tute of the Church of Pauls in London, collected by Ralph Baldock, Dean about the Year 1295, in the Chapter de Frateria, of the Fraternity or Brother-hood, who were obliged to a mutual communication of all Religious Offices, it is ordained

commendatio by miffers by separate commission Social commendatio by miffers by separate commission Social conditions by affantistic—Liber Statut. Ecclefix Paulinz. MS. Penes Joh. Epifcopum Norwic. f. 25.

27 Aptiliarium, Aptiliarium, A Differ on Platter for serving up Ment to a Table; whence a Messe or Dish, or Portion of any Diet.— King Esbelbert gave to the Abby of St. Angustine in Contentury.— Misserium mentalin. Each arrests iteram sellar annual contentury. argenteum, fcapton aurend, iterum fellam cum frano abit exernatam. Chron. to Thorn. p. 1762. rio & genun

Monaft. Angl. Tom. 1. p. 24.

Pittyal, A faile or erreneous Tryal, Cro. Car. fel. Delves Cafe.

Spilufer. Is an abuse of Liberty or Benefit; As be hall make fine for the Milufer, Oll Nas. Brev. fol

149.

(Pyttery, Myflerium, Vita mediu, A Trade or Occupation, derived from the French Meifler, i. ars, at tilicium.

& P Missen Abbots, Those Governours of Beliglous Houses, who had obtained from the See of Rome the Privilege of wearing the Mitre, Ring, Gloves, and Crotier of a Bishop. It has been a vulgar Error, that these Mitred Abbass were all the same with those conventual Prelates, who were summoned to Parliament, as Spiritual Lords; whereas some of those summoned to Parliament were not Mitred? And some of the Mitred were not summoned. The Summons to Parliament not any way depending on Summons to Parliament not any way depending on their Metres, but upon receiving their Temporals from the King.

Spitta, From the Saxon Mitten, menfura, a Mea-fure of ten Bushels, M. S. In Wich. Satina redd. 30. mittas falis. Doomsday Book, tit. Wirec, feire. In Libro Rames. M. S. fest. 38. & 143. Ego Wulfrum (uxor Anhetelli) singulis annis vita med, ad festum Santis Benediti quod est in astate decem mittas do brasio by 3. de gruso, by 3. mittus faring privice, & 8. per-nos, by 16. cufeos, by 2. Vaccos pingues, de serra mea Hichelings pro respectiu ammo eidem Ecclefia (Ramesiensi) procurari decerno. Spekin.

Dittendo

Mittendo manuscriptum pedis finis, Is a Writ Ju-dicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmit the foot of a Fine acknowledged before Justices in Eyre, into the

Common-Pleas, &c. Reg. Orig. fol. 14.

Apittimus, Is a Writ by which Records are transferred from one Court to another: Sometimes immediately, as appears by the Stat. 5 R. 2. cap. 15. As out of the King's Bench into the Exchequer, and sometimes by a Certiorari into the Chancery, and from thence by a Mittimus into another Court, as you may see in 28 H. 8. Dyer, fol. 29. and 29 H. 8. Dyer, sol. 32. This word is also used for the Precept that is directed by a Justice of Peace to a Gaoler, for the receiving and take keeping a Felon, or other Offender. by him committed to the Gaol. Of diverse other Uses and Applications of this word, see Reg. Orig. in the Table.

Mirt Tythes, Decime mista, Are those of Cheefe, Milk, &c. and of the young of Beafts, Co. 2. par. Inft.

fol. 649. See Tyth.

& Spirtilio, Mestilo, Mixt-corn, Mang-corn, Maflin.—Libera Eleemosnario nostro sex quarteria bladi mixtilionis inter pauperes Parochianos de Bolton Percy distribuenda — Anno 1312. Collectanea Matth. Hutton, S. T. P. ex Registris Eccl. Eborac.

Spockanoes, A Kind of Stuff made in England, and

ellewhere, concerning which see 23 Eliz. cap. 9.

Sponerata misericordia. Is a Writ for him that is Amerced inta Court Baron, or other, being not of accord, for any Transgression or Offence beyond the quality of a Fault. It is directed to the Lord of the Court, or his Bayliff, commanding them to take a moderate amerciament of the Party, and is founded upon Magna Charta, cap. 14. Qued unless liber bome amerciatur nisi fecundum qualitatem deletti, &c. The rest touching this Writ, see in F. N. B. fol. 75. See Misericordia.

9900ins, We take it usually to signific a Bushel, and

it is a Measure, but various according to the Custom of several Gountries, in some places containing more,

in some places less.

& P Moding terre bel agri -⊸Sciendum est quod debit Ilim pedum quatuor Modiorum agri circa se cum omni censu suo Ecclesia Landavia, &c. 3 Mon. fol. 200. This word was much used in the Ancient Charters of the British Kings, and probably contained the same quantity of Ground as with the Ramans, viz. 100 Foot long,

and as many broad. Modius Vini, a Hoghesd of Wine. Aponius villa, Donatio A Rthmail Regis Gwentiz Landavensi Ecclesia circa Annun 896. Largitus est, &c. Villam Lann-Mibargel Lichrit cum tertia parte pra-- Et 4. Medies Villa flifilat, M. S. Cod. Landa-

ven. fol. 102. col. 2.

Spone Forma, Are words of Art in Process and Pleadings, and namely, in the answer of the Defendant, whereby he denyeth himself to have done the thing laid to his charge, modo of forme declarata, Kitchin, fol. 232. It fignifies as much as that clause in the Civil Law. in the Civil Law, Negat allegata prout allegantur, effe wera. Where mode or forma are of the substance of th Lit. fol. 281.

Money, or Yearly Pension is given to the Parson, eyc. by composition, as satisfaction for his Tythes in kind.

See 2. Inft. fol. 490.

Dott, It is a Danish word, fignifying a Virgin or Maiden; the People of Norfolk in some measure retain the word to this day. The occasion of their first using it was this; Norfolk (which among other English Counties, was given by King Alfred to the Danes, Anno 876.) was totally inhabited by them, and their

Customs, Laws, and Speech there used. Now they call Virgins and young Maids Moer, and accordingly (as Olacs Wormius testifies, Fast. Dat. lib. 1. cap. 6.) they named such as were excellent Singers of the worthy Deeds of their Heroes, Scaldmer, id est, Vingines con-tratrices; and those that by Valour won Reputation, Scioldmoer, that is, Scutiferas Virgines, by which name they also fignifie the Amazons: But this, I couses, by the ignorant Rustick is corrupted, they pronouncing instead of Moer, a Virgin, Mother, a word well known to be of a different nature.

Apolety, Medietas, Cometh of the French Moisie, i. coaqua vel media pars, and fignifies the half of any thing, Lit. fol. 125.

Molastes, Is the refuse Syrup in the boyling of Sugar, which the Statute 12 Car. 2. cap. 25. prohibits to

be mingled with Wine.

Molendinum Blabonicum. A Corn mill, Charters have it Molendinum bladum & molendinum de blade. So a Fulling-Mill hath several Latine Appellations, as Molendinum fullonicum, Molend. fullanicum, Molend. fullere, Molend. fullarium, &c. A Windmill, Molendinum ad ventum, vel ventriticum. A Watermill mill, Molendinum aquaticum. A Horse-mill, Molendidum equitium. A grinding or Griest-mill, Molendinum molare. We read also for a Mill, Molinum and Molinum, Doomfday, tit. Sudjex. Tera Comitis Regeri, num. II. Castrum Harundel, T. R. E. reddebat de quodam Molino 40 s. 69 ibidem alibi T. R. E. reddebat Oxen-ford, — Comiti verò Algaro 10. libras adjuncto molino quem infra civitatem babebat.

Solvent nomine decimarum molendini fex modios alias sex stryk bladi prout molendum obvenerit eidem molen-

Chartular. Abbat. de Rading. MS. f. 116. ST Molitura, Multura, Multura, It sometimes uguissed a Griss, or Sack of Corn brought to the Mill to be ground: But it was more commonly taken for the Toll or Molture paid for grinding. So Wide de Meriton in his Charter to the Knights Templar, for the Mill in Merton Com. Oxon the Mill in Merton Com. Oxon —— Concesserunt mibi Fratres unum libertatem ad suum molendinum scilicet molendi segetem pro multura reddenda pro segete qua est in tremuta, dy meum brasium sine multura. Paroch. Antiq. p. 120. Molitura libera, Free grinding, or liberty of a Mill, without paying Toll, a Privilege which the Lord generally reserved to his own kamily. ——Salva mibi dy haredibus meis molitura libera semilia nostra amista in disa molending ——ibid bera familia nostra quieta in dillo molendino p. 236. This Toll for grinding was sometime called Molta, Fr. Moulta.

Molman. According to Spelman, fignifies the Servants of a Monastery, Fideles Ecclesiarum Ministeriales, Prior Lewens, pag. 16. Item omnis Molman invenies equum fi habuerit ad portandum corrodium Prioris, &c. And again, p. 21. Omnis Lanceta, omnis Toftman, & omnie Molman, (qui non sedet super Ogeland) debent spargere unam reiam de siens, &c.

8 Polmaria. Et inveniet Macrenium Molmaria (9 les Winding-yards pro reparatione dilli Molendini Carta

Dolmutan or Molmutin Lains. The Laws of Dunwallo Molmutius, fixteenth King of the Britains, (who began his Reign 444 Years before Christ) was Famous in the Land, till William the Cong-Ofber's Primord. 126. He was the first that published Laws in Britany, and these Laws with those of Queen Apertia, were turned into Latin by Guildas out of the British Tongue.

Apolneda, Mulneda, A Mill-Pool, or Pond. Gilbert Baffet, in his Foundation-Charter to the Priory of Burcester, gave Quoddam pratunculum quod vocatur

Hamma.

Quod extenditur de crofta Serice de Wrachmic per la Mulnedam usque illue ubi novus vivulus ascendit in veterem rivulam, & ipjam mulnedam ad faciendum ibi

molendinum. Parochial Antiquities, p. 135. & P. Mommyng. Anno 1400. Quidam milites in die Epiphania coram Rege haftiludia pacifica vocata le Mommyng, pacem tamen odientes, fecerunt publice proclamari, ut sic cum manu forti castrum bruentes, Regem ducautum possent proditorie trucidare. Hist Croyland. Contin. p. 495. Whence it appears that Monmying was a fort of Mockfight, from the Teutonic Mummen, to mimic, or act a ludicrous part. This Military Sport is now turned into the Divertions of Peace and Plenty at Christmas, when fome Antick Fellows in Disguise go round the Neigh bourhood to fing and Dance, and get Money or Good These Misnicks are called Munmers, and their Cheer. Acting is fill called Munmyng, or Munming.

Spanttaginus, Mintage, the right and propriety of Coyning or Municipal Money.

Monta, Pecunia, Is that Metat, be it Gold or Silver, that receives an Authority by the Prince's Imprefa to be current: For as Wax is not a Seal without Print, so Metal is not Money without Impression, Co. on Lit. pag. 207.

37 Manger, Seems to be a little Sex-Veffel, which

Fifter-men use. Anno 13 Eliz. cap. 11.

Wenters, Monetarii, Are Ministers of the Mint, which make and Coyn the King's Money, Reg. Orig. fol. 26a. and 1 E. 6. 15. It appears in Ancient Authors, That the Kings of England had Mints in several Counties of this Realm 3 and in the Trafface in the Exchequer, written by Ochbam, I find, that whereas Sheriffs were usually obliged to pay into the King's Exchequer the King's Sterling Biney, for such Debts as they were to answer; they of Cumberland and Northumburland were admitted to now in any fort of Maney. So berland were admitted to pay in any fort of Money, so it were Silver: And the reason is there given, because those two Shires Monetaries de antiqua inflitutions non habent. Of Later days the Title of Moniers hath been given to Bankers, that is, such as make it their Trade to deal in Monies mon returns. to deal in Monies upon returns.

Sponks Clothes, A certain kind of course Cloth, mentioned 20 H. 6. 20.

**Bonneyoly, May not improperly be derived from the Greek Micho Solus, and mulia Vendo, which fignifies to fell alone, and fo is a Privilege of the King (as some interpret it) by his Grant, Commission, or otherwise, to any Person or Persons, of or for the things of the business felling making working or pring any otherwise, to any Person or Persons, or or for the fole buying, selling, making, working, or using any thing, whereby any Person or Persons are restrained of any freedom or liberty that they had before, declared against Law by 21 Jac. 3. except in some particular cases, concerning which see 3. Inst. 181. All Monopolius against Magna Charta, Sec. Co. 2. par. Inst. cap. 29. So then all Inclosing is a Monopoly, which is nostively contradicted in More's Rep. 5al. 678. Days is positively contradicted in More's Rep. fol. 675. Darcy and Allen's Cafe, because any Grant made by the King pro bono Publico is not a Monopoly. See Grothus de jure belli de pacie. 233.

Matrimony, that hath not humane shape, connot purchase, much less detain any thing; but if he have humane shape, he may be Heir, though he have some

deformity in any part of his Body.

Montraus de boet. Is as much as to fay, The shewing of Right; in a Legal sense it denotes a Suit in Chancery, for the Subject to be restored to Lands and Tenements, which he shews to be his Right, though by Office found to be in the Possession of another lately dead; by which Office the King in entituled to a Chattel, Freehold or Inheritance in the faid Lands. And this Monfirans de dres is given by the Statutes 34 E. 3. cap. 14. and 36 E. 3. 13. See Stamf-prareg. cap. 21. and Broke, tit. Petition, and Co. 4. Rep-fol. 34. Cap of the Wardens and Commonalty of Sadlers.

Moutirans be faits on Records, Shewing of Deeds or Records is thus, Upon an Action of Debt brought upon an Obligation, after the Plaintiff, hath declared, he ought to shew his Obligation, and so it is of Records. And the difference between Monstrans de fais, and Oper de faits is this; He that pleads the Deed or Records, or declares upon it, ought to shew the same; and the other, against whom such Deed or Record is pleaded, may demand Oyer of the same.

Montraverunt, Is a Writ that lies for the Tenants in Ancient Demesne, being destrained for the payment of any Tool or Imposition, contrary to their liberty which they do or should enjoy. See more in P. N. B.

Month or Monteth, Mensis, In Saxon Monath, is a space of time, containing by the Week 28 days, by the Calendar sometimes 30, sometimes 31. See Co. lib. 6. fol. 61. and Kalendar-month. Some have derived it from win menfis, and that from win, Luna, but we suppose more truly from the German Mon or out we suppose more truly from the German Mon or Man, one of their antique Deities and Kings, mentioned by Tacitus; Ex boc, says the learned Spelman, masculino (ut Hebrai) Lunam dicunt genere, Der mon, dominamque eins dy amasiam è cuius aspellu alias languet, alias resipiscis, Die son quasi hunc Lunam, hanc solem, Hinc dy Idolum Luna, vivi singebot specie; non ut Vestegan opinatur, samina, on quo de vostem miram ad genua vice dimissam. nua vin dimiffam.

67 Pouns. The Lord's Bayliffs in the Ifle of Mon who Summon the Courts for the several Sheadings, are called Moors, and every Moor has the like Office with our Bayliff of the Hundred. See Mr. King's Def-

cription of the Isle of Man.

Spect. Mota, Curia, placitum, conventus, From the Saxon Gemote, conventus, which may be deduced from the Saxon Motion, placitume. It is a term well underflood in the Inns of Court, to be that Exercise of and the Inns of Court, to be that Exercise of and the Inns of Court, to be the Exercise of and the Inns of Court, to be that Exercise of and the Inns of Court, to be that Exercise of and the Inns of Court, to be that Exercise of an and the Inns of Court, to be that Exercise of an annual Court of the Inns of Court, to be that Exercise of an annual Court of the Inns of Court, to be that Exercise of an annual Court of the Inns of Court, to be that Exercise of the Inns of Court, to be t guing of Cases, which young Students perform at appointed times, the better to enable them for practice and defence of Clients Causes. The places where Most-Cases were argued, was anciently called a Most-hall. In the Inns of Courts there is a Bayliff or Surveper of the Mosts yearly chosen by the Bench, to appoint the Mostmen for the Inns of Chancery, and to keep account of performance of Emercises both there,

and in the House. See Orig. Indiciales, fol. 212.

See Phoetz Canum. A pack of Dogs. — Abbas Glaston. admissus est., d quo statim exogit Thesacrarius feodum Domini Regis, quod acciderat et per mustem Abbasis, scil. Palestidum Annulum & Mootum Canum. Es fallus est ibi pro palefrido at Moota Canum nouns finis Chartular. Abbat. Glafton. MS. viginti marcarum.

f. 1046. Vide Muta.

6. 1046.

Spootness. Are those that argue Readers Cases (called also Most-cases) in the Houses of Chancery, both in Term-time, and also in Vacations, Cake's Rej.

3. par. in Proamie.
45 April A Moor, or more unprofitable Ground

than Marth. 1 Inf. fol. 71. a.

Vofti in Villa de De quadam placea Mora Mu∬a by Vafil in Villa de ___ Mon. Ang. 2 part 306. b. A Watry or Boggy Moor; for such in Lancashire they call Angles to this time. Movessa is also used in the fame lenfe. Mon. Ang. 3. part. 70. a.

Pozatur or Demozatur in Lege, Significe as much as He demurres, because the Party goes not forward in Pleading, but rests upon the Judgment of the Court in the Point, who deliberate and take time to argue and advice thereupon, Co. on Lit. fol. 71. See De-

Doggangina, Si Sponsa Virum suam super vixerit, dotem & Maritationem Juam cartarum Instrumentis vel testium Extribitionibus ei traditiam perpetualiter habeat & Morganginam Juam L. L. H. r. cap. 70.

Mortam, Is all one in fignification with the French Morion, i. Cassis, a Head-piece, and that seems to be derived from the Italian Morione, Anno 4 & 5. P. & M.

cap. 2. now called a Pot.

Dortus, Murrein, un infectious distemper in Cat-e.— Carnisex qui vendit carnes porcinas contaminatas, vel carnes de Motina, vel emat carnes a Judeis, & ven-dat Christianis, & super boc convictus, primo graviter amercietur, secundo patiatur judicium pillorii, tertio incarceretur, de redimatur, quarto abjuret villam. Confuetud.

Domus de Farendon. MS. f. 43.

Dolling alias Mottling, 1s that Wool taken from the skin of a dead Sheep, either dying of the Rot, or killed, 4 E. 4. 2 by 3. 27 H. 6. 2. This is written Morkin, 3 Jac. 18. Morling or Shorling, 3 E. 4. 1. and 14 Car. 2. 18: See Shorling.

&T Mossellum terre, A small parcel or bit of Land — Et unum Morsellum terra juxta Horreum suum Carta

11 H. 3. Per. 1. m. 33. to burn possibly over the Graves or Shrines of the Dead. Walterns tenet dues acres terre de dimidiam ibidem de feudo de Bocland ad invonendum unum mortarium ardentem in Ecclefia de Cheping. Faringdon. Confuetud. Domus de Farendon. MS. f. 48.

Mott-dancellot. See Affije.

Dostgage, Mortgagium, vel mortuum vadium, Is compounded of two French words, viz. Mort, i. Mors, and Gage, i. Pignus: In Law it figuifies a Pawn of Land or Tenement, or any thing moveable, laid or bound for Money borrowed, to be the Creditors for ever, if the Money be not paid at the day agreed upon: And the Creditor holding Land or Tenement upon this Bargain, is called Tenant in Mortgage. Of this we read in the Grand Custumary of Normandy, cap. 113. which see. Glanvile likewise, lib. 10. cap. 6. defineth it thus; Mortuum vadium dicitur illud, cujus fruitus vel reditus interim percepti in mullo se acquietant. So you see it is called a Dead Gage, because whatsoever Profit it yieldeth, yet it redeemeth not it self by yielding such Profit, except the whole Sum borrowed be paid at the day. - See Skene de verbor. Signif. verbo Mortgage. He that pledgeth this Pawn or Gage, is called The Mortgager, and he that taketh it, The Mortgagee, Weft, Symb. part 2. tit. Fines, fect. 145. This, if it contain excessive Usury, is forbidden by 37 H. 8. cap. 9. & Both, Murder. Sax. Morth, Death. Morth-

laga, a Murderer, or Man-flayer. North lage, Homicide, or Murder, Grc.

Mostmains, Manus mortua, Is compounded of two French words, Mort, i. mort, & maine, i. manus: It fignifies an alienation of Lands and Tenements to any Guild, Corporation, or Fraternity, and their Succession fors, as Bilhops, Parlons, Vicars, Ge. which may not be done without the King's Licence, and the Lord of the Mannor, or of the King alone, if it be immediately holden of him. The reason of the name may be deduced from hence, because the Services, and other Profits due, for such Lands as Escheates, dec. cometh into a dead band, or into such a hand as hold-eth them, and is not of power to deliver them, or any thing for them back again, Magna Charta, cap. 36.

and 7 E. 1. commonly called The Statute of Mortmaine, and 18 E. 3. cap. 3. and 15 R. 2. cap. 5. Polydore Virgil, in the Seventeenth Book of his Chronicles mentions this Law, and gives this reason of the Name, Es Legem banc manum mortuam vocarunt, quod res jemel datas collegiu facerdotum, non utique rurfus venderentur, velut mortue, hoc est, usui aliorum mortalium in perpetuum adepta effent. Lex diligenter fervatur, sic us hibd possessionum ordini sacerdotali à quoquam detur, nisi Regio permissu: But the forementioned Statutes be in some manner abridged by 39 Eliz. cap. 5. by which the Gift of Lands, Ge. to Hospitals is permitted, without obtaining Licenses in Mortmaine. Hotoman, in his Com-mentaries De verbu feudalibus, verbo Manus mortua, hath thele words; Manus mortus locatio eft, que ulus patur de iis, quorum possessio (ut ita dicam) immortalis est, quia nunquam baredem babere desinunt: Quâ de cansa res nunquam ad priorem dominum revertitur, nam manus pro possessione dicitur, mortua pro immortali, &c. Petrus Belluga in speculo principum, tol. 76. Jus amortizationis est licentia capiendi ad manum mortuam: To the same est itenna capienus au manage mornam. 20 tie iaine effect read Cassan, de consuet. Burgund. pag. 348, 387, 1183, 1185, 1201, &c. Shene de verb. Signif. saith, Dimittere terras ad manum mortuam est idem atque dimittere ad multitudinem sive universitatem, que nunquam moritur, idque per adiografie, seu à contrario semse, because Commonalties never die. The President and Governors for the Poor within the Cities of London and Westminster, may without License in Mortmain, purchase Lands, Gr. not exceeding the Yearly value of 3000 pound, drc. by the Statute made 14 Car. 2. cap. 9.

pitantium juxta exigentiam diei.—Anno 1373. — Ex Chartular. S. Crucis. MS. penes Hen. Worsley, Armig.

Aportuary, Mortuarium, Is a Gift left by a man at his death to his Parish-Church, for the recompence of his Personal Tythes and Offerings not duly paid in his life-time. A Mortuary is not properly and pri-ginally due to an Ecclefiaftical Incumbent from any, but those only of his own Parish. But by Custom in some Places of this Kingdom, they are paid to the Parsons of other Parishes, as the Corps passes through them. Mortuaries were formerly payable in Beafts, but by 21 H. 8. tap. 6. an Order and Rate is set down for the payment of Mortuaries in money. Their payment was enjoyned by the Statute of Circumspelle agatis, made 13 E. 1. and also by several Constitu-tions. Mortuarium, says Linwood, sie dictum est, quia relinquitier Ecclesia pro anima desunsti: In old time a Mortuary was called a Corps-present, (because the Beast was presented with the Body at the Funeral,) concerning which see Dugdale's Antiquities of Warwick shire, fol. 679. Selden's History of Tythes, pag. 287. 2. par, Inst. fol. 491. Constit. Rob. Dunelm. Ep. Anno 1276. in Rubr. De rebus liberorum Decimandis de Mortuariis inde solvendis. Et in textu . - De bonis propriis si existant mortuarium matrici Ecclesia solvere teneatur.

The word Mortuarium was fometimes used in a Civil, as well as an Ecclesiastical sense, and was payable to the Lord of the Fee, as well as to the Priest of the Parish. — Debensur Domino (i. c. manerii ide Wrechwyke) nominibus berietti dy mortuarii dua vacca pret. nij. sol. Paroch. Antiq. p. 470.

& Polaice

8 Polaic mork Properly Mulaic-work, Open Minfroum, Pavimenta telfellata, Pavements of ourious little pieces of Brick, or Iile, or Marble, about the bigness and form of Dice, with which the Ranans generally paved the place, where they fixt the Preto-rium or General's Tent, of which several have been ploughed up in many Parts of England. Fran. Junius cites this Account of them from a Manuscript Saxon Glossary of Lawrence Noel .--Mufaick work, which is a kind of Ornament made in Pillure wish listle square Spones like Dies of all colours, fet together with certain fine Cement upon a Wall or Floor, to that the forms of things be therewith pourtrayed and expressed as though they were painted. Also it is more durable than any kind of Painting, by reason that neither by Weather, wearing, nor washing, the colour can be taken away, wearing, nor washing, the colour can be taken away, which bath the thickness of the little Dies wherewith this Work is made. Of this kind of Work is little in Rugland. Howbeit I have seen of it, especially upon Church-Floors before Altars, as is to be seen before the High Altar at Westminites, although it be but gross. In Italy it is almost every where, and in most Churches to be most so be mes.

Mols-troopers, A rebellious fort of Malefactors in the furthest North of England, that live by Robbery and Spoil, not unlike the Torjes in Ireland, or the Bandisi in Italy, for whole suppression, were made the Statutes

4 Jac. 1. 7 Jac. 1. and 14 Car. 2. csp. 22.

99ethell, Campana quâ Saxonibies nostris indici solebat conventus publicus qui Folemote decisur, derived
from Mot, conventus, and Bell, campana. Vide Leg.

Edw. Conf. cap. 35.

Spott. Mota, From the Saxon Gemobe, Curia, placitum, conventus: As Mota de Hereford, i. Curia vel placita Comitatus de Hereford. In the Charter of placifa Comitation de Hereford. In the Charter of Mand the Empreis, Daughter of King Henry the First, we read thus; Scianis me feeille Milmem de Glocest. Comitem de Hereford of dedisse et motam Herefordiz cum toto castello, &c. Hence Burgemote, turia vel conuentis Burgi; Swaingemot curis vel conventus minifererum seil, Foresta, Ucc. From this also we draw our word Mote or Moot, To plead. The Scots say, to Mute, as the Mute Hill at Scone, i. Mons placing de Scone: We commonly apply the word Moot to that arguing of Cales used by young Students in the Inne of Court and Chancery, in the Charter of Pesse between Ring Stephen and Duke Henry, afterwards king, it is taken to fignific à Fortrefs, as Turris de London, Mota de Windsor. The Tower of Landon, and Fortress of Windsor. Mote also signifies a standing Pool of Water to keep Fish in, or a great Trench of Water encompassing a Castle, or other Dwelling-

house. Spotter, A customary Service or Payment at the Mote or Court of the Lord. --- Johannes Rex, &c. Sciatis nos clamasse quietum homines de cornabia in perpetram de quadam consuctudine vocata Motecr, ftatuentes firmiter pracipientes quod nec in entia nostra, nec in curia alterntra in partibus illis de catero teneatur illa

conservado — Teste, &c. Rot Cart. 5. Joh. m. 9.
& Dounttrium, Anno 20 H. 3. Placitum in curia
Christianitatis coran Rogero Cov. & Lichs. Episcopi de 21 Itbris, 16 Soldis, 4 Denariis uno part decretalium, una fellu, uno frano parca meno, uno mounterio, dusbus loculis de ferico, una zona ferica pradictorum Privris de Vicarii qua non funt de testamento vel matrimunio. Prynn

Collect. Tom 3. S. 127.

& Potentes An Out-cry or Alerm to mount, and make some speedy Expedition .---Volumus insuper quod nullus cujuscunque conditionis, rationis gradus vel dignitatis existat, clamores vel turbationes facere audeat, quibus nos vel exercitum nostrum turbari con Authors, confist of Ten Persons, or more.

tingat quovis modo, & specialiter illum clamerem quam Mountee appellamus vel aliquem alium clamorem iv-rationabileris -------- Statuta Hen. 5. Reg. Angl, tempore guerra apud Nic. Uptonum de militari Officio.

Duchebunt. Habeant bi quatuor unam regalem piteftutem (salvalemper nobis nostra prasentia) quater que in anno Generales Foresta demonstrationes de viridis & veneris forisfactiones quas Muchehunt dicunt, &c. Vide Leg. de

Foresta, R. Canuti, cap.

Puller, As it is used in the Common Law, seems to be a word corrupted, and used for Melior, or the French Melieur, and signifies the Lawful Issue pre-ferred before an elder Brother born out of Matrimony, Anne 9 H. 6. 11. Smith de Repub. Anglorum, lib. 3. cap. 6. But by Glamvile, lib. 7. cap 1. The Lawful Iffue seems rather mulier than melior, because he is begotten è muliere, and not èconcubina; for he calls such Issue Filios mulieratos, opposing them to Bastards; and Britton cap. 70. hath frere mulier, i. the Brother begotten of the Wise, opposite to frere Bastard. This appears to be used in Scotland also, For Skene de verbor. Signific. (1495, That Mulieratus filius is a Lawful Son, begotten of a Lawful Wife. A Man hath a Son by a Woman before Marriage, that is, a Bastard, and unlawful, and after he Marries the Mother of the Bastard, and they have another Son; this second Son is called Mulier, that is to say, Lawful, and shall be Heir to his Father; but the other cannot be Heir to any man, because in Judgment of Law he is said to be nullius filius, or filius populi, according to the old Verses.

Cai pater est populus, Pater est sibi nullus de omnis, Cut pater est populus, non habet ipse patrem.

And you always find them diffinguished with this addition, Baftard eigne and Mulier puisse. See Co. on Lit. fol. 170. & 243.

Multerty. The being or condition of a Mulier or

Lawful Islue, Co. en Lit. fol 352.

Spulio de sime. A heap of Cart Dung to be spread upon Land. -... In Berton parva quilibet cuftu--cariabis de fimo de sterquilio x. muliones de

8 Pulio fani Pullo. A Cock of Grais or Hay. .. Ipje Robertus 👉 omnes alsi Custumarii domine liberam falcatam in prato vocato Gilberdsham sine prandio debent tornare, & inde fanum levare, dy muliones inde facere Paroch. Antiq. p. 401. Hence in old English a Moult, now a Mow of Hay or Corn.

Quimutius Laws. See Law.

Dultz or Bultuca Episcopi, Is derived from the Latine word Mul&a, for that it was a Fine given to the King, that the Bishop might have power to make his last Will and Testament, and to have the Probate of other Mens, and the granting Administrations, 2. Inft. fol. 491.

Apultiplication, Multiplicatio, Multiplying or increasing: By a Statute made 5 H. 4 cap. 4. It is Ordained and Established, That now from benceforth shall use to multiply Gold or Silver, nor use the crast of Multiplication, and if any the same do, he shall incur the pain of Felony; And it was made, upon a prefurnishen that some Persons skilful in Chymistry. sumption that some Persons skilful in Chymistry, could multiply or augment those Metals. And Henry the Sixth granted Letters Patent to some Persons (who undertook to personn the same, and to find out the Philosophers Stone,) to free them from the Penalty of the said Statute, Rot. Pat. 34 H. 6. m. 13. Co. 2. Infl. fol. 74. Spulsitude Must, according to some

E.e OR on Lis. fol. 257. fays, He never found it limited to any certain number, but left to the Diferetion of the

A Pulto fortiori, Or minori ad majus, Is an Argument often used by Littleton, and is framed thus. If it be so in a Feeoffment passing a new Right, much more is it for the Restitution of an ancient Right; &c.

Cr. on Lit. fol. 253. & 260. &P Pulto. Huttle, Wolte, Qute, Putre, A Mutton or Sheep. Several ridiculous derivations are given of this word: I suppose the Original was British; for Molt in the present Irish Tongue signifies a Ram a Male Wether, to which the Latin Mulso is always restrained, and does not extend to the Female Sheep or Ewe. ____In stauro junt LII. matres Oves, XXV. multones, XII. agni mares, & XIV. agni feminales ____ And again ____ XXXII. oves latrices, III. multones, XL. oves otiosas; i. e. thisty two milch Ewes, three Rams or Wethers, forty barren Ewes Chartular. Glaston. M S. f. 39.

187 Pultones auri. Pieces of Gold Money imprest with an Agnus Dei, a Sheep or Lamb on the one fide, and from that Figure called Aultones. This Coin was more common in France, and sometimes currant in England, as appears by a Patent 33 E. s. cited by the learned Spelman, though he had not then considered the meaning of it.—Rex tenetur Ottoni de Grandisono in decem millibra multonum auri.

Apultute, Molitura vel multura, Is the Toll that the Miller takes for Grinding of Corn; Eo totam fequelam Custum melentim meorum qui ad distum molendinum bladum juum molent, ad featum decimum vas & braseum sum sum film multura.

sine multura, Mon. Ang. 2 par. fol. 824.

Apundbjech. A compound of the Saxon Mund, i.

tutela, defensia, and Brice, fractio, violatio; Si Rex

Ecclesiam, monasterium, burgum, bominem aliquem vel
societatem, commue res aut predia in suam susceptat

motestionem dischatur has a una du civilendi quicandi in protestionem dicebatur boc onue de einsmodi quicquid in Regis esse mundio (in Saxon On Cynings munde,) capes violatio etiam Mundrice dista est q. protestionis violatio, aut data pacis fractio qua in Anglorum lege 5. libris plestebatur, Spelman's Gloss. verbe Mund. Some would have Munbrech to fignifie an infringement of Priviledges; others would that it denotes Munds fracturam, because Mund also is mons. But of later time it is expounded clausarum fractio, for Mund fignifies Clausarum munitio, the fencing of Lands, therefore Mundbrech must be the breaking of those Fences, which is more than the second must be second which in many Parts of England we call Mounds; and we say, when Lands are fenced in and hedged, that they are mounded.

Mundeburde. Mundeburdium, A Sakon compound of Munic, defensio, and Bord or Borb, i. sidejustor, so that Mundeburd sit defensionis wel Patrocinii sidejusto,

from whence Mundeburdus, advocatus.

Muniments, Munimenta, Are authentick Deeds and Writings, by which a man may defend the Title to his Lands, Episcopus eum manimentorom inspessionem babere non potuit, &c. Mat. Paris, fol. 311. See Minimentes. Puniment bouss, Minimen, In Cathedrals, Collegiate

Churches, Cafiles, &c. is a little Room purposely made for keeping the Seal, Evidences, Charters, &c. of such Church, Colledge, &c. such Evidences being called Muniments, from munio, to defend, 3 pm. Infl. fol., 170. 35 H. 6. fol. 37. b.

Spurage, Muragium, Is a Toll or Tribute to be levyed, for the building or repairing of Publick Walls, F. N. B. fol. 227. It is due either by Grant or Prefcription, Co. 2. par. Infl. fol. 222. Murage feemeth also to be a liberty granted to a Town by the King, for the collecting money towards the Walling of the same, Anno 3 E. 1. cap. 30.

Purber, Mardrum, May be drived either from the French Meutre, internetio, or the Saxon Merdren, fignifying the same thing; and according to our Law, is a wilful and selonious killing of another upon prepensed malice, whether secretly or openly, 52 H. 3. cap. 28. West Symbol. part. 2. tit. Indiaments, sect. 47. Bracon, lib. g. trad. 2. cap. 15. mm. 1. defineth it thus : Homicidium quod hullo prafente, nullo andiente, nullo vidente clam perpetratur. Britton, cap. 6. is of the same Opinion, so is Fleta, lib. 1. cap. 30. adding besides, that it was not Murder, except it were proved the Party slain was English, and no Foreigner: But Stamf. pl. cor. lib. 1. tap. 2. says, The Law in this Point is altered by the Statute 14 E. 3. cap. 4. For now it is murder, whether privately or publickly, English-man or Foreigner living under the King's Protection, and this prepensed malice is two-fold; 1. Express, when it may be evidently proved that there was ill-will. 2. Implyed, when one killeth another suddenly, having nothing to desend himself, as going over a Stile, or such like, Cromp. Justice of Peace, cap. Of murder, fol. 19. Bro. tit. Quo warrant. 2. See Were.

Spurengers, Are two ancient Officers in the City Homicidium quod nullo prasente, nullo audiente, nullo vi-

Durengers, Are two ancient Officers in the City of Chefter, being two of the principal Aldermen, yearly elected to see the Walls kept in good repair for the maintaining whereof they receive several Tolls

and Cuftoms.

Apurous operation. The Service of Work and Labour done by Inhabitants and adjoyning Tenants in Building or Repairing the Walls of a City or Caffle. From which Duty some were exempted by special Privilege. So King Henry the Second granted to the Tenants within the Honor of Wallingford——Ut quiet fint de operationibus castellorum de murorum. Paroch. Antiquit. p. 114. When this Personal Duty was commuted into Money, the Tax so gathered, was cal-

led Mirage.

SP Spuftians. See Minstrells.:

SP Spuftians. See Minstrells.:

SP Spuftians. See Minstrells.:

diviam terram by bundam usque ad Mussam by sic decendends per mussam illam usque ad rivum. part 12. E. 2.

Mufter, Cometh of the French Mouftre, i. frecimen exemplum, as Faire mustre Generale de tout son armie, is as much as suftrare exercitum. The signification is well known to muster an Army. So mustred of Record, 18 H. 6. cap. 19. is to be enrolled in the number of the King's Soldiers, Mafter of the King's Mufters, 2 E. 6. See in Mufter

2. See 10 inapier.

Muter Manter Gentral, Anno 35 Elig. cap. 4. See
Mafter He King's Mufters.

8-7 Muta Canum. (Fr. Meute de Chiens) a Kennel of Hounds. The King at a Bishop or Abbot's Decease had fix things: 1. Optimum equum frue Palfridum ipsius Episcopi cum sella & freno. 2. Unam Chlamydem si-ve Clocarn cum capella. 3. Unum Ciphum cum co-opertorio. 4. Unam pelvam cum lavatorio. 5. Unum Annullum aureum. 6. Necum Mutam Canum qua ad Dom. Regem ratione praregativa sua spellant de pertinent, Hill. 2. L. 2.in Stat. past mortem Episc. Bath & Wellens. & Claus. 30 Edw. 1.m. 16.

87 Muters, To mew up Hawks, in the time of their molting, or casting their Plumes. The Mannor of Broughton Com. Own. in the Reign of Edward II.
was held by John Manduit — per serjantiam mutandi unum hostricum Domini Regis, vel illum hostricum ortandi ad aerium Domini Regis. - Paroch. Autiquit. 569. Hence the Musa Regia, the Mews near Chairing-Cross in London, now the King's Stables, formerly the Ealcoury, or Place for the King's Hawks.

😂 Wutatus

87 Mutatus accipiter, A mewed Hawk. - Ni-cholaus de Andelegh reddit ad scaccarium unum spervarium mutatum per quod tenet de Rege in capite Egmun-ton. Memorand. In Scaccar, term. Mich. 21

E. 1. by Sir John Maynard.

Sputs, Mutatus, Speechless, or that resules to speak; A Priloner may stand mute two manner of ways, 1. When he stands mute, without speaking of any thing, and then it shall be enquired whether he stood mute of Malice, or by the act of God; and if it be found that it was by the act of God, then the it be found that it was by the act of God, then the Judge of the Court ex Officio ought to enquire whether he be the same Person, and of all other Pleas, which he might have pleaded, if he had not flood mute. 2. When he pleads, Not Guilty, or doth not answer directly, or will not put himself upon the Enquest, to be tryed by God and the Country, Co. 2. par. Inst. cap. 12. 32 H. 8. See Paine fort & dure. Mute also signifies a Kennel, or cry of Hounds, as Bailler la mente for roui à un Cerse. to follow after him with la mente de roui à un Cerfe, to follow after him with a full cre, Spelman.

Dellemell, A fort of Fish, perhaps the same with what now in Lancashire is called Milwyn, which with what now in Lancaspire is called Milwyn, which Spelman renders Greenfish, but it was not strictly so, but another sort of Cod or Salt-sish: For they are expressly distinguish in this Account — Et intribus copulis viridis Piscis, dy in quindecem copulis de Mylewell minoris sortis, x. sol. vi. den. dy in viginti Myllewell majoris sortis xij. sol. Paroch. Antiquit. p. 575.

Winchen, Minecena. Sax. Mynecene, A Nun or veiled Virgin. Hence our Minneken and Minneken-Lass, to go mineing, &c.

Spytterium. Vide Milterium.

N.

Mam, Namium, From the Saxon Name, capito, fignifies the taking another Man's Goods, and is either lawful or unlewful; Lawful Naam is a reasonable Distress, proportionable to the value of the thing distrained for; and this Naam was anciently called either vif, or more, quick or dead, according as it is made of dead or living Chattels: Lamful Naum is so, either by the Common Law, or by a Man's particular Fact: By the Common Law, as when one taketh another Man's Beafts Damage scafant in his Ground. By a Man's particular fact, as by reason of some Contract made, that for default of payment of an Annuity agreed upon, it shall be lawful to distrain in such and such Lands, &c. Horne's Mirror of Justices, lib. 2. cap. De Naum, See Withernam. From hence lib. 2. cap. De Naum, See Withernam, From hence comes Namatio, the taking or impounding. Namatus distrained, see Skene de Verb. Signif. verbo Namate. In the Laws of Canutus, M. S. cap. 18. we read, Et memo Namium capiat in Comitatu vel extra Comitatum, prinsquam ter in Hundredo suo rectum sibi perquisierit.

And in the Charter of Henry the First, of the Liberties of London, Quod si reddere notwerint (debitores) nec ad difrationandum venire, tunc cives quibus debita sua debent, capiant in civitate Namia sua vel de Comitatu in quo manet qui debitum debet. And in Mon. Angl. 2. par. fol. 256. Non licebis Namium sumere vel vadimonium nec averia sua imparchiare, Spelm. Gloff. verb Namium.

Mabulum, Merces Nautica, Spelman. A Dacka, Dacka, A small Ship, a Yat, a Tranfport Veilel. -Tenet per servitutem de tenenda una corda in Nacka Domina Regina Anglia, quum contigit eam transfreture. Chartular. Abbat. Radinges, MS. f. 51. -Reddendo inde quantum pertinet ad quintam partem serjantia de Puddeworth scilicet de tenenda una corda in Nacta Regina transfretando verjus Pillaviam. Ibid.

A Mamation (Namatto) A diffreining or taking a Distress. In Scotland it is for impounding. Nemo veniens ad forum de Nottingham cum quadrigis & jummagiis suis à Vespere diei Veneris usque ad Vesperum diei Sabbati Nameter nisi pro forma Regis (Carta H. 2. Burgen, de Nost.) i. e. shall not be distrained.

& Mamiandum, Insuper Obligavit eistem Abbati der Convensui, Nomine Pignoris totum Tenementum suum quod est in Parochia S. Edwardi Oxon. ad Ingrediendum & Namiandum in codem, &c. Charta Rogeri Bonivalet Cordwarorii Oxon. ad Osneyenses in Reg. Canob. Osney,

fol 118.

& Daperie (Anno 2 R. 2. cap. 1.) (from the Italian Napperix i. linteamina domestica) we may call it Linnen Clothery, or Houshold Linnen.

Arratos, a Pleader or Serjeant at Law.sciendum quod quidem Willielmus Lovel miles hic in Curia in prasentia dy audientia Justic. animo impetuoso dixis cuidem Ade de Flitcham Narratori pradicti Petri in Assisa pradicta placitandi, &c. Hill. 16 E. 3. Niscan anciently Serviens Narrator, was used for a Serjeant at Law. See

Matt, Seems to be the Proper Name of Orford Haven

in Suffolk. 4 H. 7. 22.

- Quod nec di&us Philippus de Avery Mathinagte, . nec baredes sui de catero petere possit aliqua tallagia nec etiam Prancum plegium nec etiam aliam demandam qua

vocatur Nithwite: Charta 55 H. 3. m. 6. of Wallingford, return upon Oath Quod nullus de Natione sliius Burgi pro quocunque fallo quod fecerit, debet supendi, &c. Paroch. Antiquit. p 258.

Pativity, Nativitas, Birth, cassing the Nativity, or

by Calculation, seeking to know how long the Queen should live, Gre. made Felony, 23 Eliz. 2. Nativitas was anciently taken for Bondage or Villenage, Terram quam nativi sai tenuerunt de se in nativitate, Mon. Ang.

2. par. fol. 643.

Altino habenon. Was a Writ that lay to the Sheriff, for a Lord, whose Villain claimed for his Inheritance, run from him, for the apprehending and restoring him to his Lord again, Reg. Orig. fol. 87.

F. N. B. fol. 77. See the Charter of Richard the Second, by which he manumitted all in the County of Hertford, Walfingham, pag. 254.

Patitus. He that is born a Servant, and so differs from him that suffers himself to be sold; of which

from him that suffers himself to be sold; of which Servants there are three forts, Bondmen, Natives, and Villeins; Bondmen were those who bound themselves by Covenants to serve, and took their Name from the word Bond; Natives, we spoke of just before; And Villains were such who belonging to the Land, till the Lord's Demesner, nor may depart thence without the Lord's License, Spelman's Gloff. --—Quid fi aliquis Nativus alicujus in prafato Burgo manseris & ter-ram in eo tenueris & fuerit in pradicta Gilda & Hansa & Loth & Scoth cum eisdem Burgensibus nostris per unum annum & unum diem sine calumpnia, deinceps non possit repeti à Domino suo, ut in codem Burgo liber permaneat,

Carta, Hen. 3. Burgenfibus Mungumery. Nation tenentes. Sunt (ipfi etiam liberi) qui terram tenent Nativam, boc eft, nativorum servitiis obnociam,

Spelman.

😂 Mativi De Bipite, Il Nativus de flipite quondam tenuit in Villenagio ut de stipite unum Messuagium in Rillatum, &c. Survey of the Dutchy of Cornwal, where there is also mention of Nativi Conventionarii, the first were Villains or Bondmen by Birth or Stock, the other by Contract, servi enim alii natura alii fasti alii optitione alit redemptione alit sua vel alterius datione, . L. H. 1. 1.cap. 76.

Ec 2

Maturalization

Maturalization, Naturalizatio, Is when an Alien born, is made the King's natural Subject. See Denizen. And this faith Spelman, Regio diplomate dy Senatus consulto expetendum est. Porest autem virtute Regii Diplomatis denizationem, boc est, dunicipium consequi, quo pradia com-paret, possideat, disponat muniaque omnia subeat uti natu-talis indigena; hareditarie tamen nil adeat simplici boc nomine: Sed naturalizationis pallio indutus omnem adipis-

citur penisudinem. autem est, per vilum accusantibus vilum conculitus pro-pensius advertendum, ut scilicet ipsas coeuntium matucus

viderint commiscert. Leges Hen. t. cap. 83. Frankincense, before it was put into the Thuribulum, Cenfer, or (moaking Pot .- Inter Ecclefie unamenta-Turribulum cum navi. Paroch. Antiquit. p. 598. It feems so called from the shape, resembling a Boat or little Ship, as a Coune of Brandy for the like reason. We have seen several of these Bout-cups in Silver,

Earth, &c. as diffinguished from the Quire, and Wings, or Isles.

122 admittas, Is a Writ that lyeth for the Plaintiff in a Quare impedit, or him that hath an Action of Darrein Presentment depending in the Common-Bench, and feareth that the Bishop will admit the Clerk of the Defendant, during the Suit between them; which Writ must be sued within fix Months after the avoidance, because after fix Months the Bishop may

present by Lapse, Reg. Orig. fol. 31. F. N. B. fol. 37.
Acatland, Terra Villanorum, Land let or granted cut

to the Yeomanry, Ex vet. Charta.

Degative pregnant, Negativa pregnans, Is a negative implying allo an affirmative: As if a man being impeaded to have done a thing on such a day, or in such a place, denieth that he did it mode by forma declarata, which implyeth nevertheless, that in some sort he did it: Or if a man be said to have alienated Land in Fee, and he faith, he hath not aliened in Fee, this is a segative pregnant; for though it be true that he hath not aliened in Fee, yet it may be, he hath made an Estate in tail, Dier, fol. 17. num. 95. And Brook bee titulo, and Kitchin, fol. 232. and the Terms of the Law. We read also in some Civilians of Affirmativa pregnans, and that is, que habet in se inclusivam negativam by hee important videntum different negativam.

(folum & tantum) qua implicant negativam. Pacianus de probationibus, lib. 1. cap. 31. num. 16. fol. 93.

Deggildare, — Non sogitur liber cum (ervo neggildare, nufi velis ei fallionem facere, nec fervus cum libero. Leges Hen. 1. cap. 70. The Laws of King Ina, Sch. 7. 8. thus expound the word: Non cogatur liber cum fervu commatinuem faluere, nifi velit eum facere liber cum fervu commatinuem faluere, nifi velit eum facere liber cum fervu commatinuem faluere, nifi velit eum facere liber cum fervu commatinuem faluere, nifi velit eum facere liber cum fervu commatinuem faluere, nifi velit eum facere liber cum fervu commatinuem faluere, nifi velit eum facere liber cum fervu commatinuem faluere, nifi velit eum facere liber cum fervu commatinuem faluere liber cum fervu commatinuem faluere liber cum facere liber cum facere liber cum fervu commatinuem faluere liber cum facere liber cum fac tur liber cum serva cognationem solvere, nisi velit eum fa-

Elione liberare.

Maile, Nativa, From the French Naif. naturalis, Is a Bond-woman, Anno 1 E. 6. 3. and 9 R. 2. cap. 2. Eut if the marry a Free-man, the is thereby made free; and if the be once free, and clearly discharged of all Bondage, the cannot be Neif after, without some special Act done by her, as Divorce, or Confession in Court of Record; and that is in savour of Liberty, and therefore a free Woman shall not be bound by taking a Villain to her Husband; but their Issue shall be Villains as their Father was, which is con-

trary to the Civil Law, which says, Partus sequetur ventrem. See Manumission.

Gurit of Mitty, Was a Wrie whereby the Lord claimed such a Woman for his Neif, wherein but two

Neifs could be put; but it is now quite out of ue. Seephyte, A Learner in any thing, Tyro; we call fuch a one a Nevice.

Definition beres, is a Writ which lies for a Tenant that is distrained by his Lord, for other Services than he ought to make, and is a prohibition to the Lord in it felf, commanding him not to diffrain: The special use of it is where the Tenant hath formerly prejudiced himself, by performing more Services, or paying more Sent, without confirmint, than he needed; tor in this case, he reason of the local's said has for in this case, by reason of the Lord's Seifin, he cannot avoid him in Avoury, and therefore is driven to this Writ, as his next remedy, Reg. Orig. fol. 4. F. N. B. fol. 10. Pette. See Nasse.

De-vice-comes colore mandati Regis quenquam amo vent à possessione Ecclesia minus juste, Regist. Orig.

Alcol. Anciently used for Lincoln. In fasce Petitionum in Turri London, 30 Ed. 1. 7 E. 1. & jepe

Miderling, alise Midering, alise Mithing, Gulie.
Malmes, pag. 121. In the Life of William Rufus. hath these words, Anglos suos appellat (Rex) & jubet ne compatriotas advocent ad obsidionem venire, nisi si qui velint fub nomine nidering qued nequam fenat remanere; Angli qui nibil miserius putarunt quam hujusce vocabuli de-decore aduri, catervatim ad Regem confluent sy invinci-bilem exercitum faciunt. And Mat. Paris, in Anno 1088. p. 14. Ut ad obsidionem veniant jubet, nist vellut sub momine Nithing qued Latier nequam sonat recensers,

Mient compile, Is an exception taken to a Petition, as unjust, because the thing defired is not contained in that Act or Deed whereon the Petition is grouned. For example, One defireth of the Court to be put into Possession of a House, formerly among other Lands, &c. udjudged unto him: The adverse Party pleadeth, That this Petition is not to be granted, because though he had a Judgment for certain Lands and Houses, yet the House, into the Possession whereof he desireth to be put, is not contained among those for which he had Judgment. See the New Book of Entries, situlo Nient comprise.

Mile, Anno g E. 4. cap. 5. The word is mentioned, and feems to fignifie a thing of little value; It may be a corruption of nihil, but neither Cowel nor Spel-

man have given it any Interpretation.

Miger Liber, Is the Black Book in the Exchequer fo called.

Mibil or Dichil, Is a word which the Steriff anfwers, that is opposed concerning Debts illeviable, and that are nothing worth, by reason of the insufficiency of the Parties from whom they are due; 5 R. 2. Stat. 1. cap. 3. ard 27 Eliz. cap. 3. Accounts of Nihi skall be put out of the Exchequer, 5 R. 2. Stat. 2. cap. 13.

Mitt vicit. Is a failing to put in Answer to the Plea of the Plaintiff by the day affigned, which if a Man omit Judgment paffeth against of course by nibil dicit, that is because he says nothing in his own desence, why it should not.

Mithil capitat per Breve, Is the Judgment given a-against the Plaintiff, either in bar of his Action, or in abatement of his Writ, Co. on Lit. fol. 363.

Athil capiat per billam. See Nibil capias

Mili mius. Is a Writ Judicial, which lieth in cafe where the Jury is impannelled, and returned before the Justices, the one Party or the other requesting to have this Writ for the ease of the Country, whereby the Sheriff is willed to cause the Erquest to come before the Justices in the same Country at their coming. See 14 E. 3. cap. 15. The form of the Writ you have in the Old Nat. Brev. fol. 159. and in the Register Judicial, fol. 7. & 28. & 75. New Book of Entries,

Entries, verbo Nisi Prius. And it is called a Writ of Nifi Prius, of these two words, whereby the Sheriff is commanded to bring to Westerinster the men impanneled at a certain day, or before the Justices of the next Affiles, Nisi die Luna apud salem lesum prius venerant, &cc. And the Justices of Nisi prins must be one of them before whom the Caule is depending in the Bench, F. N. B. fol. 240. which he taketh from the Statute of Twk. Anno 12 E. 2. See Westim. 2. cap. 30. 13 E. 1. and 27 E. 1. cap. 4. 2 E. 3. cap. 17. & 4 E. 3. cap. 11. & 14 E. 3. cap. 16. 7 R. 2. cap. 7. and 18 Eliz. cap. 12.

AT Milus, The leffer Hawk, or Sparrow-hawk. In nemore de Blidewrd babebant Archiepiscopus dy Canonici Eber. propries berestaries sues & mei & area accipitum & misorum & pasnagium. Cart. H. 3. en Registro G milorum G pajnagium. Cart. H. 3. Joh. Romane Archiep. Ebor. MS. fol. 91.

Mabilis. A Noble, an ancient kind of English money now not in use; the value thereof, in the thirty fourth Year of Edward the Third, being 1360. appears in the Letters of John King of France, upon the Treaty of Peace between the same two Kings, where Art. 13. you have these words, corde est, que le Roy de France payera au Roy d' Angleterre trois milions d'escus d'or, dont les deux valent un noble de la money d'Angleterre. We at this day value a Noble at fix shillings eight pence, but have no peculiar Coin of that Name.

Mobilitas. Nobility compriseth all degrees of Dignity above a Knight, so that a Baron is the lowest Order thereof, Smith de Repub. Ang. lib. 1. cap. 17. Bartolus in his Trall de Nobilitate, lib. 12. defines it thus, Nobiliter est qualites illata, &c.

& Flocata terre — qui tenuit dimidiam virgatam terre vel Nocatam terre vel Cottagium — Custumar. & Rocata tert= -

de Sutton Colfield. See Nook of Land.

Poetes & noctem be firma, We often meet in Doomsday with Tet noctes de firma, vel firma tot noctium,
which is to be understood of entertainment for so many nights. See Doomsday, tit. Estexa. Rex Hundred de Chemeresford writelam tunc reddit bec manerium decem noctes de firma & 10. lib. &c. Our Anceftors, the English Saxons, were accustomed to reckon their times by the Nights, which Custom we full retain, when we say for a single week, a Stright, quasi seven night, that is, septem week; and so for the Week. two Weeks, a fortnight, quali fourteen nights, (i.) quatuor- decem noctes.

Bocumentum. See Nulance.

Bodfyts alis Medfei, Was a word well known among the Saxons to fignific necessary Fire, being derived from the Saxon Neb. that is, necessary, and fry, ignis: But the learned Spelman is of Opinion from the old Saxon Neod, (i.) obsequium; so that Nodfres were Fires made in honour of the Heathenish Deities. Vide Proemium Eadgari Regis de Cœnobitis Regularibus introducendie, &c.

87 Maffins, Manfins, A Coffin of Wood. Siquis corpus in terra vel nosto vel petra, sub peer, vel pyramide, vel structura qualibet positum effodere prajumpje-Leges Hen. 1. cap 83.

Rementator, One that enucleates and opens the Etymologies of Names. Spelman verbo Nomenclasor,

interprets it to be Thefaurarius.

4 Pomina Allarum, King Edward the Second (Ann Reg. 9.) fent Letters to the Sheriffs of England, Commanding them to make an exact Return into the Exchequer of the Names of the Villages, and Possessors thereof in every County, which was accordingly done by them, and their Returns together are called Domina Cillarum, remaining fill in the

Momination, Nominatio, Is used as well by the Canonifts as Common Lawyers, and taken for a Power, that a man by vertue of a Mannor, or otherwise, hath to appoint a Clerk to a Patron of a Benefice, by him to be presented to the Ordinary.

120na, 120na, According to the Romans Account, were those days which at the beginning of some Months had fix, of others had four days, according to the Verles,

Sex Nonas Mains, October, Julius & Mars, Quatuor at reliqui, &c.

Spelman in his Gloffary interprets it for Meridies, Nidday, Dinner-time, which we in English call Non and Non-tide, which is as much as if we should say in Latine Horam nonam, id est, Pomeridianam tertiam, non meridiem, and as he insers, Ratio à Romanorum coma dusta est, qua bora diei nona est, nec solenniter antè comedabant.

Monability, Is an exception taken against the Plaintiff or Desendant, upon some cause why he cannot commence Suit in Law, as Pramunire, Outlawry, Profest in Religion, Excommunicate, or a Stranger born, which last holds only in Actions real and mixt, and not in personal, except he be a Stranger and an knemy. The Civilians say, That such a man hath not Personam standi in judicio. See Bro. boe titulo, and F. N. B. fol. 35.65. & 77.

Mon abmittas. See Ne admittas.

shonage, is all that time of a man's age, under one and twenty years in some Cases, and sourteen in others, as Marriage. See Broke, tit. Age. Vide Age. Son capiendo Clericum. See Clericum non capiendo.

Montlaime. Is the omiffion, or neglect, of him that ought to challenge his Right within a time limit ted, by which neglect he is either barred of his Right; as at this day upon Nonclaime within five years after a Fine, and Right to him accrued, by the Statute of 4 H. 7. 24. Or of his Entry by his descent, for want of Claime, within five years after the Diffeisin, made by the Stat. 32 H. 8. 33. Vide Co. lib. 4. in Proam. and Continual Claim.

Man compos mentis. That is, not of found memory or understanding, which are four-fold: 1. An Ideas à Nativitate, is non compos mentis. 2. He that by accident wholly loseth his memory and understanding. 3. A Lunatick, that hath Lucida intervalla, sometimes his understanding, and sometimes not. 4. He that by his own act for a time depriveth himself of his right mind, as a Drunkard; but this last kind shall give no Priviledge to him or his Heirs. See Co. lib. 4. fol. 124. Beverlye's Case.

12on bifteingendo, is a Writ comprising under it

divers particulars, according to divers Cases, which see in the Table of Reg. Orig. verb. Non diffringends.

Bon to Culpabilis, is the general Plea to an Action of Trespass, whereby the Desendant doth absolutely denve the Red. deny the Fact imputed to him by the Plaintiff, whereas in other special Cases the Desendant but alledgeth some reason in his own desence: And therefore when the Rhetoricians comprile the substance of their Discourfes under three Questions, An fit, quid fit, quale fit. This Answer falleth under the first of the three, and as it is the general answer in an Action of Trespass, that is, and Action criminal civilly prosecuted; so is it also in all Actions criminally followed, either at the Suit of the King, or other, wherein the Defendant denyeth the Crime objected unto him. See the New Book of Entries, tit. Non culpabilis, and Stamf. Pl. Cor. lib. 2. cap. 62.

Pàn

ston to factum, Is an Answer to a Declaration, whereby a man denyeth that to be his Deed, where-

upon he is impleaded, Bro. boc tit.
32on implacitando aliquem de libero tenemento une brent, is a Writ to inhibit Bayliffs, &c. from diftraining any man without the King's Writ touching his

Free-nold, Register, fol. 171.
Don intromittende, quando biebe de Pizeipe in Capite subbole impetratur. Is a Writ directed to the Justices of the Bench, or in Eyr, willing them not to give one that hath under colour of intituling the King to Land, Gre. as holding of him in Capite, deceitfully obtaining the Writ called Pracipe in Capite, but to put him to this Writ of Right, if he think good to use it,

Reg. Orig. fol. 4. b. sion Speccambirando Cictualia. Is a Writ directed to the Justices of Asse, commanding them to enquire whether the Officers of such Town do tell Victuals in grois, or by retail, during their Office, contrary to the Statute, and to punish them if they find it true,

Register of Writs, tol. 184.

sizon molenando, is a Writ that lyeth for him which is molefted contrary to the King's Protection granted him. Register of Writs, fol. 24.

52 on obliante. (Which tignifies Notwithstanding,) is a Clause trequent in flatutes and Letters Patent. All Grants of such Pénsions, and every non obstante therein contained, shall be word, 14 car. 2. cap. 11. Croke's
Rep. 3. par. tol. 196. and Plowd. Com. fol. 501, 302.
In the Reign of King Henry the Third, (lays Sir Richard
Baker) The Clause Non obstante (first brought in by
the Pope) was taken up by the King in his Grants and
Writings. See Prynne's Animadversions on 4. Inst. fol.

Mon omitt. propt. aliquam libertat. Is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath sent to the Bayliss of such a Franchife, which hath the return of Writs, and he hath not served the Writ, then the Plaintiff shall have this Writ directed to the Sheriff to enter into the Franchife, and execute the King's Process himself, Old Nat. Brew. fol. 44. Of this the Register Original hath three forts, fol. 82. & 191. and the Register Judicial one, fol. 5. & 56. Also the Sheriff shall warn the Bayliff, That he be before the Justices at the Day contained in the Writ, and if he come not, then all the Judicial Writs during the same Plea issuing, shall be Writs of non omitten, and the Sheriff shall execute the same. See Termes de la Lay, boc tit. & Ron Dienn. It was Knacked 9. E. 3. 2. That

none thence-forth should lose his Land because of Non-Plevin; that is, when the Land was not replevined in due time. Ralph de Hengham gives this good Account of it- Caveas sibi rems deficiens, quod infra 15 dies terram suam captam in manum Domini Regie replegiet, quod si non secerit, ad calumniam petenti proximo die placiti amittet seisinam terra sicut per defaltam Et ista defalta vocatur Gallice Non plevine & aquipollet naturaliter defalta post defaltam. Hengham in Magn. сар. 8.

Rom-Bonendig in Aluks & Juratis, Is a Writ founded upon the Statute of West, 2. cap. 38. and Articuli super Charten, cap. 9. which is granted upon divers Causes to Men, for the freeing them from Assiss and Jurors. See F. N. B. fol. 165. and the Register, fol.

100, 119, 181, 183. Son Procedendo an Affilam Rege inconsulto, Is a Writ to flop the Tryal of a Cause appertaining unto one that is in the King's Service, &c. until the King's Pleasure be farther known, Register, fol. 280. Ron residentia pro Clerifis Regis, Is a Writ di-

rected to the Ordinary, charging him not to moleft

a Glerk employed in the King's Service, by reason of

his Non-residence, Reg. Orig. fol. 58.

Don Residence, 28 H. 8. 13. Is applyed to such Spiritual Persons as are not resident, but do absent themselves for the space of one or two Months at several times in one Year from their Benefices; for Personal Residence is required of Ecclesiastical Persons upon

their Cures. See 2. par. Infl. fol. 625.
Den folbendo pecuniam an quam Cleticus mulctatur pro non reflocutia, is a Writ prohibiting an Ordinary

to take a Pecuniary Mulet imposed upon a Clerk of the King for Non-Residence, Reg. Orig. fol. 59.

#208 suite, Is a renouncing of the Suite by the Plaintiff or Demandant, most commonly upon the discovery of some Error or desect, when the matter is so far proceeded in, as the Jury is ready at the Bar to deliver their Verdick, 2 H. 4. 7. See the New Book of Entries, verbo Nonfait. The Civilians term it Litis renunciationem. See 23 H. 8. cap. 15. 8 Eliz. cap. 2. and 4 Jac. cap. 3. whereby he that is Non-suit shall pay Costs to the Defendant.

Mon fum informatus. See Informatus non fum.

Mon fant memory, Non fane memorie, is an exception taken to an Act declared by the Plaintiff or Demandant, to be done by another, whereupon he grounds his Plaint or Demand: And the effect of it is, that the Party that did that Act was mad, or not well in his Wits when he did it. See the New Book of Entries, titulo Non sana memoria by dum non fuit compos mentic. See also before Non compos mentis.

Mon tenure, Is an exception to a Count, by laying, That he holdeth not the Land specified in the Count, or at least some part of it, 25 E. 3. Stat. 4. cap. 16. West Symbol. part 2. tit. Fines, sett. 138. makes mention or Non tenure general, and Non tenure special. See the New Book of Entries, verbo Non tenure, where tis faid, That special non tenure as an exception, alledging that he was not Tenant the day when the Writ was purchased. Non tenure general, is when one denies himself ever to have been Tenant to the Land

in question.

Somes (Nones) In March, May, July and OBober are fix days next following the first day, or the Calends. In the other Months they are the four next days following the first, but the last of these days is called Nones, as the third, fourth, or fifth Nones. They are called Nones, because they begin the Ninth day before the Ides. Dates of Deeds by Nones, Ides, is

sufficient, Inst. 2. part. 675.
Don terms, Non terminus, Is the time of Vacation between Term and Term: It was wont to be called the time or Days of the King's Peace, Lamb. Archaionum. fol. 126. and that these were in the time of Edward the Confessor, see there. This time, by the Romans, was called Justitium or Peria, or dies nefasti; Feria appellari notum est tempus illud, quod forensibus negotius o jure dicendo vacabat; Earum autem alia solennes erant, alia repentina, Brisson de verb. Signif. lib. 6.
Wesenbec. paratit. de ferits, num. 6.

Mookt of Land, Noka terra, universis pateat quod ego J. qua fui uxor W. B. ___ traditi, &c. H. A. unum mess. dunam Nokam terra eum pertin. in villa de M. Dat.

apud Sodynton, 5 E. 3.

&T Doonschench. Inter antiques consuctudines Abbatia de Sanllo Edmundo — infra manerium de Herdwyke — Custumarius faciet si Dominus voluerit unam precariam in Autumpno cum duobus bominibus ad cibum Domini ad due repasta dy ad Noonscench, dy aliam presa-riam cum uno bomine ad cibum Domini ad due repasta dy ad Noonscench si Dominus volueris. Ex Cartular. S. Edmundi. MS. s. 322.

Wolfoe's

Monage, As much as to lay, Northrey, that is, the Northern King: The third of the three Kings at Arms, and his Office lies on the North-side of Irent, as Clarenfins on the South: He is mentioned in the Statute 14 Car. 2. cap. 33. See Herald.

Matary, Notarin, Mentioned 27 E. 3. Is a Scribe or Scrivener, that makes short draughts of Writings and other Infruments. At this day we call him a Nosary, or Publick Notary, that attests Deeds or Writings, to make them authentick in another Country, but principally in bufiness relating to Merchants.

Bott of a fine, Note finie, is a brief of a Fine made by the Chirographer, before it be ingroffed; the form whereof fee in West Symbol. part. 2. tit. Fines, lect. 117.

Not Outley. See Non eft Culpabilis. Rougle, Seems to be Land newly plowed, that without memory of man hath not been tilled. Item note quod Novale est ager nunc primum prasisus er quod Novale semel fuit, semper erit Novale, que ad desimarum reten-tionem vel solutionem. Ex cartulario Abbathiz de Furnesse in Com. Lanc. in Ossicio Ducat. Lanc. sol.

& Roba Dhlata. De Novie Oblatie Nichil ftribatur in Rotulo annali nisi ea de quibus Vice comites respondent dy debita Inventa in Originalibus qua videntur esse clara

Clauf. 12 E. I. m. Dorfo. See Oblata.

Panel Allignment, Nova assignatio, is an assignment of Time, Place, or such like, otherwise than as it was before assigned, Bro. tit. Deputy, num. 12. See Novel affignment of Trespass in a new place, after Bar pleaded, Bro. tit. Trespals 122. and Novel assignment in a Writ de ejectione cuftodia, tit. Ejectione cuftodia, imm. 7. Sec Assignment.

A Bonel Difterlin. See Affife of Novil Differfin. & Poinche - Hec ornamenta capella jua delata sunt ad Ecclesiam suam Elyensem post obitum suum, (sci-lices Johannis de Ketene Episcopi) una cappa rubea de Sampte bene brudata cum imagnibus in tabernaculis cum uno Nowche nobili de argento cum fahutatione protralia in amayl faphiri coloris. Hist. Elien. apud Whattoni Angl. Sacr. Part. 1. p. 642.

83 Mointgeld, So Cornegium was called. See Cor-

Mage.
Apyles, No Person shall put any Moyles, Plocks, Thruins, Hair, or other deceivable thing into any broad Wollen Cloth, &c. 22. Jac. 18.

27 Auces colligers, To gather small Nuts, or Hazle-Nuts. This was one of the Works or Services imposed upon inferiour Tenants.

Homines de Hedingdon uno die colligent Nuces nomine Domini in bosco qui vocanuo die colligent Nuces nomine Domini in bojce qui vocatur Stowode — Homines de Pydington per unam diem colligent Nuces ad opus Domini in bojco quo gum uno bomine. — Paroch. Antiquit p. 495.

Dubt Contract, Nudum Pallum, Is a bare promife of a thing, without any confideration; and therefore

we say, Ex sudo pacto son oritur actio.
Punte Patter. See Matter.

& AD Mumerum, Civitas Cant. redit 24 1. ad Numerum Domes day, that is, by Number or Tale, as 'tis called. And Libra Pensata vel ad pendus, was by Weight. See Libra Arsa. Pecunia in numero, ad numerum, manerata, was the ancient and usual reservation, and supposed to be intended in all Grants, unless the contrary was expressed. Vide Hale of Sheriffs Accompts, p. 25.

Dummata terra, Is the fame with Denariatus terra and thought to contain an Acre, Schatie me (fe. Will. Longespec) dedisse de concessise Ecclesie S. Mariz de Walsingham de Canonicie ibidem Deo Servientibus in perpetuam Eleemosynam 40. Nummatas terrz in Walfingham, que fuit Archetel & Brinig fratris ejus de focca Wibosune, libere, quiete & bonorifice absque smni feruitio & omni consuctudine. Spelman.

Muncupative will. See Will.

Munue, Nonna, Signifies a holy or confecuated Virgin, or a Woman that hath by Vow bound her felf to a fingle and chaft Life in fome Place and Company of other Women, separated from the World, and devoted to an especial Service of God by Prayer, Fasting, and such like holy Exercises. St. Hierome tells us. This is an Egyptian Word, as Hofpinian recordeth of him in the Book De Origine of Fregresse Monachatus, fol. 2.

Duncius, We may call him an Apparitor, Sergeant, or Beadle.

Muper obilt, Is a Writ that lies for a Coheir, being deforced by her Co-parcener of Lands or Tenements, of which the Grand-Father, Father, Uncle, or Brother to them both, or any other their common Ancestor, died seised of an Estate in Fee-simple. See the Form of the Writ, Reg. Orig. fol. 226. &c. and Fitzb. Wat. Brew. fol. 197. But if the Ancestor died feized in Fee-tayl, then the Coheir deforced shall have a Formedon, ibid. But where the Ancestor was once seized, and died not seized of the Possession, but in Reversion; in such a case a Writ of Rationabli parte lies for the Party.

Mulance, (Nocumentum,) Cometh of the French Nuire, i. Nocere, and fignifies not only a thing done, whereby another Man is annoyed in his Free Lands or Tenements, but the Affize or Writ lying for the same, Fitz. Nat. Brev. fol. 183. And this Writ de Noin. mente, or of Nusance, is either simply de Nocumento, or de parvo nocumento, and then it is Vicountiel, Old Nat. Brev. fol. 108, 109, F. N. B. fol. 183, 184. Britton calls it Nofance, whom read, cap. 61, 62. Manwood in his Forest Laws, cap. 17. makes three forts of Nusance in the Forest: The first is, Nocumentum commune. The Second, Nocumentum security which you may seed there (for I will not generale, which you may read there, (for I will not inful upon the distinction.) See Reg. Orig. fol. 197. & 199. Co. Rep. Williams's Case. Instead of this, now generally are broughe Actions of Trespals, and upon

&T Muttgelb or Meutgelb, Carta Antq. S. N. 29. A certain Tribute paid in Cumberland and Wellmorland. It may be the fame with Donnells, for by Neus, Neas, is underftood Cattle — Richardus Rez, &c. Sciatis nos concessisse Gilberto filio Rogeri & haredibus suis quietantiam per totam terram suam de Westmorland & de Kendale de Nutegeld, &c. Cart. Ric. 1.

Duttings, Nuces muscata, is a Spice well known to all, described in Gerbard's Herbal, lib. 3, cap. 145 and mentioned among Spices that are to be garbled.

1 Jae. 19: Custumarius Domina non debet vendere equum masculam neque bovem de proprio mistimento suo. -Paroch. Antiquit. p. 401.

O.

The seven Antiphones or alternate Hymn of seven Verses, &c. sung by the Quire in time of Advent, was called O, from beginning with such Exclamation. In the old Statutes and Orders for the Charch of St. Paul in London, in time of Ralph de Diceto, Dean, there is one Chapter De faciendo – Debet etiam novus Refidentiarius contra Natale O fuum intonare, de in domo fun post completorium totum Chorum invitare, &c. Liber Statutorum Eccl. Paul. London MS. f. 86. D Ri

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D At. In the Exchequer, as foon as a Sheriff-enters into his Accounts, for Islues, Americaments, and mean Profits, they set upon his Hend this mark, O Ni. which denotes Overatur, nisi babet sufficientem exonerationem, and thereupon he forthwith becomes the King's Debtor, and a Debet fet upon his Head, and then the Parties Peravaple become Debtors to the Sheriff and discharged against the King, Co. 4. Inft. fol. 116.

Dale-Gavel. See Gavel-sester. Date Gavel. See Gavel.

Dath, Juramentum, Is an Affirmation or Denyal by any Christian of any thing lawful and honest before one or more that have Authority to give the same, for the advancement of Truth and Right, calling Almighty God to Witness, that his Testimony is true: It is called a Corporal Oath, because he toucheth with his Hand fome part of the *Holy Scripture*, Co. 9. par. Inft. cap. 74. The Law efteems it the best means to search out the Truth, by the Oath of honeft, lawful, and indifferent Persons; and therefore it is fitly termed Sacran tum, an holy Band, or facred Tye, or godly Vow. Some do call it Firmamentum verifiatis, the foundation and ground of Truth; Others Vinculum pacie, and if it be taken and found by a whole Jury, it is called Veredictum, a Verdict. Pulton de Pace Regis & Regni. See the Book of Oaths, lately fet out and Printed.

& Diba. Servientes infirmitarii & refoliorii respi deant suis Magistris de ciphis argenteis & mareis, coche-alibus argenteis, Obbis, salariis Mappis & manutergi-

alibus argenteis, Oddis, jaiarin mappin o ministration of Reger Hist Ingulphi. p. 104.

Discientia, Was a Rent, as appears out of Reger Hoveden, parte poster, annal. sur. pag. 430. in these words, Ut ergo eis (se. regularibus) assimatur opportunitas evagandi, probibemus, ne redditus quod Obedientias vocant ad sirmam teneant, Sic. In the Common Law it is used for an Office, or administration of mo Office. and thereupon the word Obedientiales is used Office; and thereupon the word Obedientiales is wied in the Provincial Constitutions, for those which have the execution of any Office under their Superiours, cap. prim. de Statu regula. For thus faith Limmond in his gloß upon that Word, Hi funt qui fub Obedientia fuorum Pralatorum funt & babent certa Officia adminifiranda interius vel exterius. It may be thut some of these Offices called Obedientia, consisted in the collection of Rents or Pensions, and that therefore those Rents were by a Metagrapia, called Obedientia and saffing. Rents were by a Metenymie, colled Obedientia qui collige-bantur ab Obedientialibus.

Dbit, A Latine Word, fignifying a Funeral Solemnity, or an Office for the Dead, most commonly performed at the Funeral, when the Corps lye in the Church uninterred: Also the Anniversary Office, Cro. 2. par. fol. 51. Holloway's Case. It was held 14 Elix. Dyer, 313. That the tenure of Obit or Chanty-Lands held of Subjects, is extinct by the Act of 1 E. 6. 14.

See 15 Car. 2. cap. 9.

Dbit, Dbituary, The Anniversary of any Perfon's Death was called the Obit; and to observe such Day with Prayers and Alms, or other Commemoration, was called *keeping the Obit*. In Religious Houses they had a Register or Kalendar, wherein they entred the Obits or Obitual Days of their Founders and Benefa-

ctors, which was thence called the Obituary.

Dhjurgalites, Scolds or Rhiling Women, M. S. L. L. Liberi Burgii Villa de Mountgomery à sampare

Oblata, Properly Offerings: But in the Exchequer it signifies old Debts, brought together from precedent Years, and put to the present Sherist's Charge. See the Practice of the Euchequer, pag. 78. Also Gift made to the King by any of his Subjects, which were so carefully taken notice of in the Reigns of King

John and Henry the Third, that they were entred in the fine Rolls, under the Title Oblata; concerning which fee Mr. Dillips his Book of the Antiquity and Legality of Royal purveyance, Spelman's Gloffary, and

Prynne's Aurum Regina.

Dblatm, The Confecrated Wafers or Hofts distributed to Communicants in the Mass or Sacrament of the Alter. ——— And hence the word was afterward used for thin Cakes or Wasers baked in Iron of the Alter. -Moulds, which the French still call Oblee and Oblie ... A Customary Itent in Religious Houses. Item fingulie diebus dominicis in quadraguffine dinddium prebendarum frumensi de granario ad Oblatas ad Conam, dy dinidium fimiliter in Cona Domini ad idem. -- Monaft. Anel. Tom. 1. p. 149.

Oblations, Oblationes, Are thus defined in the Cannon Law, Oblationes dicentur, quacumque à pius sidelibus-que Christiants offeruntur Les & Ecclesia sive res soli sive obiles fint; nec refert an tegentur testamento, an aliter donentur, cap. Clerici 13. quælt. 2. Read more there-of in Duarense de face. Eccl. Minister. ac benefi. ocp.

tertio, 12 Car. 2. cap. 11. & Dblations of the Altar, & Dblattons of the Altar, Custumary Offerings from the Parishoners to the Parish-Priest, which were Solemnly loid upon the Altar: Of which the Maß Secrement-Offerings were usually Three Pence at Christmass, Two Pence at Baster, and a Peny at two other principal Feasts. Under the same Title were comprehended all the accustomed Dues for Sacramentalia, or Christian Offices, which in the Vicarage of Burcefler, about the Year 1212, were one Peny for a Burial, one Penny for a Marriage, one Penny for Churching a Woman. Among the Altar-Oblations were also reckon'd the little Soms paid for faying Mafles and Prayers for the Souls of the deceased. See Mr. Kennett's Gloffary.

Delationer Functales, The Soul-fout or Offe-

ring to expinte the outlifious or defaults of the Party decessed in paying Tithes, or other Ecclefiaftical dues, was at first an Objection at the Funeral, which was often the best Horse of the default, led before the ic, and delivered at the Church-gate or the Grave, for the use of the Parish-Priest. To this old Custom we owe the Original of Mortuaries, dyc. If the Corple of the deceased was carried from the Mother Church to any other Place of Sepulture, the accustomed Offerings were due to the Parish-Priest where the Party died. — At the Burial of the Dead, it was a Cu-from for the furviving Friends to Offer liberally at the Alter, for the pious use of the Priest, and the good effect of the Soul deceased. The Reliques of this Custom do still obtain in North-Wales, where at the Rails, which decently defend the Communion-Table, there is a Tablet or flat Board conveniently fixt, to receive the Money, which at most Funerals is offered by the ferviving Friends, according to their own Ability, and the Quality of the deceased: Which seems a Providential Augmentation to some of those poor Church-See Mr. Kennett's Gloffary.

Dblattoms quature principales, The foor chief or principal Offerings to the Pariffs-Prieft, which were made in the Featt of All-Suints, Christman, Candlemar, and Eafter .-- Ita tamen quod Sacramenta baptifmi, fomalium, partificationis, de quatuot principules Oblationes, videlices in Festis amnium Sanstorum, pales Oblationes, vidences in prim umum umum partificationis beate Marie, ac Pasche, ac mortuaria amnium dy fingulorum ibidem sepulturam eligenthan cum amnibus oblationibus ratione funeris ob-

MS. f. 51.

Obligation.

Obligation, Obligatio, Is a Bond containing a Penalty, with a Condition annext, either for payment of Money, performance of Covenants, or the like, and fo differs from a Bill that hath no Penalty nor Condition; and yet a Bill may be Obligatory. See Co. on Iit. fol.
172. and West Symbol. part. 1. lib. 2. sect. 146.
Dbligos, is he that enters into such an Obligation,

and Obligee the Person to whom it is entred into. In the Saxons Time, Writings made firm with Golden Crosses, but the Normans put to them a Seal of Wax,

and the Testimony of three or four Witnesses.

Dbolata terra, in the Opinion of some contains half an Acre of Land, Others but half a Perch. Thomasius, says, Obolum terra is ten foot in length, and five in breadth. See Fardingdele and Spelman's Gloffary more at large upon this Word.

Dimentions, Obventiones, Offerings, 2. Inft. fol. 661.
Also Rents or Revenues properly of Spiritual Livings,

12 Car. 2. cap. 11.

Decaflo, Is, according to Spelman, taken for an Impediment in the Charter of Liberties of Henry the First, We have these Words, Quorum Regnum op pressum erat injustis occasionibus & exactionibus, and in Chart. Forest, cap. 12. unusquisque liber bomo de catero fine occasione faciat in bosco suo vel in terra sua-molendina, vivaria,&c.

ST Decasionarii, To be fined or amerced, or made fubject to Occasions, or Occasional Penalties. propter boc occasionentur coram Domino Rege by Justiciariis quibuscunque, Statut. Anno 21 Edw. II. —— Ita quod ipsi vigilatores non occasionentur, seu in aliquo gra-

wentur. — Fleta, lib. 1. cap. 24. § 7.

Decationes, (in some Authors corruptly written Occasiones) are Assarts, whereof Manbood speaks at large; The word is derived ab Occando, i. e. Harrowing or breaking Clods: See Spelman's Gloffary, verbo Esfartum.

Occupant, If Tenant par termen de auter vie dies, living Cestuy que vie; he that first enters shall hold the Land during that other Man's Life, and he is in Law called an Occupant, because his Title is by his first Occupation; and so if Tenant for his own Life, grant Occupation; and so if Tenant for his own Life, grant over his Estate to another, if the Grantee dies, there shall be an Occupant, Co. on Lit. cap. 6. sect. 56. and Pulstrod's Rep. 2. par. fol. 11, 12.

Occupation, Occupatio, Signifies the putting a Man out of his Free hold in time of War, and is all one with Diffeisin in time of Peace, saving that it is not so dangerous. Co. on Lit. fol. 249. Also use or tenure. so we say, such Land is in the Tenure or Occupation of such a Man, that is, in his Possession. See Terre Tenant. Also Trade or Occupation, 12 Car. 2. cap. 18. But Occupations, in the Stat. de bigamis, cap. 4. are taken for Usurpations upon the King, and is when one Usurps upon the King, by using Liberties which he ought not. And as an unjust Entry upon the King into Linds or Tenements is an Intrusion, so an unlawful using of Franchises is a Usurpation. 2. Inft. fol. 270.

Dccupabit, Is a Writ that lyeth for him which is ejected out of his Land or Tenement in times of War, as a Writ of Novel Dissessin lies for one ejected in time of Peace, Ingham, sect. Brief de Novel Diffeifin.

Detaut, Offava, The eighth day following some peculiar Feasts. See Utas.

Octo tales. See Tales. See Bro. tit. Olio tales.

Ono patia, Is an old Writ mentioned in the Statute of Westm. 1. made 3 E. 1. cap. 11. And it was directed to the Sheriff, to enquire whether a Man committed to Prison upon Suspicion of Murder, be committed upon just Cause of Suspicion, or only

upon Malice, Register. fol. 133. Bradon, lib. 3. part 2. cap. 20. And if upon Lequifition it were found, That he was not Guilty, then there came another Writ to the Sheriff to bail him. But now that course is taken away by the Statute of 28 E. 3. cap. 9. as appears in Stamford, Pl. Cor. fol. 77. and Co. lib. 9.

fol. 56. and Speiman, verbo Atia. & Deconomicus. This word was used for the Executor of a Latt Will and Testament, as the Person who had the Occonomy or fiduciary disposal of the Goods of the Party deceased --- Per testamentum suum constituerat ut Oeconomicus illius Dominus Georgius Winter testamentum sum violavit. Hist Dunelm, apud Whartoni Angl.

Sacr. Part 1. p. 784.

Dffertozium, A piece of Silk or fine Linnen, to receive and wrap up the Offerings or Occasional Oblations in the Church. Hence in the Statutes of the Church of St. Paul in London, it was ordained, Ut Sacrista curet qued corporalia, palla, vestimenta, Offertoria de abstersoria munda sint integra de nitida. Ex libro Statut. Eccli S. Pauli, Lond. MS. f. 39.b.

Diffice, Officium, Doth fignifie not only that Function whereof a Man hath fome employment in the Affairs of another, as of the King, or of another common Person; but also an inquisition made to the King's Use of any thing by vertue of his Office who enquireth. And therefore we oftentimes read Office found, which is nothing elfe but fuch a thing found by Inquisition made ex Officio. And in this sence it is used, 33 H 8. 20. and in Stamf. Pra-rog. fol. 6, 61. where to traverse an Office, is to to traverse the Inquisition taken of an Office, and in Kitchin fol. 177. To return an Office, is to return that which is found by vertue of the Office. See also the New Book of Entries, tit. Office pur le Roy, and this is by a Metonymie of the Effect. And there be two sorts of Offices in this figuification issuing out of the Exchequer by Commission, viz. An Office to entitle the King to the thing enquired of, and an Office of Instruction, for which see Co. 6. Rep. fol 52. Page's Case. Office in Fee, is that which a Man hath to limself and his

Heirs, 13 E. I. cap. 25. Kitch. fol. 152. See Clerk.

Offer hypneste, and Over hepnesta, In the Council holden at Winchester, in the time of Archishop Lanfranc, Anno 1076. we read, Si autem post excommunicationem de satisfactionem venerint sorisfacturam suam qua Anglice vocatur Oferhynesse sue Cahslite pro una-quaque vocatione Episcopo suo reddant. See Gloss. in 10.

Scripter. verbo. Overbernessa.

Difficial, Officialis, Is a Word very diverfly used ; for fundry Civilians of other Countries, that write in these Days, apply it to such as have the sway of Temporal Justice, Egidius Bossins in prast. crim. tit. De Officialibus corruptis, &c. But by the ancienter Civil Law it signifies him that is the Minister or Apparitor of a Magistrate or Judge, lib. 1. sect. si quis ultro. In the Canon Law, it is especially taken for him to whom any Bishop doth generally commit the Charge of his Spiritual Jurisdiction, and in this Sense Charge of his Spiritual jurisdiction, and in this senie one in every Dioces is Officialis Principalis, whom the Statutes and Laws of this Kingdom call Chancellor, 32 H. 8. 15. The rest, if they be more, are by the Cannon Law called Officiales Foranci, Gloss. in Clem. 2. de Rescriptis, but with us termed Commissionies, Commissionie, or sometimes Commissionies Foranci. The difference of these two Doggers you may read in Limmod. ference of these two Powers you may read in Linwood, tit. De sequestra possession of these two Powers you may read in Linwood, tit. De sequestra possession of the sequest whom the Arch-Deacon substituteth in the executing of his Jurisdiction, as appears by the said Statute.

Officiaties non faciendie bel amovendig, is a Writ

directed to the Magistrates of a Corporation, willing . Pf .

them not to make such a Man an Officer, and to put him out of the Office he hath, until Enquiry be made of his Manuers, according to an Inquisition formerly

Ordained, Reg. Orig. fol. 126.
Dflicium Curtagli Pannozum, Granted to Will. Osborne, Extrad. Fin. Cancel. 2 E. 2. m. 18.

Digang formell, Spelman thinks it should rather be read Ofgang for Ordal, i. transitus ad ordalium. Eantque (rei) ad triplex judicium quod Angli Ofgangfordell Vocant. Constit. Canuti Reg. de Foresta, cap. 12.

Dieron Latos. Are so called, because made when

King Richard the First was there, and have respect to Maritime Affairs, Co. on Lit. fol. 260. This Oleron is an Island in the Bay of Acquitayne, at the Mouth of the River Charent, now belonging to the French King. See Selden's Mare clausum, fol. 222. & 254. and Prynn's Animadversions on Co. 4. Inst. fol. 126.

Dilata cerevista, A Pot or Flaggon of Ale or

– Et si brasient ad vendendum, dabit pro quolibet bracino unum denarium, vel ollatam cerevifia, tanti pretii pro tolneto. __ - Consuetud. Domus de Farendon

Digmplat, Olympias, The space of five years: Esbelred, King of the English Saxons, reckoned his Reign by Olympiads, as appears by a certain Charter of his, having these Words, Consentiens (inquit) signo sanda Crussis subscrips in Olympiade 4. Regni mei. And this, by Contemporary Writers, earls the Succession of the Success the fixteenth Year of his Reign, and the Year of our Lord 994. orthereabouts, Spelman.

Duerando pro rata portionis, Is a Writ that lies for a Joynt-Tenant, or Tenant in Common, that is distrained for more Rent than his proportion of the Land cometh to, Reg. Orig. fel. 182.

Dans important. The Charge of Importing, mentioned to Company of the Charge of Importing of the Charge of Importing of the Charge of Importing of the Charge of Importance of the Charge of Importance of the Charge of the Charge of Importance of the Charge of the

tioned 12 Car. 2. Art. 28.

Onus prebands, The burden of proving, spoken of, 14 Car. 2. cap. 11.

Den Law. Lex manifesta seu apparens, is making Law, which by Magna Charta, cap. 21. Baylish may not put Men unto upon their own bear Affertions, except they have Witness to prove the truth thereof. See LAW.

Dpentheof. Dyen Thef, That is, open Theft, Quadam placita vel crimina emendari non possunt qua sunt Husbrech, Bernet, Open Thef, Eberemord and Lafords. wick, Leg. Hen. 1. cap. 13. Hoc in emendationibus Wil-liel. pri. Run. dietsur, fuith Spelman.

Detratif, In Ancient Surveys and Accounts of Manors, we meet often with those Tenants which were called Operarii; they were those who had some little portions of Land by the Duty of performing many bodily Labours, and other Servile Works for their Lord, and were no other than the Servi, Natives, and Bond-men.

Dytratie. One day's Work performed by any - Homines de Hedinginferiour Tenant to the Lord .don facient Hugoni & haredibus suis pre qualibet virgata terra sexdecem Operationes videlices une die inter Pestum, &c. Paroch. Antiq. p. 320.

& Detti Canes, Dogs with whole Feet not

-Et debent habere Canes Opertias (seu Operas) ex omni genere Canum, & nonimpediatas. Cuftumar. de

Sutton Colfield.

Dution. When a new Suffragan-Bishop is Consecrated, the Archbishop of the Province, by a Custumary Prerogative, does claim the collation of the first vacant Dignity or Benefice in that See, at his own choice, which is therefore called the Archbishop's Option.

Dia. Was a fort of Saxon Money, of the value of Sixteen Pence; 'tis often mentioned in Doom/day, 15 Ora libram faciunt, say some. In the Laws

of Edward the Confessor, cap. 12. Manbote in Denelaga de Villano by Soheman 12. Oras, de liberis autem hominibus 3 marcas; you may read of it in Doomsday in Landgable, and in the same Book, Line. In Standford, T. R. E. 12. Lagemanni qui habend infra domos snas Sacam & Socam, by super homines snos prater Geld & Heriteta by sorisfaturam corporum snorm de 40 Oris argenti. &c. See more of this in Spelman. & Drando pro Rege & Regno, Besore the Reformation while there was no standing Collect for a sitting Parliament, as soon as the Houses were met, they petitioned the King that he would require the Bishops and Clergy to pray for the Peace and good Government

and Clergy to pray for the Peace and good Government of the Realm, and for a Continuance of the good Understanding 'twixt His Majesty and the Estates of his Kingdom. And accordingly the Writ De Ornando pro Rege by Regno was common in Edward the Third's time.

Mr. Nicholon's Engl. Histor. Libr. Part III. p. 66.

& Dearium, The hem or border of a Garment.—
Ricardus de Bury Episcopus Dunelm dedis Ecclesia jua vestimentum de nigra cumica cum tribus capis ejusdem selta cum largis Oraciis decenter ornatis. Hist. Duncim.

apud Whartoni Angl. Sicr. Part I. p. 766.

Dibis. Anglice, A Bonney. A swelling or knot in the Fiesh caused by a Blow, Brast. lib. 3. tit. De Corona, cap. 23. 10110. 2. —— Arma moluta plagam fa-ciunt, sicut gradius, bisacuta & bujusmodi ; Ligna vero & lapides faciunt Brusuras, Orbes & illus qui judicari non possunt ad plagam.
Dichel, Anno 1 R. 3. cap. 8. Orchall, 24 H. 8. cap. 2.

and 3 & 4 E. 6. cap. 2. leems to be all one with

Dibtke or Diebelle, Effosso metalli, Is a Word derived from the Saxon Die Metallum, and Delfan effodere, and often used in Charters of Priviledges, being taken for a Liberty, whereby a Man claims the Ore found in his own Ground, but properly is the Ore lying under ground: As also a Delfe of Coal is Coal lying in Voins under ground, before it is dig-

ged up

Drift, Ordalium, Is a Saxon Word, compounded of Or, magnum, and deal, alias dele, Judicium, or as others, from, Or, which in that Language is privative, and del, part, that is, expers eriminis, or not Guilty; but is used for a kind of Purgation practiced in Ancient Times, and in the Canon Law called Purgation oulgaris. There were of this two forts one by Fire, another by Water. Of these see Mr. Lambard in his Explication of Saxon Words, verbo Ordalium: Of this you may read likewise Holinshed, fol. 98. and Hotoman especially, Disput. de Feud. pag. 41. wheteof five Kinds of Proofs, which he calleth Feudales probationes, he maketh this the fourth, calling it Explorationem & bujus furiosa probationis 6. genera fuisse animadvertit. viz. per flammam, per aquam, per ferrum candens, per aquam vel gelidam vel ferventem. per fortes for per corpus Domini, of all which he alledgeth several Examples out of History, very worthy the reading. See Skener de verb. Significat. verbo Machainum. This seems to have been in use in Henry the Second's Time, as appeareth by Glanvile, lib. 14. cap. 1, 2-See also Verstegan, cap. pag. 63.8cc. See also Hove den 556. This Ordalian Law was condemned by Pope Stephen the Second, and afterwards here totally abolisht by Parliament, as appears by Rot. Paten. de Anno 3 Hen. 3. Membr. 5. See Spelman at large upon this Subject, verbo Ordalium, Co. lib. 9. de firsta Marcella, and the Saxon Dictionary. See Fire-Ordale, and Water-Ordale.

Dedinance of the forett, Ordinatio Foreffa, Is Statute made touching Forest Causes in the thirty fourth Year of Edw. 1. See Affie.

& Didinance

Didinance of Barliament. The fame with A8 of Parliament. And Atts of Parliament are called Ordinances of Parliament often in the Parliament-Rolls. Induces of rarmament often in the rarmament-Kolls. If there be any difference, it is, that an Ordinance is but Temporary, and to be altered by the Commons alone. But an Act is a perpetual Law, and cannot be altered but by King, Lords, and Commons. See P.ar. Roll. 37 E. 3. num. 38. Prynn's Animadyer. in 4. Inft. 13. Yet the Oracle of the Law, Sir Edw. Coke, does with many Citations affert, that an Ordinance of Parliament is to be distinguished from an All, for as much as the latter can be only made by the King, and a three-fold Confent of the Estates, whereas the former is ordain'd with one or two of them.

Didinary. Ordinarius, Is a Civil Law-Term, there figuines any Judge that hath Authority to take Cognifance of Caufes in his own Right, as he is a Magistrate, and not by Deputation; but in the Common Law, it is taken for him that hath exempt and immediate Jurisdiction in Causes Ecclesiastical, as appears in Co. lib. 9. fol. 36. Henshoe's Case. And the Statute of Westm. 2. cap. 19. 31 E. 3. cap. 11. and 21 H. 8. cap. 5. Co. 2. Inst. cap. 19. See Broke, boc tit. and Linwood in cap. Exterior. tit. De conftitutionibus, verbo Ordinarii, saith, Ordinarius babet locum principa-liter in Episcopo, & aliis superioribus, qui soli sunt uni-versales in suis jurisdictionibus, sed sub eo sunt alii ordiparti, his viz quibus competit Jurisdictio ordinaria de jure, privilègia, vel consuetudine, &c.

Dipinatione contra servientes, le a Writ that ly-

eth against a Servant, for leaving his Master against the Statute, Reg. Orig. fol. 189.

Delines, A general Chapter, or other Solemn Convention of the Religious of such a particular Order—Es in falusis Fratribus Roberto Lawton & Williams Medition and Side Willielmo Meriton pro suis expensis versus ordines existentes apud Hygham Ferres ante Festum S. Michaelis

boc anno vij. Sol. Paroch. Antiquit. p. 576.

Didines majojes & minojes. The Holy Orders of Priest, Deacon, and Sub-Deacon, any of which did qualifie for Presentation and Admission to an Ecany of which clefiastical Dignity or Cure, were called Ordines majores, and the inferiour Orders of Chantor, Psalmist, Offiary, Reader, Exorcift, and Acolite, were called Ordines minores: For which the Persons so ordained had their Prima Tonfura different from the Tonfura Clericalis.

& Dedinum Fugitivi. Those of the Religious who deserted their Houses, threw off their Habit. who deserted their Houses, threw off their Habit, and so renounc'd their particular Order, in contempt of their Oath and other Obligations. The favouring and protesting such Fugitives was charged on Thomas, Earl of Lancaster—Ordinum fugitivos, legisque transgressors, no lege plessorentur, persinaciter favore.—Paroch Antiquit. p. 388.

**Dibels, Oaths and Ordels, was part of the Privileges and Immunities granted in Old Charters, meaning the Right of Administring Oaths and adjudging

ing the Right of Administring Oaths, and adjudging Ordeal Tryals within such a Precinct or Liberty Abbas de Conventus Glaston per omnes terras suas bacalde bordes, &c. Chartular. Abbat. Giafton. MS.

f. 87. a.

& Dieth. In the Charter, of Henry the First to the
Church of St Peter in York ——Decanus of Capitulum

Lean de lacca Church of St Peter in Tork — Decanus de Capitulum babebant curiam suam de justiam cum socoo se sacca Thol de Theam & Infangentheof, de Utsangentheof, Flemenefrith, Ordel, dy Orest infra Dempus dy extra cum

omnibus aliis immunitantibus, &c. MS. &T Dieum. Horreum, A Barn Et unum Mel suagium ad Orea sua facienda, 2 Vol. Dug. Monast.

Difgild alies Cheapgeld, Is a Saxon Word, pounded of Orf. pecas, and Gild, folutio, and figuifies a Payment, or restoring of Cattel. But Lamb. in his Arcaion, pag. 125, 126, says, Tis a restitution made by the Hundred or County, of any wrong done

by one that was in Plegio.

Ditentes. Aurifrisium, A fort of Cloth of Gold made and used in England, before and since the Conquest, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King Commands the Templers to deliver fuch Jewels, Garments, and Ornaments, as they had of his in keeping, among which he names Delmaticum velatum de Crefreis, that is, a Garment guarded with Orfrayes; And of old, the Coat Armors of the King's Guard were also termed Difrages, because adorned with Goldsmiths work.

Digations, But more truly Orgaillous, that is, proud and high minded; derived from the French Orgaeil, i.

Diging, 31 E. 2. Stat. 3. cap. 3. Is the greatest fort of North-Sea-fish, which we now call Organ-Ling, corruptly from Orkney-Ling, because the best are near that Island.

Digild, Sine folutione, fine compensatione, Spel-

Driginalia, In the Treasurers Remembrances Office, in the Exchequer, are Records or Transcripts sent thither out of the Chancery, and are distinguish from Recorda, which contains the Judgments and Pleadings in Suits tryed before the Barons of that

Court.

Dilagium, Herolagium, a Dial.

clesia S. Paulinz, London—Custo

Ex Libro Statu In compotis Ec-London Cuftodi Orlagii per Ex Libro Statut. Eccl. Lonannum 1. Marc.

don. MS.

Detelli. Is a word used in the Book termed Pupilla loculi, cap. De Chart. Forest. part 5. cap. 22. and fig-nisies the Claws of a Dog's foot, being taken from the French Orteils des pieds, i. digiti pedum, the Toes.

Detolagium--Pro uno Ortolagio 👉 Nona garba totius Lucrationis de Domino de B. Dug. Monast. I.

Garden-plot.

STOCK-PIOL. Oriolum.——Ordinatio pro vifin Fratris Johannis Alsheli dudum Prioris de Daventre falla 22. Octob. 1420.— Habeat cameram quandam in eodem Prioratu vulgariter appellatam ly Oryal — Et habeat annuatim 40 Sol. — Collectan, Matth. Hutton, S.T.P. Ex Registris Ric. Flemmyng, Ep. Linc. MS—— Adjacet atrium nobilissimum, quod porticus vel Oriolum appellatur. Mat. Par. in vitis Abb. S. Albani. We may justly prefume that Oriel or Oryal College in Oxford took Name from some such Room, or Portico, or Cloifter.

Dimonds, 32 H. 8. 14. Is that Ore of which Iron is made, and it feems was anciently brought into

England.

Distant Lais. By which was meant the ejecting Marrying Priefit, and Introducing Monks into Churches by Ofwald, Billiop of Worcefler, Anno 964. There is an Ancient Hundred in the fame County, There is an Ancient Hundred in the fame County, Ofwald having obtained it of King Edgar to be given to St Mary's Church of Wartefler. It comprehends 300 Hides of Land, and is exempt from the Sheriff's Jurisdiction, Lamb. Brit. Also see Lieger Book of Wartefler in Cotton Library.

Dath of the King. Juramentum Regis: Is that which the King taketh at his Coronation, mentioned by Bra-

Hon, and divers others.

Dath of the Bing's Justices, is the Outh they take at the entrance into their Office, mentioned Anno 18 Edw. 3. ftat. 4. Ff 2

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Othe, Was a Descon-Cardinal of St. Michelas, in car-cere Pulliane, a Legate for the Pepe here in England, 22 H. g. whose Conflictutions we have at this day, Stone's Annals, pag. 303.

Othebenne, Was a Dencon-Cardinal of St. Adrian,

and the Pop's Legate here in England, as M. 3. as appeareth by the Award made betwint the faid King and his Commons at Kennyworth; his Constitutions we have at this day in use.

Duth, 24 H. S. 13. A kind of Collar of Gold, worn by Womenabout their Necks. It is sometimes also used for a Bos or Button of Gold fet with some rich Stone.

Dutalty of Services. Is equality of Services, as when the Tenant Paravail owes as much to the Meine, as the Meine does to the Lord Peramount, F. N. B. fol. 36. Sec Owelty of Partition, Co. on Lit. fel. 169.

Description, Proved Guilty or Convict. The words occurs in the Laws of Edward Sen. in Crompton,

Operlamella. This seems to have been enciently a Fine (before the Statate of Hue-and-Cry) laid upon those, who hearing of a Murder or Robbery, did not purfue the Malefactor, 3. Infl. fol. 116. and to be the same, which is elsewhere witten Overlegenesse and Durleneste. Si quis furi obviaverit & sine vocifera-tione eum dimiserit, emendet secondum Weram ipsius suris vel plena lada se adlegiet, quod cum eo salsam nescivit; siquis audito classure supersedit, reddat Docciamesta Re-

Prest which must be manifestly proved.

Prest well, An open plain Speech, derived from

the Franch Owvert, open, Anno 1. Mar. Seff. 2. cap. 3. by the inferiour Tenant, when his Daughter was corrupted or debauched. -- Nativi in villa de Wrid-–lolvit quilibet pro filiabus suis maritandis estion Domine, & Opelop pre filiabus correptie, & Stoth & sia feruitie & auxilium. Petr. Blef. Contin. Hift. Croyland, p. 115.

Supple Derived from the French Offer, to remove,

as applied of the Possession, that is, removed or put out of Possession, Mich. 9. Car. 1. Cro. 3. Rep. fol. 349.

Pocke's Cafe.

Puper le maine, Amovere manum, Significe to take off the hand, though in true French it should be Ousset le main; In a Legal sense, it denotes a Judgment given for him that traversed or fued a Monstrans le drait, and is indeed a delivery of Lands out of the King's hands; for whon it eppeareth upon the matter discussed, that the King hath no Right or Title to the thing feized, then Judgment stall be given in the Chaptery, That the Kings hands be amoved, and thereupon an Amoveas manum shall be awarded to the Richeston, which is as much as if the Judgment work given, that he stell have again his Land, Seconf. Prarog. cap. 24. See 28 E. 1. Stat. 3. cap. 19. It was also asked for the Writ granted upon this Pacition, R. M. B. fal. 256. It in written Outer le maine: 25 H. 8, 32. But now all Wardships, Liveries Primer-seiins, and Onfier le mains, Sie. are taken away and discharged by 12 Cat. 2. cap. 24.

Dudge Is met, Ulira mare, Is a cause of excuse or estime, if a Man appear not in Court upon Summons. See Essine.

Dutlangthel, is thus defined by Brasson, lib. 3.

tradi. 2. 449. 24. Utsangethese dicipur latro extrancus veniens alimade de terra alima de qui capus suit in terra ipsius qui tales babet libertates: But Briston hath it otherwise, fol. 92. It is a Compound of three Saxon words, viz. Out, extra ; Rang, caple vel captur, and Thef, i. fur. It is used in the Common Law for a

Liberty or Priviledge, whereby a Lord is enabled to call any Mandwelling within his own Fee, and taken for Felony in any other Place, and to Judge him in his own Court, Rastall's Exp-sition of words, and if

2. P. & M. cap. 15. & Dutlant, The Saxon Thanes divided their Bocland or Hereditary Estate into Inland, such as lay nearest to their own Dwelling, and which they conveniently kept to their own use: And Outland, which lay beyond, or out from among the Inlands or Demains: And was granted out to any Tenant hereditarily, but (like our Copy-holds of Ancient Time, which had their Original from hence) meerly at the pleasure of the Lord. This Outland they subdivided into two Parts, whereof one part they disposed a mong fuch as attended on their Persons either in War or Peace, called Theodens or leffer Thares. The other part they allotted to their Husbandmen, whom they termed Cewls (i. e. Carles or Churls.) Vide Spelman of Fends, cap. 5.

Dutlam, Utlagatus, One deprived of the benefit of the Law, and out of the Kings Protection, Ficts, lib. 1. cap. 47. calls him Bannitum extra legem, and Bration, lib. 3. trati. 21. cap. 11. num. 1. & 3. fays, Forisfacit utlagatus omnia qua panis sunt quia à tempore quo utlagatus est caput gerit Lupinum ita quad ab omnibus interpei posse de impune; maxime si se desenderit vel sugerit ita quad difficilis sis ejus captio: But in the Reign of Edward the Third, all the Judges agreed. That none but the Sheriff only, leaving Lawful Warrant therefore, should put to Death any Man outlawed, Co. on Lit. fol. 128. See Utlawry, and Ca-

pias utlagatum.

Dutlatory, Utlagaria, Is the loss of the benefit of a Subject, that is of the King's Protection. See Ut-

Datpartete. A kind of Thieves in Riddefdale, that flole Cattel, or other things without that Liberty: Some are of Opinion, That those which in the forepamed Statute are termed Outparters, are now called Outputers, being such as set Matches for the Robbing any Man or House. See Intakers.

Dutribers. Are Bayliffs Errant, Employed by the Sheriffs, or their Deputies, to ride to the farthest places of their Counties or Hundreds, with the more speed to Summon fuch as they thought good to their County

or Hundred Courts, 14 E 3. Stat. 1. cap. 9, Dissel. See Grdeal.

Discip, Is, when there is Lord, Meine, and Te-nant, and the Tenant holds of the Meine by the fame Service that the Meine holds over of the Lord above him; this is called Owelty of Services. See Oyelty.

Organge of Land, Bovata terra, Six Oxganges of Land, is so much as fix Oxen can Plough, Cromp- Jur. fol. 220. But an Oxennee seemeth properly to be spoken of such Land as lyeth in Gaynour, Old Nat. Brev. fel: 117. Shene de verb. Signif. verbo Bouata terra, faith, That an Oxengate of Land should always contain thisteen Acres, and that four Oxengates extend to a pound Land. Spehnan lays, Bouatus terra est quantum sufficit ad iter vel asimm unius bovis. Ox enim est bos & gang

vel gate, iter. See Co. on Lit. fol. 69.

Dytt and Eterminer, Andiendo dy terminando, In true French, Ovir dy Terminer, Is a Commission especially granted to fome eminent Persons, for the hearing and determining one or more Caufes: This for-merly was used only upon some sudden Outrage or Insurrection in any place, Cromp. Jur. fol. 131, 132. Westm. 2. cap. 29. 13 E. 1. by which you may see who might grant this Commission, and for the form thereof, and to whom it may be granted, F. N. B. fel. 100. and Broke, bec tit. A Commission of Oyer and and Broke, boc tit.

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Terminer.

Terminer is the first and largest of the five Commissions by which our Judges of Affice do fit in their feveral Circuits.

Oper Be Record. Audire Recordon, Is a Petition made in Court, that the Judges, for better Proofs-foke, will be pleased to kear or look upon any Record. So when an Action is brought upon an Obligation, the Defendant may pray Oyer of the Bould; or if Executors ine any one, the Party sued may demand Over of the Testament. See Monstrans de faits.

Dyer, Scems to have been succeptly used for what we now call Affrees. — Come Haviffe de Veer Moy impleda devant Insticos en le Oyer de Chelmsford par un brief de Novel Disseifin, &c. Anno 13 E. 1. See Affize de Novel Disseisin.

D yes, Corrupted from the French Oyez, i. Audite, Hear ye, is known to be used by our Gryers, as well in Courts as elsewhere, when they make Proclamation of any thing.

P.

Pangium, Mat. Paris, fol. 767. Fecit equos mess & bomines restare donec Pangium excersisses. Spelman thinks it should be read Passagium five pelonium exactum pro transitu, &c.

& Pacabilis, Payable, paffable. ___ Johnnes de Elvice., Prior de Kirkham habet umm Paiffidum & mum funmarium pro se, ad quorum prebendam recipiet duodecim quarteria bona de pacabilis averia, de sufficientem equita-turam pro Capellano suo. xj. Kal. Jun. 1310. Ex Regist. Grenefeld, Archiep. Ebor. MS.

Crencicul, Artinep. Statismos. Mos Pacare, to pay Toll. Mon. Angl. Tom. I. p. 384. Hence Pacario, Payment. ——Pannes serious dy alia rapit sine pacationis retributione. Mat. Paris sub Anno 1248.

Pack of Wieel, is a Horse-load, which confifts of seventeen Stone and two pound, Flora, lib. 2. cap. 12. See Sarplar.

Dackers. Are those that barrel, or pack up Herrings, and they are sworn to do it according to the Statute

made 15 Car. 2. cap. 14. Backing whites. A kind of Cloth fo called, mentioned 1 R. 3. cap. 8.

Datification, Pacificatio, A making of Peace, spoken of 17 Car. 1. cap. 17. relating to the Wars between England and Scotland, Anno 1638.

Dadinage, Idem quod Pannagium. Vide Chartam Regis Hen. 1. Ecclesia S. Martini de Bell.

Daguments, A Frize Cloth, mentioned in the Journal-Book of the House of Lords, in a Scatter made I Eliz. not Printed.

Paint fast & Duct, Pana fortis & dura, It figuifics an especial Punishment for those that being Arraigned of Felony, refuse to put themselves upon the ordinary Tryal of God and the Country, and thereby are mute by the Interpretation of the Law. British mentions it in his fourth Chapter, fel. 18. And Stamfurd in his Pleas of the Crown, founding it upon the Statuse of Westm. 1. cap. 12. describes it thus:

H E shall be sent back to the Prison whence he came; and laid in some low dark House, where he shall lye naked on the Earth, without any Litter, Rushes, or other Clothing, and without any Rayment about or other Clothing, and without any Kaymens around him, but only famething to cover his Privy Members: And he shall lye upon his back with his Head covered and his Feet, and one Arme shall be drawn to one quarter of the House with a Cord, and the other Arm to another quarter, and in the same manner less it he done with his Legs; and

let there be laid upon his Body Iron and Stone as much as be may bear, or more; and the next day following he shall have three morsels of Barleypossible to the part of the condition of Barley-bread without drink, and the second day be shall have drink three times, as much at each time as be can drink of the Water next unto the Prison, except it be Rinning-water, without any Bread: And this shall be his Dyet till be die.

This kind of Punishment, called by the Law Paine fort & dur, is that which we vulgarly call Pressing to Death:

Bais, A Country or Region; Triall per Pais, which Spelman in his Gloffary faith, Non intelligendum off de quouis populo, sed de compagenfibus, boc off corum qui ex codem sunt comitatu, quem majores nostri pagum dixere dy

incolas, inde pais.

Daiffe, Pasnage, or Liberty for Hogs to run
in Forests or Woods to feed on Mast — In Achelicia. 30 Acres terra & phisioness centum porcorum, & communem passuram, &cc. Mon. Angl. Tom. 1. p. 682. See Pelluna

Dalatint. See County-Pulatine, and read Caffan. de

coninetud. Burg. pag. 14.

Dallrey. Palfredm, Palafredm, Palefedm, Palifedm, is one of the better fort of Hories used by Noblemen or others for State: And sometimes of old taken for a Horse fit for a Woman to ride. Cambden says, That W. Rauconberge held the Mannor of Culeny in the

by, Gre. Eleuer. 23 E. 3. Post mortem Gel. de Boos de Hamlake.

Palingman, 11 H. 7. 22. This word is mentioned both by Covel and Spelman, and by both left without interpretation; but by the fenfe of the Statute it feems to be a Merchant Denizen, one born in Eng-

& Balla, A Canopy. - Cuffoilibres vero quinque portuum pallum super Regem cum quation hastis supportuum pallum super Regem cum quation hastis supportuum pallum super Regem cum quation hastis super MS. f. 12.

87 Patitein, Pales, or paied Fence. — Minaril maneriorum Ecclefia S. Pauli, London, curare tenenturut muneria sufficienter circumclandantur vel ambiantus muro vel saltem fossatis de bagis vivis si fieri possio vel Patitellis sportare renovandis. Statut.

Eccl. Paul. Lord. MS. f. 44. b.

1941s, Palia, 25 H. 8. 20. Are Vestures made of
Lambs-wool, in breadth not exceeding three Fingers, Lambs-wool, in breadth not exceeding three Fingers, and having two Labels hanging down before and behind, which the Pope gives or lends to Archbishops and Metropolitans, who wear them about their Necks, at the Altar, above their Ornaments. The Pall was first given to the Bishop of Offia, by Pope Marcus the Second, Anno 336. And the Prefaceto, an ancient Synod here in England, wherein Odo Archbishop of Casterbary presided, begins thus, ——Ego Odo bamilis or extremus, divina largente clementia, almi Prasain or Palli bonore ditatus, &c. Selden's History of Tythes, pag. 17. See more of this in Spelman's Gosffary, verbo Pallium.

🐠 Palmatë

& Palmare hordeum. - H. Prior Ecclefia Christi Cant. & Conventos dimiserant aluno de Pundherd m - reddendo inde per annum de lendrium in Rokinge feodi firma sex summus ordei palmalis poetii melioris ordei exceptis duobus denariis — dat. Anno 1287. Reg. Eccl. Christi cant. MS. This Palm Barley is the Sprat-Barley, called in some Parts Beer-Barley, in others Battled Barly, and in the Marches of Wales, Cymridge; it is fuller and broader than common Barley.

Balmata alies Balmana, A blow upon the hand with a Ferula, a thing frequently used in Schools Beda de remedio peccatorum, cap. 14. Si quis intinxerit manum in aliquo cibo & non idonea manu centum Palmadis

Balmers. Are such as used to go in Pilgrimage out of Devotion; but of late time, he that can deceitfully cozen at Cards or Dice, by keeping some of them in his hand unseen, we call a Palmer.

& Palmettry, (I P. & M. cap. 4.) A kind of Divination, practifed by looking upon the Lines and Marks of the Fingers and Hands. This was practifed

by the Egyptians.

Danagia, Quasi panis 2,6. Holy Bread, Reg. Eccles. Hereford differentias referens Orientalis Eccles. A Romana, Artic. 10. Item (dicunt Graci) panem no-

frum Panagium.

Pandoratrix, In a Manuscript Book concerning the Laws, Statutes, and Customs of the free Borough of Mountgomery, from the times of Hen. 2. fol. 12. b. We read these words, Item utimer de Pandoxatricibus, quod nemo potest brasiare sive Pandoxare in Villa do Burgo nostro nisi per redemptionem aliquam fastam ad voluntatem Comburgensium nostrorum de si talie Pandoxetrix brasiaverit de assiam Domini nostri Regis in Burgo de villa tositam de proclamatam frugerit, debet capi per Ballivos, amerciari ad voluntatem Ballivorum nostrum de non per pares suos primo de secundo de si tertia vice Asisam fregerit debet capi per Ballivos capitales de publice duci ad locum nbi situatur le Consinguole, de ibi debet eligere unum de duobus, viz. an Veli le Consinguole ascendere, an illud judicium redimere ad voluntatem Bal-livorum. In the Dictionary Pandox is made to fignific a Drunkard, and Pandoxatorium a Brew-house; but in this place it seems to fignifie an Ale-wife that both brews and fells Ale and Beer.

Pandorandio, Concessi etiam ei cum cacubo suo proprio Pandoxando & Lotrando ubicunque poterit. Carta Walteri Muchegros sine Dat. 1. Liberty to Brew and

Wash in his own Kettle.

Panell, Panella vel Panellum, so written both by Fortescue in his Book de Landibus legum, Ang. cap. 25. and Co. on Lis. pag. 158. who says, It denotes a little Part. But the learned Spelman in his Glossary says, Hoc est minus congrue: It properly signifying Schedula vel pagina, or rather Pagella, a Schedule or Page; and thence deduced g in n transennte, sie veteres quidam Manisteat pro Magnificat. Hence comes the Law term Impannellare, to impanel; and to impanellare, to impanel; and to impanellare, to impanel. panel a Jury, that is, to write in a Schedule or Roll Panella.

Panetia. A Pantry, or Place to set up cold Victuals. Custos bracini claves Panetiaz & celariis penes se custodiat & liberationes supervideat ____ Ex Registro se custodiat de liberationes supervideat - Ex Registro Statutorum & consuetud. Eccl. D. Pauli London. MS.

f. 40. Bread of a middle fort, between white and brown, fuch as in Kent is called Ravel-bread. Nos Willielmus Prior Elyen. &

Capitulum . concessimus Alicia Appiltone de Ely cotidianum corrodim infra scriptum, videl. unum panem vocat. Blakwhyotlof per diem for unum menjuram cerussia melioris conventus, &c. Dat. 18. Apr. 1411. — Ex Cartular. Eccl. Elyen. penes Joh. Epifc. Norwic. MS. f. 39. b. This was their courser Bread, made for ordinary Guests, and distinguished from their Housholdloaf, or Panie Conventualis, which was pure Manchet, or White Bread. See Karite.

19 Panis militaris, Hard Bisket, brown George, Camp Bread, course and black. The Prior and Convent of Ely grant to John Grove a corrody or Allow-ance ad juum villam quilibet die unum panem monachalem, i. e. a white loaf, and to his Servant unum enem nigrum Militarem, i. e. a little brown loaf or

bisket. Carsular. Elyen. MS. f. 47.

Plants fostis & durus, When a Felon upon his Tryal stands mute, and obstinately refuses to Plead, one of the Penalties imposed for Contempt of the Court, is to be condemn'd ad panem fortem & durum, i. e. to have only hard, dry, Barly-bread, and Puddle-

water, &c.

Bannage or Bawnage, Pannagium, Which is that Food that the Swine feed on in the Woods, as Mast of Beech, Acorns, &c. which some have called patunes: It is also the Money taken by the Agistors, for the food of Hogs, with the Mast of the King's Forest, Cramp. Jur. fol. 155. Westm. 2. cap. 25. Manwood in his Forest Laws, cap. 12. (ays, it is most properly taken for the Mast of the Woods within the Forest, or the Money due to the Owner of the same for it. Linwood defines it thus, Pannagium est pastus pecorum in nemoribus & in structum, quarum structus aliter non solent colligi. Tit. de Decimus, mentioned also 20 Car. 2. Cap. 3. Quisquis villanus babens 10. porcos, eat unum porcum in Pasnagio, Doomsday. This word is variously written, Pannanagium, Panagium, Pathagium, Pathagium, Pathagium, Pannagium, from the French Pasnag. Breve Regis Henrici 1. lib Ramesiens, sect. 313. Henricus Rex. Anglia Justiciariu & omnibus Baronibus & sidelibus suis de Huntedonschire, salutem, Pracipio quod Abbar de Ramesia teneat omnes boscos suos bene & in pace & quietà de honoriste ficut unquam melius tenuit; & nullus super boc eos capiat vel invastet sine licentia Abbatis & si quid ei debetur de panagio, reddatur ei juste & si Linwood defines it thus, Pannagium est pastus siper noc eos capias vec invostes sine sicensia novasm vo si quid ei debetur de panagio, reddatur ei juste de si aliquiu ei inde super boc injuriam vel consumeliam secerit, faciatis ei babere plenum redum. Teste Milone Gloc. apud Winton, and Chart. 1. fundat. Waldens Camobii, Clamo etiam quietum panagium de omnibus Dominicis porcis, &c. See Mr. Kennett's Glossary in the word Pannagium.

Baps or Bops, Papa, May with ease enough be derived from the old Greek word #damas, intending a Father, and was anciently applyed to other Clergymen in the Greek Church, but by usage is particuly appropriated in the Latine Church to the Bishop of Rome: A Name very frequent in our Year-Books, the Names of such Jurors as the Sheriff returns to especially in the times of those Kings, who too much pass upon any Tryal, Reg. Orig. fol. 266. So we say, abandoning their Imperial Authority, and abasing a Panel of Parchment, and the Counterpane of an Information of Parchment, and the Counterpane of an Information of Parchment, and the Counterpane of an Information of the distinction of Miles diffant, to demand the Counterpane of the distinguished the Counterpane of the Cou prive them of the disposition of many Spiritual Promotions; sometimes by Laple, sometimes by Provision, or otherwise: For redress whereof, divers Statutes were made, while this Kingdom was of the Roman Communion, but his Power was not wholly taken away, till towards the latter end of King Henry the

Righth's Reign.

Daper.

All Acts of the Council-Board, Daper:Office. Occasional Proclamations, Dispatches, and Instructions for Foreign Ministers, Letters of Intelligence, and many other Publick Papers communicated to the King's Council, or the two Secretaries of State, are afterwards transmitted to the Paper Office, wherein they are all disposed in a place of good Security and Convenience within the King's Royal Palace at Whitehall. See Mr. Nicholon's Engl. Hift. Libr. Part III. p. 9. Also an Office so called, belonging to the King's Bench. The part is a certain number of Pieces of the Coin of one Country contains

ber of Pieces of the Coin of one Country, containing in them an equal quantity of Silver to that in another number of Pieces of the Coin of another Country, v. g. Supposing 36 Shillings of Holland to have just as much Silver in them as 20 English Shillings. Bills of Exchange drawn from England to Holland at the rate of 36 Shillings Dutch for each Pound Sterling, is according to the Par. . - Mr. Lock's Confiderations

of Money, pag. 18.

Par Lintheorum, Precipimus tibi quod facion babere Thoma Sturmy Vaietto nostro unam Rebam de scarlitto cum quodam penula de Ryfiu de aliam Robam de Vi-ridi vel Burnetta & unam sellam de unam Par Loiano-rum de Capam ad plumam de unum Culcitram de unum Par Linthcorum quoniam ipse siet Miles Claus. Johannis Dorso. M. 20.

Paratium, The Tenure that is between Parceners, viz. that which the youngest oweth to the eldest.

Doom day.

Dompay.

Datafrebus. See Palfrey.

Barage, Paragium, from the French Parag, that fignifies an equality of Name of Blood, Dignity, and also of the Partition of Lands: Hence we have Disparage-

of the Partition of Lands: Hence we have Diparagement, and to disparage. See Parcenery.

Paragium, Parage, Peerage; commonly taken for the equal condition betwint two Parties to be contracted or married. For the old Laws of England did strictly provide that young Heirs should be disposed in Marriage cum paragio, with Persons of equal Birth and Fortune, sine disparagatione, without disparagement. disparagement.

Daragraph, Paragraphus, Is the division of one matter from another in several lines; it is said to be Scriptura divisio. Per Isid. not. in princip. Decre-

torum.

Paramount, Cometh of two French words, Par, that is, Per, and Monter, ascendere: It fignifies in our Law the Supreme Lord of the Fee; for there may be a Tenant to a Lord, that holdeth over of another Lord, the former of which is called Lord Meine, and the second Lord Paramount, F. N. B. fol. 135. And a Lord Paramount (saith Kitchin, fol. 289.) consisteth only in companion as one Man man he creat hairs conin comparison, as one Man may be great, being compared to a less, and little, being compared with a pared to a leis, and little, being compared with a greater; so that none seemeth simply to be Lord Paramount but only the King, who is Patron Paramount to all the Benefices of England, Dost. and Stud. cap. 36. See Paravaile, Manor, Mesne, and Fee.

19 avanymph, Paranymphus, A Bride-man, derived from maga, (i.) justa dy super, sponsa, as much as to say, Assidens sponsa, Assistant to the Bride and Bridegroom; Vocabular. utrinsque juris verbo Paramounts.

Baraphanalia, Or according to the Civil Law, Paraphernalia, from mega prater, and mini dos, are those Goods which a Wife, besides her Dower or Joynsure, is after her Husband's death allowed to have, as Fur-niture for her Chamber, wearing Apparel, and Jewels, if the be of Quality, which are not to be put into her Husband's Inventory, especially in the Province of York. See Touchstone of Wills, sol. 201.

Darathalassia, Walsingham in the County of Norfolk,

so stiled by Erasmus.

Baravaile, Is a Compound of two French words, Par, i. Per, and Avayler, demittere: It fignifieth in our Common Law the lowest Tenant, or him that is Tenant to one who holdeth his Fee over of another, and is called Tenant paravaple, because it is prefumed he hath profit and avaple by the Land, 2. Inft. fol. 296. and Co. 9. Rep. Conye's Case; For the use of this word, see F. N. B. fol. 135.

Darcella terræ, A small piece of Land, Sciant, &c.

ad ego Stephanus Wington de Bromyard dedi, &c. Roberto de Dunapton pro triginta silidis argenti unam parcellam terræ mea cum pertin. jacen. in Bromyard,

Parcel-makers, Are two Officers in the Exchequer that makes the parcels of the Escheators Accounts, wherein they charge them with every thing they have legged for the King's use within the time of their Office, and deliver the same to one of the Auditors of the Court, to make an Account with the Escheator thereof. See The Pradice of the Exchequer, pag-

Darteners, Quali Parcellers, i. Rem in parcellas di-videns. Parceners therefore are according to the course of the Common Law, or according to Cuftom; Parceners according to the Common Law are, where one seised of an Estate of Inheritance, hath Issue only Daughters, and dies, and the Lands descend to the Daughters; then they are called Parceners, and are but as one Heir. The lame Law is, if he have not any Issue, but that his Sisters be his Heirs. Parceners according to Custom are, where a Man is seised of Lands in Gavelkind, as in Kent, and other places Franchised, and hath Issue divers Sons, and dies, then the Sons are Pareeners by the Custom. See Co. on Lit. lib. 3. cap. 1. sect. 241.

cap. 1. sett. 241.

Barcinary, Participatio, Cometh of the French Partir, i. dividuum facere, and fignifies in a Legal sense a holding or occupying of Land pro indiviso, by Joynt-Tenants, otherwise called Coparceners, of the French Parsonier, i. Particeps; for if they result to divide their common Inheritance, and choose rather to hold it joyntly, they are said to hold in Parcinery, Lit. fol. 56, 57. This, by the Feudist and Lombards is termed Adaquatio wel peragium; and accordingly in Doomsday it is said, Duo fratres tenuerunt in Paragio, quisque habuit aulam suam, or potuerint ire quo voluerint; The ancient Romans stiled such Particulones, sic enim authore Nonnio, à veteribus cobaredes inter se dicebantur authore Nonnio, à veteribus coharedes inter se dicebantur

authore Nonnio, à veteribus coheredes inter se dicebantur quod partes invicem facerent. Spigelius.

Barbon, Pardonatio, Is a French word, fignifying as much as Venia, and used in the Common Law for the remitting or forgiving of a Felony, or other Offence committed against the King; And this is two-fold, one ex gratia Regis, the other, per course de la ley, by course of the Law, Stamf. pl. cor. fol. 47. Pardon ex gratia Regis, is that which the King, in some special regard of the Person, or other Circumstance, affordeth moon his absolute Prerogative. Pardon by the affordeth upon his absolute Prerogative. Parden by the course of Law, is that which the Law in equity affordeth for a light Offence; as Homistide casual, when one killeth a Man, having no fuch meaning, West Symbol, art 2. tit. Indiaments, sect. 46. See more of this

in the New Book of Entries, verbo Pardon.
Bardoners, Anno 22 H. 8. Were Persons that carried about the Pope's Indulgences, and fold them to any that would buy them: But we have none at pre-

fent in England that are known.

. Park

Dark, Parcus, from the French Parc, or Parque, ocus conclusius: It franciscs with us a piece of Ground locus conclusus: inclosed, and flored with wild Beafts of Chace, which a Man may have by Prescription, or the King's Grant, Cromp. Jur. fol. 148. Manwood in his Forest Laws defines it thus, A Park is a place for Priviledge for wild Beafts of Venury, and also for other wild Beafts that are Beafts of the Forest, and of the Chace, tom Sylvestres quam compesires; and such a Park differs from a Chace or Warren, in that it nust be inclosed, and may not lye open, for if it do, that is a good cause of Seisure into the hands of the King, as a thirg forfeited, as a free Chace is if it be not enclused, be-fides, the Owner cannot have an Action against such as hunt in his Park, if it lye oper. See Forest, see Chace, see Warren, Gulielm. Corg. liberam fects Ecclesiam de Bello, de apere parcorum, Spelman's Gless. And Hen. 1. had a Park at Woodslock, wherein were tiens, Leopards, Camels, &c. brought thitter from Foreign Parts. Stone And 1912.

Lecpards, Camels, Gc. brought thither from Foreign Parts, Stow. An. 1117. See 13. Car. 2. cap. 10.

Darco fracto, 1s a Writ that lies against him that violently breaketh a Pound, and taketh out Eeass thence, which for some Trespass done upon another man's Ground, are lawfully impounded, Reg. Orig. fol. 166. F. N. B. fol. 100. For the word Parcus was more frequently used for a Pound to confine trespassing or straying Cattle. Whence imparcase, to impound, and imparcasio, Pounding. Imparcamentum, right of Pounding, Gc. The word keeps the Original sense in Iteland, where a Pound for Cattel is still called a Pairk.

called a Pairk.

Barkbote, Is to be quit of enclosing a Park, or

any part thereof, Co. 4. Inft. fol. 308.

Partth, Parochia, fignifies the Precinct of a Parish-Church, and the particular charge of a Secular Priest; for every Church is either Cathedral, Conventual, or Parochial; Cathedral, is where there is a Bishop seated, so called. Conventual, consisteth of Regular Clerks, professing some Order of Religion, or of Dean and Chapter, or other Colledge of Spiritual Persons. Parochial, is that which is inflituted for the faying of Divine Service, and ministring the Holy Sacraments, to the People dwelling within a certain compass of Ground near it. Our Kingdom was first divided into Parishes by Honorius, Archbissop of Canterbury, in the Year of cur Lord 636. Cambd. Brit. pag. 104. whose number at present is esteemed to be nine thousand two hundred eighty feur; though many Authors differ much herein. See Hoteman in his Desputations, De feudit, cap. 2. concerning this word Parochia, -Ccolwultus Dei gratia Rex Merciorum, regatus à Werfritho Episcopo Hwiceicrum, istam libertatem donavi, ut tota Parochia Hwicciorum à passu equorum Regis dy corum qui eos ducunt libera sit, &c. Charta Ceolwulfi Regis,

Parle Dill, Spelman in his Glossary gives us this Description of it, It is (says he) Collin vallo plerun-que munisus, in loco campestri, ne insidiu exponatur, ubi convenire olim folebant centuria aut vicinia incola ad lites inter se trastandos de terminandos; Scotio reor Estito-hail q. mons pacificationis cui Assli privilegia concedebantur, or in Hibernia frequences vidimus, the Parlt and Parling Hills.

Parliament, Parliamentum, Is deduced from a French Ground, viz. Parler to fpeak, and Ment, Mens the Mind; and the Writ which summons it, says, Ad consulendum, &c. de arduis Regni negotin; It is indeed a Solemn Conference of all the States of the Kingdom summoned together by the King's only Authority, to Treat of the weighty Affairs of the Realm. The ancient Brittans had no such Assemblies, for Tacitie avers, That although Olim Regibus par abant, nunc

per Principes factionitus & fludik trakuntur; nec aliud adver, us validissimas gentes pro nobis utilius quam quos in commune non conjulant; Raims, dualus tribujue creitatibus ad propulfandam commune periculum, conventus; ita dum finguli pugnant, universi vincuntur. That the Sazons had something like it, will appear from King Saxons had icmething like it, will appear from king Ina's Laws, who ficulified Anno 712. Confilio (inquit) by decemento Cerredi patrin nei, Hedda dy Erkenwoldi Episcoforum neorum (mniumque Aldermannerum meorum dy seniorum apientium populi mei, magna etiam servorum aei frequencia. Eut to come a little Bearer, William the Conqueror divided this tand among his followers. in such manner, that every one of them should hold their Lands of him in Capite; and they again distributed part thereor an one their briends and Servants, who for the same, were bound to do them Suit and Service in their Courts: The chief of these were called Barons, who thrice every Year aftembled at the called Barons, who thrice every Year aftembled at the King's Court, viz. at Chiffman, Easter, and Whissontide; among st whem the King was wont to come in his Royal Robes, and his Crown on his tiead, to make such that about the lublick affairs of the Kingdom: But this Ancient Custem (say seme) was changed by Henry the first, who, in the Sixteenth Year of his Reign, summoned of the Commons to the great Council at Salisbury. But see Sir Walter Rawleigh in his Book of the Prarog. of Parliaments, and Coston's Posituma, soil 15, and Co. 2. Inst. fol. 268. At this day it is the greatest Assembly of the Kingdom, conday it is the greatest Assembly of the Kingdom, con-fishing of the King and the three Estates of the Realm, viz. The Lords Spiritual, the Lords Temporal, and the Commens, for the debating of Matters touchand the Common-wealth, especially the making and altering of Laws, Smith de Rep. Anglor. lib. cap. 1. & 2. and Cambd. Brit. pag. 112. Concerning which, Co. on Lit. lib. 2. cap. 10. fell. 164. and in the Fourth Part of his Institutes saith, Si vetustatem spectes est antiquissma, si dignitatem est honoratissma, si jurisdictionem est capacissma. This in an Ancient Charter of King John, was called Corrmune conclinum Regni,—
Nulum scutagium vel auxilium tonam in Regno notro Nullum scutagium vel auxilium tonam in Regno nostro nisi per Commune conscilium Regni nostri, &c. But besides this Supream Court, there are other Inferiour Parlia-ments; the Abbot of Croyland was went to call a Parliament of his Monks, to consult about the Affairs of his Monaftery: These are the words in the Book of Croyland, Concessimus etiem tune Serjentium nostre Ecclesiae Semanto de Lek, qui veniens coram conventu in noftro Publico Parliamento similitur juramentum praftitit, quod fidus of fidelis nobis existeres, &c. And at this day the Societies of the two Temples, or Inns of Courts, do call that Assembly a Parliament, wherein they confult of the Common Affairs of their several Houses. See Cromp. Jur. fol. 1. See King, and Royal Assent.

Parliament be la Bond, A Parliament so cal-

led in Edward the Second's Time, to which the Barons came armed against the two Spencers with coloured Bonds upon their Sleeves for diffinction. Dug. Bar.

8 Parliamentum Diabelicum, So termed, was a Parliament held at Coventry, 38 H. 6. wherein Edward, Earl of March (after King) and divers of the Nobility were Attainted. But the Acts then made were annulled by the next Parliament. Hel. Chron.

Parliamentum indoctojum. Was a Parliament held at Coventry, 6 H. 4. whereunto, by special Precept to the Sheriffs in their several Counties, no Lawyer, or Perfon skill'd in the Law, was to come, and therefore it was so called. Walfing. pag. 412. n. 30. Rot. Parl. 6 Hen. 4.

Parliament um

Barliamentum infanum, So called in History, was a Parliament held at Oxford, Anno 41. H. 3. M. S. in Bibl. Cotton, Jub. tit. Vitellius, C. 9.

Parliamentum Religiforum, In most Convents,

they had a common Room, into which the Brethren withdrew after Dinner for Difcourse and Conversation; from whence it was called Locutorium, the Parlor, or Talking Room: and the Conference there had was call'd Parliamentum, which was sometimes forbidden to be held, because it interrupted the more meritorious Duties of Silence and Meditation. As in the Statutes of the Black Canons Anno 1249. Cum quidam post pran-dium proniores sint ad loquendum quod non prodest. — Sta-tutum est quod Parliamentum quod post prandium in quibufdam clauftris fieri confuenit, penitus interdicatur, & loco ipfius vacetur uberius Meditationibus de lellionibus repe-

Mat. Paris Additament. p. 170.

Darochianus, A compellation given by a Bishop to any Person living within his Diocess or Jurisdiction. Alexander Lincoln. Episcopus Guidoni de Charing. Parochiano. Juo. Paroch. Antiquit. p. 90. For the word Parochia was more properly applied to a Dioces, or Episcopal District, before it was consisted to Rural Limits, or what we now strictly call a Parish.

Parol, (Loquela) Is a French word, Kitch. fol. 193. uses it for a Plea in Court. It is sometime joyned with Leafe, as Leafe-parol, that is, Leafe per parol; a Leafe by word of mouth, to diftinguish it from a Leafe in writing.

Parpunetum, Perpundum, A Coat of Mail. Doublet lin'd and quilted for Defensive Armour. matus quidam erat more peditum fatis competenter, ferreo tegmine capite munito lorica quoque, tunica etiam linea multiplici consuta lineis interioribus difficile penetrandis acu operante artificialiter implicitis, unde & go parpunctum nuncupatur. Gaufr. Vinefauf. Iter Hieros.

cap. 48. Parlon Portal. Parlon immortal. ctor of a Church inflituted and inducted, for his own Life was call'd Persona Mortalis. And any Collegiate or Conventual Body, to whom the Church was for ever appropriated, were call'd Persona immortalis. Prafatus Simon Redfor Ecclesia de Cumpton, & omnes juccessores ejusdem sive personæ fuerint mortales, sive immortales. Chartular. Reading. M. S. f. 182.

Barson, Persona, Significs the Rector of a Church,

because, for his time, he represents his Church, and sustaineth the person thereof, as well in suing, as being fued in any Action touching the same, Fleta lib. 9.

Darlon imparionee, Persona impersonata, Is he that is in possession of a Church whether appropriated, for not appropriated. For in the New Book of Entries, verb. Ayd. in Annuity, you have these words, Et pradistus A. dicit quod in eff persona pradista Ecclesia de S. impersonata in eadem ad prasentationem F. Patronissa, &c. So that persona feems to be the Patron, or that hath right to give the Benefice, by reason that before the Laterane Councel he had right to the Tythes, in respect of his liberality used in the erecting and endowing the Church, Quasi suffineret personam Ecclesia; And persona impersonata, to be he to whom the Benefice is given in the Patrons right; for we may read in the Register Judicial Personam impersonatam, for the Rector of a Benefice presentative, and not appropriated, fol. 34. and Dyer, fol. 40. num. 72. saith, That a

Dean and Chapter be persons impersonees of a Benefice appropriated unto them, and fol. 221. exprelly shews, That persona impersonata is he that is inducted, and in possession of a Benefice. So that persona seems to be termed impersonata, in respect of the possession that he hath of the Benefice or Rectory, be it appropriate, or otherwise, by the act of another, Co. on Lit. fol. 300.

Darfonage, or Rectory, is a Spiritual Living com-posed of G. Land Tythe, and other Oblations of the People, separate or dedicate to God in any Congregation for the service of his Church there, and for the Maintenance of the Minister, to whose Charge the same is committed. Spelm. de non temerandis Eccles. Bartten of Gold and Silver. See Rinors.

Partes finis nibil habuerunt, ge. Is an exception taken against a rine levied, Co. 3. Rep. fol. 88. The Case of Fines.

Partione facienda, Anno 31. H. 8. cap. 1. Is a Writ that lies for those who hold Lands or Tenements pro indivilo, and would fever to every one his part, against him or them that refuse to join in partition, as Copartners, &c. Old Nat. Brev. fol. 142. F. N. B. fol. 61.
And New Book of Entries, verbo Partition. See Par-

Partition, Partitio, Is a dividing of Land defcended by the Common Law, or by Cufforn, among Coheirs or Parceners, where there are two at least; and this Partition is made four ways, whereof three are by Agreement, the fourth by Compulsion: The first partition by Agreement is, when they themselves divide the Land equally into fo many parts as they are Coparceners, and each to chuse one share or part ac-cording to order. The second is, when they chuse certain of their Friends to make the division for them: The third is, by drawing Lots thus, having first divided the Land into as many parts as there be Parceners; they write every part severally in a distinct Scroll, and wrapping it up, throw each of them into a Hat, Bafon, or such thing, out of which each Parcener draws one, according to their feniority, and fo the Land is severally allotted. The fourth partition, which is by compulfion, when one or more of the Parceners, by reason of the resulat of some other, sues out a Writ of Partitione facienda, by force whereof they shall be compelled to part. In Kent, where the Land is of Gavelkind nature, they call their partition Shifting, from the Saxon Shiftin, to divide: In Latine it is Josef Called Herciscere ; Partition also may be made by Josef tenants, or Tenants in common by Assent, by Deed, or by Writ, 31 H. 8. 1. 32 H. 8. 32.

kills his Father, and may be applied to him that murders his Mother.

Darties, Are those which are named in a Deed, or Fine, as parties to it, as those that levy the Fine, and to whom the Fine is levied: So they that make any Deed, and they to whom it is made, are called Parties to the Deed

Particata terre. See Perticata.

Party-Juty, 14 Car. 2. cap. 11. See Medietas

Bartlet, Was some part of the Attire, a kind of Band, or Neck-kerchief, which in some places still retains the name: This word is read in the Statute of 24 H. 8.cap. 13.

Dalca claufum, The Offaves of Eafter or Lon Sunday, which closes or concludes that folemnity. Die (tali) post pascha clausum, is a date in some tof our old Deeds. And the first Statute of Westminster, Anno 3. Edw 1. is!faid to have been made lendes main de la clufe de Pafche, i. c. The Monday after Eafter Week.

Gg

Parbile. See Pervife.

Barbo,

Darbo nocumento. Is a Writ of Nufance. See Nufance. & Palcha floribum, Palm Sunday, or the Sunday before Easter, when the proper Hymn or Gospei lung was occurrent turbe cum floribus de palmis, &c. Sex denarios de quatuor lagenas mellis ad duos terminos scil. ad Pascha floridum quatuor lagenas mellis, de ad sessua. S. Michaelis sex denarios. Chartular. Abbat. Glasson. MS. 1. 75

Dafchal Rents, Are Rents or annual Duties paid by the inferior Clergy to the Bishop, or Arch deacon, at their Eafter Visitation ; They are also termed Synudals. See Synodals.

Dasnage. See Pannage. Baffage, Passagium, is a French word signifying Transitum: By the Statutes of 4 E. 3. cap. 7. and Westim. 2. cap. 25. It denotes the hire that a man pays for being transported over Sea, or over any River. In the Charter of Henry the First, of the Liberties of London, we find these words, Et omnes res eorum per totam Angliam & per portus Maris, de Tholonio & pastagio, & Lastagio, & omnibus aliis consuetudinibus, per pastagium Clamat effe quiet de omnibus in Com. Ceffria & Flint pro omnibus carectis, caring. ejus servientibus de sum magiis suis oneratis. Pl. in Itin. apud Cestriam,

14 H. 7. The manufactured cities and section to the Holy Land, when made by the Kings of England in Person, was call'd Paffagium-Ren drebiepiscopo Cant. Sa-Cum passagium nostrum juraverimus de Statuerimus à Fello Nativitatis beati Johannis Bapt, proxime venturo in quatuor annos, & D. Papa concesserit décimam proventuum Ecclefiafticorum ente idem possegum colligendam. Dat. 16. Maii. 96 H. 3. Prynn Collect. Tem. 3. p. 1767th and anim of thusing trans to matter

Ports: to permit a man to país over Sea that hath the King's Licence, Reg. Orig. fol, 193; 194. vadt ; 2124.

Dascua : Sec Paffure. Dafcuage, Paftuagium, in French Pafuage, the feed-ing or paftwing of Cattel : _____ Et babere vigini porcos quietos de pascuagio. To Jualium ad panem funti (y seibes, equendes, eye. Chant, Rich. ade. Muntfichet Privrat, de Trembele in Mon. Anges 20 par. ofob 23: Alfa the fome with Pannage.

87 Baffatot Donationeminfuper quam Hi go de Bradewardyn Paffator filing Stephant Pont perferiptum Jumin fecis: eifdem fratribus de Libero Paffagio rapud Bradewardyn Burns. E. 3. Par. 3. Medicilies that has the Interest or Command, of the Pallage of a River, for this Bradwardynlies upon the River Wie in Herefordibire.

Baffe-post, A Compound of two French words, wiz. of Puffent manfire, and Port, porties, a Havens It fignifies a Licence made by any that hath Authority, for the fale passage of any man from one place to another, 2 E. 6. t. 12.

Danne Haft or kneaded dough before it is baked. A. D. 1445. Grainatum enat per Thomam Lyfeavir Decanum de Capitalum Ecclefia Santi Pauli London, quod panis Canonicorum in pasta crudus, debeat ponderare furnum vii marcas. Liber Statuor. Ecclefiz Paulina. MS. f. 107. b.

Ballure, Paftura , Feeding for Cattel 4 and therefore we call Feeding-Grounds Common of Paffure. Linwood in lib. 3. Provincial, Ang. tit. De Decimis, cap. Quoniam, says, That Different pascua & paleura, nam paftura omne genus pascendi significat, five siat in pratis five in flipula, five in agris, five in campis fed pufoua eft locus principaliter deputatus pecaribus palcendis, in montibus, moris, marifeis de planis non cultis nec

Dafitium. Caffrum Harundel, T. R. E. reddebat de quodam molino xx. fol. G de ili conuvits xx fol. & de i. pasticio xx. fol. Lib. Domesday Suthien. Where Paffitium feems to fignifie a Paffure Ground.

Palitium recups to ligation, Reception, or Entertainment, challeng'd as a cultomary due from the Vaffal to the Lord. Hac modo per arum liberabo à passu Regis & Principum. Charta Wiglafi Regis Merciorum in Mon. Angl. Tom. 1 D. 122.

Datents, Litera Patentes, Differ from Writs, Gromp. Jur. fol. 126. The Coroner is made by Writ, and not by Patent. See Letters Patent, and also Litera Patentes; in the Table of the Register, where you may find the form of divers.

Batentee, Is he to whom the King grants his Let-

ters Patent, 7 E. 6. cap. 3.

Dasuage or Daspage, Money taken for Mast, or the reeding of Hogs, Doomsday. Bracken calls it Pesson

the feeding of Mogs, Doomjay. Bracton calls it reports and we Pannage. See Pannage.

[Datria, Properly figuries the Country, but in the taw it denotes the men of a Neighburnhood; lo when we say Inquitative per patriam, we read a Jury of Neighbournhood as to the manner of the vel recognition per appliant from the quad Recognition per appliant from the quad Recognition per application. Patriarchy, 18 a Country and Epitiyan a country that hashes Anna and the the Country Country and the Mathew Anna and the the Country Country.

a chief Father, Aono 385. In the General Councel holden at Conflantinople, it was decreed, That the Bifton of Conflantinople should for ever be called a Pa-

Datrimony An Hereditary Effate, or Right descended from Angestors. The legal endowment of a Church or Religious House, was call'd Ecclesialitical Patrimony; and the Lands and Revenues united to the See of Rome are call'd St Peter's Patrimony.

Patrinus, Fidejuff a in Boptifmate, Anglice a Godfather

Dit Paulus se dizet Onesimum genuisse de Covinthios.

Datron, Patronus, le used in the Civil Law for him that hath manumitted a Servant, and thereby is both justly accounted his great Ber efactor, and challengeth certain Reverence and Duty of him during his life. See the Title De Jure Patronatus in the Digeff, with the Feudifts pio authore feudi. Hotman verbo Patro nus, in his Comment de verbis fendal. Both in the Ce-non and Common Law it figuines him that, heth the Gift of a Benefice, and the reason is, because the Gift of Churches, and Benefices belonged unto fach good men as either buitt, or cile endoned them with fome great past of their Rayenue. And Corolius in his Ra-taphrale, Ad facerdationum mate jam; parts prime cap. 20 & part. 4. cap. 6. writes thus of them, Parroni in ju re Pontipcio dicuntur qui alicujus Acclesia extruenda aut alterius cujusquing, fundationis, Ecclesiallica authores fuerunt, ideag presentandi & offerende clericum jus habent quem Ecclesia vocante preesse de in oa gollatis redditibus jui velint. Acquirent autem boc jus qui vel fundant Ecclefiam vel dotant, de. See Mr. Kennett's Gloffan

in the word Patrenus, and more Ave Babiage, Rot. Par. 10. Ed. 3. m. 32. Money paid towards the paving of the Streets on High ways.

& Pavimentum, A. Pavement, or Paving with Scone. Wood's Ante. Oxon. lib. 21 folo 1 mgo

Dawnage See Pannage.

Dar Det. See Peace of God.

Bar Ecclesa Dicitur, cum salva sunt Ecclesa mina Privilegia, 69: Immunitates, fervi famult, Ministri, &c. Vide Legi Edw. Conf. cap. 8.

Bar Regis. The King's Peace. Nam longe debet effe Pax Regis a parte fun , ubi residens fuerit à quatuor par-tibus loci illius, boc est quatuor miliari dy stes quarent tena dy novem acre latitudine dy novem pedes, dy no vem palma, de novem grana bordei, &c. Leg. Ed.

Dauper, Signifies. properly a poor Man according to which we have a term in Law to fue in Forme part

peris

peris; that is, if a Man or Woman having Cause of Action, and not having ability to sue, the Cause of Action being certified under Counsels hand, with a Petition of the Party, setting forth their Case and Poverty; the Judge of the Court, whether in Common Law or Equity, will admit the Party, to fue in Forma pauperis, that is, affign them an Attorney or Clerk, and Counfel to defend their Cause, and plead for them without Fees.

Peace. Pax, In the general fignification is opposite Deace, Pax, In the general figuification is opposite to War or Strife: But particularly with us it intends a quiet and harmsels behaviour toward the King and his People, Lamb. Eirenarch. lib. 1. cap. 2. pag. 7: And if any man goes in danger of harm, or bodily prejudice from another, and makes Oath of it before a Justice of Peace, he shall be secured by good Bond, which is called Binding to the Peace, Lamb. Eiren. lib. 2. cap. 2. pag. 77. Cromp. Just. of Peace, fol. 118. ad 129. And also Frank-pledge and Conservator of the Peace. Time of Peace is, when the Courts of Justice are open, and the Judges and Ministers of the same are open, and the Judges and Ministers of the same may by Law protest Men from wrong and violence, and administer Justice to all, Co. on Lit. fol. 249.

Deace of Sod and the Church, Pax Dei & Ecclesia,

Was anciently used for that rest and cessation which the Ring's Subjects had from trouble and fuit of Law beween the Terms. Ree Vacation, and Pax Dei. Tempus dicitur cultui devino adbibitum, eaq, appellatione omnes dies Dominici, festa der vigilia consentur. Speknan. Beact of the King, Pax Regis, 6 R. 2. Stat. 1. cap

13. Is that peace and security both for Life and Goods, which the King promifeth to all his Subjects, or others taken to his Protection. See Suit of the King's Peace.
This point of policy feemeth to have been borrowed by us from the feudifts, which in the second Book of the Fends, cap 33. entituled De pace tenenda, &c. Ho-toman proveth. Of this Hoveden setteth down divers Branches, par, posser. Snorum annal. in H. 2. fol. 144. In 230. There is also Peace of the Church, for which see. Sandhary. And the Peace of the Kings High-way to be free from all Annoyance or Molestation, See Watling street, The Peace of the Plough, whereby the Plough and Plough-Cattel are secured from Distresses; for which see F. N. B. fol. 90. So Fairs may be faid to have their Peace, because no man in them may be to have their Peace, because no man in them may be troubled for any Debt elsewhere contracted.

Pairs.

Betta, A piece or small parcel of Ground.

Partinentibus. Partinentibus. Cum duabus pecite-- dista terra pertinentibus. Paroch. Antiquit. p. 240.

& PRiherie See Pifcary.

pectoiell. 14 Car. 2. cap. 3. Armor for the Breaft, a Breaft-plate, derived from Pedus, a Breaft.

[Becultar, In French Peculier, that is, proper; it

figuifies a particular Parish, or Church, that hath Jurisdiction within its self, for probat of Wills, Ga. exempt from the Ordinary, and the Bishops Courts.
The King's Chappel is a Royal peculiar, exempt from all Spiritual Jurisdiction, and reserved to the Visitation and immediate Government of the King himfelf, who is Supreme Ordinary. It is an ancient Priviledge of the See of Canterbury, that wherefoever any Mannors or Advowfoos do belong to it, they forthwith become exempt from the Ordinary, and are reputed Peculiars, and of that, see Canterbury.

Pecunia, Properly Money, but was anciently used for Castel, and sometimes for other Goods as well as Money; So we find often in Doomflay, Paftura ibidem ad pecuniam villa, that is, Pafture-Ground for the Cattel of the Village. And in Emendat. Willielmi primi ad Leg. Edw. Conf. Intenti simus etiam ut milla viva pecuoiz vendantur, aut emantur nisi infra Civitates & boc ante 3. fideles telles, Et Leg. Ed. Con'. cap. 10. Qui babuer it 30 denartatus viva pecunia.

SP Decunta Sepuleralis. (L. L. Canuti fol. 102.)
Was Money anciently paid to the Priest at the opening the Grave for the good and behoof of the decea-fed Soul. This the Saxons call'd Saulfcead, Saulfcot,

fed Soul. This the Saxons call'd Sauticead, Sauticor, and Anima Symbolum. Spel. de Concil. T. 1. f. 517.

Beta. Mons, A Hill. Doomfday.

Betage, Pedagium, Signifies Money given for the piffing by Foot or Horfe through any Country; Pupilla oculi, part 9. cap. 7. Pedagia dicuntur qua dantur à transeuntibus in locum conflictuum à principe, lays Spelman, Et capiens pedagium debet dare salvum conductum, et territorium ejus tenere (ecurum. So Baldus Cassan. de consuetud. But. pag. 118. hath these words, Pedagium à pede distum est, quod à traseuntibus solvitur, &c.

Solvitur, &c.

Tapettry laid on the ground to tread on for greater state and correspond

state and ceremony. - Dedit etiam duo magna pedalia, leonibus intexta, ponenda ante magnum altare in Festis

principalibus. logulph. Hitt. p. 41.

Denbules, When the old Hofen or Breeches reach'd down below the Calf of the Leg, the Stockins only covered the Feet, and came up to the Ancle, or just above the Shoe. These odd short Hose were called vamps and vampays, whence to graft a new footing to old Stockings is call'd vamping. These vamps which were more like our Sto ks than our present Stockings, were call'd Pedules and Pedana. As among the customs of the Abby of of Glaston. — De vessitu eo rum ita est consustudo unus quisque Fratrum duas cucullas, & duos fraccos, & duo stamina, & duo femoralia babere debet, & quatuor caligas & pelicem novam pedules vero decem scil. ad selivitatem omnium San Ho-

rum iv. 67 ad festivitatem S. Martini iii. &c. Chartular. Abbat. Glaston. MS f. 10.

Beere, Pera, Is a Fortress made against the Force of the Sea, for better security of Ships that lie at Harbor in any Haven; so is the Peere at Dover described, Camd. Bris. pag. 259. See 14 Car. 2. cap. 27.

Beerage. The Dignity of the Lords or Peers of the

Realm; also an Imposition for the Maintenance of a Sea-Peer.

Bettes, Pares, Signific in our Common Law those that are impannelled in an Enquest upon any Man, for the convicting or clearing him of any Offence for which he is called in question; and the reason there-of is, because the course and custom of our Nation is to try every Man in such a case by his equals or Peers, Westm. 1. cap. 6. So Kitchin useth it, fol. 78. in these words, Mais fi le amerciament soit affirre per pares. And this word in this sense is not in use with us only, but with other Nations also. For Pares sunt convas-salli quorum sententia vasallus propter felonium est condemnatus, Bartilayus de Regno, lib. 4. cap. 2. Es Pares fint qui ab eodem Domino feudum tenent, lib. 1. Feudor. cap. 26. But this word is most principally used for those that be of the Nobility of the Realm, and Lords of the Parliament. Lords of the Parliament, Stamf, pl. cor. lib. 3. cap. Tryal per les Peers, the reason whereof is, that althoughere be a distinction of degrees in our Nobility, yet in all publick Actions they are equal, as in their Votes of Parliament, and in passing in Tryal upon any Nobleman. man, &c. This appellation feems to be borrowed from France, and from those twelve Peers that Charlemaine inftituted in that Kingdom; of whom you may read Vincent. Lupanus de Magift. Francia, lib. 1. cap. Pares Francia. And though we have borrowed the Appellation, and applied it with fome reason to all Lords of Parliament, yet we have no set number, for our Nobles may be more or less, as the King pleaseth.

Begen. See Forath.

Sec Payne fort & dure. Pepne fore & Dure.

& Diffe, Acciently used for Ponder, weight. Weight, fee Pesage and Weight.

ST Dela, A Peel, a Pile, a Fort. The Citadel or Catile in the Isle of Man, was by this Name greated to Sir John Stanley. Pat. 7. H. 4. M. 18.

Delle, Pelfa, Tho. Veuebles Ar. Clamat, Quod significant experts for resident in the Island.

PE

alique tenent, sive resident, infra Dominium five Mane-rium de Kindeston felonium fecerit & corpus epos per 1pjum Thomam super factum illud capeum & convict, juerit, habere pelfram, viz. Omnia bona & catalla bujujmofeisire. Plac, in itin. apud Ceste. 14 H. 7. Dellicia, A Pilch, Tunica vol indumentum pelliceum

binc super-pelliceum, A Sur-pilch or Surplice, Spelm.

Pelletz, French Pelote, the ball of the Foot, Cherta de Foreita, cap 7. Talis ausem expeditatio (viz. canum,) fiat per assisam communiter usitatam, viz. quod tres ortelli abscindantur, sive peilota de pede anteriori. Soc Co. Inft. part 4. fol. 308.

Belt-wool, Is the mool pulled off the Skin of dead

freep, 8 H. 6. cap. 22.

27 Dellage, (Par. Role 11 H. 4.) The Cuftom-Duty paid for Sins, Pelts or Leather.

Delliparius, (Par. 15 Edw. 3. P. 2. M. 45.) A skinner, a Currier, a Leather-Furrier, or Dreffer.

8 Penerarius. A Penon or Enfign Bearer. jacet Johannes Partent Armiger pro corpore Regie Richardi Secundi & Penerarius ejujdem Regie. Epitaph apud Digs-well in Com. Hertiord.

87 Penteillus, Penicellus, A Pennon or Pendant, a Streamer, a Banner. Robertus de la Sale tenet duor virgatas tena in Nether Overton per feriantime inveniendi in exercita Domini Regu bominem portantem unum penicillum per xx. dies sumptibus suis.

Benigelbum, Denarii alicujus ex quavis confuetudine pro facultate aliqua vel privilegio babendo puta in foresta ant alibi, Spelm. Gloff.

Penifions, A kind of course woollen Cloth mentio-

ned 43 Eliz. cape 10. the Exchequer as much Money for a Pound Sterling, as weighed twelve Ounces Troy. Payment of a Pound de numero, imported just twenty Shillings: Ad seulam imported twenty Shillings fix Pence; and ad Penfam imported the full weight of twelve Ounces. Vid.

Lownder Essay upon Coin, p. 4. Cheefe, containing 296 pound. ---- Hervete Epife. Elienfis concesse Monachis quatuor penfas cajet, de fen penfis - Hill. Elien. apud Whartooi Angl. Sac. P. 1. The same weight is call'd in old Writings p. 617.

Pifa, Pefa, Peis Somp-weight. Fabricatio fibi ftaterum Abbati, de Conventus postes dolosam de abon que divitur Penypile, de cum illa triavis 20 Sol. in denariis antiquis ponderis mezomi, cum quibus equalance resiptebas denarios quorumcunque. Will. Thorn. Sabann. 1354.

Denny weight. Every Pound containing twelve Ounces, each Ounce was divided into twenty parts, called twenty penny weight. For at that time twenty Penny weight weighed one Ounce, which shough the Penny weight be altered, yet the denomination fill continues. Every Penny weight is subdivided into twenty four Grains.

Wenns. See Baje.

Wenon, 18 R. 2. cap. 8. Is a Standard, Banner or Enlign, carried in Wars. It is borrowed from Praine, for Penn in the French Language fignifics the fame

Pention, Penfin. That which in the two Temples is called a Parliament, and in Lincolne-Inn a Counfel, is in Grays-Inn termed a Pension; that isy an Assembly of the

Members of the Society to confult of the Affairs of the And in the loss of Courts Persons are certain House. annual payments of each Member to the House-

Pention-writ, When a Penfion-writ is oner iffoed, some fued thereby in an tins of Court, shall be difcharged or permitted to come into Commons, till all Duties be pind. Order in Grays-line, wherein it feems to be a peremptory Order against such of the Society as are in arrear for Pensions, and other Duties.

Bentisners, Penfimarii, Ase a Band of Gentlemen fo called, that attend as a Guard apon the King's Perfon: They were infituted Anno 1939, and have an allowance of fifty pound a year to maintain themselves and two Horses for the King's Service. See Ston's Annals, 973

Bentecounts, Pentecultalia, Were certain pious Oblations made at the reatt of Pentecoft, by Panishioners to their Parish Priest, and sometims by inferior Churches or Parishes to the principal Mother-Church. Which Oblations were also ealled Whitfon Farthings, and were divided into four parts, one to the Parith-Priest, a second to the Poos, a third for repair of the Church, and a fourth to the Bifkop. Stephens of Procarations and Vemecoftalls. See Mr. Kennet's Gloffary in Pensecostalia.

Pany, Was our ancient current Money, 2 Inft. fol. 575. In a Charter of H 7, to the Abbot and Covent of the Church of St. Peter in Westminster, dated the Ninevocath year of his Reign. we read, Er quod fint quest de omnibus mijerocordiss de Watda, & Watd peny, Aver-peny, & Hundred-peny, Tything-peny, & de omnibus operibus eastellorum, pontrum, &c.c.

Bepper, Piper, Is a Spice well known, of whole diverfities and nature you may read Gerard's Merbal, lib. 3. cap. 146. This is fet gashled, Anno 1 Fac. cap. 19. This is let among Merchandile to be

Wer cut e pot. See Entry.

Devambalation of the foren, Perambularie Forefle, is the forveying or walking about the Forest, or the Limits of it, by Justices, or other Officers thereto appointed, to fet down the Metes and Bounds thereof, and what is within the Forest, and what without, 17 Car. 1. cap. 16. 20 Car. 2. cap. 3. 4. Inft fol: 30. See Purliew.

Peraminilatione factenda, Is a Writ that is fged out hy two or more Lords of Mannors lying near one andther, and confenting to have their Bounds feverally known. It is directed to the Sheriff, commanding him to make perumbulation, and to set down their certain Limits, F. N. B. fol. 133. See Rationabilibus divifis. See Reg. Orig. fol. 157. and the New Book # Entries, erbo Perambulatione faciendu.

Perabapis. See Paravayte.

8 Perraptura, A mire, or meer, or place in a River made up with Banks, Damms &c. for the better convenience of preferring and taking of Fish. Of which kind there were leveral artificially contrivid in most waters and fireams. Widow de Meritos Granted to the Knights Templars. — Omes percaptutas quas Arasses inceptrant versus me in faciendo passagium suum. to the Knights Templars. -Paroch. Autiquit. p. 120.

Bouch, Persica, is nied with us for a Rod or Pole of fixteen foot and a Julf its length; whereof forty in length and four in breadth make an Acre of Ground, Cromp. Jur. fol. 222. Yet by the Cultom of the Country it may be longer, as he there faith; and k-vers! Countries differ herein, for in Staffordsbire it is twenty four foot, in the Forest of Skewood twenty five. In Herefordsbire a Pearch of walking is fratects foot and a halt: A Perch of Ditching twenty one foot: In the Forest of Cante twenty five: In the Forest of Charendon twenty, eve. Shene de verbor. Signif. i verbo

Particata terra, faith. That Particata terra is a Rood of Land; and a little after to this effect, Three Barley-corns without tails fet together in length make one inch; of the which Corns, one should be taken off the middle ridge, another off the fide of the ridge, and one off the surrow: Twelve inches make a foot or measure, three foot and an Inch make an Kin, fix Elnes make one Pall, which is the common lineal Meslure, and fix kloes long and fix broad make a Square; and superficial Fall of Land measured. And it is to be understood, that one Rod, one Rup, one lineal fall of Measure, are all one, each of them containing fix Blue in length; Howbeit a Rod is a Staff or Pole of Wood, a Raip is made of Tow or Hemp, and to much Land as falleth under the Rod or Raip at once, is ealled a Fall of measure, or a lineal Fall, because it is the measure of the line or length only; like as the supereisl fall is the measure of length and breadth. Rem, ten Falls in length and four in breadth make a Rood, four Roods make an Acre, Gr. This is the measure of Scorland. See Mr. Kemetr's Glossary in Persica.

Derenses, The Pais Candles used formerly in England were to called. See Stow Survey of Lindon, p. 71. The reason I presume was this, The larger p. 71. The reason I presume was this, The larger Seonees or Caudiefticks for the Tapers or Lights on the Altar were call'd Pertice, Perches: Hence the bigger Candles, especially of Wax, that were commonly set upon the alters, were called Perchers. — Insurer dy in capella beata virginis superius in australi Ecclesia latere praparata, duos perticas pro superponendu cereu decentur dinates. Hist. Croyl Centin. Inh anno \$405.

Decreenatio utlagaria, is a Pardon for him, who for

contempt in not coming to the King's Court, is Outhowed, and afterwards, of his own accord, yieldeth himself to Prison, Reg. Judicial, fol. 28. Leg. Edw. Confes. cap. 18. 6 19.

Pers e pite, in the Conftitutions of Canufus concerning the Forest, cap. 17. We have these Words, Si quie autem contra primarium pugnaverit, in placito emendet focundum pretium sui ipsius quod Angli Pett e put dicunt dy solvat primario 40. sal. See Were.

Beremptories, Cometh of the Verb perimere, to cut off, and joyned with a Substantive (as Action or Exception) fignifies a final and determinate Act, without hope of renewing or altering. So Fitz berbert calleth a Peremtory Action, Nat. Brev. fol. 35. 38, 104, 108. and Nonfute percuptory, Idem. fol. 5. 11. A percuptory exception, Bracton, lib. 4. cap. 20. Smith de Rep. Anglor. lib. 2. cap. 13. calleth that a Peremptory exception, which makes the State and Issue in a Caufe.

Perinde valere, Is a term that belongs to the Ecclesi stical Law, and signifies a Dispensation granted to a Clerk, that being defective in his capacity to a Benefice, or other Ecclefishical Function, is de fallo, admitted to it, and it hath the Appellation from the Words, which make the faculty as effectual to the party dis-pended with, as if he had been actually capable of the hing for which he is dispensed with at the time of his Admission, 29 Hen. 8. cap. 21. It is called a Writ.

Dethury, Perjurian, Is a Crime committed, when a lawful Oath is ministeed by any that hath Authority to any Petien in any judicial proceedings, who swear-ing absolutely and fally in a matter meterial to the lifte, or Crule in question, either of their own accord, or by the subordination of others. And if a stan call me perjue'd Man, I may have my Action upon the Cafe, but for calling me a forsworn Man, no Action liet, Co. Infl. 3. par. fol. 163. 23 H. 8. 3. It is excepted out of the Act Of General Paraly, 12 Car. 2, onp. 8. How it is punished in Wales, see 26 H. 8. 4. and s. Eliz. cap. 9.

Derking, Was a learned Lawyer, a Fellow and Bea cher of the Inner Temple, that fived in the days of Edward the Sixth and Queen Mary. He wrote a very excellent Book upon divers points of the Common-

Ber mes per tous. A Joynt-Tenant is said to be seised or the Land that he holds Joynthy Per my dy per tout; that is, he is feifed by every parcel, and by the whole,

Litel. Tenures, fect. 281. Bermutatione Archiviaconatus & Ercleffe tibem annepe cum Ecelelia & pimbenda, la a Writ to an Ocdinary, commanding him to admit a Clerk to a Benefice, upon exchange made with another, Reg. Orig. tol. 307.

Berner of profits. Is derived of the French Prenuer, a Taker or Receiver is he that takes or receives the profits, as Pernor of profits, 1!H. 7. 1. Perner of profits, and Ceffin que use, is all one, Co. Rep. 1. fol. 123.
Chudley's Case. See 21 R. 2. cap. 15. and Co. on Lis. fol 589. b.

Pernance, A taking or receiving Tythes in Pernan-9; that is, Tythes taken, or that may be taken in kınd.

Per que fervitla, le a Writ Jud'cial, iffuing from the Note of a Pine, and lyeth for Cognifee of a Manmar, Seigmiori, chief Reut, or other fervices, to compel him that is Tenant of the Land at the time of the Note of the Fine levyed, to attorn unto him, West Symbol. part 2. tit. pines, sect. 126. Old. Nat. Brev. fol. 155. New Book of Entries, verbo Per que servitia.

Berquifites Perquifitum, Is any thing gotten by a Man's own Industry, or purchased with his own Money, different from that which descends to him from his Father or Ancestor; and so Brallon uses it, when he says, Perquifisum facere, lib. 2. cap. 30. num. 3. 6 lib. 4.

Perquifites of Court, Be those profits that grow to a Lord of a Mannor, by vertue of his Court Baron, over and above the certain yearly profits of his Land, as Fines of Copy-holds, Hariots, Americaments, Wailes, Strays, Gr. Perkins, fol. 20, 21.

[Borton. See Parlon.

Personable, Personabilie, signifier as much as inabled to maintain plea in Court: As for Example, The Defendant was judged perfonably to maintain this Action, Old. Nat. Brev. fol. 142. And in Kitchin, fol. 214. The Tenant pleaded, That the Wife was an Alien born in Portugal, without the Legiance of the King, and Judg-ment was demanded, whether the should be answered: the Plaintiff faith. She was made personable by Parhament, that is, as the Civilians would speak it, Habere personam flandi in judicib. Personable is also as much as to be of capacity to take any thing granted or given, Planden, fol. 27. Colebrist's Case.

Personalis, Personalis, Being joyned with the Substantives, Things, Goods or Chattels, as Things personal, Goods personal, Chattels personal; signifies any moveable thing belonging to a Man, be it quick or dead: So it is used in West. Symbol. part 2. tit. Endirements, sect. 58. in these words, Thest is an unlawful selonious taking away another Man's moveable personal Goods, so also 61. And Kirchin, fol. 139. saith, Where personable things shall be given to a Cotporation, as a Horse, a Cou. Sheep, or other Goods, Grc. And Stamf. pl. cot. fol. 23. Contrellatio rei allena, is to be understood of things personal; for in things real it is not Felony, as the cutting of a Tree is not Felony. See Chattels.

Berfonal Exthes, Are Tythes paid of such profits as come by the labor of a Man's Person, as by buying and felling, gains of Merchandile and Handicrafts, Gre. See Tythes.

Perfonalty,

Dersonalty. Personalities, Is an Abstract of Personal. The Action is in the Perionalty, Old Nat. Brev. fol. 92. that is to fay, it is brought against the right Person, or the Person against whom in Law it lies. In vocabu lario utriusque juris, I find the word Impersonalitas; For says that Author, Personalitae significatur per bas dictiones, (tu mibi, ego tibi) cum alio significato quod probaliter concluditur, & si nullo modo concludatur tunc est impersonalitas.

Persons ne Prebendaries ne seront charges as quinfimes, &c. Is a Writ that lies for Prebendaries, or other spiritual Persons, being distrained by the Sheriff, or Collectors of Fifteens, for the Fifteenth of their Goods, or to be contributary to Taxes, F. N. B. fal. 176. Betticata terre, is the fourth part of an Acre,

which in the whole Superficies contains forty Perticas. See Perches.

Berticulas, The King granted to Luke Marguin de injula de Man Scholari, quandam eleemosonam vocatam Perticulas ad sustentationem cujusdam pauperis Scholaris de insula pradicia ad exercend. Scholas, per progenisores, nostros, quondam Reges Anglia dasam es concessam, Pat.

5. Hen. 4 m. 16
Pertining, Was anciently wied for a Kiniman or Kiniwoman, Si quis cum pertinente fue jaceat, emendet boc secundum cognations modum sit Wera, sit Wita, sit

omni pecunia, Leg. Canuti Regis Ms. cap. 48.

Dervile or Darvile, Pervijus, Parvifia, is derived from the French Le parvin. Fortescue de laudibus legum Anglia, cap. 51. pag. 124. hath these words, Sed tunc placitantes (i. p.st merediem) se divertunt ad per visum & alibi consulentes cum servientium ad legem & alist confiliarist fuis. Of which Chancer thus, Prolog. 9.

A Gerieant at Law, that ware and wile, That often had been at the Parvife.

Nam ibi legis periti commenere ut clientibus occurrerent, non ad tyrocinia juris, quas motas vocant exercenda, says Spelman. Selden in his Notes on Fortescue, pag. 56. says, It signifies an Asternoons Exercise or Moot, for the Instruction of young Students, bearing the same Name originally with the Parvista in Oxford. Mr. Somner says, Pervife signifies Palatii Atrium vel Area illa a fronte Aula Westim. bodie, the Palace yard. See his Gloss in 10. Scriptores, verbo Trifarium.

Bes Kozenz. — Notandum est qued pes forenz usita-

tus tempore Ric. Oylell in arrentatione vastorum, fallus est, signatus de scultus in pariete Cancella Ecclesia de Edwiattone de in Ecclesia B. Maria de Nottingham, de dielus pes continet in longitudina offodecem pollices, de in arrentatione quorundam vallorum perties 20, 21. 6 24. pedum usa fuit, &c. Ex Regist. Abb. de Novoloco in

Com. Not. penes Rob. Comitem Kingstoniae, Anno 1020. See Spelman eodem verbo.

Thes Montes. The foot of Money called by the French Pied de Manoye, is a true and reasonable adjustiment of the intrinsick and extrinsick value of all currant Coins.

& Pola, Penia, Pifa. A Wey or Weigh, or certain. Weight or Measure of Cheese and Wool, &c. containing two hundred fifty fix pounds.--Hervens Epife. Glien. concessit Monachin quature pensis casei in Dere-ford, de sex pensis salis in Tynington. Histor. Elica, apud Whartoni Ang. Sac. P. 1, p. 617.

Delagt, Pefagium, A Duty paid for the weighing of Merchandife, and other wares, we may, without any fraining, draw Beilage or Boyling for Pondes, and to

Belavius, A Weigher. Dequolibet Sacco lana per licentiam Juftit. infra muos Dicta Civitatie (Sc. Wiotonix) Vendito pro Pejaris Episcopi quatuor Denar. G pro jado Pefarii unum Denar. Pat. 2. Ed. 4. Pars. 6. M. 6.

Delentum Anguillarum - -Unum pefentum Anguillarum x. l. Valet Groffas Anguillas. Dug. Monaf. Ang. part 1. p. 363. b.

Defiona, Majt, Or, according to Bradon, the Money taken for Maft, or feeding of Hoggs; in the first fignification. Tempore pessona denotes Mast-time, or the Season when Mast is ripe, which in Norfolk they call Sha king-time.

Seems to be such Wares or Beffurable Marcs. Merchandise as Pester, and take up much room in a chip. 32 H. 8. cap. 14.

Beter Cojn. Rex Athelftanus conceffie Deo & beato Petro Ebor, & colideis pradicin de quantes Carnca aran-te in Episcopatu Eboraci unam Travam bladi, Anno Domini 936. que ulque in pra'entem diem dicitur Beter-Ex Reg. S. Leonardi Ebor. in Bibl. Cottonia-Copu. na, 101. 5. a. concessiones travarum pocat. Peter-Corn per totum Archiepiscopatum Ebor. quas primis Ethelflanus iondam Rex Anglice concessit Deo & beato Petro & coliden apud Eboracum. Reg. S. Leonarde Ebor. Cotton. Nero. D. 3. f. 59. — Contentio inter Magistrum & Fratres Hospitalis S. Leonardi Ebor & conventum de Malton super trabu camearum vocas. Peter-Corn in crastino S. Bitulfi. 1266. Collect. Rog. Dodiworth vol. 78. p. 212. MS.

Deter men. Those who used unlawful Arts and Engines for catching Fish on the River Thames.

Stow Survey of London, p. 19.

Detter Pente, Denarii, Sandi Petri, otherwise called in the Saxon Tongue Romefeob, the Fee of Rome, or due to Rome; and also Memelcot and Rome-pennying was a Tribute given by Inon King of the West Saxons, being in Pilgrignage at Rome in the Year of our Lord 720. which was a penny for every House, Lamb. Explication of Saxon Words, verbo Nummus, and fol. 128. in St. Edward's Laws, num. 10. where we may read these words, Omnes qui babent 30. denaria-tus viva pecunia in domo sua de suo proprio, Anglorum lege dabit denarium sancti vetri, & lege Danorum dimi-diam marcam; Iste vero debet summoniri in solenitate Apostorum Petri & Pauli & Colligi ad festivitatem qua dicitur ad vincula, ita ut ultra illum diem mon detimeatur, &c. See also King Edgars Laws, fol. 78. cap. 4. which contain a sharpe constitution touching this matter. Stow in his Annals, pag. 67. faith, That he had twenty penny worth of Goods of one fort in his House, was to give a Penny at Lammas yearly. See

St. Peter ad bincula, Anno 4. Ed. 4. cap. 1. & 17. Ed. 4. cap. 5. See Gule of August.

Detit cape. See Cape.

Petit Larceny, Parvum Latrecinium.

Bette Areason, Parvo proditio, In French Petit tra-bizon, i. proditio minor, Treason of a lesser or lower Kind; for whereas Treason in the highest Kind, is an Offence done against the security of the Common-wealth, West Symbol. part 2. tit. Indiament, sect. 63. So is Petit Freason, though not so expressly. Petit Treason is, If a Servant kill his Master, a Wise her Husband, a Secular or Religious Man his Prelate, 25 E. 3. cap. 2. whereof fee more in Stamf. pl. cor. lib. 1. cap. 1. Crompton's Justice of Peace, fol. 2. And for the punishment of it, see the Statute 22 H. 8. 14. and Cromp. ubi supra.

Betit Bergeanty, Parva Sergeantia; To hold by Petit Sergeans, is to hold Lands or Tenements of the King, yielding him a Knife, a Buckler, an Arrow, a Bow without a String, or other like Service, at the Will of the first Feoffer; and there belongs not

Ward, Marriage or Relief; And here observe, That none can hold by Grand or Petit Seargeanty, but of the King. But fee the Statute Car. 2. cap. 24.

Petition. Petitio, Hath a general fignification for all kinds of Supplications made by an Inferior to a Superior, and especially to one having Jurisdiction and

Authority. See Stamf. Prar. cap. 15. 22.

Betra, Is a fort of Weight, we call it a Stone, but differing in many places of England; somewhere confifting of 16, other-where of 14, 12, or 8 pound. - una libra sepi ad candelas valet obolum, dy sic va-let petra vi. den. una libra sepi susi ad mortarium valet. oblism quadrantem, of fic valet petra ix. den. Regulz compoti domus de Farendon, MS. unus quintallus ferri vel aceri qui continet ic. petras dimid. lib. valet ix. fol. & Jic valet qualibet petra xij. den. qualibet libra iden.

87 Detus, Peta, Pete, Combustible Earth dug up in fmall pieces for fuel. ad cariandum petum & calcetum & bladum de pradicto manerio suo.

Abbat. Glafton. MS. f. 88. b. Betra Lana, A. Stone of Wooll. See Stone.

Betty-fogger, An irregular Compound, from the French Petite, small; and the Saxon Fogere, a Suitor or Sollicitor: So that a Petty fogger is an Inferior At-torney or Lawyer, or rather a Trouble-Town, having neither Law nor Conscience.

Pharos. A Watch Tower; no Man may build or erect any Light houses, Pharos, Sea-marks or Beacons, without lawful Warrant and Authority, 3 Inft. fol. 204.

Philippe. See Placer.
Pitaton, A fort of Boats of Effect Tun, or upwards. wied on the Alver of Severne, mentioned 34 & 35 H. S.

cap. 3. Allo a Fisher boat, 13 Eliz. 11. The or Handles. Idem Abba reliquit unum jarn-rhum argenteum, by picarium argenteum, itam: quatum ciphon de mazere. Chartular, Abbat Glafton. M6. Jol.

Bictagt. Pleagham, From the French Piquer, effa-geres Money paid in Fairs, for breaking of the Ground to let up Booths or Stalls, Aliquis ventens ad forum nostrum de Rudbam cum rebus eiges de frangendo vet pill anto aliquem placeam in dillo fac, Prier bahakte bide redemptionem. Ex Registro, Priorat. da Colons soid.

sorn.

Dicheria, Picherm, A Pot, a Pitcher, medicin of picheris empis ii. den. ob. disch de platellin, ii den. ob. disch de platellin, ii den. ob. consuctud. domnus do Evrendum, MS. 10. Consuctud. domnus do Evrendum, MS. 10. Consuctud extrahet auguocuma, vale in dilla fasellinin liberto unum giantum videis necessarium pro fastura unum picheri directi directi quod facial ad sumptus Regis.

Dickarus ho Person stall use any Iron Cards on Person in rowing any Woollen Cloth, upon prince forfert the lame, and 20 s. for every Offener, Assand

Bicks, Pics Pica An Isan Instrument for higging and perking. A fick, a Pick-ax. tem, terram fediontem, lapides seindentem, Brc. vita Rob. Betun bis bereford and Whattoni Angl. San

P. 2. p. 302. Dicte alias Dightell. Pidellum. A small spages tof Land inclosed with a Hedge, which the common Pep. ple of England do in some Places call a Pingle, and may perhaps be derived from the Italian Word Piccieles i.

Die Potoper Court. Curia pedie pulverizati., Fram the French, Pied, i. nes, and Pouldreux, i Pulsueu-lentus : Is a Court field in Figs, to yield Justice to Buyers and Sellers, and for Redress of all Disorders

committed in them; and to called, because they shall usually are in Summer, and the Suiters commonly are Country-People with dufty Feet; of from the expedition intended, in the hearing of Causes proper thereunto, before the dust goes off the Plaintiffs or Defen-dants feet soit is held De hora in bram. Shene de verbor. Signif. werbo Pede pulverofus, fays the word, figni fies a Vagabond; especially a Fedler, which hath no place of dwelling, and therefore must have Justice summarily administred to him, vig. within three ebbih and three flowing of the Sea. Braffon, 116. 5. tract. if cap. 6. nom. 6. calleth it Juftitiam pepondrous. Of this Cours, read the Statute 17 & 4 ca. 2. (0. 4. Inft. fol. 272. and Crossp. Jur. fol. 221. See Juffices of the Pa

gefs, an allocted Portion of Meat and Drink diffiful ted to the Members of forme Collegiste Body, or other People, upon a high Festival, a stated Anniversary, fuch like Solempity: -- The defign of their inflitation is thus delivered in the Statutes of 'Ralph Baldole Dear - Pitantia: June antiquitus ve of Pauls, A.D. 1298. novicer institute propter solemhitatem Pestorum augmentia dam per prafentiam multorum quornincung; gruttum feil. eundem babitum geflantium der Officium fen objequium cereo die Festino feu anniversario peculiaritur exercentium. Libro Statut. Etel. Paul Londen. MS; See Pittante.

& Pictantiacius, The Pittancer or Officer in Collegiate Churches, who was to distribute the Rosera pitionces at fuch times, and in fuch proportions as the feveral Founders or Donors had appointed.

among the Books prohibited by that Statute. Quer what they are? " Kiebera ine einig

Dig of Lead. . See Forber : butoled therear state Dikt or Dicht. See Polein. and Mondal grown in 1 to

Pligmentum, An old potable Liquor toalle of Honey and Wich, and Spices. And Act has prime in danta abundantia vinum bir videor & sieriam, piginunum dy claretum, mustum, &c. Girald. Cambr. apid White-toni Angl. Sacr. P. at p. 4800 115 ciq 11 (1958) Etiquad Foresturi filition Parradunt

agittas barbatas fed Pilettmin Carta Rogeri: de Quincy 31 H. 3. Such Acrows archiel as round knot willittle above the bead, to hinderschools from golde for fair into the marky from the dation fills, which lightles any round think like a Balling mulantiel ! Ting

Dille of Fondrager Fouldrest; In the County-Paliting of Lancafter, Aono 2 Wishortants, forms to be a Defence built on a Conck of the Sich, ind call' Pille by the Jaion of the Gountes for, a File This Pile was erected there by the substruct signific in the first year of Ed. 3. Come Brien Rich Haw Dedinus Houries Comiti. Morthulmbeibend binfidam, vafirim,: Petam 🖰 Deminum de Man, &c. Rot. Pat. 1 ftens 5. m. 36.

184 Pilatura In this Affize of Arms, Many 901 4. Omnes alli qui possent babere alcin de sagistarentera forestam babeant accin de pilatos. Dr. Wats in his Glossary con this word is quiley of a plain militaite - Fond mys! hat in Michie nofire. Anno in Ed. B. cape out Abglice vertice bolt; fed videxine spfi Legales unan potion pro figith Ferti spiculatio was fit accipienda. Rum figith spiculam the Pile, adbuc dicimus. Bolts funt lagista cutopultatum tote lienes de absufe quibin aven ferinnte. properly tendred Balks, of a Blunts, or blunted Arrows. For Persons without the bounds of a Forest, might shoot with sharp or pointed Arrows; but with in the Forest, to preserve the Deer, they were to most only with blunts, or bolts, or piles. For what Mat. Paris calls Pilaton, is termed a Pile in the Starutes of William King of Scotland, cap. 23: de wini entibue

entibus ad guerram § 5. Er omnes ublig, qui babere poterunt babeant, arcum Er lagittas extra forestam, Er infraforestam arcum En pile. Hence Sagitta piletta was opposed to Sagitta barbata; this latter the bearded Article of the forest and degree arconsism but row was made for sharp and deeper execution, but the piled Arrow had a pile or button fix'd near the point, to hinder the entrance of it. As blunts opposed to sharps in Rapiers. — Cum internt pradition forestain ad bersandhum Perestari non portubant in bosco sagittin bar-

batas sed pilettas - Anno 31. H. r. Bilta terra. A Pill, a small piece or slip of Ground .— Noveritis me dediffe quatur cafu terra by unum pillam prati vocatam Walske pille infra parochiam pradictam.—Cart. Thomas Epife. Bathr Well. Dat. 4.

Billore, Colliffrigium, As it were Collumftringens, and Pillorium, from the French Pelori, and that may feem to be derived from the Greek was, Jama, a Door, because one standing on the Pillory, puts his Head, as it were, through a Door, and 'Opin video: It is an Engine of Wood made to punish Offenders. There is a Statute made of the Pillory, 51 H. 2, wherein you may see who were then subject to this munishment: This among the Saxons, was called Healsfang, of Heals, a Neck, and fang, to take. Lamb Emplication of Saxons Words, verbo Multia. In the Laws of Canutus it is called Halsfang, cap. 42. The learned Spelman in his Glossof says, that it is Supplicit machina and Indivision magic quamponam. See more there. Vide etiam Heals and magic quam panam. See more there. Vide etiam Healfang.

Bilins supportations, A Cap of Maintenance; Pope Julius sent such a Cap with a Sword to Hen. 8. An. 1514. Holling. pag. 827. but there is mention made of such a Cap by Hoveden pag. 656. at the Corobation of Richard the First, where it is said, - Deinde venerunt Godofridus de Luci partans pileum Regium & Johannes Marcicallus juxta eum portans duo calcaria

aner, &c. changes in by the Daner, was to fix a pin in the fide of the Wallal-bowl or wooden-cup, and so to drink exactly to the pin, as now in a seal'd Glass, Gr. This provoking Art of Drunkenness was forbid the Clergy, in the Council at London anno 1102. Presbyteri non eant ad potationes, nec an pinnus bibant. Da Fresne cansed potationes, nec an pinnus bibant. Da Fresne cites this Constitution in the word Finna; and betraying his ignorance in English matters, would correct the word; Force (inquit) legendum pilus, i. e. tabernas.

Minfinachium, A Bake-house, Locus pinsandi ubi pages consciunts, The Book of St. Albans in the Life of

Poul the fourth abbot there, says, life bane Ecclesian cenerague adificia, prater Pristinant & Pinsinochium tealificavit ex Laphibus & tegulic voteris civitatis Verologii, see, by which it forms that many of the Ruines of that ancient City remained until that Abbots time, who died Ann 1093.

Planseres, Cometh of the French Planter, & foffer, and fignificth-fuch Lebourers, as are taken up for the Eing's Army, to cast Trenches, and undermine Forts, a & 3 E. 6. ca. 20.

Bigs, Pipa, Is a Roll in the Exchequer, otherwise

called The great Roll, Anno 37 E. 3. cap. 4. See Cleriof the Pipe. It is also a mensione of Wine or Oyl See Clerk containing half a Tun, that is, fix fcore and fix Gal-

lone, 1 R. 3. 3. ... Dirate, is now taken for one who maintains himfelf by Pillage and Robbing at Sea. But in former times the word was afed in a better sense, being attributed to such Persons to whose Care the Mole or Peer of a Haven was intrusted. And sometimes for a Sea-Soldier, Affer. Menevens. Epist. in vit. Æifredi-Rex Ælfredus juffit cymbon by galean, i. longas navos fabricari per Regnum, ne Novali pralio bostibus ad-

ventantibue obviaret : Impolitique piratic in illie, vias marie custodiend as commisit.

Biscare, Piscaria, Cometh of the French Peschary, i. Piscaria, and denotes a liberty of fishing in another Man's Waters.

Discenarius, Is used in our Records for a Fishmonger. Pat. 1. Ed. 3. Pars 3 M. 13. See Puletering.

Bittil alias Pighttil. See Picle.

196tt, It is a Hole wherein the Scots use to drown

Women-Thieves, Skene.

Women-Thieves, Skene.

Bittanct, Pitancia, A small repast of Fish or Flesh, Rot. Char. de Anno, I Reg. Joh. pag. 2. thum. 115. Johannin Dei Gratia, &c. Noverint, &c. nos assensium nostrum prabuisse, &c. de Manerio de Milde-Hall, gnod Manerium sansio Edmundo sicut jus suum concessiums, &c. ita quod, qui pro tempore Sacrista fuerit, 12. de redditu altaris annuatim persolvat Hospitali & Salvaredutu quod est extra muros Sansti Edmundi, &c. in usus pauperum, &c. & 40s. ad reselvanem Monacherum, qui illis diebus Ossicia divina pro desunstis celebrabant, qua resessio pittania vocatur. See Spelman verb. Pittanieirim. neiarius.

Disching pence, Is that Money which is paid for pitching or fetting down every Sack of Corn, or pack of any other Merchandise in Fairs or Markets.

Blacard, Anno 2 or 3 P. by M. cap. 7. Is a License whereby a Man is permitted to shoot in a Gun, or use unlawful Games: In French it fignifies a Table, where Orders are written, and hung up; and Placatet in Dutch is an Edict or Proclamation. See 33 H. 8.6.

Blaceta, Seems to fignific a piece or parcel, if of Lands; and a place, if a House or Messuage; as Placeta Messuagi, Placeta Patri and Placeta Pastura.

Blacetate, i. Litigare & Causas agere, To Plead.

Blacetate, A Pleador. Ralph Flambard is Recorded to be roting Regui Placetato; in William the Second of the cond's time.

Playet, Querela, Is used for the propounding or exhibiting of any Action personal or real in writing, and so it is used, Bro. tit. Plant in Asse; and the party making this Plant, is called The party Plaintiff, Kitchin,

fel. 231. & Planchia, A Plank of Wood. Concelli prateria Materiem in bosco meo de Porma ad pradictum Molendima reparandum extra planciu Carta Stephani Devereux Mil.

I. All Materials of Wood except Planks.

Plants. A Hoy, or Water-Veffel fo called, Appl 13.

Billy cap. 25. Trials at Law; yet the word Placita did fometimes figuific Penalties, Fines, Mulch, or Emendations, according to Gervale of Tilbary, or the Black Book ain the Exchequer, Lib. 2. Tit. 13. Placita anten dicimus pot-nas petuniarias in quas incidunt Delinquentes. So in the Laws of Hen. 1. cap. 12, 13. Hence the old Rule of Gustom, Comes habet tertium denatum Placitorum, is to be thus junderstood, the Earl of the County thall have the third part of the Money due upon Mulcis, Fines, and Amerciaments, impos'd in the Affizes and County Courts.

87 Plantirata font. A Cart Load of Hay. — Concessionam Plantiratam fami apud Malmestont. Reg. Privrat de

Wormesley, fol. 64.

19122, Placitum, Signifies that which either party alledgeth for himself in Court, which was wont to be done in French from the Conquest until Edward the Third, who Ordained them to be done in English in the fix and thirtieth year of his Reign, cap. 15. These are divided into Pleas of the Crown and Common. Pleas. Pleas of the Crown of Scotland be four, with Robbery, Rape, Morder, and wilful Fire, Skene de verb. Signif. verbo Placitum. With us they be all

Suits in the King's Name, against Ossences committed against his Crown and Dignity, Stamf. pl. ow. cap. 1. Or against his Crown and Peace, Smith de Rep. Angl. 126. 2. cap. 9. And those seem to be Treasons, Felonies, Misprisson, of either, and Maybem. Co. 4. Infl. cap. 10. Edward the First enseoffed Walter de Burgo in the Land of Ulfler in Ireland, excepting the Pleas of the Grown, to wit, Rape, Horstal, wilful Firing and Treasure trove, Camd, tit. Ireland. Common-Pleas be those that be held between common Persons, yet by the sormer definitions they must comprise all other, though the King be a party. Plea may farther be divided into as many Branches as Action; which see, for they figuific all one. Then is there a Foreign Plea, whereby Matter is alledged in any Court, that may be tryed in another. As if one should lay Bastardy to another in Court-Bason, Kitchin, fol. 75. The Word Placitum is used by the Commentators upon the Fends in the same fignification that Pleas be with us, and placiture with them is Letigare for Causas agere, Hotom. in verb. Feudal-verb. Placitare.
Dieas of the Sword, Placita ad glaudium: Ranulph

the third Earl of Chefter, in the second year of Henry the Third, granted to his Barons of Cheshire an ample Charter of Liberties, Exceptis placitis ad gladium me m pertinentibus, Rot. Pat. in archiviu Regis infra ca-Stellum Cestria, 3 E. 4. m. 9. The Reason was, because King William the Conqueror gave the Earldom of Chewas, because fler to his Kiniman Hugh, commonly called Lupus Ancefor to this Earl Ramalph, Tenere ita libere per pla called Lupus, dium, ficut ipfe Ren Willielmus tennit Angliam per Coro And confonant thereunto in all Indictments for Felony, Murder, &c. in that County-Palatine,

Felony, Morder, &c. in that County-Palatine, the form was anciently, Contra pacem Domini Comitis, Gladium & dignitates fuas.

Bleadings, Are all the sayings of the Parties to Suits after the Count or Declaration, to wit, whatever is contained in the Bar, Replication and Rejoynder, and not in the Count it self; and therefore Defaults in the matter of Count are not comprised within michaeling and insufficient placeling not are not are remedied. in mispleading, or insufficient pleading, nor are remedied by the Statute of Jeofayles, 32 H. 8. but only the mis-pleading or insufficient pleading committed in the Bar, Replication and Rejoynder; but those are now remedi-

ed also by 18 Eliz. cap. 13.

Blebania, Plebanalis Ecclefia, A Mother Church, which has one or more subordinate Chappels .dulfus de Salopia Episcopus Bathon. 👉 Well. univit Ecclesiam plebanalem de Chyw mensa sua Episcopali. Whartoni

Angl. Sacr. P. 1. p. 369.

& Pilebanus. A Rural Dean, because the Deaneries were commonly affix'd to the Plebania, or chief Mother Churches within such a District, at first commonly of ten Parishes.—John Peckham Archbishop of Cant. ordain'd that the Church of Terringes and Chappel of Paschings in the Diocess of Chichester, should be two several Parish Churches.—Volumus igitur ut be two several Parish Churches. Volumus igitur ut in Ecclesia de Terryng cum capellus suis de Duryngton by Hyen unus tantum modo prasideat Restor in posserum by curam babeat illarum animarum, qua etiam Ecclesia suum babebit vicarium perpetuum residentem qui Plebani sive Decani sungens ossicio jurisdistionem ordinariam quam eidem vicaria de officio annessimus perpetuo in clero de populo ipsius Ecclesia parochia cum distus capellus de etiam in parochia de Paschyng babeat & exerceat secundum canonicas San&iones.—Ecclesia de Terryng alium Re&orem suum curam animarum babentem optineat in futurum, qui etiam v'carium (ub se perpetuum babeat, qui teneatur ibidem personaliter & continue residere & subesse in mandativ canonicie Plebano five decano de Terryng.— Dat. 4. Febr. 1287. Reg. Ecclef. Christi Cantuar. MS. Yet I believe from this, and other Authorities, it might be infered, that Plebanes was not the usual Title for

every Rural Dean, but only for such a Parish Priest in a large Mother Church, exempt from the Jurisdiction of the Ordinary, who had therefore the Authority of a Rural Dean committed to him by the Archbishop, to whom the Church was immediately subject.

Bledge. Plegias, May be derived from the French, Pleige, fide jussor, as Pleiger aucum, i. fide jubere pro all-quo, in the same signification is Plegius used by Glanvile, lib. 10. cap. 5. and Plegiatio for the act of Suretiship in the Interpreter of the Grand Customary of Normandy, cap. 60. legii dicuntur persona, qua se obli-gant ad boc, ad quod qui eos mittit, tenebatur; And in And in the same Book, cap. 89, 90. Pelegiatio is used in the same Sense with Glanville, S. alvi plegii be used for plegii, Pupil. oculi. part. 5. cap. 22. Charta de Fereffa. This word plegius is used also for Frank pledge some-time, as in the end of William the Conqueror's Laws, set out by Lambert in his Archainem. fol. 125. in these words, Omnie botto qui voluerit se teneri pro libero, sit in plegio, ne plegion eum babeat ad justitiam, si quid offenderit, &c. And these be called Capital Pledges, Kitchin, sol. 10.—See Frank Pledge, and Co. 4. Inst. fol. 180.

SCP Plengery or Plengery, (Lat. Plegiagium) Surctiflin an Undertoling or Answering for

tiship, an Undertaking or Answering for.
Blegis acquiteannis, is a Writ that lies for a Surety, against him for whom he is Surety, if he pay not the Money at the day, F. N. B. fol. 137. Regiss. of Writs,

Diena foristadura e piena inita. See Forfeiture.

Plenarty, is an Abstract of the Adjective Plenus, and is used in the Common-Law in matters of Benefices, where Plenarty and Vacation are direct contraries Stamf. prareg. cap. 8. fol. 32. Westm. 2. cap. 5. Institution is a good plenarty against a common Person, but not against the King without induction, Co. on Lit.

Dievin. Plevine, from the French Pleuvine, A War-

rant of Affurance See Replevin.

Distr, is an old English Word, fometimes the Estate with the Habit and Quality of the Land, and extends to Rent Charge, and to a possibility of Dower, I Inft. fel. 221. b.

Ditta terre, A Plight, a Plightel, a small portion or spot of Ground. — Dicant per facramentum sun quad tempore Willielmi de Buttone quondam Rectoris Ecclesia de Sowy tota decima de plita qua vocatur Levide — Mede cariata fuitrapud Sowy, Chartular. Abbat. Glaston. MS. f. 76, b.

Plitt of Lawn, Anno 3 E. 4. cs. 5. Seems to be a Measure then in use, as a Yard or an Ell now.

Pliothette t. R. 2. cs. 9. A kind of course weetlen

Plankets, 1 R. 3. ea. 8. A kind of course woollen Cloth, otherwise call'd Vervise.

Plow-Almes. Eleemossna aratrales, Anciently every Plow-Land paid a Penny to the Church, — De qualibet caruca junkla inter Pascham by Pentecosten, unum denarium, qui dicitur Plow-Almes, Mon. Ang. 1 par. fol. 256.

Blow-Land, Carucasa terra, The same with a Hide

of Land, which see.

Blurality, Pluralitas, 21 Hen. 8. cap. 13. ving more than one, chiefly applied to some Church-men, who have two, three or more Benefices. Selden in his Titles of Honour, fol. 687. mentions Trialities and Quadralities.

Pluties, Is a Writ that goeth out in the third place, after two former Writs have had no effect; for first the original Capias issues, and if that speed not, then goeth out the Alias, and if that also fail, then the Pluries. See Nat. Brev. fol. 33 in the Writ De Excom. capiendo. See in what diversity of Cases it is u-

fed in the Table of the Original Register

ST Dokes, Side Gowns, or long sleev'd Gowns, which fashion grew so affected and extravagant, that Hh

the westing of them was prohibited by Philip Reping Willp. de Inft. All. I. quicunque Si hibitimerius inquit ferun don Bishop of Lincoln, in his Injunctions Anno 1410.
— item quod didi sacarii & Clerici quicunq, & pracipue cum fuerint revestiti, inhonestis togis suis cum longis manicis vulgariter vokes nuncupatis pou urantur. Collectan. Mat. Hutton. S. T. P. MS.

Docket of dotooll, Is half a Sick, 3 Inft. fol. 96. See

Sack of Wooll.

Bolt. See Perch.

Poledanis. A kind of course Canvas used by the Salesmen in making up their Ware, 1 Jac. cop 24: 87 Poleta. The Ball of the Foot. For the lawing

or expeditating of Dogs within the Forest, it was or dained. -–Ut tres ortilli scindantur de pede anteriori fine poleta -- Mat. Par. Sub anno 1214.

Boleine, Was a fort of Shooe, sharp or picked, and turned up at the Toe; They first came in fashion in the Reign of William Rasses, and by degrees came to be of that excessive length, that in Richard the Second's time they were tyed up to the Knees with Gold or Silver Chains, according to the dignity of the Wester: They were forbidden by Edward the Fourth, in the fifth year of his Reign, under a great penalty, to be worn to long; but were not utterly laid afide till the Reign of Henry the Eighth. Malmesburg, in the Life of the fore mentioned William Rafus, speaking of the Excesses of those times hath these words, Tune fluxus crinium, tune luxus vestium, tune usus calceorum cum arcuatis aculeis inventus eft.

&T Polhachetum, A Poll batchet, a Poll an Walterus de Blancheney implacitatur es qued Dominum sum in capite cum quedam polhacheto selonice persustit

Placit. 14 Ed. 2.

Policy of Affurance. Affeoratie, Is a course taken by those who do adventure Wares or Merchandise to Sea, whereby, they unwilling to lose the whole ad-vanture, do give unto some other a certain rate or proportion, as ten in the hundred, or such like, to secure the lafe arrival of the Ship, and so much Wares at the place agreed upon; So that if the Ship and Wares do milcaery, the Affurer maketh good to the Adventurer fo much as he promised to secure; if the Ship arrive safely, he gaineth that clearly which the Merchant compoundeth to pay him. And for the more even dealing between the Merchant and the Affurer in this case, there is a Clerk or Officer ordained to set down in writing the sum of their Agreement; and this is called Pollicy, to prevent any difference that might after happen between them. This is mentioned 43 Eliz. cap. 12. and 14. Car. 2. cap. 23. And is now many times used to infure Mens Lives in Offices, who have paid great Sums of Money for the Parchafe thereof, and are infured from that Adventure by a certain Company of Merchants or Citizens, for three or four per Cent. Subscribing or under-writing the Agreement, Policy or Insurance, who do among them thare the Pramium or Money given, and run the ha-

Bollet, Properly fignifies the Thumb, but metaphorically it fignifies an Inch, Pollex in omni mensura debet mensurari ad radicem unguis de debet stare ex longitudine trium gravorum bordei bont fine caudie. Spelm.

Bullard, A fort of fpurious Coin, which with Crecards were long fince prohibited, Mat. Wellm. in An. 1299. Pag. 413. Pollards, Crecards, Staldings, Eagles, Leonines and Steepings, were heretofore feveral forts of Money used in England, but long fince disused. 2 Inst. fol. 577. We also call those Trees Pollards or Pollengers, which have been usually cropt, and therefore diffinguish'd from Timber-Trees. See Planden, fol. 469.

Mollingtons. The Embalmers of dead Bodies, fuch as prepare them for their Funeral and Interment,

pollinctoeen bebuern, isque mortum spolieveris, mudam in eum quase actionem indistrium.

Bolggamus, is he that is married to two, or more

Wives together, 3 Inft. fal. 88. Bondage. See Poundage.

Bant, Is a Writ, whereby a Caule depending in the County-Court, or other inferior Court, is removed in the Common-Pleas, Old Nat. Brev. fol. 2. See in what diverfity of Cales it is used in the Table of the O-

iginal Register.

Boll-Meney, Capitotio, Was a Tax Ordained by Act of Partiament, 18 Car. 2. cap. 1. 👉 19. Car. 2. cap. 6. By the first of which every Subject in this Kingdom was affested by the Head or Pall, according to his degree, viz. every Duke 100 li. every Marquels 80 li. gre. Baronets 30 li. Knight 20 li. Elquire 10 ll. &c. and every fingle Person 12 d. &c. And that this is no new Tax, appears by former Acts of Parliament, where Quilibet tain conjugation, quam foliutus utrinsque sexus pro capite suo solvere englintum, Parliam. Anno 1380. Wallingham Ypod. 534. There was anciently (lays Gamden in his Notes upon Coins) a Personal Tribute called Capitatia (Pall-silver) imposed upon the Poll or Person of every one, of Women trom the twelfth, of Men from the fourteenth year of their age.

Domellum, Properly a round Bill fet on the top of any Building, à pomi similitudine, Fr. Pommeau, Pommelle, Engl. Pommel or Puminel Ecclesia S. Pauli Lundon. continet in longitudine DCLXXXX. pedes, in latitudine CXXX. pedes ____ altitude fabrica lapidea campanilu ejusdem Ecclesia continet à plana terra. – altitude fabrica CCLX. pedes, altitudo fabrica lignea continet CCLX. pedes, attamen in toto non excedit quingentos XX; pedes. Isem pomellom ejusem campanitis continet in sua cincavitate si fuerit vacuum X. busselios bladi, evius rotunditas diametri continet XXXV. maias que saciunt tres pedes, &c. Ex Chronico Eccles. Sanisber. Cotton. Clev-

patra. B. 4.

** Bonbus, Parad.ge, Which Duty with that of the Ring according to Tonnage, was anciently paid to the King according to the weight and measure of Merchants Goods. Rex majori de civibus Winton, de emnibus has literas in-fpecturis 'alutem. Scintis quod dedimus dilecto de fide-li nostro Britoni Balistario pondus civitatis nostra Winton. & portom borealem ejustem civitatu cum omnibus ad pradictum pondus de portum pertinentibus. --- Pat. 1 H. 3.

m. 10. & Pondus Regis, The Standard weight appointed by our ancient Kines - Anno 35. Ed. s. Preceptum fuit Majori & Vicecom. Lond. Cum inter ceteros Ar--Anno 35. Ed. 1. Precip-

ticulos quos Rex per cartum pro se & beredibus suis concessit Mercatoribus extrancu & alienigenis cum bonis & mercandifis sun infra regnum & potestatem Regis veni-entibus ordinaverit quod in qualibet villa mercatoria & feria infra idem reanum de potestatem. Regis Pondus Regis in certo loco Ponatur; de ante ponderationem statera in presentia emptoris des venditoris vacua videatur de quod brachia ejusdem stateva sint equalia des extunc ponderator ponderet in equali, & cum flateram posuerit in equali amoveat manus suas, ica quod remaneat in equali, per quad Daminus Rex pluries precepit quad eisdem Mercaturibus ordinationem Regis predictam—facerent in omnibus inviolabiliter observati—Ac ipsi Major & Vicecom, concessionem Regis predictam reprobando Regi significarant quod modus ponderandi averia ponderis ad civitatem London, venientia à tempore que non extat memoria talis extitit dy advuc exissis, quod statera semper trabat meliorem boe est versios rem emptam. E ecdem modo venduntur dista averia Archiepiscopis. Episcopis, Comitibus, Baronibus, B.c. Pominus Rex eis adbuc precepit sirmitur jungens quod ord nationem. Regis prodistam invibabiliter oblei var i

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oblervari facerene, & Pondus Regis in certe loco ponerent. Ex libro Placitorum temp Regum Ed. 1. 6 Ed. 2. MS. f. 159. From this good Authority it seems eated to infer that what we call Troy Weight was this Pandin Regis or le Roy Weight, with the Scales in in equilibrio, as we now lay Gold Weight. Whereas the Aver du pou vas the fuller weight with a declining Scale, which had been the common use within the City of London.

Bone per Cantum, Is a Weit commanding the Sheriff to take furcty of one for his appearance at a day effigned. Of this fee five forts in the Table of the

Register Judicial, vectos Pone per Vadium.

Doneubis, in Assistation of the Statute of Westing, 2s, and up in the Statute of Articuli super Chartas, cap, 9, which Statutes do show and up in the Statute of the period of the superiors of the statute of the period of the superiors and what period of the superiors are superiors.

what persons Sheritts ought to impanned upon Apper and Juries, and what not; as also what number, which see in Reg. Orig. 501. 178. F. N. B. 501. 165.

Donnendum in Ballium. Commanding a Prisoner to be builed in Causes bailable, Reg. Orig. 501. 133.

Donnendum figillum an exceptionem, is a Writ, whereby the King willeth the Justices, according to the Statute of Westm. 2. to put their Seals to Exceptionen lid in by the Defendant against the Plaintiffs. tions laid in by the Desendant against the Plaintiffs Declarations, or against the Evidence, Verdict, or

other Proceedings before the Justices.

Dontage, Pontagium, Is a Contribution towards the maintenance or re-editing of Bridges, Westm. 2. cap.

25. Anno 13 Ed. 1. It may also signific Tool taken to this purpole of those that pals over Bridger, 39 Eliz. cap. 24. 1 H. 8. vap. 9. 22 H. 8. cap. 5. Per pontagium clamat esse quit de operibus pontium, Plac. in Itis. apud Cestriam, 24 H. 7. See Mr. Kennete's Glossery in Pentagium.

Montibus reparandis, Is a Weit directed to the Sheriff, &c. willing him to charge one, or more, to repair a Bridge, to whom it belongeth, Rec. Orig. fel.

Dorra. A Ridge of Land. See Ridge of Land.

Postery, Poregia A Swingfiv. Doomiday. Poster of the Doos in the Parliament House. Is an Officer belonging to that High and Honourable Court, and injust the Priviledges accordingly, Cromp. Jurild.

Poster in the Girenit of Jugices, Is an Officer that earries a white Rod before the Justices in Eye, so called a Portando virgam, Anno 13 Ed. 1. eap, 41. See Vergers. There is also a Porter hearing Verge before the Justices of either Bench

Beitertue. Perigrevius, la Saxan Popicrepere, that is, whi wel portus prafettus; Significs with us a Magistrate in certain Sea-Coast Towns; and as Camden sin his Brit. pag. 325. faith, The chief Magisteate of London was fo called, as appears by a Charter of King William the Conqueror to the fame City, in these

William King, Steete William Godiry Portgreve, and all the Butgeis within London, French and English: And I grant pour, That I will that you be all pour Law-worth that pe were in Edwards dapes the King: And I will that each Child be his Kaders Eper, and I will luffer, that any man you any wrongys beed. And Sod pan keep.

In whose stead Richard, the First Ordained two Bayliss, but presently after him King John granted them a Mayor for their yearly Magistrate.

2 Postifosium. The Ecclesistical Ensign or Banner provided of old in all Cathedral, and most Parochial Churches, to be solemnly carried in the front of any Procession, dre. Magnum Portiforium ex parte Decani vocatum Standard propter vetustatem fuit nimis defectivum. Articuli in visitat. Eccl. Ebor. Anno 1292.

Bostioner. Portionarius, Where a Parsonage is served cometimes by two, or sometimes by three Ministers afternately: The Ministers are called Portioners, because they have but their portion or proportion of the Tithes or Profits of the Living,

Bostmen. Anno 13 Eliz, cap, 24. The twelve Burgefles of Ipsieich are so called. So also are the Innabitants of the Cinque-Ports, according to Camden.

Portmete, is a compound of Popce, portus, and gennez, conventus, and figuifies a Court kept in Haven-Towns, as Swain mote in the Forest. It is called the Portmote Court, 43 Eliz. cap. 15. Curia portmoterium est curiz in civitate Cestria coram majore in aula Motorum tenenda, Pl. in Itin. Ibid. 14 H. 7.

Portmannimote. The Portmote, or Portmens Court, held not only in a Port or Haven Town, as the following word Portmete is ignorantly rendred, but in any City, Town, or Community. Sampson Dei Gratia Alp. S. Edmundi, &c. fasta est compositio inter nos do Burgenses de villa S. Edmundi, — ad Portmaninot ante Festum S. Petri ad vincula — Ex Cartular S. Edmundi. M. S. ST Bostoos See Portuas.

Bostfale, Anno 35. H. 8. cap. 7. Is the fale of Fifh, as

foon as it is brought into the Haven,

12- Portfokne, The Soke or Liberties of any Port i.e. City, or Town. K. Henry 3, by Charter dated 16
Mart. Anno Regni 11, grants to the Citizens of London ... Quietantiam murdri infra urbem of in Portfokne, i.e. within the Walls of the City, and the Liberties without the Walls. Placit, temp. Edw. 1. 6 21. MS.

f. 143. penes dom. Fountains.

**Doutuag, (Anno'3. fr 4 Ed. 6. cap. 10.) Is reckoned amongst Books prohibited by that Statute, perhaps it may be the same which Chaucer calls a Porthole, and which is elsewhere written Porteos & Portoos. It is the Book we now call a Breviary, for thus

Chaucer:

for on my Porthole I make an Oath. Vide Skene verbo Porteous.

& Post Comitatus. See Power of the County. posite, is an infinitive Mood, but alled Substantively to signific a Possibility, as we say, such a thing is in posse, that is, such a thing may possibly be; but of a thing in being, we say it is in effe.

Possessing, we say it is in effe.

Possessing to be supposed in the same and the same as
Law is, when Lands or Tenements are deformed to a Man, and he hath not as yet actually entred into them, Stanf. pl. cw. fol. 198 As for example, Before or until an Office be found of Lands escheated by an Attainder, the King hath only a poffession in Law, an Attainder, the sting hath only a possession in Law, and not in Deed, Stam. prarog. fol. 54, 55. There is also a Unity of possession, which the Civilians call Consolidationem. See an Brample of this in Kitchin, fol. 124. If the Lord purchase the Tenancy held by Heriot-service, then the Heriot is extinct by unity of Possession, that is, because the Seignory and the Tenancy be now in one Man's possession. Many other divisiona visions of possessions you may read in Bration, lib 2. cap. 17, per totim.

Dock. See Per. Dock. In French Poffe, a swift or speedy Messenger, Sic diaus (laith Spelman) quasi posita quod in vià pub-licà ponitur ad stationem debitam decurrendum.

Bott conquettum, Was first inserted into the King's Title by Edward the Third Anno 1328. Clauf. 2. Ed.

3. in Dorft m. 33. 1900 piem. Is the return of a Writ after the day affigned, for which the Custos brevium hath four Pence, whereas he hath nothing, if it be returned at the Day; fometimes it is taken for the Fee it felf.

Det Diffetfin, Post Disseisia, Is a Writ given by the Statute of West. 2. cap. 26. and lies for him that having recovered Lands or Tenements by Precipe quad

having recovered Lands or Tenements by Precipe quod reddet, upon default or reddition, is again difficiled by the former Difficifor, F. N. B. fel. 190. See the Writ thas lies for this in the Register, fel. 208.

Both fint. Is a Duty belonging to the King, for a Fine formerly acknowledged before him in this Court, which is paid by the Cognifice, after the fame is fully passed, and all things performed touching the same; the Rate thereof is somuch, and half so much as was paid to the King for the Fine, and is collected by the paid to the Ring for the Fine, and is collected by the Sheriff of the County, where the Land, Gr. lies, whereof the Fine was levied; to be answered by him into the Exchequer.

Bott terme. Poft terminum, Is a return of a Writ, not only after the day affigned for the return thereof, but after the terme also, for which the Custas brevium takes the Fee of twenty pence, Sometimes also it is taken for the Fee it self.

Position for the rece it test.

Position. Is the return of the proceedings by Nife prise into the Court of Common-Pleas after a Verdick, and there afterwards recorded. See Plowden, fol. 211.

Saunder's Case. See also an example of it in Cokes Reports, vol. 6. fol. 41, 42. See Custos brevium.

Bodizionity, Posterioritas, The comparison, and relation in ing behind, is a word of comparison, and relation in tenure, the correlative whereof is Priority; for a man holding Lauds or Tenements of two Lords, holdeth of his ancienter Lord by Priority, and of his later Lord by Pofteriority, Stam. prarog. fol. 10, 11. When one Tenant holdeth of two Lords, of the one by

Priority, of the other by Posteriority, &c. Old Nat. Brev fal. 94. Co. 2. Inst. fol. 392.

Bottnati, in the Seventh year of King James, after many Arguments and long Debates, It was by all the Judges Resolved, That such as were born in Scotland after the descent of the Crown of England to King James, were no Aliens in England: But the Antenawere Aliens in regard of the time of their Birth, Co. 7.

Reports, Calvin's Case.

Donulatio, A Postulation made upon the unanimous Voting any Person to a Dignity or Office, of which he is not capable by the ordinary Canons or Statutes, without special dispensation. So a Chapter postulated a Bishop actually postesi'd of another See. And the Religious poflulated a Prelate to be taken from another Convent, from which he could not pais by the ordinary Rules of the Society. By the old Customs, an Election could be made by a majority of Votes, but a Postulation must have been Nemine contradicente.

Det Bond, (Post Pone) Set or put after ano-

ther. 22 & 23 Car. 2. Subfidy All.

Dot, A Head-piece for War, 13 Car. 2. cap. 6.

Dot-Albes, Are made of the best Albes, Anno 12. Car. 2. cap. 4. and are used in making of Soap; some are made in England, but the best are brought from beyond Sea.

Bettonatus, Poyfoned, Vita M. S. Vulfigi 3. tis S. Albani. -Postea in brevi migravit ab incolatu bujus mundi, ut dicitur portionatus, cum odio conventus maledi&ione.

Dound. Parcus, Signifies a place of strength to keep Trespands of the control of the cont and close; An open or overt Pound, is not only the Lord's Pound, but a Backfide, Court, Yard, Pasture-Lord's Pound, but a Backfide, Court, Yard, Paffure-Ground, or whatever place elfe, whither the Owner of the Beafts impounded may come to give Meat and Drink, without offence, for their being there, or his coming thither. A close Pound is contrary, whither the Owner cannot come for the purpoles aforelaid, without Offence.

Doundagum, The liberty of pounding Cattle. In ameritamentis transgressionum, separationibus sossatum, se poundagiis animalium, possessionem continuavit. Hist. Croyland. contin. p. 519.

Pound:breach. See Poundbrech.

Boundage. Is a Subfidy to the value of twelve pence in the Pound, granted to the King, of all manner of Merchandife of every Merchand, as well Denizen as Alien, either exported or imported, and of such Subfidies. See the Statutes 1 & 2 Ed. 6. cap. 13. and 1 7ac. cap. 33. 12 Car. 2. cap. 4. and 14 Car. 2. cap. 24.

Bourallet. See Purlien. Bourchale, Perquifitum Bourchase, Perquifitum, Cometh of the French Pourchasser, follicitare; it fignifies the buying of Lands or Tenements with Money, or by any other Agreement, and not the obtaining of it by descent. Conjunctum perquisitum, a Joynt-purchase, Reg. Orig.

fol. 143.

Bour fair proclamee, que mull inject fimes ou op-Dures en folles, on rivers pres Cityes, gc, le Writ directed to the Mayor, Sheriff or Bayliff, of a City or Town, commanding them to proclaim, That none cast silth into the Ditches or Places near adjoyning, and if any cast already, to remove it. This is founded upon the Statute, 12 R. 2. 13. F. N. B. fol.

Beneparty, Propars, Propartie, Propartia, Is contrary to pro indiviso: for to make Pourparty, is to divide and sever the Lands that fall to Parceners, which before partition they hold joyntly, and pro indiviso, Old Nat.

Brev. fol. 11.

Descriptions. Pourpreflura, From the French Pour-pris, conseptum, an inclosure: It is thus defined by PM, comperson, an inclosure: It is thus defined by Glanvile, lib. 9. cap. II. Pourprefiura est proprie quando aliquid super Dominum Regem injuste occupaturs, us in Dominicis Regis, vel in viis publicis obstructive, vel in aquis publicis transversis à resto cursu, vel quando aliquis in civitate super Regiam plateam aliquid adisticando occupaverit, & generaliter quoties aliquid sit ad nocumentum Regii tenementi vel Regia vie vel civitatis. Crompton in his Invild. sol. 152. vie vel civitatie. Crompton in his Jurisd. fol. 152. defines it thus, Pourpressure is properly when a Man taketh unto himself, or incroacheth any thing that defines it thus, Pourpreflure is properly when a Man taketh unto himself, or incroacheth any thing that he ought not, whether it be in any Jurisdiction, Land or Franchise; and generally when any thing is done to the Nusance of the King's Tenants. See Kitchin, fol. 10. and Manwoods Forest Laws, cap. 10. Skene de verbor. Signif. verbo Purpressure, makes three forts of this offence, one against the King, a second against the Lord of the Fee, the third against a Neighbour by a Neighbour. See Co. 2. Inst. fol. 38. **6** 272.

Dour feifir terres la feme que tient en Dower, ec. Was a Writ whereby the King seised upon the Land which which the Wife of his Tenans that held in Capite, deceased, hath for her Dowry, if she married without his leave; and is grounded upon the Statute of the King's Prerogative, Cap. 3. See F. N. B. fol.

Douglutbant, From the French Pourseivre, i. per-Jequi, Signifies the King's Messenger attending upon him in his Wars, or at the Council-Table, Exchequer, in his Court, or his Chamber, to be sent upon any Occasion or Message; as for the apprehending of a person accused, or suspected of any Offence: Those that be used in Martial Causes are call'd Pursuivants at Arms, 24 H. 8. 13. whereof there be four of special Names, which see in the word Herald. And Stow fpeaking of Richard the Third's death, pag. 784. hath these Words, His Body was naked to the Skin, not so much as one Clout about him, and was trussed bebind a Pursuivant at Arms like a Hog, or a Calf, &c. The rest are used upon other Messages in time of Peace, and especially in matters touching Jurisdiction. See Herald.

Apurbe poz, Provisor, Derived from the French Pourvoire, i. providere, Signifies an Officer of the King or Queen, or other great Personage, that pro-videth Corn and other Victual for their House. See Mag. Charta, cap. 22. and 3 Ed. 1. cap. 7. by 31. by amo 28. ejustem, Articuli super Chartas, 2. and other Scattes; but this Office is limited by 12 Car. 2. cap.

See Purveyance and Achate.

Pour bepartee, Is the providing Corn, Fuel, Victu-and other Necessaries for the Ring's House. By 12 Car. 2. cap. 24. It is provided, **That no** Person or Persons, by any Warrant, Commission or Authority, under the Great Seal, or otherwise, by coof buying or making provision or Purveyance for his Majesly, or any Queen of England for the time being, or that shall be, or for his, their, or any of their Houshold, shall take any Timber, Fuel, Cattel, Corn, Grain, Malt, Hay, Straw, Victual, Cart, Carriage, or other thing whatfoever of any the Subjects of his Majesty, his Heirs or Successors, without the full and free consent of the Owner or Owners thereof, had or obrained without Menace or Enforcement, &c. See the Antiquity of Pre-emption and Purvey-ance, &c. and 3. Inst. fol. 82.

37 Potochia, A Pouch, a Poke, a Sheath, a Scab-bard.

Etiam ex transverso ventris sub ambilico ha-

bentes cultellos, quos daggerios vulgariter vocant, in Powchiis desuper impositie. Will. Thorn sub anno

1248.

Domer of the County, Posse Comitatus, In the Opinion of Lambert in his Eirenarcha, lib. 3. cap. 1. fol. 309. containeth the Aid and Attendance of all Knights, Gentlemen, Yeomen, Labourers, Servants, Apprentices, and all others, above the Age of fifteen Years within the County, because all of that Age are bound to have Hardness by the Statute of Winchester: But Women, Ecclesiastical Persons, and such as are decrepit, or labour. And the Statute of 2 H. 5. cap. 8. says, that Persons able to travel, shall be assistant in this Service, which is used where a Possession is kept upon a Forcible Entry, or any Force or Rescue used, contrary to the Command of the King's Writ, or in opposition to the Execution of Justice.

Bomlevanis. See Poledavis, 1 Jac. 24. Doynings Law, Is an Act of Parliament made in Ireland by Hen. 7. and so called, because Sir Edward Poynings was Lieutenant there when it was made, whereby all the Statutes in England were made of force in Ireland, which before that time were not, neither are any now in force there which were made in England since that time. See Coke's 12. Rep. fol. 190. Hill. 10 Jac.

Pray age. See Age prior. Pray in Tyo. See Ayd.

Pratum falcabile, A Meadow or Ground fit for Mowing, Juratores dicunt quod pradicia placea à tem-pore quo, coc. fuit pracum falcabile usque ad pradicium annum quod. W. pradicias illud aravit, Trin. 18 Ed. 1. in Banco Rot. 50.

& Pata terræ, A certain quantity or measure of Ground.-—Sunt quinquaginta acra terra in Cornub. in Camwaret, qualibet acra de xx pratis in longitudine G iv. pratis in latitudine, & qualibet prata de xvj. pedibus in longitudine, qua acra jacent, &c. Fines

anno 8. Ric. 1.

Deamble, Proemium, Takes Name from the Preposition, pra, before, and ambulo to walk; as if we would say, To walk before: And hereof the beginning of an Act is called *The preamble*, which is as a Key to open the intent of the Makers of the Act, and the Mischiefs which they would remedy by the fame. As for example, the Statute made at West-minster the First, chap. 37. which gives an Attaint: The preamble is thus, Forasmuch as certain People doubt very little to give false Verdicts or Oaths, which they ought not to do, whereby many People are differented and lose their Right. It is proviare disherited, and lose their Right. It is provi-

ded, Gr.

10:20tent, Prabenda, Is the portion which every Member, or Canon, of a Cathedral Church, receiveth in the right of his Place for his Maintenance: So Canonica portio is properly used for that share, which every Canon or Prebendary receiveth yearly out of the common Stock of the Church; And Prabenda is a several Benefice, rising from some Temporal Land, or Church appropriated, towards the Maintenance of a Clerk, or Member of a Collegiate Church, and is commonly firnamed of the place whence the profit groweth. And these Prebends be either simple, or with dignity; Simple Prebends be those that have no more but the Revenue towards their Maintenance. Prebends with dignity are such as have Jurisdiction annext to them, according to the divers Orders in every several Church. Of this, see more in the Decretals, tit. De præbendis & dignitat. Prabenda was also in old Deeds used for Provender, as the learned Spelman saith, Ex lib. M.S. Roffensis Ecclesia, cap. uid mensura granarii continent. See Mr. Kennet's Glossary in the word Prebenda.

Diebendary, Prabendarius, Is he that hath a Prebend, and is so called a Prabendo auxilium aut consi-

lium Episcopo vel Decano.

& Decartum nomen, A Precarious Title at Will and Pleasure of the Lord.—Hanc terram teneo -Hanc terram teneo de permissione dy sola gratia Walteri Crispin Camerarii Glassonia quamdiu sua sederit voluntati nomine precario o nullo juris titulo. Chartular. Glasson. MS. f. 122. b.

Decaria, Are Days-Works, which the Tenants of iome Mannors are bound, by reason of their Te-nure, to do for the Lord in Harvest; and in divers places are vulgarly call'd Bind-days for Bidendays, which in the Saxon Dies precarias sonat. For Minen is to pray or intreat. This Custom is plainly set forth in the great Book of the Customs of the Mo-nastery of Battell, tit. Apelderbam, fol. 60. Johan-nes Aylmer tenet per irrotulamentum Curia, unum Mess. G unam Virgatam terra, &c. G debet invenire unum hominem, &c. G etiam debet venire, quolibet anno ad duas precarias caruca cum caruca sua si habeat integram carucam, vel de parte quam babeat caruca quum habet si carucam non habeat integram & tunc arare debet utro que die quantum potest à mane usque ad meridiem, & uterque lentor, viz. caruca of fugatorum habeant unum pastum solempnem utroque die predistarum præcariarum, Qq

Gc. de debet invenire ad 3. precarias in Autumpno 2. homines, &c. See more in Spelman's Gloffary, verbo Precaria. See Bederepe.

1 Dreces, Has anciently been used in the same sense with Precaria.

prayer, affent or agreement of both Parties, Anno

13 E. I. cap. 27

Drecept, Praceptum, Is diverfly taken in Law, as fometime for a Commandment in Writing, sent out by a Justice of Peace, or other like Officer, for the bringing of a Person or Records before him, of which you have divers examples in the Table of the Register fudicial. And in this sense it seems to be borrowed from the Customs of Lombardy, where praceptum fignifieth Scripturam vel instrumentum, Hotom. in verb. Feudal. & lib. 3. Commentar. in libros feudor. in prafatione. Sometimes it is taken for the provocation, whereby one man incites another to commit a Felony, as Theft, Murder, doc. Stamf. pl. cor. fol. 105.
Bracton, lib. 3. tract. 2. cap. 9. calls it Praceptum or
Mandatum. Whence we may observe three diversities of offending in Murder, Praceptum, Fortia, Confilium: Praceptum being the instigation used beforehand; Fortia, the assistance in the Fact, as to help to bind the party murdered or robbed; Confilium, advice either before or in the Fact. The Civilians use Mandatum in this Case.

Dieceptozies, Praceptoria, Anno 32 H. 8. cap. 24. were Benefices in a kind, are termed Praceptories. because they were possessed by the more eminent fort of the Templers, whom the chief Master by his Authority created and called, Praceptwes templi, Joach. Steph. de Jurisdiet. lib. 4. cap. 10. num. 27. Sixteen of these are recorded, viz. Cressing-Temple, Balshall, bengay, Newland, Teveley, Witham, Temple-Bruere, Wallington, Rothely, Ovenington, Temple-Combe, Tre-bigh, Ribstan, Mount St. John, Temple-Newsum, and Temple-Hurst. Monast. Ang. 2. par. fol. 543. See Mr. Kemnet's Glossary in the word Praceptoria.

Dexcipe quod reddat, Is a Writ of great diversity both in its form and use, for which see Ingressus and Entry. This form is extended as well to a Writ of Right, as to other Writs of Entry or Poffession, Old Nat. Brev. fol. 13. and F. N. B. fol. 5. It is called tometime a Writ of Right close, as a Pracipe in Capite, where it issueth for a Tenant holding of the King in chief, as of his Crown; and not of the King, as of any Honour, Castle or Mannor, Reg. Orig. fol. 4. and F. N. B. fol. 5. Sometime a Writ of Right Patent, as when it issues out of the Chancery Patent, that is, open to any Lords Court for any of his Tenants de-forced against the Deforcor, and must be determined there. Of which read more at large F. N. B. cap. I.

Dixcipe in Capite, Mag. Chart. cap. 24. Was a Writ issuing of the Court of Chancery, for a Tenant holding of the King in chief, as of his Crown, and not as of any Honour, Castle or Mannor, Regist.

Diecontratt, 2 & 3 Ed. 6. cap. 23. Is a Contratt made before another Contratt, but hath relation especially to Marriages.

Dicotal Tythes, Decima Pradiales, Are those which are paid of things arising and growing from the Ground only, as Corn, Hay, Fruit of Trees, and such like, 2 E. 6. 13. See Co. Inst. fol. 649.

13. See Lo. 13. See Lo. 191. Joi. 649.

13. 22-eunption, Praemptio, Was a Privilege allowed the King's Purveyor, to have the first buying of Corn and other Provision, before others, for the King's House, the taken off by a late Statute made

fition on Law) is that Fine which is paid upon fuing out the Writ of Covenant, V. 2. Instit. See Post-

Dielate, Pralatus, We usually interpret to be an Archbisnop or Bishop: But Spelman in his Glossary Diece partium, Is when a Suit is continued by the lays, Pralati Ecclefia vocantur nedum superiores ut Epis copi, sed etiam inferiores, ut Archdiaconi, Presbyteri, Plebani of Rectores Ecclesiarum, sic enim in Bulla Pri-vileg. apud Mat. Par. in Hen. 3. sub anno 1246. Innocentius, &c. universis tam Cathedralium quam aliorum Pralatis, necnon Patronis Ecclesiarum Clericis de Laicis per Regnum Anglia constitutis salutem, &c. pag. 476.

Premiffes. See Habendum.

Diemium, Pramium, A Reward; Amongst Merchants it is used for that Sum of Money which the enfured gives the Enfurer for enfuring the fafe return of any Ship or Merchandise, Anno 19 Car. 2. Cap. 1.

1912munite, Is either taken for a Writ so called. or for the Offence whereupon the Writ is granted The one may be sufficiently understood by the other; We may therefore take notice, That heretofore the Church of Rome, under pretence of her Supremacy, and the Dignity of St. Peter's Chair, took upon her to bestew most of the Bishopricks, Abbathies, and other Ecclesiastical Livings of worth here in England, by Mandates, before they were void, pretending therein a great Care to see the Church provided of a Succeffor before it needed: Whence it sprung, That these Bulls were called Gratia Expediativa, or Provifiones, whereof you may read a learned Discourse in Duarenus, in his Tractate De Beneficies, lib. 3. cap. 1. and in his Treatise De immunitate Ecclesia Gallicana. These Provisions were so frequent with us, that as last King Edward the Third, not digesting so intolerable an Encroachment, made a Statute in the twenty fifth year of his Reign, Stat. 5. cap. 22. and another Stat. 6. cap. 1. and a third Anno 27. against those that drew the King's People out of the Realm, to answer touching things belonging to the King's Court: And another Anno 28. stat. 2. cap. 1, 2, 3, 4. whereby he much restrained this Usurpation of the Pope; nevertheless he still adventured the Continuation of these Provisions, insomuch that King Richard the Second likewise made a Statute against them in the Twelfth year of his Reign, cap. 15. and likewise in his Thirteenth year, flat. 2. cap. 2. wherein, mentioning the faid first Statute of Edward the Third, he ratified the same, and appointed the punishment of those that offended against it, to be Perpetual Bainishment, forseiture of their Lands, Tenenents, Goods, and Chattels, ec. And again, in the fixteenth year of his Reign, to meet more fully with all the Shifts invented to defraud these former Statutes, he set forth the Offence more particularly, with the same pu-nishment for it, as in the former Statute. After him, King Henry the Fourth in like manner vexed with these and other Abuses not fully met with in the former Statutes, in the second year of his Reign, cap. 3, 4. addeth certain new Cases, and lays upon the Offenders in them the same Censure, whereto I refer you, as also to 9 H. 4. cap. 8. and 3 H. 5. 4. con-cerning which, and the danger that hath been threatned thereby, with the necessity thereof since the uni-ting of the Supremacy, both Ecclesiastical and Tem-poral in the King, read Sir Thomas Smith de Repub. Angl. lib. 3. cap. 9. Tis true, some later Statutes do cast this punishment upon other Offenders, as namely, the Statute of 1 Eliz. cap. 1. upon him that denies the King's Supremacy the second time, &c. And the Stat. 13 Eliz. cap. 2. upon him that affirms the Authority of the Pope, or refuseth to take the Oath of Supremacy. And the Stat. 13 Eliz. cap. 1. such as Supremacy. And the Stat. 13 Eliz. cap. 1. such as Describe, (Stat. 22 & 23 Car. 2. for an Impobe Seditions Talkers of the Inheritance of the Crown,

or affirms the Queen to be an Heretick. And the Sta. tute 13 Car. 2. cap. 1. upon fuch as affirm the Parliament begun at Westm. 3. Novemb. 1640. is not yet dissolved: Or that there is any Obligation by Oath, Covenant or Engagement whatsoever, to endeavour a change of Government either in Church or State: Or that both, or either House of Parliament, have or hath a Legislative Power without the King. And the Word is applied most commonly to the Punishments And the first Ordained by the Statutes before-mentioned, for such as transgressed them, but in later times (as we have shewn) imposed upon other Offences; For, where it is said, That any Man for an Offence committed, shall incur a pramunire, it is meant, that he shall incur the same punishment which is inflicted upon those that transgress the Statute made 16 R. 2. cap. 5. commonly called the Statute of Pramunire, which kind of reference is not unusual in our Statutes: As to the Etymology of this word Pramunire, some think it proceedeth from the strength given to the Crown by the former Statutes, against the Usur-pation of a Foreign Power, which Opinion may receive Ground from the Statute 25 E. 3. Stat. 6. cap. But others think it may be deduced from the Verb Premonere, being barbaroully turned into Premunire; which corruption is taken from the rude Interpreters of the Canon Law, who indeed do put the effect Pramunire many times for the sufficient cause Pramonere, according to the Proverb, He that u well warned, is half armed. Of which a reason may be gathered from the form of the Writ, Pramunire facias prafatum Prapositum der J.R. Procuratorem, &c. quod tune sint coram nobis, &c. Which words can be referred to none, but the parties charged with the Offence. See 3 Inft. fol. 119.

Dender, Is the power or right of taking a thing before it is offered; from the French Prendre, id est, accipere: It lies in Render, but not in Prender, Co. Rep. 1. par. Sir John Peter's Case.

Dender be Bazon, Signifies literally to take a

Husband; but it is used as an Exception, to disable a Woman from pursuing an Appeal of Murder against the Killer of her former Husband, Stanf. pl. cor. lib.

Diepensed, Prapensus, Fore-thought; as Malice prepensed, Malitia pracogitata, when a Man is slain upon a sudden Quarrel; yet if there were Malice prepensed formerly between them, it makes it Murder; or, as it is called in the Statute 12 Hen. 7. cap. 7. prepensed Murder. See Murder, and 3. Inst. sol.

Pixpolitus Ecclella. See Church Reeve Dixpositus Willz, Is sometimes used for the Constable of a Town, or Petit Constable, Cromp. Jur. fol. 205. Howbeit the same Author, fol. 194. seemeth to apply it otherwise, for there Quasuor bomines prapositi be those four Men, that for every Town must appear before the Justices of the Forest in their Circuit: It is used sometime for a Reeve, or for a chief Officer of the King in a Town, Mannor or Village. Animalia de res inventa coram iplo de sacerdote ducenda erant, Leg. Edw. Conf. cap. 18. . This Prapositus Villa in our old Records, does not answer to our present Constable, or Headborough of a Town but was no more than the Reeve or Bayliff of the Lord of the Mannor, fometimes called Serviens Villa. By the Laws of Hen. 1. the Lord answered for the Town where he was Resident; where he was not, his Dapifer or Sene/chal, if he were a Baron; but if neither of them could be present, then Prapolitus dy quatuor, de unaquaq; villa; the Reeve, and sour of the most substantial Inhabitants, were summon'd in. See Dr. Brady's Glossary to Introduct. to Engl. Hist. p. 57.

Prezogative of the king, Prerogativa Rezu, Derived from Pra, ante, and Rogare, to ask or demand. Is that special Power, Pre-eminence or Privilege, which the King hath over and above other Persons, and above the ordinary course of the Common Law, in the right of his Crown, Potest Rex ei, lege sue dignitatis, condonare si velit, etiam mortem promeritam Leg. Edw. Conf. cap. 18. And the Civilians use this Word Prerogative in the same sense: Among the Feudists it is termed, Jus regalium, jus regaliorum, vel à nonnullu jus Regaliarum. And as the Feudists, Sub jure Regalium. So our Lawyers, Sub prerogativa Regu, do comprise all that absolute heighth of power that the Civilians call Majestatem vel potestatem, vel jus imperii, subject only to God. Which Regulis the Feudifts divide into two forts, Majora do minora rega-lia; for to use their own Words, Quedam regalia dignitatem, prærogativam (g imperii præminentiam spectant; quidam vero ad utilitatem (g commodum pecuniarium immediate attiment, (g hac proprie fiscalia sunt & ad jus fisci pertinent. Peregr. de jure fisci, lib. 1. cap. 1. num. 9. See also Arnoldus Chapmarius, de arcanis imperii, lib. 1. cap. 11. By which it appears, That the Statute of the King's Prerogative made 17 E. 2. contains not the King's whole Prerogative, but only fo much thereof as concerns the profit of his Coffers, growing by virtue of his Regal Power and Crown; for it is more than manifest, That his Prarogative extends much farther, yea even in the matters of his profit, which that Statute especially consisteth of; For the King hath many Rights of Majesty peculiar to himself, which the learned in the Law term Sacra sacrorum, that is, Sacred, and individua, inseparable, because they cannot be sever'd which are many and various; and if you would satisfie your self therein, read Stamf. prerog. the Star. Prarogativa Regis, 17 E. 2. Plowden in the case of Mines, F.N.B. fol. 31. 31 H. 8. cap. 13 Co. lib. 1c. tit. 1. The learned Spelman calls it Lex Regia dignitatis.

Prerogative of the Bilhop of Canterbury or Pork, Prarogativa Archiepiscopi Cantuariensis sive Eboracensis, Is an especial Pre-eminence that these See have in certain Cases above ordinary Bishops within their Province, of which whoever defires to receive more full Information, may read the Book intituled, De Antiquitate Britamica Ecclesia, & nominatim de pri-vilegiu Ecclesia Cantuariensis historia, and especially in the Eighth Chapter of that Book, pag. 25.

Pierogatibe Court, Curia prarogativa Archiepiscopi Cantuariensis, Is the Court wherein all Wills be proved, and all Administrations taken, that belong to the Archbishop by his Prerogative; that is, in case where the deceased had Goods of any confiderable value out of the Diocese, wherein he died; and that value is ordinarily 5/i., except it be otherwise by composition between the faid Archbishop and some other Bishop, as in the Diocese of London it is ten Pound: And if any Contention grow between Two, or more touching any such Will or Administration, the Cause is properly debated and decided in this Court: the Judge whereof is termed Judex Curia Prærogativæ Cantuariensis, the Judge of the Prerogative Court of Canterbury. The Archbishop of York hath also the like Court, which is termed His Exchequer, but far inferior to this in power and profit.

& Presbiteratus Judzozum totius Ingliz, Was a Temporal Office in H. 3. time, being the Cultor Rotulorum, or Compercollership of the King's Exchequer, for the Jews Scaccarii Judaismi Nostri. Claus 27 H. 3. Pars 13 M. 3.

Ar Dresbiterium, The Presbytery, i.e. The Quire or Chancel so called, because it was the place appropriated.

priated to the Bishop and Priests, and other Clergy, while the Lairy were confin'd to the Nave or Body of the Church.—Crax se subito evellens, cum ad medium Presbyterii venisset, versus altare se vertens retro ad terram cecidit.——capite versus introitum Presbyterii,

terram cecidit—capite versus introitum Presbyterii, des pedibus ad altare porrellis. Girald. Cambrens. apud Whartoni Angl. Sacr. P. 2. p. 428.

132 sescription, Prascriptio, Is a Title, taking his substance of use, and time allowed by the Law, which is beyond the memory of Man, Kitchin fol. 104. Saith thus, Prescription is, when for continuance of time, ultra memoriam hominis, a particular Person hath particular Right against author particular Person, With whom agrees Co. 18. 4. fol. 32. and Co. an Lit. fol. 140. But is in the Civil Law, so likewise in the Commun. Prescription may be in a shorter time, at least in source pecial Cases. As for example, Where the Statute 1 H. 8. cap. 9. saith, That all Actions popular must be sued within three years after the Offence committed: And the Stat. 7 H. 8. 3. that four years being past after the Offence committed in four years being past atter the Offence committed in one case, and one year in another, no Suit can be commenced. And the Stat. 31 Eliz. cap. 5. saith, That all Actions, dyc. brought upon Statute, the penalty whereof belongs to the King, shall be brought within two years after the Offence committed, or else beyond. And the State of Eliz. be void. And the Stat. 39 Eliz. cap. 1, 2. faith, That Assions brought after two years by any common person, or after three years by the King alone for de-cay of Husbandry, shall be of no force: Whosever offendeth against any such Statute, and escapes un-question'd for two years or three, of the two later of the three fore mentioned Statutes, may justly be said to have prescribed against that Action. The like may be said of the Statute made 23 Eliz. cap. 1 which saith, That all Offences comprised in that Statute, made in the Thirteenth year of Eliz. cap. 2. are inquirable before both Justices of Peace and Assize within a year and a day after the Offence committed: Also the Title that a man arraineth by the passing of five years, after a Fine acknowledged of any Lands or Tenements, may justly be said to be obtained by prescription: And whereas the Statute made 8 R. 2. cap. 4. faith, That a Judge, or Clerk, convicted for falle entring of Pleas, may be fined within two years; the two years being past, he prescribeth against the punishment of the said Statute: And whereas the Statute tute 11 H. 7. says, That he which will complain of Maintenance or Embracery, whereby perjury is committed by a Jury, must do it within six days, those six days ended, the Parties prescribe; and divers other Statutes have the like limitation of time, whence may arise a like prescription. See Action perpetual and temporal. See Lam. Eiren. lib. 4. cap. 5. pag. 469. Comp. Just. of Peace, fol. 173. Of this prescription, and the learning touching the same, see Co. Rep. 4. Lutterell's Case, fol. 84. Prascriptio est jus quoddam, ex tempore congruens, authoritate legum vim capiens, page. nam negligentibus inferens of finem litibus imponens-Quadragenalu præscriptio omnem prorsus actionem excludat. Reformatio Legum Eccles. pag. 246. See 2 Inst. fol. 653. Stamf. prarog. cap. 8. and Co. 7. Rep. Baskervile's Case.

2012 fentare ad Ecclesiam, Originally denotes the Patron's fending or placing an Incumbent in the Church, and is made only for representare. Such is Mr. Selden's Law, or rather Prejudice, inhis Hift. of Tithes.

12 refentation, Presentatio, Is used properly for

the Act of a Patron, offering his Clerk to the Bithop, to be instituted in a Benefice of his Gift; the form whereof, see in Reg. Orig. fol. 322.

Dielentee, Is the Clerk that is fo presented by the Patron: In the Stat. 13 R. 2. ca. 1. mention is made sometimes to a Genitive Case, Pridie Calendas, and

of the Ring's Presentee, that is, he whom the King presents to a Church.

Bullentment, Is a meer denunciation of the Jurors themselves, or some other Officer, as Justice, Constable, Searcher, Surveyor, &c. (without any information) of an Offence inquirable in the Court whereunto it is presented, Lamb. Eiren. lib. 4. cap.

pag. 467.

**Preficent, Prases, In a legal sense denotes the Ring's Lieutenant in a Province or Function, as the President of Wales, Tork, Berwick, or of the King's Council, 22 H. 8. cap. 8. and 24 H. 8. 3, 14.

President 14. Suited for a Duty in Money to be paid by the Sheriff, upon his account in the Exchequer, or for Money lest, or remaining in his hands, 2 & 3 Ed. 6.

Prest. Aponey, Is so called of the French word Prest, that is, promptus expeditus, for that it hinds those that receive to more than the series appointed, being meant commonly of Soldiers, 18 H. 6. 19.

7 H. 7. 1. 3 H. 8. 5. and 2 E. 6. 2.

10:ellation=90oney, Praflatio, A paying or performing, is a Sum of Money paid by Archdeacons yearly to their Bishop pro exteriori Jurisdictione—Et sint quieti à prastatione Muragii, Cart. H. 7. Burgens. Mount-Gomer. Prastatio was also anciently used for Purveyance. See Mr. Phillip's Book on that Subject, pag. 222. And see Spiritualities.

Presumption, Prasumptio, Is of three forts, 1. Violent, which is many times a full proof; as if one be kill'd in a House, and a Man is seen to come out of the House with a bloody Sword, and no other person was at that time in the House; this, though but a presumption, is as a proof. 2. Probable, which hath but a small effect. 3. Levis, sea temeraria, which is of no prevalency at all: So in case of a Charter or Feosiment, if all the Witnesses to the Deed be dead; the violent presumption, which stands for a proof, is continual and quiet possession, Co. on Lie. lib. 1. cap. 1. sect. 1. Presumptio stat in dubio, it is doubted of, yet sect. 1. Prasumptio stat in dubio, it is doubted of, yet accounted Veritatu comes, quatenus in contrarium nulla est probatio, ut regula se babet, slabitur præsumptio do-nec probetur in contrarium. Presumption was anciently taken for intrusion.—— Assultus, Roberia, Sterbrech, præsumptio terra vel pecunia Regu, Thesaurus inventus, &cc. Ieg. Hen. 1. cap. 11. De his qua sunt jure Regis.

Pretenled Bight or Title, Jus pratensum, Is where one is in possession of Lands or Tenements, and another who is out claims it, and sues for it: Here the pretensed right and title is said in him who doth so claim and sue.

Metaricate, Pravaricare, Is, when a Man fallly and deceitfully feems to undertake a thing, ea intentione, that he may destroy it, Dicitur pravaricator quafi varicator, à varia certatione, quia adversam partem adjuvat prodità sua proprià causa, dum buic instat cor-pore en una parte do illi mente do corde ex altera parte. Vocabul. urriufque juris. verb. Prævaricatores.

Price, See Value.

Molendinario septem panes de Pricked-Bread, conventu & septem panes de Priested-Bread, Monast. Angl. 1. par. fol. 498.

Prive-gavel, in the Lordship of Rodeley, in the County of Gloucester, is used and paid unto this day, as a Rent to the Lord of the Mannor by certain Tenants, in duty and acknowledgment to him for their liberty and privilege of fishing in the River Severne for Lamprays. Taylor's History of Gavel kind, cap. 9. fol. 112, 113.

Primo beneficio. See Beneficio.

Privie, Is sometimes joined to an Accusative, and

Pridie Calendarum, is the day before the Calends, that is, the last day of every Month.

Primage, Is a Duty due to the Mariners and Sailors, for the loading of any Ship at the fetting forth from any Haven, Anno 32 H. 8. cap. 14. which, in some places, is a penny in the pound, in others fix pence for every Pack or Bayl, or otherwise, accord-

ing to the Cuftom of the place.

Brimier feisin, Prima feisina, The first possession or feisin was heretofore used as a branch of the King's Prerogative, whereby he had the first possession, that is, the intire profits for a year of all the Lands and Tenements, whereof his Tenant (that held of him in Capite) died seised in his Demesne as of Fee, his Heir then being at full Age; until he do his Homage, or if under Age, until he were of Age; Stamf. prarog. cap. 3. and Bradon, lib. 4. traft. 3. cap. 1. But all the charges arising by Primier seisins are taken away by the Stat. made 12 Car. 2. ca. 24.

2021mitiz, First-Pruits, Are properly the first of

our increase offered to God; but in our Law, are the profits after avoidance of every spiritual Living for

one year, See 26 H.8. ca. 3. 32 H.8. 45. 1 Mar. Seff. 2 ca. 10. and 1 Eliz. ca. 4. See First Fruits.

32:imageniture, Primagenitura, The Title of an Elder Brother in right of his Birth: The reason of which, Co. upon Lit. says is, Qui prior est tempore, posior est jure, assimpting moreover, That in King Alfred's time, Knights Fees descended to the Eldest Son, for that by the druision of such Fees between Males, the desence of the Realm might be weakned. And Judge Dodderidge in his Treatife of Nobility faith, pag. Fees should come unto the eldest Son by Succession of Heritage, whereby he succeeding his Ancestors in the whole Inheritance, might be the better enabled the whole Inheritance, might be the better enabled to maintain the Wars against the King's Enemies, or his Lords. And that the Soccage should be partible among the Male-Children, to enable them to increase into many Families, for the better furtherance in and increase of Husbandry.

1924 ince, Princeps, Is sometimes at large taken for the King himself, but more properly for the King's Eldest Son, who is 392 ince of anales, as the Eldest Son to the French King is called Dauphine; both being born Princes. Ferne's Glory of Generosity, pag. 138.

Son to the French King is called Dauphine; both being born Princes, Ferne's Glory of Generofity, pag. 138. Before Edward the Second, who was born at Carnarvon, and the first English Prince of Wales, the King's Eidest Son was stiled Lord Prince, Stamf, przrog. ca. 22. fol. 75. See 27 H. 8. ca. 26. and 28 H. 8. 3. and Stow's Annals, pag. 303.

302 incipal, Principalium, A Heyrloome, which see. In Urchenfield, in the County of Hereford, certain Principals, as the best Beast, the best Bed, best Table, orc. pass to the Eidest Child, and are not liable to partition. Also the chief person in some of the Inns of Chancery, is called Principal of the House. See Ancient. 62 Haredes tenementorum infra bundredum See Ancient. & Haredes tenementorum infra bundredum de Stretford, post mortem Antecessorum suorum babebunt Principalium Angl. an Heir-loom, videl. de quolibet genere catallorum, utensilium, &c. optimum plaustrum, optimam camicam, optimum cyphum, &c. Bridail Speculum Juru Anglicani, p. 90. where it is falfly wrote Principabium for Principalium.

Principality of Chester, Anno 21 Rich. 1. ca. 9. See County Palatine and Crompton's Divers Jurisdictions,

fol. 137.

Prio: perpetual, of Datibe and remobeable, Anno 9 Rich. 2. ca. 4. and 1 E. 4. cap. 1. Lord Prior of St. Johns of Jerusalem, 26 H. 8. ca. 2.

Dziozs aliens, Princes alieni, Were Religious Men born in France, and Governors of Religious Houses, crected for Outlandish Men here in England, which

were by King Henry the Fifth, after his Conquests in France, thought no good Members for this Land, and therefore suppressed them, whose Livings afterwards were by King Henry the Sixth given to other Monafleries and Houses of Learning, Stow's Annals, pag. 582. and 1 H. 51 ca. 7. but especially to the erecting of those two famous Colleges, called the one King! College in Cambridge, the other Eaton, 2 par. Inst. fol. 584.

Priority, Prioritos, Signifies an Antiquity of Te-nure, in comparison of another nor so ancient; as to hold by Priority, is to hold of a Lord more anciently than of another, Old Nat. Brev. fel. 94. So to bold by Posterity is used in Stams. prarog. cap. 2. fol. 11.
And Crompton in his Jurisd. fol. 117. useth this word
in the same fignification. The Lord of the Priority that have the custody of the Body, &c. and fol. 120. If the Tenant hold by Priority of one, and by Posteriority of another, &c. to which effect, see also F. N. B. fol. 142. Bartolus in his Tractate De insignius of armus. useth these words, Prioritas de posterioritas, concerning Two that bear one Coat-Armor.

Diffage, Is that custom or share that belongs to the King, out of fuch Merchandise as are taken at Sea by way of lawful Prize, Anno 31 Eliz. ca. 5. Prilage of Clittes, Anno 1 H. 8. ca. 5. Is a word

almost out of use, being now call'd Butlerage, (because the King's chief Butler receives it;) It is a Custom whereby the Prince challengeth out of every Bark laden with Wine, containing less than forty Tun, two Tun of Wine, the one before, the other behind the Mast at his own price, which is twenty shillings a Tun; yet this varies according to the Cufrom of the Place: For at Boston, every Bark laden with ten Tuns of Wine, or above, pays Prisage. See Butlerage and Galthrop's Reports, fol. 20. and 4. par. Inst. fol. 30.

Memorandum, Quod Rex habet ex untiqua consuetudine de qualibet Nave mercatoris vini 6. carcat. applican, infra aliquem portum Anglia de viginti doliu, duo dolia & do decem doliu unum de prifa Regis pro quodam certo ab antiquo constitut. solvend. P. Rec. 20. R. 2.

Brile, Prifa, From the French Prendre, creere, fignifies in our Statutes the things taken of the King's Subjects by Purveyors, Anno 13 E. 1. ca. 7. and 28 E. 1. flat. 3. ca. 2. It fignifies also also due to the King, 25 E. 1. ca. 5. Reg. Orig. fol. 117. In ferancia paginis antiquis (lays the learned Spelman) prifa plerumane intelligentur de annona reique frumentaria contipaginis antiquis (lays the learned Spelman) prifa ple-rumque intelliguntur de annona reique frumentaria capti-onibus aliis etiam necessariis, ob alenda, instruendaque castrorum prasidia, mecnon & Regiam samiliam minori quam justo pretio agricolis arrestis, &c. In Rescripto quodam, Anno 3 E. 1. Norsisi.——Rogerus de Monte alto qui sororem & baredem Hugonis de Albeney, &c. desponsaverat, clamat babere libertates bas subscriptas, viz. Castellum summ de Risinge cum priss 40. dierum, &c. Ubi clausulum, cum priss 40. dierum intelligo de libertate capiendi vislualia qua vocant ad sustentationem prasidiarii militis castri fui, ita quod pretium reddat in-

prasidiarii militiu castri sui, ita quod pretium reddat in-fra 40. dies. See 12 Car. 2. ca. 24. Pation, Prisona, Is a place of restraint for the safe custody of a person to answer any Action personal or criminal; And here we are to note, That this sal va custodia must only be custodia non pana, for carcer ad bomines custodiendos non ad puniendos dari detet, Co.

on Lit. lib. 3. ca. 7. fell. 438. Patloner, Prifonerius, captivus, From the French Prisonnier, signifies a Man restrained of his Liberty

upon any Action civil or criminal, or upon Commandment: And a Man may be a Prisoner upon matter of Record, or matter of Fast. Prisoner upon matter of Record is he, which being present in Court, is by the Court committed only upon Arrest, be it by the

Sheriff, Constable, or other, Stamf. pl. cor. lib. 1. cap. 32. fol. 34. & 35.

19 it nation, Privatio, A hereaving or taking away, most commonly applied to a Bishop or Rector of a Church, when, by Death, or other aft, they are deprived of their Bilhoprick or Renefice. See 60 on Lit. fol. 329.

Dithy, Derived of the French Prive, i. Familiaria, Signifies him that is partaker, or hath an interest in any Action or thing, as privies of Blood, Old Nat. Brev. fol. 117. be those that are linked in Consangui-Brev. fol. 117. be those that are linked in Conlanguinity; every Heir in tail is privy to recover the Land intailed. Id. fol. 137. No privity was between me and the Tenant, Littleton, fol. 106. If I deliver Goods to a man, to be carried to such a place, and he after he hath brought them thither, Stamf. pl. cor. lib. 1. cap. 15. fol. 25. Merchants-privy be opposite to Merchants-strangers, 2 E. 3. 9, & 14. The Author of the New Terms of the Laws maketh divers sorts of privies, viz. Privies in Flate. Privies in Daed. Privies in Law. viz. Privies in Effate, Privies in Deed, Privies in Law, Privies in Right, and Privies in Blood; where you may read examples of each of them in the word Pring. See Perkins 831, 832, 833, 434 Co. lib. 3. fol. 23. Walker's Case, and lib. 4. fol. 123, 124. mentions four kinds of Privies, viz. Privies in Blood, as the Heir to his Father. Privies in Representation, as Executors or Administrators to the decorated. Privies ecutors or Administrators to the deceased. in Estate, as he is in the Reversion, and he in the Remainder, when Land is given to one for Life, to another in fee, for that their Estates are created both at one time. The fourth is privy in Tenure, as the Lord by escheat, that is, when the Land escheateth to the Lord for want of Heirs. See Co. on Lit. lib. cap. 8. Ve&. 161.

Whom the Privy-Seal; first they pass the Privy-Signet, then the Privy-Seal; and lastly, the Great Seal of England. The Privy-Seal is sometimes used in things of less consequence, that never pass the Great Seal. No Writs shall pass under the Privy-Seal, which touch the Common Law, 2 Inst. 565.

Dithilegs, Privilegium, Is defined by Cicero in his Oration pro dome sue, to be less private homini irrogata. It is, says another, says singulare, whereby a private string, or a particular Corporation, is exempted from the rigor of the Common Law. It is sometimes used in the Common Law for a place that hath any special Pathy - Deal, Privatum figillum, Isa Seal that the

in the Common Law for a place that hath any special immunity, Kitchin, fol. 118. Privilege is either perfonal or real; a personal privilege is that which is granted to any person either against or beyond the course of the Common Law: As for Example, A course of the Common Law: As for Example, A Member of Parliament may not be arrested, nor any of his Servants, during the fitting of the Parliament; nor for a certain time before and after. A privilege real, is that which is granted to a place, as to the Vest, is that which is granted to a place, as to the Universities, that none of either may be called to Wellminster-Hall, upon any Contract made within their own Precincts, or profecuted in other Courts: And one belonging to the Court of Chancery cannot be sued in any other Court, certain Cases excepted, and if he be, he may remove it by Writ of Privilege, grounded upon the Scar. 18 E. 3. See the New Book of Entries, verbo Privilege.

Brohatz of Testaments, Probatio Testamentorum, is the exhibiting and proving Wills and Testaments before the Ecclesiastical Judge; delegated by the Bi-shop, who is Ordinary of the place, when the party And the Ordinary is known by the quantity of the Goods that the deceased had out of the Diocese wherein he departed; for if all his Goods be in the same Diocese, then the Bishop of the Diocese, or the Azendesdon (according as their semposition or prescription leads) hath the probate of the Testament : But if the Goods be disperst in divers Dioceses, so that there be any fum of Note (as five pounds ordinarily) out of the Diocese where the Party lived; then is the Archbishop of Canterbury the Ordinary by his Prerogative. See Prerogative of the Archbishop. This Probate may be made in two forts, in comme form, or per telles. The proof in common form is only by the Oath of the Executor or Party exhibiting the Will, who sweareth upon his belief, That the Will exhibited by him, is the last Will and Testament of the deceased. The proof per testes is, when over and besides his own Oath, he also produces Witnesses, or makes other proof to confirm the same, and that in the presence of such as may pretend any interest in the Goods of the deceased, or at least in their ab-sence, after they have been lawfully summoned to see such a Will proved, if they think good. And the later course is taken most commonly when there is fear of strife, or dispute about the deceased's Goods. For some hold that a Will proved in common form only, may be called in question any time within thirty years after. And where a Will disposes of Lands and Tenements of Preehold, it is now frequently proved by Witnesses in Chancery.

27 102 obato2, An Accuser, or Approver, or one who undertakes to prove a crime charged upon another. The Word was strictly meant of any Accomplice in Felony, who to save himself confess the Fact, and accused any other Principal or Accessory, against whom he was bound to make good the Charge by Duel, or Trial by the Country, and there are delife and Members, but yet to suffer Transportation. tion.—Cum Probator perfecerit quod promisit, tenetur ei conventio, scilicet ut vitam babeat & membra. Sed in regno remanere non debet, etiamsi velit plegios invenire. Bracton. vid. Flera, lib. 2. cap. 52. §42. 44.

Discrebendo, Is a Writ whereby a Plea or cause,

formerly called from a base Court to the Chancery, Kings-Bench, or Common-Pleas, by Writ of Privilege or Certiorari, is released or sent down again to the same Court, to be proceeded in there, after it ap-peareth that the Defendant hath no cause of Privilege, or that the matter comprised in the Bill be not well proved, Bro. boc titulo, and Co. vol. 6. fol. 63. In 21 Rich. 2 cap. 11. in fine; Letters of Procedendy granted by the Keeper of the Privy-Seal. See in what divers manners it is used in the Table of the Original and Judicial Writs, Anno 21 Jac. cap. 23.

19:100188, Processon, So also a procedendo ab initio use, and sinem, is the manner of proceeding in every Cause, being the Writs and Precepts that go forth upon the Original upon every Assion, being either

Cause, being the Writs and Precepts that go forth upon the Original upon every Action, being either Original or Judicial, Britton. fol. 138. wherein there is great diversity, as you may see in the Table of R. N. B. verbo Processe, and Broke boc tit. Sometimes that only is called The process, by which a Man is called into the Court, because it is the beginning or the principal part thereof, by which the rest of the business is directed, according to that saying of Arislotle, in again injusting and of Processe upon Indictments, see in Cromp. Just. of Peace, sol. 133, 134, 135. and Lamb. in his Tracture of Processes, adjoyang to his Eirenarcha. Special Processe is that of Entries, verbo Privilege.

Privita, Privita Familiarity, inward Rehefs is directed, according to that saying of Arissotle,

Privita, Privita Familiarity, inward Rehack is directed, according to that saying of Arissotle,

Privita, Privita Familiarity, inward Rehack is directed, according to that saying of Arissotle,

Privita Familiarity, inward Rehack is directed, according to that saying of Arissotle,

Proceeding to the Lord of Proceeding uplation: If there be Lord and Tenent, and the Teunitary between them in respect of the Tenure.

Adjoyning to his Eirenarcha. Special Processe which

which is especially appointed for the Offence by Sta-rute, for which he refers his Reader to the Eighth Chapter of his Fourth Book. The difference be-tween Process and Precept, or Warrant of the Justices, is this, The Precept or Warrant is only to attach and convent the Party before any Indictment or Conviction, and may be made either in the Name of the King or the Justice. But the Process is always in the King's Name, and ufinally after an Indicament, Co. 8.

Rep. Blackmore's Cafe. Churches, the Members had their flated Proceffions, wherein they walked two and two, in their most or namental Habits, with Hymns, Musick, fuirable Expression of Solemnity and Respect to the Occasion. In every Parish there was a customary Procession of the Parish Priest, the Patron of the Church, with the chief Flag, or holy Banner, and the other Parishioners in Ascension Week, to take a Circuit round the Limits of the Mannor, and pray for a Blessing on the Fruits of the Earth. To this we owe our present Custom of Perambulation, which is still in most places call'd Processioning, and going in Procession, tho' we have lost the Order, and almost the Devotion, as well as the Pomp and Superstition of it.

Prochetn amy, Proximus amicus, vel propinquior, The next Friend; is used in the Common Law for him that is next of Kin to a Child in his Nonage, and is in that respect allowed by Law to deal for him in the managing his Affairs, as to be his Guardian, if he hold any Land in Jocage, and in the redress of any wrong done to him, Stat. Westm. 1. cap. 48. and Westm. 2. cap. 15. and is in the prosecution of any Action at Law per Guardianum, where the Plaintist is

an Infant; for per proximum amicum, where the Infant is Defendant. See Co. 2. Inft. fol. 261.

13:00cessim continuando, is a Writ for the cominuance of a Process, after the death of the chief Jusumme of a rrocejs, after the death of the chief Justice, or other Justices in the Writ of Oyer and Terminer, Regist. Orig. fol. 128.

128 E. 3. cap. 13.

Proclamation, Proclamatio, Is a Notice publickly given of any thing, whereof the King thinks fit to advertise his Subjects, and so it is used, 7 Rich. 2.

Proclamation of Bebellion, Is a publick No-tice given by the Officer, that a Man not appearing upon a Subpana, nor an Attachment in the Chancery, shall be reputed a Rebel, unless he render himself by a Day affigned in this Writ, Cromp. Jur. fol. 92. See

Commission of Rebellion.

Proclamation of a fine, is a Notice openly and solemnly given at all the Asses held in the County, within one Year after the engroffing it. And these Proclamations are made upon transcripts of the Fine, fent by the Justices of the Common Pleas to the Justices of Affie, and the Justices of Peace. West. Symb. 2 par. tit. Fines, sect. 132. where also you may see the Form of the Proclamation, Proclamare est valde de palam clamare, F. N. B. fol. 85. fays, That the King's Proclamation is sufficient to flay a Subject from going out of the Realm. See the strength of Proclamations, Anno 31 H. 8. cap. 8. See also Proclamations in divers Cases, New Book of Entries, verbo Proclamations

Profito, Procurator, Is he who undertakes to manage another Man's Cause in any Court of the Civil Law or Ecclesiastical, for his Fee, Qui assense negatia gerenda (uscipit.

1920 conte. To, Is, when upon a Bill exhibited in Chancery, the Defendant appears, and is in contempt

for not answering, and is in Castody; upon a Haben Corpus, (which is granted by Order) to bring him to the Bar, the Court affigns him a Day to Answer, which being expired, and no Answer put in, a second Habeas Corpus is granted, and a further Day affigned; by which Day, if he Answer not, the Bill, upon the Plaintiffs motion, shall be taken pro confesso, unless cause be shewed by a Day, which the Court usually gives; and for want of such cause shewed upon motion, the substance of the Plaintiff's Bill shall be decreed, as if it had been confessed by the Defendant's Answer. As it was in the Case of Filmore and Denny, Hill. 1662. Or after a fourth insufficient Answer to the Bill, the matter of the Bill not sufficiently answer'd uneo, shall be taken pro confesso.

Absorbers of the Clergy, Procuratores Cleri, Are those who are chosen and appointed to appear for the Cathedral, or other Gollegiate Churches; as also for the common Clergy of every Diocess at the Par-liament, to sit in the Lower House of Convocation; and this is the manner of their Election. First, The King directeth his Writ to the Archbishop of each Province, for the fummoning of all Bishops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally of all the Clergy of his Province, afiguing them the Time and Place in the faid Writ: Then the Archbilhops proceed according to cultom: One Example shall serve for both. The Archbishop of Canterbury upon his Writ received, directeth his Letters to the Bilhop of London, as his Dean Provincial: First, citing himself peremptorily, and then willing him to cite in like manner all the Bishops, willing him to cite in like manner all the Billops, Deans, Archdeacons, Cathedral and Collegiate Churches, and generally all the Clergy of his Province to the place, and against the Day presided in the Writ; but directeth withal, that one Produr be sent for every Cathedral or Collegiate, and two for the Body of the inferior Clergy of each Diocese, and two for the Body of these Letters authentically sealed, the Gid Bishop of Landau directors his like Letters Gran (aid Bishop of London directeth his like Letters severally to the Bishop of every Diocese of the Province, rainy to the bissop of every Diocese of the Province, citing them in like fort, and commanding them not only to appear, but also to admonish the said Deans and Archdeacons personally to appear, and the Cathedral or Collegiate Churches, as also the common Clergy of the Diocese to send their Product to the place at the Day appointed; and also willesh them, to certifie the Archbishop the Names of all and every fo warned by them, in a Schedule annexed to their Letter certificatory. The Bishops proceed accordingly, and the Cathedral and Collegiare Churches, and also the Clergy make choice of their Proflors; which done, and certified to the Bishop, he returns eth all at the Day. These Prostors of the Clergy had heretofore place and suffrage in the Commons House of Parliament, as appears by the Scatute 21 R. 2. cap. 2, by 12. See Prolocusm and Convocation, and fee cap. 2, & 12. 4 Inft. fol. 4.

82 Beccuratestum, The Procuratory or Infirmment by which any Person or Community did constitute or delegate their Proflor or Proflors, to reprefent them in any Judicial Court or Canfe.

& Piecuratores Ecclefiz Parechialis, The Church-Wardens, who were to act as Proxies and Representatives of the Church, for the true Honourand nterest of it.— Johannes Peris sen. et Johannes Baily Procuratores Ecclésia parochialis de Acle. Paroch, An-Interest of it.riquit. p. 562.

ns, Procurationes, Are certain Sums of **Procuration** Money which Parish-Priests pay yearly to the Bishop or Archdeacon, ratione wife assents. They were anciently paid in necessary Victuals, for the Visitor and his Attendance, but afterward turn'd into Money

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Procuratio is defined by Vallensis to be Necessariorum Procuratio is defined by Vallenjis to be Neceljariorum sumptuum exbibitio, qua ratione visitationis, debetur ab Ecclesia vel Monasterio ei cui ex ossicio incumbit jus dy onus visitandi, sive is sit Episcopus, sive Archidiaconus, sive Decanus, sive Legatus summi Pontificis, Anno 1290. Memorandum, Quod die Mercurii in sesso santia Luea Evang. Dominus Episcopus cepit procurationem suam in cibis dy potibus apud Bordesley dy pernostavit ibidem, Gist. fol. 226. See an Historical Discourse of Procurations and Synodals, printed 1661. These are also rations and Synodals, printed 1661. These are also called Proxies, see Dyer, fol. 273. and Claus. Rot. 31 E. 1. m. 15. Dorso.

Procurator, Is used for him that gathereth the Fruits of a Benefice for another Man, Anno 3. R. 2. stat. 1. cap. 3. and Procuracy, for the Writing or Instrument whereby he is Authorised: They are at this Day in the West parts called ProBors. See ProBor.

2002 attius Canis, A Lurcher, a Setting-Dog. W. Primas Ebor. Gre. diletto Priori de Birstall Salut.— Rogamis dilettionem vestram, quatenus si placeat cum celeritate qua poteritis Nobis provideatis in partibus vestris transmarinis de duobus canibus prodriariis seu cucheris do vobis de pretio fideliter do plene re-spondehimus do de custu: do hoc sicut Nos diligitis nulla-tenus omittatis, ita quod distos canes habeamus citra Festum teati Michaelis omni modo. Dat. Beverl. 10. Cal. Sept. 1280. Collectan. Matth. Hutton. S. T. P. MS.

& \$30curato; Monasterii, The Advocate of a Religious House, who was to solicite the Interest, and plead the Causes of the Society. See Provisor Monast**er**ii.

Procurors. See Malveye's Procurors.

in our old Books to the Barons, or other Military Tenants, who were call'd to the King's Council, and was no more than Difereti by Fideles Homines, Diference Liege-men, who, according to the best of their Prudence and Knowledge, were to give their Counsel and Advice.

Proferer, Profram vel proferum, From the French Proferer, i. producere, Is the time appointed for the Accounts of Sheriffs, and other Officers in the Exchequer, which is twice in the Year, Anno 51 H. 3. flat. 5. which may be gathered also ont of the Register, fol. 139. in the Writ De Atturnato Vice-comitis pro prostro saciendo. We read also of proffers, 32 H. 8. 21. in these Words, Eximity Term shall begin the Monday nert after Trinity-Dunday, inbenfoeber it shall happen to fall, for the keeping of the El foines, Proffers, Beturns, and other Ceremonies heretofoze used and kept. In which place proffer fignifies the Offer or Endeavour to proceed in an Action by any Man concerned to to do. See Britton, cap. 28. fol. 50. or 55. or 80. and Fleta, lib. 1. cap. 38. fest. Utlegati, &c.

& Profre Mice-comitis, Tho' the certain Debet of the Sheriff could not be known before the finishing of his Accompt, yet it feems there was anciently an estimate what this constant charge of the Annual Revenue amounted to, and what the constant allowances amounted to, according to a Medium; and these Sums were paid into the Exchequer at the Return of the Writ of Summons of the Pipe; and they were, and are to this Day called *Profre Vice-comitis*. But altho' these Proffers are paid, yet if upon conclusion of the Sheriffs Accompts, and after the Allowances and Discharges had by him, it appears that he be in Surplufage, or that he is charged with more than indeed he could receive, he hath his Proffers paid or allowed to him again. Vid. Hale of Sheriff's Accompts, p. 52.

1920fer the half-mark. See Half-mark.

particularly for the entring into any Religious Order of Friers, &c. New Book of Entries, verbo, Profession.

Profits apprendre. See Prendre. Deobibition, Probibitio, Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Caufe there depending, upon Suggestion that the Cognifance thereof belongeth not to the same Court. F. N. B. fol. 39. But is now most usually taken for that Writ which lieth for one that is impleaded in the Court Christian, for a Cause belonging to the Temporal Jurisdiction, or the Conusance of the King's-Court, whereby as well the Party and his Council, as the Judge himself, and the Register, are forbidden to proceed any further in that Cause. In what Cases this light Cases have the time of the Register of the Cases. proceed any further in that Caule. In what Cales this lieth, see Bro, boc tit. of F. N. B. fol. 93. Of this Probibition, Bradon, lib. 5. traft. 5. cap. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. faith, That it lies not after Sentence given in any Cause: And the Statute of 50 E. 3. Ordains, That there should lie no more than one probibition in one Cause. See the diversity of Probibitions in the Table of the Register Original, and the New Book of Fatrics, verbo Probibition and the New Book of Entries, verbo Probibition, and F. N. B. fol. 39.

Pohibitio de ballo directa parti, Is a Writ-Jucial directed to the Tenant, prohibiting him from making waste upon the Land in controversie, during the Suit, Reg. Judic. fol, 21. It is sometimes made to the Sheriff; the example whereof you have in the same Book following.

1920 indibilo, Is a Possession or Occupation of Lands or Tenements, belonging to two or more Persons, whereof none knows his several Portion, as Coparceners before Partition, Bracton, lib. 5. trad. 2. cap. I. num. 7

40 cless, in English Progeny, is properly such as proceed from a lawful Marriage; though it the word be taken at large, it may well denote the issue of an unlawful Bed.

Prolocutor of the Conbocation-Boule, Prolocutor Domus Convocations, Is an Officer chosen by Per-fons Ecclefiaftical, publickly assembled by Virtue of the King's Writ for every Parliament; and as there be two Honses of Gonvocation, so there are two Prolocutors, one of the Lower, and one of the Higher House. He of the Lower House, presently upon the first Assembly, by the motion of the Bitnops, being chosen by the Members of the said Lower House, is present ed to the Bishops for Prolocutor, that is, the Person by whom they intend to deliver their Resolutions to the Higher House, and to have their own House especially ordered and governed. His Office is to cause the Clerk to call the Names of such as are of that House, when he sees cause, to read all things pro-

pounded, gather Suffrages, and the like.

4920mile, Promisso, Is, when upon a valuable consideration, we bind our selves by our Words to do or perform such an A.B. as in a constant and a perform such an Ast as is agreed upon and concluded, upon which an Action may be grounded; whereas, it it be without confideration, it is called Nudum pallum, ex quo non oritur actio.

Domoters, or rather Domoters, Promotores, Are those who in popular and penal Actions do prosecute Offenders in their own Name and the King's, having part of the Fines or Penalties for their reward, These, among the Romans were called Quadruplatores or Delatores. They belong especially to the Exchequer and King's-Bench. Smith de Rep. Angl. lib. 2. cap. 14. Coke calls them Turbidum hominum genus, 3 Init.fol. 191.

uld receive, he hath his Proffers paid or allowed to magain. Vid. Hale of Sheriff's Accompts, p. 52.

1320fer the half-mark. See Half-mark. claim the same to publick view, and so Promulgeto, Professo, Is in the common Law used promulgatus, is published, proclaimed, 6 H. 8. 4.

Pronotat p

Pronotary or Protonotary, Protonotarius vel primus notarius, Is a chief Officer of the Common-Pleas and King's-Bench, derived from two French Words, Prime, primus, de Notagre, notarius. See 5 H. 4. 14. He is termed a chief Clerk of the Common-Pleas. the King's-Bench records all Actions civil fued in that Court, as the Clerk of the Crown Office doth all criminal Causes. Those of the Common-Pleas, fince the Order of 14 fac. upon an Agreement made be-ween the Prothonotaries and Filacers of that Court, who before did enter all Declarations and Pleas, whereto a Serjeant's hand was not required) do enter whereto a Serjeant's hand was not required and enrol all manner of Declarations, Pleadings, Affises, Judgments and Actions: Also they make out all Judicial Writs, as the Venire facias after issue joyned, and Habeas Corpus for the bringing in of the Jury, and Distringas Jurator. They also make out Writs of Execution and Seisin; Writs of Supersedent for appearance to Existents as well as the Existents. for appearance to Exigents, as well as the Exigents and Writs of Privilege, for removing Causes from other Inferior Courts of Record, where the Party hath cause of Privilege; also Writs of Procedendo and Scire facias in all Cases, and Writs to enquire of Damages, and all process upon Probibitions, and upon Writs of Audita Querela, and false Judgment, with many others. Lattly, They enrol all Recognisances, acknowledged in that Court and all common Page. acknowledged in that Court, and all common Recoveries, and may make exemplifications of any Record in the same Term, before their Rolls are made up and delivered into the Treasury of Records of that Court.

Damte, Probatio: Bracton says, There is Probatio duplex, viz. viva, as by Witnesses, viva voce; and Mortua, by Deeds, Writings, dre. A Wife cannot be produced either against or for her Husband, quia dux sunt anima in carne una, and it might be a cause of irreconcilable discord, and a means of great inconveniences, Co. on Lit. lib. 5. cap. fedt. 1

1929 partibus liberandis, Is a Writ for the partition of Lands between Co-heirs, Reg. Orig. fol. 316.

Proprietas, Is the highest Right that a Man hath, or can have to any thing, and no ways depending upon any other Man's courtefie. And this none in our Kingdom can be faid to have in any Lands or Tenements, but only the King in the right of his Crown; because all the Lands throughout the Realm are in the nature of Fee, and hold either mediately or immediately of the Crown. This word nevertheless, is used for that Right in Lands and Tenements that common persons have, because it importeth as much as Utile Dominium, though not directum. See Fee. And there are three manner of Rights of Property, that is, Property absolute, Property qualified, and Property possessory. Of which see at large, Co. lib. 7. fol. 17. Case of Swans.

10. 20phecies, Prophetia, Are by our Statutes repu-

ted for wizardly foretelling of things to come in dark and ambiguous Speeches, whereby great Commotions have been often caused in this Kingdom, and great Attempts made by those to whom those Speeches promised good success, Anno 3. E. 6. cap. 15. and 7 Ejust. cap. 11. and 5 Eliz. cap. 15. But these for distinction sake are called Fond, false and fantastical

Prophecies, 3 Inft. fol. 128.

Deopoecitas, Skene de verbor. signif. latins it Proportatio assis, the Declaration or Deliverance of an Assiste, otherwise called Veredictum Assiste, the Verdict of an Affile, because the Affilors are sworn to declare the Truth, and therefore are called Juratores, Ju-

ம் இ2opo2tum, Purport, intention or meaning. Secundum Proportum disti Cyrographi inter eos Confesti. Carta Rogeri de Quincy, 31 H. 3.

Diopitetary, Proprietarius, Is he that hath a pro petry in any thing, que nullius arbitrio est obnexia; but was heretofore chiefly used for him that hath the Fruits of a Benefice to himself, and his Heirs or Succeffors, as in time past Abbots and Priors had to them

and their Succeffors. See Appropriation.

1920pounders, The 85 Chapter of Coke's 3 Inflitutes, is entituled, Against Monopolists, Propounders and Projectors; where it seems only to be used as a Synonima to Monopolists.

Proprietate probanda, Is a Writ that lies for him that would prove a property before the Sheriff, Reg. Orig. fol. 83, 85. For where a Property is alledged, a Replegiare lieth not, Broke, Property 1.

Dio rata, That is, pro proportione, 16 Car. 2. cap. 6.—Pro rata portions. See Onerando pro rata por-

tionis.

Description Prorogare, To prolong, or put off to another Day, Anno 6 H. 8. cap. 8. The difference between a Prorogation and an Adjournment, or continuance of the Parliament, is, That by the prorogation in open Court there is a Seffion, and then such Bills as passed in either House, or both Houses, and had not the Royal Affent to them, must at the next Affembly begin again; for every Session of Parliament is in Law a several Parliament, but if it be but adjourned or continued, then is there no Seffion, and confequently all things continue in the same state they were in before the Adjournment, 4 Infl. fol. 27.

Profecutor, Is he that follows a Cause in another's

Name. See Promooters.

Protection, Protectio, Hath a general and a special fignification: In the general it is used for that be-uest and Safety which every Subject, Denizen, or Alien, especially secured, hath by the King's Laws, and so it is used, 25 E.3. 22. Protestion in the spe-cial signification, is used for an Exemption or Im-munity given by the King to a Person against Suits in Law, or other Vexations, upon reasonable Causes him thereunto moving, which is a Branch of his Prerogative. And of this Fitzherbert in his Nat. Brev. fol. 28. maketh two kinds, the first he calls a Protection cum clausula Volumus, whereof he mentions four particulars: 1. A Protestion quia professurus, for him that is to pass over Sea in the King's Service. 2. A Protection quia moraturus, for him that is abroad in the King's Service upon the Sea, or in the Marches, H. 7. cap. 2. 3. A Protellion for the King's Debtor. that he be not fued or attached till the King be paid his Debr. This some Civilians call Moratoriam. And 4. A Protestion in the King's Service beyond the Sea, or in the Marches of Scotland, Anno i R. 2. cap. 8. Reg. Orig. fol. 23. and Britton, cap. 123. The fe-cond Form of Protestion, is cum claufula Nolumus, which is granted most commonly to a Spiritual Company for their Immunity, from taking of their Cattel by the King's Ministers: But it may be granted also to one Man Spiritual or Temporal, Reg. Orig. fol. 22, 23. None of these Protedions extend to Pleas of Dower, Quare Impedit, Assife of Novel Disseisin, Darrein Presentment, and Attaints and Pleas before Justices in Eyre. See the Terms of the Law, verbo Protestion, and New Book of Entries of this word.

1920to-forestarius, Was he whom our King heretofore made chief of Windfor Forest, to hear all Causes of Death or Mayhem there, Cam. Brit. pag. 213. A

kind of a Lord Chief Justice in Eyre.

Diotonotary, Protonotarius. See Pronotary. Diotestation, Protestatio, Is (as Justice Walfh defines it) a defence of Safeguard to the Party which maketh it from being concluded by the Act he is about to do, that iffue cannot be joined by it, Plowd. fol. 276.whereof see Reg. Orig. fol. 326. And see Protest. S i

Protest, Protestari, Hath two divers Applications; one is by way of Caution, to call Witness (as it were) or openly to affirm, That he doth either not at all, or but conditionally yield his confeat to any act, or unto the proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Outh further than by Law he is bound. See Planden, fol. 676. Gresbrook's Case, and Reg. Orig. fol. 306. The other is by way of complaint, to protest a man's Bill. For example, If I give Money to a Merchant in France, taking his Bill of Exchange to be repaid in England by one whom he aftioneth. by one whom he affigneth; if at my coming, I find not my self satisfied, but either delayed or denied then I go to the Exchange, or other open Concourse of Merchants, and protest, That I am not paid; and thereupon if he hath any Goods remaining in any mans hands within the Realm, the Law of Merchants is, that I be paid out of them to my full farisfaction.

Denver, Probator, Anno 28 E. I. and 5 H. 4. cap.
2. See Approvers, and 3. par. Inft. fol. 129. A man became an Approver, and appealed five, and every of them joyned battel with him: Et duellum percussum fuit cum omnibus & probator devicit omnes quinque in duello, quorum quatuor suspendebantur, & quintus clamabat effe clericum de allocatur, de probacor par cona-tur, Mich. 39 E. 3. coram Rege. Rot. 97. Suff. 3 Deobibeutia, Providion of Meat or Drink.

Hilaritas dapum de potulentorum omnibus venire volenti-bus de refici capientibus semper parata erat quamdiu ibi moram traxit, de talem providentiam ibi secerat, quod tota curia mirabatur—providentia vini ante adventum suum in cellaria sua erat centum deliorum. Hen.

Knyghton fub anno 1354.
1020bince, Provincia, Was used among the Romans for a Country, without the limits of Italy, gained to their subjection by the Sword: Whereupon that part of France next the Alpes was so called of them, and still retains the Name! But with us a Province is most usually taken for the Circuit of an Archbishop's Jurisdiction, as the Province of Canterbury, and the Provi of Tork, 32 H. 8. 23. and 33 H. 8. 31. yet it is also divers times used in our Statutes for several parts of the Realm, and sometimes for a County. In placito Agnetis qua fuit uxor Radulphi de Buttiler versus priorem de Repindon, pro terra in Pykinson, Prior. dicit, quod nulla villa est in Provincia illa qua sie vocatur, Placit. de Juratis & Assistis apud Derby Pasch. 53 H.3. Rot. 2

Diobincial, Provincialia, Is a chief Governor of a Religious Order of Friers, dec. 4 H. 4. 17

Probition, Provisio, Is used with us as in the Canon Law, for the providing of a Bishop, or any other Person, an Ecclessassical Living, by the Pope, before the Incumbent be dead: It is also called Gratia expestativa, or Mandatum de providendo: The great abuse whereof you may read not inly in Duarenus de sacris Ecclesia Ministeriis do Benesiciis, lib. 3. cap. 2. but also in divers Statutes of this Realm, viz. 35 E. 3. 22 stat. 4. 67 5. commonly called the Statute De provisionibus, 67 27 E. 3. cap. 1. 67 38 E. 3. stat. 2. cap. 1, 2, 3, 4. 67 2 Rich. 2. cap. 7. 3 R. 2. cap. 3. 7 R. 2. 12. 12 R. 2. stat. 2. cap. 2, 3, 4. 67 3 H. 5. cap. 4. See Propulsive Sce Pramunire.

12 Paobitions, The Acts to restrain the enorbi-tant abuse of Arbitrary Power made in the Parliament at Oxford 1258, were called Provisiones, being to provide against the King's Absolute Will and Pleasure.

See Mat. Par. Jub annis 1244. & 1258.

27 Probitor Aidualium, The King's Purveyor, who provided for the accommodations of his Court, is

so call'd in our Historians.

1920biloz, Is he that fues to the Court of Rome for a provision, which is called Gratia expediative accord

ing to Spelman. See also Old Nat. Brev. fol. 143 ing to Spelman. See also Our Nat. Brev. 101. 143. they were prohibited by Proclamation 42 Hen. 3. Ann. 1258. Hill. Pag. 259. It is sometimes also taken for him that hath the care of providing things necessary, a Purveyor. See Provision.

23.00110, Is a Condition inserted into any Deed, upon the observance whereof the validity of the Deed depender. Sometimes is it only a Covenant Ch. 2. Rep.

depends: Sometimes it is only a Covenant, Co. 2. Rep. Lord Cromwell's Case. It hath also another significa-tion in matters Judicial, as if the Plaintiff or Demandant defift in profecuting an Action by bringing it to a Trial: The Defendant or Tenant may take out a Venire facial to the Sheriff, which hath in it these words, Proviso qued, &c. to this end, that if the Plaintiff take out any Writ to that purpose, the Sheriff shall summon but one Jury upon them both: In which case we call going to Trial by Proviso. See Old. Nat. Brev. fol. 159. in the Writ Nisi prins.

67 Provilor Monasterii, The Treasurer or See ard of a Religious House, who had the Custody of Goods and Money, and inpervised all Accounts Abbas Turketulus Dominum Egelricum tunc Proviforem suum, Statum Domus tam in Thesauris, quam in ocalibus aliis just oftendere.--Vasa vero aurea es argentea multa, qua umnia integra in necessitatem Mona-sterii sub Provisoris & Procuratoris enstodia deputaverat conservanda. Erant enim ambo Egelrici cognati sui secundum carnem, dy Fratres secundum Deum religio-sissimi, alter Monasterii Provisor, alter Procurator: Provisor in temporalibus trallardis prudentissimus; Procurator vir Scalasticus, de omnium literarum scientia profundissema imbutus. Ingulph. Hist.

Burchale. See Pourchafe. 22. cap. 9. and is sometimes used for the like purpose. at Land, or to seize or arrest any within the Jurisdiction of his place or office.

19 20 12 22. See Senege, Haply it may be the payment of Proxies or Proxitations, sed quare.

Priests to their Bishop or Archdeacon, ratione visitationis. See Procurations, and the Case between the Ring and Sir Ambroje Forth, 2 Jac. in the Exchequer.

See also Sir Jo. Davis, Rep. fol. 4.

Davis, Is a kind of Service or Tenure.—Nicholas films dy bares Nich. de Longford Chivalier, tenet 4. Messias, 40. Acras terra, 10 Acras prairies os readitus cum pertinentiis in Kinwaldmersh de Rege in Capite, per servitium inveniendi unum equum, unum faccum of unum Proble in Guerra Wallie quandocunque contigerit Regem ibi guerrare, Mich. Fines, 1 Rich. 2. Derb. fol. 204.

Bublich faith, Fides publica, 17 Car. 1. cap. 18. Was a Rebellious Chear to get Money from the fedu-cod People, upon (as they call'd it) The publick Faith of the Nation, to make a most horrid and cautlets Rebellion against a most Religious and Gracious Sove

reign, which was about the Year 1642.

Pucellage, Pucellagium, French Pucelage, Virgini-Qued tenuit eam, dum idem B. abstulit puccilagiam sum vel quod conenbuit cum ea, Bract. lib. 3 tract. 2. cap. 28. num. 2, 3, & 5. In an ancient MS. it is written Puellagium. In placito pro raptu fic consinesur—qued ipsam de puellagio suo felonice & totaliter destaurit. Inver Placit. Mich. 19. E. 3. London 150

er touchia, A Bag, a Purse. Die Lune proxime post Festum circumcifionis Domini anno 1332. in capivuio receiej. Paulina ordinatum est- quod fi omnes Stagiarii à civitate fuerint abjentes, tune Sacrifia cum una da Candinati pitulo Eccles. Paulina ordinatum estuno de Cardinalibus chori, amoto figillo Canonici, puchia pecunia apposita, pecuniam necessariam liberent Custodi, G puchiam

Ex Libr. Statutorum Eccles. puchiam reconsignent l'aulina. MS. penes Rev. Job. Episc. Norwic.

Bubbepec, Si Pudhepec (i. nemoris læsio) parco Re gir vel Feresta fiat 30. mane. emendetur, nisi propositio propension amplius exigat. Leg. Hen. 1. cap. 38. But the learned Spelman thinks it is miswritten, for the Saxon published, i. Wudbepec, the w in that Charafter being like the p in ours.

Dudgeld, The fame with Wordgeld, Ca on Lit. fol. 3. And haply the like mistake in the first Letters

of this as of the former word.

Putine, Younger, Puny. See Mulier.
Dulla, Sax. Pul. A Pool or Lake of standing Water. Trium acrarum of dimid. junta pullam in terra qua vocatur Natelond. Chartular. Abbat. Glaston MS. b. 67. a. Vid. Mon. Angl. Tom. 1. 722.

Dunbbeech, Derived from the Pund, Parens, and Si Pundbrech fiat in Curia Regis Brech, fractura. plena wyra sit, alibi quinque manca, Leg. Hen. 1. cap.
40. It is the illegal taking of Cattle out of the Pound by any means whatfoever.

Duletertus --Rex Majori & Vic' London Sa lutem, quia accepimus quod pistores Tebernarii Molendina rii Coci Puletetii Piscenarii Carnisices Brasiatores Bla-darii & alii de diversis Officiis & Misteriis, &c. Par. 1 E. 3. M. 13. feems to fignifie a Poulterer, Pul-

Purfles of a Moman's Coton, From the French word Pourfiler, 33 H. 8. 5. A fort of Trimming for Womens Gowns then in use; it was made of Tinsel or Gold Thred, and was also called Paudkin-work. So Camden, tit. Ireland, speaks of a Mantle or Shag Rug, with a deep tringed purfle.

2 Dund fulda, A Pound, a Pinfold. Omnia alia expletia de pradicto marisco venientia inter nos aque dividantur, dy ibi siat Pund fulda averiorum intranti-um in pradicto Marisco-Placita anno 1226. inter. -Placita anno 1236. inter. Abbat. Glaston, & Henr. de Hamel in Chartular. Abbat. -inter veterem pundfaldam (g Glaston. MS. f. 42. b.——inter pratam Ricardi de Cardunvill --Cartular. Radinges. MS.b. 101.b.

Duzchacium, Purchafe, or pecuniary Acqui-fition oppos'd to hereditary Right.—Hac funt adisicia qua idem Abbas Glasson. Suo tempore eleganter per eandem Abbatiam consummavis do caruca quas suo tempo re de appruamentis & purchació suo augmentavit. Char-tular. Abbat. Glaston. MS. f. 42. a.

Burgation, Purgatio, Is the clearing a man's felf of a Crime whereof he is generally suspected, and of the same accused before a Judge. Of this there was great use in England touching matter of Felony, impured to Clerks in former time, as appeareth by Stamf. pl. cor. lib. 2. cap. 48. See Clergy and Westm. 1. cap. 2. It is still observed for matters pertaining to the Ecclesiastical Court, as suspicion, or common fame of incontinency, or such like. And here note, That Purgation is either Canonical, Canonica, or Vulgar, Vulgarin. Canonical, is that which is prescribed by the Canon Law; the form whereof is usually thus in the Spiritual Court, The man suspected takes his Oath, That he is clear of the fault objected, and brings fo many of his honest Neighbours, being not above Twelve, as the Court shall assign him, to swear upon their Consciences and Credulity, That he sweareth truly. Vulgar purgation was by Fire, or Water, or by Combat, used both by Infidels and Christians, till b the Canon Law abolish'd. But Combat may be still practifed by the Laws of the Realm in Caufes doubtful; and where there is a want of Evidence, or other proof, if the Defendant chuse rather the Combat than other Trial. See Ordel and Combat.

Burificatio beatz Mariz Wirginis, Anno 32 H. 8.

cap. 21. See Candlemas.

Burlue or Burlieu, From the French Par, i. pu rm and Lieu, lacm, is all that ground near any Forest, which being made Forest by Henry the Second, Richard the First, or King John, were by perambulation granted, but by King Henry the Third severed again from the same, and became Parlies, Manwood Forest Laws, cap. 20. And he calleth this Ground either pouralee, i. perambulationem, or purlin, purluy, which he saith, are mistaken for pouradee, ibid num. 3. And with our first derivation it may confist, because such things as were by those-forementioned Kings subjected to the Laws and Ordinances of the Forest, are now cleared and freed from the fame. Civilians call that purum locum, qui sepulchrorum Religioni non est obstrictus. So our Ancestors called this purlein, i. purum locum, because it was exempted from that Servitude that was formerly laid upon it. whereas Manwood and Crompton call it Pourallee, we may derive it from pur, purus, and alee, ambulatio, because he that walketh or courseth within that Circuit, is not liable to the Laws or Penalties incurred by them which hunt within the Precincts of the Forest. See the Stat. 33 Ed. 1. Stat. 5.

Duilten man, Is he that hath Ground within the

Purlies, and being able to difpend forry Shillings by the year of Freehold, is upon these two points licensed to hunt in his own Purlieu, Manwood's Forest Laws. pag. 151, 157. But what he must observe in his hunting, see the same pag. 180, 181, 186. and cap. 20. num. 5, 8, 9, 8cc. See Purlieu.

20. num. 5, 8, 9, occ. occ. article.

3 Sutparts, Fr. Pour part, pro parte. Purparty,
That part or fhare of an Estate, which being furst
held in common by Copartners, is by partition allotted to any of them.—Inquisition de beraditate Margareta dy Elizabetha - liberes babenda in purpar-tem ipsius Elizabetha - Paroch Antiquit. p. 3024

Tem ipsius Elizabetha.—Paroch. Antiquit. p. 3021

Purpzetture, Purpressura, From the French Pourprendre, i. integrè arripère, is properly subtrattio clandessina terra aliena, ejusdemque vicina astriptio. See Skene de verbor. Signif. verbo Perpressure, and see Pararusessure. Pourpresture.

29urpatium, French Pompris, a Close or Enclo-fure, also the whole compass of a Mannor.——Dr-navi en meum Purprisum de Kirkebam & domos meas, &c. Carta Walteri Espee Priorat. de Kirkeham in Mon. Ang. 2. par fol. 1. 36. n. 40

Purrell, 25 Eliz. cap. 10. A List ordained to be made at the end of Kersies, to prevent deceit in di-

minishing their lenghth.

Burly, A Term among Clothiers, 43 Eliz, 10. Sec Rewey Purluibant. See Poursuivant.

Durbeyance. See Pourveyance Durbeyors. See Pourveyors. See Pourveyance.

Durbeito, Is a French word, fignifying a Gift or Grant, and Pourven que, a condition; that Sir Edward Coke often uses it for that part of an Act of Par-liament which begins with Be it Enaded. The Stat. of 3 H. 7. stands upon a Preamble and a Parview.
12 Rep. fol. 20.

Butage, Putagium, Pornicatio ex parte fumina, que vox nulla Latina exprimit, quasi Puttam agere; from the French Puttee, or the Italian Putta, i. meretrin. This Crime was so odious amongst our Anoestors, that if any Heir-Fernale under Guardianship were guilty thereof, they forseited their part to their Coheirs; or if she were an only Heirels, the Lord of the Fee took it by Escheat. Spelman, guod autem generaliter soles dici putagium hareditatem non adimit, illud intelligendum est de putagio matris; quia filius bares legiti-mus est, quem supeia demonstrant, Glanvile, lib. 7.

ar Busatibus, Reputed, or commonly effective

in opposition to notorious and unquestionable. Pater pueri putations, i. e. The reputed Father of the

Child. 70. Brompton, p. 909.

Duteus, A Pit, in former times the Scots were wont to hang Men delinquents, and to cast the Women Offenders into a pit full of Water to drown; and, 'tis a wonder, this punishment, or execution, is not found among the Britains, or rather English Saxons, fince 'tis evidently met with among the Germans, from whence they came, as appears by Tacitus, in his Book De German. moribus, where he fays, Proditores transfugas arboribus suspendunt, ignavos & im-belles de corpore infames (i. fornicantes) coeno ac palude,

injesta insuper crate mergunt, pag. 484.

19 Dutta, A Pit, which in the broad Country tone is still call'd a Putt.—Una acra in Crocwell furlung qua jacet ad puttam inter terram Johannis le Falmer, &c. Paroch. Antiquit. p. 186. Stane-Puttes

for Stone-pits, ib. p. 397.

Dutura, A Custom claimed by Keepers, in Forests, and sometimes by Bayliffs of Hundreds, to take Mansmeat, Horse-meat and Dog's-meat, of the Tenants gratis, within the perambulation of the Forest, or Liberty of the Hundred. Communia de Anno 16 E. 1. Ter. Paich. Rot. 10. in Dorso Rex mandat Baronibus quod allocent Roberto de Chadworth Vic. Linc. 56 s. 7 d. quos per praceptum Regu liberavit Jo. de Bellevento pro Putura septem leporariorum de trium falconum de Alanerarium, &c. viz. pro Putura cujustibet leporarii de fal-conu per diem 1 d. ob. de pro vadiu, &c. Plac. Coron. in Com. Ebor. 21 E. Rot. 21.— In libertate de Knaresburgh prasentatur, quod parcarii Comitis Cornubia percipient Puturam suam, viz. bis comedendo in die vel capiendo pro Putura sua 2 d. de tenentius in diversis uillis ibidem nominatis, sed nunc fecit dictus Comes ip-sas villatas solvere 3 d. pro putura. Sec 4. Inst. sol.

Pyteralias Pycar, A kind of Ship spoken of 31 E.

Stat. 2. Cap. 2. Pyzate. See Pirate.

87 Pyzeminkes, Johannes Masham dy Thomas Bote de Bury die Lune proxime ante Festum Apostolorum Symonis of Juda, Anno Regni Henrici quarti post con-questum tertio malitia of conspiratione inter eos inde pra-habitis quendam Robertum Smyth de Bury—ceperunt infra predictam villam of ipsum infra donum dicti Johannis Masham in serro posuerunt—do cum cordis ligaverunt do super pollices ipsius Roberti quoddam instrumentum de cum cordis ligaverunt vocatum Pyrewinkes ita stricte of dure posuerunt quod sanguis exivit de digitis illius -Ex Cartular. Abbatia Sancti Edmundi. MS. f. 341.

Madzans, A Farthing, a fourth part of a penny, Soblerve, That before the Reign of Ed. 1. the smallest Coin was a Sterling or Penny, mark'd with a Cross or Travers strokes, by the guidance whereof a Penny upon occasion might be cut in halves for a Half-peny, or into quarters for Farthings, or fourth parts: Till to avoid the fraud of unequally cutting, King Ed. 1. Coin'd Half-pence and Farthings in round distinct pieces. See Matth Westminster sub anno 1279

Duamantata terra, Is the fourth part of an Acre. See Denariata terra & Obolata. Item Fardel of

Land.

Duadzarium, A Quarry or Stone-Pitcesse eijdem liberam viam ultra pasturam meam de quatrue Lord be not defrauded. See Westm. 2. cap. 32 drario suo usque ad predictam ripam ad stagnum dicti The form of this Writ you have Reg. Judic. fol. 8.

molendini emendandum. Paroch. Antiq. p. 208. Hence the old word a Querrour, or Digger of Stones. The word was originally Carrarium, Carraria. Hence the Irish retain the primitive word a Carrie, and the French un Carrier.

Quadragelima Sunday, Is the first Sunday in Lent, so called, because it is about the fortieth day before Easter: The three preceding Sundays are, Quinuagesima, Sexagesima, and Septuagesima; all which fee in their proper places.

Quadzugata terræ, A Team of Land, which may

be Till'd with four Horses.

Quadragelimalia, Denarii quadrage simales. In the former days of Superstition, it was the Custom for People to visit their Mother Church on Midlent Sunday, and to make their Offerings at the high Altar; as the like Devotion was again observed in Witson-Week. But as the Processions and Oblations at Whitsontide were sometimes commuted into a Rated payment of Pentecostals, or Whitfon-farthings, fo likewise the Lent Devotion was chang'd into a customary Rate call'd Quadragesimalia, and Denarii Quadragesimales, and sometimes Latare Jerusalem, because that Hymn was Sung on Midlent Sunday. It is farther observable, That the now remaining Practice of Mothering, or going to visit Parents upon Midlent Sunday, is really owing to that good old Custom. Nay it feems to be call'd Mothering from the respect so paid to the Mother-Churcin, when the Epiftle for the Day was with some allusion, Galat. 4. 21. Jerusalem Mater omnium; which Epiftle for Midlent Sunday we still retain, tho' we have forgot the occasion of it.

Que plura, Was a Writ that lay where an Inquisition had been made by an Escheator in any Coun-

ty, of such Lands or Tenements as any Man died scized of, and all that was in his possession was imagined not to be found by the Office; the form where-of, see in Reg. Orig. fol. 293. and in F. N. B. fol. 255. It differs from the Writ called Melius inquirendum, according to the same Fitzberbert, because this is granted, where the Escheator formerly proceeded by vertue of his Office; and the other, where he found the first Office by vertue of the Writ named Diem clausit extremum. See the New Book of Entries,

verbo Quaplura.

Dua sta, An Indulgence, or Remission of Penance, expos'd to Sale by the Popes of Rome, who by this Craft had their great gain; the Retailers of them were call'd Quassuarii.—— Circa quassuarios Pradicatores—habent Brevia qua relinquunt in sin gulis Parochiis in quibus continentur tot indulgentia.emant illas quæstas pro modico pretio .--- Opus Tripartitum apud Fascic. Rerum. Append. p. 227. So Questionarii in Matth. Westminster sub anno 1240.

Quadribium, The Center of four Ways, or where four Roads meet and crofs each other. Hence Canfax in Oxford. It is call'd the Wence, and four

Wence in Kent.

Querens non inbenit plegium, Is a return made by the Sheriff upon a Writ directed to him, with this

condition inserted, Si A. fecerit B. securum de clamore suo prosequendo, F. N. B. fol. 38.

Duz serbitia, Is a Writ, sec per qua servitia.

Duale jus, Is a Writ judicial, that lies where a Man of Religion hath Judgment to recover Land, before execution be made of the Judgment; for this Writ must go forth to the Eschestor, between Judgment and Execution, to inquire whether the Religi ous person hath any Right to recover, or whether the ludgment be obtained by collusion between the Demandent and the Tenant, to the intent, that the true Lord be not defrauded. See Westim. 2. cap. 32.

16, 17, & 46. And in the Old Nat. Brev. fel. 161. See the New Bock of Entries, verb. Quale jus.

Quam din se bene gesserit, Is a Clause often used in Letters Patent of the Grant of Offices, as in those fol. 117.

Quantum meruit, That is, How much he has deferved; Is an Action of the Case so called, grounded upon a promise to pay a Man for doing any thing, so

much as he should deserve or merit.

Quare ejectt infra terminum, Is Writthat lieth for a Lessee, where he is cast out of his Farm before his Term be expired, against the Feossee or Lessor that ejecteth him: And it differs from the Ejectione firms, because this lies where the Lesson, after the Lease made, infeoffeth another, which ejecteth the Lessee: And the Ejellione firma lieth against any other Stranger that ejects him. But the effect of both is all one, that is, to recover the refidue of the Term, F. N. B. fol. 197. Reg. Orig. fol. 227. and the New Book of Entries, verbo Quare ejecit infra ter-

Quare Impedit, Is a Writ that lies for him that hath purchased a Mannor, with an Advowson thereto belonging, against him that disturbs him in the Right of his Advowson, by presenting a Clerk thereto when the Church is void: And it differs from the Writ call'd a Darreine presentment, Assisa ultima prasentationie, because that lies where a Man, or his Ancestors, formerly presented; and this for him that is the Purchaser himself. See the Expositor of the Terms of the Law, Old Nat. Brev. fol. 27. Bratt. lib. 4. tratt. 2. cap. 6. Britton, cap. 92. and F. N. B. fol. 32. and Reg. Orig. fol. 30. And here note, That where a Man may have an Assise of Darrein Presentment, he may have a Quare Impedit, but not contrariwise. See the New Book of Entries on this Writ.

Quare incumbrabit, Is a Writ that lieth against the Bishop, who, within fix Months, after the Vacation of a Benefice, conferreth it upon his Clerk, while two others are contending in Law for the Right of presenting. And here note, This Writ always lies depending the Plea, Old Nat. Brev. fol. 30. F. N. B. fol. 48. and Reg. Orig. fol. 32.

Quare intrust matrimonio non fatiging 152

Quare intruft matrimonio non fatisfaffo, Isa Writ that lies for the Lord against his Tenant being his Ward, who after convenable Marriage offer'd him, marries another, and enters nevertheless upon his Land, without agreement first made with his Lord and Guardian. But all Wardships being taken away by the Statute 12. Car. 2. cap. 24. This Writ is become useless.

Quare non permittit, Is a Writ that lies for one that has Right to present for a turn against the Pro-

prietary, Fleta, lib. 5. cap. 6.

Quate non admist, Is a Writ that lies against a Bishop, refusing to admit his Clerk that hath recovered in a Plea of Advowson, F. N. B. fol. 47. and Reg. Orig. fol. 32. See the New Book of Entries, verbo Quare non admissit.

Duarrel, Querela, à querendo, and extends not on-ly to Actions personal, but also to mixt, and the Plaintiff in them is called Querens, and in most of the Writs it is faid Queritur; So that if a Man release all Quarrels, (a Man's Deed being taken most strongly against himself) it is as beneficial as all Actions, for by it all Actions real and personal are released, Co. lib. 8. fol. 153. and Co. on Lit. lib. 3. cap. 8.

Quarentine, Quarentina, Is a benefit allowed by

the Law of England to the Widow of a Man dying See the New Book of Entries, verb. Quale jus.

All am diu se bene gesserit, Is a Clause often used in Letters Patent of the Grant of Offices, as in those to the Barons of the Exchequer, which must be intended only as to marters concerning their Office; and is nothing but what the Law would have implied, if the Office had been granted for Life, Co. 4. Inst.

Interest Book of Entries, verb. Quale jus.

1etzed of Lund, whereby me may chamenge to continue in his Capital Messuage, or chief Mansion-house, (so it be not a Castle) by the space of forty Days after his Decease; Braston, lib. 2. cap. 40. And if the Heir, or any other attempt to eject her, she may have the Office had been granted for Life, Co. 4. Inst. seized of Lund, whereby she may challenge to conti draginta dies post obitum mariti sui, infra quos dies as-signetur ei dos, nisi prius assignata fuerit, vel nisi domus illa sit castrum, Magna Charta, cap. 7. See Britton, cap. 103. and Fleta, lib. 5. cap. 23. Skene de verborum Signif. verb. Quarentena viduarum, derives this word from the French Quaresme; who also have this Custom called La quaresme des vesues, granted to Widows after the decease of their Husbands. Quarentene also fignifies a Furlong, being a quantity of Land containing forty Perches, and so haply derived from the French Quarente, forty. In a Charter of Withlafe, King of the Mercians, mentioned by Ingulphus, we have these words.--Quatuor arucatas terra arabilis continentes in longitudine 8. quarentenas de 8. quarentenas in latitudine. Quarentine is also the space of forty Days, wherein any Person, coming from Foreign Parts, infected with the Plague, is not permitted to Land, or come on shore, until so many Days are expired.

Quarentina habenda, Is aWriethat lies for a Wi-

dow to enjoy her Quarentine, Reg. Orig. fol. 175. Quare obstructt, Is a Writ that lies for him, who having a liberty to pass through his Neighbour's Ground, cannot injoy his Right, for that the Owner has so strengthened it, Fleta, lib. 4. cap. 26. sect.

Quareria, A Quarry of Stoneeu Turbariam de Petrariam de Quareriam ubicunque in-venire potuerint in territorio villa de Hepp, &c. Mon.

Ang. part. 2. fol. 595.

Quartelois, Surtoots or upper-garments, with Coats of Arms quarter'd on them, the old habit of our English Knights, in their Military Expeditions. Milites quidem super armatura cotucas induerunt voca-tas quarteloys: Armigeri vero indumenta bendas habuerunt. Tho. Walfingham in Edw. 2. p. 114

Quarter, Quarterium, Eight Bushels striked make the Quarter of Corn, Anno 1 S. Rich. 2. cap. 4.

Quarter Dessons, Is a Court held by the Justices of Peace in avery Courter and the Strike of Peace and the of Peace in every County once every quarter of a Year. How far the Jurisdiction thereof exceedeth fee Lamb. Eiren. lib. 4. and Smith de Repub. Anglor. lib. 2. cap. 19. To which you may add the several Statutes of this Realm, by which its power is greatly increased: Originally it seems to have been erected only for matters touching the Peace, but now it extends much farther. The holding these Sessions Quarterly, was first ordained by the Statute 25 E. 3. stat. 1. cap. 8.

Quarteriloz, To be quarter'd, or cut into four arters in Execution. — Fecit decollari & membraquarters in Execution .-

quarters in Execution.—Fecit decollari & membratim dividi, & quarterifari, & caput & ejus quarterias
ad regni certas civitates transmitti just. Artic. Ricardi Scrope Archiep. Ebor. apud Angl. Sacr. P. 2. p. 366.
EP Quaternio, Quaternio, A Book, or Volume,
properly in Quarto, or with each Sheet folded into
our leaves.—Anselmus pracepit quatenus quaterniones in quibus ipsum opus conjeceram, destrue penitus rem
—notatio questic ejus. Quaterniones inso destruci iis —notatu verbis ejus, quaterniones ipsos destruxi, iu quibus scripti erant aliis quaternionibus primo inscriptis. Eadmeri Liber de vita Anselmi apud Whartoni Angl. Sacr. P. 2. p. 182. ——Cum Evangelio Johannis manibus propriis scribendo operam daret. ad Ecclesiam nec clauso quaterno nec folio completo festinavit. Girald. Cambren. ib. p. 635.

Tt &T Duali

Quali mo o Sunday, Low Sunday, or the next after Easter, anciently so call'd from the first words of the Introit or Hymn for Mass on that Day. It occurs often in the date of old Records .- Carta Gilberti Prioris de Eynstant Priori de Sherburn dat. postri-die Festi Quasi modo genici, Anno 1255. This so-lenn time in some Deeds was express'd by the initial Le ters, Q. M. G.

Duash, Quassare, Cometh of the French word Quaffer, id cst, cassam facere, to overthrow or annul, Bracton, 116. 5. tract. 2. cap. 3. num. 4. As if the Bayliff of a Liberty return any out of his Franchise, the Array shall be quasht. And Co. on Lit. fol. 156. An Array returned by one that hath no Franchise shall be

qualhr.

Quechord, Anno 17 E. 4. cap. 2. A kind of Game prohibited by the same Statute, perchance the same with that we now call Shovel-hoard: And it may be Ducchorde quali Quickbord, because the Pieces wherewith they play run upon the Table with great

celerity.

Due Glate, Translated verbatim, signifies Quem statum: In our common Law it is a Plea, whereby a Man intituling another to Land, Joc. faith, That the same Estate he had, he hath from him: For Example, In a Quare Impedit, the Plaintiff alledges, That fuch four Persons were seized of Lands whereunto the Advowfor in question was appendant in Fee, and did present to the Church, and afterward the Church became void que estate del, &c. that is, which estate of the four Persons he has now during the Vacation, by virtue whereof he presented, Gr. Bro. tic. Qua estate, fol. 175, 176. New Book of Entries, verb. Que estate, and Co. on Lit. fol. 121.

Due eft melme, Verbatim, Is the famething, but is used in a legal sense as a Word of Art in an Action of Trespals, or such like, for a positive Justification of the very Act complained of by the Plaintist as a wrong. For Example, in an Action upon the Case, the Plaintiff stys, That the Lord threatned his Tenants at will in such fort, that he forced them to give up their Tenures. The Lord, for his desence pleadeth, That he faid unto them, That if they would not depart, he would fue them at Law: This being the same threatning that he used, or to speak artificially, que est le mesme, the desence is good. Of this, see Kitchin,

cap. Que est le mesme, fol. 236.

Ducen, Regina, Is either she that holdeth the Crown of this Realm by Right of Blood, or else she that is married to the King: which last is called Queen Confort. In the former sense she is in all construction the same with the King, and hath the like Power in all respects: In the other signification she is inferior, and a Person exempt from the King, for she may sue or be fued in her own Name; yet that the hath is the King's, and whatever the lofes, the King lofes. Stamf. prarog. cap. 2. fol. 10. in fine, Kitchin, fol. 1. Co. lib. 4. Copy-hold Cases, fol. 23.

Ducen Gold, Aurum Regina, Is a Royal Duty or

Revenue belonging to every Queen of England during her Marriage to the King, both by Law, Cuftom and Prescription, payable by sundry Persons in *England* and *Ireland*, (upon divers Grants of the King) by way of kine or Oblation, amounting to ten Marks, or upwards, to-wit, one full tenth part above the entire Fine, as ten pounds upon every hundred pound Fine, upon Pardons, Contracts or Agreements; which becomes a real Debt to the Queen, by the Name of Aurum Regina, upon the Parties bare Agreement with the Ring for his Fine, and recording it, without any Promife or Contract for this tenth part exceeding it, Lib. Nig. Sca'. pag. 43, 44. Co. 12. Rep. fol. 21, 22. and Prynne's Tractate on this Subject throughout. 5

Quem redditum reddat, Is a Writ Judicial, that lies for him to whom a Rent-feck or Rent-charge is granted, by Fine levied in the King's Court against the Tenant of the Land that refuseth to attorn to him, thereby to cause to attorn, Old Nat. Brev. fol. 125 West Symbol. part 2. tit. Fines, scct. 156. and the New Book of Entries, verb. Quem redditum reddit,

of Querela, An Action preferr'd in any Court of Justice, in which the Plaintiff was Querens or Complainant, and his Brief, Complaint or Declaration, was Querela; whence our Quarrel against any Per-son. Quietos esse à querelis was to be exempted from the customary Fees paid to the King or Lord of a Court, for the purchase of Liberty to prefer such a Action. But more usually to be exempted from Fines and Amercements, impos'd for common Trespasses and Defaults. So King Henry 2. to Bernard de S. Walery— terra sua sint quieta de omnibus placitis og que-relis exceptis murdredo og latrecinio. Parech. Antiquit. p. 123. See Mr. Kennett's Gloffary.

Ducrela freice fortie, Is a Writ of fresh Force.

See fresh Force.

Querela cozam Rege & confilio discutionda & teaminanda, Is a Writ whereby one is called to justie a Complaint of a Trespass made to the King himfelt, before the King and his Council, Reg. Orig. fol. 124.

Ducrista, Chorista, a Chorister, Querister, or Boy that fings in the Quire.— In secundo vero gradu subtus Stent Vicarii, Diaconi— item in tertia forma pueros & queristas pracipimus collocari. - Prynn Col-

le&. Tom. 3. p. 327.

Ductius, or rather Duxitus, A quero, to feek or get, is taken for that Land which does not descend to us by Hereditary Right, but is gained by our own Labour and Industry; this we call Durchased Lands. In Lib. Ranus sub Stephano Rege conscript. sect. 140. sub tit. Quastus Adnothi qui floruit tempore Reg. Athelredi, We thus read, Erat ihis diebus quidam Alstlanus habens duas hidas apud Stapleford, quas frater Adnothus numeratis eidem centum solidis argenti, reliquis questibus suis in possessionem Ecclesia Remensis adjunxit. And Glanvile, hb. 7. cap. 1. speaking of Lands, saith, Aut habet hareditatem tantum, aut que-sium tantum, aut hereditatem do quessum.

Duefta, A Quest, or Inquest, Inquisition or Enquiry upon the Oaths of an Impanell'd Jury Nec regnaverunt in diebus suis Perjuratores in questis do assissis sicut nunc. Joh. Capprave de vita Hen. Spenser Espic. Normic. apud Angl. Sacr. P. 2. p. 360.

Questus est nobis, Is the Form of a Writ of Nu-

Sance, which by the Statute 13 E. 3. cap. 24. lies against him to whom the House, or other thing that breeds the Nusance is alienated, whereas before the Statute, this Action lay only against him that first levied the thing to the Annoyance of his Neighbour. See the faid Statute.

Duta improvice, Seems to be a Supersedeas granted in the behalf of a Clerk of the Chancery, fued against the Privilege of that Court in the Common-Pleas, and pursued to the Exigent, or in many other Cases where a Writ is erroneously sued out. See Dyer,

fol. 33. n. 18.

Quid juris clamat, Is a Writ Judicial, isluing out of the Record of the Fine, which remaineth with the Custos brevium of the Common-Pleas, before it be engroifed; and it lies for the Grantee of a Reversion or Remainder, when the particular Tenant will not attorn, West Symbol. part 2. tit. Fines, sect. 118. Reg. Judic. 36, 57. and the New Book of Entries on this

Quit pro quo, Signifies verbatim, what for what, and an Artificial Speech, fignifying as much as the Greek συνάλλαγμα among the Civilians, which is a reciprocal

ciprocal performance of both Parties to a Contract, and thereupon the giving of one thing of a value, for another thing of like value, as 10 li. for a Horse, &c. Kitchin fol. 184.

Duietantia, Acquietantia, A Quirrance, Acquir

tance, or Testimonial of Receipt.

Duietare, To quit, acquit, or discharge, or save harmless. The common form in old Deeds of Donation or other Conveyance.—De pradictiv Nos do

beredes Nollri quietabimus dietos, &c.

Duicte clamare, to quit claim, or renounce all pretention of Right and Title. Quieta clamatio, Such Quit claim or act of Renunciarion.—De una virgata terra in Mixebury—Richardus & Aldreda remiserunt de quiete clamaverunt de le & haredibus Aldreda pradictes Abbati (de Osenei) de Successoribus suispro bac autem remissione quieta clamatione & concordia -xax. fol. - Paroch. Antiq. idem Abbas dedit – p. 220.

Quietus redditus, A Quit-Rent, or small Acknowledgment paid in Money, so call'd because such payment did acquit the Tenant from all other Service or Duties to the Lord. It was fometime call'd White-Rent, because paid in Silver, or ready Money.

See Quit-Rent.

Quietantia leda, Bundredi & Wichmo e,hac verba Johannes Scanley Arm. clamat quod ipse & tenentes sui non teneantur venire ad curiam istam, Plac. in Itin. apud Cestriam, 14 H. 7. See Acquietantia. Duietancia Allifarum fuper Willam,-

hac verba Johannes Stanley clamat quod ipje & tenentes d residentes sui non ponantur in Affisis, Jurat. nec

magnis Affifis, Plac. ubi furpra.

Duietus, Quiet, fine, acquitted, Is a word ufed by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Discharges given to Accomptants; usually concluding with an abinde recessit quietus, which is called a Quietus est, and men tioned in the Act Of General Pardon, 12 Car. 2. 11. and 14 Car. 2. cap. 21. A Quietus est granted to the Sheriff, shall discharge him of all Accounts due to the King, 21 Fac. cap. 5.

Aninquagelima-Sunday, Is that we call Shrove-Sunday, and was so named, because it is about the sistieth day before Easter. The reason of the Name you may find in Durandi rationali Divinorum, capit. de quinquagefima; and we mention it here, because they are frequently spoken of in our ancient Law-

writers, as Britton 23. and divers others.

Duinsteme or Disingieme, Decima quinta, A fif-teenth with us, it is a Tax so called, because it is raifed upon the fifteenth part of Mens Lands and Goods. See Fifteenth and Tax, 7 H. 7. cap. 5. Crompton in his Jurisd. fol. 21. saich, That it is more commonly of late raised upon Land, though in some places by Goods also; and it is well known by the Exchequer Roll, what every Town through England is to pay for a Fifteenth. Sometime this word Quinzieme is used for the fifteenth day after any Feast, as Quinsieme of

Sc. John Baptist, 13 E. 1, 3. & 18 E. 1. cap. 1. Buintal, Quintallus, A weight of Lead, Iron and common Metals, usually one hundred pounds, at fix score per Cent. -- Unus quintallus ferri vel aceri qui continet ix. petras & dimid. lib. valet ix s. & fic valet qualibet petra xij. den. qualibet libra 1. den.

Regulæ Compori domus de Farendon, MS.

Duintane, Quintana, French Quintayne & Besant a kind of Exercise that young men did, and still do use in some places of this Nation, to try the agility of the Country youth. Spelman in his Glossary describes it thus from his own Observation,—Ejus forma (ut semel aliquando puerulus vidi) hac est, Eresta trabi pertica incumbit versatilis uno fine peram dimittens

arena gravidam; altero tabulam affixam, qua dum à currenti equite fortius hasta impellitur, pera violentius circumacta, impellentu collum (ni citacius evalerit) fortiter verherat. But what it was anciently Mat. Paris in Hen. 3. sub initio, Anno 1253. thus delivers, Eo tempore jucenes Lond. statuto pavone pro Bravio ad stadium quod quintana vulgariter dicitur vires proprias de equorum cursus sunt experti. & It was at first a Ro man-Military Sport, and is still retain'd and most practis'd in those parts of England which lay adjacent to the Roman Garisons and Ways. See a large Account of this customary Sport in Mr. Kennett's Paroch.

Antiquir. p. 18.

Quint-Exact, Quinto Exactus, 21 Eliz. cap. 3. Is the last call of a Desendant, who is sued to the Outlawry, where, if he appear not, he is by the Judgment of the Coroners returned Outlawed, if a Wo-

man, waved. See Exigent.

Duinque poztus, The Cinque-Ports, which are Hastings, Romene, Hethe, Dover and Sandwich; to the first Winchelsea and Rye belong, which are reckoned as parts or members of the Cinque-ports; other members belonging to the same are, Seford, Pevensey, Hedney, Hamme, Wekesborne, Crenethe, and Ferthel-This Port of Hastings is bound to find twenty one Ships, and in each twenty one Men with a Boy The fecond Port is Romene, and that finds five Ships in each twenty four Men and a Boy; to this as members belong, Brombelle, Lyde, Oswareston, Dengemares, and Romenhalle. The third, Hethe, finds five Ships, in each twenty one Men and a Boy; to this belongs Westmethe. Dover the fourth, finds twenty one Ships, in each twenty one Men with a Boy, to which are members, Folkstan, Feversham and Mergate. Lastly, Sandwich finds sive Ships, in each Ship twenty one Men and a Boy, and it hath as members, Fordwick, Reculver, Serré, and Dalé, the number of all the Ships are 57, the Men in them 1188, the Boys 57. And the Service that the Barons of the Cinque-Ports acknowledge to owe, upon the King's Summons every year, if it shall happen, to attend with these Ships fifteen days at their own proper Costs and Charges, so that the first day be reckoned from the time when they put up their Sails, to set out to those parts whither they are to go: And to stay as long as the King pleases at his own charge. & See a Catalogue of the Lord Wardens of the Cinque-Ports, at the end of Mr. Somner's Treatise of the Roman Ports and Forts in Kent, 8°. Oxford, 1693. in which Discourse there be many Authorities and Observations relating to the Antiquities and Customs of the Cinque-Ports.

Duite Clayme, Quieta clamantia, Is a Release or, acquitting of a Man, for any Action that he hath, or might, or may have against him. Also a a quitting of ones Claim or Title, Bracton, lib. 5. trast. 5. cap. 9.

num. 6. lib. 4. traff. 6. cap. 13. num. 1. Duit-Bent, Quietus redditus, Is a certain small

Rent, payable yearly by the Tenants of most Mannors; upon the payment whereof they are quir and free, till it becomes due again: This in fome ancient Records, according to Spelman, is written white Rent, because paid in Silver. Hither may be referred what we find in Lambard's Itinerary, pag. 212. concerning the Tenants of Christ-Church in Canterbury, dwelling without the Weald.

> De redditu 75.6d. De viginti ovicos. 1 d. De Gallinis & Benerth

The Sum of the whole Quit-Rent is-

Quod et Resocceat, Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Term of Life, having lost by default against him that Recovered, or against his Heir. See Brooke, boc tit. Reg. Orig. fol. 171. and the New Book of Entries, verb. Quod ei Desorceat.

Quod permittat, Is a Writ that lies for the Heir of him that is disseised of his Common of Pasture against the Heir of the Disseisor being dead, Termes de la Ley 526. Britton, cap. 8. says, That this Writ lies for him, whose Ancestor died seized of Common of Pasture, or other like thing annexed to his Inheritance against the Deforceor. See Broke hoc titulo, Reg. Orig. fo!. 155. and the New Book of Entrie, verb. Quod permittat.

Quod Clerici non elgantur in Officio Ballibt, ac. Is a Writthat lies for a Clerk, which, by reasen of some Land he hath, is made, or in doubt to be made Bayliff, Beadle, Reeve, or some such like Officer. See Clerico infra sacros, &c. Reg. Orig. tol. 187. and F. N. B. fol. 175.

Quod Clerici beneficiati de Cancel, Is a Writ to exempt a Clerk of the Chancery from the Contribution towards the Proctors of the Clergy in Parlia-

ment, Reg. Orig. fol. 261.

Quod Persona nec Prebendarii, ec. Is a Writ that lies for spiritual Persons that are distrained in their spiritual Possessions, for the Payment of a Fif-teenth with the rest of the Parish, F. N. B. fol. 176.

Quod non permittat. See Consuetudinibus and

Quo Jure, Is a Writ that lies for him that has Land, wherein another challengeth Common of Pasture time out of mind: And it is to compel him to shew by what Title he challenges it, F. N. B. fol. 128. and Britton more largely, cap. 59. Reg. Orig. fol. 156. and the New Book of Entries, verb. Quo minus, Is a Writ that lies for him that hath a Grant of Houleshee and Houleste in grant of Houleshee

a Grant of House-bote and Hay-bote in another Man's Woods against the Grantor, making such waste as the Grantee cannot enjoy his Grant, Old Nat. Brev. fol. 148. and Kitchin, fol. 178. This Writ also lies for the King's Farmer in the Exchequer, against him to whom he felleth any thing by way of Bargain. to whom he felleth any thing by way of Bargain touching his Farm, or against whom he hath any Cause of personal Action, Perkins Orants 5. For he fupposeth by the Vendees detaining any due from him, he is made less able to pay the King's Rent. And under this pretence, any one who pays the King a Fee-Farm Rent, may have this Writ against any other Person for any Debt or Damage, and bring the Cause to trial in the Exchequer.

Duozum, Is a word often mentioned in our Statutes, and much used in Commissions both of Justices of the Peace, and others. As for example, Where a Commission is directed to seven Persons, or to any three of them, Whereof A. B. and C. D. to be two, there A. B. and C. D. are said to be of the Quorum, because the rest cannot proceed without them. So a Justice of the Peace and Quorum, is one without whom the rest of the Justices in some Cases cannot proceed,

Anno 3 H. 7. cap. 3. and 32 Hen. 8. cap. 43.

Quo cuarranto, Is a Writ that lies against him that usurps any Franchise or Liberty against the King, that usurps any Franchile or Liberty against the King, as to have Waife, Stray, Fair, Market, Court-Baron, Leet, or such like, without good Title, Old Nat. Brev. fol. 149. Or else against him that intrudeth himself as Heir into Land, Braston, lib. 4. trast. 1. cap. 2. num. 3. Bro. hoc tit. 18 E. 1. stat. 2 to 3. to Anno 30. ejusdem. And the New Book of Entries, verb. Quo Warranto.

Tax or Imposition to be Levied in ual manner. — Et quod nulla impositiones, conequal manner.

tributiones, taxa, quota, tallagia vel auxilia ipsis tan

quam alienigenis aliquo modo imponantur. — Carta Ric. 2. in Mon. Angl. Tom. 1 p. 538.

£ uyke, Was anciently used for a living or quick Beast, as appears by the Will of John Bracebridge of Kinnersbury Esq; dated 7 H. 8. wherein it is appointed, That his best Quyke should be taken in the name of his Mostuary. bis Mortuary.

The Quire of a Boar, Is the Hounds Fee, but what part it is we are unfatisfied; but if we may we think it may denote the Heart. And then doubtless a word corrupted from the French Caur, Skynner's Etymologicum, Ling. Angl.

R.

R is called Litera canina, the Dog's Letter; because it has a jarring found, such as Dogs use when they snarle; and Pomponius writes, That it was first invented by App. Claudius, in L. 2. de Orig. Jur. See

Vocab. utrius, juris.

Bachet, Rachetum, or (as Skene) Rachatum, Derived from the French Rachater or Rachater, redimere, It is the same with Thestboote, which is the compensation or redemption of a Thief. Rachetum est thietbute vel redemptio capta pro venditione furum, latronum vel aliorum malefactorum, Skene de verb. Sign. verb. Rachetum.

Backe, Fidicula, So called, because Persons are there tortured ut fides inveniatur. An Engine in the Tower with Cords and Strings to extort confession from Delinquents: John Holland Earl of Huntington was by King Henry the Sixth created Duke of Exeter, and made Constable of the Tower: He and William de la Poole Duke of Suffolk, and others, intended to have brought in the Civil Laws; for a beginning whereof, the Duke of Exeter first brought into the Tower the Racke or Brake, allowed in many Cases by the Civil Law, and thereupon it was called The Duke

of Exeter's Daughter, 3 Inst. fol. 35.

Backevintage, Anno 32 H. 8. 14. Is a second Vintage, or Voyage, for Wines by our Merchants into France, &c. for rack'd Wines, cleansed and drawn from the Lees: From this Voyage our Merchants commonly return about the end of December, or beginning of January.

Bab-Enrights. Vide Rodenights.

Badetheniftres, In Doomsday Book, Interpretatur pro liberis hominibus, as fol. 18. tit. Glouc. Berchelay — Hii Radechenistr. arabant de hirciabant ad Curiam Demini, & ibidem tit. Derhurst, De terra hujus Maneri tenebant Radechenistres, i. liberi homines, forte (saith Spelman) sit idem quod Brastano Radeknights. See

Co. on Lit. sed. 117. verb. Socagium, pag. 86.

Babman, Doomsday. tit. Heresscire, 15. Bordar. Prapositus de unus Radman, dec. It seems to be the same with Rodeknight, unless peradventure it be derived from Read Counsel, and so Readmans signifies

Counfellors.

Bageman, Is a Statute so called of Justices, asfign'd by Edward the First and his Counsel, to go a Circuit through all England, and to hear and determine all Complaints of Injuries done within five years next before Michaelmas, in the fourth year of his

Bagmans-Boll, Sir Richard Baker in his Chronicle, fol. 127. saith, That Edward the Third surrendred, by his Charter, all his Title of Sovereignty to the Kingdom of Scotland, restored divers Deeds and Instruments of their former Homages and Fealties, with the famous Evidence called Ragmans-Roll.

Ragloria, Is a word mentioned in the Charter of Edward the Third, whereby he made his eldest Son Edward the Third, whereby he made his eldest Son Edward Prince of Wales in Parliament at Westminster the Seventeenth year of his Reign, recited by Selden in his Titles of Honour, pag. 597. — Cum Forestia, Parcis, Chaseis, Boscia, Warenis, Hundredis, Comotis, Ragloriis, Ringeldiis, Wodewards, Constantariis, Baltivis, &c. Davies in his Dictionary says, That Bhagalam among the Welsh signifies Seneschallus, Surrogatus Prepolitus. tus, Præpositus.

Bambundt, In the Constitutions of King Canutus, touching the Forest, Art. 30. 'tis said, Item de cani

bus quod Ramhundt vocant.

or Bantita, Lopping and Topping, or the Branches, Boughs, or heads of Trees cut off or blown down.—Poterunt etiam colpare by babere ramiliam, by omnia genera arborum qua in codem manerio fuerant. Continuat. Histor. Croiland p. 473. Ramalia, Bro-ken Boughs. Cum autem in boscu nostrie aliqua succiderimus, licebit eis sine aliquo ferramento vel aliquo ustilio succibili intrare, de Ramalia que de Wyveda reman-ferint, que Anglice Spren dicuntur, Colligere.—— Con-ventio inter Priorem de Conv. Cant. de Homines suos de Chertham anno 1166. Reg. Eccl. Christi Cantuar. MS.

penes Rev. Johannem Epilc. Norwic-

Man, Is a Saxon word, and fignifies aperta rapina, open or publick Theft, Lamb. Archai. fol. 125. defines it thus, Ran dicitur aperta rapina, qua negari non potest. In the Saxon Laws of King Canute, cap. 58. Si in professione militari Ran commiserit, pro fasti ratione emendato. Hoveden in the latter part of H 2. speaking of some things which William the Conqueror mended in the Laws of England, saith, Decretum est etiam ibi, ut si Francisena appellaverit Anglicum, de perjurio aut murdro, furto, homicidio, Ran quod dicunt apertam rapinam qua negari non potest, Anglicus se desen-det, per quod melius voluerit, aut judicio ferri aut duello. So we still say, when a Man takes away the Goods of another hy onen Violence. he hash released. another by open Violence, he hath taken all he could Rap and Ran.

Rauge, From the French Ranger, to order, dispose of. It is used in the Forest Laws both as a Verb,

as to Range; and a Substantive, as to make Range, Charta de Foresta, cap. 6. To Range also fignifies to Charta de Foresta, cap. 6. wander and stray about.

wander and stray about.

**Banger*, Is a sworn Officer of the Forest, of which there are twelve, Id. cap. 7. whose Authority is in part described by his Oath set down by Manwood, part 1. pag. 50. but more particularly part 2. cap. 20. num. 15, 16, 17. His Office chiefly confiss in three points, To walk daily through his Charge, to see, hear and inquire, as well of Trespates as Trespaters in his Bayliwike; To drive the Beaths of the Forest both of Venery and Chace out of the deafforested into the forested Lands: And to present all Trespates of the Forest at the next Course holden. for the Forest. This Ranger is made by the King's Letters Patent, and hath a Fee on twenty or thirty pound paid yearly out of the Exchequer, and certain Fee-Deer. Trespasses of the Forest at the next Courts holden

Ransome, Redemptio, Is derived of the French Rançon or Rençon, redemptio fignifies properly the Sum that is paid for the redeeming one that is taken Prisoner in War: But it is used also for a sum of Money paid for the Pardoning some great Offence, as money paid for the randoning some great Offence, as in the Statute of 1 H. 4. cap. 7. 11 H. 6. 11. and 23 H. 8. cap. 3. Where Fine and Ranfome are joined together: But here note, That when one is to make a Fine and Ranfome, the Ranfome shall be treble to the Fine, Cromp. Just. of Peace, fol. 142. and Lamb. Eiren. lib. 4. cap. 16. pag. 556. Horne in his Mirror of Justices makes this difference between Americament and Ranfome, that Ranfome is the redempions of and Ransome, that Ransome is the redemption of a

corporal punishment due by Law to any offence, Lib. 3. cap. De Amerciament. taxable. See Co. on Lit. fol. 127

Bape, Rapa of Rapus, Is a part of a County, being in a manner the same with a Hundred, and sometimes contains in it more Hundreds than one. all Suffex is divided into fix Rapes only, viz. Of Chi-chefter, Arundel, Brember, Lewis, Pewensey and Ha-stings; every of which, besides their Hundreds, hath a Castle, River and Forest belonging to it, Camd. Brit. pag. 225, and 229. These, in other Counties, are called Hundreds, Tythings, Lathes and Wapentakes,

Smith de Rep. Ang. lib. 2. cap. 16.
Rapes, Rapeus, Is a Felony committed by a Man, in the violent deflouring of a Woman against her will, be she old or young, Britton. cap. 1. West. Symbol. part 2. tit. Inditements, sect. 54. hath these words, Copulation violent is termed a Rape or Ravishment of the Body of a Woman against her will, which is carnal knowledge had of a Woman, who never confented thereunto before the Fact or after. And this in Scotland ought to be complain'd of the same day or night that the Crime is committed, Skene de verbor. Signif. verb. Raptus, and his reason is, quia lapsu diei boc crimen prascribitur. Co. on Lit. lib. 2. cap. 11. fect. 190. fays, If the Woman conceive it is no Rape; for the cannot conceive, unless the confent. This Offence is Felony both in the Principal and his Aiders, 13 R. 2. stat. 2. cap. 1. 11 H. 4. cap. 13. 1 E. 4. cap. 1. and Western. 2. cap. 13. and shall not be allowed the benefit of Clergy, 18 Eliz. cap. 7. And Fleta says, The Complaint must be made within forty days, or else the Woman may not be heard, lib. 3. cap. 5. sect. Praterea. And carnal knowledge of a Woman under ten years old is Felony, 8 Eliz. 6. Of the diversity of Rapes, see Cromp. Justice of Peace, sol. 43, 44. the Offender is called Rapes, a Ravisher, and in Brasson's time was punished with the loss of his Eyes and Scones, Qua calorem stupri induccerunt, 3 Inft. fol. 60. see Ravishment. The Civil Law useth Rap-tus in the same signification, And rapere virginem vel mulierem est ei vim inferre & violare. See Dyer, Term.

Mich. 13 do 14 Eliz. pag. 304.

Bape of the florett, Raptus Forefla, Is reckoned among those Crimes, whose Cognifance belongs only

among those Crimes, whole Cognitance belongs only to the King. Violentus concubitm, Raptus Foresta, relevationes haronum suorum, &c. Leg. Hen. 1. cap. 10. Trespass committed in the Forest by violence.

Raptue, Rapina, To take a thing in private against the Owners will, is properly Thest; but to take it openly, or by violence, is Rapine, 14 Car. 2. cap. 22.

and 18 Car. 2. cap. 3.

Baptu harrebis, is a Writlying for the taking away of an Heir holding in Socage; of which there are two forts, one when the Heir is married, the other when

he is not; of both these, see the Reg. Orig. fol. 163.

Rase, Raseria, It seems to have been a measure of Corn now disused. Toll shall be taken by the Rase, and not by the Weap or Cantel, Ordinance for Bakers. Brewers, &c. cap. 4. Debentur et annuatim decem de olto Raseriz avena, de sex Raseriz bordet, &c. Spel-

Ralus aileonm, A Rase of Onions, thus computed in Fleta, lib. 2. cap. 12. § 12. Rasus alleorum continet xx. stones, & qualibet stonu xxv. capita.

Bastall, Was an eminent and learned Lawyer that lived in Queen Mary's days, and was a Justice of the Common-Pleas; he made an Abridgement of the Sta-

tuces, which bears his name to this day. He was also the Author of the New Book of Entries.

**Bate-tythe, Is, when Sheep, or other Cattel, are kept in a Parish for a less time than a year, the Owner must pay Tith for them pro rata, according to the Cuftom Custom of the Place, F.N.B. fol. 51. Broke, Difmes 26. Pro rata dicimus, pro proportione vel proportionaliter. Linwood.

Battscation, Ratificatio, A ratifying or confirming. It is used for the confirmation of a Clerk in a Prebend, Gr. fortherly given him by the Bishop, Gr. where the right of Prescription is doubted to be in the

King. See Reg. Orig. fol. 204. modly for an Account, as reddere rationem, to give

an Account, and so it is frequently used.

Rationabili parte bonogum, Is a Writ that lies for the Wife against the Executors of her Husband, denying her the third part of her Husband's Goods, after Debts and Funeral Charges defrayed, F. N. B. fol. 222. who there cites the Eighteenth Chapter of Magna Charta, and Glanvile, to prove that according to the Common Law of England, the Goods of the Deceased, his Debt first paid, should be divided into three parts, whereof his Wife to have one, his Children the second, and the Executors the third; and this Write like as well for the Children as Wife and this Writ lies as well for the Children as Wife, which appears by Reg. Orig. fol. 142. Yet it feems to be in use no where, unless the Custom of the Country leads to it. See the New Book of Entries, verb. Rationabili parte bonorum.

Battonabilibus bibilis, Is a Writ that lies where two Lords, in divers Towns, have Seigniories joyning together, for him that findeth his waste by little and little to have been encroached upon, against the other that hath encroached, thereby to rectific their Bounds; in which respect Fitzherbert calls it in its own nature a Writ of Right. The Old Nat. Brev. says, That this is a kind of Justicies, and may be removed by a Pone out of the County to the Common-Bench. See the form and use hereof in F. N. B. fol. 128. and Reg. Orig. fol. 157. and New Book of Entries, verb. Rationabilibus divisis. The Civilians call this Judici-

um finium Regundorum.

Babishment, Rapeus, Signifies an unlawful taking away either a Woman, or an Heir in Ward: Sometimes also it is used in the same sense with Rape, which see.

Babishment begard, Wasa Writ that lay for the Guardian by Knights-service, or in Socage, against him that took from him the Body of his Ward. See

F. N.B. fol. 140. See 12 Car. 2. cap. 24.

Babilhet. Rapter, He that defloures a Woman by
Violence. See the Penalty for ravifling, or being ravishe, afterwards consenting, in the Statute 6 R. 2. cap. 6. See Rape.

Rame, Is a word mentioned Anno 4. E.4. 1. Rawnge and Rawnger. See Range and Ranger.

Ray, Is a word appropriated to Cloth never coloured or dyed, 17 R. 2. cap. 3. 11 H. 4. cap. 6. and 1 R. 3. cap. 8.

Reafforested, is where a Forest hath been difafforefled, and again made Foreft, as the Forestof Deane, by the Statute of 20 Car. 2. cap. 3.

Bealty, Is an abstract of real, and distinguished

from Personalty.

Rean-tomel, Rip-towel, The gratuity or re-ward given to customary Tenants, when they have resp'd their Lord's Corn, or done their other customary Duties.--Homines minorus Inglesham habebant, si operantur in Antumno, dimidiam acram frumenti non

stercorati, 👉 dimidiam acram dragei ad Rip-towel-Confuetud. domus de Farendon MS. f. 15.

Realonable appe, Rationabile auxilium, Was a Du that the Lord of the Fee claimed of his Tenants holding by Knights service, or in Socage, to marry his Daughter, or make his Son Knight, Westm. 1. cap. 39. but taken away now. See the Stat. 12 Car. 2; cap. 24.

Beattachment, Reattachiamentum, Is a fecond at tachment of him that was formerly attached and difmiffed the Court without day, as by the not coming of the Justices, or some such casualty, Broke, boc titulo, where he makes re-attachment General and Special: General, is where a Man is reattached for his appearance upon all Writs of Affize lying against him, Bro. ibid. num. 18. Then Special must be for one or more certain, Reg. Judic. fol. 35. and New Book of Entries, hoc verbo.

Answer in a Court of Equity.—Cum constares nobis diem dy locum esse constitutos prasato Roberto ad respondendum Rebello in cansa prasida sibi porresto.—Chartular. Abbat. Glaston. MS. s. 108.

Rebellion, Rebellio, Is a French word, or rather Latine, fignifying the taking up of Arms traiteroully against the King, be it by natural Subjects, or by others once subdued: Among the Romans it denoted a second-resistance of such as formerly being overcome in Battel, yielded to their Subjection. The word Rebel is sometimes attributed to him that wilfully breaks a Law, 25 E. 3. 6. and 31 E. 3. stat. 3. cap. 2. Sometime to a Villain disobeying his Lord, 1 R. 2. cap. 6. Commission of Rebellion. See in Commission.

Bebellious Brembly, Is a gathering together of

Twelve Persons, or more, intending or going about, practifing or putting in ure unlawfully of their own Authority; to change any Laws or Scatutes of this Realm; or to defiroy the Enclosure of any Park or Ground inclosed, or Banks of any Fish-Pond, Pool or Conduit, to the intent the same shall remain void: or to the intent unlawfully to have Common, or Way in any of the faid Grounds; or to destroy the Deer in any Park, or any Warren of Comes or Dovehouses, or Fish in any Ponds; or any House, Barns. Mills, or Bayes; or to burn Stricks of Corn, or to abate Rents, or prifes of Victuals, Anno 1 Mar. 12.
by 1 Eliz. 17. See West. Symbol. part 2. tit. Indiaments, sect. 65. and Cromp. Justice of Peace, fol. 21.
10 Elebtnare terram, To give a second strring or

ploughing to Arable Land that lies fallow, in order to prepare it for sowing Wheat, dyc. Die Sabbati post Festum omnium Sanstorum Anno 1322. ordinatum est in Capitulo Ecclesia Paulina, quod sirma, Ecclesiarum de Willesdone. Santti Pancratii, &ce. que sub nomine gratia Fratribus Stagiaries ad firmam per Capitulum fecundum residentia sua cursum tradi solent quocum, tempore anni vocaverint in Festo Santti Petri advincula realiter dimittantur, de tunc primum libere ingrediantur Fratres succedentes--Si quas vero terras warestaverit vel rebinaverit defunctus, sumptus appositos Executoribus defuncti vivus succedens solvere teneatur.—Ex Libro -Ex Libro Scarutorum Ecclefiz Paulinz per Tho. Lyfeaux De-canum collect.MS. penes Rev. Joh. Episcopum Norwic. — Concessi quod cum araverint, vel parettaverint, vel rebinaverint pradiction terras suas, possint ducere to vertere carrucas suas super terram proxime jacentem absq; impedimento. Chartular. Abbat. Radinges MS.

f. 71. a. Mebutter, Cometh of the French Bouter, repellere, and fignifies the fame in the Common Law. ample, A Man grants Land to the use of himself, and the Issue of his Body, to another in Fee with warranty. And the Donce leaseth out his Land to a third for years; The Heir of the Donor impleadeth, the Tenant alledging, that the Land was in tail to him: The Donee comes in, and by vertue of the warranty made by the Donor, repelleth the Heir, because though the Land was intailed to him, yet he is Heir to the Warrantor likewise; and this is call'd a Rebutter, Bro. tit. Barre, num. 23. And again, If grant to my Ferrant, to hold fine impetitione vaffi,

afterward I implead him for walte made; he may debar me of this Action, by mewing my grant: And this also is a Rebutter, Bro. ib. num. 25. New Book of Entries, verb. Rebutter, and Co. on Lis. fol. 265.

Becaption, Recaptio, Signifies a second Diffress of one formerly diffused for the same Cause, and also during the Place arounded on the former Diffess.

one formerly untrained for the same Caule, and also during the Plea grounded on the former Distress: It likewise fignifies a Writ, lying for the Party thus distrained; the form and farther use thereof, you may see in F. N. B. fol. 86. Reg. Judic. fol. 69. and the New Book of Entries, verbo Recaption.

**Receiver*, Receptor*, Is with us as with the Civilians, commonly used in the evil were for such as accessive.

commonly used in the evil part for such as receive stollen Goods from Thieves, and conceal them. annexed to other words, as the Receiver of Rents, &c. It fignifies many times an Officer of great account belonging to the King, or other great Person, Cromp. Jur. fol. 18. There is also an Officer called The Receiver of Fines, who receives the Money of all fuch as compound with the King upon Original Writ in Chancery, West Symbol. part 2. tit. Fines, sect. 106. Receiver of all Offices accountable, I E. 4. cap. 1.

Receiver-General of the Dutchy of Lancaster,

Is an Officer belonging to the Duchy Court, that gathers in all the Revenues and Fines of the Lands of the said Dutchy, and of all Forfeitures and Assessments,

or what elfe is thence received, Anno 39 Eliz. cap. 7.
Receiver-General of the Court of Cuards and Liberies, Was an Officer belonging to that Court; but the Cours being taken away by the Stat. 12 Car. 2.
cap. 24. that Officer is also out of Doors.

Becei ber-General of the Mutter Bolls, Anno 35

Eliz. cap. 4.

Receit. See Rescript.

Rechatum, R. Edw. 1. grants a Charter to the

Cinque-Ports.—Ut quieti sint de omni thelonio dy de ormi consuetudine videlicet ab ormi la-flagio, tollagio, passagio, cayagio, rivagio dy ormi wrec-co dy de ormi venditione achato dy rechato suo super totam terram & potesiatem mostram. — Placit. temp. Ed. 1, & Ed. 2. MS. 4° penes Dom. Fountains ex Æde Christi Oxon.

Exercise, Reclusus, Is one that by reason of his Order in Religion, is shut up, and may not stir out of the House or Cloyster, of whom Listleton speaks, fed. 434.

Recognifiance, and is as a Bond or Obligation of Recognifiance, and is as a Bond or Obligation of Recognification of the French Recognition of the Recognition of in some Court of Record, or before some Judge, Ma-Her of the Chancery, or Justice of Peace, Gec. 23 H. 8. 6. and those that be meer Recognifances are not lealed but enrolled, and execution by force thereof is of all the Recognifors Goods or Chattels (except draught Beaft and Implements of Husbandry) and the moyery of his Lands, West Symbol. part 1. lib. 2. sett. 149. and Reg. Orig. fol. 146, 151, & 252. See also Statute-Mercham and Statute-Staple. Recognisance harn yet another fignification, as appears by these words in the Statute, Westm. 1. cap. 36. For it is there provi-ded and agreed, That if any Man be attainted of Diffeisin, done in the time of the King that now is, with robbery of any manner of Goods or moveables, by Recognifance of Affile of Novel Disseifin, the Judgment stall be, &c. where it is used for the Verdits of the twelve Men impanualled upon an Affile, which twelve are also called Recognitors of the Affile, Lit. fol. 72. So also Bratton names them, lib. 5. traff. 2. eap. 9. num. 2. and lib. 3. traft. 1. cap. 11. num. 16.

See the Stat. 20 E. 1. Stat. 4. and New Book of Entries, verbo Recognifiance.

**Recorder*, Recordator*, Is he whom the Mayor, or other Magistrate of any City or Town Corporate having Jurisdiction, or a Course of Record within their Precincts, by the King's Grants, doth associate unions.

cognisance, 11 H. 6. cap. 10.

Becognition, Recognitio, An acknowledgment; It is the Title of the first Chapter of the Statute made in the first Year of King James. See Skene de verb. Signif. verb. Recognition.

Becognitione adnullanda per bim & duritiem facta, is a Writ to the Justices of the Common Bench, for the fending of a Record touching a Recognifance, which the Recognifor suggests to have been acknowledged by force and duresse, that if it be so, it may be annulled, Reg. Orig. sol. 183.

Recognitors, Recognitores, Isa word frequently used for the Jury impannelled upon an Affise: The Reason why they are so called, is, because they acknowledge a Disseisin by their Verdict, Brason, lib. 5. tras. 2. cap. 9. num. 2. of lib. 3. trad. 1. cap. 11. num. 16. Becesto, Recordium, Cometh of the Latine Rocorda-

ri, to remember, and fignifies an authentick and uncontroulable Testimony in writing, contained in Rolls of Parchment, and preserved in Courts of Record, and they are said to be Vetustatis of veritatis vestigia, Co. Preface to his 8. Rep. Britton, cap. 27. and Lamb. Eiren. lib. 1. cap. 13. An Act committed to writing in any of the King's Courts, during the term wherein it is written, is alterable, being no Record; but that Term once ended, and the Act duly enrolled, it is a Record, and of that credit, that admit no alteration or proof to the contrary, Bro. tit. Record, num. 20. 22. yet see Co. 4. Rep. Rawlins Case, fol. 52. The Ring may make a Court of Record by his Grant, Glanvile, lib. 8. cap. 8. Britton, cap. 121. As Queen Elizabeth by her Charter, dated the 26. of April, in the third year of her Reign, made the Confiftory Court of the University of Cambridge, a Court of Record, Bro. tit. Record, seems to infinuate that Bi-Chort Ecclesiastical is of Record, yet we see that Bi-Chort consisting. Below the Bicama Eccommunication shops certifying, Bastardy, Bigamy, Excommunication, a Marriage, Divorce, or the like, are credited without farther inquiry, Fleta, lib. 6. cap. 39. 40, 41, 42. Lamb. Eiren lib. 1. cap. 13. Glanvile, lib. 7. cap. 14, 15. Reg. Orig. fol. 5. Bracton, lib. 5. tract. 5. cap. 20. num. 5. Britton, cap. 92, 94, 106, 107, & 109. Delle & Stud. lib. 2. cap. 5. And a Testament shewed under Seal of the Ordinary is not traversable, 36 H. 6. cap. 31. Perkin's Testament 491. Fulbecke's Parallels fol. 61. The reason of which Opinion may be, because by the Civil or Canon Law, no Record is held so firm but that it may be checked by Witnesses able to depose it to be untrue; whereas in our Common Law against a Record of the King's Court, after the Term wherein it is made, no Witness can prevail, Britton, cap. 109. Co. lib. 4. fol. 71. Hind's Case, Lib. Ass. fol. 227. nota 21. We reckon three forts of Records, viz. A Record Judicial, as Attainder, Gr. A Record Ministerial upon Oath, as an Office or Inquisition found. And a Record made by conveyance and consent, as a Fine or Deed enrolled, or the like, Co. lib. 4. fol. 54 b. Ognell's Cafe.

Mecozdare facias, or Becordari facias, Isa Writ directed to the Sheriff, to remove a Cause depending n an inferior Court, as Court of ancient Demeine, Hundred or County, to the King's Bench or Common Pleas, F. N. B. fol. 71. where, and in what Cafes this Writ lies, read Brooke, tit. Recordare dy Pene. It feems to be called a Recordare, because it commands the Sherist to whom it is directed to make a record of the Proceedings by himself and others, and then to send up the Cause. See the Table of the Reg. Orig.

verbo Recordare. See also Certiorari, and Accedos ad

him for his better direction in mattets of Justice and Proceedings according to Law: And is therefore for the most a Man versed and experienced in the Law. What they call a Recorder in other Foreign parts, see

in the Custumary of Normandy, cap. 107, 67 121.

Becords & process mittendis, Is a Writ to call a
Record together, with the whole proceeding in the Cause out of an inferior Court into the King's Court: which see in the Table of the Reg. Orig. how diversly

Becordo utlagaríz mittendo, Is a Judicial Writ,

which fee in Reg. Judic. fol. 32.

**Becoberg, Recuperatio. May be extracted from the **Becoberty, Recuperatio. May be extracted from the French Recourser, i. recuperare, and fignifies in a legal Acceptation an obtaining any thing by Judgment or Trial of Law, as Evilio doth among the Civilians. And here note, That there is a true recovery, and a feigned one. A true Recovery is an actual or real recovery of any thing, or the value thereof by Judgment; as if a Man sued for any Land, or other thing moveable or immoveable, and have a Verdict and Judgment for him. A feigned recovery is (as the Civilians call it) Quadam filio Juris, a certain form or course set down by Law, to be observed, for the better assume of Lands or Tenements unto us; and the end and effect thereof, is (according to West Symbol. part 2. tit. Recoveries, sect. 1.) to discontinue and destroy Estates tail, Remainders and Reversions, and to bar Estates tail, Remainders and Reversions, and to bar the Intails thereof. And in this formality are required three persons, viz. The Demandant, Tenant and Vouchee. The Demandant, is he that brings the Writ of Entry, and may be termed the Recoverer. The Tenant, is he against whom the Writ is brought, and may be termed the Recoveree. The Vouchee, is he whom the Tenant voucheth, and calls to warranty for the Vouche to the Voucheth and the Voucheth a the Land in demand. A recovery with double Voucher, is, where the Tenant voucheth one, who voucheth another, or the common Vouchee. And a recovery with treble Vouchers, is, where three are vouched. But to explain this point a little more, A Man that is defirous to cut off an Estate tail in Lands or Tenements, to the end, to sell, give, or bequeath it, causeth (by the contrivance of his Council or Attorney) a seigned Writ of Entry, sur disseisin en le Post, to be brought for the Lands of which he intends to cut off the entail, and in a feigned Count or Declaration thereupon made, pretends he was disselsed by him, who by a seigned Fine, or Deed of Bargain and Sale, is named and supposed to be the Tenant of the Land. This seigned Tenant, if it be a fingle recovery, it made to appear and vouch the Bagbearer of Writs for the Custos brevium in the Common Pleas (for there only can such recoveries be suffered) who makes default. Whereupon the Land is recovered by him that becought the on the Land is recovered by him that brought the Writ, and a judgment is by such siction of Law entred, that the Demandant shall recover, and have a Writ of Seisin for the possession of the Lands demanded, and that the Tenant shall recover the value of the Lands against the Lands of the Vouchee. Bagbearer, a poor unlanded and illiterate Person, which is feigned to be a satisfaction to the Heir in tail, tho' he is never to have or expect it. This feigned recovery is also called a common recovery, because it is a beat-en and common path to that end for which it is appointed, viz. to cut off the Estates above specified. See New Book of Entries, verb. Recovery. But a true recovery is as well of the value, as of the thing: For example, If a Man buy Land of another with warran-ty, which Land a third Person afterwards by Suit of Law recovereth against me, I have my remedy against

fol. 134. To recover a warranty, Old Nat. Breu. fol. 146. is to prove by Judgment, that such a Man was his warrant against all Men for such a thing.

Becoupe, From the French Recouper, to cutagain; also to reply quickly and sharply to a peremptory Demand; we use it to defalk or discount. As if a Man hath ten pounds issuing out of certain Lands, and he disselies the Tenant of the Land in an Affile brought by the Disseisce, the Disseisor shall Recoupe the Rent in the Damages

Becreant, French, Cowardly, Faint-hearted. See

Bestatus, Spelman interprets it Suspetius, ad retium weatm. Officium Coronatores edit. Anno 3. E. 1. — De Thesauro invento debet Coronatores edit. Anno 3. E. 1.—
De Thesauro invento debet Coronator inquirere qui fuerint
Inventores de similiter qui inde restatus est, be hoc potest scire eo quod vixerit delicate de tabernam frequentat
de diu sic see Braston 123. num. 8.

Que Besta petsa Begis, The King's Right to a
Prize, or taking of one Butt or Pipe of Wine before
the Mast. and aporther behind the Mast. as a Custom

the Mast, and another behind the Mast, as a Custom for every Ship laden with Wines. K. Edw. 1. in a Charter of many Privileges to the Barons of the Cinque-Ports, discharged them of this Duty.— Quo' de propris vinis suis de quibus negotiantur quieti sint de recta prisa nostra videlicet de uno dolio vini ante malum & alio post malum.—Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountaines.

MS. penes Dom. Fountaines.

The Restatio, Claim of Right, or Appeal to Law for recovery of it.——Totam Parochiam of decimam absque omni calumpnia of rectatione concessis. Chartulat. Radinges, MS. f. 193. a.

The Rectitude, Rectitude, Rights, Legal Dues.—Siquis Dei rectitudines per vim deforciat, emendet, i. e. If any one does violently detain the Rights of God, (Tithes and Oblations) let him be sined or amerced, to make sull satisfaction. Leges Hen. 1. cap. 6.—
Nec ob securitatem pacis adeptam detimerent rectitudines vel servitia Dominorum suorum. Leg. Edw. Confes. cap. 30.

Recto, Is a Writ of Right, which is of so high a

Recto, Is a Writ of Right, which is of so high a nature, that whereas other Writs in real Actions are only to recover the possession of the Land or Tene-ments in question, which have been lost by our Anceftor or our felves; this aimeth to recover both the Seifin which fome of our Ancestors or we had, and Seisin which some of our Ancestors or we had, and also the property of the thing whereof the Ancestor died not seized, as of Fee; and whereby are pleaded and tried both their rights together, viz. as well of Possessin Possessi Writ of all other, lying always for him that hath Fee-fimple in the Lands or Tenements fued for, and not for any other. And when it lieth for him that challengeth Fee-simple, and in what Cases. See F. N. B. fol. 1. 6. where he speaks of a special Writ of Right in London, otherwise called a Writ of Right, according to the Custom of London. This Writ also is called Breve Magnum de Resto, Reg. Orig. fol. 9. and Fleta lib. 5. cap. 32. sest. 1. A Writ of right Close, is a Writ directed to a Lord of Ancient Demesse, and liash for those which hold their Lands and Tenaments. lieth for those which hold their Lands and Tenements him that fold it me, to recover in value, that is, to by Charter in Fee-fimple, or in Fee-tail, or for term recover so much in Money as the Land is worth, or of Life, or in Dower, if they be ejected out of such so much other Land by way of exchange, F. N. B. Lands, Gr. or difference in Fee-simple, or in Fee-tail, or for term recover so much other Land by way of exchange, F. N. B.

Heirs, may fue out this Writ of right Cloje, directed to the Lord of the Ancient Demelne, commanding him to do him right, dre. in his Court. This is called to do him right, Orc. in his Courre. Breve paroum de rest, Reg. Orig. fol. 9. and Britton, cap. 120. in fine, also F.N.B. fol. 11. do jed Yet note, That the Writ of right Patent seemeth farther to be extended in use than the original intention; For a Writ of right of Dower, which lies for the Tenant in Dower, and only for term of Life, is Patent, as appears by F. N. B. fot. 7. The like may be faid in divers other cases, of which see the Table of the Regifter Original, verbo Recto. This Writ is properly tryed in the Lords Court between Kinfinen that claim by one Title from their Ancestor. But how it may be thence removed, and brought either to the Countv, or to the King's Court, fee Fleta, lib. 6. cap. 3, 4, of 5. Glanvile feeths to make every Writ, whereby a Man fues for any thing due unto him, a Writ of right, lib. 10 cap. 1. lib. 11. cap. 1. and lib. 12. cap. 1.

18etto De Dote, Is a Writ of right of Dower, which

lieth for a Woman that hath received part of her Dower, and purposes to demand the remainder in the fame Town, against the Heir, or his Guardian, if he be a Ward. Of this see more in Old Nat. Brev. fil. 5. and Fitz berbert, fol. 7. Reg. Orig. fol. 3. and the New

Book of Entries, verb. Droyt.

Melto De Dete unde nihil habet, Is a Writ of right, which lies in case where the Husband having divers Lands or Tenements, hath affured no Dower to his Wife, and the thereby is driven to fue for her Thirds against the Heir, or his Guardian, Old Nat. Biev. fol. 6. Reg. Orig. fol. 170.

Becto be rationabili parte, Is a Writthat lies always between privies of Blood, as Brothers in Gavelkind, or Sifters, or other Copirceners; as Nephews or Nieces, and for Land in Fee-fimple. For example, If Man lease his Land for term of Life, and afterward dies, leaving iffue two Daughters, and after that the Tenant for term of Life diethalfo, the one Sifter entring upon all the Land, and fo deforcing the other, the Sifter to deforced fhall have this Writ to recover part. E. N. B. fol. 9. Reg. Orig. fol. 3.

Bedo quando I ominus remtfit, Is a Writ of Right, which lies in case where Lands or Tenements that be in the Seigniory of any Lord, are in demand by a Writ of Right; for if the Lord hold no Court, or otherwise at the prayer of the Demandant, or Tenam, therwise at the prayer of the Demandant, or renam, shall send to the Court of the King his Writ, to put the Cause thicher for that time, (saving to him at other times the right of his Seigniory) then this Writ issues out for the other Party, and hath the name from the words contained, being the true occasion thereof: This Write is eluse, and must be returned before the Justices of the Common Bank, Old Nat. Brev.

fol. 16. Reg. Offg. fol. 4. Betto be Writ of Right lying where a Man hath right of Advonton, and the

lying where a Man hath right of Advomin, and the Parlon of the Church dying, a Scranger presents his Clerk to the Church, and he not having brought his Action of Quare Impedit, nor Darrein Presentment within fix Months, but suffered the Stranger to usurp upon him. And this Writ he only may have that claimeth the Advomin to himself, add to his Heirs in free. And as it lies for the whole Advomin, to it lies al fo for the half, third or fourth part, Old Nat. Brev.

fol. 24 Reg. Orig. fol. 29.

Acito de cultobia terræ e harebis, Was a Writ that lay for him whole Tenant holding of him in Chival ry, died in Norage, against a Stranger that entred upon the Land, and took the Body of the Heir; but by the Statute of 12 Car. 2. cap. 24. it is become useless as to Lands holden in Capite, or by Knights-service, but by the last Will and Testament of the Ancestor. The form of it, see in F. N. B. fol. 139. and Reg. Orig. 161. 161.

Recto fur Difclaymet, Is a Writ that lies where a Lord in the King's Court of Common Pleas avow up on his Tenant, and the Tenant disclaimeth to hold of him; upon which disclaimer he shall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he shall recover the Land for ever, old Nat. Brev. fol. 150. which is grounded up-

on the Starute Westm. 2. cap. 2.

Rector, Is both Latin and English, fignifying a Governor; and Rellir Ecclesia parechialis, Is he that hath the Charge or Cure of a Parish-Church, Qui tantum jus in Ecclesia Parochiali habet, quantum Pralutus in Ecclesia Collegiata: It has of late been over-ruled, that Rellor Ecclesia Parochialis, is he that hath a Par-Sinage where there is a Vicaridge endowed; and he that hath a Parsonage without a Vicaridge, is called Persona, but this distinction seems to be new and subtile. Bracton certainly uses it otherwise, lib. 4. trait. 5, cap. 1. in thefe words, Et sciendum quod rectoribus Ecclesiarum parochialium competit Assifa qui instituti funt per Episcopos & Ordinarios ut Persone; where ic is plain, that Rector and Persona be confounded. Observe also these words there following, Item dici possunt Rectores Canonici de Ecclesiu Prabendatu. Item dici possunt Rectores vel quasi Abbates, Priores da alii, qui babent Ecclesias ad proprios usus. See Vicar.

Betozp, Rediria, Is taken for an entire Parish-Church, with all its Rights, Glebes, Tythes, and other profits whatsoever. Spelman. The word Reltoria was often used for the Rettoris Manse, or Parsonage-House. See Paroch Antiq. p. 549.

Beatus in Curta, Is verbatim, right in Court, and fignifies one that stands at the Bar, and no Man objects any thing against him, Smith de Republ. Angl. lib. 2. cap. 3. We take it also, that when a Man is Outlawed, he is extra legem positus; So when he hath reversed the Outlawry, and can participate of the benefit of the Law, he is Redus in Curia:

Bedum, Commune Rellum, A Trialat Law, or in common course of Law. Stare ad reclum, to stand Trial.—Praterea pracepit, quod omnes alii qui cap-ti fuerant, qui non erant retenti per commune Rectum comitatus vel hundredi, vel per appellationem, essent quieti, & illi qui per commune Rectum funt retenti si plegios in venire possunt standi ad rectum, fiquis adversus eos loqui voluerit, liberentur —— si autem per ap-pellationem rectati sunt, si fecerint pacem cum adversariu fun redeant ad pacem. Hovedeni Annal. Pars. pofter. f. 373.

Bendendum, Isufed Substantively for the Clause in a Lease, dec. whereby the Rent is reserved to the

Leffor, Co. lib. 2. fol. 72. Cromwel's Cafe. Consisted Book of the Erchequer, Liber rubeus Scaccarif. A Manuscript Volume of several Miscellany Treatises, in the keeping of the King's Remembrancer in the Office of Exchequer. It has some things (as the number of the Hides of Land in many of our Counties, (3c.) relating to the times before the Conquest. The ceremonies used at the Coronation of Q. Eleanor, Wife to K. Hen. 2, are there at large. There's likewise an exast Collection of the Escuages under Hen. 2. Rich. 1. and K. John, compiled by Alexander de Swereford Archdeacon of Salop, and Treasurer of St. Paul's, who died in the year 1246. 31 H. 3. See Mr. Nicholfon's very useful Work, Hist.

Library, Part. 3. p. 100.

13. He bemptio, A Ranfom, or Commutation. By Rebemptio, A Ranfom, or Commutation. By Ability. or the Efficiency of the Efficiency the old Saxon Laws, a Man convicted of a crime paid fuch a Fine, according to his Ability, or the Eftinot where there is Guardian in Socage, or appointed thation of his Head, Pro redemptione sua, or ad redemptionem.

Fr inebbitarius, A'Renter, a Tenant. colligere or percipere totam præfatam pecuniam secundum uod extrabi fecimus de rotulo Redditariorum nostrorum.

Chartular. Abbat. Glasson. MS, f. 92. b.

Redditatium, A Rental, a Book or Roll, wherein the Rents and Services of a Mannor, or other -Memorandum quod in Red Estate, are set down .dicario de Lyndhurst super redditu balliva de Goddeshall irrotulatur, &c. Chartular. Radinges. MS.

& Reddition, A Judicial Confession and Acknow ledgment, that the Land or thing in demand belongs to the Demandant, or at least not to the Person so

furrendring. Stat. 34. 35 H. 8. cap. 24.

Bede, La Rede. Memorandum quod ollo vir gata terra integra debent arare cato acras terra (pro Do mino) & feminare proprio frumento & herciare, qua vocatur la Rede. Lib. Niger. Hereford, f. 106.

Rediffeifin, Rediffifina, Isa diffeifin made by him that once before was made and adjudged to have di feifed the fame Man of his Lands or Tenements; for the which there lies a special Writ, called a Writ of Redisseisin, Old Nat. Brev. fol. 106. F. N. B. fol. 188. New Book of Entries, codem verbo. The Punishment for redisseifin, see in the Statute 52 H. 3. c.p. 8. It is also taken for the Writ lying for a redisseifin, Reg. Orig. 206, 207.

Bedmans or Badmans, Doomsday in fine Cestre-scire, tit. Lanc. Blackburne Bundret, Rex E. tenuit Deneberdant, Ibi 11 Car. funt in Domino & 6. Burgenfes & 3: Radmans, & 8. vill. & 4. bovar. These Redmans may be the same with Radknights, who, by the Tenure or Gustom of their Lands, were to ride with or for the Lord of the Mannor, about his Bufiness or

Bedubbors, Be those which buy stollen Cloth, knowing it such, and change it into some other form or colour that it may not be known, Britton, cap. 29. Crompton's Vicount, fol. 193. and 3 Inft. fol. 134

Be-entry, May be deduced from the French Rentrer, it rurfus intrare, to enter again, and fignifies the refuming or retaking that Polleffion which we had lately forgone. For example, If I make a Leafe of Land or Tenement, I do therefore forego the Pof-feffion; and if I do condition with the Leffee, That for non-payment of the Rent at the day, it stiall be lawful for me to re-enter; this is as much as if I condicioned to take again the Lands, &c. into mine own Hands, and to recover the Possession by my own Fact, without the affifiance of Judge, or other Process.

Becre-County. See Reir-County.

Be-extent, Is a second extent made upon Lands or

Tenements, upon complaint made, that the former extent was partially performed, Bro. tit. Extents,

Befectozy, Refederium, That place in Monasteries where the Monks used to eat. So the Halls in Colleges and Inns of Courts may properly be called Refederies; places wherein the Scholars and Students eat and refresh themselves.

Referendary, Referendarius, Is the same as Masters of Request are to the King among us; they were so called by the old Saxons, as appears by the Charter of the Endowment of the Monastery of St. Peter and Paul in Canterbury, dated Anno Dom. 605. Where it is thus endorsed, the Ego Angeniandus Referendarius approbavi. The Ego Graptic Comes benedici. In Ego Tangistus Regio optimas confirmavi, &c. And u another Charter of the faire thing, Testibus reverendissimo Patre Augustino Dorobernensis Ecclesia Archiepscopo Primo, &c. Ædbaldo silio meo. Hamigistio (Duce Landavi) Augemundo Referendario Hocca comité, &c. See Spelman hoc verbo. Beferenbary, Referendarius, Is the same as Mafters

Beffare, To bereave, or rob, or ride. Saxon -Si qui mertuum refarit vellibus aut armu

Leger Hen. 1. cap. 83.

18cfortiuncula, Walfingham in Ed. 2. Anno Dom.
1317. faith, In Refortiuncula fea de Woston letens

vicinis similem injuriam inferebat.

Befullus aque, High-Water, or return of a Aream when it is damm'd or stope for the use of a -Cum redundatione aque, de offedecim pedes ultra refullum aque, pro volunt te differum Monacho

rum. Mon Angl. Tom. 2. p. 913.
Regal Fishes, Are Whales and Sturgions, Anno 1 Eliz. cap. 5. some add Porpusser. The Kind, by his Prerogative, shall have every Wnale cast on those in all places within this Realm, unless granted to Subjects by special words. The King himself shall have the Head and Body, and the Queen the Tail, to make Whalebones for her Royal Vestments, Pater E. 1.

m. 25. dorso. See Traft. de Auro Regina, page 127.

Befutantia, Resutatio, An Acquittance, or Acknowledgment of renouncing all suture claims.

De omnibus receptis nomine nostro resuantias seu quie-

tantias faciat prout viderit expedire. Chartular. Abbat. Glasson. MS. f. 84. b.
Rezalia, Dicuntur jura omnia ad sseum speckantia, faith Spelman. The Royal Rights of a King, the Civilians reckon to be fix, 1. Power of Judicature.
2. Power of Life and Death.
3. Power of War and Peace.
4. Mafferless Goods, as Waifes, Estrayes, Gr.
5. Affeliments. And 6. Minting of Money. See Royalties. Also the Crown, Scepter with the Cross, Scepter with the Dove, St. Edward's Staff, four several Swords, the Globe, the Orb with the Crofs, and other such like things used at the Coronation of our Kings, are called Regalia. See the relation of the Coronation of King Charles the Second in Baker's Chronicle.

Regale Episcoporum, The Temporal Rights and Legal Privileges of a Bishop. est Roberto de Burgate quod faciat habere Episcopo Normi-censi totum Regale quod ad Episcopatum suum pertinet. Claus. 9. Joh. Brady's Append. to Hist. of England,

p. 108. Regalis Justicia, Item prafati Barones (scil. quing, Portuum) babere debent ut afferunt per chartam Juam Regalem Jufticiam, id villa Gernemuch, tempore feria una cum Ballivo seu Praposito villa predicta, viz. cognitionem Aftise panis ulnarum, ponderum, & aia-rum mensurarum, & similiter porte trant & Denue fecundum consuctudines jus ufitat as fee. Rot. Parl. 8 E.z.

Regardant, As Villain regardant was called Regul dant to the Mannor, because he had the Charge to do all base Services within the same, and to see the same freed of all things that might annoy it, Co. on List. fol. 120. This word is only applied to a Villain or Weif, yet in old Books it was fometimes attributed to Services, ibid.

Begard, Regardum of Rewardum, Is borrowed of the French Regarder, i. Aspellus, respellus; and tho' it hath a general fignification of any care or diligent respect, yet it hath also a special acceptation, wherein its only used in matters of the Forest; and there are two ways, one for the Office of Regarder, the other are two ways, one for the Office of Regarder, the other for the compais of the ground belonging to that Office, Cromp. Jur. fol. 175, 199. Touching the former, thus faith Manwood in his Forest Laws, part. 12 pag. 194. & 198. The Eyre, General Sessions of the Forest or Justice Seat, is to be kept every third year; and of necessity before any such Sessions or Justice-Seat can be holden, the Regarders of the Forest must make their regard, and this making of the regard must be done by the King's Writ, and the Regarder is to go through the whole Forest

roft, to fee and inquire of the Trespasses therein, viz. ad videndum, ad inquirendum, ad impreviandum dy ad certificandum. Touching the fecond fignification, the compass of the Regarder's Charge is the whole Forest, that is, all the ground which is parcel of the Forest; for there may be Woods within the limits of the Forest, that be no parcel thereof, and those be without the regard, Manwood, part 2. cap. 7. num. 4. Anno 30 Car. 2. cap. 3.

Regarder, Regardator, Cometh of the French Regardeur, i. spellitor, and fignifies an Officer of the Forest, Cromp. Jurisd. 152. where it is thus defined. A Regarder is an Officer of the Forest, appointed to supervise all other Officers, and was ordained in the beginning of King Henry the Second's Days. Man-wood thus deferibes him, A Regarder is an Officer of the King's Forest, that is sworn to make the regard of the Forest, as the same hath been used to be made heretofore: And also to view and enquire of all Often ces or Defaults of the Foresters, and of all other Officers of the King's Forest concerning the execution of their Offices. This Officer may be made either by the King's Letters Patents, or by any one of the King's Justices of the Forest, at his discretion, in the General Eyre, or at such time as the regard is to be made, by virtue of the King's Writ directed to the Sheriff of the County for that purpose. More parti-culars of the Regarder's Office; how he is chosen, and the form of his Oath, fee in Manwood, pag. 188, 192, 195, 207. In a Charrer of Henry the Third, To the Matters, Canons, Brethren, Gr. of the Order of the House of Semplingham, made in the Eleventh year of his Reign, 'tis said, Et sint quieti tam issi quam homines eorum de misericordia foresta do de escapis, do de Rewardo do vasto ubiq, in Marisco de Resttobene, etc.

Regio Assensa, Is a Writ where the King gives

his Royal Affent to the Election of a Bishop or Abbot Reg. Orig. fol. 294.

Begifter, Regificiam, Is properly derived from an old French word Gifter, i. in letto reponere, fuo loco conflituere. So that registrum is properly the fame with repositioning, a place where any thing is laid up; and from hence Publick Books, in which various things are inferred, are properly termed Register; and accordingly the Office, Books and Rolls, wherein the proceedings of the Chancery, or any spiritual Court are recorded! The Writer and Keeper of which is called The Register, in Latin Registrarius.

Register, Is also the name of a Book; wherein are mencioned most of the forms of the Writs used at Common Law, of which Spelman writes thus, Codex dicitur quo brevia Regia tam originalia quam judicialia formularum muneri inscribuatur . In hoc enim si non exti-terit brevis alicujus formula, vel si ab co variatum sucrit breve illud caffunt habetur : Net de novo condi potest b eve aliquod bujufmodi non publico Parliamenti decreto, bujus Codicis meminit, Wellm. 2. cap. 25. And Co. on Dr. fot. 159. affirms, That this Register is one of the most ancient Books of the Common Law. See Mr. Nicholfon's very uleful English Library, P. q. p. 83;

Register of the Barish Church; Registrum Eccle-fie Parochials, is that Book, wherein Eaptisms, Marriages, and Burials, are in each Parish every year Registred; which was laudably instituted by the Lord Crimmel; in the Month of September, 1538, the Thirtieth year of Henry the Eighth, while he was his Vicar-General.

Begins Deofelor, Anno 42 Car. 2. cap. Y7.
Honry the Eighth founded five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law and Physick; The Readers of which Lectures are called in the University Statutes, Regit Professors:

Regrator, Regratarius, May be deduced from the French Regrateur, and fignifies him that buys Wares or Victuals, on purpose to enhance the prices; formerly fuch as brought by great, and fold by retail, came under that notion, 27 E. 3. Stat. 1. cap. 3. But now that Name denotes him that buys and fells any Wares. or Victuals in the same Market or Fair, or within five Miles thereof, whereof fee the Stat. 5 E. 6. cap. 14. 5 Eliz. 12. and 13 Eliz. 25. In the Civil Law such is called Dardanarius, a Dardano quodam hujus sceleris authore, faith Spelman. Heretofore both the Ingroffer and Regrator were comprehended under the word Forestaller, 3 Inst. 195. and as such shall be punish'd. See Forestallers and Ingrossers.

Regulars, Regulares, Are such as profess to live under some certain rule; such as Monks, or Canon Regulars, who ought always to be under some rule of Obedience.

13 Megrateria, Regratery, or felling out by Re--Johannes Rex Statuit anno 1199. quod nullum vinum ematur ad regrateriam de vinis que applicuerint in Anglia. Annal, Burton. Sub anno 1199.

Begula, The word is often used for the Book of Rules or Orders, or Statutes, in a Religious Convent. Sometimes for the Martyrology, or Obi-

Rehabere facias feilinam quando Mice-comes liberabit feisinam de majore parre quam deberet, Is a Writ Judicial; Reg. Judic. fol. 13, 51. There is another Writ of this name and nature, fol. 54.

Rehabilitation, Rebabilitatio, Anno 25 H.8. cap. 21. Is one of those Exactions mentioned in that Statute, to be claimed by the Pope heretofore in England, and feeins to fignifie a Bull or Breve, for reinabling a spiritual Person to exercise his Function, who was formerly disabled, or a restoring to a former ability.

Beia, French Raye, i. radius, linea, traffus. English a Bew or Baw, Prior Lewens, pag. 21. ominis Lanceta, omnis Toftman, for omnis Molman (qui nonis fedet super Ogeland) debent spargere unam retam de siens, for that is, saith Spelman in his Glossay, unum frigam, tractum vel venjum stercoris, Anglice a rem

of much of bung, ad stercorandum terras Domini,
Rejounder, Rejundio, significant answer or exception to a Replication; For first the Desendant purs in an Antwer to the Plaintiff's Bill, which is fometimes called An Exception. The Plaintiff's Answer to that is called a Replication, and the Defendant's to that a Rejonder, especially in Chancery, West Symbols part 2. it. Chancery, sect. 56. The Civilians call it Duplicatio, of which Spigelius hath these words. Est autem rejunities sen Duplicatio vel allegatio, que datur reo ad infirmandam replicationem actoris & confirmandam exceptionem rei.

Reippus, Precium vidua empta Matrimonii caufa. A quo forte (faith Spelman) lex nostra antiqua de marita. giu viduarum, sumpserit initium forma licet diversa. And it may feem to be derived from the Saxon pippair vel flypaii, i. metere, rapere, colligere, quafi id quod capitur vel colligiour ob maritandas viduas.

Reif, According to Shene, Leg. Alexandri R. C. 2. paragr. 3. fignifies Robbery, and may be derived from the Saxon Rear, rapina, Rearian, spoliare, as both from the Latin rapere.

Biens per bifcent, is a form of Pleading, when an Heir is lued for a Debt of his Ancestor, and he hath not Affets in his Hand, nor any Lands hable to be extended.

Rekpenis, Constit. Rob. Dunelm. Episc. Anno 1276. cap. 2. Porro buic Sanstioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter fa-milia vivant, ad denarios qui vocantur Bekpenis mini-

me arceantur, cum si communiter intrinsecis aluntur à parentibus, sic in extrinsecis ab élsdem letentur paritur le desendi.

**Belation, Relatio, idem quod fielio Juris, To make a nullity of a thing from the beginning (for a certain intent) which had essence, Co. lib. 3. fol. 28. Butler and Baler's Case: But more plainly thus, Relation is, where, in consideration of Law two times, or other things are considered so as if they were all one; and by this the thing subsequent is said to take his effect by relation at the time preceding. As if A. deliver a writing to B. to be deliver'd to C. as the Deed of A. when C. hath paid a Sum of Money. Now when the Money is paid, and the Writing delivered, this shall be taken as the Deed of A. at the time when it was suffered delivered. So Bills of Parliament, to which the King assenting on the last Day of Parliament, shall relate and be of force from the first Day of the beginning of the Parliament, and so it is of divers other like things.

Belaration, Release, or Discharge, and sometimes only mitigation. — Relaxation of an Attachment in the Court of Admiralty. Stat. 22, 23.

Aketeafe, Relaxatio, Is an Instrument whereby Estates, Rights, Tithes, Entries, Actions, and other things, be sometime extinguished, sometime transferred, sometime abridged, and sometime enlarged, West Symbol. part 1. lib. 2. sett. 509. and there is a release in Fast, and a release in Law, Perkin's Grants 71. A release in Fast, is that which the very words expressive by declare. A release in Law, is that which doth acquite by way of consequence or intendment of Law; an example whereof you have in Perkins ubi supra. How these are available, and how not, see Littleton at large, lib. 3. cap. 8. And of the divers forts of Releases, see the New Book of Entries, werb. Release.

Reitet, Relevamen, Burin Doomfday, Relevatio, velewium, fignifies a certain Sum of Money which the Tenant holding by Knights-fervice, Grand fergeauty, or other Tenure, for which Homage or legal Service s due; or by Socage, for which no Homage is due, and being at full age at the death of his Ancestor, paid unto his Lord at his Entrance, Mag. Chart. cap. 2. and 38 E. t. flat. 1. Bratton, lib. 2. cap. 36. affirms, That is called a relief; quia hereditas que jacens fuit per antecefforis deceffum, relevatir in manus haredum, o propter fallum relevationem, facienda erit ab herede quedam Praffatjo que dicitur relevium, and Britton, cap. 69: Of this also speaks the Grand Custumary of Normandy, cap. 34. The Lord of the Fee ought to have relief of the Lands, which are held of him by Homage, when these die of whom he had Homage. Hotoman in his Commentaries, De werbis Feudalibus, verb. Relevium, defines it thus, Relevium, est honorarium, quod novus vassallius Patrono introirûs causa targitur, quist morte vassalli alterius vel also quo casse fendum ecciderit, quod jum à novo sublevetur. What a legal and just relief was in the time of Hen. 2. appears partly from Glanvile, lib. 9. cap. 4. Dicitur autem rationabile relevium, alicujus jucta conjuctudinem Regni, de feodi unius militis tentum solid, de Sociagio vero quantum valet census illius sociagii per unum annum ; De Baroniis vero nibil certum statutum est, quià juxta voluntatem dy misericordiam Domini Regis solent Baronia capitales de Releviis suis Domino Regi satisfacere. But it was more certainly set out afterwards by Magna Charta in these words, Si quis Comitum vet Baronum nostrorum, sixe aliorum tenen-tium de nobis in Capite per servitium militare mortuus fuerit of cum decesserit hares ejus plena atatis suerit of Relevium nobis debeat. Haheat hareditatem suam per antiquum relevium; scil. Hares vel haredes Comitis de integro Comitatu per centum libras; hares vel haredes

Baronis de Baronia integra, per centum marcas, beres vel heredes militu de feodo militis integro, per centum solidos ad plus; de qui minus hatuerit, minus det, jecundum antiquam conjuetudinem feodorum. See Old Nat. Brev. fol. 94. Kitchin, f.d. 145. cap Relief, and Glanvile, lib. 7. cap. 9. See Heriot. Skene de verbor. Significarb. Relevium, saith, Relief is a French word, from the Latin relevare, which is to relieve, or take up that which is fallen; for it is given by the Tenant or Vassal that is of persect age, after the expiring of the Wardship to his Superior Lord, of whom he held his Lands by Knights-service, that is, by-Ward and Relief; For by payment thereof he relieves, and, as it were, raiseth up again his Lands after they were fallen down into his Superior's hands, by reason of Wardship, Gre. See him at large. See 12 Car. 2: cap. 24.

Relegation, Relegatio, A banishing, or sending away; as Abjuration is a forswearing of the Realm for ever, so Relegation is taken for a Banishment for a time only. Ca on Life follows

time only, Co. on Lit. fol. 133.

Religious men, Religiofi, Are such as enter into a Monastery or Convent, there to live devoutly. In ancient Deeds of Sale of Land, we often find the Vendee restrain'd from giving or alienating it Viris religiosis ael Judais, to the end the Land might not fall into Mortmaine. See Judaisme. Rex Vice-com, Gre. Precipimus tibi quod clamari facias sive dilatione per comitatum tuum quod nulli sicut diligunt corporady catalla sua, malum faciant vel dicant viris religiosis & clericis contra pacem nostram: Et si quem inde attingere possimus, ad proximum quercum eum suspendi faciemus T. meipso apud Marlebergh xi. Apr. Claus. 9, Joh. m. 3.

Religious Boules, Religiofa Domus, Are Houses fer apart for Pious Uses, such as are Monasteries, Churches, Hospitals, and all other places where Charity is extended to the relief of the Poor and Orphans, or for the use or exercise of Religion. A See Notitia Monastica, or a short History of the Religious Houses in England and Wales. By Thomas, Tanner, 8° who in an Alphaberical order of Counties, thas accurately given a full account of the Founders, the time of Foundation, the Tutelar Saints, the Order, the value at Dissolution, with reference to printed Authors, and Manuscripts that preserve any Memoits relating to each House; with a Learn'd and Judicious Presace of the Institution of Religious Orders, dyc.

Reliques, Reliquia, Are some remainders of Saints that are dead, preserved by some living with great veneration, as sacred Memorials of them; forbidden to be used or brought into England by several of our later Statutes.

Bemanentes, Remansi, These words are used in the Register of Doomsday, to signific pertaining or belonging. As de hominibus qui buic manerio remansissant, i. e. Of the Men or Tenants belonging to this

Remainder, Remanentia, Is an Estate limited in Lands, Tenements or Rents, to be enjoyed after the expiration of another particular Estate. For example, A Man may let to one for term of his Life, and the remainder to another for term of his Life, Lio. cap. Atturnment, fol. 133. And this remainder may be either for a certain term, or in fee-simple, et Fee-tail, as appears by Broke, tit, Done by remainder, fol. 245. and Glanvile, lib. 7. cap. 1. where, towards the end, he hach these words, Notandum qued nec ejus corpiù nec Abbas, quia evrum Baronia junt de Eleemosna Domini Regis by Antecessum ejus, non possum de Dominicis suis aliquam partem dare ad vemanentiam sine assensi fus de confirmatione Domini Regis, where it appears, That Dare ad remanentiam is so give away for ever, and again, cap. 9. In like fort doth Braston.

use it, lib. 2. cap. 23. and lib. 4. trast. 2. cap. 4. num. 4. and the New Book of Entries. verb. Remainder. The difference between a Remainder and Reversion, according to Spelman, is this, That by a Reversion, after the appointed term, the Estate returns to the Donor, or his Heirs, as the proper Fountain: whereas by Remainder it goes to fome third, or a stranger.

Remembrancer of the Erchequer, Rememoratores Scaccarii, Are three Officers or Clerks there, one called The King's Remembrancer, 25 Eliz. cap. 5. The fecond, The Lord Treasurer's Remembrancer, upon whose Charge it lies, to put the Lord Treasurer and the rest of the Judges of that Court in remembrance of such things as are to be called on, and dealt in, for the King's behoof. The third is called The Remembrancer of the First-Fruits, 5 R. 2. stat. 1. cap. 14, 15. These in 37 E. 3. cap. 4. be called Clerks of the Remembrance. The King's Remembrancer enters in his Office all Recognisances taken before the Barons for any the King's Debts, for Appearances, or for observing of Orders: He takes all Bonds for the King's Debts, or for Appearance, or for observing Orders, and maketh out Process for the breach of them. He writes Process against the Collectors of Customs, Subfidies, and Fifteenths, for their Accounts: All Informations upon penal Statutes are entred in his Office, and there all matters upon English Bills in the Exchequer-Chamber remain: He makes the Bills of Compositions upon penal Laws, takes the stalment of Debts, has delivered into his Office all manner of Indentures, Fines, and other Evidences whatfoever, that concern the affuring of any Lands to the Crown: He every year, in Crastino animarum, reads in open Court the Statute for election of Sheriffs, and gives them their Oath; and he reads in open Court the Oath of all the Officers of the same when they are admitted, besides many other things. The Lord Treafurer's Remembrancer makes Process against all Sheriffs, Escheators, Receivers and Bailiss, for their Account. He makes Process of Fieri facion and Extent for any Debts due to the King either in the Pipe, or with Debts due to the King either in the Pipe, or with the Auditors, makes Process for all such Revenue as is due to the King, by reason of his Tenures: He makes Record, whereby it appears, whether Sheriffs or Other Accountants pay their Profess due at Easter and Michaelmas. He makes another Record, whether Sheriffs and other Accountants keep their days of Presision. All Estreams of Fines. Issues and American Prefixion. All Estreats of Fines, Issues and Amer-ciaments, set in any Courts at Westminster, or at the Affiles or Sessions, are certified this Office, and are by him delivered to the Clerk of the Estreats, to write Process upon them, Gr. See the Repertory of Records, fol. 121. The Rembrancer of the First Fruits takes all Compositions and Bonds for First Fruits and Tenths, and makes Process against such as do not

pay the fame.

**Bemitter, Remittere, To restore; in a legal sense intends a Restitution of one that both two Titles to Lands or Tenements, and is seized of them by his later Title, which proving defective, he is reflored to the former and more ancient Title, F. N. B. fol. 149. Dyer, fol. 68. num. 22. In what case this may be granted, see Bro. tit. Remitter, and in Doctor and Student, cap. 9. fol. 19. 'tis said, That if Land descend to him that hath right to that Land before, he shall be remitted to his better Title if he will. See Termes de la Ley on this word, and the New Book of Entries,

and Co. on Lit. lib. 3. cap. 12.

Benant, Anno 32 H. 8. cap. 2. But it may be supposed a mistake for Bensant, i. Negans, a Participle of the French Verb Renier, negare.

Render, Cometh of the French Rendre, i. reddere,

retribuere, and signifies with us the same thing. For example, This word is used in levying of a Fine, which is either fingle, whereby nothing is granted or rendred back again by the Cognifee to the Cognifor; or double, which containeth a Grant or Render back again of fome Rent, Common, or other thing, out of the Land it felf to the Cognifor, dye. West Symbol. part 2. it. Fines, fect. 21. and 30. Also there be some things in a Mannor that lie in Prender, that is, which may be taken by the Lord or his Officer, when they chance, without any offer made by the Tenant, as Escheats, and the like; and some that lie in Render, that is, must be delivered or answered by the Tenants, as Rents, Reliefs, Heriots, and other Services, ibid. sett. 126. Also some Service consists in Seisance, some in Render, Perkins's Reservations 696.

Benegeld, Per Benegeld Johannes Stanley Arm. Clamat habere de qualibet bovata terra infra feodum de Aldford I. d. exceptu Dominicu terra, & terris in fecdo pradicto infra Hundred de Macclefeld, Rot. Plac. in Itin. apud Cestr. 14 H. 7.

Renobant, From Remvo, To renew: The Parson sued one for Tithes, to be paid of things renovant, but this Horse being only for labour and travel would

not renew, &c. Cro. 2. par. fol. 430.

Bent, Reditus, Signifies with us a fum of Money, or other confideration isluing yearly out of Lands or Tenements, Plowden, fol. 132, 138, 141. Browning's Case; of which there are three sorts, viz. Rent-service, Rent-charge, and Rent-seck. Rent-service is, where a Man holds his Lands of his Lord by Fealty and certain Rent, or by Fealty Service, and certain Rent, Lit. lib. 2. cap. 12. or that which a Man making a Lease to another for term of years, reserveth yearly to be paid him for them. In the Terms of the Law. this reason is given for it, because it is at his pleasure either to distrain, or bring an Action of Debt. Rent-charge is, where a Man makes over his Estate to ano-ther, by Deed indented, either in Fee, or Fee-tail, or for term of Life, yet reserves to he maid so fame Indenture, a fum of Money yearly to be paid to him, with clause of Distress for non payment. See Littleton ubi supra. Rent-seck, otherwise a dry Rent, is that, which a Man making over his Estate by Deed indented, reserveth yearly to be paid him without Clause of distress mentioned in the Indenture, Lit. ibid. See the difference between a Rent and an Annuity in Doctor and Student, pag. 30. Dial. primo.

Rents of Mile, Redditus asifa, de asifa, vel redditus assism. The certain and determin'd Rents of ancient Tenants paid in a fet quantity of Money or Provisions; so call'd because it was affis'd or made certain, and so distinguish'd from reddings mobilis, variable Rent that did rife and fall, like the Corn Rent now referv'd to Colleges.

Bents Besolute, Reditus resoluti, Are accounted among the Fee-farm Rents, to be fold by the Statutes of 22 Car. 2. cap. 6. And are such Rents or Tenths as were anciently payable to the Crown, from the Lands of Abbies and Religious Houses; and after their dis-solution, notwithstanding the Lands were demised to others, yet the Rents were still reserved, and made payable again to the Crown.

Renee3, A Renegado, Is derived from the French Renier, renegare, and is a Title given to such who Apostatize from Christianity to Mahumatisme. Hoveden in Rich. 1. sub Anno 1122. Cep t (saith he) in equitatione illa 24. Paganos & unum Rencez qui Υy quondam

quondam Christiansus fuerat & Dominum nostrum Jesum an Account, &c. to a Master of Chancery, or other Christum negaverat; & Rex posuit eum ad sagittandum Referree, his Certificate therein is called a Report.

dy fagittatus eft.
Renustator, Et funt Communes Latrones de Renusia-

tores bominum, &c. Trin. 28 E. 3. Ebor. 37. q. Beparatione factenda, Isa Writ which lies in divers Cases, whereof one is, where Three be Tenants vers Cases, whereof one is, where Three be Tenants in Common, or Joint-tenants, or pro indiviso of a Mill or House which is fallen into decay, and the one being willing to repair it, the other Two will not: In this Case the party willing shall have this Writ against the other Two, F. N. B. fol. 127. Of the various uses of it; read Reg. Orig. fol. 153.

**The Bepateum, A Repass or Meal, unum repassum, one Meals meat given to servile Tenants, when they labour'd for their Lord.——Tenet in bondagio, for debet unam wedbedrip pro voluntate Domini for babebit unum repassum. Paroch. Antiq. p. 401.

Bepass Cometh from the French Rappell, revocatio, and hath the same signification among us; as the

tio, and hath the same fignification among us; as the repeal of a Statute is the revoking it, Raftall, tit. Repeal. Broke useth repellance in the same sence.

Repleator, (Replacitare) Is to plead against that which was one pleaded before Raftall its Repleaded.

which was once pleaded before, Rastall tit. Repleader, and New Book of Entries, Eodem tit.

Replegiare, Is properly to redeem a thing detain ed or taken by another, by putting in legal Sureties, See Replevin and Second Deliverance.

Replevin and Second Deliverance.

1Replegiare be abertis, Is a Writ brought by one whose Cattel are distrained, or put in the Pound, upon any cause by another, upon Surety given to the Sherist to Prosecute or Answer the Action in Law, Anno 7 H. 8. cap. 4. F. N. B. fol. 63. See the Register Orig. divers forts of this Writ in the Table, and Is in the Register Tulicial, fol. 69. also in the Register Judicial, fol. 58, 70. The New Book of Entries, verb. Replevin, and Dyer, fol. 173.

Replebin, Plevina, Is a derivation of replegiare, to deliver, to the Owner upon Pledges, and is the bringing of the Writ called Replegiare facias by him that has his Cattel, or other Goods distrained, by another, for any cause, and putting in Surety to the Sheriff, that upon delivery of the thing distrained, he will profecute the Action against the Distrainer, Co. on Lit. lib. 2. cap. 12. sed. 219. Goods may be re-pleved two manner of ways, viz. by Writ, and that is by the Common Law, or by Plaint, and that is by Statute Law, for the more speedy having again of their Cattel and Goods. Replevie is also used for the Bailing of a Man, Stamf. pl. cor. fol. 72, 74. and Westm. 1. cap. 11. of 15. Replegiare est reposcere bona mobilia dato apud Prase estum Vade sive side-jussore; some of Anglis breve per quod bona ea reposcerent, to the plevin, ec. Vossus de Vitiu sermonu, lib. 2. cap. 25. See Skene eod. verbo.

Replevish, Replegiare, Is to let one to Mainprise upon Surery, Anno 3 E. 1. cap. 11.

Replication, Replicatio, Is an Exception of the second degree, made by the Plaintiff upon the first Answer of the Defendant, West Symbol. part. 2. tit. Chancery, sect. 55. and Westm. 2. cap. 36. It is also that which the Plaintiff replies to the Defendants An-Iwer in Chancery; and this is either General or Special. Special, is grounded upon matter arising out of the Defendants Answer, Arc. General, is so called from the general words therein used.

Report, Reportus, Is a publick relation of Cases Judicially argued, debated, refolved, or adjudged in any of the King's Courts of Justice, with the Causes and Reasons of the same delivered by the Judges, Co. on Lit. fol. 293. Also when the Chancery, or other

Reposition of the forest, Repositio Foresta, Wa an Act whereby certain Forest Grounds being made

Purlieu upon view, were by a second view laid to the Forest again, Manwood, part 1. pag. 178.

**Bepaifalla, Reprisalia, May be deduced from the French Reprise, i. resumptio, and are all one both in the Common and Civil Law, Reprisalia est porestas pignorandi contra quemlibet de terra debitoris data creditori pro injuriis og damnis acceptis. Voc.sbular. utri-usq; juris. This among the ancient Romans was called Clarigatio, of the Verb Clarigo, i. res clare repetere.

It is named in the Stat. 27 E. 3. stat. 2. cap. 17. Law
of Marque, because one for defect of Justice in another Territory, redresseth himself by the Goods be-longing to Men of that Territory, taken within his own Bounds.

Repailes, Is commonly taken for Deductions and Duties which are yearly paid out of a Mannor and Lands, as Rent-charge, Rent-feck, Pensions, Corrodies, Annuities, Fees of Stewards or Bailiffs, &c. Wherefore when we Ipeak of the clear yearly value of a fore when we Ipeak of the clear yearly value of a foreign to the clear yearly value of the yearly Mannor, we say it is so much per annum ultra reprisas besides all reprises.

Beprive, May be derived from the French Repris that is taken back: So that to reprive, is properly. to take back, or suspend, a Prisoner from the Execu-tion and Proceeding of the Law for that time.

Berill ver, Tempore quo villa S. Edmundi nomet de libetratem Burgi accepit, solvebant Homines de singulis domibus dare Cellerario unum denarium in principio Au-

gusti ad metendum segetes nostras, qui census dicebatur. Bepulber,—— Ex Cartular. S. Edmundi MS. penes Joh. Episc. Norwic. f. 316. From whence, and other Records, it is evident, That the servile Tenants were bound to reap for their Lord; and to be excus'd from the Labour, they paid some acknowledgment in Money, as a compensation for discharge of the Work, and as a mark of their former Tenure and Dependance. Which Money was call'd Repsilver, because paid for exemption from the customary Duty of Reaping for the Lord.

Requelts, Curia requisitionum, see in Court. It is utterly taken away by Act of Parliament; But you may read it in Gwin's Preface to his Readings, and

elsewhere.

Recett, Receptio, Is an admission, or receiving a third Person to plead his Right in a Cause formerly commenced between other Two, New Book of Entries, verb. Resceite, as if Tenant for Life or Years brings an Action, he in the Reversion comes in, and prays to be received to defend the Land, and to plead with the Demandant. See Bro. tit. Resceit. fol. 205. and Perkin's Dower, 448. The Civilians call this Admissionem tertii pro suo interesse. Resceit is also applied to an admittance of Plea, though the Controversie be only between Two. See Broke, tit. Estoppell, and

Co. on Lit. fol. 192.

Belceit of Bomage, Receptio Homagii, Is the Lords receiving Homage of his Tenant at his admission to the Land, Kitchin, fol. 148. See Homage.

Belcous, Rescussiu, Comes from the French Rescouffe, i. Liberatio, is a refistance against lawful Authority; as if a Bailiff, or other Officer, upon a Writ do arrest a Man, and others by Violence take him away, or procure his Escape; this is a Rescouse in Fast. So if one distrain Beats for Damage-feasant in his Ground, as he drives them in the High-way towards the Pound, they enter into the Owner's House, and he with-holds them there, and will not deliver them upon demand, this detainer is a Rescome Court, refer the stating of some Case, or comparing in Law, Co. on Lit. lib. 2. cap. 12. Cassanans in his Book

Book De Consuetud. Burg. fol. 294. hath the same word coupled with resistentia: It is also used for a Writ which lies for this Fast called Breve de Rescussu, whereof you may see both the form and use in F.N.B. fol. 101. Reg. of Writs, fol. 125. and New Book of Entries, verb. Rescous. This in matters relating to Treason, is Treason; and in matters concerning Fe-

lony, is Felony, Cromp. Just. fol. 54.

Bescusson, Is he that commits such a Rescous, Cro.

Rep. 2. par. fol. 419.

Bescusson, Reseiser**, Is a taking again of Landsinto the hands of the King, whereof a general Livery, or Oufter le maine, was formerly mif-sued, contrary to the form and order of Law, Stamf. Prarog. 26. See

Resumption.

Referbation, Reservatio, A keeping or providing, as when a Man lets his Land, he reserves a rent to be paid to himself for his Maintenance. Sometimes it fignifies as much as an Exception; as when a Man lets a House, and reserves to himself one Room, that Room is excepted out of the Demise. See Perkin's Reservations per totum, and Termes de la Ley codem

Belet, Skene hath that in, and Beletter in another place; in both which he expounds it to figuifie the receiving or receiver of a Proscribed or Outlawed Person, and may be derived from our English word

Receit.

Reliance, Resiantia, Seemeth to come from the French Reffeant or Reseant, Resident, and signifies a Man's abode or continuance in a place, Old Nat. Brev. fol. 85. Whence also comes the Participle refiant, that is, continually dwelling or abiding in a place, Kitchin, fol. 33. It is all one in Deed with refidence, but that custom ties this only to Persons Ecclesials. cal. Veteri autem jure nostro (saith Spelman) etiam de Scotico aliud significat, utpote morbum validum seu vete-ranum, quo quis exire de suis adibus probibetur: Essoni-um agitur quod de malo lesti nuncupatur, boc est excusatio quod ratione insirmitatis sistere se in foro non valeat, essonium nuncupant de reseantisa, Glanvile, lib. 1. cap. 11. Quandoq; intervenit (essonium) ex insirmitate de reseantisa. Ubi in margine notatur, essonium de reseantisa idem valet quod essonium de malo lecti. And all these seem to be drawn from the French, who say, Exoine de mal resseant. See Skene de verb. Signif. verb. Reseantisa.

Bestoence, Residentia, Is derived from the Latin word residere, and is peculiarly used both in the Common and Canon Law, for the continuance or abode of a Parson or Vicar upon his Benefice. The default whereof (except the Party be qualifyed and dispensed with) is the loss of ten pounds every month, Anno

28 H. 8. cap. 13.

Belignation, Resignatio. Is used particularly for the giving up of a Benefice into the hands of the Ordinary, otherwise by the Canonifts termed Renunciatio.

And though it fignific all one in nature with the word Surrender, yet it is by custom restrained to the yielding up a Spiritual Living, and Surrender to the giving up of Temporal Lands into the hands of the Lord. And a refignation may now be made into the hands of the King, as well as of the Diocesan, because he hath Supremam Authoritatem Ecclesiasticam, as the Pope had here in times past, Plowden, fol. 498. Grendon's Cafe.

Befort or Bellott, Is a word properly used in a Writ of Tail or Cousenage, as descent is in a Writ of Right. In French it fignifies the Authority or Jurisdiction of a Court, Salvo tamen tam ressorto quam aliu jure nostro for etiam jure alieno. Lir. Par. Phillippi le Hardy Rega Francize, mentioned by Spelman in his Glossary. Or Dernier refort, last refuge.

Respectu computi Alice-comitis habendo. Is a Writ for the respiting of a Sheriff's Account, upon just occasion directed to the Treasurer and Barons of the

Exchequer, Register, fol. 139. de 179.

Respite, Respettus, Is used for delay, forbearence or continuance of time, Glanvile, lib. 12. cap. 9. in breve Regis. Pracipio tibi quod poni facias in respectum,

usq: ad aliquem terminum competentem.

Bespite of Bomage, Respectus Homagii, Is the forbearing of Homage which ought first of all to be performed by the Tenant that holdeth by H-mage; and it had the most frequent use in such as held by Knights-service in Capite, who did pay into the Exchequer every fifth Term some small sum of Money, to be respited the doing of their Homage. See the Stat. 12 Car. 2. cap. 24. whereby this is taken away as a charge incident or arising from Knights-fer-

Respondent superioz, Where the Sheriffs are removeable for insufficiency, (as in London) respondent Superior, that is, the Mayor and Commonalty of London, Pur insufficiency del Bayliff d'un liberty, respondent Dominus libertatus, 44 E. 3. 13, 14. Inst. fol. 114. Besponsatis, Qui responsum desert; He who gives an Answer, is he that appears for another in Court at a day affigned, concerning whom hear Glandle, lib

a day affigned, concerning whom hear Glanvile, lib.
12. cap. 1.—Placita in superioribus exposita—Prosequi quis potest sicut & alia qualibet placita civilia, tam per seipsum quam responsalem suo loco positum, &c. But Fleta makes a difference between attornatum, essoniatorem de responsalem, lib. 6. cap. 1 1. sect. Officium. As if efforiator came only to declare the Caule of the Parties absence, whether Demandant or Tenant; Parties ablence, whether Demandant or Tenant; And Responsalis came for the Tenant, not only to excuse his absence, but also fignishe what Trial he meant to undergo, viz. the Combat or the Country. A Man in ancient time could not appoint an Attorney for him, without warrant from the Court, Fleta, lib. 6. cap. 13. See Attorney. This word is used in the Canon Law, Et significat Procuratorem vel eum qui absentem excusat.

Beforetions, Responsiones, Seems to be a word chiefly used by the Knights of St. John of Jerusalem. for certain Accounts made to them by such as held their Lands or Stocks, Anno 32 H. 8. cap. 24.

Bestitution, Restitutio, Is the yielding up again, or restoring of any thing unlawfully taken from another. But it is most frequently used in the Common Law for the fetting him in possession of Lands or Tenements that hath been unlawfully disseised of them; which when it is to be done, and when not. See Crompton's Justice of Peace, fol. 144. 1/9; ad 149. Restitutione extractiab Ecclesia, is a Writ to re-

store a Man to the Church, which he had recovered for his Sanctuary, being suspected of Felony, Reg.

Orig. fol. 69.

Bellitutione temporalium, Is a Writ that lies where a Man being elected and confirmed Bishop of any Dioces, and hath the King's Royal affent thereto for the recovery of the Temporalties, or Barony of the said Bishoprick: And it is directed from the King to the Eschearo of the County, the form whereof may be read in Res Orie follows, and F. N. R. 60, 160.

read in Reg. Orig. fol. 294. and F. N. B. fol. 169.

Besummons, Resummonitio, Is a Decompound of Re, Jub and moneo, and fignifies a Jecond Summons, and calling of a Man to Answer an Action, where the first Summons is defeated upon any occasion, as the death of the Party, or such like. See Bro. tit. Resummons, fol. 214. Of these there are four forts, according to four divers Cases in the Table of the Resulting Tables of gifter Judicial, fol. 1. and New Book of Entries, verb. Reattachment and Resummons.

Besumption, Rejumptio, Is a word used in the Sta-

tute of 31 H. 6. cap. 7. particularly to figuifie the taking again into the King's hands such Lands or Tenements as before, upon false suggestion, or other error, he had delivered to the Heir, or granted by Letters Patents to any Man, Bro. tit. Repellance of Resumption, fol. 298. and 19 H. 7. cap. 10. See Reseiser.

TRetare, Arretare, Restare, ad restum vocare. To sue, implead, or prosecute.——Idem Brianus quosdam retavit de foresta Domini Regue——in eadem curia judicium suum de furto de quo primum retatus suerit recepturus fuit. Chartular. Radinges. MS. s. 176. a.

Betatio, The retting or ritting of Flax or Hemp. i. e. exposing it to the Sun, or steeping it in the Water, till it is ripened and made fit to run. Irier antiquas consuetudines Abbatia S. Edmundi——Item Cellerarius solet accipere theoloneum de lino tempore retationis, scil. unam retam de qualibet cerva vel romula. Carrular, S. Edmundi ASS f 214

la. Carrular. S. Edmnndi. MS. f. 314.

Retail, That is, to buy by great, and fell by parcels, Anno 3 of 4 E. 6. cap. 21. Qui rem integram ementes per minutiores eam partes distrabebunt.

Reteiner, From the Latin retinere, fignifies in a legal fense a Servant, but not Manial or Familiar, that is, not continually dwelling in the House of his Master, but only wearing his Livery, and attending sometimes upon special Occasions. This Livery was went to consist of Hats, (or Hoods) Badges, or other Suits of one Garment by the year; and were many times given by Lords and Great Men, upon design of Maintenance and Quarrels, and therefore justly forbidden by several Statutes, as I R. 2. cap. 7. upon pain of Imprisonment, and grievous forseiture to the King; And again, 16 R. 2. cap. 4. 20 R. 2. ca. 1. and 1 H. 4. ca. 7. by which the Ossenders should make ransom at the King's will; and any Knight or Esquire thereby duly attainted, should lose his said Livery, and forfeit his see for ever, Gre. Which Statute is surther consistmed and explained by 2 H. 4. cap. 21. 7 H. 4. ca. 3. and 8 H. 6. ca. 4. And yet this Offence was so deeply rooted, that Edward the Fourth was necessitated to consist the former Statutes, and surther to extend their meaning, as appears by 8 E. 4. cap. 2. adding a special Penalty of five pounds upon every Man that gives such Livery, and as much on every one so retained either by Writing, Oath or Promise, for every month. These are by the Feudists call'd Assidati, sic enim dicuntur qui in alicujus sidem by tutelam recepti sunt. And as our Retainers are here forbidden, so are those Assidats in other Countries.

ed by 2 Car. 1. cap. 4.

Filett-penny, A Rate-penny, or customary Due of one penny for each Person to the Parish-Priest. In the Syncdal Statutes of Robert Bishop of Durbam, Anno 1276. cap. 3. De rebus liberorum decimandis, dy mortuariis inde solvendis.——Porro hoc Sanctioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter familia viyant, ad denarios qui vocantur Retepenis minime arceantur: cum sicut communiter intrinsecus aluntur à parentibus, sic in extrissects ab eisdem latentur existence descendis.

tentur pariter se desendi.

Retaining fee, Merces retinens, Is the first fee given to any Serjeant or Counsellor at Law, whereby to make him sure that he shall not be on the contrary part, it is Honorarium seu pramium causidici pracedane-

um, quo clienti suo obligatur ne adversarii causam agat.

**Estenementum, Restraint, detainment, withholding. A full and absolute conveyance was anciently made in this phrase, Sive ullo retenemento.

& Retinentia, Retinue, or Persons retaining to a Prince or Nobleman.—Ad inquirendum de numero retinentiæ prasati Johannis ab ultimo advensu suo in

Hiberniam, dy de continuatione ejusdem retinentiæ.

Pat. 14. Ric. 2. p. 2. m. 8.

1Retraptt, Is so called, because that word is the effectual word in the Entry, and is where the Plaintiff or Demandant comes in Person into the Court, and says, He will proceed no further. And this is a bar of all other Actions of like or interior nature, Qui semel actionem renunciavit amplias repetere non potess, Co. on Lit. lib. 2. cap. 11. sell. 288. The difference between a Nonsuit and a Retraxit, is, that a Retraxit is ever when the Demandant or Plaintiss is present in Court; but a Nonsuit is upon a demand made, when he should appear, and he makes default. Retraxit (as we said) is a bar, so is not Nonsuit, for he may commence an Action of like nature again.

Retractus aquæ, Ebb, or low Water, the retreat of Tide. The expression occurs in Placit. coram Rege Pasch, 30 Ed. 1. apud Cantuar. Rot. 58.

Retropanna jum, After-Pannage, or the running of Hogs in a Forest or Park, when the Acords or Mast is eaten, and little lest, but Hips, Haws, Gre. Et debent hatere retropannagium à Festo S. Martini usq; ad Festum purisicat. Beata Maria. Petit. in Partemp. Ed. 3.

Rieturn, Returna vel retorna, Cometh of the French Retout, i. reversio, recursius, and in our Law hath two particular Applications; the one is, the return of Writs by Sheriffs and Bailiffs, which is only a Certificate made to the Court of that which he hash done, touching the execution of their Writ directed to him. And this among the Civilians is termed Certificatorium; of returns in this signification speaks the Statute of Westm. 2. cap. 39. So is the return of a Commission a Certificate or Answer to the Court of that which is done by the Commissioners, Sheriff, Bailiff, or other, to whom such Writs, Commissions, Precepts or Mandates are directed. Also certain days in every Term are called return days, or days in Bank and so Hillary Term hath four Returns, viz. Octobia Hillarii, Quindena Hillarii, Crastino Purisicationis & Octabis Purisicationis. Easter Term five, viz. Quindena Pasche, Tres Pasche, Menje Pasche, Quing; Pasche, and Crastino ascensionis Domini. Trinity Term four. i. Crastino Trinitatis, Octabis Trinitatis, Quindena Trinitatis, Tres Trinitatis, and Michaelman Term fix, to wit, Tres Michaelis, mense Michaelis, Crastino anima-tum, Crastino Martini, Ollabis Martini, Quindena Martini. See the Scatters of days in Bank, 51 H. 3. 32 H. 8. cap. 21. and 17 Car. 1. cap. 6. The other application of this word is in case of Replevin; for if a Man destrain Cattel for Rent, Gre. and afterwards justifie or avow his Act, so as it is found lawful, the Cattel before delivered unto him that was distrained, upon security given to follow the Action, shall now be returned to him that distrained them, Bro. tit. Returns d'avers dy hommes, fol. 218. and F. N. B. in his Table verb. Return.

Returno habendo, Is a Writ that lies for him that has avowed a Distress made of Cattel, and proved his Distress to be lawfully taken, for returning to him the Cattel distrained, which before were replevied by the Party distrained, upon Surety given to prosecute the Action; or when the Plain: or Action is removed by Recordari, or Accedas ad Curiam, into the Court of Common-Pleas, and he whose Cattel were distrained makes default, and doth not prosecute his Suit.

Beturnum aberiorum, Isa Writ Judicial, granted to one impleaded for the taking the Cattel of another, and unjust decaining them contra vadium of Plegios, and appearing upon Summons, is dismissed without day, because the Plaintiss makes default; and it lies for the return of the Cattel to the Defendant, whereby he was summoned, or which were taken

taken for security of his Appearance upon the Sum-

mons, Register Judicial, fol. 4. a.

Beturnum treeplegiabile, Isa Writ Judicial, sent out of the Common-Pleas to the Sheriff, for the final restitution or return of Cattel to the Owner, unjustly taken by another, as Damage-feilant, and so found by the Jury before Justices of Affize in the County, or otherwise by default of Prosecution, Reg. Judic.

Bebe alias Gereve, From the Saxon word Grefa, prafettus, Lamb's Explication of Saxon words, verb. Prafettus, fignifies with us the Bailist of a Franchice or Mannor, especially in the Western parts of England: Hence Shire-reve for Sheriff. See Kitchin, fol. 43. See Greve and Sheriff, and Verslegan, cap. 10.

43. See Greve and See also Church-reve.

Bevelle, Signifie with us Sports of Dancing, Masking, drc. uled in Princes Courts, the Inns of Court, or other Noblemens Houses, which are commonly performed by Night; and there is an Officer to order and supervise them, who is intituled Master of the

Revels.

Bebeland, Doomlday Book, Herefordse. Terra Regu. Hac terra fult tempore Edwardi Regu Tain-land, sed postea conversa est in Revelaud. Et item dicunt Legati Regu, quod ipso terra dy censuus qui inde exit furtim aufertur à Rege. The Land which is here said to have been fameland, T. E.R. and after converted into Reveland, seems to have been such Land as being reverted to the King after the death of his Thane, who had it for life, was not fince granted out to any by the King, but rested in charge upon the account of the Reeve or Bailiff of the Mannor, who (as it seemeth) being in this Lordship of Hereford like the Reeve in Chancer, a false Brother, concealed the Land from the Auditor, and kept the profit of it to himfelf, till the Surveyors, who are here called Legati Regu, difcovered this fallhood, and presented to the King, that furtim aufertur Regi. This passage from Doomsday Book is imperfectly quoted by Sir Ed. Coke, in his Institutes, self. 117. who from these words draws a false inference, That Land holden by Knights-service was called Thainland, and Land holden by Soccage was called Reveland. Vid. Spelman of Feuds, cap. 24.

Rebeland. See Tein-land.

Bebenue, Is a French word, fignifying as Reditus, and denotes properly the yearly Rent that accrues to

every Man from his Lands and Poffessions.

Bebertion, Reversio, A returning again; It is Nomen Verbale, and derived of the Verb Reversur, der appe dici non potest teversio antequam revertatur in facto: And therefore Co. on Lit. fol. 142. fays, Reversio ter ra est tanquam terra revertens in possessione Donatori si-ve haredibus sun post donum sinitum. It hath a double acception in Law, the one is, Jus revertendi cum status possessionis desecrit, and this is but an interest in the Land when the Possession shall fall. 2. When the Possession and Estate which was parted with for a time, ceafeth, and is determined in the Persons of the Alienees, Assignees, Grancees, or their Heirs, or effectually returns to the Donor, his Heirs or Assigns, whence it was derived. The difference between a Reversion and a Remainder, is, that a Remainder is general, and may be to any Man, but he that granteth or conveyeth the Land, for. for term of Life only, or otherwise. A Reversion is to himself, from whom the Conveyance of the Land, &cproceeded, and is commonly perpetual, as to his Heirs also, Lit. lib. 2. cap. 12. See Co. lib. 2. fol. 51. Sir Hugh Cholmley's Case; and yet a Reversion is sometimes confounded with a Remainder, Co. lib. 2. fol. 67. Tooker's Case, Plowden, fol. 170. Hill's Case. What this word Reversion in a Deed does carry, see Littleton, lib. 2. cap. 12.

r iReugía, A Ridge, or Rudge of Arable Lind.
—De dono Rogero del Estre unum reugiam terra in

Gernemath. Mon. Angl. Tom. 1. p. 515.

Betieto, A Bill of Review in Chancery is, wherea Cause hath been heard, and the Decree signed and enrolled; and some Error in Law appears upon the Decree, or new matter discovered in time after the Decree made, which Eill cannot be exhibited, but by License of the Court. See Collection of the Chancery

Orders, pag. 69.

18 chibing, Is a word metaphorically applied to Rents and Actions, and fignifies a renewing of them after they be extinguished. Of which see divers examples in Broke, tit. Revivings of Rents, Actions, &c.

fol. 223

Bill of Reviver, Is where a Bill hath been exhibited in Chancery against one, who Answers, and before the Cause is heard, or if heard, before the Decree enrolled, either Party dies: In this Case a Bill of Revivor must be brought, that the former pro-ceedings may stand revived, and the Cause be smally determined.

Bebocation, Revocatio, Is the calling back of a thing granted, of which you have divers in Reg. Orig.
28 Revocationem brews de audiendo de terminando, fol.
124. Revocationem prasentations, fol. 304, 305. Revocationem Protedionis, fol. 23. Revocationem specialium Justiciariorum quia, &c. fol. 205.
Reward, See Regard.

Rewey, Anno 43 Eliz. cap. 10. So as some Clothes being put in water are found to shrink, Rewey equally cockling, light and notable faulty, &c. it is as much as unevenly wrought, and full of Remes.

Rhander, Is a part in the division of the Country in Wales before the Conquest, as first a Cantref confisted of a hundred Towns, under which were soma ny Commots, each Commot had twelve Mannors or Circuits; and two Townships; there were four Townships to every Mannor, every Township comprehended four Gavels, every Gavel had four Bhandirs, and four Tenements were constituted under every Bhandir. This word Rhandir admits not of any proper figni ficancy in English, but is by Dr. Davis render'd Pars aut for s hareditaria, from the Verb, 18 hannu, Partire,

distribuere. Taylor's Hist. of Gav. 1 ind, pag. 69.

Bitbaub, Ribaldus, French Rivauld, A Vagrant, luxurious Spend-thrift, a Rogue, Whoremonger, a Person given to all kinds of wickedness and loose-

nefs. Petition against Ribands and sturdy Beggars, Rot. Parl. 50 E. 3. num. 61. In 1 H. 6. by Indenture of the Mint, A Pound weight Gold of the old Standard was Coined into 45 Rials, going for ten Shillings a piece, or a proportionable number of half Rials, going for five Shillings a piece, or Rial Farthings going for two Shillings Six-pence. Vid. Lowndes Essay upon Coins, p. 38. The Golden Rial in 1 Hen. 8. was to go at eleven Shillings three Pence. In 2 Elix, golden Rials Coined at fifteen Pence. In 2 Eliz. golden Rials Coined at fifteen Shillings a piece, when a Pound weight of old Standard Gold was to be Coined into 48 Rials. In 3 Jac. 1. Roje-Rials of Gold at thirty Shillings, and Spur-Rials at fifteen Shillings.

Bic, Is a Saxon word, fignifying as much as Reg.

num in Latin. Cambd. Brit. p. 346. 1Riber-1Roll. See in Roll.

Bioge or Big of Land, Riga, Terram quam è pluribus sulcu in aggerem efferunt arantes, ita ut sicca sedes frumenti babeatur, Romani strigam (atque inde agros strigatos) nos a Ridg of Land, Spelman. However it is sometime called Porca terra.

18things, Be Names of the Divisions of Yorkshire, which are three, viz. The East-riding, the Westiding, and the North-riding, mentioned in the Statute 22 H. 8. cap. 5. and 23 H. 8. cap. 18. In Indicaments in that County, 'tis requisite that the Town and the Riding be exprest, West. Symbol. part. 2. tit. Indistments, sect. 70. Q.

* Ribing Cierk, One of the fix Clerks in Chan-cery, who in his turn, for one Year, keeps the Controlment Books, of all Grants that pass the Great

Seal that Year.

Biens paste par le fait, Is the form of an Exception taken in some Cases to an Action. See Bro. tit. Estraunger al fait ou Record.

Rieus arreare, Is a kind of Plea used to an Action of Debt upon arrearages of Account, whereby the Defendant does alledge, There is nothing in arrear.

ikiens deins le gard, Was a Challenge to a Jury or Enquest of London, for that four sufficient Men, &c. were not impannelled: But it is abrogated by the Stat. 7 H. 7. cap. 4.

Rier County, Retro-comitatus, Comes from the French Arrier, posterior, and in the Stat. 2 E. 3. cap. 5. is opposite to Open County; and by comparing that Statute with Weslm. 2. cap. 38. it appears to be some publick place, which the Sheriff appoints for the receit of the King's Money after the end of his Couny. Fleta says, That it is Dies crastinus post comitatum, lib. 2. cap. 67.

Biffetum, A Coppice, a Thicket, a Spiney, a place of Bushes and Thorns. Sciant prejentes of futuri quod Ego Thoroldus de Castre relaxavi Dominiu meis Roberto Abbati de Conventui de Burgo totum risletum meum quod jacet inter boscum pradisti Abbatu quod voca-

tur Tolhame, der boscum Christiana Pye.—Chartular. S. Petriburg. vocat. Swasham, MS. f. 208.

Bistura, In a form of Appeal in Brasson, lib.
3. cap. 23. upon Felonious wounding against the Peace.—Et designandum erit, cujus longitudinus surventina des cuius profunditatis, des utrum sit placa erit pluga to cujus profunditatis, to utrum sit plaga vel riflura, ad hoc quod procedat Duellum vel non procedat, ut sciri pesse per factum, utrum sit injuria vel felonia, i.e. And it shall be discovered, how long and how deep the wound was, and whether it was a wound, or the flesh and skin were only riffled, or, as we now call it, rippled, (or a flight Scar) so as it might be determin'd whether the Duel should proceed or not, and that it might be known whether the Fact was a Trespass or Felony.

Bight, Jus, in general fignification includes not only a right, for which a Writ of Right lies, but also any Title or Claim, either by vertue of a Condition, Mortgage, or the like, for which no Action is given by Law, but only an Entry, Co. on Eit. lib. 3. cap. 8. lett. 445. There is Jus proprietatis, a right of Propriety; Jus Possessions, a right of Possession, and Jus Proprietatis or Possessions, a right both of Propriety and Possessing of Possessing and this is anciently called Jus duplicatum: For example, If a Man be disserted of an Acre of Land, the Disserted hath Jus proprietatis, the Disserted to the Disserted; and if the Disserted for lease to the Disserted, he hath Jus proprietatis of possessing, Co. on Lic. lib. 3. sect. 447. Jus est sextuplex. I. Jus recuperandi. 2. Intrandi. 3. Habendi. 4. Retinendi. 5. Percipiendi. 6. Et possidendi, Co. 8. Rep. Edward Altham's Case. Edward Altham's Case.

Bight in Court. See Redu in Curia.

Blime, Rithmus, Is taken for a mean kind of Verse, commonly made by some unskilful Person, of which we need not give you any example, so many paltry Ballads being every day to be seen.

15 Bingiloze. (Brit. Rhingyldre) Rexomnibus,&c.

quod nullus tenentium in Com. nostris prædictis de catero compellatur ad subeundum sive occupandum officium Rin--Carta Hen. 7. Comitat. de Amlesey, Car-

narvon, do Merioneth, dat. 3. Mart. anno regni 22. A kind of Bayliff or Serjeant, for so Rhingyl or Ringylh (says Mr. Blount) fignifies in Welsh.

Ring-head, 43 Eliz. cap. 10. An Engine used in the stretching of Woollen Cloth.

Biot, Riota of riottum, Derived from the French Riotte, quod non solum rixam of jurgium signissicat sed vinculum etiam, quo plura in unum, fasciculorum instar colligantur, signifies the forcible doing of an unlawful thing by three, or more Persons assembled together for that purpose, West. Symbol. part. 2. cit. Indiaments, sect. 65. The difference between a Riot, Rout, and unlawful Assembly, see in Lamb. Eiren. lib. 2. cap. 5. Stat. 1. Mar. cap. 12. and Kitchin 19. who gives these examples of Riots, the Breach of Inclosures, Binks, Conduirs, Parks, Pounds, Houses, Barns, the burning of Stacks of Corn, Ge. Lamb. ubi supra mentions these, To beat a Men, to enter upon a Possession on forcibly. See Rout and Unlawful Assembly. See also in Cromp. Just. of Peace divers Cases of Riots, Anno 17 R. 2. cap. 8. and 13 H. 4. cap. 7. See

Biparia, From Ripa, a Bank; In the Stat. Westm.

Riparia, From Ripa, a Bank; In the Stat. Westim. 2. cap. 47. signifies Water or River running between the Banks, be it salt or fresh, 2 Inst. fol. 478. The word occurs also in Rot. Cart. 9 E. num. 12.

**Estimator*— Juxta sonitum illius instrumenti quod à Ripatoribus vocatur Tabur, subito tercella quadam alarum remigio perniciter evolavit. Rad. de Dicto & Matth. Paris sub anno 1191. By the word Ripator, Mr. Somner would understand a Ripper or Reaper of Corn. And some others would incerpret them to be Risters or vagabond Thieves. But the them to be Riflers or vagabond Thieves. But the occasion of the Story, and the Scene of Action, seem plainly to imply, that Ripatores were Riparii, Fishermen or Rippers.

Bipiers, Riparii, Had their Name à fiscella qua in develendis piscibus ut untur, in English a Ripp, and are fuch as are to bring Fish from the Sea-coast to the inner parts of the Land. Cambd. Brit. pag. 234.

Bile, Orija, Is a kind of Corn growing in Asia and the Indies, of which you may read in Gerard's Herbal, lib. 1. cap. 52. This is mentioned among Spices to be garbled in the Stat. I Jac. cap. 19

paid to the King in fome Rivers, for the passage of Beats or Vessels. King Edw. 1. grants a Charter to the Reverse of the Civin Power Power and the Civin Power Power to the Power of the Civin Power Power to the Power of the Civin Power Power to the Power of the Civin Power to the Power of the Civin Power to the Power of the Civin Power to the Power to th the Barons of the Cinque Portsut quicti sint de omni theolonio & omni consuetudine videl. ab omni lastagio, tallagio, passagio, cayagio, rivagio, sponsagio, do omni wreec, dyc. Placit. temp. Ed. 1. & Ed. 2. penes Dominum Fountains.

1Bibeare, To have the liberty of a River for Fishing or Fowling.—Rex dat licentiam Reginaldo Filio Petri, quod riveare possit per totam ripariam nosstrum de Kenette, de in instanti seisina aves capere de asportare, Par. 2. Ed. 1. M. 6.—Licentia pro Radulfo de Chendut quod riveare possit per ripariaran de Kennet in Com. Berk. cum quodam Austurco. Pat. 18. E. 1. M. 40.

Roather Bealts, Anno 7 E. 6. cap. 11. See Rother Beafts.

1Roba, Ital. fignifies Vestis, in English Robe. Bobbery, Robaria, Is a felonious taking away of another Man's Goods from his Person or Presence against his will, putting him in fear, and of purpose to steal the same, West. Symb. part. 2. tit. Indiaments, sect. 60. And this Offence was called Robbery, either because they bereaved the true Man of some of his Robes or Garments, or because his Money or Goods were taken out of some part of his Garment or Robe about his person, Co. 3 Inst. cap. 16. This is sometimes called Violent Thest, West Symbol. ibid. which is

felony of two pence, Kitchin, fol. 16. and 22 lib. Ass. 39. See Skene de verborum Signif. verb. Reif, and Cromp. Justice of Peace, fol. 30.

Robbers, 5 E. 3. 14. and 7 R. 2. cap. 5. Lamb. Eiren. lib. 2. cap. 6. interpretent them to be mighty Thieves; they are called in Latin Robatores, laith Spelman, being Latrones validi qui in personas hominum insilientes bona sua diripiunt.

Robersmen or Roberdsmen, Were another forcof great Thieves, mentioned 5 £. 3. 14, and 7 R. 2. cap. 5. Co. 3 Inft. fol. 197. says, Robinhood lived in Richard the First's time on the Borders of England and Scotland by Robbery and Spoil, and-that these Roberdsmen took Name from him.

1500, Roda Terra, Is otherwise called a Perch, and is a Measure of fixteen foot and a half, and in Staffordshire twenty foot, to measure Land with. See

Perch.

Booknights allas Badnights, (Is derived from the Saxon Rad) in English Road, i. equitatus, and Cnyt, Minister, were certain Servitors, which held their Land by ferving their Lords on Horfeback, Brall, lib. 2. cap. 36. num. 6. faich of them, Debent equitare cum Domino suo de Manerio in Manerium, vel cum Do-

mini uxore. Fleta, lib. 3. cap. 14. sect. Continetur. & Robumbellus, Rotondellus, A Roundle, an old Riding Cloak. Thomas de Cantilupo Episcopus Here-Riding Cloak.ford. Stolam apud collum quum equitabat subtus capam vel rodundellum ad modum crucu portabat ut patens effet ad confirmandum pueros occurrentes. Liber de mi-

raculis Thomæ Episc. Hereford. MS.

Role tyle allas Creaft-tile, Is that Tyle which is

made to lay upon the ridge of the House, 17 E. 4. 4.

Rogation meets, Dies Rogationum, Is a time well known to all, and is so called, because of the special Devotion of Prayer and Fasting then enjoined by the Church to all Men, for a Preparative to the joyful remembrance of Christ's Ascension, from which time to Trinity-Sunday Matrimony is forbidden to be celebrated.

Bogus, Rogus, May be deduced from the French Rogue, i. Arrogans, and fignifies an idle sturdy Beggar, who wandreth from place to place without License, after he hath been by Justices bestowed, or offered to be bestowed on some certain place of abode; who, for the first Offence, is called a Rogue of the first degree, and punish'd by whipping and boring through the griffle of the Ear with a hot Iron, an inch in compais. And for the second Offence is termed a Rogue of the second degree, and put to death as a Felon, if he be above Eighteen years old. See the Stat 14 Eliz. 5. 18 Eliz. 3. and 36 Eliz. 17. and Rogus, Is the Latin word for a great Fire, and

there is is congeries lignorum ad comburendum, weah.

utriusa, juris. Sometimes it is taken only for a Pile or

Sealk of Wood, as Mandatum est Compabulario castri

de Divis. Et custodi foresta de Cippeham quod sieri fac.

unum rogum in Foresta pradict ad operationes castri pra
disti, Grc. T. 10. Maii. Claus. 5 Hen. 3. m. 8.

Ball, Rotulus, Signistes a Schedule of Paper or

Parchment. which may be rusped or wound up with

Parchment, which may be turned or wound up with the hand to the fashion of a Pipe, Stamf. pl. car. fol. 11. of which there are in the Exchequer several kinds.

As the great Wardrope Roll, the Cofferers Roll, the Subfidy Roll, dyc. Of which see the Practice of the Exchequer Court, fol. 75.

18:100er-roll, Noy's Rep. fol. 84. The Court Ex Officio, may award a Certificate and informandum consciention, which is considered that he appeared to tiam; and that which is certified shall be annexed to the Record, and is called a Ridder-Roll. Or a Ridderroll is a Schedule, or small piece of Parchment, added

to some part of a Roll or Record.

FRoli of Court, Rotulus Curia, The Court Roll in a Mannor, wherein the Names, Rents, and Services of the Tenants were copied and enrolled. Per rotulum Curiz tenere, by Copyhold. — Matildu le Failur tenet per rotulum Curiæ unum messuagium, coc-Paroch. Antiq.

& Rolls of Parliament, Rotuli de Parliamento. The Manuscript Registers or Rolls of the proceedings of our old Parliaments. For before the use of Printing, and till the Reign of Hen. 7. our Statutes were all engross'd in Parchment, and (by virtue of the King's Writ to that purpose) proclaim'd openly in every County.——In these Rolls we have likewise a great many decisions of difficult points in Law, which were frequently in former times referr'd to the determination of this supreme Court by the inferior ones of both Benches, Ge. Mr. Nichtifon's Hift. Library,

3. p. 47. Rolls, Or the Office of the Rolls in Chancery-Lane, anciently called Domus Conversorum, Is the House that was built by King Henry the Third, for Jews converted to the Christian Faith; but Edward the Third expulsed them for their wickedness, and deputed the place for the cuflody of the Rolls and Records of the Chancery, the Master whereof is the second in Chancery, and in the absence of the Lord Chancellor, or Lord Keeper, fits as Judge, being commonly called, The Master of the Rolls, which see.

Romscote, Is a Saxon word fignifying, Nummum Roma datum, for PeoD, in Saxon is Nummus, that is, Money in English. See Romescot.

Bomepenny, in Saxon pompening, i. Roma denaxius, for the Saxon Pening, is the same as 19cnny

with us, or Denarius in Latin. See Romescot.

18 omescot, is compounded of Rome and Scot, as if you would say, The Tribute due to Rome. Mat. Westminster says it was Consuetuda Apostolica, a qua neg; Rex, neg; Archiepiscopus vel Episcopus, Abbas vel Prior aut quilibet in Regno immunis erat. It was an annual Tribute of one Penny from every Family, paid yearly to Rome at the Feast of St. Peter ad vincula, being the first of August. Cambden in his Brit. says, Off a the Saxon first granted it, but others, that Ina, a King of the West Saxons, being in Pilgrimage at Rome, Anno 725. gave it as an Alms, and was first forbidden by Edward the Third. It amounted to three hundred Marks, and a Noble yearly. See Leg. Hen. 1. cap. 12. Rog. Hoveden par. poster. suor. annal. fol. 344. invita Hen. 2. and see Peter-pence and Hearthpenny. This payment was abrogated 25 H. 8. 25. reflored 1 & 2 P. & M. but utterly abolish'd 1 Eliz. 1.
See Spelman's Glossary, verbis Romescot, Romescah,
Romepenny. This mark of Slavery was a burchen and a scandal to the English Nation. Our Freee born Ancestors often complain'd of it. It was one of the complaints of grievance in Parliament, 9 John A. D. 1206. when the King issued out this Writ of Redress, Rez Archiepiscopis, Épiscopis, Abbatibus, Archidiaconis Gromni Clero apud Sanctum Albanum convocatis Salutem. Conquerente Universitate Comitum Baronum Alilitum of aliorum fidelium nostrorum audivimus quod non folum in Laicorum gravem perniciem sed in totias regni nostri intolerabile dispendium super Romscot preter consuetudinem solvendo-Manaamus-–ne contra regni nostri consuetudinem aliquid novum Statuatis . fle meipso apud Ebor. 26 die Maii, anno regni nostri 8. Cart. 8. Job. m. 1.

Boo of Land, Roda terra, The fourth part of an Acre, 5 Eliz. cap. 5.

Ros. Among the Services and Customs of the Zochmen who held Lands of the Priory of Spalding... Debent tres carellas de Ros & tres de Byndinge care

Etandas in curiam Domini cibo Domini - which Dr. Brady renders, They ought to carry three Loads of Thatch, and three Loads of Byndinge to the Lord's Court, he finding them Victuals. But I think rather, Ros is no more than Rushes, and the Duty was to carry three Loads of loose Rushes, and three Loads of any fort, as bound Corn, or other stuff bound up in Bands.

Rushes. In the Endowment of the Vicaridge of Stokeland, within the Diocess of Bath and Wells, in the Year 1453. it is ordain'd - Ut Vicarius babeat omnes decimas roseti sive arundinum totius parochia. Reg. Eccl. Well. MS.—Salvis duntaxat distis Religiosis decimis majoribus de terris, pratis, purpresturis, q rosetis dominicis ipsius Johannis approviatis seu in posterum approviandis. -Cartular. Glaston. MS. f. 107. b. Hence the covering of Houses with a Thatch made of Reeds and Rushes was called Rosetum -Hac omnia adificia egregie do opere saltem sumptuoso consummatas tapide aut rosero secundum quod loci opportunitas exigebat vel permittebat pro majori parte co-ope-

ri faciebat, ib. p. 42. a.

Rother-beates, Under this Name are comprehended Oxen, Cows, Steers, Heifers, and fuch like horned Beafts, 21 Jac. cap. 28. And in Herefordshire the Dung of such Beaft is called Rothersoyle.

Rotulus Mintonia, Doomfay Book so called, be-cause it was of old kept at Winchester. See Doomsay. Spelman in his Glossary says, There was another Roll called Rotulus Wintonia, made long before that by king Alfred; concerning which, hear Ingulphus speak-ing of Doomsay-Book. Talem (says he) Rotulum dr multum similum edidarst augustum Rex Alfredus in aug multum similem ediderat quondam Rex Alfredus in quo totam terram Anglia per Comitatus, Centurias, & Decurias descripserat, &c.

Botulus Cancellatix, Brallon, lib. 3. cap. 24. Omnia Brevia de pace (quæ sunt prohibitiones) irro-tulari debent in Rotulo de Cancellaria. See M. P. in an. 111c. p. 61.

Botult Placttorum, Court Rolls, or Records upon Roll; the Register of Trials, Judgments, and Decrees in a Court of Justice.——Disti homines pramissas conventiones in Rotulus Placttorum Domini Regis de anno supradicto ad majorem securitatem inrotulari procurarunt. Paroch. Antiquit. p. 321. Bouge Croffe. See Herald.

Boundlet. See Runlet.

Bout, Routa, Lurma, Cohors, A Company or Number, but in a legal sense fignifies an Assembly of three Persons, or more, going forcibly to commit an un-lawful Act, though they do it not, West. Symb. part 2. tit. Indiament, Iect. 65. fays, A Rout is the same which the Germans yet call Rot, meaning a Band, or great Company of Men gathered together, and going to execute, or indeed executing any Riot or unlawful Act. But the Statute of 18 E. 3. flat. 1. cap. unico, which gives Process of Outlawry against such as bring Routs into the presence of the Justices, or in affray of the People. And the Statute of 2 R. 2. cap. 6. that speaks of riding in great Routs to make entry into Lands, and beat others, forc. do feem to understand it more largely, Bro. tit. Riot 4, 5. So that a Rout feems to be an unlawful Assembly, and a that a Rout feems to be an unlawful Assembly, and Riot the disorderly Fact committed by such unlawful Assembly. Howbeit two things are common both to Riot, Rout, and unlawful Assembly. The one, That three Persons at least be gather'd together. The o ther, That being together, they do disturb the Peace, either by Words, shew of Arms, turbulent Gesture, or actual Violence, &c. Lamb. Eiren. Sib. 2. cap. 5. See Riot and unlawful Assembly.

quia rotà circumductà pannos complanare solebant.

Royal Affent, Regius Affenius, Is that affent which the King gives to a thing formerly done by others, as to the Election of a Bishop by Dean and Chapter, which given, then he fends a special Writ for the which given, then he lends a special writ for the taking of Fealty. The form of which you may see in F. N. B. fol. 170. And to a Bill passed in both Houses of Parliament, Cremp. Jur. fol. 8. which Assert in Parliament being once given, the Bill is Endorsed with these words, ReRoy le wellt, i. It pleases the King; but if he resule to agree to it, then thus, the Roy Capitan in The King will admise.

Le Roy S'avisera, i. The King will advise.

Boyalties, Regalia vel Regalitates, Are the Rights of the King, Jura Regis, otherwise called The King's Prerogative. Some of these be such as the King may grant unto common Perfons; fome fo high, that they may not be separated from his Crown privative, as the Civilians call it, though Cumulative they may. See Bratton, lib. 2. cap. 5. and Mathaum de afflittu, upon the Title of the Feuds, Que fint regalia, where he reckons up twenty five special particulars of Royalties. See also Hotoman's Commentaries, in lib. 2. Feudor. cap. 56. and sec Prerogative & regalia.

Boynes, Streams, Currents, or other ufnal passages of Rivers and running Waters. for opening the ancient Roynes and Water-courses in Sedgmore in the County of Somerset, for rendring the said Moor more healthful and profitable to the In-Votes of the House of Commons, 21 Fehabitants. bruary 1698.

15 Bubbola, Dirty fluff, filth, rubbish. 26 R. 2. Dorf. 2. See Lastage.

Bugi, Bullans, Leg. Ed. Conf. tit. De L. Norico-m—Aufugit ad regnum Rugorum quod nos melius vocamus Russiam; And afterwards speaking of Marga-ret the Sister of Edgar, and Queen of Scots, Exparte

Rudge malhed Rerley, Is that which is made of Fleece-wooll, wash'd only on the Sheep's back, 35 E-

liz. cap. 10.

Buncilus & Buncinus, Is used in Doomsday (says Spelman) for a Load-Horse, Equus operarius colonicus, or a Sumpter-Horse; and sometimes for a Cart-Horse, which Chaucer in the Scaman's Tale calls a Momney.

He rod upon a Rowncy as he could.

Bune, From the Saxon Rununge, i. a course or running, a Water-course, so called in the Marshes of Somersetshire: History of imbanking and draining, fol.

Muniet alias Boundlet, Is a certain Measure of

Wine, Oyl, Gr. containing eighteen Gallons and a half, Anno 1 R. 3. eap. 13.

Fr Bungata, — Inter antiquas consuetudines Abbatia S. Edmundi— In prato de Nomannes, Lond.— quamdiu foenum suerit in prato debent Messor de Inlard esse in prato die ac noste ad custodiam fæni, & idcirco ba-bebant fænum de cota sua, sed ipsum non debent adducere donec Cellerarius vel sui viderint si nimis apposuerint vel non, quod si fecerint mersurabitur de usque ad unam run-gatam ad plus moderabitur, &c. Cartular. S. Edmun-di MS. s. 318.

Buoda, Leg. Saxonum, tic. 2. sect. 1.— Qui no-bilem occiderit icccxl. sol. componat. Roda quod dicitur

apud Saxones Cxx. sol. & inter premium cxx. ad Ruod veteri lingua Saxonica crucem signisicat. For itis most certain, that our Ancesters the Saxons called the Cross Rode or Roode; hence came the Rode loft, and we fill call Diem Santia Crucis, Boly-rood-bay.

Bupta, Is the same with Routa, which see Mat.

Botting of Clothes, 27 H. 8. 13. It may perhaps be derived from the French Rover, versare, rotare Qui duces fuerunt caterva (quam Ruttam vecamus

militantes sub Comite Jo. fratre Regis Richardi equi-

tationem facerent, &c. Buptarii, Milites, Soldiers, Mat. Par. in Anno 1199. Sed quoniam idem Episcopus (Belluacensis) contra ordinis sui dignitatem captis suerat in armis, ut miles vel Ruptarius, non prim est abire permissus donec 6000. argenti carucis ad pondus sterlingorum numeratis & fisco commendetu Regia concupiscentia satisfecisset. Hollinshead, pag. 243. calls them Rutters, and pag. 98, 99. Ruptarii.

ir Buptura, Arable Land, or ground broke Terram quoque tam in mansurus quam in rupturus totius parochia hominibus ibi bospitatu excolendam, reservato -concessit. Orderic. Vital. 1. 5. tantammodo camparto-

p. 596.

Bural Teanes, Decani rurales, Of whom Spelman gives this account, Sunt Decani temporales ad aliquod Ministerium sub Episcopo vel Archiepiscopo exerciendum constituti; qui nec habent institutionem Canonicam secundum Dostores. And this Rural Dean he supposes to be the same, which in the Laws of Edward the Confessor, cap. 31. is called Episcopi Decanus. See Dean, Each Diocels hath in it one or more Archdeaconries for dispatch of Ecclesiastical business, and every Arch. deaconry subdivided into sewer or more Rural Deanries, Heylin's Cosmog. fol. 304. and he says, they were
anciently called Arch-Preshyteri for Decani Christianitatu. 3 See a Difference of the Institution and Authority of Rural Deans, by Mr. Kennett, in his Paroch. Antiquities.

Busca, In Doomsday Book, tit. Cestre, we find these words in substance, When the King himself came in Person to Chester, every Carucata yielded him two hundred Hestae's, and one Tun of Ale, and one Rusca of Butter; but what quantity that Rusca contained appears not: Rusca apum signifies a Hive of Bees. Rusca butyri, a Tub or Barrel of Butter salted up, which in Ireland is still called a Rushin.

Rusche, Mellarium, alveare, For so it seems to signifie in a Charter of Will. Bray Knight, made to the Canons of Osney—Ita tamen, ut tantum de api-cibus, quas ipse Will dy haredes qui dy homines sui in Curiu habebant, decimas percipiant, scil. de Ruschis. It may be derived from the French Ruche, that fignifies

in Latin Alvegre.

Buffici, The Chorls, Churles, Clowns, or in-ferior Country Tenants, who held Cottages and Lands by the Services of Ploughing, and other Labours of Agriculture for the Lord. The Land of such ignoble Tenure was call'd by the Saxons Gafolland, as afterwards Soccage Tenure, and was sometimes distinguished by the Name of Terra Rusticorum. So Gilbert Basset gave to his Priority of Burcester .--Unum virgafam terra in Strattun collectam de terra Rusticorum, qua data suit in dote pradicta Capella. Paroch. Antiquit. p. 136.

Soldiers, in the Service of our old English Kings, who came from Foreign Parts, especially from Germany,—Anno 1216. 18. Cal. Febr. cepit Johannes Rex Anglia villam & castellum de Berwic, ubi cum Rutariis suis feroci supra modum & inbumana usus est tyrannide -—in reditu autem suo Rutarii sui Ministri Diaboli Abbatiam de Coldingeham expugnaverunt. Chron.

Mailros. sub anno.

Bymmers about, They feem to be Vagabonds, q.d. Roamers about, Skene, lib. De Crimin. Capital. tit. 2 C. 14. Paragr. 2. F. 135. p. 2.

S.

Cabbatum, In Doomsday, tir. Sudsex, Is used for Peace, Terra Will: Episcopi de Terford, Bisedes hundred, num. 18. Postquam Willielmus Rex advenit & sedehat in Sabbato, & Willielmus Mallet fecit suum mastellum de Eia, &c.

Sables. See Furre.

Sabulonarium, A Gravel-Pir, or the free ule of it, a liberty to dig Gravel or Sand, or a Right to receive the Money paid by others for leave to dig Gravel or Sand within such a Precinct.—Et debent habere Sabulonarium & chiminagium per totam censariam pradictam.—Petit. Parl. temp. Ed. 3.

Sac, Saccha vel saucha. This Minsbew renders to fignifie a Royalty or Privilege touching Plea, or Correction of Trespasses of Men within a Mannor; and that the word sac in the Saxon Tongue properly fignifies as much as (Causa with the Latines) Sake, whence we in English Itill retain the Expression, For whose sake, Ge. that is, for whose Cause: But in the Laws of Edward the Confessor, thus, Sacha est quod si quilibet aliquem nominatim, de aliquo calumniatus fuerit Gille negaverit, forisfastura probationis vel negationis (sacratica) gationis (si evenerit) sua erit. I will also exhibit an Exposition both of Socha & Sacha out of a very ancient Manuscript Book, in which are Registred several Donations to a Cathedral Church in England, being in the Custody of Silas Taylor Gent. where, after the recital of a certain Charter granted by Edward the Confessor to them, Cum Saka do cum Sokna; There follows an Exposition of them both in red Letters

Sequitur expositio illorum Terminorum Soka & Saka.

SOka, Hoc est secta de bominibus in curia restra secundum consuetudinem Regni.

SAka, Hoc est placitum dy emenda de transgressionibus bominum in Curia vestra.

The first is only the Suit of Court due by the Inhabitants of a Lordship or Mannor, and Sac is the liberty of holding Pleas, and imposing Mulcts and Forteitures upon Transgressors in that Court. But Raftal, and some others, define Sac to be the For-feiture it self. Bratton, lib. 3. tratt. 2. cap. 8. quoted by Stamford in his Pleas of the Crown, lib. 1. cap. 23. uses the word, but both of them leave the fignification undetermined. Skene de verbor. Signif. verb. Sack, writes, That in some old Books it is called Placitum de transgressione nominum in constant fol. 345. him at large, and Hoveden, part. suor. annal. fol. 345. Placitum de transgressione hominum in curia nostra, see Sec Keilwaye's Rep. fol. 145. Et Breve Hen. 2. Ju-fliciariis de Norfolc. Pracipio ut sanctus Benedictus de Ramesia ita bene & libere habeat Socam & Sacam suam, &c. See Saka.

De Saccis, Fratres de Saccis. The Sackcloth Brethren, or the Penitential Order. Jurati presentant quod Adam de Huriel tenuit ut escaetum suum Domos qua valent per annum 10. sol. qua quondam fuerunt Fratrum de panitentia qui vocabantur Fratres de Saccis infra Aldemaneriam de Westgate in civitate Cantuar. Placit. 8 Ed. 2.

Sakaburth alias Sakebere, Is he that is robbed, or by Theft deprived of his Goods, Britton, cap. 15 6 29. with whom agrees Bracton, lib. 3: tract.2.cap.32. num.2. A 2 8

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thus, Furtum vero manifestum est ubi latro deprehensus, sit, seisitus de aliquo Latrocinio, scil. Bonohabend & Backberende, & insecutus fuerit per aliquem cujus res illa fuerit qui dicitur Sacaburth, & sine selfacognoverit deinde esse Latronem coram Vice-comite, vel Coronatore, vel serviente Domini Regis cum testimonio proborum bominum, extunc furtum dedicere non possit, quia tales in hoc habent recordum. The Scots term it Dacrebough & Sikerborgh, that is, certum vel securum plegium ver pignus, For with them Sitter fignifies Securus, and Borgh, Plegius; As if one should say, He that istaken flying with the thing stollen about him, seems thereby, as by a certain Token, to have betrayed his Guilt. But Sacaburth may more reasonably be de-Guilt. But Dacaburth may more reatonably be actived from Sac or Saca, that is, lis or causa, and burb pignus. Propterea quod res furtius sit quasi causa pignus, so says Spelman. Sir Edw. Co. 3 Inst. sol. 69. Will have it come from Sak and Bere, that is, He that bears the Eag; from which Spelman differs not much, when he says the word Sacaber is quasi sacam ferens vel lator.

Saccus cum Brochia, Was Service or Tenure of finding a Sack and a Broach to the King, for the use of his Army, Bratton, lib. 2. tratt. 1. cap. 6. hath these words, Si quis teneat per servitium inveniendi Domino Regi certis locis sy certis temporibus unum hominem sy unum equum sy Saccum cum Brochia pro aliqua necessitate vel utilitate exercitum suum contingentem.

Sacrebough alias Sitterbough, Securus plegius vel pignus, A good Pledge or sufficient Caution. See Sacaburth

South of colon, Saccus Lana, Is a quantity of Wooll containing twenty fix stone, and every stone fourteen pounds, 14 E. 3. stat. 1. cap. 2. See Sarplar. In Scotland it is twenty four Scone, and each stone fixteen pound. See Skene.

Sacraticio Ben's, Are certain small Rents paid by some Tenants of the Mannor of Chuton in Somersetshire, to Sir Charles Waldgrave Lord thereof; but he cannot tell why they are so called.

Sacramento recipiendo, qued bibna Regts le aen maritabit fine licentia Begis, Is a Writor Commission to one, for the taking of an Oath of the King's Widow, that she shall not marry without the King's Licence, Reg. Orig. fol. 298.

Bacramentum, An Oath: The common form of all Inquisitions made by a Jury of free and legal –Qui dieunt super Sacramentum suum. Whence possibly the Proverbial Offering to take the Sacrament in affirming or denying, was first meant of attesting upon Oath.

Dacramentum Mtaris, The Sacrifice of the Mass, or what we now call the Sacrament of the Lord's Supper. For which Communion in the simes of Popery, the Parish Priest provided Bread for the People, and Wine for himself, out of the ample Offerings; and in appropriated Churches this Eurden was commonly laid upon the Vicar, because he seceived the euftomary Oblations. -Parem & vinum pro Sacramento Altaris Vicarius illius Ecclesia (i.e. de Meriton Com. Oxon.) propriis fumptibus exhibebit. Paroch. Antiquit. p. 48

Bacramentum plenum, Didum reor (says Spelman) de completo numero duodenario, ut in Leg. Edw. Confes. ab Ingulpho datis, cap. 17.

Datrilemun, Sacrilege, or an Alienation to Lay-Men, and to profane or common purpoles, of what was given to Religious Persons, and to Pious Uses. Our honest Fore-fathers were very tender of incurring the guilt and scandal of this Crime. And therefore when the Order of the Knights-Templars

reason.—Ne in pios usus erogata contra donatorum voluntatem in alios usus distraberentur—Paroch. Antiquit. p. 350.

Sacreba: ra, Lib. M.S. de Officio Coronatoris, Inquirendum est per 12 juratores pro lege super Sacramentum suum quod sideliter presentabunt sine ullo concela-mento omnes fortunas (i. fortasse occisos) abjurationes, appella murdra Sacrobarra, felonian fallan, per quos de qua, &c. Quare, saith Spelman, if Sacrobarra be not the same with Sacrilegia,

Safe Conduct, Salvus Conductus, Is a Security given by the Prince, under the Great Seal of England, for his quiet coming in and passing out of the Realm; touching which, read the Statutes, 15 H. 6.4. 18 H. 6.8. & 28 H. 8. cap. 1. and the form of it, Reg. Orig. fol. 25.

hate guard. See Salva gardia.

Safe pledge, Salvus plegius, Is a Surety given for a Man's Appearance against a day affigned, Braston, lib. 4. cap. 2. num. 2. where it is also called certus plegius.

Sagibaro alias Sachbaro, The same that at pre-sent is called Justiciarius; for Sagibarones were causarum judices qui inpublicis conventibus jus dicebant litesq; dirimebant, from whence also the Name may be derived; for Sac or Sag fignifies Causam or litem, and Baro, virum vel bominem, as one would say, l'ir causarum, a Judge.

Sagitta Barbata, A bearded Arrow, fuch as we

ufually call A broad Arrow.

Sailing mare, Anno 1 R. 3. cap. 1. May be Canvas, or fuch other Cloth as Sails for Ships are made of.

Daka. See Sac.

Safary, Salarium, Is a recompence or confidera tion made to a Man, for his pains or industry bestow 3. cap. 1. 15 The word Salarium at first fignified the Rents or Profits of a Sala, Hall or House. (In Gascoigne they now call the Seats of Noble Men Sales, as we do Halls.) It afterward stood for any wa-

ges, stipend, or annual allowance.

Salet, Is a Head-piece, 4 & 5 P. & M. From the French Salut, i. Salus, mentioned also 20 R. 2. cap. 1. See Saliet or Sculi of Ivon, otherwise called a

Morion or Pot.

Morion or Pos.

3 Spalartura, Salinum, A Salt-Seller—saem, Abbas reliquit unum sephum de Tamaris, unum Salarium Abbas reliquit unum savaenteum.—Chartular. Abbat. Giafton. MS. f. 34. a. Sailarium, is the Latin word for Cuftom paid

for Salt, according to Camden.

Daio & Doiones fort bel Magistratus Pinister. A Tipstaff or Serjeant at Arms, qui reos protrabunt in judicium. It may be derived from the Saxon 72501. Fallis, because they use to carry a Rod or Staff of

Batina, A Sale-Pit, a House or Place where Salt is made, In Herbagiis & Piscariis, in salinis & Fabricis, neriis ferreis, &c. Cart. 17 E. 2. num. 28.

Salique Lam, Lex salica, De terra salica nulla portio bereditatis mulieri veniat, sed ad virilem sexum tota terra bereditos perveniat, &c. was an ancient Law made by Pharamond King of the Franks, part of which feems to have been borrowed by our Henry the First in compiling his Laws, as cap. 89. Qui hoc fecerit secundum Legem falicam moriatur, &c.

catch Salmons, or fuch like Fish.

Dalmon settife, Seems to be the young fry of Sal mon, Quasi salmon issue, 13 R. 2. stat. 1. cap. 19.

was dissolv'd, their Lands, dre. were all given to the Knights Hospirallers of Jerusalem, for this sacred Martin, by the service or customary Tenants to their

Lord, as a commutation for the service of carrying 1 their Lord's salt from Market to his Lardar .- In manerio de Pydinton quilibet virgatarius dabit Domino unum denarium pro Salt-filver per annum ad dictum Festum S. Martini vel cariabunt salem Domini de soro ubi emptus suerit ad Lardarium Domini. Kennet's Paroch. Antiquit. p. 496.

Daltatorium, A Deer-leap, Clamat babere liberum parcum juum apud Halton cum duobus salcatoriis in eodem,

Pl. apud Cestriam, 31 E. 3.

Shaltna, Highwood. See Boscus.

Shalba gathia, Is a security given by the King to a stranger, searing the violence of some of his Subjects, for seeking his Right by course of Law; the

form whereof, see in Reg. Orig. fil. 26.
Salbage Money, Is a recompence allowed by the Civil Law, in lieu of all Damages suffained by that Ship that saves or rescues another which was set up-

on by Pirates or Enemies.

On by Firstes of Euclines.

Solvagius, Wild, Savage. Salvagius Catus,
The Wild Cat. Rex Johannes dat licentiam Ricardo
Godsfeld by haredibus quod habeant ollo brachetos by
unum Lepwarium in foresta nostra de Essex ad eapiendûm
vulpem by leporem by satum Salvagium. Rot. Cart. 1. Job. p. 2. m. 10.

Solute, Salus, Was a Coyn of Gold stamped by King Herry the Fifth in France, after his Conquests there: Whereon the Arms of England and France were stamp'd quarterly, see Stow's Ch. p. 589.
Salbus Biegius. See Plegius.

Salbus Plegius.

Sanduary, Sanduarium, Is a place privileged by the Prince, for the Safeguard of Men's Lives that are Offenders, being founded upon the Law of Mercy, and upon the great Reverence, Honour and Devotion, which the Prince beareth to the place whereto he on, which the Frince search to the place whereas it granted such a Privilege, Stamf. Pl. Cor. lib. 2. c. 38. This seems to have taken beginning from the Cities of Refuge, mention'd Exod. cap. 21. In imitation whereof, first the Athenians, then Romulus, excepted such a place of Immunity, which they called Assum. Palyder Virgil. de intensione rerum, tib. 3. Assum. 22. The like did the Roman Emperors, as appears, Cor. lib. 1. tit. 15. But among all others, our ancient Kings of England attributed most to these Santinaries, permitting them to shelter such, as had committed both Felonies and Treafons, so that within forty days they acknowledged their Fault, and submitted themselves to Banishment, During which time, if any Lay-man expelled them, he was excommunicated, if any Clerk he was made irregular: But after forty days, no Man might relieve them, Stamf. Pl. Cor. lib. 2. cap. 38. See of this the New Book of Entries, verb. Suntiuary, and Fleta lib. 1. cap. 29. and how by de-Suntinary, and Fleta lib. 1. cap. 29. ABO now by degrees they have been taken away, read 26 H. 8. 13. 28 H. 8. 7. 32 H. 12. 33 H. 8. 15. 1 E. 6. 12. 2 E. 6. 2 df 33. 5 E. 6. 10. See Abjuration. Of these there were many in England, but one more famous than the rest at St. John's of Beverley, which has Saxons called Frieldfoll, which had this Inscription, Hac sedes Lapidea freeditoli, dicitur i. Pacu Cathedra ad quam reus fugiendo proveniens, omnimodo babet securitatem.

Sandall, 2 R. 2. cap. 1. Is a Merchandise brought into England, and is a kind of Wood brought out of India; for scandal in French so fignifies, and the like

does fantalum in Latin.

Sand-gabel, In the Lordship of Redeley in Com. Glanc. the Tenants pay to the Lord a certain Duty of Sand-gravel, for liberty granted to them to dig up fand for their utes, Taylor's History of Gavelkind, p. 113.

Sanguinem redimere, To pay the Merchet, or

accustom'd Fine, for leave given to Legvile Tenants to dispose of their Daughters in Marriage.—Praterea Praterea dicunt quod debent redimere languinem fuum, ita quod

maritagium non se defaciat propter duritiam pradicti Ab--Carrular. Reading. MS. fol. 223. a.

Sartlin time, Is the time when the Husbandman weeds his Corn. And it proceeds from the French Sarcler, or the Latin sarclare, both which signifies to weed; from whence also proceeds sarclum, a weeding Hook.

Arculatura, Weeding Corn. Una Sarcula-The Tenants service of one days weeding for the Lord.—Tenet in bondagio, & debet unam aruram, b unam sarculaturam. Paroch. Antiquit. p. 401. Alicia que fuit uxor Richardi le Grey faciet unam farcu-

laturam, for unum Wedbedripam, ib. p. 403. Sarplar, Sarplera Lana, otherwise called a Pocket, is half a Sack; a Sack eighty Tod, a Tod two stone, and a stone fourteen pound, Fleta, lib. 2. cap. 12. This in Scotland is called Serpliath, and contains four-score stone. For the Lords of the Council, An. 1527. decreed four Serpliaths of packed Wooll to contain fixteen score stone of Wool. See Skene de verbor.

Signif. verb. Serpliath, and 3 par. Inft. fol. 96,
Sarkellus, An unlawful Net or Engine for destroying Fish.—Inquisitiones falla coram Justitiaris anno 1254.-Sarkellis, Annal. Burton, p. 339.

Sarkellis, Annal. Burton, p. 339.

Sart, Essart, A piece of Wood Land turn'd into Arable. See Assart.

Circu of Salisbury; It -De bin qui piscantur cum Kidellin G

into Arable. See Affart.
Sarum, Is intended for the City of Salisbury; It was a form of Church-Service called Secundum usum Sarum, and was composed by Osmund the second Bi-shop of Sarum in the time of William the Conqueror, Hollinshead, pag. 17. col. B.

· Dalle, Anno 10 & 17 Car. 2. Cap. 12. Is a kind of Weer with Flood-gates, most commonly in cut Rivers, for the shutting up and letting out the Water, as occasion requires, for the more ready passing of Boats and Barges, to and fro. This in some places, as Guilford River is called a Lock, in others less properly a Turnpike, and in others a Sluce.

Saturdays-slop, is a space of time in which of old it was not lawful to take Salmons in Scotland and the North of England, that is, from Even-song on Saturday till Sun-fising on Monday.

haber befault, Is word for word to excule a default: This is properly, when a Man having made a default in Court, comes afterwards and alledges a good Cause why he did it, as Imprisonment at the same time, or such like, New Book of Entries, verb.

Saunkefine, May be derived from the French Sang, (anguis, and Fin, finis; and is a Phrase used by Briton, cap. 119. for the determination or final race of a descent of Kindred.

Saroniage, Seaxenlaga, Lex Saxonum. See Mer-

chenlage.

Spacabini, Wardens, was a word used by the Wardens of Linne in Norfolk, in a Charter in these words, Sciant prasentes of suturi quod nos Richardus Bowghere Aldermanus, Edw. Baker, Joh. Browne, Rob. Some, of Wil. Hall, Draper, Custodes sine scabini of fratres fraternitatis sive Gilda Mercatoria santia Trinitatis villance Englocopi in Sam. Norf, pro guadam pecunia. la Lenne Episcopi in Com. Norf. pro quadam pecunia summa inter nos præfatum Aldermanum dy custodes sive scabinos, & fratres & Thomam Miller de Lenne predittà mercatorem concordati, tradidimus, Dimissimus Gr Feoffavimus, &c. totum ilud Messuagium nostrum,

C.c. Dat. 20 die Apr. Amo Reg. Regis, Hen. 8. 18. on the Banks or Eyts of a River for the growth of Ofiers, Willows, or Withies. Sax. Weliges, old English, Wickers. Thence a Wicker-Basket, a Wicker or Door made of Basket-work, Grc. Molendinum de Kertlinten cum quadam particula Saliceti, qua de meo seodo est. Paroch. Antiquit. p.201.

Sations, The corruption of Saxons, a Nime by which the English were formerly call'd in con-tempt, (as they still are by the Welsh) while they rather affected the Name of Angles.

f Sattra, A broad Dish or Platter. - Ubicung, tamencomederer, satiram habebat coram se capacissimam, quam de appositis sibi cibis in alemosynam insirmorum cumulabat. Vita Rob. Betun Episcopi Hereford. apud

Whartoni Angl. Sacr. P. 2. p. 309.

3 30 Scalam, The old way of paying into the Exchequer twenty shillings and fix pence for a pound Sterling. Gervale of Tilbury reports. That K. William the First, for the better pay of his Warriors, caused the Arms, which till his time had for the most part been answered in Victuals, to be converted in Pecuniam numeratam, and directed the whole in every County to be charged on the Sheriff, to be by him brought into the Exchequer; adding, that the Sheriff should make the payment Ad Scalam, box est (as the fore-said Author expounds it) solveret prater quamlibet number of the state of meratam libram sex denarios. For at that time fix-pence superadded made up the full weight, and near the intrinsick value. Vid. Lowndes Essay on Coin, p. 4. This was agreed upon a Medium to be the common estimate or remedy for the desective weight of Money, thereby to avoid the trouble of weighing the Money brought into the Exchequer. Vid. Hale of Sheriffs Accounts, p. 21.

Scannum caducum, Scannum caducum, A Cucking Scool, or Ducking-Scool. - Debet mulier pro debili, i.e. mala cervisia tertia vice pati judicium corporale, scil. in scanno caduco, de tum cervisia debet capi in manu Abbatis. Consuetudines Abbatiæ de

Farrendon, MS. f. 22.

go Dealinga, A Quarry or Pit for stones, or rather states for covering Houses. Fr. Escailliere. Whence our Scales, and the scaling of Stones. Communem pasturam totius mora, cum liberis bominibus meis, dy unam scalingam in competenti loco ultra Hertingburn Mon. Angl. Tom. 2. p. 130. in bosco, in plano, in pratis, in pascuis, in mustis, & scalingis, &c. ib. p. 633. Mr. Blount in his Glossary, when he has confest his ignorance of this word, makes or reports an

sering gnorance of this word, makes or reports an unhappy comment on it.

Scandalum Magnatum, Is the special name of a wrong done to any high Personage of the Land, as Prelates, Dukes, Farls, Barom, and other Nobles; and also of the Chancellor, Treasurer, Clerk of the Privy-Seal, Steward of the House, Justice of one Reach of other and other agent Officers of the Realm. Bench or other, and other great Officers of the Realm, by false News, or horrible or false Messages, whereby debates and discords betwirt them and the Commons, or any scandal to their Persons might arise, Anno 2 R. 2. cap. 5. and hath given Name to a Writ.

granted to recover damage thereupon.

Deabage, Scavagium, Iris otherwise called Ethebage, She wage and Scheau ming, may be deduced from the Saxon reapiali, oftendere, and is a kind of Toll or Custom exacted by Mayors, Sheriffs, Gre. of Merchant-strangers, for Wares shewed or offered to fale within their Precincts, which is prohibited by the Statute 19 H.7. 8. In a Charter of Henry the Second to Canterbury it is written Sheminga. The City of London still retain the Custom, of which in an old Printed Book of the Customs of London, we read thus, De which Custom halfen bel appertaineth to the Sheriffs, and the other halfen bel to the Hollys in whole Houles the Werchants been lodged: And it is to wet that Scavage is the Shew by cause that Merchanties themn unto the She riffs Merchandiles, of the which Customs ought to be taken one that one thing thereof be fold, ac.

Schabalbus, The Officer who collected the Scavage-money, which was formetimes done with ex tortion and great oppression. Ricardus Epijcopus Dunelmensis censecratus Anno 1311. Schavaldus insurgen-tes in Episcopatu fortiter composuit. Aliqui suspendeban-tur, Aliqui extra Episcopatum sugabantur. Hist. Dunelm. apud W.b. rton. Ang. Sac. P. I. p. 756. Rex nitebatur fratrem Episcopi capere, de in vinditiam Schayvaldi vel Pradonis Johannis de Werdala à Servis Episcopi occisi in Insula sacra in mortem tradere, ib.

Stavenger, From the Belgiek Scavan, to scrape. Two of every Parish within London and the suburbs, are yearly chosen into this Office, who hire Men called Rakers, and Carts to cleanse the Streets, and carry away the Dirt and Fish thereof, mentioned 14 Car.

2.1cap. 2.

2. Cap. 2.

Schaffa, A Slieaf, as Schaffa sagittarum a Sheaf of Arrows. See Skene de verbor. Sign, eod. verbo.

Schapbula from Scapba, a Boat, or Skipp, or Sciff. Sceppa salis, a quantity of Salt. Mon. Ang. Tom. 2.

p. 284. — Eight Quarter and one Sceap of Wheat, Parch Angles of Wheat, Parch Angles of Sales ware p. 284. — Eight Quarter and one Sceap of vinces, Paroch. Antiq. p. 604. A Basket (and Baskets were formerly the common Standards of measure) is now the South parts of England; call'd a Skip or Skep in the South parts of England; and a Bee-hive is term'd a Bee-skip

Schildpenny, Tributum singulo scuto impositum

escuagium, scutagium, vide.

Scharpenny,--Sampson dei gr. Abbai S. Edmundi & Conv. salutem, &c. fasta est compositio inter Nos & Burgenses de villas S. Edmundi quod Prapositus ejusdem villa dabit fingulis annis— denarios quos ap-pellabant Repessilver, item denarios pro faldagio vaccarum is fine villa quos nominabant Scharpenny, &c. Cartular. S. Edmundi, MS. f. 247. From whence I think may be inferred, that some customary Tenants were oblig'd to pen up their Cattle at Night in the Pound or Yard of the Lord, for the benefit of their Dung, or if they did not so, they paid a small compensation call'd Scharpenny or Scharnpenny, i. e. Dung-penny, or Money in lieu of Dung. The Saxon Sceam fignified Muck or Dung. In some parts of the North they still call Cow-dung by the Name of Cow-Skern, and in Westmoreland a Scarny Houghs, is a nasty dirty Dunghil-The same Dury above-mentioned was likewife call'd Schorn-penny, hearer to the Original Scearn, Dung, and is thus plainly described in the same old Carculary of St. Edmundsbury in Suffolk, — Burgensi-bus villa S. Edmundi data est quitantia cujusdam consuetudinis qua dicitur Schorn-penny - Solebat enim Cellerarius accipere unum denarium per annum de qualibet vacca hominum villa pro exitu, (i.e. their Dung) nisi forte essent vacca Capellanorum vel Servientium Curia quas vaccas solebat imparcare. -ib. f. 31.

be taken against the horrible Vice of Usury, then termed Schetes, and practised by the Clergy as well as the Lairy. Rot. Parl. 14 Ric. 2.

as the Latty. Kor. Part. 14 Kic. 2.

§ Scipforbunga, Apparatus navigii, Shiptacle.

Scarcalla, It was especially given in charge by the Justices in Eyre, that all Juries should inquire De hiis qui piscantur cum Kiddellis & Skarcallis, Co. 2. par. Inst. fol. 38.

§ Scheren-silver, Shearing-silver, or a payment of small Sum of Money to the Lord by a customary.

of a small Sum of Money to the Lord by a customary Tenant for the liberty of Shearing his Sheep. In the Mannor of Berton Magna held of the Abbot and Convent of St. Edmunds in Suffolk .-–Alexander Rason tenet unum messuagium & quinq, acros terra—Et si babeat bidentem vel vaccam dabit Scheren-silver sicut Rogerus de Holme. Cartular S. Edmundi, MS. f. 26. Tho' possibly it is the same with Schar-penny, or Money given for Dung of Beafts.

Chirtens-

the Sheriffs for keeping the Shire of County-Court. In Alesbot, Memorandum quod pradicti tenentes (de South-Berton MagnaWillielmus Filius Johannus Marchaunt te-net partem mc¶uagii & unam acram terrs-—& reddit quolibet tertio anno unum den. ad Ward-silver die S.Petri ad vincula of quolibet tertio anno 1 denar. Hundreds-geld

of Schirrenes-geld—temp. Ed, i. Ex Cartular. Abbat. S. Edmundi, MS. f. 37. b.

Schiremete, The like Annual Tax or Præstation paid to the Sherisf, for holding the Assizes or County-Courts.—In soluties pro quadam pensione vocata Scirewyte annuatim to sol:—Paroch. Antiquit.

P. 573.

Sogilus, The Hilt or artificial Handle of a Sword.—Enfis Scogilatus, a Hilted Sword.—Si inter aliquos disfensio consurgat, ex quo aliquis eorum gladium scogilatum evaginat, non est etiam expestandum

ut percutiat. Leg. Hen. 1. cap. 83.
Scire facias, Is a Writ Judicial, most commonly to call a Man to shew cause to the Court whence it issues, why Execution of a Judgment pailed, should not be made out: This Writ is not granted until a year and a day be elapted after a Judgment given, Old Nat. Brev. fol. 151. Scire facias upon a Fine lies nor, but within the same time after the Fine Levied, otherwise it is the same with the Writ of Habere facias seisinam, West Symbol. part. 2. tit. Fines, sect. 137. and 25 Ed. 3. Itat. 5. cap. 2. & 39 Eliz. cap. 7. Other Diversities of this Writ you may find in the Table of the Register Judicial and Original. See also the New Book of Entries, verb. Scire facios.

Scite, 32 H. 8. cap. 20. See Site. Secot, A part or portion, according to Rastall, is a certain Custom, or common Tallage, made to the use of the Sheriff, or his Baylists: Scot (says Camden out of Mat. Westm.) Illud dicitur quod ex diversis rebus in unum acervum aggregatur. Anno 22 H. 8. cap. 3. Bearing neither Scot, Lot not other Charges, &c. Et Anno 32 H. 8. cap. 9. See Doomsday of Spelman.
Scot and Lot, 39 H. 8, 9. Significan customary Contribution laid upon all Subjects, according to their Ability. Hoveden (in the beginning Hen. 2.) writes it Inlote & Information See Leg. Gul. Conq. cap. 125. the same words. And Howeden in Anno 1088. Rex omne injustum scottum interdixit. --- Foret Ballivus ad scotinjustum icottum interaixit. Foret Ballivus ad scotta pro reparatione of sustentiale Walliarum, &c. assessada levandum, Ordinatio Marisci Romenciensis, pag. 56. And again, pag. 64. Ballivus habeat pro labore suo dupla levanda qua tempore suo de scottis assessada qua tempore suo de scottis assessada contingant; And asterwards, pag. 69. Tam generales scottas quam separales aquagangias assessada un pradictum est onerabit. And at last, pag. 73. Statuerunt quod quilibet scottus assessada procumaretur. Nor are these old words grown obsolete. for whoever in like manner words grown objecte, for whoever in like manner (though not by equal portions) are affested to any Contribution, are generally said to pay Scot and

Dues. In a Charter of King Henry 1. to the Abby of St. Edmund in Suffolk.—Et probibeo ut Homines Sansti Edmund for terra sua na aliter scotten quam tune temporis fecerunt Test. Roberto Malet apud Westm. Ex Cartular. S. Edmundi, MS. penes Joh. Episcopum Norwic. f. 166.

Scotall alias Scotale, Scotalla & scotalium, Is a word used in the Charter of the Forest, in these words, cap. 7. Nullus forestarius vel Bedellus faciat scotallas vel Garbas colligat vel aliquam collectam faciat, Manwood's Forest Law, Part 1. pag. 216. A Scotale is, where any Officer of the Forest keeps an Ale-house within the Forest, by colour of his Office, causing Men to come to his House, and there to spend their Money for fear of having displeasure. It is a com-

malling) debent de consuetudine inter eos facere scora-lium de 16. denar. Ly ob. Ita quod de singulis sex de-nariu, 1. denar. Ly ob. ad potandum cum Bedello Do-mini Archiepiscopi super pradictum seodum, Ex vet. Con-suetudinario de Soutbmalling in Archivis Archiep.

\$\$\cosars, Schozears, Wheels for some Carriage; they seem to have been Plough-Wheels, from Saxon

Scos, Shoes, and Erian to Plough or Ear.—Et in uno pari rotarum vocat. Schozears empto ibidem vij. sol. ij. den.—Paroch. Antiquit. p. 573.

Scrubland, A Saxon word, and is Terracujus proventus vestibus emendis assignati sunt. Land allotted for buying Apparel. See the Saxon Distionary hoc verbo.

Scutage, Scutagium; Henry the Third for his Voyage to the Holy Land, had a Tenth granted by the Clergy, and Scutage, three Marks of every Knights Fee by the Laity, Baker's Chron. in vita, Hen. 3. This was also granted to Henry the Second, Richard the First, and King John. See Kennet's Glossary in Scut age.

Scutagio habendo, Was a Writ that lay for the King, or other Lord, against the Tenant that hold-eth by Knights-service, to serve by himself, or else to send a sufficient Man in his place, or pay, dyc. where the King intends to make a Warlike Expedition a-gainst the Scots or French, F. N. B. fol. 83. It is used in the Register Original, for him to recover Escuage of others, that hath either by Service or Fine performed his own to the King, fol. 88. a.

from Scutella, Scotella, From Scutum. Sax. Scutel, Scottle, any thing of a flat and broad shape, like a Shield, especially a Plate or Dish, a shallow wooden Bowl or Platter is still call'd a Scuttle. And in Kent, the broader Shovel with which they turn Malt or Corn, is call'd the Skuttle.——Et in duabus scotellis manualibus emptis ibidem vij. den. &c. Paroch An-

scutum Frmozum, A Coat of Armsrint universi per prasentes me Johannem nuper uxorem Will. Leigh de Knightey Dominam & restam haredem de Knightey dedisse, &c. Richardo Peshale silio Humfridi Peshale scutum armorum meorum. Habend. & tenend. ac portand. & utend. ubicunq; voluerit sibi & ha-redibus suis in perpetuum; Ita quod nec ego nec aliquis alius nomine meo aliquod jus vel clameum vel calumpni-

alius nomine meo aliquod jus vel clameum vel calumpniam in pradicto scuto babere potuerimus, sed per prasentes sumus exclusi in perfetuum, In cujus, &c. Dat apud Knightley, Anno 14 H. 6.

Secrete gemot, Isa mere Saxon word, and signifies a Court held twice every year (as the Sherists Turn is now) by the Bishop of the Diocess and the Ealdorman (in Shires that had Ealdormen) and by the Bishops and Sherists, in such as were committed to the Sherists that were immediate to the King, wherein both the Ecclesiastical and Temporal Laws, were given in charge to the Country, Selden's Titles of Honour, fol. 520. See Consistory.

Stangtum, In Doomsday is used for Exchange, according to the Interpretation of Mr. Agar of the Ex-

cording to the Interpretation of Mr. Agar of the Ex-

chequer.

Seale, Sigillum, Is a thing now well known, but not heretofore: For the first sealed Charter we find in England, was that of King Edward the Confessor, when he founded Westminster-Abbey. And Taylor in his History of Gavelkind, fol. 73. asserts other of the same King's Seals; Edward the Confessor (says he) made a Grant of some Privileges to the Church of Hereford, and firmed it with a Seal, which in one of their Register Books is described to be preserved in Panna [erico,

serico, and a Memorandum also of the Circumscription, of the faid Seal, to be this, Hoc est sigillum Regis Edwardi. And in many places of Doomsday Book it is recorded, That Lands did pass to several People under the Seal of King Edward; as in Berkshire, under the Title of Terra Henrici de Ferieres; Godricus Vice-comes tenuit de Rege Edwardo, Hanc terram dedit Rex Edwardus de sua firma Godrico, & inde viderunt sigillum ejus bomines de Comitatu, prater istas bidas accepit ipse Godricus de sirma Regis unam Vs. terre, de qua non viderunt sigillum Regis; By which it appears, that the Saxons looked upon jealing as of great strength and essistant to their validating of Deeds and Con veyances. See Wange. Anno 1536. Domini etiam atq, generosi, relisis imaginibus equitum in sigillis posue runt Arma sua in parvis scutis, Chron. Joh. Rossi in Biblioth. Cotton. of the Original use of Seals in England, and other proper Observations relating to them. See the ingenious and very serviceable Work of Mr. Nicholsin, English Library, Part 3. p. 225.

The Secret States, The Scire, Ward, or Division of a City. In Eboraco civitate T.R. E. prater scyram Archiepiscopi suerunt sex scyra, una ex his est vastata in cassellis. Lib. Domesses.

Spealer, Sigillator, Is an Officer in Chancery appointed by the Lord Chancellor, or Lord Keeper of the Great Seal of England, to feal the Writs and Instruments there made in his presence.

Seane-fifth, Seems to be a fort of Fish which is taken with a very great and long Net called a Seane.

Searcher. See Alneger.

Dearcher.

Den rober, Anno 16 Car. 2. cap. 6. See Pirate. Second beliberance, Secunda deliberatione, Is a Writ that lies for him, who, after a return of Cartel, replevied; Adjudged to him that distrained them, by reason of a default in the Party that replevied, for the replevying of the same Cattel again, upon security put in for the re-delivery of them in ease the Distress be justified, New Book of Entries,

verbo Replevin in second deliverance, fol. 522.

Dier, fol. 41. num, 4, 5.

Second Martiage, Setunda Nuplia, Is when after the decease of one, he marries a second Wife. This our taw terms Bigamus, and had so little favour so, that it admitted not such to hely Orders.

word formerly lignified any Confidence, Favourite, or Intimado.——Cunst. denique agenda sua ad nutum unius Secretarii sui passim committere. Paroch. Antiquic. p. 388. The Tule is mow only given to him that is ab Epistolis, by scriptis, secretaris. As the two Secretaries of State, de

Detta, A Suit of Cloaths. Ad Sellam. de Sella, of different suits or kinds, according to the condition and office of those who received and wore their Livery. Hemicus Prior Elien. de Conv. -- Noveritis nos concessisse Joh. Brewode -- annualim unam robam pro seipso de secta Armigerorum, de aliam de secta Valet-Borum pro famulo Juo Dat. 14 Decemb. 16 Hen. 4
Carzular. Eccl. Elien. MS. f. 83.

Theta Curia, Suit and Service done by Te

nants at the Court of their Lord-Homines de He dingdon facient sellam curia Domini sex septimanis, & si Breve Domini Regis in dista curia attachietur, tunc Jestam illam facient de tribus septimanis in tres septima-

s. Paroch. Antiquit, p. 320. Seca ad Curiam, 184 Writ that lies against him

partem, Is a Writ to compel the Heir that hath the elders part of the Co-heirs to perform Service for all the Coparceners, Reg. Orig. fol. 177.

Secta Molendini, Is a Writlying against him that

was wont to grind at the Mill of B, and after goes to another Mill. with his. Corn, Reg. Orig. fol. 153. F. N. B. fol. 122. But it feems by him, that this Writ lies especially for the Lord against his Franktenement, who held of him by making fuit to his Mill. See the New Book of Entries on this word Seela ad molendinum. And Assign of Nujance are at present much turned into Trespasses and Actions upon the Case. See Balduinus ad titulum de servitutibus pradiorum in Instit.

Settam proferre, Est testimenium legalium bominum qui contrallui înter cos habito înterfuerint prasentes pro-ducere, Fleta, lib. 2. cap. 63. sect. Nullus, and selta is used for a Witness, Id. lib. 4. cap. 16. selt. sinal. Habes tamen sectam unam nel plures, &c.

Seda ad justitiam faciendam, Isa service which a Man is bound to perform by his Service, Brallon,

lib. 2. cap. 16. num. 6.

Seda unica tantum facienda pro pluribus hæreditatibus, Is a Writ that lies for that Heir that is distrained by the Lord to more Suits than one, in respect of the Land of divers Heirs descended unto him,

Reg. Orig. fol. 177. a.

Secta fibrarum, Per sectam shirarum clamat effe quiet. de secta in Com. Cestria dy Flint. coram Justic. Do-mini Principu in communi aula Placitorum, Plac. in Itin. apud Cestriam, 14 H. 7. 10 See Kennet's Glossary in Sella Schirarum dy hundredorum.

Sectis non faciendis, Is a Writchar lies for a Woman, who, for her Dower, ought not to perform fuir of Court, Reg. Orig. fol. 174. It lay also for one in Wardship, to be freed of all fuirs of Court during his Wardship, Reg. Orig. fol. 173. but see 12 Car. 2.

Decunda luperoneratione paltura, is a Writchae lies where admeasurement of Pasture hath been made; and he that first surcharged the Common, doth again furcharge it, notwithstanding the Admeasurement, Res. Orig. fol. 157. Old Nas. Brev. fol. 73.

Secumbary, Secundarius, That Officer who is the fecond, or next to the chief Officer; as the fecundary of the Fine-Office: The fecundary of the Compters, who is next to the Sheriff of Landon in each of the two Compters; secundary of the Office of the Privy-Seal, Anno I. E. 4. cap. 1. Secundaries of the Pipe two: Secundary to the Remembrancers, which are two Officers

in the Exchequer, Cambd. p. 113.
Securitatem inbeniendi quad fe non dibertat ad partes exteras fine licentia Bogis, la Writ that lies for the King against any of his Subjects, to according to such a suit or fort. As the Beligious in stay them from going out of his Kingdom; The ground the greater Convents gave Liveries ad diversa setting, of which is, That every Man is bound to serve and defend the Common-wealth, as the King shall think meet, F. N. B. fol. 85.

Securitate pacts, Is a Writ that lies for one who is threatned Death or Danger, against him that so threatneth, and is taken out of the Chancery, and directed to the Sheriff; the form and farther use whereof, you may see in Reg. Orig. fel. 88. and Fitz. Nat. Brev. fol. 79.

ger speed-coo, A Basker, or other Veffol of Wood carried upon one arm of the Husbandman, to bear the feed or grain, which he fows with the other From Sax. Sad, Seed, and Codde, a Puric or such like Continent. Hence Codd in Westmareland is a Bolster or Pillow, and in other Northern Parts a Cu-shion, as a Pin-cod, i. e. a Pin-cushion. A Horse-cod, who refutes to perform his Suit either to the County or Court Baron, F. N. B. fol. 1.58.

i. e. a Horfe-collar to guard his Neck.—The Cod of Secta facienda per titam que habet emiciam a Man or Beaft, a Cod-piece, a Peafeod, &c.—Pro

uno Seed-cod empto ru. d. Paroch. Autiquit. p. 549. See Kennet's Gloffary in Seed-cod.

See befendendo, is a Plea for him that is charged with the death of another, faying, He was necessitated to do that which he did in his own Defence: The other so assaulting him, That if he had not done is he did, he must have been in hazard of his own life: But this danger ought to be to great, that it

seems inevitable, Stamf. Pl. Gor. lib. 1. cap. 7. though he justifie it to be done in his own defence, yet he is driven to procure his Pardon of course from

the Lord Chancellor, and forfeits his Goods to the King, according to the same Author.

Seigner, and denotes in the general signification as much as Lord; but particularly it is used for the Lord of the Fee, or of a Mannor, even as Dominus or Senior among the Feudific is he who grants a Fee, or Benefit, out of the Land to another: And the reason is, as Hotoman faith, because having granted the use

and profit of the Land to another; yet the Property, that is Dominium, he still retains in himself. See Hotoman in verbis feudal, verb. Dominium of fenior. Lord, but of no Mannor, and therefore can keep no

Court, F. N. B. fol. 3.

Sprinnourage, 9 H. 5. stat. 2. cap. 1. Seems to be a Royalty or Prerogative of the King, whereby he challengeth allowance of Gold and Silver brought in the maile to his Exchange for Coin. IF By Seigniorage or Royalty out of every pound weight of Gold, the King had for his Coin five shillings, out of which he paid to the Master of the Mint for his Work sometimes one fhilling, fometimes eighteen pence. Upon every pound weight of filver, the Seigniorage or Coinage answered to the King in the time of K. Ed. 3. was eighteen penny weight pendere, which about that time amounted to one shilling, out of which he paid some times eight pence, sometimes nine pence to the Mafter. In the time of Hen. 5. the King's Seigniorage of every pound weight of filver was fifteen pence. Vid. Hale of Sheriff's Accompts, p. 3.

Deignioz y, Dominium, Is borrowed from the French Seigneurie, i. dominatus, imperium, principatus; and fignifies with us a Mannor or Lordfhip, Seigniory de Solvemans, Hirch. fol. 80. Seigniory in gross, which foems to be the Title of him who is not Lord by means of any Mannor, but immediately in his own Person, 26 Tenure in Capite, whereby one holds of the King as of his Crown, is feigniory in grofs, Kitchin, fol. 206.

See Seignior. So primier seism is the first Possession, and to seise, is to take Possession. See Primier seisin, of the trench word Seisir, is made the Latin seisire used both by the Cannifts and Gruilians; Seifin according to the Common Law is twofold, seifin in Fast, and seifin in Law, Perkins Dower, 369, 370. Seifin in Fast is, when a corporal Postellion is taken; Seifin in Law, when something is done, which the Law accounterh a seifin as an involunance. sin, as an involuent: And this seisin in Law is as much as a right to Lands and Tenements, tho' the Owner be by wrong differed of them, Perkin's Tenant par le curtesse, 457, 458. And it seems by Ingham, That he who hath an hours possession quietly taken, hath seisin de droit & de claime, whereof no Man may diffeise him by his own force or subtilty, but must be driven to his Action, fest. Briefe de Novel Dissifin. Coke, lib. 4. fol. 9. calls it seisin in Law, or Astnat seisin. The Civilians call the one Civilem possessionen, the other Naturalem.

Deilina habenda, quia Mep habuit annum, bie em e Malium, Is a Wrie that lies for delivery of feifin ctta be libero tenemento, ec. Is a Writ directed to

to the Lord of his Lands or Tenements, after the King, in the right of his Prerogative, hath had the year, day and waste, Regist. Orig. fol. 165.

Debet operari in qualibet septimana, d Festo S. Michaelus usq, ad gulam Augusti quolibet die operabili unum opus, pretium operus ob. quadr. (y à Festo S. Petri ad vincula usq. ad Festum S. Michaelis unum opus in quolibet die operabili i. den. ob. excepto sesone hyemali. Extent. Manerii de Garinges in Spelman, who leaves the word unexplain'd.

Selba, May be deduced from the Saxon Seloe, seat or stool. Assis mensurarum, Anno 9 Rich 1. apud Hoveden,— Prohibemus ne quis mercator pratendat seldæ sua rubros pannos vel nigros vel scuta vel aliqua alia, per qua visus emptorum sape decipiuntur, ad bonum pannum eligendum. In Majoribus Chronicis ubi locus hic vertitur. Spelman fays, Selda is expounded for a Mindow: It fignifies also a shop, shed, or stall, Sciant, &c. quod ego Thomas Pencombe de Bromyard dedi, &c. Thomæ Forsenet vicario Ecclesia de Bromyard pred. unam seldam meam jacentem in Bromyard prad. &c. Dat. &c. Anno 10 H. 6. Et medieta-tem unius seldæ worat. Le Unicorne in London. Mon. Ang. 2. par. fol. 322. Selda also fignifies a Wood of Sallows, Willows, and Withyes, Co. on Lit. fol. 4.

Sclion of Land, Selio terra, May be derived from the French Seillon; ground rifing between two Furrows, in Latin Porca, in English a ridge of Land, and contains no certain quantity, but fornetimes more, and sometimes less: Therefore-Crompton in his Jurif-distins of Courts, rol. 221. saith, That a Selion of Land cannot be demanded, because it is a thing uncertain: It may not without some probability be deduced from the Saxon Sul or [yl, i. aratrum; whence also the French Seillommer, id est, arare, to Plough. See Kennett's Gloslary in Selio.

Sems, Summa, A Horse load; A seme of Corn is eight Bulhels,—Fratres Pradicator. (Heres) pro 2. Summagiis vocat. Semes, de socali percipiend. quotidie de bosco de Heywood pro termino 20. annorum, 3 H. 5. part 2. m. 18. See Sumage - Habehunt etiam duas summas frumenti, pro pastellis, cum volne-rint saciend. Mon. Ang. 2. par. fol. 933. Et sint quieti de summagiis & murdro, & Tenniggs, & Wapen-take, & Auxiliis Vice-comitum, Ibid. fol. 201. Beminarium, A Seed-Leap.——In corballis

-In corballis of seminariis emptis iv. den. ob. in tribulis of ligonibus emptis vij. den. Consuetud. Domus de Farendon. MS.

pendal, Anno 2 Rich. 2. cap. 1. Seems to be fine Linnen; but fandal is a kind of Physical Wood brought from the Indies.

Spenege, There goes out yearly in Proxege and Senege 33 s, 6 d. Perhaps senege may be Money paid for Synodals, as Proxege for Proxyes or Procura-

Senethal, Senefchallus, Is a French word, bur borrowed from Germany, being derived from Sent, a House or Place, and Schale, serven; We English it a Steward, and so doth Co. on Lit. fol. 6 r. As the high Seneshal or Steward of England, Stamth Pl. Co. fol. 152. High Seneshal or Steward, and South Sanglish or Holder Staward Kitchin Sel. 20 is under Seneshal or Under-steward, Kitchin, fol. 83. is under-stood of the Stewards or Under-stewards of Courts; Seneshal de l'hostell de Roy, Steward of the King's Houshold, Cromp. Jurisd. fol. 102. See 25 Ed. 3. 121. In Purissione Beard Maria, suit filius Regis Anglorum Parisiis of servivit Regi Francorum ad mensam ut Seneschallus Francia, Rob. de Monte

in Anno 1170. pag. 649. See Kennett's Gloffary. Deutsfeatio & Marethalio quod non teneant pla-

the Steward or Marshal of England, inhibiting them to take Cognisance of any Action in their Court that concerns either Freehold, Debt or Covenant, Reg.

Orig. fol. 185, 191.

Seney-days, Play-days, or times of Pleasure and Diversion. — Dies recreationis vocati Anglice Seny-days petuntur à Residentariis Ecclesia Ebor. verbis - Moy honorables Seirs, Je an cet temps vous emprie donez mez gores de Seney coment eguunt glia este accustome à faire à un Canon Residentiar.-gist. Eccl. Ebor. anno 1562.

Sente alias Soene, Sena, Is a Medicinal Herb, the use and vertues whereof you may read in Gerard's Herbal, lib. 3. cap. 8. This is mentioned among other Drugs and Spiles to be garbled, Anno r. Fac.

cap. 9. Senta,—Willielmus de Braosa dedit Regi offingent as marcas, tres dextrarios, quinque thacuros, vigin-ti quatuor sensas, dy decem Leporarios, Cart. 7. Joh. I don't know whither any Writer has mention'd this word but Mr. Blount, and he confesses his ignorance of the meaning of it. I take them to be the more slow and sure-senting small Hounds or Beagles.

Seneucia, Mitombood, If a Widow, having Dower after the Death of her Husband shall marry vel fi-lium, vel filiam in Seneucia peperit, he shall forfeit and lose her Dower in what place soever, in Kent Tenen-in Gavelkind, Plac. Trin. 17 E. 3.

Deparia, Separaria, A several, or divided into Enclosure, sever'd or separated from other ground. — Placia qua jacet juzta separiam Prioris de Conven-tus de Burncestre. Paroch. Antiquit. p. 336.

Separation, Separatio, Is the living afunder of Man and Wife. See Mulier.

Sepulver, Seepsilver, Among the Customs of the Mannor of Cokefield, belonging to the Abby of St. Edmund in Suffolk.—Custumarius debet scindere ly craiare quatuor caraliatos focalis apud Santium Ed-mundum ad eandem firmam pro tribus operibus--ly dabit Scepfilver videlicet pro quinque capitibus unum denarium & quietus erit de uno opere pro Sepsilver. · Cartular. S. Edmundi, MS. f. 388.

Septum, An Inclosure, a Close, and is so called, because it is encompassed cum sepe of fossa, with a Hedge and a Ditch, or at least with a Hedge.

Septungelina, mentioned Westen. 1. cap. 51. Is always the third Sunday before Quadragesima exclusive, from which, until the OBaves after Eafler, the so-lemnizing of Marriage is forbidden by the Canon It is called Septuagesima, as being above seventy days before Easter, as Sexagesima and Quinquagesima, because the first is accounted sixty, the latter fifty days before the same reast, and are days appointed by the Church to acts of Penance and Mortification, and are preparative to the devotion of Lent then approaching. See Quinquagefima.

Sepulchie, Sepulchrum, Is the place where any

dead Body lies interred; but a Monument is a place where something is set up for the Memorial of the deceased, though the Corps lie not there.

Sequit, To prefer an Action, and prosecute a Suit or Cause, as Attorney or Proctor in a Court of Justice. Qui sequitur pro Rege, The King's Attorney. tornev.

Sequela caula, The Process, and depending issue of a Cause or Trial.

Appertinences to the Goods and Chattels of servile Tenents, which were at the Arbitrary and Abolute disposal of the Lord.—William de Lonspe constructed to the Priory of Burcester their Lands in Wrechwick disposal of the Lord.—William de Lonspe confirmed to the Priory of Burcester their Lands in Wrechwick of Treason, Stamf. Pl. Cor. lib. 7. cap. 1. And of these there may be more, if it please the Ring. This, Villanos cum villanagiis omnibus catallis of tota sequela in other Kingdoms, is called Advocatum Regius, Cassan. -Paroch. Antiquit. p. 216, 288.

Sequeta molendini, The owning suit to a particular Mill, or being bound to grind Corn in that only place; which was a Duty and Service laid upon many Tenents. Concedere sequelam molendini. was to grant all the Toll and Profits arifing from fuch Cu-Stomary Rights.

Sequatur sub sus periculo, Is a Writ that lies where a Summons ad Warrantisandum is awarded, and the Sheriff returns, That he hath nothing whereby he may be summoned; then goes out an Alias and Pluries, and if he come not at the Pluries, then goes out this Writ, Old Nat. Brev. fol. 163. Co. on Lit. fol.

Sequela Curix, Suit of Court,-

liheri à Sequela Curiæ, Mon. Aug. 2. par. fol. 253.
Sequeller, Is Aterm used in the Civil Law for renouncing, as when a Widow comes into Court, and disclaims to have any thing to do, or to intermeddle with her Husband's Estate who is deceased; she is

said to Sequester.

faid to Sequester.

Sequestration, Sequestratio, Is the separating of a thing in controverse from the possession of both those that contend for it: And it is of two kinds, Voluntary or Necessary; Voluntary, is that which is done by consent of each Parry: Necessary, is that which the Judge doth of his Authority, whether the Parties will or nor. It is used also for the Act of the Ordinary, disposing the Goods and Chattels of one deceased, whose Estate no Man will meddle with, Dyer, fol. 232. num. 5. of fol. 256. num. 8. of fol. 260. num. 42. of fol. 271. num. 26. As also for the gathering the Fruits of a Benefice void, to the use of the next Incumbent, 28 H.8. cap. 11. Fortescue, cap. the next Incumbent, 28 H.8. cap. 11. Fortescue, cap. 50. and in divers other Cases. See Kennett's Glossary in Sequestrare.

Sequettro habendo, Is a Writ Judicial, for the diffolving a Sequestration of the Fruits of a Benefice made by a Bishop at the King's Command, thereby to compel the Parson to appear at the Suit of another; for the Parson upon his appearance may have this Writ for the discharge of the Sequestration, Reg. Ju-

dic. fol. 26.

Dergeaut, Serviens, Cometh of the French Sergeant; i. satelles, a Man of the Guard, so called, because he was sepe accitus ad res necessarias in exercitu peragendos, so Calepine. But Shene de verbor. Signif. verb. Sergeant, saith, it is, vox composita de serrer, quod est includere, or Gent, quod pro gente, plebe vel po-pulo usurpatur. This word is diversly used in our aw, and applied to fundry Offices and Callings. First, a Sergeant at Law (or of the Coyf) is the high-est degree taken in that Profession, as that of a Doctor is in the Civil Law. And to these, as Men best learned, and most experienced of all others, one Court is fet apart for them to plead in by themselves, which is the Court of Common-Pleas, where the Common Law of England is most strictly observed; and tho they have this Court to themselves, yet are they not restrained from pleading in any other Courts, where the Judges (who cannot have that Honour, till they have taken the degree of Sergeant at Law,) call them Brothers, and hear them with great respect next to the King's Attorney and Sollicitor-General. These are made by the King's Mandate, or Writ, directed unto them, commanding them, upon a great penalty to take upon them that degree by a day certain there-, in affigned, Dyer, fol. 72. num. 1. See Count. And of these is the King's Sergeant, being chosen commonly out of the rest, in respect of his great Learning, to plend for him in all Causes, especially in those de consuet. Burgund, pag. 850. With what Solemnity | cage; but the Honorary Services of Grand Sergeanty these Sergeants be created, read Fortescue, cap. 50. Cro. 2. par. fol. 1. and 2 Inil. fol. 213. These were called anciently Servientes Narratores. Et pradithus Thomas le Mareschall dicit quod ipse est communis Serviens Narrator coram Justic. by alibi ubi melius ad boc conduci poterit, &c. Trin. 25. E. 1. coram Rege Ox-on. 22. This word Serjeant is used in Britton for an Officer belonging to the County, and the same which Bradon in his Fifth Book, cap. 4. num. 2. calls Servientem Hundredi, and is in truth no other than the Bayliff of the Hundred; And the Steward of a Mannor is called Serviens Manerii, Coke, vol. 4. Copyhold Cafes, fol. 21. a. Then the next is a Sergeant at Arms, Serviens ad Arma, whose Office is to attend the Person of the King, Anno 7 H. 7. cap. 3. to Arrest Traytors, or Persons of Quality offending, and to attend the Lord High Steward of England sitting in Judgment upon any Traytor, and such like, Pl. Cor. lib. 3. cap. 1. Of these by the Statute 13 Rich. 2. cap. 6. There may not be above thirty in the Realm: Two of these, by the King's Allowance, attend on the two Houses of Parliament; The Office of him in the House of Commons is the keeping of the Doors, and the Execution of such Commands, especially touching the Apprehension of any Ossender, as that House shall en-join him, Cromp. Jurisd. fol. 9. Another of them ac-sends on the Lord Chancellor, or Lord Keeper, in the Chancery; and one on the Lord High Treasurer of England: One attendeth upon the Lord Prefident of Wales, and another upon the Lord President of the North. Another sort of Sergeants are chief Officers, who execute several Functions in the King's Houshold, of which you may read many in the Sta-Houlhold, of which you may read many in the Statute 33 H. 8. cap. 12. There is also a more inferior kind of Sergeants of the Mace, whereof there is a Troop in the City of London, and other Corporate Towns that attend the Mayor, or other chief Officer, both for menial Attendance, and chiefly for Matters of Justice. These are called Servientes ad Clavam, New Book of Entries, verb. Scire facias in Mainpernors, cap. 3. fol. 538.

Dergeants of Beace,--Et etiam babere ibidem (i-Dunham) sex servientes qui vocantur, Setgeants of Peace qui servient Cur. Manerii de facient Attach. de executiones omnium Placitorum de querelarum in dieta Curia Placiturum, dyc. Pl. de Quo Warranto apud Cestriam, 31 Ed. 3.

Settiam, 31 Ed. 3.

Serjeanty, Sergeantia, Signifies in Law a Service that cannot be due to any Lord from his Tenant, but to the King only; and this is either Grand or Petit: The first is, where one holds Land of the King by Service, which he ought to do in his own Person. Petit sergeanty is, where a Man holds Land of the King, to yield him yearly some small thing towards his Wars, of which read Bratton, lib. 2. cap. 16.65 37. & Britton, cap. 66. num. 1, 2. Inter feodalia servitia summum est & illustrissimum, quod nec Patronum aliquem agnoscit prater Regem, says the Learned Spelman.
And Cambden, the Suffolk, speaks of Baldwin le Pettour qui tenuit terrae in Henningston in Com. Suffolk per scrianciam, pro qua debuit facere die natali Domini singulis annis coram Domino Rege Anglia, Saltum, Sufflum & Pettum, alias unum saltum, unum sufflatum, & unum hombulum. And Sir Richard Rockefty held Lands at Seton by Sergeanty, to be Vautrarius Regis, The King's Fore-fooeman when he went into Gascoigne, Donec peruse fait pari solutarum precii 4 d. until he had worn out a pair of Shones of four pence price. This Ser-vice, being to be performed when the King went to Gascoigne to make War, is Knights-service, Co. on Lit. vile Offices, and fol. 69. See the Stat. 12 Car. 2. cap. 24. whereby all Mannor or Esta Tenures, cyc. are turned into free and common So. nett's Glossary.

are therein excepted. See Skene de verber. Signif. and Kemett's Gloffary.

Sermonium, An Interlude or Play acted by interlocutory Persons. Before the Modern improvements of the Stage, these ruder fort of Farces were even a part of the Unreform'd Religion. The inferior Orders of the Clergy, affifted by Boys and Children, used to act over some Historical Comedy in the Body of the Church, suitable to the solemnity of some high Procession day.—Anno Dom. 1483. 7 die Ju-nii. Decamus Lincoln. cum Confratribus suis de processione Sancta Anna in proximo Festo ejusdem futuro per cives Linc. fienda, communicantes una decreverunt quod illud ludum sive sermonium de assumptione sive coronatione beata Maria erga distum Festum de novo reparatum sy preparatum babere voluerunt, ac ludificatum dy ostensum in processione pradicta prout consuetum suevat in navi dicta Ecclesia. Collectan. Rev. Viri Matth. Hutton, S.T.P. Ex Registris Ecclesia: Lincoln. MSS.

Derbage, Anno 1 R. 2. cap. 26. See Service. Derbice, Servitium, Is that Service which the Te nant, by reason of his fee, oweth unto his Lord. Ho-toman thus defines it, Servitium est munus obsequii clientelarie, De verbis Feudal. It is sometime called Servage, as 1 R. 2. cap. 6. Our ancient Law Books make many Divisions of it, as Bratt. lib. 2. cap. 16.
And Britten, cap. 66. into Personal and Real, alto into Military and Base, and Bratton, ubi sapra, num. 7.
into intrinsick and extinsick, servicium intrinsecum is due to the Capital Read of the Manner. Equipment due to the Capital Lord of the Mannor: Forinfecum is that which is due to the King, and not to the Capital Lord. Service is also divided into Frank and Base, the one termed liberum fervitium, the other Villenagi-um. It is also divided into continual or annual, and casual and accidental; the former is the seisin of Rent, the other seisin of Relief, Co. 4. Rep. fol. 9. Bevill's Case. See Copy-bold. See Socage. Thomas Leigh Esq. at the Coronarion of King Charles the Second, brought up to the King's Table a Mels of Potage called 2041 togress, which Service had been adjudged him the Court of Claims in right of the Mannor of Addington in Surrey, where we had been adjudged him to the Mannor of Adding. ton in Surry; whereupon the Lord High Champerlain presented him to the King, who accepted the service, and afterwards Knighted him.

Northern Servi had always a much eafier condition -Servic non in notivem me than the Roman Slaves.than the Koman Slaves.—Servis non in nogrum morem descriptis per familiam Ministeriis utuntur. Suams quisq, sedem, suos penates regit. Prumenti medum Dominus, aut Pecoris, aut Vestis, colono injungt, servius bastenus paret. Tacitus de Moribus Germanorum. Which plainly describes the condition of our saxon and Norman Servants, Natives, and Villains; whose services their convergence than their servicude did more respect their tenure, than their Persons. No Author to my knowledge has fixe the distinction between Servus and Villanus, though undoubtedly their servile state was different; For they are all along in the Doomsday Book distinguish'd from each other. So in Burcester there were quinque Servi, & viginti ollo Villani, &c. I suppose the Servi were those, whom our Lawyers have fince call'd Pure Villanes, and Villanes in grofs, who without any determin'd tenure of Land, were at the arbitrary pleasure of the Lord appointed to such service works, and receiv'd their wages or maintenance at diferetion of the Lord. The other were of a superior degree, and were call d Villand, because they were Villa established adscripti, i. e. held some Cottage and Lands, for which they were burdened with such stand servile Offices, and were convey'd as a pertinence of the Mannor or Estate to which they belong'd. See Ken-

Cec

Derbientibus, Are certain Writs touching Servants and their Masters, violating the Statutes made against their Abuses, which see in Reg. Orig. fol. 189, 190, 191:

Service lecular, Anno 1 E. 4. cap. 1. Is Worldly service, contrary to Spiritual and Ecclesiastical.

Berbitium ferrandi, The service of shoing Hor-

See Palfrey.

Derbitium Begate, Royal Service, or the Rights and Prerogatives that within such a Mannor belong to the King if Lord of it, which were generally reckon'd to be these six, 1. Power of Judicature in matters of Property. 2. Power of Life and Death in Felonies and Murthers. 3. A Right in Waifs and Strays. 4. Affessments. 5. Minting of Money. 6. Affize of Bread, Beer, Weights and Measures. All these entire Privileges were annex'd to some Mannors in their grant from the King, and were fometimes convey'd in the Charters of Donation to Religious Houses,-Ecclesia Santhi Georgii data fuit Fratribus Osen. G habet ibidem visum Franciplegii o to-tum Regale servitium. Paroch. Antiquit. p. 60.

Servicits acquietandis, Is a Writ Judicial, that lles for one distrained for Services to F, who owes and performs to R. for the acquittal of such services,

Reg. Judic. fol. 27. & 36.

Dervitors of Bills, Are such Servants or Messes. gers of the Marshal belonging to the King's Bench, as were sent abroad with Bills or Writs to summon

Men to that Court; they are now more ordinarily called Tipstaces, Anno 2 H.4. cap. 23.

Settion of Parliament, The passing any Bills, by giving the Royal Assent thereto, doth not make a Session; but the Session of Parliament continues till it be prorogued or discoved. See 4 par. Inst. fol. 27.

Sessio Parliament, is the fitting of the Parliament.

Sellions, Sestiones, Is a fitting of Justices in Court upon Commission, as the Sessions of Oyer and Terminer Pl. Cor. fol. 67. Quarter-Sessions, otherwise called the General-Sessions, 5 Eliz. 4. or Open-Sessions, ibid. Opposite whereto are especial, otherwise called Privy-Sessions, which are procured upon some special occasion, for the more speedy dispatch of Justice in some, Cromp. Just. of Peace, sol. 110. What things be inquirable in Soffions, see ibid. sol. 109. Petit-Soffions or Statute Sessions, are kept by the High-Constable of every Hundred for the placing of Servants, 5 Eliz. 4. See Statute-Sessions.

Delleur, 25 E. 3. 6. Seems to signific the affel-

ling or rating of Wages.

Dentuetum, A Land full of Brambles.

Det Clothes, Are mentioned in the Statute made

Anno 27 H. 8. cap. 13. which see.

Setwell, Valeriana, Is a Medicinal Herb; the nature and divers kinds whereof you have in Gerard's Herbal, lib. 2. cap. 424. The root of this is mentioned among Drugs to be garbled, 1 Jac. 19

Debetante, Is the singling or severing of Two, or more, that are joined in one Writ. For example, if two join in a Writ de libertate probanda, and the one afterward be Non-suit, here severance is permitted; so that notwithflanding the Non-suit of the one, the other may severally proceed, F. N. B. fol. 78. and Bro. iit. Severance and summons, fol. 238. There is also severance of the Tenants in an Affize, when as one or two, or more Diffeisors, appear upon the Writ, and not the other, New Book of Entries, fol. 81. And severance in Atraints, Ibid. fol. 95. And severance in Debt, where two, or more, Executors are named Plaintiffs, and the one refuses to prosecute, Ibid. fel. 220. Severance of Corn, is the cutting and carrying it off from the Ground, and sometimes the setring out the Tythe from the rest of the Corn is called

Severance. See Cro. Rep. 2. par. fol. 225. There also severance in Quare Impedit, Co. Rep. 5. fol. 67.

Deberal taple, Tallium separatum, Isthat whereby Land is given and entailed severally to Two. ample, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten; the Donees have joint Estate for their two Lives, and yet they have several Inheritance, because the Issue of the one shall have his moiety, and the Isiue of the other the other moiety.

Several tenancy, Tenura separatu, Is a Plea or Exception taken to a Writ that is said against two as joint, which are several, Broke, tit. Several tenancy,

Sebantly moben, That is, well and honeftly mo-

ven, Anno 35 Eliz. cap. 10.

Demoer, Severa & sewera, Et fossa in loein Palustribus dusta ad aquas ejiciendus, &c. A Passage or Gutter to carry water into the Sea, or a River, 6 H. 6.

cap. 5. and 12 Car. 2. cap. 6. And Commissioners of Sewers are fuch as, by Authority under the Great Seal, see Drains and Ditches well kept and maintained in marshy and fenny Countries, for the better conveyance of the Water into the Sea, and preserving Grass upon the Land for the feeding of Cattel. See the Statutes 15 Car. 2. cap. 17. and 17 Car. 2. cap. 11. touching the draining the great Level in the Fens called Bedford Levell, and the Authority of the Governor, Bayliff, dec. as Commissioners of Sewers.

Serragellina. See Septuagesima. Sertary, Sextarius, Was an ancient Measure, containing about our Pint and a half (according to our Latin Didionary). The Town of Leicester paid among other things to the King yearly, twenty five Measures called Sextaries of Honey, as we read in Doomsday.

And in Claus. 4 E. 3. m. 26. We find Tresdecem
sextarios vini. — Et unum sextarium sand wann

flete, Mon. Ang. 2. par. fol. 489. A fextary of Ale contained fixteen Lagenas. See Tolcester.

g Devio-onis, Due time or Season. — Tenent terram in campis S. Edmundi debent unam rodam arura debet arari mediet as ad seysonem yemalem og alia medie tas ad seysonem estivalem. Cartular: S. Edmundi

MS. f. 321.

Shacke, Is a Custom in Norfolk to have Common for Hogs from the end of Harvest till Seed-time, in all mens Grounds without contradiction, Co. 7. Rep. fol. 5. Corbet's Case: and in that County, To go at shacke, is as much as to go at large.

See Furre. See Flotzon. Shanke. Dijares.

Sharping Coin, Is a customary Gift of Corn, which, at every Christmas, the Farmers in some parts of England give to their Smith, for skarpning their Plough-Irons, Harrow-tines, and such like, and exceeds not half a Bushel tor a Plough-Land.

Shamelle, Scamelle, Shambles, er Stalls to sell Meat, dr. Prior de Tynemuth babet mercatum apud Tinemute & habet ibidem tumberellum, Shamellas condustivas ad carnifices of alios, of capit ibidem emen-das panis of cervifia. Placit. Parl. 18 Ed. 1.

the Isle of Man, where the whole Island is divided into fix Sheadings, in each of which there is a Coroner or chief Constable appointed by delivery of a Rod at the Tinewald Court, or annual Convention. See Mr. King's description of the Isle of Man, p. 17.

September, Is a compound Drink, late brought into

England from Turkey and Persia; and is made of juice of Lemons, Sugar, and other Ingredients, drc. Sher-bet in the Persian Tongue signifies Pleasant Liquor, 15 Car. 2. cap. 11.

Shermans craft, Is an Art used at Norwich; the Artificers

Arcificers whereof do sheere as well Worsteads, Stamins, and Fustians, as all other woollen Cloth. It is mentioned Anno 19 H. 7. cap. 17.

Sheming, Is to be quit of Attachments in any Court, and before whomsoever in Plaints shewed, and not avowed. See Scavage.

Shill ny, (In Saxon reilling) among our English Saxons, consisted but of five pence, Si in capilla sit vulnus longitudinis unius uncia V. denariis i. uno se-

lido componatur, Leg. H. 1. cap. 39. had lain dormant many years, and was charged upon the Ports, Towns, Cities, Boroughs and Counties of this Realm; which was revived by King Charles the First, in 1634, and 1636, and by Srat. 17 Car. 1. cap.

14. was declared to be contrary to the Laws and Statutes of this Realm, &c.

Shipper, Is a Dutch word, signifying the Master of a Ship, Anno 1 Jac. Sess. 1. cap. 33. We commonly say Skipper, and use it for any common Sea-

Shire, Comitatus, Derived from the Saxon Seyran i. partiri, is well known to be a portion of Land called a County: Who first divided this Land into Shires, fee in Camden's Brit. 'pag. 102. Of which there are in England forty, and in Wales twelve, in all fifty two. In privilegiorium chartis (fays Spelman) ubi conceditur quietum esse à shiris, intelligendum ess de immunitate, qua qui eximitur à sessa vel clientela curis Vice-comitum (quos etiam thiras vocant) prassanda vel perficien-da. The Assizes of the Shire was by the Saxons of old called Scire-gemot.

Shirebe, Or as vulgarly Sheriff, Vice-comes, is the chief Officer of the King in his Shire or County. Camden in his Brit. pag. 104. describes his Office in this

manner.

S Ingulis verd, nobilis aliquis ex incolis praficitur, quem Vice comitem, quasi vicarium Comitis, & nostra Lingua Shyvete, i. Comitatis prapositum vocamus; qui etiam Comitatus vel Provincia Quastor reste dici potest: Ejus enim est publicas provincia sua pecunias conquirere, multias irrogatas, vel pig-noribus ablatu colligere dy arario inferre, Judicibus presto adesse & eorum mandata exequi, duodecem viros cogere qui in causis de facto cognoscunt dy ad viros cogere qui in caujis ae jacio cognojcum Gr da Judices referent (Judices enim apud nos Juris so-lum, non facti sunt Judices) condemnatos ad sup-plicium ducere, Gr in minoribus litibus cognoscere, in majoribus autem Jus dicunt Justiciarii, quos itinerantes ad assigns vecant, qui quotannis bos co-mitatus, bis adeunt, ut de caussis cognoscant Gr carceratis fententiam ferant ! Henricus Secundus hos inquit Mat. Par.) confilio filii fui de episcoporum constituit Justitariis, per sex partes Regni, in qualibet parte tres, qui jurarent quod cuilibet Jus sum conservarent illasum. itinerantes instituit, vel potius restituit. Ille (ut

Of the Antiquity and Authority of this Officer, read Co. Rep. lib. 4. Mitton's Case, and Spelman's Glossary, verb. Vicecomes. The Sheriff was heretofore chosen in the County-Court, by the Suffrages of the People, as Knights of the Shire for Parliament yet are, but now he is nominated by the King. See Fortescue, cap. 24fol. 53. Et dicitur Vicecomes quod vicem Comitissupplet, &c. Niger lib. Scaccar. The Form of his Oath, see in Reg. Orig. fol. 331. Of this read also Skene de verb. Signif. voce Shyreve, where he at large describes of the Sheriff in Scotland, in a Discourse worth the reading.

stroni, Servants, or servile Tenants, their Name and Quality of Bondage do often occur in Doomsday Register: And their condition, no doubt, was worse than that of the Bordarii, or Cotseti, who perform'd likewise some servile Offices for their Lord, and yet as to their Persons and Goods were not obnoxious to fervitude, as the proper Servi were. These were of four forts, 1. Such as fold themselves for a Livelihood. 2. Debtors that were to be fold for being incapable to pay their Debts. 3. Captives in War, retain'd and employ'd as petfect Slaves. 4. Nativi ing incapable to pay their Debts. fuch as were born Servants, and by fuch descent belong'd to the sole property of the Lord.these had their Persons, their Children, and their Goods, at the disposal of the Lord, incapable of ma-

king any Wills, or giving away any matter.

Shack, In Norfolk or Suffolk, the Lords of Mannors have the privilege during the Winter fix Months, to feed their Flocks of Sheep at pleasure up-on their Tenant's Land; which liberty of Winter pa-sturage is there called Shack, vid. Spelmani I C E-

NIAM.

Shiviff-toth, - Per shirif-tooth, Johannes Stan-ley Ar. clamat babere de quolibet tenente infra feodum de Aldford unum denarium & quadrantem per annum, exceptis Dominicis terris propriis & terra in feodo & Manerio pradicto Maner. & Hundred. de Macclesfield, Rot. Plac. in Itin. apud Cestriam, 14 H. 7. Per Sherif-toth, seems a Tenure by the service or duty of providing Entertainment for the Sheriff at his County-turns or Courts. In Derbysbire the King's Bailiffs anciently took 6 d. of every bovute of Land in Name of Sheriff-tooth. Ryley's Placit. Parliam.

Shireeve of Minchester and Ester, Is the extent of a Sheriff's Authority, 21 R. 2. cap. 10, 11.

Sheriffwicks, 13 Eliz. cap. 22.

Shtriffalty, The Time of a Man's being Sheriff,

14 Car. 2. cap. 21.

Shire-cierk, Seems to be the Under-sheriff, Anna 11 H. 7. cap. 15. It is sometimes taken for a Clerk in the County-Court; that is, Deputy to the Underfheriff. See Co. 4. Rep. Mitton's Cafe.
Shire-mote. See Shire and Turn.

Shoccare, Schoccare, To shock Corn, or put it into shock. Inter antiquas consuetudines Abbatia de Sancto Edmundo— in villa de Herdewyck— Operarius metet unam acram frumenti— der quantum metet tan-

meter unam acram frumenti— of quantum metet tantum ligabit of shoccabit sed non cariabit. Ex Castular. S. Edmundi, MS. f. 322.

Shop, Shopa, Omnibus, &c. Johannes Horseret de Hereford Bochour salutem; Noveritis me prasatum Johannem dedisse, &c. Rogero Smith de Bromeyard, nam shopam eum pertin suis in Bromeyard, pradictivat, in la Mersbet, place ibidem &c. 22, 27 Reb. scituat. in le Market-place ibidem, &c. Dat. 27 Feb. 9 Ed. 4. See Selda.

Sheeling and Mosling, Seem to be Words to distinguish Fells of Sheep; foorling fignifying the Fells after the Fleeces are shorn off, and Morling, alias Mortling, the Fells flead off after they be killed, or die alone, 3 E.4. cap. 1. 4 E. 4. 3. 12 E. 4. 5. and 14 E. 4. 3. See Mortling and Morling.

E. 4. 3. See Mortling and Morting.

3 Shortford, Anno 1335. Adjudicatum fuit Decano dy Capitulo beati Petri Exoniensis quoddam tenementum scituatum in vico australi civitatis Exoniensis secundum consuetudinem civitatis pradicta de dicitur Shortford— Izacke's Antiquit. of Exeter, p. 48. The The ancient custom of this City is, when the chief Lord in Fee cannot be answered of the Rent due to him out of his Tenement, and no distress can be there levied for the sime, the Lord must come to the Tenement, and there take a Stone, or some other dead thing of the said Tenement, and bring before the Mayor

Mayor and Bayliffs; and thus must he do seven Quarter-days successively, and this is called a Glebe. And if on the said seventh Quarter day the Lord be not satisfied of his Rent and Arrears, then the said Tenement shall be adjudged to the said Lord to hold the same a Year and a Day; and this is call'd Gave-lock. And then forthwith Proclamation shall be openly made in the Court, That if any Man pretends any Title to the faid Tenement, that he appear within the Year and Day then next following, and fatisfie the Lord of the faid Rent and Arrears; but if no Appearance be made, and the Rent not paid, then shall the Lord come again to the said Court, and pray, that according to the faid Custom, the faid Tenement be adjudged to him in his Demesue as of Fee, according to the Intention of the Law in such like Ca-ses, which is commonly called le cessavit per biennium. And this suftom here is called Shortford, and in French, Foreclofe; and so the Lord shall have from thenceforth the said Tenement, with the Appurtenances, in Fee to him and his Heirs for ever.

Shot, From the Saxon Sceat, fignifying Pecuniam aut Vestigal. See Lambart's Explication of Saxon words, verb. Premitia. It is still used among Alchouse-Keepers and Vinners; us to pay the shot, is to pay the Money due for the reckoning.

Water, Mat uses to be dry in the Summer, Inter dues sikettos, &c. Mon. Ang. 2. par. fol. 426. Also a Water-furrow or Gutter.

Sicut alias, Is a second Writ sent out, where the first was not executed, Co. lib. 4. fol. 85. It takes name from those Words in it. As for example, Carolus Secundus Dei Gratia, coc. Vice-com. Midd. falutem. Pracipimus tibi (secut alias pracipimus) quod non omittas, Gc. and so as in the Capies. Lambert Trall of Processes, in the end of his Eirenarcha. Lambert in his

Silvemen alias Questiment, Be those that are Yearly chosen, according to the Custom of every Parish, to affift the Ghurch-wardens in the Inquiry and Prefenting fuch Offenders to the Ordinary, as are punishable in the Court-Christian. See Synodales testes.

Stollingt, Sidelings. Meers or Balks betwixt or on the fides of Arable Ridges or Lands.—— Cum libertate falda de pastura de fuarii in Sychlingis, (Sidlingis) & omnibus lock. Mon. Angl. vol. 2. f. 275.

oigillum, --- Notum sit omnibus Christianis quod ego Johannes de Grelley non habui potestatem sigisli mei, per unum annum integrum ultimo prateritum, &c. In cujus rei testimonium sigillum Deconatus de Repingdon appojni, &c. Dat. apud Drakelew, 18 Rich. 2

See Seal and Tabellion.

Significabit, Is a Writ de Excommunicato capiendo, which issueth out of the Chancery upon a Certificate given by the Ordinary, of a Man that stands ob-ftinately Excommunicate, by the space of forty days, for the laying him up in Prison without Bailor Main-prize, until he submit himself to the Authority of the Church. And it is so called, because the Word Significavit is an Emphatical Word in the Writ, there is also another Writ in the Regiller, fol. 7. directed to the Justices of the Bench, commanding them to stay any Suic depending between such and such, by reason of any Excommunication alledged against the Plaintiff, because the Sentence of the Ordinary that did Excommunicate him, is appealed from, and the Appeal yet depends undecided. See F. N. B. De excommunicato capiendo, fol. 62, 66. where you may find Writs of this Name in other Cales.

signet, Is one of the King's Seals, wherewith his private Letters are sealed, and is always in the Custody of the King's Secretaries: And there are four Clerks of the Signet-Office always attending, 2 Inft. fol. 556.

😭 Stignum, A Crofs préfixe to the Name of a subscribing Witness, as a sign of affent and approba-tion to a Charter, or other Deed, commonly used a mong the Saxons, and some of our first Normans, be fore the common use of either affix'd or appending Seals; when Subscriptions were in this Form Signum Roberti Episcopi Linc. 🛱 Signum Nigelli de

wilk theomer and Theomster, Anno 14 Car. 2. cap. 15. Is a Trade or Mystery that winds, twists and spins, or throws Silk, so fitting it for use, who are incorporated by the said Act; wherein there is mention also of Silkwinders and Doublers, which are Members of the same Trade. See 20 Car. 2. cap. 6.

Dilba cedua. See Sylva cadua.

Simnell, Siminellus, From the Latin simila, which fignifies the finest part of the flower; Panis similageneus, Simnel-Bread. It is mentioned Affisa panis (and is still in use, especially in Lent.) Bread made into a Simnel shall weigh two shillings less than Wastellbread, Stat. 51 H. 3. See Cocket. For It was some-time called Simnellus, as in the Annals of the Church of Winchester, under the Year 2042. Rex Edwardus instituit & carta consirmavit, ut quoties isse vel aliquin Successorum suorum Regum Angliz diadema portaret Wintoniz vel Wigorniz vel Westmonatterii; Pracentor loci recipiet de fisco ipsa die dimidiam marcam, by Conventus centum Summellos & unum modium vini. But indeed the true reading is Siminellos. The English Simnel, was the purest white Bread, as in the Book of Battel Abby. Panem regia mensa aptum, qui Simenel vulgo vocatur.

Stimone, Simonia, Venditio rei sacra, so called from Simon Magus: It was agreed by all the Justices, Trin. 8 Jac. That if the Patron present any Person to a Benefice with Cure, for Money, that such Pre-sentation, Gr. is void, though the Presented were not prive to it, and the Statute gives the Presentation to the King, Co. 12. Rep. fol. 74. Simony may be by compact between Strangers, without the privity of the Incumbent or Patron, Cro. 1. par. fol. 331. Bam-deroke's Case, Hob. Rep. fol. 165. Noy's Rep. fal. 22. Pajcall's Case, and 3 Infl. fol. 153.

Dimpler,-Carta simplex, A Deed Poll, or single Deed.

Simpler Beneficium, Aminor Dignity in a Cathedral or Collegiate Church, a Sine-Cure, a Pen-fion out of a Parochial Church, or any other Eccle-fissitical Benefice opposed to a Cure of Souls, and which therefore was consistent with any Parochial Cure, without coming under the name or cenfure of Pluralities.

Simpler Justitarius, This stile was anciently used for any Puisse Judge, that was not Chief in any Court. There is a Writ Registred beginning thus I John Wood, a simple Judge of the Court of Common-Pleas, &c.

mong the Customs of the Abby of Glastenbury. In diebus folemibus cum Fratres fuerunt in cappis, medonem babuerunt in justis, de simulas super mensam, de vinum ad caritatem, de tria generalia.— Chartular. Abbat. Glaston. MS. 1. 10.

Dint alknlu capitatt, is a Writthat lies where a Dean, Bishop, Prebendary, Abbot, Prior, or Ma-fler of an Hospital, alieu the Land holden in the right of his Honfe, without the confent of the Chapter, Covent and Fraternity; In which Case his Saccessor shall have this Writ, F. N. B. fol. 195. Spine Die, Without day: When Judgment is gi-ven against the Plaintist, he is said to be in miserieor-

dia pro fulso clamore sus: But when for the Defendant, then 'tis said, Eat inde sine die.

Si non omnes, Is a Writ of Association, whereby,

if all in Commission cannot meet at the day assigned it is allowed, That two or more of them, may finish the business. See Afficiation, and F. N. B. fol. 185. & 111. and Reg. Orig. fol. 202, 206, &c.

Di Mecognolcant, Is a Writ that lies for a Creditor against his Debtor, for Money numbred, that hath before the Sheriff in the County-Court acknowledged himself to owe his Creditor such a sum, received of him in pecuniis numeratis. The Form of which Writ is this - Rex Vicecomiti salutem Prac. tibi quod si A. recognoscat se debere R. 40. solid. sine ulteriori dilatione, tune ipsum distringas ad prædictum debitum eidem R. sine dilatione reddendum. Teste, &c. Old Nat. Brev. fol. 68.

Site or Scite, Situs, the standing of any Place, the scituation of a Capital House or Messuage, a Territory, or part of a Country, as the fite of the late dissolved Monastery of, Gr. i. the place where it stood: The word is mentioned in the Statute 32 H.8. cap. 20. and 22 Car. 2. cap. 11. and is there written Scite,— Dedi situm loci in quo domus sua sita est, Mon. Ang.2 par. fol. 278.

Sitteunoman, A Saxon word, Et custos Paganus interpretatur, Lamb. Explic. verb. pag. 5. And was such a one as had the Office to lead the Men of a Town or Parish: E classe nobilium erat, saith Somner. Even the Learned Spelman mistakes the derivation and proper meaning of this word, which is truly from Sax. fithe, gefithe, a Division of a Shire or Counry, a Riding, Lath, Rape, or Hundred. For Dugdale in his Antiquities of Warwick shire, does observe that the Hundreds of Knightlow, Kineton, and Hemlingford, in 16 Hen. 2. were called Sithesoca de Enuchlelawa, Sithejoca de Chinton, Sithefoca de Humliford. So as Sithsocundman, Sitheundman, Gesitheundman, was only the chief Officer within such a Division, the High-Constable of the Hundred.

1 Dizel, In the fabrication of our Milled Money, the Gold or Silver is cast out of the melting Pot into long flat Bars, which Bars are drawn through a Mill (wrought by a Horse) to produce the just thickness of Guineas, Crowns, &c. Then with forcible Engines, called Custers, which answer exactly to the respective fizes or dimensions of the Money to be made, the round pieces are cut out from the flat Bar shaped as aforesaid; after which, the residue is called Sizel, and is melted down again. Vid. Lowndes Essay upon Coin, p. 96.

State, Sax. Sled. A long flat piece or flip of Ground.— Pratum vocatum le Slade, from the long and narrow Form of it. Paroch. Antiquit. p. 465. Slade-furlong, ib. 537. See Kenner's Gloslary in the

word Slade. Sham, Is a word mentioned in the Statute made

4 E. 4. ca 1. Saybinage, Is a proper Name, fignifying the Pre-

cincts of Caleys, 27 H. 6. cap. 2.

Abeletta, A little Bell.— Impenentes novam navim tello Ecclesia pro vetusta que combusta suerat, de pro veteri turri Ecclesia humile campanile & dum Skelettas quas Fergus Ærarius de Sancio Botolfo nobis nuper contalerat imponentes. Hist. Ingulfi, p. 101. Hence our Skillets, commonly made of Bell-metal. Old Teuton. Schel, Lat. Skella, a Bell.

Bluse, Exclusa, Is a Frame to keep or let Water

out of a Ground.

Stapes. A Scirrup, Stapes. Manerium de Hotun, com. Camb. tenetur per servitium tenendi flippam selle Domini Regis dum equum suum in castro suo Carleoli scanderit .- Cart 5 H. 7.

Smalt, Is that of which Painters make blue Colour Anno 21 Jac. cap. 3. and Pat. 16 Feb. 16 Jac, in Italian Smalto.

Castle of Wigmore, in lieu of certain days Wo.k in Harvest, heretofore reserved from the Lord to his Pat. 43 Eliz. Tenants.

maha, A small light Vessel, a Smack. Naves quas bargas vocant, & galea propter victualia transmissa vi turbinum resolutæperierunt– smakæ Regis de aliorum confrade sunt, ex quarum materiis fecit Rex suas longas naves conficere. Vinefauf Ris. Regis Iter. Hieros. 1. 5. cap. 4. where by a gross Error, Snake is put for Smake.

nottering aliber, There was a custom in the Village of Wylegh, that all the fervile Tenants should pay for their Tenement a Duty call'd Snotgering-silver, e. for each Tenement 1 den. ob. to the About of Col-

chester, Placit. 18 d. Ed. 1.

Smoats-farthings, The Pentecostals or customary Oblations offered by the dispersed Inhabitants within a Diocese, when they made their Processions to the Mother Cathedral Church, came by degrees into a standing Annual Rent, call'd Smoak-farthings. For in the Year 1444. William Alnewyk, Bithop of Linc. issued out his Commission— Ad levandum le Smakfarthings alias diel. Lincoln-farthings à nostris Archidiaconatus nostri Leycestria subditis ad utilitatem nostra Matricis Ecclesia Cath. Lincoln. sponsa nostra convertend.— dille Smoak-farchings concedunter ad constru-lionem Campanilis Ecclesia prebendales S. Margareta Leicestr. Reg. Will. Alnewyk Episc. Linc. MS. And about the Year 1470. John Bishop of Lincoln sent his Injunctions to John Gilbert, Doctor of Decrees, his Commissary-General within the Archdeaconry of Oxford, and George Warde L.L.B. to move the Curates or Parochial Clergy, to advise their People of the ancient and laudable custom of Processions, and Oblations to the Mother Cathedral Church at Whitsontide. Nec non ad exigendum, petendum, levandum & colligendum by recipiendum omnes by singulas oblationes hujus-modi quadrantes Pentecostales alias Smock-farthings vulgariter nuncupatas.

Smoak-Alber, Tenementum Newstede cum pertin. &c. in villa de Staplehirst in Com. Cant. tenetur de Manerio de Eastgreenwich per fidelitatem tantum in libro socagio, Per. Pat. Dat. 3 Feb. 4 Ed. 6. And by the payment of monk-filter to the Sheriff yearly the sum of Six-pence. Notes for Lord Wooton's Office, 1628. There is Smoak-filver and Smoak-penny paid to the Ministers of divers Parishes, and tho to be paid in lieu of Tithe-wood; or it may, as in many places at this day, be a continued payment of the Romejcot or Peter-pence.

See Chimney-money.

Institute of Silk or Thread, from Sax. Snod, a Fillet or Hair-lace with which Women smooth up their Hair, which in the North part of England is now called a Snude, and in - Et in octo Snoden de Packthread Scotland a Snod .emptis ibidem pro quodam reti faciendo pro cuniculis capi-

dis.— Paroch. Antiquit. p. 574. nifying a power or liberty of Jurisdiction; whence our Law Latin word Soca, for a Seigniory enfranchised by the King, with liberty of holding a Court of his Sockmen, or Socagers, i. his Tenants, whose Tenants nure is hence called Socage. Skene de verbor. Interp. fays, Soc is called Sella de bominibus suis, in curia secundum consuetudinem Regni. See more there: And Bratton, lib. 3. tratt. 2. cap. 8. mentions divers Liberties, as Soc and Sac, Toll and Thean, Infangthef & Ut-fangthef, & isti qui habent talem libertatem, possunt judicare in curia sna eum qui inventus fuerit infra liberta Ddd

tem suam, seisitus de aliquo latrocinio manifesto. same interpretation Lambard gives it in his translation of the Saxon Laws: For among the rest in those of King Ina, (Leg. 24.) Be Cypic rocnum, is rendred De immunitate fani: And in the Laws of Henry the First it is said, Nullus socnam habet impune peccanthat is, none hath liberty of finning without punishment. And in the same sense it is used in Dooms day, for in Essex, under the Title of Terra Rogeri Bigoti, it is thus recorded, Westunam tenet Hugo de Hof dene quod tenuerunt iv. liberi homines T. R. E. qui fuerant de soco Algari, &c. See Soc, Soke.

Socage or Soccage, Socagium, May be derived from the French Soc, that is, Vomer, a Coulter or Plowshare, and is a Tenure of Lands by, or for certain inferior Services of Husbandry to be performed to the Lord of the Fee. See Institutes of the Common Law, 31 Bracton lib. 2. cap. 35. num. 1. describes it thus, Dici poterit socagium asocco & inde tenentes qui tenent in soccagio socmanni dici poterunt, eo quod deputati sunt, ut videtur, tantummodo ad culturam og quorum custodia G maritagia ad propinquiores parentes jure sanguinu per-tinchit. Et si aliquando inde fasto capiatur homagium, quod plures contingit, non tamen habebit propter boc Dominus capitalus custodiam do maritag. Quia non semper sequitur homagium, licet aliquando sequatur. Skene de verbor. signif. says, Socage is a Tenure of Lands, when a Man is infeoffed freely, without any Service, Ward, Relief or Marriage, and pays to his Lord such Duty as is called Petit Sergeanty, &c. There is free fo cage, and base socage, otherwise called Villenage.—And according to Bracton, Socagium liberum est, ubi fit servitium in denariis Dominis capitalibus, & nibil inde omnino datur ad scutum & servitium Regis. This free socage is also called common socage, Anno 37 H. 8. cap. 20. Other divisions there are in our Books, viz. Brast. lib. 2. cap. 8. num. 3. Old Nat. Brev. fol. 94. and others. But by the Statute 12 Car. 2. cap. 24. all Tenures shall be adjudged and taken to be turned into free and common socage. See Kennett's Glossary in Socage.

Socmans alias Sobemans, Socmanni, Are such Tenants as hold their Lands and Tenements by socage tenure, of which there are feveral kinds, viz. Sokemans of Frank-tenure, Kitchin, fol. 81. Sokemans of Base-tenure, Ibid. and Solemans of ancient De-mesne, which last seem most properly to be called Socmans, F. N.B. fol. 14. Britton cap. 66. num. 2. The word Sokeman is found in the Statute of Wards

and Relief, 28 E. 1.

Society, The Ceorls of Husbandmen among our Saxon Ancestors were of two sorts; one that hired the Lords Outland or Tenementary Land like our Farmers; the other that Tilled and Manur'd his Inland or Demeans (yielding operam not censum, Work, not Rent) and were thereupon call'd his Socmen, or Plough men. Spelman of Fends, cap. 7. But after the Conquest, the proper Socmanni, or Solemanni, of the mentioned in Doomsday, were those Tenants who held by no service Tenante, but commonly paid their Rent as a soke or fign of freedom to the Lord, tho' they were for ctimes oblig'd to customary Duties for the service and honour of their Lord.

Socia, In Saxon Socne, a Privilege, or Liberty, d Franchise,—Volo ut ipsi sint eorum sacæ & socand Franchise,næ; Theolonii etiam of Teami (privilegiorum, scilicet of jurium sic appellaterum) digni infra tempus of

extra tempus, &c. Charta Canuti Regis in Hist. Eccles. Cath. S. Pauli, fol. 189. See Soc.

§ Soba, Soc, Sok, Soke. The words generally fignific Liberty or Privilege of Tenants excus'd from cultomary burdens and Impositions. Sometimes Soka or Soke, was the Territory or Precinct in which the

chief Lord did exercise his Sac, Sake, or Saca, his liberty of keeping Court, or holding Tryals within his own Soke or Jurisdiction. Sometimes it fignified a Payment or Rent to the Lord for using his Land with fuch liberty and privilege, as made the Tenant a Soc man or Freeholder, upon no other conditions than a Quit-rent. As often in Doomsday,—1. Sochman reddens Socham in manerio-- i. e. One Sochman or

free Tenant paying only Money or Rent.

Socome, Signifies a custom of grinding at the Lord's Mill: And there is Bond focome, where the Tenants are bound to it, and Lave-socome, where they do it freely out of love to their Lord.

Sobe, Anno 32 H. 8. cap. 15. & cap. 28. Significat libert atem Curia tenentium quam socam appellamus, Fleta, lib. 1. cap. 47. seft. Sole. Per Sohe Will. Stanley in Manerio suo de Knottsford clamat cognitionem placitorum debiti, transgressionis, conventionis de detentionis infra summam 40. sol. Pl. Itin. apud Cestr. 14 H. 7. Soke, id est, aver fraunch Court de ses hemes M. S. See Soc.

Sobemanrie, Sokemania, Free tenure by Soccage. — Dicunt qued tenuerunt pradicta de pradicto Rege per Sohemanriam sine carta sive alique servitio eidem Domino Regi in guerra sua inde faciendo. suerud. domus de Farendon, MS. f. 46.

Soben, Soca. See Soc and Hamsoken. Solarium, An upper Room, Chamber, or Garrer, which in some parts of England is called a Sollar. Islud cellarium & islud Sollarium sta sunt intra domum meam. Paroch. Antiquit. p. 325. Pro duobus cellarius (y duobus solariis eisdem ad terminum vita

traditis & concessis, ib. p. 448.

Some reebe, Seems to bethe Lord's Rent-gatherer in the soke or foken, Fleta, lib. 2. cap. 35.

Solva, It seems to be the same with selda, a Shop or Shed.

Sole- Tenant, Solus tenens, Is he or she that holds only in his or her own right, without any other joined: For example, If a Man and Wife hold Land for their Lives, the Remainder to their Son; here the Man dying, the Lord shall not have Heriot, because he dieth not sole Tenant. See Kitchin, fol. 134.

Sollicitor, Sollicitator, Is a Man employ'd to take care of, and follow Suits depending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial Servants they were, but now, too frequently, used by others, to the damage of the People, and the

increase of Champerty and Maintenance.

Solet & bebet. See debet by solet.

Solibata terra. See farding-deal of Land. Solidata also fignifies the pay or stipend of a Soldier, Et qui terram non habent do arma habere possunt, illuc veneant ad capiendum solidatas nostras. Breve Regis Johannis Vicecomitibus Angliæ, Anno 1213.

Solinus terra, In some places of Doomsday Book is faid to contain two Plow-Lands, and fometimes less than half a one; for there it is faid Septem folini ter-ræsunt 17. Caruciat. This word Solinus was pro-bably from the Sax. Sulk, a Plough, but what quantity of Land this Solin, Sulling, or Swoling did contain, is not so easily determin'd. I believe it was commonly the same with a Plough Land. So that in Doomsday Book, Se defendit pro uno solino, is, It is Taxed for one Carucate or Plough Land.

Soller or Solar, Solarium, A Chamber or Upper-Room; Dedi- unam shoppam cum solario super-adisicato, Éx Vet. Carta.

Solutione feodi militis Parliamenti, and Colutione feodi Burgens Parliamentt, Are Writs whereby Knights of the Shire and Burgeffes may recover their allowance, if it be denied, Anno 35 H.8. cap. 1 L. Solbendo elle, le a term of Arc, fignifying that a

Man hath wherewith to pay, or as we say, is a per- | Military Delinquents.

son solvent.

Sommons alias Summons, Summonitio, Signifies in our Common Law as much as Vocatio in jus, or Citatio among the Civilians: And thence is our word Somner, which in French is (Semoneur, i. vocator,) Monitor. The Customary of Normandy for our Summons hath Semonse, cap. 61. Summons of the Exchequer, 3 E. r. 19. 10 E. 1. 9. How Summons is divided, and what circumstances it hath to be observed. See Fleta, lib. 6. cap. 6, 7.

Sontage, Was according to Stow, pag. 284. A Tax of forty shillings laid upon every Knights Fee: In some places the word is used for course Cloth, as bagging for Hops, or the like. See Systema Agricul-

\$\frac{1}{2} \pmot 0000, In fums of Money lent upon Ulury, the Principal was call'd Sors, as distinguish'd from the Interest. Socii Mercatores Senenses Episcopum Elyensem trabunt in causam coram Magistro Alexandro de Ferentyn Judice à Domino Papa delegato super trecentas marcas de sorte, & centum marcas de interesse anno 40 H. 3. Prynn. Collect. Tom. 2. p. 861.

Society, Sortilegium, Divination by Lots, which is seleny by 1. 2 c. cet. 12. Sortilegue and stitut

is Felony by I Jac. cap. 12. Sortilegus, quia utitur sortibus incantationibus Damonis, 3 Inst. fol. 44. Sorcery by devinal sont Members de Herest. Mirror. cap. 1. fest. 5. Sortilegi sunt divinatores, vel isti qui sub nomine fold. 5. Postilegi sunt divinatores, vel isti qui sub nomine fold. filta Religions per quasdam, quas sanctorum vel Aposto-lorum vocant sortes vel divinationes, sententiam vel scientiam profitentur; sive divinatione, aut quarumeung; scripturarum inspectione sutura promittunt, Vocab. utriusq; juris.

Dorting Berlies, 3 Jac. cap. 16. A fort of Cloth

so called.

3 Sorus Accipiter, A Sor or Soar-hawk. King John granted to Robert de Hofe, Land in Berton of the Honour of Nottingham, to be held-–Per servitium Accipitris fori nobis reddendi singulis annis-

tular. S. Edmundi, MS. f. 113.

Sothale, Mislaken without doubt for Scotale, yet in Bratton, lib. 3. tratt. 1. cap. 1. it is written Sothaile, and he says, It is so called Fistale, and was a kind of Entertainment made by Bayliffs to those of their Hundred for gain, which the same Bratton says was taken away in the Reign of Henry the Third. See

two thillings fix-pence in 1 H. 8. when by Indenture of the Mint, a pound weight of gold of the old Standard was to be Coined into twenty four Sovereigns. In 34 Hen. 8. they coined Sovereigns at twenty shillings a piece, and half Sovereigns at ten shillings. In 4 Ed. 6. Sovereigns of Gold at twenty four shillings. a piece. In 6 Ed. 6. Sovereigns at thirty shillings. So

South Milcount, Sub Vicecomes, Is the Under-

Sheriff, Cromp. Jur. fol. 5.

Sherin, Cromp. Jul. 30.

Sherin, Cromp. Jul. 3

bruary is feldom warm.

Somme, Is a word corrupted from the French Son venu, i. remembred; for the Stat. 4 Hen. 5. cap. 7. in the Original French hath Des estreats nient souvenu, and such Estreats and Casualties as are not to be remembred, run nor in demand, that is, are not leviable: It is a word of Art used in the Exchequer, where Estreats that some not, are such as the Sheriff by his industry cannot get, and Estreats that sowne are such as he may gather, 4 Par. Inst. fol. 107.

Spatz Blacitum, Pleas of the Sword, or a

-Item diximus per sacramentum nostrum quod vidimus Henricum (7 Ricardum quondam Reges Anglia tenentes Placitum Spatæ in civitate banlevia Lexovii. — Cart. A. D. 1105. Bridy

Append. to Hist. of England, p. 45.

Speaker of the Parliament, Isan Officer in that High Court, who is, as it were, the common mouth of the rest: And as that Honourable Assembly consists of two Houses, so there are two Speakers, the one termed the Lord Speaker of the House of Peers, and is most commonly the Lord Chancellor, or Lord Keeper of the Great Seal of England. The other (being a Member of the House of Commons) is called The Speaker of the House of Commons; both whose Duties you have particularly described in a Book entituled, The Order and Usage of keeping the Parliament. See

Special matter in ebidence. See General Iffue, and Bro. tit.General Issue and special Evidence.

Specialitas, A Specialty is taken for a Bond, Bill, or fuch like Instrument. But it hath heretofore been taken for particular acquaintance, as appears Inter Pl. coram Rege apud Ebor. Mich. 1 E. 3. Rot. 123. Pre-fentatum fuit per Juratores—quod quidam Johannes de Pratis habuit quandam uxorem amicabilem de cujus specialitate, Willielmus filius Henrici Molendinarii ly similiter quidam alii malefastores fuerunt; it a quod pradisti malefastores venerunt ad lestum ipsius Johannis ubi jacebat of ipsum traxerunt ab eadem of ipsum abinde duxerunt of tenuerunt dum pradictus Willielmus concubuit cum ea.

pigurnel, Sealer of the King's Writs. Vid. Espigurnel. Johannes Boun miles Filius Domini Fran-cisci Boun & Johanna uxor ejusdem Johannis concedunt al Roy serjeantiam suam ipsius capella Regu, & officium Spigurnellorum ad ipsos spectans; que de Rege tenent in capite.--Memorand. in Scaccar. Mich. 14 Ed. 1. by

Sir John Maynard.

Spinster, It is the addition usually given to all unmarried Women, from the Viscount's Daughter downward: Yet Sir Edward Coke says, Generosa is a good addition for a Gentlewoman, and that if they be named Spinster in any Original Writ, Appeal or Indictment, they may abate and quash the same, a Inst. fol. 668.——Pollard Miles & Judic. habuit 11. filios gladiu cintlos in tumulo suo & totidem filios fusis depiltas. Spelman in his Aspilogia says,temporibus ipsa Regina fusis usa sunt, unde hodie omnes fæminæ Spinsters dietæ junt.

Spiritualities of a Bilhop, Spiritualia Episcopi, Are those Profits which he receives as a Bishop, not as a Baron of the Parliament, Stamf. Pl. Cor. fol. 132. Such are the Duties of his Visitation, his benefit growing from ordaining and instituting Priests, Prestation Money, that is, subsidium charitativum, which upon reasonable cause he may require of his Clergy, Johannes Gregor. de Benefic. cap. 6. num. 9. and the benefit of his Jurisdiction, Joachimus Stephanus de Jurisd. lib.

4. cap. 14. num. 14.

Spitsenard, Spica Nardi, vel Nardus, Is a Medici-nal Herb, whereof read Gerard's Herbal, lib. 2. cap. 415. The Fruit or Ear of this (for it brings forth an Ear like Lavender) is a Drug garbleable, by 1 7ac. cap. 19.

Spittle-house, Mentioned in the Act for Subfidies,

5 Car. 2. cap. 9. Is a corruption from Hospital, and fignifies the same thing; or it may be taken from the Teutonick Spital, which denotes an Hospital or Alms.

Spoliation, Spoliatio, Is a Writ that lies for one Incumbent against another, in any case where the right of the Patronage cometh not in debate: As if a Parson be made a Bishop, and hath dispensation to Court Martial for the speedy execution of Justice on likeep his Rectory, and afterward the Patron present another

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See Benevolence, and Termes de la Ley, hoc verbo.

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Barons of his Cinque-ports.—Quieti sint de omni thelonio G omni consuetudine videlicet ab omni lastagio, tallagio, passagio, cayagio, rivagio, Sponsagio, dy omni wreeco.—Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountains.

poposid to simple Fornication. A. D. 1542. The Lady Katherine was accused to the King of incontinent living not only before her marriage, but also of Spowle-breach after her marriage. Fox A&. Mon. vol. 2. p. 540. b.

Spullars of Yarn, Are Tiers of Yarn, to see if it well spun, and fit for the Loom, Anna 1 Mar.

Parl. 1. cap. 7.

Dpurarium aureum, A Spur-Royal .bac recognitione dedit Johannes predicto Hugoni unum spurarium aureum. Paroch. Antiquit. p. 321.

Spien, Eroken Wood, or Wind-fall.— Cum autem in boscie nostrie aliqua succederimus, licebit en sine aliquo ferramento vel aliquo ustilio succibili intra-re, & ramalia que de Wyvede remanserint, qua Anglicè Spren dicuntur colligere.—Conventio inter Priorem & Convent. Cantuar. de Homines de Chertham facta anno 1166.-Ex Registro Eccl. Christi Cant. MS.

Sequalley, Anno 43 Eliz. cap. 10. See Rewey. It is a note of faultiness in the making of Cloth.

Squires. See Esquires. Stablestand, Is one of the four Evidences or Prelumprions whereby a Man is convicted, to intend the stealing the King's Deer in the Forest, Manwood, part 2. cap. 18 num. 9. The other three are Dog-bram, Back-bear, and Bloody-hand. This Stablestand is, when a Man is found in flabili flatione, at his flanding in the Forest with a Cross-bow or Long-bow bent, ready to shoot at any Deer, or else standing close by a Tree with Greyhounds in a Leash, ready to slip.

tabilitio benationis, The driving Deer to a stand, which is also call'd driving the Wanlass. Qui monitus ad stabilitionem venationis non ibat L. sol. Re-

Stachia, An Eftache, A Dam or Head made up of Scakes, Earth, Scones, &c. to stop a Water-course.—Abbas & Conventus Santli Edmundi habent quoddam slagnum prope villam B. Edmundi quod vocatur Teyren—& Cellerarius S. Edmundi line (1998) versa) reparare volens fecit ibi venire Carpentarios de

apponere fecit stachias subter ligna versus aquam, &c. Ex Cartular. S. Edmundi, MS. 193. See Estache. Stagnarium, Vel potius Stannarium, a Tin-sire, Rex, &c. Concessimus Domina Regina matri nostra cuneum & stagnarium Devon. ad fe sustimendum, Par. An-

no i Hen. 3.

Stagnes, Stagna, Ponds, Pools, or standing waters, mentioned 5 Eliz. cap. 21.

Stabium, Is in Doomsday Book accounted for a

furlong of Land, which is the eighth part of a Mile. Stagiarius, a Canon Residentiary in a Ca thedral Church. Stagiaria, the Residence to which he was oblig'd. Stagiari, to keep such Residence. As in a Statute made in the Chapter of Paul's, 2. Id. Jul. Anno 1319.—Ortam de modo Stagiariz inter Festum S. Johannu Bapt. Gr S. Mich. in Ecclesia London. facienda Dubitationem volentes enodare; ad tollendum omnem conscientia scrupulum antiquam consuetudinem sagiandi in dicto termino seu quarterio nondum scriptam hac scriptura exprimere decrevimus, videlicet quod antiquus Stagiarius à die Sabbati, &c.--Ex Libro Statutorum Ecclesia Paulina per Tho. Lyseaux Decanum, MS.f. 56. b. to the Fifth of Edward the Sixth, cap. 7.

another to the Church, which is instituted and industi-ed. The Bishop shall have against this Incumbent a Writ of spoliation in Court Christian, F. N. B. fol. 36. Privileges and Profits of Residence was Residentiarius, and while he actually kept fuch stared residence he was Stagiarius, or Stagionarius. The word Stagium was likewise used for residence, as Stagionarius postquam stagium suum in Domibus Ecclesia vicinis incepit, &c. ib. f. 44. a. Stall-boat, A kind of Fishers Boat, Anno 27 Eliz.

cap. 21

stalkers, A kind of fishing Nets, mentioned

13 Rich. 2. stat. 1. cap. 20. by 17 Rich. 2. cap. 9.
Stallange, Willielmus Lucymiles remittit domui er Ecclesia de Thelesford, tolle, tack, Stallange, er Blodesbede-anno 7 H. 7. Cartulat. domus de & Blodesbede-

Thelesford, MS.

Stallage, Stallagium, May be derived from the Saxon Stal. i. statio; or the French Estaller, i. merces exponere: It fignifies Money paid for pitching of Stalls in Fairs or Markets, or the right of doing it. See Scavage. This in Scotland is call'd Stallenge, according to Skene de verbor. Interpret. verb. Stallangiatores. Among the Romans it was termed Siliquations. giatores. Among the Romans it was termed Siliqua-ticum, à filiqua primo of minimo omnium pondere apud il-lam nationem. See Kennett's Glossary.

m nationem. See Renners Scioling.

Standardus, True Standard, or legal Weight
Measure.—Ricardus Abhas S. Edmundi dy Conmentus.—Salut.—Willielmus Tyllot—tenet de or Measure.nobis quoddam messuagium-continet in latitudine quinque virgas Standardi, & in latitudine quatuor virgas Standardi, Gc. Dat. 13 Jul. 15 Ed. 4. Ex Car-tular. S. Edmundi, MS. f. 268.

Standard. See Estandard.

standell, Is a young store Oak-Tree, which may in time make Timber, twelve such are to be left standing in every Acre of Wood at the felling thereof,

35 H. 8. 17. and 13 Eliz. cap. 25.
Stanuaries, Stannaria, Comes from the Latin stannam, Tin, and fignifies the Mines and Works where this Metal is digged and purified; as in Cornwall, and other places: Of this read Cambd. Brit. pag. 119. The liberties of the stannary-men granted by Edward the First, before they were abridged by the Statute 50 E. 3. See in Plowden's Case of Mines, fol. 327. and Co. 12. Rep. fol. 9. And further, for the Liberties of the Stannary-Courts, see 17 Car. 1.

Church of St. Pauls it was ordain'd, ut Servientes capas, cericas, libros, pannos sericos do lineos ac lamcos, stanna, cathedras, pulvinaria do alia confirmada de confirm &c. where I take Stanna to be the standing Candleflicks, fuch as were fometimes call'd flataria and Ceres

Staple, Stapellum, Signifies this or that Town or City, whither the Merchants of England were, by Act of Parliament, to carry their Wooll, Cloth, Lead and Tin, and such like staple Commodities of this Land, for the utterance of them by the great. The word may either be derived from the Saxon Staple, which fignifies the stap or hold of any thing, according to Lambart in his Duties of Constables, num. 4. because the place is certain and settled; or else from the French Estape, i. forum vinarium, a Market of Staple for Wines; the chief Commodity of France. And accordingly in a French Book we find it written, A Calais y avoit Estape de la laine, &c. which is as much as to fay, as the staple for Woolls. You may read of many places appointed for this staple in our Statutes, according as the King thought fit to alter them, from the second year of Edward the Third, What Officers Officers the flaples had belonging unto them, you may see in Anno 27 E. 3. stat. 3. cap. 21. The staple Commodities of this Realm, are Wooll, Leather, Wooll-fells, Lead, Tin, Butter, Cheese, Cloth, Ggc. as appears by the Statute 14 Rich. 2. cap. 1. though some allow only the sive sirst, see 4 Inst. fol. 238.

btar, Starrum. A contraction from the Hebrew Shetar, which fignifies a Deed or Contract. All the Deeds, Obligations, and Releases of the Jews, were anciently call'd Stars, written for the most part in Hebrew alone, or else in Hebrew and Latin; one of which yet remains in the Treasury of the Exchequer, written in Hebrew without pricks in King John's Reign, the substance whereof is thus expressed in Latin just under it, like an English Condition under a Latin Obligation.—Istud Stat fecit Hagius Filius Magistri de London Domino Ada de Stratona de acquietantia de Stamore, &c. See the Plea Rolls of Pasch. 9 Edw. 1. Rot. 4, 5, 6, 197c. where many Stars, as well of Grant and Release, as Obligatory, and by way of Mortegage, are pleaded and recited at large.

State Chamber, Camera fiellata, otherwise called Chamber des esteyells, was a Chamber at Westminster so called (as Sir Tho. Smith de Rep. Anglor. lib. 2. cap. 4. conjectures,) because at first the ceiling thereof was adorned with Images of gilded stars. And in the 25 of Hen. 8. cap. 1. It is written the started Chamber. Henry the Seventh, and Henry the Eighth, ordained by two several Statutes, viz. 3 Hen. 7. cap. 1. and 21 Hen. 8. cap. 2. That the Chancellor affished by others there named, should have Power to punish Routs, Riots, Forgeries, Maintenances, Embraceries, Perjunies, and such other Misdemeanors as were not sufficiently provided for by the Common Law, and for which the inferior Judges are not so proper to give Correction: And because that place was before set apart to the like Service, it was still used accordingly. Touching the Officers belonging to this Court, see Cambd. p. 112, 113. But by the Statute 17 Car. 1. cap. 10. this Court commonly call'd The Star Chamber, and all Jurissiction, Power and Authority thereto belonging, are from and after the first of Angust, 1641 clearly and absolutely dissolved and determined, and so continues dissolved and determined to this day.

Stationarius, A Canon Residentiary in a Cathedral Church. See Stagiarius. Statio, Residence.

Se Status de manerio, All the Tenants and legal Men within the Liberties of a Mannor, met in the Court of their Lord, to do their customary suic, and enjoy their Usages and Rights.—Apud curiam de Wrechwyke tentam in Festo S. Andrea an. 17 Edw. 3.—omnis status de Wrechwyke elegerunt Hugonem Kyng ad officium Prapositi dy juramentum suscepis. Paroch. An.

statute, Statutum, Has divers fignifications; as first, it signifies an Act of Parliament made by the King and the three Estates of the Realm, in which sense it is either general or special, Co. lib. 4. Holland's Case, fol. 76. Statute in another signification, is a short writing called a Statute-Merchant, or a Statute-Staple, which are in nature of Bonds, Anno 5 H. 4. cap. 12. and are called Statutes, because made according to the forms expressly provided by Statutes, which direct both before what persons, and in what manner they ought to be made, West. Symb. part 1. lib. 2. sel. 151. where he defines a Statute-Merchant thus, A Statute-Merchant is a Bond acknowledged before one of the Clerks of the Statutes-Merchant and Mayor, or chief Warden of the Gity of London, or two Merchants of the said City for that purpose assigned, or before the Mayor, chief Warden, or Master of other Cities or good Towns, or other suf-

ficient men for that purpose appointed, sealed with the Seal of the Debtor and of the King, which is of two pieces; the greater is kept by the Mayor, chief Warden, forc. and the lesser piece thereof by the said Clerks: The form of which you may see in Fleta, lib. 2. cap. 64. sect. 2. thus, Noverint universi me N. de tali Comitatu teneri P. in quadraginta march solvendu eidem ad sessua provisa in statuto Domini Regis Edito apud Westm. Dat. London, tali die Anno supradisto. The Fee for the Seal is, for Statutes acknowledged in Fairs for every pound a half-penny, and out of Fairs a farthing. The execution upon Statute Merchant is, first to take the Body of the Debtor, if he be Lay, and can be found; if otherwise upon his Lands and Goods, and is founded on the Scatute made 13 E. 1. stat. 4. See the New Book of Entries, vert. Statute-Merchant

Atatute-Staple, Is so called either properly or improperly: A Statute-Staple properly so called, is a Bond of Record, acknowledged before the Mayor of the Staple, in the presence of one of the two Constables of the same Staple, for which Seal the Fee is of every pound, if the Sum exceed not 100 li. an halfpenny, and if it exceed 100 li. a farthing; and by vertue of such Statute-Staple, the Creditor may forthe with have execution of the Body, Lands and Goods of the Debtor: And this is founded upon the Statute 27 E. 3. cap. 9. A Statute-staple improper is a Bond of Record, founded upon the Statute 23 H. 8. cap. 6. Of the nature of a proper Statute staple as to the force and execution of it, and acknowledged before one of the chief Justices, and in their absence, before the Mayor of the Staple and Recorder of London. The forms of all these Bonds or Statutes, see in West Symbol. part 1. lib. 2. set. 152, 154, 155.

bol. part 1. lib. 2. fest. 152, 153, 154, 155.

Statutes are also vulgarly taken for the Petit-Sessions, which are yearly kept for the disposing of Servants in Service, by & Eliz. cap. 4. See Recognisance and these Statute-Sessions, otherwise called Petit-Sessions, are a meeting in every Hundred of all the Shires in England, where by Custom they have been used, whereto the Constables and others, both Housholders and Servants repair, for the debating of difference between Masters and Servants, the rating of Sesvants Wages, and bestowing such People in Service as being sit to serve, either refuse to seek, or get Masters,

Anno 1 Eliz. cap. 4.
Statuto-Stapulæ, Isa Writ that lies to take his
Body to Prison, and seize upon his Lands and Goods,
that hath forseited a Bond called Statute-staple, Reg.
Orig. fol. 151.

Statutum be Laborariis, Is a Writ Judicial, for the apprehending of such Laborers as refuse to work according to the Scature, Res. Judic. fol. 27.

according to the Statute, Reg. Judic. fol. 27.
Statute Apercatorie, Is a Writ for the Imprisoning of him that has forficited a Bond called Statute-Merchant, until the Debt be satisfied, Regist. Orig. fol. 146. And of these there is one against Lay-persons, and another against Ecclesiastical. Itid for 148.

146. And of these there is one against Lay persons, and another against Ecclesiastical, Ibid for 148.

Stabis: aber, Staphys agria vel berba Pedicularia, Is a medicinal Herb; the kinds and vertues whereof you have in Gerard's Herbal, lib. 1. cap. 130. The seed of this is means thereof among Drugs to be garbled, Anno 17 dec. cap. 10

Anno 1 Jac. cap. 19.

**Estaurum, Any fiere, or flanding flock of Cattle, Provision, &c. When formerly the Bishops occupied and stocked their own Demesine Lands, they were obliged to leave at their Death such a determined quantity of Cattle for a stock to their Successors; which stock upon the Ground was called Staurum, and de Staura, de Instauro.

E e e

Dien

Stemnifreoh, -Nechin libertate multura sua ini molendino ipsius Roberti, forc. quod sint tennuestreoch, and Chol treoch, Mon. Ang. 2. par. fol. 293.

Stennery, Is used for the same with Stannaries

in the Statute 4 H. 8. cap. 8. See Stannaries.

Sterbiech alias Strebieth, Is the breaking, ob-firucting, or making less of a way, Siquis viamfrangat, concludendo, avertendo vel fodiendo: It may be derived from the old English word Stre, i. Via, and Brech, i. Fractio; hence probably to go a stray, or as now we write astray, that is, to go out of the way.

Stanlam, A stony Hill, Doomsday.

Stealing, Is the fraudulent raking away of another

man's Goods, with an intent to fleal them against, or without, the will of him whose Goods they be. The Civil Law judges open Theft to be fatisfied by the re-compence of fourfold, and privy theft, by the recompence of double; but the Law of England adjudges both those Offences to death, if the value of the thing follen be above twelve pence.

sterroris cathed:a, Vir five Mulier falfam mensuram in civitate faciens deprebensus iv. solidis emendabat, similiter malam cervisiam faciens, aut in cachedra onebatur stercoris aut quatuor solides dabat Prapositis.

Lib. Domeidei, Cestrescire.

Sterling, Sterlingum, Was and is the Epichete for Silver money currant within this Realm. same from this, that there was a pure Coin stamped first in England by the Easterlings, or Merchants of East-Germany, by the Command of King John, and accordingly Roger Hoveden parte poster. suor. annal. fol. 377. writes it Esterling. See the Statute Of Purveyors. cap. 13. By the Statute 31 Ed. 1. the penny which is called the flerling, round, and without clipping, weighs thirty two grains of Wheat, well dried, and twenty pence make an ounce, twelve ounces a pound, and eight pound a gallon of Wine, and eight gallon a Bushel, which is the eighth part of a Quarter, 17 E. 2. cap. 19. The word is not yet out of use; for though we ordinarily say Lawful Money of England, yet in the Mint, and the like, they say sterling Meney. (Sterling) When it was found convenient in the fabrication of Monies, to have a certain quantity or proportion of baser metal to be mixed with the pure Gold and Silver; the word Sterling or Esterling was then introduced, and has ever fince been used to denote the certain proportion or degree of fineness, which ought to be retained in the respective Coins. Vid. Lownd's Essay upon Coins, p. 14. See Kennett's Gloffary in Sterlingi.

Stemes, Are those places which were permitted in England to Women of professed incontinency, and that for hire would prostitute their Bodies to all Comers. It is derived from the French Estuves, i. Therma, vel Balneum, because dissolute persons are wont to prepare themsclves for venerous acts by bathing. And that this is not new, Homer shews in the Eighth Book of his Odyss, where he reckons how Baths among the esseminate fort of Pleasures, of these read 11 H. 6. 1. But King Henry the Eighth about the

year 1546. prohibited them for ever.

stemato, Schelcallus, is compounded of stede, place and ward, as much as to say, as a man appointed in my place or stead, and hath many several Applications, but always signifies a principal Officer within his Jurisdiction. The greatest of rhese is the Lord High Steward of England, whose Power formerly was of great extent, but of later time so abridged, that he has not usually been appointed, but only for the dispatch of some special business, as the arraignment of some Nobleman in case of Treason, or such like, which once ended, his Commission expires. Of the Court of the High Steward of England, you may read

4 Inft. fol. 59. Then is the Lord Steward of the King's most Honourable Houshold, 24 H. 8. cap. 13. whose Name was changed to that of Great Master by 32 H. 8. cap. 39. But this Statute was repealed by 1 Mar.2. Parl. cap. 4. and the Office and Name of the Lord Steward of the King's Housbold revived, whereby you may read much concerning him, as also in F. N. B. fol. 241. Of his ancient Power, read Fleta, lib. 2. cap. 3. There is also a Steward of the Marshalfea, Pl. Cor. fol. 52-and 33 H. 8. cap. 12. In brief, this word is of so great diversity, that there is in most Corporations, and in all Houses of Honour throughout the Realm, an Officer of this Name and Authority. What a Seeward of a Mannor or Houshold is, or ought to

be, fleta fully describes, lib. 2. cap. 71, 72.

Stick of Cels, Bind anguillarum constat ex decem sticks, by qualibet stick ex 25 anguills. Mon. Angl. Tom. 2. f. 880. It is in some Records call'd brochus anguillarum.

Sprickler, A small Officer who cut Wood for the Priory of Ederose within the King's Parks of Cla-

rendon, Rot. Parl. 1 Hen. 6. the Ground after the Corn is reap'd and carried away. Dedi mam carestatam foragii, or dua acras stipulæ, orc. Cart. 2 Ed. 2.—Praterea concessit eidem Radulfo or heredibus suis habere osto animalia or sex porcos in dominica pastura mea, or in stipulis meis quieta de consuetudine in perpetuum. Carta Sewalli de Osevile, Anno 1205.

er Stiremamus, Sax. Steor-man. A Pilot or cers-man.—Quando Missaici Regu veniebant ibi Steers-man.-(i. c. ad Dovere) dabant pro caballo transducendo 3 de-narios in byeme, dy 2 in astate: Burgenses vero inveniebant Stiremannum of unum allum Adjutorem. Lib.

Domesdei in Chenth.

Settlyard, Guildhalda Tentoniowum, Anno 19 H.7. cap. 32. 22 H. 2. cap. 8. and 32 H.8. cap. 14. was a place in London, where the Fracernity of the Easterling Merchants, otherwise called The Merchants of the Manse and Almaine, Anno 1 E. 6. cap. 13. had their bode. See Geld. It was at first so denominated of broad Place or Court where fleel was fold, upon which place that House was founded. See Hanse.

Stoc and Stovel,—Praterea si hommes de stanhall di Bi Abbatu inventi fuerint in bosco pradicti W. cum forisfatio ad toc to ad thebet alion thobene, to aliquis quarens corporaliter in terram per eos seisit, sucrit, malefatior pro delito, qui taliter inventus sucrit, reddet tres solidos,—similiter concessium est quod si aliquis inventus fuerit cum brachiis quercuum vel cum aliu minutu boscis, cum forisfalto illo ad Aoc & ad Rovell, Malefaltor ille reddet Jez denarios, E quadam Carr. Conventionum, inter Will. de Bray, & Abbat. & Convent. de Ofiney.

Stockikind. See Gavelkind.

Stotail,-Alfo morcober we habe granted in a mendment of the City, that they bin all quit of Bryztchel, of Childwit, Zerefgen, and of Stotali: Do that no Sheriff of London, neither none other Bay ly make Storall in the francheis, &c. This is an old Printed Book, which delivers it (among other things) as the Charter of Henry the First to the City of London: But the word is thought to be mistaken for Scotale.

tola, Was a Garment which Matrons wore, and reached down to their Buttocks. Ould in his second Book De Tristibus mentions the word,

Quas Rola contingi vittaque sumpta vetat.

And Ulpian also de Auro de argento, Leg. 1. Vestis. Muliebria, inquit, funt, veluti stole, pallia, tunica, &c. Stone of Mool, Petra Lana, Anno 11 H. 7. cap 4.

Ought to weigh fourteen pounds; yet in some places it is more, and in others it is but twelve and a half, Le charre de plumbo constat ex 30. formellus de qualibet formella continet 6. petras exceptus duabus librus, & qualibet Petra constat ex 12. libru. Compositio de Ponderibus. A stone of Wax is but eight pound, nor it the stone of Beef at London any more. See Weights and Sarpler, and also Crompton's Justice of Peace, fol. 83.

Stoth, — Nativi de Wridthorp — solvit qui-libet pro Filiabus suis maritandus gerson Domino, do Our-lop pro filiabus correptio, do Stoth do alia servitia do auxilia. Petr. Bles. Contin. Hist. Croyland, p. 1154

Stobene. See Zuche.

Dtomage, From the Saxon Stott, i. lecus, villa, is the place or part where Goods are laid, or the Money that is paid for such a place.

Stotne, According to Doomiday Book signifies Vil-

lam, a Village.

Straits or Streits, Anno 18 H. 6. and 1 Rich. 3. cap. 8. A fort of narrow Cloth or Kersey so called.

strand, Sax. Strande. Any shoar or bank of a Sea or River. An immunity from custom and all imposition upon Goods or Vessels by Land or by Wacer, was usually express'd by strand and stream. King Henry 2. to the Church of Rochester, — Concedo des construto in perpetuam cum socne des soke, strand and stream. Mon. Anglic. Tom. 3. p. 4. So the same and stream. Mon. Anglic. Tom. 3. p. 4. So the same Prince granted to all Tenants and Traders within the Honour of Walingford, that—by Water and by Land, by Wood and by Strand, Quiet sint de thelonio, passagio, dyc. Paroch. Antiquit. p. 114. Hence the Street in the West Suburbs of London, which lay next the shoar or bank of the Thames, is called the Strand. And G. Duglase mentions the Strandis of the Sea. See

Stranger, (From the Saxon Supano, A shore or bank of the Sea, or any great River) Is, when any spin is either by Tempes, or ill Steerage, run on ground, and to remisse.

and so perishes, Stat. 17 Car. 1. cap. 14. See Strond. Stray, If any Beast do by chance go assray, and come within the Liberty of the Prior, and shall be taken by his Bayliffs, it shall be carried to the Pinfold, and there kept a year and a day; if no Man claim it within that time, then the Prior shall have it: But if any one come, and shall lawfully prove it to be his, he shall give for every Foot one penny, and pay the charges of keeping, and then he shall have his Beast again. Ex Regist. Priorat. de Cokesford. See Estray.

stranger, May be derived from the French Estrangier, aliena. It fignifies generally in our Language, a Man born out of the Land, or unknown; but in the Law it hath a special Signification, for him that is not privy or party to an Act. As a stranger to a Judgment, Old Nat. Brev. fol. 128. is he to whom a Judgment doth not belong; and in this Sense it is directly contrary to party or privy. See Privy.

Stream-works, Is a kind of Works in the Stannaries; which you may find mentioned 27 H. 8. cap. 23. Concerning these, Camden in his Britan. tit. Cornwal, had these words, Horum stannariorum sive metallicorum operum duo sunt Genera: Alterum Lode-works, alterum Stream-works vocant, hoc in locis inferioribus est cum fossis agendis stanni venas sestantur & fluviorum al-veos subinde destectunt; illud in locis aditioribus, cum in montibus Puteos, quos shafts vocant in magnam altitudinem desodiunt des cuniculos agunt.

Street-gavel or Street-gavel, Quilibet tenens in

Manerio de Cholington dabit 25. 170 itu de reditu, MS. de temp. E. 4. Every Tenant of that Mannor, (in Com. Suffex) paid yearly two shillings for his going out and returning into it, to the Lord of the Mannor, by the

Name of Stret-gavel, Mich. 4 E. I. Coram Rege, Aniquity of Purveyance, fol. 222.

Strepitus Judicialis, The circumstances of noise and croud, and other turbulent Formalicies at a Process or Tryal in a publick Court of Justice. therefore our wife Ancestors did in many cases provide, that Right and Justice should be done in a more private quiet manner, Sine strepitu judiciali .-- Possint eos or eorum Successores per omnem censuram Ecclesiasticam ad omnium of singulorum premissorum observationem

Absque Articuli sen Libelli petitione des quocung; strepitu judiciali compellere. Paroch. Antiquit. p. 344.

Strip, Strepitus, Destruction, Mutilation, from the French Estropier, i. Mutilare, strepitum des vassum facere, i. To make, strip and waste, or stropand waste.

See Estrepement.

Stretemard, Per fireteward Johannes Stanley Armiger, Clamat quod servientes pacu dy Ministrisui infra feodum de Aldford capere debent de qualibet suga catal-lorum 4 d. Rot. Pla. in Itin. apud Cestriam, 14 H. 7.

See Market zelde.

strond, Is a Saxon word, fignifying a shoar or bank of a Sea, or any great River. In a Charter of King Richard, Dated at Canterbury the 4th of November, in the first Year of his Reign, we find these words, Richardus Rex, &c. Notum facimus vobis nos concessisse, &c. Deo & fantto Albano Ecclesia sua fantti Oswini de Tynemuth, celle santii Albani & Monachis ibidem Deo servientibus omnes terras suas to omnes bomines suos, cum sacha, soca, Over Arond & Areme, on wode a felde, Toll, Them of Grithburge, Hamsocne, Murdrum of Fore-Stall Danegeld, Infangenethef & Utfungenethef, Flemi-nefrenieth, Blodwit, Wrecke, &c. And the Gloss. in 10. Scriptores interpreting these words, Du Grand & Areme, on wode & feld, faith, - Voces Anglica veteres 🞸 În antiquioris avi chartis crebro reperta; Privilegium sapiunt seu potius Privilegii latitudinem sive amplitudinem dy sic Latine legantur, in Littore, in Fluvio, in Sylva o Campo.

Sylva of Campo.

Strumpet, Meretrix, Was heretofore used for an addition, Jur. prasentat, &c. quod Johannes de Mainwaring de Whatcroft de Cum. Cest. Esq., Laurentinus de Warren de Davenham Esq.; &c. Hugo de Sondebach, Toman, Hopkin, Norman de Com. Cestr. Husbond-Knave, Williemus le Birchwood de Clyve-Knave cum plurimus aliis & Agnes Cawes de medio Wico de Com. Cestr. Strumpet, — Tali die domum Ranulphi Madocke, vi dy armis, &c. fregerunt, &c. Pla. apud Cestr. 6 H.6. m. 2. in Dorso.

Stryb, The eighth part of a Seam or Quarter of Corn, a Strike or Bushel.— Solvent nomine decimarum molendini sex modios alias sex stryk bladi prout molendum obvenerit eidem molendini. Cartular. Reeding. MS. fol. 116. a.

Dtud, Freely to buy and sell as well in Chester as in the County and Wiches, where there was no Law, all things with Toll and Stud, befides Salt and Horses, Mon. Ang. 2 par. fol. 187. haply it may be the same

with fluth, which see. Stuth, Per Stuth clamat effe quiet. de exactione pe-

cunia à singulis villis — per vicecom. comitat. Cestria, Pl. in Icin. ibid. 14 H.7. Submarthal, Submarescallus, Is an Officer in the Marshaljea, who is Deputy to the chief Marshal of the King's House, commonly called The Knight-Marshal, and hath the custody of the Prisoners there, Cromp.

Jur. fol. 104. He is otherwife called Under-Marshal.

Bubnerbare, To cut the finews of the Legs or Thighs, to Ham-string. It was a good old custom in England, Meretrices of impudicas mulieres subnervare. Vid. Osbernum de vita S. Dunstani, apud Whartoni, Angl. Sacr. P. Q. p. 146.

Subornation, Subornatio, A fecret or under-hand 4 reparin,

preparing, instructing or bringing in a false Witness, or corrupting or alluring to do such a false Act. Hence Subornation of Perjury mentioned in the Act of General Pardon, 12 Car. 2. cap. 8. Is the alluring to Perjury, subornation of Witnesses, 32 H. 8. cap. 9. and 3 par. Inft. fol. 167.

Subpæna, Is a Writ whereby all Persons under the degree of Peerage are called into Chancery, in fuch case only where the Common Law sails, and hath made no provision; so as the party who in equity hath wrong, can have no ordinary remedy by the Rules and Course of the Common Law, West Symbol. part 2. tit. Proceedings in Chancery, sect. 18. But Peers of the Realmin such Cases are called by the Lord Chancellor's or Lord Reamer's transmission. cellor's, or Lord Keeper's Letters, giving notice of the Suit intended against them, and requiring them to appear. There is also a Subpana ad testissicandum, for the furmoning of Witnesses as well in Chancery as other Courts. There is also a Subpæna in the Exchequer, as well in the Court of Equity there, as in the Office of Pleas. And these Names proceed from the words in the Writ, which charge the Party summoned to appear at the day and place affigned, Subpana See Cromp. Jurisd. fol. 33. and Centum Librarum.

Anno 15 Hen. 6. cap. 4. Substitium Cathedraicum. See Cathedratick. Sublidy, Subsidium, Signifies an Aid, Tax or Tribute, granted by Parliament to the King, for the urgent Occasions of the Kingdom, to be levied of every Subject, according to the rate of his Land or Goods, after four shillings in the pound for Land, and two shillings eight pence for Goods. No History mentions that the Saxon King had any Subfidies after the manner of Ours at prefent; but they had both Levies of Money and personal Services towards the building and repairing of Ciries, Castles, Bridges, Military Expeditions, Ge. which they call'd Burgbote, Brigbote, Gerefare, Beregeld, &c. But when the Danes harassed the Land, King Etheldred yielded to pay them for redemption of Peace several great sums of Money yearly. This was called Danegelo, for the levying of which, every Hide of Land was taxed yearly at twelve pence, Lands of the Church only excepted, and thereupon it was after called Hydagium, and that Name remained afterward upon all Taxes and Subfi-dies imposed on Lands; for sometimes it was laid upon Cartle, and then was termed Hornegeld. The No mans called these sometimes Taxes, sometimes Tallages, other-whites Auxilia of Subsidia. The Conqueror had these Taxes, and made a Law for the manror nad their levying, as appears in Emendationibus ejus, pag. 125. left. Volumus dy hoc firmiter, dyc. many years after the Conquest they were levyed otherwite than now, as every ninth Lamb, every ninth Pleece, and every ninth Sheaf, 14 E. 3. stat. 1. cap20. Of which you may see great variety in Rastal's Abridement in Taxes Tenths Effects & Subsidies does Abridgment, tit. Taxes, Tenths, Pifteenths, Subfidies, Gyc. and 4 Inft. fol. 26. 69 33. Whenee we may gather there is no catalan Rate, but as the Parliament shall think fir. Subsidy is in our Starutes, sometimes confounded with Customs, 11 H. 4. cap. 7. See Benevolence,

and 15 Car. 2. cap. 7. Subgrunda, The Eaves of a House, Tegula propen dentes extra techum domis ad parietum desensionem, ne imbribus corrumpantur, Vocab. utriusque; juris.

Substitute, Substitutus, One placed under another to transact, or do some business.

Eneccinum, Gemma est ex gummi arboris Gleffaria congelasa, quam diximua appellari à Gracis electrum. Of which Juvenal.

In cujus manibus ceu pinguia Succina tritas Cernis Ephemeridas.

And Martial, Inclusit tenuem succina genima feram.

Sucking, Per Sucking, boc est fore quiet. de illis amerci imentis quando le Burlimen, id est, supervisores, del Ringyord, id est clausus, que vocat le Chiminstides vel Common Meddonos, & pramonit, suerint ad im-parcand. & faciend. clausuras, illas simul cum vicinis suis, ille qui non venit ad talem pramonitionem, amerciatus erit ad pretium unius vomeris, Anglice a Suche

pretii quatuor denarii dy boc quotiescunq, prasmit. non venerit. Plac. in itin. apud Cestriam, 14 Hen. 7, grantes Sesta, Sesta, Suit or Service done to a superior Lord. From the French Swive, sequi, to fol-

low.— Pro omnibus servitiis, curia sediis, suetis, releviis, &c. Paroch. Antiquit. p. 262.

Sufferentia pacis, A Grant or Sufferance of Peace or Truce-Pro quadam sufferentia pacis cum illis habenda per unum annum duraturâ. 16 Edw. 3.p. 2. m. 2.

Duffragan, Suffraganus, Is a titular Bishop ap-pointed to aid and affish the Bishop of the Diocete, Co. 2. Inst. fol. 79. calls him a Bishop's Vicegerent. Spel-man says, Dicuntur Episcopi qui Archiepiscopo sustragari or assistere tenentur, or sustraganci dicuntur quia eorum sustragiis causa Ecclesiastica judicantur. By the 26 H.8. cap. 14. The Dioceian may elect two honest and difcreet spiritual Persons, &c. and that every such Per-

fon shall be called Bishop Suffragan.
Soutt or Soute, Seda, Signifies a following another but in divers senses. The first is a Suit in Law, and is divided into real and personal, and is all one with Allion real and personal, Kitch. fol. 74. Secondly, Suit of Court, or Suit-service, is an Attendance that To owe to the Court of their Lord, 7 H. 7. cap. 2. Thirdly, Suit Covenant is, when your Ancestor hath covenanted with mine to sue to his Court. Fourthly, Suit Custom, when I and my Ancestors have been seized of your own and your Ancestors suit, time out of mind. Fifthly, Suit real or regal, when Men come to the Sheriff's Turn or Leet. See Leet. Sixthly, Sute signifies the following one in Chace, as Fresh-Suit, Wellm. 1. cap. 46. Lastly, it signifies a Petition

made to the King, or any great Person.

Sout of the King's Heace, Selfa pacis Regis, Is the pursuing a Man for breach of the King's Peace by Treasons, Insurrections, or Trespasses, 6 Rich. 2. slat. 2. cap. 1. and 27 R. 2. cap. 15. and 5 H. 4. cap. 15.

Sout-sliver. See Sute-silver.

Suling. See Swoling.

Sulcus aque, A finall brook or stream of water, called in some places a Sike, in Essex a Doke.

— In fine inseriore ipsius mera descendit quidam sulcus fluens inter medium de Stanford-more, &c. Paroch. An-

tiquit. p. 531.
gr Summa, Saugma, Sauma, Fr. Saume, Somme.
Properly any load or burden of a Horse. In old Charters we frequently find Sauma vini, and summa ligni, for a Horse-Load of Wine or Wood. Mr. Somner believes, that this fort of burden gave name to a Sumpter Horse, Lat. Equis saumarius, Fr. Somiere.

Summa frumenti, Sax. Seam and Seam-byrden, was the quantity of eight Bushels, or a Quarter, still call'd a Seam in Kent, and other South-parts. Summa frumenti, and Summa bladi, is frequent in our old Writ-

bummage. See Sumage and Seme. Sumage, Sumagium of Jummagium, A Horse-load, also Toll for Carriage on Horseback, Cromp. Jur. fol. 191. For where the Charter of the Forest, cap. 14. hath these words, For a Horse that bears loads every half-year a halfpenny: The Book called Fupilla Oculi useth these words, Pro uno equo portante summagium, per dimidium annum obolum, Chart. E. 1. num. 17. It is otherwise called a Seame: And a Soame in the And a Soame in the Western parts is a Horse-load. g Summa

s u

Somma Begia, Summa media, &c. The different measure of the seam or quarter of Corn, is thus usefully moved in the old Carrulary of Peterburgh called Swafham. — Summa Regia. per quam emitur de venditur in foro; Summa media per quam Prapositimetunt apud Burgum. Summa de granario per quam facta liberatio de exitu pistrini. Summa quarta, per quam datur Meteccorn infra curiam. Summa Regia excedit veterem summam in tanta portione qued septem summa Regiæ faciunt olle summas veteres. Item septem summa Regiz faciunt Duodecim summas de grana-

rio. Swafham, MS. f. 220.
Suntrehus-Alber, Hemines quoque de walda debent unam domum astivalem qua Anglice divitur Sumer-Inus invenire, aut viginti folidos dara. — Custumale de Newington juxta Sitingburn, MS. From whence it may be inferr'd, that the Lords or Owners of the Dens and Districts of Wood in the weald of Kent, used to visit those places in Summer time, when for their better accommodation, their Under-tenants were bound to prepare little Summer Huts or Houses for their reception, or else pay a composition in Money.

according to the divers Cases wherein it is used, which see in the Table of the Register Judicial.

calls or circs a Man to any Court; these oughe to be boni bomines, that is in Fleta's Judgment, Liberi bomines & ideo boni, quia terras tenentes, quod sint coram talibus Insticiarius ad certos diemos locum secundum mandatum Justiciariorum vicecomiti diredium, parati inde facere recognitionem, lib. 4. cap. 5. sect. Et cum. Summonitores were properly the Summoners or Apparitors, who cited in Delinquents to appear at a certain time and place, to answer any charge or complaint exhibited against them. Two Persons were join'd in this Office, who in citations from a superiour Court, were to be Peers or Equals of the Party cited. At least the Basens were to be summon'd by none under the degree of Knights. Hence Summonisores ordinarii, legales, boni, &c.—Summone ibidem per bonos Summonitores eundem Thomam quod sit coram nobis in crastino S. Johannu Baptista responsurus ad hoc quod proponetur. Paroch. Antiquit. p. 177. Hence in the proponetur. Diocels of Canterbury, the Apparitors in each Deanery are call'd the Summers, which was their Title, we

know, in Chancer's time.

Summonitores Seaccarti. Those Officers who affifted in collecting the King's Revenues, by citing the Defaulters into the Court of Exchequer. De scutagio quod per Summonitores scaccarii exigis. Pa-

moch. Antiquit. p. 200.

Mummons, Summonitio, With us as much as Vocatio in jus, or citatio among the Civilians; And thence is our word Summer, which in French is Somoneur, i. vocator, monitor. Summons of the Exchequer, 3 E. I. cap. 19. How Summons is divided, and what circumstances it has to be observed, See Fleta, lib. 6.

cap. 6, 7. Summens in terra petita, Kitchin, fol. 286. Is that Summons which is made upon the Land, which the Party (at whose Suit the Summons is sent forth) sceks to have.

Summonsad Marrantizand. And fequatur fub fuo periculo, Dyer, fol. 69. num. 35. Summone ad War-rantizandum, Is the Process whereby the Vouchee is called. See Co. on Lit. fol. 101. b.

Sumptuary Laws, Are Laws made to restrain excess in Apparel, and prohibit costly Clothes; of which we have herectofore had many in England, but all repealed, Anno 1 Jac. See 3 Inst. fol. 199.

Super-institution, Super-institution, One Institution

upon another; as where A. is admitted and inftiru- F. N. B. fol. 193.

ted to a Benefice upon one Title, and B. is admitted, inflitured, &c. by the Presentment of another.

Hutchin's Cale in Co. Rep. 2. par. fol. 462.
Superoneratione pasturæ, Isa Writ Judicial, that lies against him who is impleaded in the County, for the overburdening of a Common with his Cattel, in case where he was formerly impleaded for it in the County, and the Cause is removed into the Hing's Court at West minster.

Super Pierogatiba Regis, Is a Writ which lay against the King's Widow, for marrying without his

Licence, F. N. B. fol. 173.

Superfedeas, Is a Writ in divers Cases, and fignifies in general a Command to stay, or forbear the doing of that which ought not to be done, or in appearance of Law were to be done, were it not for that whereon the Writ is granted. For example, A Man regularly is to have furety of peace against him of whom he will swear he is afraid, and the Justice required hereunto cannot deny him; yet if the Party be formerly bound to the Peace, either in Chancery, or elsewhere, this Writ lies, to stay the Justice from doing that which otherwise he ought not to deny. See the Table of the Reg. Orig. and Judic. and F.N.B. fol. 236. for preventing the Superreding of Execu-

ms. See the Statute 16, 17 Car. 2. cap. 8. Super flatutum Edward 3. berfus Serbantes & Labores, Is a Writ that lies against him who keeps my Servants, departed out of my Service, against Law, F. N. B. fol. 167.

Super fatuto de York, quo nul ferra Witeller, ec. Is a Writ lying against him that uses Victualling either in gross, or by retail, in a City or Borough Town, during the time he is Mayor, &c. F. N. B. fol. 172.

Super statuto, 1 E. 3. cap. 12, 13. Is a writthat lay against the King's Tenant holding in chief, which alienateth the King's Land without his Licence, F. N. B. fol. 175.

Super ftatuto facto pour Senefhal & Marthal be Boy, etc. Is a Writ lying against the Steward, or Marshal, for holding Plea in his Court of Free-hold, or for Trespass or Contracts not made within the King's Houshold, F. N. B. fol. 241.

Super Antuto de Articulis Cleri, Cap. 6. Is a

Super Anthe de Articulis Elect, Cap. 6. Is a Writ against the Sheriff or other Officer, that distrains in the Ring's High-way, or in the Glebe land, anciently given to Rectories, F. N. B. fol. 173.

Supervisor, Isa Latine word signifying a Surveyor or Overseer: It was anciently, and still is a Custom among some, especially of the better fort, to make a Supervisor of a Will, but it is to little purpose; However the first might be good, that he should supervise the Executor, and see the Will truly performed.

Supervisor, Or as now Surveyor of the High-ways, Anno 5 Eliz. cap. 13. See Surveyor.

Supervisors, Is the surface or top of the Earth, and whatsoever is upon the face thereof, Vocab. utrius, juris.

utrinfq; juris.

Supplicabit, Is a Writ issuing out of the Chancery, for taking the Surery of Peace against a Man: It is directed to the Justices of Peace of the County and the Sheriff, and is grounded upon the Scatute, Anno 1 E. 3. cap. 16. which Ordains, That certain persons in Chancery shall be affigued to take care of the Peace. See F. N. B. fol. 80. This Writ was of old called Breve F. N. B. fol. 80. This Writ was of old called Breve de minis, as Lambart saith in his Eirenarcha, out of the Regist. Orig. fol. 88.

Bur cui in bita, Isa Writ that lies for the Heir of that Woman, whose Husband has aliened her Land in Fee, and she brings not the Writ Cui in vita for the recovery of her own Land; In this case her Heir may have this Writ against the Tenant after her decease,

Fff

Surchary.

Surcharge of the forest, Superoneratio Foresta, Is, when a Commoner puts on more Beasts in the Forest than he has right to, Manwood, part. 2. cap. 14. num.
7. And is taken from the Writ De secunda superoneratione Pastura in the same sense, when the Commoner
surchargeth, 3 Inst. fol. 293.

Surety of the Beace, Securitas Pacis (so called,
cause the Party that was in fear is thereby secured,)

Is an acknowledging of a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the Peace. This Peace may a Justice of the Peace Command, either as a Minister, when he is commanded thereto by a higher Authority; or as a Judge, when he doth it of his own Power, derived from his Commission. Of both these, see Lamb. Eiren. lib. 2. cap. 2. pag. 77. See Peace. See Supplicavit. Securitan de bono gestu, Surety of the good abearing differs from this, that whereas the Peace is not broken without an Affray, or fuch like; the Surety de bono gestu may be broken by the number of a Man's Company, or by his or their Weapons and Harness.

Surmicha, A Loaf of courier white Bread, fuch as in Kent is called Ravel-Bread, Conventus de Wartre concedit Joanni de Torp qualibet ebdomada 14. albas Michas conventuales of 14 galones melioris cervi-fie-of servitoribus suis 4. albas Michas of 13. magnas surmichas, item 4 panes bastard. 28 Mart. 1309. Ex Registr. Grenseld Archiepisc. Ebor. MS. f. 119. Perhaps Sura micha was only leaven Bread; there is now a fort of Oaten Cake in the North call'd Sour-Cake.

Surplusage, Surplusagium, Cometh of the French Surplus, i. corolarium; and fignifies in the Common Law a superfluity, or addition, more than needeth, which sometimes is a cause that a Writ abateth, Broke, tit. Nugation and Superfluity, fol. 100. Plowden, fol. 63. Dives and Maningham's Case. it is sometimes also applied to matter of Account, and denotes a greater disbursement than the charge of the Accountant, amounteth uncos, Satisfaciant in omnibus quod conjunstim sureit per wedistum computum inter each de conjunctum fuerit per predictum computum inter eos do furplusagio recepto de averius venditus, &c. Ordina-

tio de marisco Romeneiensi, pag. 38.
Sullings, In Doomsday Book, according to Mr. Agar's Interpretation, are taken for Alders. But in 1. Inft. fol. 4. for Elders.

Sullinga, Sullinga, A Swolinge, a Plough-Land. Sax. Sul, a Plough. Offa Rex totius Anglia dedit Janiberto Archiepiscopo ad Ecclesiam Christi Dorobern, terram trium aratrorum quam Cantiani Anglice dicunt tres Swolinges. Mon. Angl. vol. 1. p. 19. a.

Sullery, Denotes a Plough-land, as the same Mr. Agar interprets it out of Doomsday.

Eurgeon, Chirurgus, May be deduced from the French Chirurgeon, fignifying him that dealeth in the Mechanical part of Physick, and the outward Cores performed with the hand; and therefore is compounded of two Greek words, viz. Xele manus, egyor, opus And for this cause are they not allowed to minister inward Medicine. See the Statute 32 H. 8. cap. 4. and Polton's Abridgment, tit. Surgeons.

Surrejoynder, Is a second desence of the Plaintiffs Action, opposite to the Defendants Rejoyner, West Symb. part 2. tit. Supplications, sect. 57. and therefore Hotoman calls it Triplicationem, qua est secunda actoris defensio contra rei duplicationem opposita.

Surrebutter, Is a second Rebutter, or a Rebutting ore than once. See Rebutter. more than once.

Surrender, Surfum-redditio, Is an Instrument in writing, testifying with apt words, that the particular Tenant of Lands or Tenements for life, or years, doth sufficiently consent and agree, That he which has the next or immediate remainder or reversion thereof, shallalso have the present Estate of the same in posses-

fion, and that he yields and gives up the fame unto him: for every Surrenderer ought forthwith to give possession of the things surrendred, West Symbol. part.

1. lib. 2. sell. 503. where are several Presidents:
There may be also a Surrender without writing: and therefore there is said to be a surrender in Deed, and a furrender in Law; A furrender in Deed is, that which is really and fensibly performed. A furrender in Law is, intendment of Law by way of consequent, and not actual. See of this Perkins, cap. 9. by fol. 606. As if a man have a Lease of a Farm, and during the term, he accept of a new Lease, this Act is in Law a Surrender of the former, Co. 6. Rep. fol. 11. There is also a cufts-mary Surrender of the Copyhold-Land, for which see Coke sup. Littleton, Sect. 74.

Durrogate, Surrogatus, One that is substituted or appointed in the room of another, most commonly of a Bithop, or of a Bithops Chancellor.

Sourille, Superfifa, 32 H. 8. cap. 48. Seems to be an especial name used in the Castle of Dover, for such Penalties and Forfeitures as are laid upon those that pay not their Ducies or Rent for Caftleward at their days. Bratton hath it in a general fignification, lib. 5. tratt. 3. cap. 1. num. 8. and Fleta, lib. 6. cap. 2. in

Surbepoz, Supervifor, Isa French-Word compound ed of fur i. super and verir, cernere, videre. It fignifies with us, one that has the over-feeing or care of fome great Person's Land or Works. As the Surveyor-General of the Kings Mannors, Cromp. Jun. fol. 29. And in this sense it is taken, 23 H. 8. cap. 29. where there is a Court of Surveyors crecked: And the Surveyor of the Wards and Liveries. But he is taken away with the Court of Wards and Liveries, by the Statute made Anno

12 Car. 2. cap. 24. Surbeyog of the King's Erchange, 9 H.5 ff.at.2 Was an Officer whole name feems in thefe days to be changed into some other; for there is none such now, or else the Office now disused.

Durbiboz, From the French Survivre, i. Supereffe, Signifies the longer liver of two Joynt-Tenants. See Bro. tit. Joynt-tenants, or of any two joyned in the Right of any thing.

Duskin. See Gally-half-pence.
Dus, Unum fuit Machinamentum, quod nostri Suem, veteres vineam vocant, qua machina levibus lignis colligata, tello tabulis cratibus quentexto, laterihus crudis coriis communitis, protegit in se subsidentes, qui quasi mo-re suis ad murorum suffodienda penetrant fundamenta. Will. Malmsbur. Hist. lib. 4.—Praparare secerant variarum argumenta macbinarum. Alii Sues rostratas, alii Contos, alii Sues, sive quodeung, genus vel prius vi sum vel tunc excogitatum. Ricardi Regis Iter Hierosol. cap. 59. Let the Etymologists consider, whether the large Tubs with two Ears, carried on Mens shoulders by a Pole or large stick, be not hence called Some, and the sticks whereon they are carried Som stangs.

Suspention or Suspense, Suspensio, Is a Temporal ftop of a Man's Right; as when a Seigniory, Rent, Gre, by reason of the Unity of possession thereof, and of the Land out of which they iffue are not in effe for a time, & tunc dormiunt, but may be revived or awaked, and so differs from extinguishment, which dies for ever, Bro. tit. Extinguishment and Suspension, fol. 314. and Co. on Lit. lib. 2. cap. 10. set. 559. Suf-pension is also used sometimes by us, as it is in the Canon-Law pro minori Excommunicatione, Anno 24 H.&.

cap. 12, See Vocab. utriu/q, juris.

Suspital, (From the Latin suspirare, i. ducere suspiral) and seems to be a spring of Water passing under the ground toward a Conduit or Cistern, 35 H. 8. cap. 10. And indeed the word is an absolute French word; for Sujpiral in that Tongue signifies spiramen tum Caverna, the mouth of a Cave or Den.

Bute. See Suit.

Sute-filber, Is a small Rent, or sum of Money. which, if paid, does excuse the Freeholders from the appearance at the Cours Barons within the Honour of Clun in Shropshire.

Sumelliber, Inter antiqua consuetudines Ab--Apud grangian per totum batia de Sancto Edmundoannum sunt xiij. famuli capientes xiij. metecornsad quemlibet metecorn datur singulis unus denarius ad Suwelsilver & est summa de Suwelsilver per annum ix. Ex Carcular. S. Edmundi, MS. f. 322.

Diman, Cygnus, He that stealeth the Eggs of Swans out of their Nests, shall be imprisoned for a year and a day, and fined according to the King's pleasure; one moyery to the King, and the other to the Owner of the Land where the Eggs were so taken; and it was a Custom in ancient time, that he which stole a Swan in an own and common River. in an open and common River, lawfully marked, the fame Swan, (if it may be) or another Swan shall be hanged in a House by the beak; And he which stole it is recompence thereof, compelled to give the Owner as much Corn as may cover all the Swan, by put-ting and turning the Corn upon the head of the Swan, until the head of the Swan be covered with Corn. See Co. 7. Rep. Case of Swans.

manhero. See King's Swainberd.

Smannett. See King's Swannera.
Signification and the Forest three in the year, before the Verderors as Judges. Anno 3 H. 8. cap. 18. What things are inquirable in the faint, you may read in Cromp. Jurisd. fol. 108. And it is as incident to a Forest, as a Court of Pye-Powder to a Fair; Nullum Swain-motum de catero teneatur, in Regno nostro nisi ter in Anno, viz. in Principio quindecim dierum ante sestum santi Michael &c. circa sestum fanti Martini, or initio quindecinellierum ante festum santi Johannis, Baptistæ, Oc. Charta de Foresta tam Regis Johan. quam Hen. 3. cap. 9. See 4 Inft. fol. 289. This word is compounded of the Saxon Jpang, a Country Swain, or Boclandman, and Gemot. Conventus, as Mr. Lambert thinks in his Explication of Saxon words, verb. Conventus; with whom agrees Manwood in his Forest-Law, pag. 1 t. See Kennet's Gloffary.
Subarti-money, The Swarff-Money is one pen-

merts money, the Swarn-woney is the pering of the Sun; the party must go thice about the Cross, and say the Swarst-Money, and then take Mitnels, and then lay it in the hole: Ind when you have so done, look well that your Mitnels do not deceive you: For if it be be not paid, you give a great forfeiture, ppp s. and a mohite Bull. This Exposition was found in an old M.S. containing the Rents due to the Catesbyes in Lodbrooke, and other places of Warwicksbire; but supposed to be mistaken, or to fignifie the same with Warth-money. See Ward-penny.

mepage, is the Crop of Hay got in a Meadow, called also The swepe in some parts of England, Co. on

Lit. fol. 4.

Smatha, Sax. Swath, a Swathe, or as in Parts a Swath, i. c. a Kent a Sweath, in some Parts a Swath, i. c. a straight row of cut Grass or Corn, as it lies after the Scithe at first Mowing of it. A Swathe of Meadow was a long narrow slip of Ground, like a Selion in A-rable Land. William Barward sold his part of five Swaths in a Meadow called Bikemore-due Swaths, - & dua Swathes apad dicti prati jacent ut sequitur-Mathamms. Paroch. Antiquit. p. 399. Hence in the North, a Swath Bank is a Swath of new cut Grafs, where a green Swarth or Furrow among Arable Land is call'd a Swang.

speclinga terra, in Saxon Sulung, from sul or suth, aratrum; as to this day in the Western parts, a Plow is called a Sul, and a Plow-staff a Sulpaddle. It is the It is the fame with Carucata terra, that is, as much as one Plow can Till in a year: A Hide of Land, though others say it is an uncertain quantity.— Terram trium aratrorum quam Cantiani Anglice dicunt, Three Coolings.

shoon Brothers, Fratres jurati. Perfons who by mutual Oath covenanted to share each the other's Fortune. Statutum est quod ibi debent populi omnes of gentes universa singulis annis, semel in anno scilicet convenire, scilicet in capite Kalendarum Maii, & se fide sacramento non fracto ibi in unum der simu! confederare or consolidare, sicut comurati Fratres. Leg. Edw. Conf. cap. 35. In any notable Expedition to invade and conquer an Enemies Country, it was the custom for the more eminent Soldiers of Fortune, to engage themseles by reciprocal Oaths to share the Rewards of their Service. So in the Expedition of Duke Williaminto England, Eudo and Pinco were sworn Brothers and Co-partners in the Estate which the Conqueror allotted to them. So were Robert de Oily and Roger de Iveri-- Robertus de Oleio & Rogerius de Iverio Fratres jurati, le per fidem les sacramentum confaderati venerunt ad conquestum Anglia. Paroch: Antiquit. p. 57. No doubt this practice gave occasion to our Proverb of from Brother, and Brethren in Iniquity, because of their dividing Plunder and Spoil.

Dyb and fom, Pax & securitas, And accordingly we read in the Laws of King Canutus, cap. 17. Eallum, Chirtenum, Mannum 196, Join Temene, that is, Omnibus Christianis Pax of securitus communis

filba cædua, Wood under twenty years growth; Coppice-wood. See the Statute 45 E. 3. cap. 2. It is otherwise called in Law-French Sub-bou, 2 Infl. fol.642.

Spnob, Synodus, A Meering or Affembly of Eccle-fialtical Persons concerning Religion, of which there are four kinds: I. General, where Bilhops, dyc. meet of all Nations. 2. National, where those of one National on only come together. 3. Provincial, where they of one only Province meet. 4. Diocesan, where those of but one Diocese meet. See Convocation, which is all one with a Synod, only the one is a Greek, and the other a Latin word.

mynobal, Synodale, Is a Tribute in Money, paid to the Bishop, or Arch-deacon, by the Inferior Clergy at Easter Visitation; and it is called Synodale quia in synodo frequentius dabatur. The Impropriation of Derebuit in Com. Glou. pays yearly 7 s. 9 d. Pro Synodalibus & Procurationibus. Pat. 20 July 34 H. 8. Et quod sint quieti à Synodalibus & ab omni Episcopali connetudine excepto denario beati Petri, Mon. Ang. 2. par. fol. 276. See the Historical Discourse of Procuration and Synodals, pag. 66. 67 98. These are called other-wise Synodies in the Stature of 32 Hen. 8. cap. 16. yet in the Statute of 25 H. 8. cap. 19. Synodals Provincial scems to signific the Canons or Constitutions of a Provincial Synod. And sometimes Synodale is used for the Synod it self.

produles telles, The Urban and Rural Deans were at first so call'd, from informing and attesting the diforders of Clergy and People in the Episcopal Synod. But when they funk in their Authority, the Synodical Witnesses were a fort of impanell'd Grand Jury, to inform of, or present Offenders, a Priest and two or three Lay-men for every Parish. At last two principal Persons for each Diocese were annually chosen, till by degrees this Office of Inquest and Incall'd a Swang.

Smooting or fuling of Land, Sulinga, folinga, vel See Kennett's Parochial Antiquit. p. 649. Synodale

juramentum, was the solemn Oath taken by the said Testes, as is now by Church-Wardens to make their Presentments.

T.

T. Every Person convict of any other Felony (save Murder) and admitted to the benefit of his Clergy, shall be marked with a T. upon the brawn of his left Thumb. Anno 4 H. 7. 100 12

of his left Thumb, Anno 4 H. 7. cap. 13.

The E. B. E. Tempore Regis Edwardi. These initial Letters have this continual note of time in the Doomsday Register, where the valuation of Mannors is recounted, what it was in the time of Edward the Confessor, and what since the Conquest. As in Oxenfordsir— Manerium de Burcestre, T. R. E. valuit quindecem librat, modo sexdecem.

Enternaculum, A publick Inn, or Honse of Entertainment. Memorandum quod die Martis proxime ante Festum Sancii Gregorii Anno Regni Regis Edwardi Fil. Reg. Edwardi seeundo. Magister Gilbertus de Segrave Archidiaconus Oxon. recepit dimidiam marcam pro procuratione sua in visitatione sua anud Shulstone— quo quidem die Martis jacuit in tabernaculo dicti loci. Confuctud. Domus de Farendon, MS. 48.

graduate, Tabarder, The Batchelor Scholars on the Foundation of Queen's College, Oxford, are call'd Tabiters, or Tabarders; of which name there is a little Differtation by Thomas Barlow, S. T. P. Provoft of the faid College, and afterwards Bishop of Lincoln, which, among other Letters and little Tracts, is now in the hands of the Reverend Mr. Offley, Rector of Middleton, Com. Oxon. and Prebendary of Lincoln, late Chaplain to the said Bishop. Out of which Differtation, I shall transcribe somewhat for the instruction or at least diversion of the Resider.

thion, or at least diversion of the Reader.

That our Scholars were ent'd Tablers (so we now pronounce the name) from a kinkel-Gown they wore, I make no question. And the Gown was then call'd a Tabert or Tabar, or Tabard—For, 1. Verstegan tells us, Tabert anciently signified a short Gown that reach'd no farther than the mid Leg, and that it remains for the name of a Gown in Germany, and in the Netherlands. And in England, it is now the name only of an Herald's Coat.

2. Edward Bolton, (Element of Armories, p. 67.) speaking of the Monument of Edward the Elack Prince at Canterbary, tells us, That there he hath on his quilted Coat Armour with half Sleeves Tabard fashion; and in his Giosary, at the end of his Book, explains the word as Verstegan doth.

3. In Spanish I meet with Tavardo, which is rendred by Minshewin his Spanish Dictionary, a kind of garment like a Coat; the word he takes not to be a pure Spanish word, but an Arabick or Moorish word.

4. In French we know that Tabarre signifies the same, and is rendred by Cotgrave a long riding Cloak or Earment. So that the Spanish Tavardo, and the French Tabarre, and the Teutonick and Saxon Taber or Tabord, signifie all the same thing, a kind of Garment, dre.

ment, cyc.

Lac, Tak, Thistletac, Custumarius in Bosbury debet quasdam consuctudines videl. Tak by Toll, by Faldfey, by sunguinem juum emere. Blount of Tenures, p. 155.—In manerio de Thurguston Com. Not. Siquis tenentium occiderit porcum unius anni solvebat Domino unum denarium vocatum Thistletac, ib. p. 153.

Cacfre, tree from the common Duty or Imposition of Tak.— Cum Housbold of Haybold of Tacfre de omnibus proprint paren suis infra omnes metas de Cokishul. Letter of T. Mainwaring to Sir P. Leicester, 8°. p. 14.

Tabellion, Tabellio, A Notary Publick, or Scrivener allowed by Authority to ingross and register private Contracts and Obligations, Mat. Parn. f. 424. De anno 1236. hath these words, Quoniam Tabellionum usus in Regno Anglia non babetur, propter quod magis ad sigilla authentica credi est necesse, the corum copia facilius babeaut non solum Archiepiscopi sed corum ossiciales.

Tabling of fines, Is the making a Table for every County where his Majesties writ runs, containing the Contents of every Fine passed in any one Term, as the name of the County, Towns and Places, wherein the Lands or Tenements lie; the name of the Demandant and Desorceant, and of every Mannor named in the Fine. This is no be done properly by the Chirographer of Fines of the Comman-Pless, who every day of the next Term, after the ingrossing any such Fine, must fix every of the said Tables in some open place of the said Court, during its sixting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, sair written in Parchment, a perfect content of the Table so made for that Shire, in the Term next before the Assiss, in some open place of the Court, where the Justices of Assiss, to be set up every day of the next Assiss, in some open place of the Court, where the Justices of Assiss shall then fit, and so continue these during their sitting: And if either the Chirographer or Sheriff sail herein, he shall forselt 5 li. And the Chirographer's Fee for every such tabling is four pence, 23 Elix, cap. 2. and West Symbol. part 2. tin Fines, sect. 130.

fect. 130.

§ Table: Rents, Redditus ad mensam. Rems paid to Bishops or Religious Prelates, reserved or appropriated to their Table or House-keeping. Such Rents paid in Specie, or Provinto Meat and Drink, were sometime call'd Bord-Land Court.

Tabula A prescribed Form of Directory in

cut with Indentures or Notches in two corresponding parts, of which one kept by the Creditor, the other by the Debtor. As now used by our Brewers, Gr. and was formerly the common way of keeping all Accounts.—Ut patet per talliam contra Willielmum Spinam collestorem redditus ejustem anni, Gr. Paroch Antiq. p. 571. Hence to tell Money, Old English, a tal'd Sum. The tale of Money. Tale and Retail of Goods. The Tallier (Talliator) of the Exchequer, whom we now call the Teller.

Tayle, Tallium, May come from the French word Taille, i. setura, and in our Law fignifies two several things, both grounded upon one reason, Plowden, fol. 251. Willion's Case. First, It is used for the Fee, which is opposite to Fee-simple, by reason it is so minced or parted as it were, that it is not in the Owner's free power to dispose, but is by the first Giver cut or

divided

Donec, Co. lib. 4. in Proamio: And this limitation of tail is either general or special. Tail general, is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten; and it is so called, how many Wives soever the Tenant holding by this Title shall have, one after another in Lawful Marriage; his Islue by them all have a possibility to inherit one after another. Tail special, is when Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two Bodies Begotten; and hath this term of special, because if the Man bury his Wife before Issue, and take another, the Issue by his second Wife cannot inherit the Land, &c. Alfo if Land be given to a Man and his Wife, and to their Son Thomas for ever, this is Tail special. See more of this in Ree, and Lit. lib. 1. cap. 2. and the New Book of Entries, verb. Tail. Tail in the other fignification, is that we vulgarly call a Tally: For une taille de bois, is a cloven piece of wood, to set up an account upon by Nicks; for in the Seature 10 E.1. cap. 11. and 27 E. 1. stat. 1. cap. 2. It is termed a Tail, and 38 E. 3. cap. 5. and so in Broke's Abridgment, tit. Tail d'Exchequer, tol. 247. See Tailes.

Tayl after possibility of Issue eptinet, is where Land is given to a Man and his Wife, and to the Heirs of their two Bodiesengendred, and one of them over-lives the other without Issue between them begotten; he shall hold the Land for term of his own Life, as Tenants in the tail after possibility of Issue extinst, and notwithstanding that he do waste, he shall never be impeached of it. And if he alien, he in the Reversion shall not have a Writ of Entry in consimili casu, but he may enter, and his Entry is lawful,

by R. Thorpe chief Justice, 28 E. 3. 96. 67 45 E. 3. 25.

Tailes, Tallia, Are Tallies, of which we spoke before: Of these, two forts are mentioned in our Statutes, to have been long used in the Exchequer, the one is termed tailes of Debt, Anno 1 Rich. 2. cap. 5. which are a kind of Acquittance for Debt paid to the King. As for example, The University of Cambridge payeth yearly ten pounds for such things as are by their Charter granted them in Fee-farm, viz. 5 li. at the Annunciation, and 5 li. at Michaelmos. He that pays these sums, receiveth for his Discharge a Taile or Tally at each day, with both which, or notes of them, he repairs to the Clerk of the Pipe-Office, and there instead of them, receiveth an Acquittance in Parchment for his full Discharge. The other are Tailes of Reward spoken of 27 H. 8. 11. & 33 & 34 H. 8.

16. and 2 & 3 E. 6. cap. 4. which seem to be Tailes or Tallies of allowances, or recompence made to Sherists for such matters, as to their Charge they have performed in their Office, or for such Monies as they by course have east upon them in their Accounts, but cannot levy, Gr. See 2 G 3 E. 6. cap. 4. There are also Tallies of Debt used among Subjects, Es si creditor babet Talleam, oportet creditorem probare illam per con-vicinos suos vel per alios, per quorum fidelitatum Ballivi & alii prasentes illo tempore in Curia notitiam habere possunt, & si Creditor petat debitum per vocem suam simplicem tunc debitor potest esse ad suam legem manifestatum. M. S. Codex de LL. Statutis, &c. Burgi villa Montgomer. à temp. H. 2.

Catlage. See Tallage.

Taint, Attinctus, Cometh of the French Teinet, i. infediu, and fignifies substantively, either a Conviction, or Adjectively a person convicted of Febru or Treason, &c. See Attaint.

Tales, is a Latin word of known figuification, and used in our Law for a supply of Men impannelled upon a Jury or Inquest, and not appearing, or at their appearance challenged by either Party as not indifferent;

divided from all others, and tyel to the Issue of the in which case the Judge, upon motion grants a supply to be made by the Sheriff of one or more fuch there present; and hereupon the very Act of supplying is called a Tales de circumstantibus. But he that hath had one Tules either upon default or challenge, may not have another to contain so many as the former: For the first Tales must be under the principal Panel, except in a cause of Appeal, and so every Tales less than other, until the number be made up of Men present in Court, and such as are without exception: yet this general Rule is not without some exceptions. as appears by Stamford, Pl. Cor. lib. 2. cap. 5. These commonly called Tales may in some fort, and included are called Meliores, viz. when the whole Jury is challenged, asappears by Bro. tit. OH. tales, of auter tales, fol. 105. See Co. lib. 10. fol. 99. Bewfage's Cafe.

Tales, Is also the Name of a Book in the King's-

Bench Office, of fuch Jury-men as were of the Tales

Co. lib. 4. fo. 93.

Tallage, Tallagium, May be derived of the French
Taille; which properly fignifies a piece cut out of
the whole, but metaphorically is used for a share of a man's Substance paid by way of Tribute, Toll or Tax Stat. de Tallagio non concedendo temp. E. 1. And Stow's Annals, pag. 445. Thence come Talaigiers in Chaucer for Tax or toll-gatherers. See Subfidy. Tallage, says Coke, is a general word for all Taxes, 2 Inft. fol. 532. But Tenants in ancient Demesne, are quit of these Taxes and Tallages granted by Parliament, except the King do Tax ancient Demesne, as he may when he thinks good, for some great cause.

Tallyes. See Tailes. Taishibe. See Talwood.

Callta, Every Canon and Prebendary in our old Cathedral Churches, had a flated Allowance of Meat, Drink, and other Diffributions, to be delivered to him per modum tallis. Hence their Commons or set Allowance, in Meat or Drink, was call'd tallia. As in the Statutes of the Cathedral Church of Pauls. collected by Ralph Baldock, Dean about the Year 1295. Sciendum est quod non residens Canonicus desungens per annum integrum à die sui obitus computandum calliam suam integram panus & cervisia in bracino-

Callatio, The keeping Account, as by Tallies of all Battles or Delivery of Meat and Drink. By the Statutes of the Church of St. Paul in London, it was ordain'd, Ut Custos Bracini claves panetie & cellarii penes se custodiat, & liberationes supervideat, & tallationes faciat per seinsum nist rationabiliter suerit impeditus. Liber Statut. Eccl. Paulinz, MS. f. 40. a.

**Talliari de certo tallagio, To be assesséd or

taxed at such a rate or due proportion, toward the Tallage imposed by the King on his Barons and Knights, and by them on their inferior Tenants. See

Kennett's Paroch. Antiquit. in Gloffary.

Callagium facere, To give up Accounts in the Exchequer, where the method of Accounting is by -Cum Vicecomes Cumbris sederet super computum ad Scaccarium apud Salop. idem Vicecomes fecit tallagium sub nomine suo 60. libr. — Memorand. in Scaccario Mich. 6. Ed. 1. by Sir John Maynard.

Talmoo, Is Fire-wood cleft, and cut in Billets of

a certain length. See the Statutes 34 & 35 H. 8. cap. 37 E. 6. cap. 7. Every Tallhive marked one, being round bodied, shall contain arteen inches of Mile

in compals, &c. See Anno 43 Eliz. cap. 14.

Tangier, An ancient City of Barbary, lying within the Kingdom of Fesse, mentioned in the Satute 15 Car. 2. cap. 7. and is now part of the Dominion belonging to the Crown of England.

Tantibre, Isa Law or Custom in some parts of Ire-

land, of which Sir John Davies in his Reports, fol. 28.

Ggg

thus, Quant ascun person seisie de ascuns Castles, Mannors, Terres ou Tenements del nature of tenure de Ta-nistry, que donques mesme les Castles, &c. dond descender dy de temps dont memory ne court ont use de descen-der, Seniori & Dignissimo viro Sanguinis & cognominis, de tiel person iffint morant seifie de que le file ou les files de tiel person issint morant seisie de touts temps avant dit, ne sueront inheritables de tiels terres ou tenements, ou de ascun parte de eux. The Name seems to be derived from Thanus. See Sir James Ware's An-The Name feems

tiquitates Hibernia, pag. 38.

Eannare, To Dreis or Tan Leather. Prior de Tynemuth habet commoniches suos Mercatures coriorum recentium per patriam, qui cum ea comparaverint; apud Pressum tannare faciunt de inde naves vel batella apud Sheles onerant. Placit. Parliam. 18 Ed. 1.

Capenarius, A feller of Tapeftry, an Upholsterer.— De quolibet tapenario per totum tempus feria (scil. Winton) unum denarium. Pat. 2 Edw. 4. P. 6.

Cartaren, The word is mentioned in the Stat. 4 Hen. 8. cap. 6. and seems to denote some kind of fine stuff or filk.

Tappa. See Bosiunus.

Eare and Cret, The first is the weight of Bex, Straw, Cloths, &c. wherein Goods are packed. The other is a confideration allowed in the weight for waste, in emptying and re-selling the Goods. See the Book of Rates.

Taleis, Is a kind of hard Bur used by Clothiers and Clothworkers, in dreffing of Cloth, Anno 4. E. 4.

cap. 1

Cassum, A Mow or Heap from the French Tassar, to pile up. Commissio salta suit Roberto Hadham ad vendend, blada do alia bona diversarum Abbatiarum alienigenarium, qui venit de cognovit, quod vendidit blada Prioris de Tickeford in garbis in duobus tassis existen.

pro 10 h. Gc. Hill. 25 E. 3. Coram Rege, Roc. 13. Tath, In Norfolk and Suffolk, the Lord of each Mannor had the Privilege of having their Tenints Flecks of Sheep brought at Night upon their own Demesse Ground, there to be foulded for the benefit of their Dung, which liberty of so improving their Land is called Tath. Vid. Spelman ICENIA.

Tax, Taxa, may be fetched from the Greek Takis, Ordo, because it was a thing done orderly and moderately. It was such a Tribute as being certainly rated upon every Town, was wont to be yearly paid, but now not without confent in Parliament, which was first granted by Edward the First, in the Twenty was first granted by Edward the First, in the I werry fifth year of his Reign, cap. 5. It differs from a Subsidy in this, that is alway certain, as it is set down in the Exchequer Book, and levied ingeneral of every Town, and not particularly of every Man. It is also called a Fifteenth, Anno 14 E. 2. stat. 1. cap. 20. and 9 H. 4. cap. 7. See Gilde, Subsidy and Fifteen, and also Cama. Brit. pag. 304.

Taratio Bladozum, An Imposition laid upon Corn.

3 an taram operatius, A Tasker, Trituratur ad taxam, A Thrasher in the Barn, who works by the great, or by the measure, not by the day.— Et in jointis Johanni Leseby trituranti ad taxam xlv. quarteria frumenti ut patet per talliam boc anno, capiendo pro

quolibet quarterig iij. den. ob. Paroch. Antiquit. p. 576.

Taratto Hormicentis, The valuation of Ecclefiastical Benefices made thro' every Diocese in English land, on occasion of the Pope's granting to the King the tenth of all Spirituals for three years. Which Taxation was made by Walter Bishop of Norwich, delegated by the Pope to this Office in 38 Hen. 3. and obtain'd till the 19th of Edw. 1. when a new taxation advancing the value, was made by the Bishops of Winchester and Lincolp.

Taxers, Two Officers yearly chosen in Cambridge, to see the true Gage of all Weights and Measures The Name took beginning from taxing or rating the Rents of Houses, which was anciently the Duty of their Office.

Tea, Is a kind of potable Liquor lately used in England, and introduced from China and the East-Indies, being made of the Leaf of a Shrab growing

in those parts.

those parts. See 12 Car. 2. cap. 14.
Teams and Theams, or Tem and Thems, Sig. nifies a Royalty granted by the King's Charter to the Lord of a Mannor, for the having, restraining and judging Bondmen, Neifes, and Villains, with their Children, Goodsand Chattels in his Court. Theme est quod habeatis totam generationem villanerum vestrorum cum estum sectis de catallis ubicunque inventi fuerint, eucum cotum settis or catallis ubscunque muenti querint seu-cepto qued si nativus quietus munserit per unum annum do unum diem in aliqua Civitate vel villa privilegiata, ita quod in corum communitatem or libertatem transierit— Qui autem jurisdissionem babens bujusmodi curtam de Theme, i. de mativis vel servis dicuntur babere; 810. Spelman in the Laws of Edward the Confessor. Cap. 21. & 25. says, Significare videtur jurisdictionem cognoscendi in curia sua de advocationibus sive interciatis, i. de vo-catis ad Warrantiam. See Glanuil, lib. 5. cap. 2. and Gloss. in 10 Scriptores. See also Brasson, lib. 3. trast. 2. cap. 8. num. 25. and Skene de verbor. Signis, verb. Theme. See Hemmagium.

Theme. See Hemmagium.

§ Teoting-penny, Tesbing-penny, Therding-penny,
Tithing-penny, A small Tax or Allowance to the Sherist
from each Tithing, toward the charge of keeping
Courts, 67c. from which Duty some of the Religious
were exempted by express Charger from the King.
As Hen. 1. to the Abby of Reading, Abbat 67 Monachi de Radinge babeant omnia temmenta sua quieta de
tributis de lestaciis de tedinoeni de timpeni de summonitributis de lestagiis de tedinpeni de timpeni desummoni-tionibus, de assiss, &c. Chartular. Abbat. Realing.

MS. f. 2. a.

We student, Teinlanda, Tainland or Thainland, as if we should say the Land of a Thane or Noble Person. Breve Regis Willielmi Junioris, lib. Rames, set. 178.

Willielmus Rex Anglia W. de Gabaniis salutem, judicio ejus cognosce si terra de Isham reddidit firmam Monachis sancti Benedicii tempore Patris mei; do si ita invent. sucrit, sit in Dominio Abbatis. Si vero Catulanda tunc suisse invenietur, qui eam tenet de Abbate, teneat les recognoscat, qued si noluerit, eam Abbat in Dominio habeat les vide ne clamor inde amplius ad nos redeat, Teste W. Episc. Dunelm. Where Ceinlands seems to fignific Terra Hareditaria de colenorum fervituti obnexia, According to Doamiday, Land holden by Knight's-fer-vice was called Tainland, and Land holden in Speage, Rebeland, Co. on Lit. fell. 117. Teirs. See Tierce.

Teller, Is an Officer of the Exchequer, of which there are four; whose Office is to receive all Monies due to the King, and to give the Clerk of the Pell a Bill to charge him therewith. They also pay to all persons any Money payable by the King, by Warrant from the Auditor of the Receit, and make Weekly and Yearly Books, both of their Receipts and Payments, which show dalines to the Land Tonalines.

which they deliver to the Lord Treasurer.

Telonium. See Thelonium. Telonium, A Toll-Booth. Cathbertus Toufiall Telonium Anglice, the Toll-Booth, in fore Dunelmensis construxit. Hest. Dunelm. apad Whartoni Angl. Sacr. P. 1. p. 783.

P. 1. p. 703.

(3 Tementale, A Tax of two shillings upon every Plough-Land.— Anno 1193. primo die Aprilis pradition Rex Anglia (i. c. Ricardus) celebravit tertium diem celloquii fut (videl. in Concilio apud Notingbam) in quo constituit sibi dari de unaquaque carucata tera totius Anglia dues solides quod ab antiquis nominatur Te-

entale. Hoveden, Hist. f. 419. Templers, or Snights of the Temple Templarii Was a Religious Order of Knighthood, inflittuted about the year 1119, and so called, because they dwelt in a part of the Building belonging to the Temple of Jerusalem, and not far from the Sepulchre of our Lord. They flourish'd here from Henry the Second's They flourish'd here from Henry the Second's Days till they were suppressed. See Knights of the

Temperatries of Bilhops, Temperalia Episcoporum, Be such Revenues, Lands, and Tenements, and Laysees, as have been laid to Bishops Sees, by Kings and other great Personages of this Land, from time to time, as they are Barons, and Lords of the Parliament. See Spiritualties of Bishops. 37 From the 31 Ed. 1. to the time of Reformation, a custom did obtain, that when Bishops received from the King their Temporalties, they did by a solemn form in writing renounce all right to the said Temporalties by vertue of any Papal Provision, and acknowledged the receipt of them only owing to the King's Bounty. This practice began on the occasion of a Bull of Pope Gregory 8. which conferr'd the See of Wortester upon William de Gainesborough, and committed to him Administrationem Spiritualium of Temporalium Episcopatus -Which clause the King obliged him to preditti.renounce, and ordered a like Renunciation to be always observed.

Temptatio, Tentatio, Affay or Trial. Temptatio panis fiat bis in anno. Cart. 20 Ed. 1. n. 51.

Tempus pinguebinis & armationis, Et fciendum quod tempus pinguedinis his computatur inter festum beati Petri ad Vincula dy Exaltationem Sancia Crucus, dy tempus si firmationis inter festum sancia Marcini dy Puriscationem Beata Mariz. The first is the Season of the Dock See Firmson.

of the Buck, the latter of the Doe. See Firnifona.

Tenancies, Are Houses of Habitation, or places to live in, held of another. See 23 Eliz. cap. 4.

Tenb. Seems to fignific as much as to offer, shew

forth or endeavour; as to tend the Estate of the Party of the Demandant, Old Nat. Brev. fol. 123. To tend an Adverment, Britton, cap. 76. To tend to traverse, Stamf. prarog. fol. 96.

Tember, May learn to come from the French Tendre, i. tener, delicatus, and used adjectively, fignifies the same with us in English: But in a legal sense it denotes as much as carefully to offer, or circumspecially endeavour the performance of any thing be-longing to us. As to tender Rent, is to offer it at the time and place where and when it ought to be paid. To tender his Law of Summins, Kitchin, fol. 197. Is to offer himself ready to make his Law, whereby to prove that he was not fummoned. See Law.

Tenementis Legatis, Is a Writ that lies to London, or any other Corporation, (where the Cultom is, That Men may demile Tenements as well as Goods and Chattels by their last Will,) for the hearing any controversie touching the same, and for restifying the

wrong, Reg. Orig. fol. 244.
Tenant or Tenent, Tenens, From the Latin Tenere to hold; Signifies one that holds or possesses Lands or Tenements by any kind of Right, either in Fee, for Life, Years, or at Will. The word in Law is wied with divers additions, as Tenants in Dower, which is she that possesses Land by virtue of her Dower, Kirchin, fol. 160. Tenant per Statute-Merchant, that holds Land by vertue of a Statute forseited to him, Ibid. Tenant in Frank-marriage, Ibid. fol. 158. He that holds Lands or Tenements by virtue of a Gife thereof made to him upon Marriage between him and his Wife. Tenant by the Courtefie, Id. fol. 159. That See Spelman of Fends, cap. 6, 7.

holds for his Life, by reason of a Child begotten by him of his Wife, being an Inheritrix, and born alive. Tenant by Elegit, that holds by virtue of the Writ called an Elegit. Tenant in Mortgage, that holds by means of a Mortgage. Tenant by the Verge in ancient Demessine (Id. fol. 81.) is he that is admitted by the Rod in the Court of ancient Demessine. Tenant by Copy of Court-Roll, Is one admitted Tenant of any Lands, &c. within a Mannor, which time out of mind have been demifable, according to the Custom of the Mannor, West. Symbol. part 1. lib. 2. sett. 646. Tenant by Charter, Is he that holdeth by Feoffment in Writing, or other Deed, Kirchin, fol. 57. There was also Tenant by Knight-service, Tenant in Burgage, Tenant in Socage, Tenant in Franck-fee, Tenant in Villenage. So is there Tenant in Fee-fimple, Kitchin, fol. 150. Tenant in Fee-tail, Id. fol. 153. Tenant at the 150. Tenant in Fee-tail, Id. fol. 153. Tenant at the will of the Lord, according to the Custom of the Mannor, Id. fol. 132, & 165. Tenant at Will by the Comnor, Id. fol. 132, & 165. Tenant at Will by the Common Law, Ibid. Tenant upon Sufferance, Ibid. Tenant of Estate of Inheritance, Stamf. Prærog. fol. 6. Tenant in Chief, that holdeth of the King in right of his Crown, F. N. B. fol. 5. Tenant of the King, Is he that holds of the Person of the King, Ibid. or as some Honour, Ibid. Very Tenant, that holds immediately of his Lord, Kifchin, fol 99. For if there be Lord, Mesne and Tenant, the Tenant is very Tenant of the Mesne, but not to the Lord above: Tenant Peravale. See Peravale, Pl. Cor. 197. and F. N. B. fol. 126. See Dyer's Com. fol. 25. num. 156. So there are also Joint-tenants, that have equal Right in Lands and Tenements, by virtue of one Title, Lit. lib. 3. cap. 3. Tenant's in common, that have equal Right, but hold by divers Title, Ibid. cap. 4. Particular tenant, Stamf. Prarog. fol. 13. that holds only for this term. See Coke in Sir Will. Felham's Cafe, lib. 1. fol. 15. called Term for life or Tears. See Plowd. Cothrift's Cafe, fol. 23. Sole tenant, Ritchin, fol. 134. He that hath no other joyned with him. Several tenant is opposite to Joynt-tenant, or Tenants in Common. Tenant al Pra-Joynt-tenant, or Tenants in Common. Tenant al Pracipe, Is he against whom the Writ Pracipe is to be brought, Co. Rep. lib. 3. Case Of Fines, sol. 88. Tenant in Demesse; 13 E. 1. cap. 9. 32 H. 8. cap. 37. Is he that holdeth the Demeans of a Mannor tor a Rent without Service. Tenant on Service, 20 Ed. 1. stat. I. Is he that holdeth by Service. Vide Britton, cap. 79. in principio by cap. 96. Car fealty, &c. Tenant by Execution, 32 H. 8. cap. 5. that holds Land by virtue of an Execution upon any Statute, Recognisance, &c. with divers others. fance, &c. with divers others.

Tenhebeb, A Saxon word fignifying Decanus, Caput vel Princeps, decuria Leg. Edw. Conf. cap. 29. Statueruns Justiciarios super quosq; decem friborgos, quos Decanos possumus appellare, Anglice vero vientico coo

dieti sunt. See Frank-pledge.

Tenement, Tenementum, Signifies most properly a House or Home-stall; but more largely either for a House or Land that a Man holdeth of another, and joyned with the Adjective Frank, it contains Lands, Houses, and Offices, wherein we have Estate for term of life or in Fee: And in this sense, Kitchin, fol. 41. makes Frank-Tenement and base Estate opposite to each other. In the same fort Britton uses it, cap. 27. as also Bratton doth the Latine liberum tenementum,

lib. 1. cap. 5 & 6.

Tenementary Land, The Saxon Thanes who possess d Bockland, or Hereditary free Estates, divided them into two forts, Inland and Outland. The Inland was the Demains which the Lord kept in his own The Outland was granted out to Tenants under Arbitrary Rents and Services, and therefore call'd Tenementary Land, the Tenants Land, or the Tenancy.

Er Tenida,

Ceniala, Tennis-Play. Rex Henricm 5. villam de Hareflete terra mariq, obsidione circundans im mensis petrarum molihus ultta muros pet Machinas bellicas introjectis, quasi ludendo cum Francigenis, ut valgo dicitur ad Tenifias, ipsos acriter impugnabat. Hist. Croyland Contin. p. 500.

Cenentibus in allills non onerandis, &c. Is a Writ that lyeth for him to whom a Disseisor hath a tienated the Land, whereof he diffeifed another, that he be not molested for the Damages awarded, if the Disseisor have wherewith to satisfie them himself, Reg.

Orig. 214.

Tenmantale, A Saxon word fignifying Decuria Tythinga, Leg. Edw. Conf. cap. 20. Et fint quieti de Geldu de Danegeldu de thenemanatale de concelationibus & scotin, &c. Cart. 29 Ed. 1. Abbat. de Thorneton.

See Friburgh.

The tenoz of these presents, Tenore prasentium, Is the matter contained therein, or rather the true intent and meaning thereof, as to do fuch a thing according to the tenor of a writing, is to do the same according to the true intent and meaning thereof.

Tensare, To teen, to fence or hedge in-Liceat Abbatido Conventui de Rading includere, fossare, co censare pradictum pratum quibuscunq, modu melius derint. — Cartular. Radinges, MS. f. 102. Tenoze indicamenti mittendo, is a Writ whereby

the Record of an Indictment and the Process thereupon is called our of another Court into the Chancery,

on is called out or another court has all contents, Reg. Orig. fol. 169.

Tenths, Decima, Are that yearly Portion or Tribute which all Ecclefiastical Livings pay to the King; for though the Bishop of Rome does originally pretend Right to this Revenue, by the example of the High Priest among the Jews, who had Tenths from the Levites, numb. cap. 8. Hierom. in Ezech. Yet we read in our Chronicles, That these were often granted make King by the Pope upon divers occasions. Someto the King by the Pope upon divers occasions. Sometimes for one year, sometimes for more, till by the Stat. 26 H. 8. cap. 3. they were annexed perpetually to the Crown. See Difines. It fignifies a Tax also levyed of the Temporalty, 4 Infl. fol. 34. First Fruits and Tenths were first on occasion given, and gradually by Custom claim'd, as an Acknowledgment to the See of Rome. The Tenths of all Ecclesiastical Benefices in England were first allow'd by Pope Innocent iv. to K. Hen. 3. An. 1253. for three years; which occa-fion'd the Norwich taxation An. 1254. This prov'd a great oppression to the Clergy, and was soon made more grievous. For when the Pope had again granted the Tenths to the King for three years; for a compensation of what they fell short of the expected value, the King in the 53d year of his Reign, Anno 1269. made the Clergy pay within those three the Tenths of four years. And again, Anno 1282.16 Ed. 1. when Pope Nicholas iv. granted this favour to the Crown for fix years, toward an Expedition to the Holy Land; that they might be then collected to the full value, a new taxation by the King's Precept was begun An. 1288. and finished An. 1291. 20 Ed. 1. by the Bishops of Lincoln and Winchester. For a particular Account whereof, see Mr. Kennett's Paroch.

Antiquit. p. 315.

Tenter, A firetcher, tryer or prover, which Dyers and Clothiers use, Anno I'R. 3. cap. 8. but prohi-

bited by 39 Eliz. cap. 20.

recited that be now usually in England. See Cromp 7ur. fol. 200. New Book of Entries, verb. Tenure Mr. Fabian Philip's Book entituled, Tenenda non tol-Mr. Fabian Pours Book cuttures, semina non releada, and the Stat. 12 Car. 2. cap. 24. In Scotland there be, four manner of tenures, the first is para Eleemosina, proper to spiritual Men, paying nothing for it but devota Animarum suffragia. The second, they call Rew or Few-ferme, which holds of the King, Church, Barons, or others, paying a certain Dury called Feuda firma. The third, is a hold in Blench, as they term it, by payment of a Penny, a Rose, or such like thing, if demanded in the name of Blench, id est, nomine albe sirme. The fourth is by Service of Ward and Relief, where the Heir being minor, is in the custody of his Lord, Gre. Skene de verborum Signif. verb. Haubert.

quod habere faciat Fratribus minoribus de Notinghan Mandatum est Petro de Rivallio quinque terleta in foresta de Shirewode ad stalla sua fa-cienda de dono Regis. Clanfo 26 H. 3. m. 3.

Terme, Terminus, Commonly fignifies the bounds and limitation of time, as a Leafe for term of Life or Years, Brad. lib. 2. cap. 6. num. 4. But more notedly it is used for that time wherein the Tribunals, or Pla-ces for Judgment are open to all that think fit to complain of wrong or feek their own by due course of Law or Action, the rest of the year is called Vacation. Of these Terms there be four in every year, during which time Matters of Justice are dispatched. One is called Hillary Term, Terminus Sansti Hillarii, which begins the 23d of January, or if that be Sunday, then the next day after, and endeth the 12th of Substantial Company following. The Georgia Terminus III. day, then the next day after, and endeth the 12th of February following. The second is, Terminus Paseha, Easter-Term, which begins the Wednesday fortnight after Easter-day, and ends the Monday next after Ascension day. The third is, Terminus Trinitasis, Trinity-Term, beginning the Friday next after Trinity-Sunday, and ending the Wednesday fortnight after. The fourth is, Michaelmas Term, Terminus sandi Michaelis, which anciently began the Ninth of Odober; but by the Stature made 17 Car. 1. cap. 6. reduced to the twenty tute made 17 Car. 1. cap. 6. reduced to the twenty third of Ollober, unless it be Sanday, and then to the day after, and ends the 28th of November following. Termini apud nos dicuntur certa anni portiones agendi litibus designata. See Spelman, De origine de ratione terminorum forensium.

Termini censuales, Rent Terms or Times, the four Quarterly Feasts upon which Rent was usually paid,—Ego Johannes Filius Magistri Ada de Lincoln de Sancio Edmundo—concessi Johanni Abbati de S.Ed. mundo viginti solidatas quieti redditus--ad terminos -Ex Cartular. S. Edmundi MS. f. 238. centuales-

Termontand, Seems to be the Glebe-land, or Land belonging to the Church, anciently so called.

Termor, Tenens ex termino, Is he that holds for term of Years or Life, Kitchin, fol. 151. Littleton, fol. 1 00.

Cerra, It is to be observ'd, that in all the Surveys of Tenure in Doomsday Register, the word Terra is always taken for Arable Land, and always so distinguished from the Sylva, Pratum, &c. See Ken-

nett's Glossary in Terra.
Terra Gilisopata, Land held by the Tenure of pay-

ing a Gilliflower, MS.

Corra Mozmannozum, In the beginning of Hen. 3. such Land in England as had been lately held Tenure, Tenura, And is properly derived from the Latin tenere, to hold, and accordingly in the Grand Cultumary of Normandy, cap. 28. It is thus defined, Tenure is the manner whereby Tenements are holden of their Lords; What may make a Tenure, and what not, see Perkins cap. 10. Reservations 70. And in that Chapter you shall find the most of those tenures

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que est Terra Normannorum-- Paroch. Antiquit.

Terra extendenda, Is a Writ directed to the Efcheater, &c. willing to inquire and find our the true vearly value of any Land, &c. by the Oath of twelve men, and to certifie the extent into the Chancery, &c. Reg.

Orig fol. 202.

Terra Frusca, Fresh Land, or such as hath not lately been plowed,—Continens 40. Acras terræ fruscæ, pafture, &c. Mon. Ang. 2. par. fol. 327. This is elsewhere written terra Frijea.

Terra noba, Sape legitur in Cartis feodalibus de in sensualibus schedulu, vel pro terra novitèr concessa, vel novitèr asserta, Prior Lew. pag. 1. Reddat pro nova terra, 2 sol. Spelm

Terra best ta, Is used in old Charters for Land

fown with Corn.

Terra labulola, Gravelly or landy Ground: 🗗 prediete 24. acra terra valent per Annum 13 fol. & 4. denar. dy non-plus, quia est terra sabulosa, Inqu. 10 E.3. Norf. in Turr. Lond.

Terra Duturata. See Putura.
Terra Lucrabilis, Land that may be gained from the Sea, or enclosed out of a Waste to particular use.

Tim in Mora quam in terra Lucrabili for Marias cum
umnibus Piscariis sun, Mon. Ang. pirt 1. fol. 406.

Terra excultabilis, Land that may be tilled or

plowed,—Totam illam terram excultabilem, quam ba-buit apud Norwicum in campu, Mon. Ang. part 1. fol. 426. -Totam illam terram excultabilem, quam ba-

buit apud Norwicum in campu, Mon. Ang. part 1. fol. 426.

Tetra culta, Land that is tilled or manured, and terra inculta, uncultivated Land. See Wacnoth.

Tetrage, Terragium, Edward the Third granted to John of Gaunt, and Blanch his Wife for their lives, Quod fint quieti de Theolonio, Passagio, Soccagio, Lastagio, Tallagio, Caruagio, Priscagio, Pickagio & Terragio, which seems to be an exemption, à Precariu, viz. Boons of Ploughing, Reaping, &c. and perhaps from all Land Taxes. from all Land Taxes.

Terrar, Terrarium vel catalogus terrarum, Is a Book or Roll, wherein the several Lands either of a single Person, or of a Town, are described, containing ing the quantity of Acres, Boundaries, Tenants Names, and fuch like, 18 Eliz. cap. 17. In the Exchequer there is a Terrar of all the Glebe-lands in

England made ab ut 11 E. 3.

Etrarius, A Land-holder.—Anno Regis
W. 20. Rex tenuit Curiam sum apud Wintoniam ibiq, venerunt contra eum omnes Barones fui, & omnes Terrarii bujus Regni, qui alicujus pretii erant, cujuscunq, fesdi fuissent, dy omnes homines Regu effecti sunt, Anno 1084.—RexWillielmus accepit dominium omnium terrariorum Angliæ cujuscunq, feodi essent.-Waverlien

Terrarius canobialis, An Officer in Religious H-uses, whose Duty perhaps was to keep a Terrier of all their Estates, or to have their Lands exactly survey'd and registred.—Johannes de Nevil ad excitationem Richardi de Byrtley Terrarii, & Johannis de Cornval Feretarii fecit circa Festum Nativitatis S. Johannis Baptissa novum opus in Ecclesia Dunelmensi, Anno 1372. Hist. Dunelm. apud Whartoni Angl. Sacr. P. 1. p. 769. Mr. Davies in his Rites and Monuments of Durham, calls him the Terrer, and implies, That one part of his Office was to entertain the better fort of Guests: Possibly the Convent Tenants, when

they came to pay their Rent, &c. Cerris bonis & catalitis rehabendis post purgationem, Is a Writ that lies for a Clerk, to recover his Lands, Goods, or Chattels, formerly feifed, after he hath cleared himself of that Felony, upon suspicion whereof he was formerly convicted and delivered to his Ordinary to be purged, Reg. Orig. fol. 68.

Terris liberandis, Is a Writ that lies for a Man

convicted by Attaint, to bring the Record and Procels before the King, and to take a Fine for his Imprisonment, to deliver him his Landsand Tenements again, and to release him of the Strip and Wast, Reg. Orig. fol. 232. It is also a Writ for the delivery of Lands to the Heir after Homage and Relief performed, Ibid. fol. 293. Or upon security taken that he shall persorm them, Ibid. fol. 313.

Terris & catallis tentis ultra debitum leba-

tum, Is a Writ Judicial, for the refloring of Lands or Goods to a Debtor that is distrained above the quan-

tity of the Debr, Reg. Jud. fol. 38.

Terre tenant, Terre tenens, Ishe who hasthe actual possession of the Land, which we otherwise call the Occupation, 39 Eliz. 7. For example, a Lord of a Manner hath a Free-holder, who lettesh out his Free-hold to another to be occupied; this Occupier (having the actual possession) is called the Terre-tenant, West Symbol, part 2. tit. Fines, sect. 137. Cromp. Jur. fol. 194. Britton, cap. 29. Perkins Feeff-

Terræ testamentales, Lands that were held free from seodal Services, in Allodio, in Soccase, descendable to all the Sons, and therefore call'd Gavel-kind, were devisable by Will, and thereupon call'd Terra testamentales, as the Thane who posses'd them was said to be testamento dignus. Vid. Sir Henry Spel-

man of Fends, cap. 5.

Terfe, Is a certain Measure of liquid things, as

Wine, Oyl, Gre. containing the fixth part of a Tun, 32 H 8. 14. or the third part of a Pipe.

**Tello, Lat. Taxus, Tassus. Ital. Tasso. Germin. Tasson, Tesson, a Grey, Brock, or Badger.—

Et omnia placita de leporibus, rechibus, hyemestis, tessonius, vulpibus, &c. Blount of Tenures, p. 19.

**Tertian, A Measure containing fourscore and four Fallons. merrioned in the Satures 1 Ric. 2.

four Gallons, mentioned in the Statutes 1 Ric. 3. cap. 13. 2 Hen. 6. cap. So call'd because it is the third part of a Tun. A Tierce of Wine.

Record in the custody of the King's Remembrancer in the Exchequer, said to be compiled by Jollan de Nevil a Justice Itinerant in the 18, and 24 of H. 3. containing an account of all Lands held in grand or petty Serjeanty, with Fees and Escheats to the King, Gr. especially within the County of Hereford.

See Mr. Nicholfon's Engl. Library, P. 3. p. 103.

Testament, Testamentum, Is thus defined by Plow.

den, Testamentum est testatio mentis, A Testament is a Witness of the Mind: But Aulus Gellius, lib. 6. cap. 12. denies it to be a Compound word, and saith, It is Verbum simplex, as Calceamentum, Paludamentum, &c. And therefore it may be thus better defined, Testamentum, est ultime voluntatis justa sententia, eo quod quis post mortem suam fieri vult, &c. Ot Testaments there are two sorts, viz. a Testament in wording, and a Testament in words, which is when a Man being sick and tive Testament, which is, when a Man being sick, and for fear lest Death, want of Memory, or Speech, should come so suddenly upon him, that he should be prevented if he stay'd the writing of his Testament, desires his Neighbours and Friends to bear witness of his last Will, and then declares the same before them by words, which after his decease is proved by Witnesses, and put in writing by the Ordinary, and then stands in as good force as if it had at the first in the life of the Testator been put in writing, except only for Lands, which are devisable but by a Testament put in writing in the life of the Testator. See Co. on Lit. lib. 2. cap. 10. fest. 167. Plowd. fol. 541. Paramore and Jurdley's Cale, Co. 6. Rep. Murquejs of Winchester's Case. Testament was anciently used (according to Spelman) pro Scripto, Charta vel Infirmmento. H h h

nento, quo pradiorum rerumve aliarum transactiones perficiuntur, fic dictum quod de eare vel testimonium fer-ret vel testium nomina contineret——Si quis contra boc -Si quis contra boc mea authoritatis testanientum aliquod machinari impedimentum prasumpsit, Charta Croylandiz ab Æthelbaldo Rege. Anno Domini 716.

Telleter, Lar. He that makes a Testament. See Swinburne of Wills and Testaments. See Wills. of Wills or Testaments by the Learned Sir Henry

Spelman among his late Remains, p. 127. Cestatum, Is a Writ in personal Actions, as if the Defendant cannot be arrefted upon a Capius in the County where the Action is laid, but is returned Non eft inventus by the Sheriff. This Writ shall be sent out into any other County, where such person is thought to have wherewith to satisfie: And this is termed a testatum, because the Sheriff hath formerly testified, that the Defendant was not to be found in

his Bayliwick. See Kitchin's Return of Writs, fol. 287. Telle, Is a word commonly used in the last part of every Writ, wherein the Date is contained, which begins with these words, Teste meipso, &c. if it be an Original Writ; or if Judicial, Teste Mattheo Hule milite, or Johanne Vaughan milite, according to the Court whence it issues. Yet we read in Glanvile, lib. 1. cap. 6. do 13 and lib. 2. cap. 4. the last Clause of an Original Writ to be Teste Radulpho de Glanvilla apud Clarendon, &c. and divers times in the Register

of Writs, Teste Custode Anglie, as namely in the Title Prohibition, sol. 42. and Consultation, sol. 54.

Ecstimontal, 39 Eliz. 17. Is a Certificate under the Hand of a Justice of Peace, testifying the place and time when and where a Soldier or Mariner landed, and the place of his Dwelling and Birth, unto

which he is to pass, or such like, 3 Inst. fol. 85.

Teston, 2 or 3 E. 6. cap. 17. A fort of Money, which, among the French, did bear the value of 18.

Denar. But in Hemy the Eighth's time being made of Brass, lightly gilt with Silver, it was reduced to 12 d. and in the beginning of Edward the Sixth to 9 d. and afterwards to 6 d. For the fabrication and value of Testoons, vid. Lowndes Essay upon Coins, p.22.

Tertus Boffentis, An ancient Manuscript containing many of the Saxon Laws, and the Rights, Customs, Tenures, Gr. of the Church of Rochester, drawn up by Ernulph Bishop of that See from 1114

to 1124.

3 Certus magnt Starts, — Die 28. Mart.

Anno 11 Ed. 2. coram Judicibus apud S. Edmundum
sedentibus Frater W. de Stowe Sacrista protulit textum

magni Alcaris vocatum le Domesday in quo continebatur quod anno 24. Regis Patric Regis nunc, &c. Ex Cartular. S. Edmundi, MS. f. 173.

2 Thaccare, Among the Customary Duties done by the inferior Tenants of the Mannor of Chebenhale, belonging to the Abbey and Conv. of St. Edmund in Suffolk Cum cibo Domini ferculabit propter prandium uno die or thaccabit porcos licet nullos porcos in bosca ha-beat, sic autem thaccabit Aula quemlibet quintum porcum, de si non habeat quinque porcos dabit ad pretium de porcu quintam partem — Cartular S. Edmundi, MS. Sce Tack.

f. 401. See Tack.
Thacktile, 17 E. 4. 4. Otherwise called Plaintiles which are laid on the side of a House.
Thanage of the king. Thanagium Regis, Signified, a certain part of the King's Land or Property, whereof the Ruler or Governor was called Thane, Domania Re-

gis of Thanagia idem significant, says Skene.
Thant or Theyne, Thanus, Significs sometimes a Nobleman, sometime a Free-man, sometime a Magi-strate, but more properly an Officer or Minister of

Thanus. And Skene de verb. Signif, faith, That it is a name of Dignity, equal with the S.m of an Earl. This Appellation was in use among us after the Norman Conquest, as appears by Doomsday, and by a certain Writ of William the First, Willielmas Rex salutat Hermannum Episcopum, do Stewinum, do Britwi, do omnes thanos meos in Dorsestrensi pago amicabiliter, MS. de Abbatsbury. Camblen says, They were enabled only by the Office which they administred. See Mil's de Nobilitate, fol. 132. The Saxon Thane was so call'd from Fenian, Service; and in Latin Minister à Ministrando. So that a Thane at first (in like manner as an Earl) was not properly a Title of Dignity, but of Service. But ascording to the deof Dignity, but of Service. But according to the de-grees of Service, some of greater estimation, some of less: So those that served the King in places of minency, either in Court or Commonwealth, were called Thani Majores and Thani Regis. Ti ofe that served under them as they did under the King, were called Than minores, or the lesser Thanes. Vid. Spelman of Feuds, cap. 7.

Thane=Lands, Such Lands as were granged by Charters of the Saxon Kings to their Thanes with all Immunities, except the threefold necessity of Expedition, Repair of Cassles, and mending of Bridges.

Thassate, Tossare, Tolay up Hay or Corn into a Tals, Tols, Stack, Rick, or Mow. Lat. Tassa, Tassus, Tassus, Homines de Hedingdon qui ca rectos non habuerint, venient cum furcis suis ad dictum fænum, levandum & thassandum——Qui carectos non habuerint adjuvubunt ad thassandum bladum Pro victualibus emptis pro factoribus tafficrum Prioris

Parech. Antiquit. p. 550.

Theomes, The Boud-men among our Saxons were called theores and Eines, who were not counted Members of the Commonwealth, but pareels of their Masters Goods and Substance. Spelman of Feuds,

cap. 5.

Theft, Furtum, Is an unlawful felonious taking away of another man's moveable and perfonal Goods against the Owner's will, with an intent to steal them; and this is divided into Thest sumply so called and Petit theft, whereof the one is of Goods above the value of twelve pence, and is Felony: The other under that value and is no Felony, but called Petit Larceny. See Larceny and Felony. Theft from the Person, or in the presence of the Owner, is properly called Robbery, West Symbol. part 2. tit. Inditements, feft. 58, 59, 60.

Theftbote, May be derived from the Saxon Theof, i. furtum, and Bote, i. compensatio, and signifies properly the receiving of Goods from a Thief, to savour and maintain him, Est quant home prist Chatell de La rons de luy favourer dy mainteyner dy nemy autrement, 42. Asl. pag. 2. And the punishment thereof is Ran-fom and Imprisonment, and not loss of Life and Member, Stamf. Pl. Cor. lib. t. cap. 43. and the Mirror of Justices, lib. cap. Des Perches criminals al suit le Roy. Antique dicebatur pretium quo furti reus se eximeret à dispendio vita; bodievero de ils dicitur qui furtiva bona à latrone susceperint, sceleris sui fovendi gratia, quo sen-su Bote pro prada ut alias solet intelligendum est. In privilegiorum chartis ubi **Thestbote** conceditur, intelligi-tur alics esse cmenda furti sine consideratione Curia Domini Regis. Theftbate (inquit statutum Wallie Anne 12 E. 1.— Hoc eft, em:nda fursi fine consideratione Curia Domini Regis, Spelm. And see 3 Inst. fol. 134. Thegne. See Thanus and Thingus.

Thelonium, or Brebe ellendi quiert be thelonio; Isa Writ lying for the Citizens of any City, or Burgefles a Nobleman, sometime a Free-man, sometime a Magi-strate, but more properly an Officer or Minister of the King, Lamb in his Exposition of Saxon words, verb. or Market, who would constrain them to pay Toll of

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their Merchandile contrary to their faid Grant or Pre-Acription, F. N. B. fol. 226.

Chelanmannus, The Toll-Man or Officer who received the Toll .-Proponebant quod iffi catalla damnatorum de omnibus feudu Abbatu babere debent, dy Incontinentisaisire, licet bog non possunt ex tenore cartarum suarum cum Abbates ipsi ea semper habuerint in manibus sui Thelonmanni, de pretio quorum Ballivus Regu responderint in adventu Justitiariorum. Charcular. Ab-

Bat. Glaston. MS. f. 446.
—Chelonia rationabili habendo pro Dominis ha Bentibus Dominica Begis ad firmam, Is a Writ that lies for him that hath of the King's Demelne in Fee-farm, to recover reasonable Toll of the King's Temants there, if his Demeine have been accustomed so be Tolled. Reg. Orig. fol. 87.

of Themmagium, A Duty or Acknowledgment paid by inferior Tenants in respect of Themeor Team Infra metas predicti manerii nullum themmagium exigatur vel capiatur de catero de pradicto Abbate de successoribus suis vel hominibus corundem per quoscunq; ballivos vel Forestarios pradicti Comitu vel haredum su-- Chartular Abbat. Glaston. MS. f. 68. a.

Chem. See Teame. Then, Significat servum, Fleta, lib. 1. sap. 47. Thenettum, Quod Pradisti Parochiani— Decima inferius annotatas Ecclesius suis persoluant, scilicet, De-

cim.m lastu, ovorum, thenecii agrorum, apum, mellu, &cc. Const. Rob. Winchelsey Archiep. Cant. tit. de Decimis. Ibi Lindwode thenecii agrorum, i. Arborum crescentium circa agros pro clausura ecrum, vulgarly cal-led Beng-rolines, or Dike nomes.

Theoden, In the degrees or distinctions of Persons among the Saxons, the Earl or prime Lord was called Thane, and the King Thane; and the Husbandman or inferior Tenant was called Theoden, or Under-Thane. See Thane.

Theebo-onis, Sax. thufe, thefan, a young Plant or Set, a Standard, and sometimes any branch or bough, or arm of a Tree.—Venerunt omnes predicti homines in eundem marifeum de profiraverunt de extir-paverunt centum de 33, thecovones de alios asporta-verunt sine licentia instim Abbatis de contra pacem Do-mini Regis. Chartular. Abbat. Glaiton. MS. f. 44. b.

Chesaurus, The word was iometimes taken for Thejauruim, the Treasury. As in a Charter of Queen Maud, Wife of Hen. 1. to testific that the Mannor of Levechenor (now Leuknor) was a Hundred of it self, and did not belong to the Hundred of Peritune, (now Pirton) in Oxfordsbire— Sciatis quod Faritius Abbas de Abbendona in curia Domini mei dy mea apud Wintoniam in Thefauro ante Rogerum Egijcopumrationavit quod Levecanora manerium suum nibil omnino debet in hundredo de Peritona facerein thesauro, i. e. in the Treasury or Exchequer which was then kepe in Winchester Castle. And hence the Doomsday Register preserved in that place was called often Liber thesauro.

Thethinga, A Tithing. Thethingmenting-Man. Vid. Tithing and Tithing-men. Thethingmannus, a Titning-Man.

Them, Georgius Grey comes Cantii clamat in Maner. de Builicon & Ayton punire delinquentes contra Affiam panis de cervisia per tres vices per amerciamenta de cervisia per tres vices per amerciamenta de contra vice pistores per Pilloriam, Braciatores per tumbrellam, de rixatrices per Theme, hoc est, ponere em super scabellum vocat. a Cuching-stool, Pl. in kin. 2pud. Cestr. 14 H. 7.

Thingus, (Thanus) A Nobleman, a Knight, or Free-man; Sciatis me concessisse omnibus militibus G omnibus thingis & omnibus libere tenentibus, qui manent in Foresta mea de Honore de Lancaster quod possunt,

capt to And Lambert's Duty of Constables, pag. 6: and feems to be corruptly used for the Saxon Fileobo-

por, ingenuus fldejuffor.

Thirdings, The third part of the Corn or Grain growing on the Ground at the Tenant's Death, due to the Lord for a Heriot within a certain Mannor, and Lands belonging to the Mannor of Turfut in the Coun-

ty of Hereford.
Third night amn-hinde, Trium nottium Hospes:
By the Laws of St. Edward, (cap. De Hospitibus) it any Guest lay a third night in an Inn, he was accounted a Domestick, and his Host was answerable for what Offence he fhould commit. Forman night uneuth, Ema night Buelte, Chird night awn hind, char is, the first night a Stranger, the second night a Guest, the third night a Domestick, Brack lib. 3. track 2. cap. 10. num. 2. writes Hogenhyne for Agenhine.
Item utimur quod si extranei morantur in Burgo pra-

dicto ultra tres dies invenient fidejussores de beme gerendo se ergaBurgenses by communitatem dum moram inter ipsos fecerint MS. Codex de L. Statut. & Consuctud. liberi Burgi Villæ Mountgom. fol. 26. See Uncuth. Thirdpenny, Denarius tertius est capars mulitarum

forenfiumq, molumentorum que in Comitatu olim cedebat comiti, Rege alias duas percipiente, Leg. Ed. Conf. cap. 31. Rex habebit 100 folidos & Conful. comitatus 30. qui tertium habebit denarium de forisfacturis, &c. and was anciently so fixt, and appropriate to an Earldom; as the Earldon of Oxford, in the Reign of King Henry the Second, passed by the Grant of Tertium densitum comitatus Oxon. ut sit inde Comes. Of which see Selden's Titles of Honour.

Thille-take, It was a Cultom within the Manif in driving Beafts over the Common, the Driver permits them to graze or take our a Thulle, he shall be a had pay a halfpenny a Bealt to the Lord of the Fee. And at Fiskerton in Notinghamshire, by ancient Custom, if a Native or a Cottager kill'das wine about a yearold, he paid to the Lord a penny, which purchase of leave to kill a Hog was also, call'd Thisteetake. Rog. Priorat. de Thurgarton.

Thokes, Fish with broken Bellies, 22 E. 4. cap. 2. which by the said Statute are not to be mist or packt

with Tale-fifb.

Thol, Thollonium est libert as emendi de undendi in terra sua, Lamb. Archain, fol. 132. Thol, i. quod Prior habet in mercato suo die Luna quandam menjuram de bladis Venditis & quoddam certum de animalibus & cateris similibus venditis, Reg. Priorar. Cokeford. See Toll.

Chosough Coll, At a place called Bomph in York-hire; in times past the Earls of Richmond had a Castelet, and a certain Custom called Therough Toll, says Camden. See Toll.

Chanbe of Coth, in most parts of England confists of twenty four Sheaves, or four Shocks, fix Sheaves to every Shock, 2 H. 6, cap. 2. yet in some Counties they reckon but twelve Sheaves to the thraig: As in the matter concerning the Burgesses of Derby— Hi autem ad festum sandi Martin redaebant Regi auo decem trabes annone, Doomlday-Book, de Burgenfibus Derby, See Peter-corn.

Thumle, From the Sixon Ohpin, which figuifies three, was an old piece of Money of three millings, according to Lambers, or rather, has Selden thinks) the third pure of a fhilling, Titles of Honour, tol. 604. See Weiegild. 33 It was certainly but a Groat, or the third part of a Shilling. Thrymia being a contraction of the Lat. Tremifis, and was a German Com of the value of 4d. As thus exprelly, 11b. 6. fell, 2. Saiga autem est quarea pars tremists, bec est Cromp. Jur. fel. 197.

Chirobozoto, Is used for a Constable, An. 28 H. 8. denarius unus. Tremissis est tertia pars jolidi, & funi denarius unus.

Whatthing, Thrithingum, in the Statute of Merton, fignifies a Court which confifts of three or four Hun-

dreds, Co. 2. Inft. fol. 99.
Trithing=Bebe, The third part of a County or three or more Hundreds or Wapentacks, were cal led a Triding or Trithing, such fort of Portions are the Laths in Kent, the Rapes in Sussex, and the Ridings in Yorkshire. And those who govern'd these Trithings. were thereupon called Trithing-Reves, before whom were brought all Causes that could not be determined in the Wapentakes, or Hundreds. See Spelman of the ancient Government of England, p. 52.

Thrower. See Silk-thrower.

Thwertnit, Edwardus, &c Concessimu etiam quod Vicce mes notter aut heredum nottrerum qui pro tempre fuerit in dillo comitatu, de catera faciat executiones pro debitis recuperatis de recognitis in Comitatu vel Scacca-rio Cestria aut in itinere Justiciarierum, qui pro tempose fuerit, absq, aliquo capiendo pro executione facienda, licet etiam prateritis temporibus ujum sit, prout per chartam habet issa communitas; (scilicet Cestroscira) quod si aliquis in curia nostra culpatus fuerit, per thwertnik se defendere possie; quia bac defensio est contraria legi Communi, nutrix malorum, pacis amula de damnosa populo sacifico : Volumus etiam de consensu de requisitione dista cammunitatu, Ordinamus & pracipimus quod dica defensio per thwertnik de catero non allocetur sed annuller tur totaliter de damnetur, dec. Rot. Cart. de Anno 11, 12, 13 Rich. 2. num. 11. per Inspex. 1 The word scems properly thirdnight, or thirdnight, which in some old Writings is taken for the Custom of giving Entertainment, or paying Procuration-Money, to the Sheriff for three Nights.

Tipelinen, Are certain Officers that belong to the Custom-house, and are appointed to watch or attend upon Ships, till the Custom of the Freight be paid; and they are fo called, because they go aboard the Ships at their arrival in the mouth of the Thames,

and come up with the Tide.

sense. And in an old Charter of the Church of Canterbury, we find this Clause— Manssonem quoq, qua est in Aquilonali parte Dorobernio by clausulam quam Angli vocant teage qua pertinent ad pradictiam manssonem, Gc.
Eillen of Satten, Is menrioned Anno 1 H. 8. cap.

but not expounded.

Eimber of Stains, Is forty Skins, De qualibet Tim-ber de Fitcheux venal. Ob. Pat. 10. R. 2. pars 1. m.10. Hac civitas (sc. Cestriz) tunc red debat de sirma 45. libras de tres timbres pellium Matrinarum, Leg. Edw. Conf.

Timberlove, Servitutu genus, quo Vassalus obliga-tur materiam sive lignum de sylva, ubi prosternitur, ad Domini sui domum deserre, Gloss. in 10. Scripc. Tineman or Tienman, Was of old a petty Offi-

cer in the Forest, who had the Nocturnal Care of Vert and Venison, and other servile Employments.
Constitut. Foresta Canuti Regis, cap. 4.

Einchermen, Those Fishermen who destroyed

the young Fry on the River Thames, by Nets and unlawful Engines, till supress'd by the Mayor and Citizens of London. Of which fee Stow's Survey of Lon-

don, p. 18. Etnpenny, A customary Tribute paid to the Tithingman, to support the trouble and charge of his Office. The laborious Du Fresne is apparently mista-ken, when in allusion to the first Syllable, he renders it a Tax of Acknowledgment paid for Tin Mines, or the liberty of digging Tin. Whereas it bears no such fancied relation; but Tin is only a contraction of ther in a Society, all being bound to the King for the

Teon, and means only the number Ten. granted to the Abby of Radinges. quieta sint de tributis & lestagiu, de redinpeni & tin-Peni. Chartular. Abbat. Radinges, MS. f. 2. wl.ere teainpeni fignified the Money paid the Sheriff by the feveral Tithings; and tinpeni was the Money paid the Tithing-man by the several Friburgs or Livisions of his Deanery or District.

Cine tum, Trouse, Brushwood and Thorns for rencing and Hedging, which fort of Underwood cut at length, and not fagotted up, is flill in Kent cal-led Teenet. Et praditus firmarius habebit tinettum ficiens extra boscum ipsius Regis ad clausurandum ter-

ras & pasturas jupraditias. Cart. 21. H. 6.
Etplaff, is one of the Warden of the Fleet's Men. that attends the Kings Courts with a painted Staff, for the taking such into Custody as are committed by the Court, and to attend fuch Prifoners as go at large by Licence: These are otherwise called Bastons, Anno 1.
Rich 2 can 12 and Eliz. cap. 23. They also are Rich. 2. cap. 12. and 5 Eliz. cap. 23. They also are called Tip-staves, that attend the Judges with a kind of Rod tipt with filver, and take into their charge all Prisoners either committed or turned over at the Judge's Chamber.

Tithes, Decime, Are the tenth part of of all Fruits Predial, Personal and Mixt, which are due to God and consequently to his Church's Ministers for their Maintenance, Levit. 27. verse 30. Omnium benorum li-citè quafitorum quota pars deo, Divina consitutione debita. And it was of late times Resolved, viz.

> Paschæ 1 Jac. Rot. 1119. in Communi Banco.

Quod decimarum tres sunt species, quadam Personales, qua debentur ex opere personali, ut Artiscio, scientia, Militia, Negotiatione, doc Quadam Pradiales qua prove niunt ex pradits, i. ex fructibus pradiorum, ut Blada vinum, fanum, linum, cannabum, doc. seu ex frudibus arborum, ut Poma, Pyra, Pruna, Volema, Cerasa do fru-Tierle. See Ferje.

Tierle. See Ferje.

Tigh or Teage, A Close or Enclosure, a Crost;

Hus bortorum, the Poma, Pyra, Pruna, Volema, Cerasa by fru-Hus bortorum, byc. Quadam mixte, ut de Caseo, Luite, which word Tigh is still used in Kent, in the same byce aut ex fatibus animalium qua sunt in passing by gregatim pascuntur, ut in Agnis, Vitulis, Hedis, Capie-olis, Pullis, Grc. Ex pradialibus quadam sunt Majores, quadam Minurg. Majores ut frumentum, siligo, zi-zania, fanum, Gyc. Minores sire minuta, quidam dicunt, sunt qui proveniunt ex mentha, aneto, oleribus de similibus juxta illud dicum Domini Lic. 11. 42. Vz. qui decimatis Mencham & Rutham, cyc. Alii dicunt quod in Anglia consissunt decime minute in line, qua sunt pradiales & lana, lasta, caseis & in Decimis animalium, agnis, pullis & cvibus; Decima etiam meltis & cera numerantur inter Minutas, qua sunt Mixtæ. Vide Linwood, cap. De Decimis. But Lay-men, in these latter times, by withdrawing, or with-holding their Tythes, occasion the Statutes of 27 H. 8. 20. 32 H. 8. 7. and 2 E. 6. 13. which were made to ensore the payment thereof, which former times required not, when more was often given than was either due or demanded. Nay, anciently many Men were so scrupulously careful in their payment of Tythes, that at their death they bequeathed Soulesceat, to their Parish-Priest, in lieu of any Tythes sorgotten, and at their Funerals caused their best Ox or Herse to be led with the Corps, and as a Mortuary or Oblation given to the Priest, in recompence of any Ty:he which might have been forgotten. See Kennet's Glos-

fary in Tythes.

Tithing, Tithingum, From the Saxon Teothunge, which fignifies Decuriam: It fignifies, (according to Lambert, in his Duty of Constables) the number or company of ten Men with their Families, knit together in a Society all being bound to the King Contra peaceable

peaceable Behaviour of each other. Of these Companies, there was one chief or principal Person, who, from his Office was called Teothung-man, at this day in some places Tithing-man, but is indeed a Constable, for the old way of Tithing is long fince left off. It is also used for a Court, Magna Chart. cap. 25. Mer-

ton, cap. 10. and 23 E. 3. cap. 4. See Chief Pledge, Frank-pledge, Decennier and Trithing.

Tithing-men, In the Saxon times, for the better conservation of Peace, and the more easie administration of Justice, every Hundred was divided into ten Districts or Tithings, each Tithing made up of ten Friborgs, each Friborg of ten Families, and within every such Tithing.— Statuerunt Justitarios Just per quosq, decem Friborgos, quos Decanos possumus ap-pellare, Anglice vere, Tienhefod, i.e. capus de decem-Which Tithing-Men, or Civil-Deans, were to examine and determine all leffer Caufes between Villages and Neighbours, but to refer all greater matters to the Superiour Courts, which had a Jurisdiction over the whole Hundred. See Kennet's Paroch. Antiq. p. 633. This Officer was sometime call'd Tething-mannus Concessit Abbas pro se & successoribus suis quod catalla, felonum fugitivorum vel rationabile pretium eorundem per visum of ballium Coronatorum ipsius Abbatis tradantur Thethingmanno pradicti Petri dy haredum suorum salvo custodienda usq, ad adventum Justitiariorum itinerantium. Cart. 3. Ed. 1. in Cartular. de Radinges. MS. f. 156. b.

Eithingpenyalias Cithpeny, alias Thethingpeny, Et fint quieti de Thethingpenny, Tympenny, & de omnibus forufallis quacunque occasione emerserunt, &c. In Mem. Scac. de anno 20 E. 3. Trin. Rot. 3. Abbati & Monachus Rading. Tithingpeny boc est quieti de Tallagio Decenna sive Tithing per consuetudinem, M. S. in Biblioth. Cotton. sub. tit. Vitellius. C. 9. fol.

Tillage, Agricultura, Is of great account in Law, as very profitable for the Common-wealth; and there-

fore arable Land hath the precedence before Meadows, Pastures, Woods, Mines, and all other Ground what-soever. And by laying of Lands used in tillage to Pasture, six grand Inconveniences ensue.

1. Idleness, which is the ground and beginning of

all mischief.

2. Depopulation and decay of Towns, for where in some Towns two hundred Persons were employed and lived by their lawful Labours, by converting Tillage into Paffure, only two or three Herd-men are maintained.

3. Husbandry is decayed.
4. Churches are destroyed, by dimunition of Church-Livings

5. Injury and Wrong done to Patrons and Minifters.

6. The Defence of the Land against foreign Enemies enfeebled and impaired; the Bodies of Husband-men being more strong and able, and patient of cold, hear, and hunger than any other. See Kennet's Glof-

sary in Tythes.

Tinemald, The Parliament or Annual Convention in the Isle of Man; of which Mr. King in his Descripcion of that Island gives this Account. The Governour and Officers do usually call the 24 Keys of the Island, especially once every Year, viz. upon Midsummer-day, at St. John's Chappel, to the Tinewald Court there, where upon a Hill near to the said Chappel, all the Inhabitants of the Island, standing round about a fair Plain, they may hear the Laws and Ordinances agreed upon before, in the Chappel aforefaid, published and declared unto them; and then and there

Canopy over his Head, his Visage into the East, with his Sword before him, holden with the point upward-His Barons, viz. the Bishop and Abbats, when was time, with the rest in their degrees, sitting beside

him, Ge.

Title, Titulus, Properly is when a Man hach law and the second another is feifful cause of Entry into Lands whereof another is seised, for which he can have no Action, as title of Mortmain, or title to enter for breach of condition: But legally this word title includes a Right also, and Title, is the more general word, for every Right is a Title, but every. Title is not such a Right for which an Assion lyeth, and therefore Titulus est justa causa possiblendi quod nostrum est, and fignifies the means whereby a Man cometh to Land, as his title is by Fine or Feoff-And as by a Release of a Right a Title is releafed, so by release of a Title, a Right is released also.

See Co. 4. Rep. Edward Altham's Case.

Title of Entry, Is when one seised of Land in Fee, makes a Feosiment thereof on condition, and the Condition is broken; after which the Feossor hath Title to enter into the Land, and may do so at his pleasure, and by his Entry the Freehold shall be faid to be in him presently. And it is called Title of Entry, because he cannot have a Writ of Right against his Feoffee upon condition, for his Right was out of him by the Feoffment, which cannot be reduced with Entry, and the Entry must be for the breach of the

Titinglas, Tale-Bearers. Letter of the Secretary of State in 28 of H. 8. to James the fifth King of Scotland.— In all Realms the Popilh practice hath had such Consederacy of false, forsworn factious and traiterous Titinylks, untrue to their Sovereign. Vid.

Wever of Fun. Mon. p. 94.

Calia, A Towel. In the Inquisition of Serjeancies and Knight's Fees, within the Counties of Essex and Hertsord, made in the 12th and 13th years of K. John.—Petrus Picote tenet dimid. Heydene per Serjantiam serviendi cum una toalia ad coronationem Regit—i.e. by the service of waiting with a Towel at the King's Coronation.— Ex Lib. Rub. Scaccar.

Coo of attent, Contains twenty eight pound, or

two from, contains twenty eight pound, or two from, mentioned in the Statute 12 Car. cap. 23. See 3 Inft. fol. 96.

Tost, Toftum, A Messuage, or rather 2 place where a Messuage hath stood, West Symbol. part 2. cit. Fines, seet. 26. And is a word much used in Fines,—Capitale Tostum & Crostum quod fuit Walteri Patris sui, Cart. Petri de Brus in Biblioth. Coxton. Scies & Tostum 20 Care. 2 Care.

tes, Anno 22 Car. 2. cap. 11.

Tostman, Tost mannus, The Owner of a Tost, Tost-manni similiter operabantur à Sansto Michaele usq, ad Autumpnum de in autumno per 6 hebdomados unaquaq; hebdomade per 2 dies, dyc. Pri. Lew. pag. 18. See

Molman.

Totle, Cometh of the French Toile, i. tela, and fignifieth with us a Net or Cord to compass or take Deer. Toll. tolleror, as it is a Verb fignifieth to defeat or take away, Anno 8. H. 6. cap. 9. as to Toll the Entry is to take away the Right of Entry.

To Toil, To Bar, Defeat, or take away. As

of Entry.

Toll the Entry, i. e. To deny or take away the right Entry. Stat. 8 H. 6. cap. 9. Toll, alias Tholl, Tolnetum alias Theolonium. Isa Saxon word, and hath in our common Law two fignifications. First, It is used for a Liberty to buy and sell within the Precinct of a Mannor, Lamb. Arch. fol. 132. Secondly, For a Tribure or Custom paid for passage, Grc. Brass. lib. 2. cap. 24. num. 3. Interprets it to be a Liberty as well to take as to be free from toll the Lord of the Island, if he be in the Country, is to it to be a Liberty as well to take as to be free from toll fit in a Chair of State covered with a Royal Cloth or for they who are enfeoffed with Toll, are Custom free, saich Skene. Toll hoc est quod vos & bomines vestri de toto Homagio velivo sint quieti de omnibus mercatis de de Tolneto de omnibus rebus emptis dy venditis. Of this freedom from Toll the City of Coventry boasts of an ancient Charter, granted by Leefrich (or Lurich) Merciorum Comes, who at the importunity of Godeva his vertuous Lady, granted this Freedom to that City; and in Richard the Second's time (as Dugdale faith in his Description of Warmick-shire) the Picture of him and his Lady was set up in the South Window of Trinity Church there, holding in his right Hand a Charter with these words written thereon.

I Lurich, for the Love of Thee, Do make Coventry Toll-free.

Some Authors make mention of Tolthrough, which is Money paid for passage in or through some High-ways, Ferries, Bridges, &c. Toll-traverse, for passing over a private Man's ground, and Toll-turne, which is Toll paid at the return of Beasts from Fair or Mar-kets, though they were not fold, Ploud. fo. 236. Wilton's Case. Kitchin, fol. 104. By the Ancient Law of the Land, the Buyers of Cattel or Corn in Fairs or Markets ought to pay Toll to the Lord of the Market, Horn's Mirror of Just. lib. 1. cap. De articles. The made Latin word Theolonium, Cassaneus de consuet. Burg. pag. 118. deriveth a Tollendo, but it is more properly deduced from the Greek Tellawia or rehovera, id est, vestigalium redemptio vel exactio. Sec

Fleta, lib. 1. cap. 47. Colceltrum, Tolfafler, Excise, or Tribute paid to the Lord by the servile Tenant for liberty to brew -Among the customary Services of and fell Ale. the Tenants in Blebury, to the Abbat and Convent of Reading.—Et solebant dare tolcestrum, scilicet illi qui solebant facere cervisiam ad vendendum, videlicet sex lagenas cerevifia .--Cartular. Radinges, MS. f. 221. Praterea si braciant ad vendendum dabunt de cervifia sua pradicto Abbati quandam consuetudinem qua
vocatur Tolsaster scil. de qualibet bracina quatuor lagenas
quotiescunq, brasiaverint, ib. f. 223. a. See Tolsester.

Tolcozn, Corn taken for Tolla at grinding in
a Mill. — Dedi Abbati & Conventui de Radinges unam

dimidiam summem bladi scil. de tolcorn de molendino de - Cartular. Abbat. Radinges., MS. f. 92. a.

which they take Toll for Corn fold in an overt Market.—De consuetudine mercati de magna Farendon, pro carectata salis dabitur unus discus salis qui continere debet unum tolhop, vel unum denarius. Confuetud. Domus de Farendon, MS. f. 22.

Tollester,—Per Tollester, clamat esse quiet. de

Colletter,reddend. unum Sextarium Cervisia quod continet 16. Lagenos de nova cervisia mensurata, desultus le Shakcliff, pro licentia brasiandi cervis. per totum annum. Ex Rot. Plac. in itin. apud Cest. 14 H. 7. The same word occurs in a Charter, 55 H. 3. m. 6. See Ga-

velcester. Tolt, Tolta, Is a Writ whereby a Caufe depending in a Court Baron, is removed to the County Court, Old Nat. Brev. fol. 2. and so called, because it does tollere loquelam from the one Court to another. Preface to Co. Rep. 3. Plac. coram Rege Pasch 22 E. I. Rot. 18. Tolla placiti significat processum per quem causa a jurisdictione curia temporalis tollitur.

–Venditio salis qua debet solvi,i. Bushel Colfray,—

of dimid. Satis per mensuram 4 s. M. S. de temp. Edw. 1.

It should be Toltsny or Toll, taken by Tray or Dish.

Tolta Wrong, Rapine, Extortion, any thing exacted or imposed contrary to Right and Justice.— Nec aliquem depradetur, nec homicidia, vel incendia, ro berias, toltas, seu alia hujusmodi perpetret enormia. Pat. Gears, draw a Cart, Plough, or Waggon. Par tradu-48 H. 3. in Brady Hist. Engl. Append. p. 235.

Tonne. See Tun.

Connage, Tonnagium, Is a Custom or Impost paid to the King for Merchandise carried out, or brought in Ships, or such like Vessels, according to a certain Rate upon every Tun; and cf this you may read in the Statutes 12 E. 4. cap. 3. 6 H. 8. cap. 14. 1 E. 6. cap. 13. 1 Jac. 33. but especially 12 Car. 2. cap. 4.

Connetight, The quantity of a Tonne or Tun, in a Ships freight or bulk, for which Tonnage or Tunnage was paid to the King. - Ricardus Rex, &c.
Thoma de Percy Admirallo nostro-in Parliamento ordi--Ricardus Rex. &c. -percipiend, de qualibet navi & crainatum extititera cujuscung; fuerit portagii que mare transient infrapradillim Admiratum eundo of redeundo pro viagio de quolibet Tonnetight sex denarios—item de quolibet vase piscatrice quod infra mare dilli Admiratus piscatur pro allece capiendo de quolibet tonnetight sex denarios, &c. Pat. 2. Ric. 2.

Clastenbury Torre. Tetra in campis Glassonia, una acra jacet in australi parte de la torre.--super torram -Chartular. Abbat. Glaston. MS. f. 114. una acta.-

Torney. See Turney.

Tott, Is a French word for injury or wrong, as de fon tort mesne, in his own wrong, Cro. Rep. fol. 20. White's Case. Wrong or Injury is properly called White's Case. Wrong or Injury is properly called Tort, because it is wrested or crooked, Co. on Lit. fol. 1 < 8.

Tottfealoz, A Wrong-doer, a Trespasser, Cro. 2

par. fol. 383. num. 11.
Coties-quoties, Anno 19 Car. 2. cap. 4. and fignifies As often as.

Tothlanda, A certain portion of Land, in the nature or dimension whereof I can find no direction, and can make no safe conjecture. -- Cum una virgata terra, do cum una Tothlanda, do octo acris, qua fue-runt data in dedicatione (Ecclesia de Heyford ad Pontem Com. Oxon.) Wulfvini Episcopi Dorcestria. Paroch. Antiquit. p. 514.

Totteb, A good Debt to the King, is by the foreign Oppofer, or other Officer in the Exchequer, noted for such, by writing this word Tot to it, Anno 42 E. 3 cap. 9. and 1 E. 6. 15. See Prastice of the Exchequer,

pag. 71.
Cotterap, Was a Customary payment of sour pence fer every Bushel and a half of Corn, sold at Maldon in Essex, Hill. 15 E. 1. This word should be Tolteray or Toll-tray.

Courne. See Turn. Cout temps prift quncore eft, That is always rea-

dy, and is so at this present. This is a kind of Plea in way of excuse or desence for him that is sued for any Debt or Duty belonging to the Plaintiff. See Broke's Abridgment, fol. 258.

Towage, Towagium, Is the rowing or drawing a Ship or Barge along the water by Men, or Beasts on Land, or by another Ship or Boat fastned to her. Also that Money, or other recompence, which is given by Earge-men to the Owner of the Ground next a River where they tow a Barge, or other Vessel, Dominus Rex habeat of habere debeat Throwagium navium G battellorum majorum G minorum in aqua de Tyne, Ge. Pla. coram Rege & ejus concil. Parl. 18 E. r. in Tur. London.

Copliarous, A Sheep, a Ram .- Quelibet bida potest sustinere octo do decem boves, sexdecem vaccos, do unam taurum: & ducentas oves cum quatuor toyliardis, cum exitu pradictarum ovium de uno anna, do qua-tuor Affros cum exitu unius anni.—Chartular. Abbat. Glaston. MS. f. 72. b.

Cradus-uum, Traces, by which Horses, in their

um, A pair of Traces.—Pro uno cartsadle uno colero, lib. 4. cap. 13. pag. 521, 522. See the New Book of Encum una pari trastuum emptu xiv.d. Paroch. Antiquit. tries, verb. Traverse.

P. 549.
Traylbaston, See Justice of Traylbaston.
Traytoz, Proditor, See Treason.
Trayterous position, Of taking Arms by the King's Authority against his Person, and those that are commissioned by him, condemned by the Stat. 14.

Car. 2. cap. 3.

Transcript, Anno 34. og 35. H. 8. cap. 14. Is the Copy of any Original written again or exemplified, as

the Transcript of a Fine.

Transcripto Becognitionis face coram Juli-ciaris itinerantibus, ec. Is a Writ for the certitying of a Recognisance taken before Justices in Eyre in-

Transcreffene Is a Writ commonly colled a Writ.

Transgressione, Is a Writ commonly called a Writ or Action of Trespass, of which Fitzberbert reckons two forts, one Vicountiel so called, because it is directed to the Sheriff, and is not returnable, but to be determined in the County; the form whereof differs from the other, because it hath these words, Quare vi & armu, &c. F. N. B. fol. 84. The other is termed a Writ of Trespass upon the Case, which is to be sued in the King's Bench or Common Pleas, in which are used always these words, Vi by arms, F. N. B. fol. 92. See Trespass.

Transire, Anno 14 Car. 2. cap. 11. Is used for a Custom-house Warrant or Let-pass from Transeo, to

go forth or let pass.

Transitory, Is passing away or flitting the opposite to Local. See Local.

Trantery, So in some Mannors they call the Money arifing by Amerciaments of Ale-fellers and Victuallers, for breaking the Affize of Bread and Ale, as Luston, and other Mannors in Herefordshire, especially those belonging to the Bishoprick of Here-

Translation, Translatio, In common sense fignifies the version out of one Language into another; but in a more confined, denote the letting from one place to another; as to remove a Bishop from one Diocess to another is called *Translating*, and such a Bishop writes not Anno Consecrationis, but Anno tran-

flationis noftra.

Trabetle, (A derivative from the French Traver-fer, i. Transfigere) fignifies sometimes to deny, sometimes to overthrow or undo a thing, of to put one to prove some matter; much used in Answers to Bills in Chancery, or it is that which the Defendant plea-deth, or saith in Bar to avoid the Plaintif's Bill, either by confessing and avoiding, or b; denying and traversing the material parts thereof, West Symbol. part 2. tit. Chancery, sect. 54, 55. The formal words of which Traverse are in our february cea, in Latine abiq, hoc, and in English without that. See Kitchin, fol. 227. and 240. Stamf. Prarog. cap. 20. To traverse an Office, is nothing else but to prove, That an Inquisition made of Lands or Goods by the Escheator is defective, and untruly made. So to traverse an India ment, is to take Issue upon the chief Matter, and to contradict or deny some point of it. As in a Presentment against A. for a High-way overflown with Water, for default of scouring a Ditch, Gr. A. may traverse either the Matter, that there is no Highway there, or that the Ditch is sufficiently scoured; or otherwise he may traverse the Cause, viz. That he

Crawlermen, Of those Fisher-men who used unlawful Arts and Engines to deltroy the Fish upon the River Thames, Some were stil'd Tincker-men, others Hebbermen, Peter-men, Trawler-men, &c. See Stow's Survey of Lendon, p. 19. Hence to trowle or trawle with a Trowling-line for Pikes.

Eteason, Proditio, Of the French Trabison, and it is divided into High Tresson and Petty Treason; High Treason is defined to be an Offence committed against the Security of the King or Kingdom, whether it be by Imagination, Word or Deed; as to compass or imagine the death of the King, Queen or Prince; or to deflower the King's Wife, or his eldest Daughter un-married, or his eldest Son's Wife: or levy War against the King in his Realm, adhere to his Enemies, counterfeit his great Seal, Privy Seal, or Money: Or wittingly to bring false Money into this Realm counterfeited, like the Money of England, and utter the same. To kill the King's Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assise, or of Oyer and Terminer, being in their place doing their Office, Anno 25 E. 2. cap. Forging the King's Seal Manual or Privy Signet, Privy Seal, or foreign Coyn currant here, Anno 2 Mar. Cap. 6. Or diminishing or impairing currant Money, 5 Eliz. 11. 14 Eliz. cap. 3. 18 Eliz. 1. Or to say the King is an Heretick or Papist, or that he intends to introduce Popery, drc. Anno 13 Car. 2. cap. 1. And many others, which you may read there, and in other places particularly expressed. In Case of this Treason, a Man shall be drawn, hanged or quartered, and forfeit his Lands and Goods to the King. It is called also Treason Paramount, Ann. 25 E. 3. cap. Petit Treason is, when a Servant kills his Master, a Wife her Husband: or when a Secular or Religious Man kills his Prelate or Superior, to whom he owes Faith and Obedience: and in how many other Cases Petit Treason may be committed, see Cremp. Just. of Peace. This kind of Treason gives for seiture of Escheats to every Lord within his own Fee. See Bratt.lib.3. tratt.2.cap.3. num. 1, 2. There is also mention of Accumulative Treason and Constructive Treason in the Statute, 14 Car. 2. cap. 29. And here observe, that in Majori proditione omnes sunt Principales, there are no Accessaries in Treason, all are Principals. And Voluntas non reputabitur pro facto nisi in causa Proditionis, for Petty Treason. See Co. 1. Rep. Shellyes Case.

Treasure, Thesaurus, the King's treasure is the Sinews of War, and the Honour and Safety of the King in time of Peace, Firmamentum Belli de ornamentum Pacis. If any Mine of base metal be found in any Ground, it belongs to the Lord of the Soyl, but if it be of Gold or Silver, it appertains to the King, in whose Ground soever they be found.

Treasury, It signified sometimes the place where the King's Treasure is reposited; and at other times the Office of Treasure.

&TLozds of the Trealury, Commissioners to exccute the Office, when it is not committed to one

fingle Perfon.

Treasurer in Cathedial Churches, A Dignitary who was to take charge of the Vestments. Plate, Jewels, Reliques, and other Treasure belonging to the said Church. But at the time of Reformation, when some who abhorred Idols did commit Sacrilege, and took away the infinite Treasure of Cathedral and Conventual Churches, then the Office was extinguish'd as needless in some Churches, as Tork, Lincoln, Hereford, but still remaining in Salisbury,

hath not the Land, or that he and they whose Estate, treasure trobe, Thesaurus inventus, Signifies in our office have not used to scour the Ditch, Lamb. Eiren. Common Law as it does in the Civil, Veterem deposition

onem fecunia, cujus non extat memoria, ut jum Dominum non babet, with which definition Bradon agrees: And tho' the Civil Law give it to the finder, according to the Law of Nature, yet the Law of England gives it to the King by his Prerogative, or to some other who claim by the King's Grant, or by Prescription, as appears, Bratt. lib. 3. tratt. 2. cap. 3. num. 4. The Punishment Bratt. lib. 3. tratt. 2. cap. 3. num. 4. The Punithment for concealing Treasure found, is Imprisonment and Fine, Stamf. Pl. Cor. lib. 1. cap. 42. Fitzberb. Abridgment, pag. 187. But if the Owner may any ways be known, then it does not belong to the King's Prerogative. Britton, cap. 17. fays, 'Tis every Subjects part as foon as he has found any Treasure in the Earth, to make it known to the Coroners of the County, &c. See Kitchin, fol. 40. Anno 1 & 2. P. & M. cap. 15. This was anciently called findaringa, of finding the Treasure, Leg. Hen. 1. cap. 11. See 3 Inst. fol. 132.

Treasurer, Thesaurarius, Is an Officer to whom

the Treasurer of another is committed to be kept, and truly disposed of: The chiefest of these with us is the Treasurer of England, who is a Lord by his Office, and one of the greatest Men of the Land, under whose Charge and Government is all the Princes Wealth contained in the Exchequer, as also the Clerk of all Officers any way imployed in the collecting of the Imposts, Tributes, or other Revenues belonging to the Crown, Smith. de Rep. Anglor. lib. 2. cap. 14. See more belonging to this Office, 20 E. 3. 6. 31 H. 6. 5. 4 E. 4. 1. 17 E. 4. 5. 21 H. 8. 20. and 1 E. 6. 13. This high Officer hath by vertue of his Office, the nomination of all Escheators yearly throughout England, and giveth the Places of all Customers and Searchers in all the Ports of the Realm, with divers other matters, Grc. There is also the Treasurer of the King's Houseold, who is of the Privy-Council, and in the absence of the Steward of the King's Houseold, hath Power with the Couroller and Steward of the Marshalfea, without Commission, to hear and determine Treasure. Miliprisons of Treasure, Murder, Homes of Treas mine Treasons, Misprisions of Treason, Murder, Homicide and Bloodshed committed within the King's Palace, Stomf. Pl. Cor. lib. 3. cap. 5. In Westm. 2. cap. 1.
There is mention of the Treasurer of the Exchequer, There is mention of the Treasurer of the Exchequer, Treasurer of the Navy or War, 27 E. 3. stat. 2. cap. 18. 35 Eliz. cap. 4. Treasurer of the King's Chamber, 26 H. 8. 3. 33 H. 8. 39. Treasurer of the King's Wardrobe. 15 E. 3. stat. 1. cap. 3. 25 E. 3. stat. 5. cap. 21. Whose Office you have well fet out in Fleta, lib. 2. cap. 14. Treasurer of the County for poor Soldiers, 25 Eliz. cap. 4. And most Corporations through the Kingdom, have an Officer of this Name that receiveth their Rents, and disburseth their comthat receiveth their Rents, and disburseth their com-mon Expences, and is of great Credit among them.

Treat, Cometh of the French Traire, i. emulgere; or rather from tradus drawn, and fignifies as much as taken out or withdrawn: As a Juror was challenged because he could not dispend forty Pound, and for that cause he was treate, (that is with-drawn) by the Statute. Old Nat. Brev. fol. 159

Cremagium, Tremisium, Tremesium, The Sea-

fon for fowing Summer Corn about March the third Month, to which the word may possibly allude. For Corn sow'd in March is by the French call'd Tremes and Tremon, and sometimes Mars or Marses, which the Italians call Martiolin or Martiol, Tremesium was commonly opposed to Hibernagium, i. e. The featon for Summer-Corn, Barly, Oats, Beans, Ge. to the featon for Winter Corn, Wheat and Rye.——Arabis unam acram, seminabit cum semine Domini, eandem ber-ciabit, videlicet dimidiam acram ad bibernagium & dimidium ad tremagium, or cariabit de foeno Domini. Cartular. Glaston. M. S. f. 91. a.—R. dei gratia Abbas Ecclesia S. Petri de Burgo. Noverit Universitas vestra Nos concessisse bominibus nostris de Tindele quod li-

de secta balemotorum & sarcia beri sint de quietitura dy de ferru levandu-arabunt semel ad biberna-gium dy semel ad tremeseum cum boc quod bibuerunt in carucu sun. Cartular. S. Petri de Burgo Swafham

in carucu sum. Cartular. S. Petri de Burgo Swat nam vulgò appellat. MS. f. 227.

Trebuchet, Terbichetum, A Tumbrel or Cucking-stool, 3 par. Inst. fol. 219. See Tribuch.

Treete, Triticum, Wheat; In the Stat. 5 H. 3.

Bread of treete seems to be that Bread which was made of fine Wheat. See Cocket.

37 Tremuta, Treumia, Tremellum. The Hooper or Hopper of a Mill. into which the Corn is put to

or Hopper of a Mill, into which the Corn is put to tall from thence to the Grinding-stones. Do libere molere in molendino meo, it a quod immediate post bladum existens in treumia, quod vulgariter dicitur Ingranatum, eorum bladum moletur. Du Ercine in voce Tren-mia. Buldwin de Wake to the Priory of Deeping. Sciendum tamen est quod pradicti Monachi facient sectam molendini mei tum de blado suo quam bominum suorum Its qued iffi habeant primam molituram post bladum quod inveneriat in tremello. Mon. Angl. vol. 1. p. 470. So Wido de Meriton in his Charter to the Knights –Conce∬erunt mibi Fratres unam libertatem ad suum molendinum scilicet molendi segetem pro multura reddenda pro jegete que est in tremuta. Paroch. Antiquit. p. 120.

Trench, or Dike newly cut. In a Perambulation, 33 H. 3.—De Mechenley ufq, ad quandam trenchiam qua vocatur Bythymeford. Chartular. Abbat.

Glaston. MS. f. 97. a.

Trental, Trentale, An Office for the dead that continued thirry days, or confishing of thirry Masses, from the Italian Trenta, that is, triginta, mentioned t E. 6. 14. See Tricennalia.

E.o. 14. See Arkennatus.

Exclusion of the Law under Treason, Felony, or Misprison of either, Stams. Pl. Cov. fol. 38. where he says, That for a Lord of the Parliament to depart from the Parliament without the King's Licence, is neither Treason of Stams. fon nor Felony, but trespals. But it is most commonly used for that wrong or damage which is done either to the King in his Forest, or by one private Man to another; and in this signification it is of two sorts, another; and in this fignification it is of two forts, Trespass general, otherwise termed trespass wi by armin; and Trespass special, otherwise called Trespass upon the Case; and this seemeth to be without force, howbeit sometimes they are consounded. How to distinguish the forms of these Writs or Actions, see F. N. B. fol. 86, 87. In an Action of Trespass, the Plaintist always sues for Damages, or the value of the hurt done him by the Desendant. There is also Trespass local, and Trespass transitory. Trespass local is that which is so amexed to a place certain, that if the Desendant joyn issue upon the place, and traverse the Defendant joyn issue upon the place, and traverse the place only by faying ab/q; boc, that he did the trespals in the place mentioned in the Declaration, and aver it, it is enough to defeat the Action. Tiespass tran-fitory, is that which cannot be defeated by the Defendants traverse of the Peace, because the place is not material; but Actions of trespass quare claujum fregiri ought to be local, Bracton, lib. 4. cap. 34. num. 6. di-vides Transgressomem in Majorem of Minorem. See also New Book of Entries, verb. Trespass.

Trespassants, Is used by Britton, cap. 29. for Pas-

Er Trestonare, To turn or divert another way; cessimus etiam quod eres curpare pessit viam qua se extendit à Kenelmeton versus Huntedon per quandam partem bosci de Buggeden.

S. Mi.

TR

S. Michaelis usq, ad Festum S. Andres treuva (i.e. pax) erat in villa. Siquis eam infregisset inde Prepositus Regis accipiebat communem en endationem. Lib. Domes-dei. Chench. Dovere. — Pax dei, qua vulgo Trevia -Pax dei, qua vulgo Trevia dicitur, sicut ipse Princeps Guillelmus eam in initio constituerat sirmiter teneatur. Constit. Norman. A. D. 1080. — Item diximus de treuga quod si aliquis vul-nerat aliam, Gr. treuga vero durat à die Mercurii postero usq; ad diem Luna mane. Cart. Dat. A. D. 1105. in Brady Append. Hist. Engl. p. 44. Tttal, Triatio, Is used for the Examination of all

Causes civil or criminal, according to the Laws of the Realm, before a proper Judge; of which there are divers kinds, as matters of Fact shall be tryed by the Jurors, matters of Law by the Justices, matters of Record by the Record it self. A Lord of Parliament upon an Indictment of Treason or Felony, shall be tryed without any Oath by his Peers upon their Honours and Allegiance; but in appeal at the Spit of any Subject, they shall be tryed per honos of legales homines. If ancient Demesse be pleaded of a Mannor, and denied, this shall be tryed by the Record of Doomsday. Bastardy, Excommengement, lawfulness of Marriage, and other Ecclesiastical Matters, shall be tryed by the Bishops Certificate. Of the ancient Manner of tryal by Combate and great Affife, see Combat and Assife. See also Stamf. Pl. Cor. cap. 1, 2, 3. And twelve men. Triatio est exastissima, litis contestata, coram Judice per duodecem-virale Sacramentum ex agitatio, Pat. 3 R. Joh. m. 3. in fidelitate Leulini. Statuitur de triatione differentiarum, disti Leulini, &c.

Tribuch and Trebuchet, Terbichetum, A Tumbrel or Cuckingstool; Hec omnia concedimus Den de Ecclesia Santi Albani cum Soca of Saca on Strond & Streme, on actude & feld. Toll de Teym, Tribuch, Hamsoken, Murdre, Forestal, dec. Carta Joh. Regis, Dat. 11. Jun. Anno Regni 1.

Tribing and Trithing, Trithing a contains three or four Hundreds, or the third part of a Shire or Province: Also a Court held within that Circuit, which was the same we call a Court Leet, which is above a Court Baron, and inferior to the County Court. Court Baron, and interior to the County Court. See Cambden, pag. 102. Breve de Attornato de loquelis, adyc. Regist. 266. Provisum est quod quilibet liber homo libere possit facere Atturnatum suum ad loqueles prosequendas dy defendendas motas in trithingis, Comitatibus, Warpentachis dy alis Curiu sine breve nostro, Sur le Statute de Merton, cap. 10. Fiat autem visus Francii Plegii sic, viz. quod pax nostra teneatur dy quod trithinga si interva. sicut este consuevit. Mag. Charta. cap. 26. ga fit integra, ficut effe confuevit, Mag. Charta, cap. 36. See. Fleta, lib. 2. cap. 61. Sect. Final. do Origin. Juridit. fol. 26. See Lath. See Pupilla oculi; part. 5. cap. 22. and Roger Hoveden, parte pofter. fuor. annal. fol. 246.

Tricennalia, Trentals, Months minds or Maffes faid for the dead during thirty Days, or one Month after their decease.—Inhibemus quoq, districtius ne aliquis Recto Ecclesia faciat bujusmodi pactum eam suo after their decease. Sacerdote, videlicet, quod ipse Sacerdos prater catera fipendia poterit recipere Annualia ut Tricennalia. Con-stitut. Rob. Episc. Linc. Apud. Append. ad Fasticul. p. 411.

Tribingmot, The Court held for a Triding or Tritbing. In the Charter of Hen. 1. to the Church of St. Peter in York. Nemo de terra Canonicorum S. Petri Wapentacmst, nec Tridingmot nec Shirefmot sequebation, sed calumpnians vel columpniatus ante bosti-um Monasterii S. Petri restitudinem Grecipiebat Gr -MS.

Eringum, A Trithing, or Jurisdiction of three Hundreds.--Similiter in quinq; centuriatibus, dimidio de Wiebelave, do uno do dimidio de Dyrham do in trijugo de Wines-tune. Hittor. Eliens. edit. Gale. lib. 2. cap. 2. See Triumvir.

Eresmel of bouble soled shooes, 2 & 3 E. 6. cap. 9. It should rather be written Creswel, fignifying the broad edge of the shoot-sole round about

Trinity house, Is a House at Deptford, which belongs to a Company or Corporation of Seamen, that have Power, by the King's Charter, to take knowledge of those that destroy Seamarks, and to redress their doings; as also to correct the Faults of Sailors, Ge. and to take care of divers other things belonging to Navigation, and the Seas, Anno 8 Eliz. 13. and 35 Eliz. 6.

Trinke, Is a kind of Net to catch Fish withal, Anno

H. 6. cap. 15.

Triours, Are such as be chosen by the Court to examine whether a Challenge made to the Pannel, or any of the Pannel, be just or no, Bro. tit. Challenge, fol. 122. and Old Nat. Brev. fol. 158.

Trinoda Recessitas, A threefold necessary Tax or Imposition, to which all Lands were subjected in the Saxon times, i.e. toward the repairing of Bridges, the maintaining of Caftles or Garisons, and an expedition to repel invading Enemies. In the Grant and Conveyance of Lands, they were many times exempted from all other Secular Service. Excepta trinoda necessitate--Exceptis bis tribus, expeditione, Pontis & Arcis constructione. Paroch. An-

tiquit. p. 46.

Criroda terra, A quantity of Land containing three Rods or Perches. Dedit unam trirodam tera arabilis, qua est fosera cum pertinentiis in Staum-

Trifta, A post or Station in hunting. quo Rex cum cateris superior constitisset, secundam legem venandi, quam vulgus tristam vocant, singulis proceribus cum suis canibus singula loca delegat, syc. X Scriptor.

f. 307.

Triftis, Triffris of Trifta, From Tratit, i. Truft, Is an immunity, whereby a Man is freed from his attendance on the Lord of a Forest, when he is different within the Forest, and shall not be posed to chase within the Forest, and shall not be compelled to hold a Dog, follow the Chace, nor fland at a place appointed, which otherwise he might be under pains of Amerciament, Manwood, part 1.
pag. 86. Et fint quieti, &c. de Chevagio, Hondpeny,
Buckstall, & Tristis, & de omnibus misericordiis, &c.
Priviled. de Semplingham, & Inst. fol. 306.

Triumbir, A Triting-man, or Constable of
three Hundreds.—Nec mora adest Thord. cum

Centurioxibus & Triumviris & Pratonibus. Histor.

Eliens. cap. 42.

Charthing. See Tribing, 2 Inst. fol. 99.
Cronage, Tronagium, 18 a Custom or Toll taken for weighing of Wool. Fleta, lib. 2. cap. 12. sect. Item Ulnas, lays, That Trona is a Beam to weigh with, mentioned in Westm. 2. cap. 25. 3 And indeed Tronage was used not only for the Custom or Toll in the weight of Wool, but for the weighing of it in a Staple or Publick Mart, by a common Trona or legal Standard. This Trona or Beam for the Tronage of Wool, was fix'd at Leaden-Hall in London.

Tronatez, From Trona, i. statera, An Officer in the

City of London, who weighs the Wool that is brought thicher. See his Oath in the Book of Oaths, fol. 231.

Croper, Troperiam, Troparium, A Book of alternate turns or refornies in finging Mass, call'd by Lindwood, Liber sequentiarum. Thomas Becket Archibishop of Canterbury pleaded—Nulla justitia, defuit Inhami in suria mea. Sed into Constitution and Secretary and Secretary Constitution. Johanni in curia mea, sed ipse (nescio cisus consilio, an propria voluntatis motu) attulit in curia mea quendam Toper, (it ought to be Troper) by juravit super illam, quod ipse pro defesta sustitua à consume recessit—R. de Hoveden Hist. p. 283.

Trug, Truega, Fr. Trucie, a Sow. ram cum restauramento unius porcaria de decem truis de uno verre. — In another Charter — de decem sui-bus de uno verre. Cartular. Abbat. Radinges, MS. fol.

93. b. Crober, Cometh of the French Trover, i. invenire, Is an Action which a Man hath against one, that having found any of his Goods, refuleth to deliver them upon demand. See the New Book of Entries, verb. Trover. Actions of Detinue are of late much turned into Actions upon the Case, Sur Trover of Conversion,

Preface to Roll's Abridgment.

Trop-weight, Pondus Troja. See Weight. Trunk or wooden Box, set in Churches to receive the Oblations of pious and welldisposed People; of which, in the times of Popery, there were many at several Altars and Images, like the Boxes, which fince the Reformation, have been placed night the Church-door, to receive all voluntary contributions for the Poor .--Colle&um Jerosolymitanorum usibus destinandum truncus in singulis Ecclesis adalta sera conclusit. Rad. de Diceto sub anno 1166. These customary free-will Offerings that were dropt into these Trunks or Boxes, made up a good part of the Endowment of Vicars before the Reformation, and thereby, as in many other respects, made their condition then better, than in later times. In the Ordination of the Vicaridge of Lancaster, by Henry Bowet Archdeacon of Richmond, 1 March 1430 Vicarius habebit—panis benedicti emolumenta secun-dum consuetudinem dicta parochialis Ecclesia de Lancastr. Vicarius habebit-Oblationes quascung, ad truncos tam in dista Ecclesia de Lancastr, quam alibi infra parochiam ipsius Ecclesia fastas.—Collectan. Marth. Hutton S. T. P. ex Registris Archid. Richmond. M. S.

Trug, Très Truggæ frumenti vel avena faciunt 2 Busels infra Prebendam de Hunderton in Eccles Heref. MS. de temp. E. 3. And at Lempster at this day the Vicar has Trug-corn allowed him for officiating at some. Chappels of Ease (as Stoke and Dorkelay) within that

Truffa, A Trufs or Bundle. Among the customary services done by the Tenants in Chelesworth. -In vigilia S. Edmundi mittent pro infirmu in Eleemosinaria sex rationabiles trussas straminis, de in vigilia Natalu Domini sex trussas, do in vigilia Pascha sex trussas.

Ex Cartular. S. Edmundi, MS. f. 410.

Paulyn de Sansto Edmundo salutem. Concessi redditum meam de Ricardo Piknot Spicero viij. den. per annum pro cufta sua ubi manet - & de Rogero Filio Ricardo Carpentarii iij. sol. per ann. pro tutta sua ubi manet in Hosenemanstrete. — Ex Cartular. S. Edmundi, MS. Holenemanstrete.-

f. 186 Euggæ, Ropes or Harnels, or Traces for drawing, from Say, getogan, to tug, or pull, or draw. In ferramentis ad carrucas emptis iis. fol. ij. den in carucia per vices emendandis iv. den in jugis de tuggis ad idem empejs ix. den .— Consuetud. domus de Farenidem emptis ix. den.-

don, MS. f. 16.

don, MS. J. 16.

Tumbrell, Tumbrellum, Turbichetum, Is an Engine of Punishment, which ought to be in every Liberty that hath view of Frank-pledge, for the Correction of Scolds and unquiet Women, Kitchin, fol. 13. See Cuchingstool, New Book of Entries, Franchije 2. Et quowarranto 1, Item si aliquis qui in libertatem nostrorum admissione fuerit. Secrite aliquod delictum, ver quod ad vanam missus fuerit, fecerit aliquod delicium, per quod ad penam publicam seu vile Judicium, ut ad Collistrigium vel tumbrellum, vel aliquod aliud bujusmodi adjudicatus fuerit, pro perjuro reputabitus, des ipso facto amittet libertatem juam, MS. Codex villa Montgom. fol.,

Eun, Is a Measure of Wine or Oyl containing twelve score and twelve Gallons, 1 Rich. 3. cap. 12. 2 H. 6. 11. and 12 Car. 2. cap. 4. A Tun of Timber

is forty solid Feet, a Load sifty.

Tunnage. See Tonnage. It began in the five and fortieth year of Edw. 3. Cottoni Postbuma, fol. 172. See 4 Inst. fol. 32.

Tungrebe, A Reeve or Bayliff, Qui in villis (que dicimus Maneriis,) Domini personam justinet ejusque si-

ce omnia disponat of moderatur. See Spelman. Turbary, Turbaria, From turba, an obsolete Latin word for a Turf: Is a right to dig turves on another Man's ground, Kitchin, fol. 94. And Common of Turbary is a liberty which some Tenants have by prescription to dig on the Lord's Wafte. Turbaria is also taken sometimes for the Ground where Turves are dig-And you shall find an Assise brought of Common of Turbary in 5 Aff. Pl. 9. for 7 E. 3. fol. 43. & They likewise used turbus for the Turf, and Turbarius for the Turfary. John de Gray, Bishop of Norwich, grants the Monks of that Church this liberty within his Mannor of Flmham The fadicate per viewm within his Mannor of Elmbam, Ut fediant per vigum G liberationem servientium illius turbos in turbariis ejus in usus necessarios in domo sua prepria apud Elmbam sine wasto turbarii dy sine omni venditione turbarum. Ex Registr. Ecclesia Norwic.

Turmerick, Turmerica, Is the Root of an Herb growing in Arabia, Medicinal against divers Diseases in Horses, and sometimes used for a Man also in case

in Horles, and Iomenmes used for a Man also in case of the yellow Jaundice. It is reckoned among the garbleable Drugs, Anno I Jac. cap. 19.

Turn, Turn, Is the Sheriffs Court kept twice every year, viz. within a Month after Easter, and within a Month after Michaelma, Magna Charta, cap. 35. and 3 E. 3. cap. 15. From this Court are exempted only Archbishops, Bishops, Abbots, Priors, Earls, Barons, all Religious Men, and Women, and a Barons, all Religious Men and Women, and all such as have Hundreds of their own to be kept, Anno 25 H. 3. cap. 10. Britten, cap. 29. calls it Turr, id est, ambitus, circuitus: Itis a Court of Record in all things that, circuitus: It is a Court of Record in all things that pertains to it. It is the King's Leet through all the Country, and the Sheriff is Judge, and this Court is incident to his Office. See Grom. Jur. fol. 230 and 4 Infl. fol. 260. See Fleta, lib. 2. cap. 52. and Mirrour of Juft. lib. 1. cap. De turnes.

Turney or Tournament, Turneamentum, Comes from the Krench Tourney. Description and fimiliary

from the French Tourney, i. Decurforium, and fignifies a Martial Exercise of Knights or Gentlemen fighting on Horseback one with another in disport, and is thus defined, Torneamenti dicuntur nundine vel ferie in quibus milites ex condicto convenire de ad oftentationem virium suarum de audacia, temerè congredi solent. This word is used in the Statute Anno 24 H. 8. 13. But

the thing it self is now totally disused.

Eurnetum, Tornetum, A Tax or Acknowledgment paid to the Sheriff for holding his Turn or Coun-Abbas dy Conventus dy Homines sui sunt ubiq; quieti de torneto, sed que Warrante nesciunt.

Chartular. Abbat. Glaston. MS. f. 87. a.

Eurribulum, Thuribulum, The Incense Pot or Smoaking Pan of Frankincense, used in the publick Devotions of the Church of Rome. common Ornaments of every Parish Church, before the Reformation, was--Turribulum cum navi.-Paroch. Antiquit. p. 598. The Chorifter or Boy who usually carried this Thurible, was call'd Puer thuribularis. And I have heard it a happy conjecture of a most Ingenious Friend, that a treble voice in Musick was owing to the small and shrill some of the Thuribular or Incense-Boy. As the said Boy carrying a little tinkling Bell in one hand, might possibly give the name of treble to the least Bell

Turno Micccomitum, Is a Writ that lies for

those that are called to the Sheriffs turn out of their men.
own Hundred, Reg. Orig. fol. 174.

Tannite, Signifies a Wood grubbed up, and turn-

ed to Arable, Co. on Lit. fol. 4.

Thanights Geste, Hospes duarum malium, If he did any harm to any his Host was not answerable for it, but himself, Hoveden part. poster. surr. annal. fol. 345. See Third Nights awne-binde.

345. See Third Nigots awne-vinue.

Tipel be Men, Duodecim homines legales, Otherwise called the Jury or Enquest, is a number of twelve persons, or apwards, to the number of twenty four, by whose Oath as to matter of Fact all Trials pass, both in civil and criminal Causes, through all Courts of the Common Law in this Realm. First, In civil Causes, when proof is made of the matter in question, then the point of the Fact (that they are to give their Verdict upon) is delivered likewise unto them, which we call the Issue; then they are put in mind of their Oath to do right, and are by the Judges, who fum up the Evidence, fent out of the Court by themselves, to consider upon the Evidence on both sides, until they be agreed, which done, they return to the Court, and deliver their Verdict by the mouth of their Fore-man; according to which (if the mat-cer be not arrested or stay'd by the Court) the Judgment passech. See Glanvile, lib. 2. cap. 14, 15. In Causes criminal there are two forts of Enquests, one called the Grand Enquest, the other the Enquest of Life and Death. The Grand Enquest is so called, either because it confists of fixteen at the least, or else because all Causes criminal or penal pass first through them; whereas the other Enquest is especially appointed for one or few matters touching Life and Death committed to their confideration. Those of the Grand Enquest are called by Bration Duodecim milites, lib. 3. tract. 2. cap. 1. num. 2. Because they were wont to be Knights, if so many could be had: And their business is to receive all Presentments of any Offence, and accordingly to give their Opinion generally, either by writing these words, Billa vera upon the Bill of Presentment, which is an Indistment of the Party presented; or else this word Ignoramus, which is a doubting of the Fast presented. Now as criminal Causes be of two sorts, either capital or finable, so is there a double course of these Indistments; for in Causes only simble, the Party indisted must either capital or finable, the Party indisted must either capital or finable, the Party indisted must either capital or finable, the Party indisted must either capital or finable. for in Causes only sinable, the Party indicted must either traverse the Indictment by denying it, and so it is referred to a Petit Jury, whereby he is either convicted or discharged of the Crime; or esse if he convicted or discharged of the Crime; or esse if he convicted or discharged of the Crime; or esse if he converted in the Crime; or esse if he converted in the Crime; or esse if he converted in the crime is the converted in the converted in the converted in the crime; or essentially and the crime is the converted in the crime is the converted in the crime is the crime in the crime is the crime in the crime is the crime in the crime in the crime is the crime in the crime in the crime in the crime in the crime is the crime in the cri fels it, the Court setteth a Fine upon him without more ado. But in matters of Life and Death, the more ado. But in matters of Life and Death, the Party Indicted is commanded to hold up his hand, and answer, Guilty or Not Guilty, If Guilty, he standeth convicted by his own Confession; If Not Guilty, he is farther referred to the Jury of Life and Death, who consider upon the Proof brought against the Prisoner, and accordingly bring in their Verdict; according to which he is either condemned or acaccording to which he is either condemned or acquitted. Of this read more in Indiament, Affic, Ju-

ry. See the Stat. 35 H. 8. cap. 6. by 37 H. 8. 22. 2 E. 6. 32. and 5 Eliz. cap. 25.

Timelhence, Twibende, Twybind, Twybindman. Under our Saxon Government all Persons had such an estimate or value put upon their head, according to their Quality or Degree, and according to fuch estimation were reduced to their distinct classis, rank or order. The lowest Order was that of the Ceorls or Husband-men, who were valued at 200 Shillings, and call'd Twibunde-men: The middle that of the lefter Thanes or Free-holders, who were valued at 600 Shillings, and thence call'd Syxhundnemen. The highest that of the Thanes or Noblemen, who were rated at 1200 Shillings, and call'd twelfhunde-

For which, fee the Laws of King Alfred, cap 12, 30, 31, 32. and of K. Hen. 1. cap. 76. and 87. Siqua Lucia vel ordinata persona, aut essum quis-piam qui patria lingua Twelfhende vel Twihende nominatur aliquam adversus Ecclesiam hanc voluisset calumniam machinari. Hift. Ramese Edit. Gale, cap. 57-

Epitotth, Is a British word signifying, Familia, Famulitium, Tribus, and is derived either from Esle, i. e. locus ubi stetit domus vel locus ædificandæ domui aptus, or else from Tylath, which fignifies Trabs, tignus; In the first derivation it fignifies a place whereon to build a House, and in the second a Beam in the building. And Tylibith is a Tribe or Family branching or issuing forth of another, which we in our English Heraldry call Second or third Houses: So that in case the great Paternal Stock branched it self into feveral Evimiths, or Houses, they carry no second or younger House his Eplimith farther; and the use of these Tylmiths was to shew not only the Originals of Families, as if their work had been meerly to run over a Pedigree, but the several distinctions and distances of Birth, that in case any Line should make a failure, the next in degree may make an unconfounded use of their Interest, according to the Rules of Partition in Gavelkind.

Tyhtlan, Accusation, Impeachment, or Charge of any Trespass or Offence. As in the Laws of King Ethelred, cap. 2. Nec componat aliquis pro ulla tyht-lan, si non intersit testimonium Prapositi Regis. There is a mistake in the Laws of R. Canthe, as published by Brompton, cap. 36. Siquis amics destitutus vel alienigena ad tantum laborem venerit, ut plegium non ha-heat, in prima thilac (it ought to be tyhtlan) id est accusatione ponatur in carcanna, & ibi sustineat donec ad

Dei judicium eat.

Timber of Bhing, Is forty Skins, Book of Rates. fol. 18.

Tympeny, Abbas of Monachi Rading .de tributu & lastagiu & stallagiu de Thetbingpeny & Tympeny, de summonitionibus de assis de super assis, &c. In Memorand. Scac. de Anno 20 E. 3. inc. Re-

cord. de Trin. Rot. 3. It is elsewhere written Tympeny. Mon. Ang. 1. par. fol. 419.

Tyne, — Puer quidam submersus in vase aquario quod Gallice Tyne vocatur. — Liber de Miraculis Tho. de Consilius Fris Marganin Mo. culis Tho. de Cantilup. Episc. Hereford. MS. penes D. D. Will. Glynne Baronettum.

Is a numeral Letter, and flands in reckoning for five; And among the ancient Romans was usually written alone as a Prenomen, as M.V. for Marcus Valerius, and the like; whereof, among Latin Writers, you may find plentiful Examples.

Caria, A void place, or waste ground. Dedimus omnia dominica nostra que sunt in Com. Lanc. cum vacariis de forestiu de Wiresdale de Lounsdale. Me-morand. in Scaccar. Mich. 9. Ed. 1. by Sir John

Maynard.

Ecclesiastical Benefice that shall hereafter happen. As prima vacatura, the first voidance, proxima vacatura, &c.

Macation, Vacatio, Is all the respective time betwixt the end of one Term and the beginning of another. When such times began and ended in our Ancestors days, see Roger Howeden's Annals, part. poster. fol. 343. where you shall find that this intermission

was called Pax Dei & Ecclesie. the death of a Bishop, or other Spiritual Person, till the Bishoprick, or other Dignity, be supplied with another, is called Vacation, Westim. 1. cap. 21. 6 14

E. 3. cap. 4, 5. See Plenarty.

Garacca lactearta, A Milch-Cow.— Ei praterea ad tres vaccas lactearias & ad unam Palefridum in mea dominica pastura. Reg. Priorat. de Wormley, M. S.

Cachibia, A Vachary, a Dairy. unam carucatam terra— - Gunam vachiviam de 40 vaccis cum sella earum per tres annos, & pasturam ad 500 Oves cum secta earum per tres annos, Mon. Angl. Tom. 3. p. 15.

Maccarius, The Cow-herd, or Herds-man, who looks after the common Herd of Cows. See his Office described in Fleta, lib. 2. cap. 2. This Officer is still in French call'd Vacher.

Maccary or Macchary, Vaccharia alias Vacheria, Is a House or Place to keep Cows in, Fleta, lib. 2. cap. 41. jest. Item inquiratur 12. Domus sive locus quo vaccæ aluntur vel quo negotium quod ad eas pertinet, perficitur, saith Spelman. A Dairy-house without warrant, no Subject may have a vaccary within the Forest, Cromp. Jur. fol. 194. But in the Stat. 37 H. 8. cap. 16. Vacchary seems to be a special Name of a certain compass of Ground within the Forest of Ashdown.

Maga. See Waga.

Mabium, Wages, Salary, or other reward of Service upon compact or covenant. – Philippus Episcopus Elien. Gc. Noveritu Nos concessisse Waltero Farn-ham— officium custodis palatii nosivi Elien.— G 11 denarios per diem pro vadiu suu pro officio supradicto.— Dat. 1. Apr. 7. H. 6.—— Ex Cattulario Eccl. Elien. Dat. 1. Apr. 7. H. 6. Ex Cartul MS. penes Job. Episc. Norwic. f. 56.

Der Madium ponere, Totake Security, Bail, or Pledges for the appearance of a Delinquent in some Court of Justice.-– Edwardus Rex Vicecomiti Oxen. Salutem, Pracipimus tibi sicut alias tibi Pracepimus quod ponas per vadium & jalvos plegios Johannem

de Burey. Paroch. Antiquit. p. 334.

alabum, A Ford, or wading place, and are to Ford or Wade over. Vadibilis, Fordable or Pallable.

In vadio exponere, To pawn, or leave any Equivalent as a Pledge or Surety, of returning Money berrowed or owing in vadiam ponere, has the same

Madium mostuum, Literally a Mortgage, Lands or immoveable Goods to pawn'd or engag'd, to the Creditor, that he has a right to the mean Profits for the use of his Loan or Debt. See Glanvile, lib. 10. cap. 8.

Catabiare duellum, To wage a Combat that was, when a Person challeng'd any other to decide a Controverse by Camp Fight or Duel, and threw down a Gantlet, or the like sign of Defiance, which if the other took up, this was vadiare duellum, as it were to

give and take a mutual pledge of fighting.

Malet or Madelet, Valettus vel valella. Qui juxta Dominum Vadit seu ministrat. It is a French word: A Servitor or Gentleman of the Privy Chamber, according to Camden: In the Accounts of the Inner-Temple, it is used for a Bencher's Clerk or Servant. The Butler of the House corruptly calls them Varlets: In the Register of Writs 25. Valettus. If the Sheriff be a Vadelect of the Crown, &c. Co.on Lit. fol. 156. Valet was anciently a Name specially denoting for Valet. young Gentlemen, though of great Descent or Quality, but now given to those of the rank of Yeomen, Sell den's Titles of Honour, fol. 831. See Kennett's Gloslary in Valettus.

Also the time from Nicely distinguishes between Value and price: His words are thele, The value of those things in which Offences are committed, is usually comprised in Indictments, which seems necessary in Theft to make a difference from Petit Larceny, and in Trespass to aggravate the Fault, and increase the Fine: But no price of things, fera natura, may be expressed, as of Deer, Hares, Ge. if they be not in Parks and Warrens, which is a liberty, Anno 8 E. 4 fol. 5. nor of Charters of Land. And where the number of the things, taken are to be expressed in the Indistment, as of young Doves in a Dove-house, young Hawks in a Wood, there must be said (pretii) or (ad valentiam) but of divers dead things ad valentiam, and not pretii, of Coin not currant, it shall be pretii; but of Coyn currant it shall neither be said pretii nor ad va-

lentiam, for the value and price thereof is certain.

Malue of Matriage, Valore moritagii, Is a Writ that lies for the Lord, having proffered covenable Marriage to the Infant, without disparagement, if he refuse to take the Lord's offer, to recover the value of the Marriage, Reg. Orig. fol. 164. Old Nat. Brev. fol. 90. See Palmer's Case, Go. lib. 5. fol. 126. and

the Statute 12 Car. 2. cap. 24

Chana, In the Ordination of the Vicarage of Ayskerth, made 27 Apr. 1423 .- Vicarias percipietacras terra in campis de Ayskerth prope eandem Ecclesiam constitutes prout jacent in eisdem camps de Ayskerth simul in longitudine ab extremitate orientale de le Mankestete versus, occidentem & le Gille usque vanam fore ujque ad Midilkenel in le Sour myre eynge, dyc. Col-lectan. Matth. Hutton S. T. P. ex Registris Archid. Richmond.

Tanga, A Spade or Mattock, or Tool for dig-– Unde falum est ut Rustici impetiti vangis G ossarius assuete armu militaribus gloriarentur inviti,

Gervas. Dorobern. sub anno 1198.
Alantarius, Pracursor, As Vantarius Regis, the
King's Fore-footman: Richardus Rockesse miles tenebat terras Seatonia per Serjantiam esse Vantarium Regis in Gascoigne, donec perusus juit pari solutarum pretii 4 d. i. dum trivisset par calceorum pretit 4 d. Rot. de finibus, Term Mich. 2 Ed. 2.

Manys, Sax. Fana. Lat. Vannus. Vane, a versatile Ornament on the top of a House, or other Building, to shew the turning and setting of the -Cum duobus ventilogiis videlicet vannys de Tyn emptis de fabro de Cterlton ponendis super utrumque sinem pradicti dormitorii v. sol. ij. den. Paroch. Anti-

quit. p. 575.

Mariance, Variatio, Signifies an alteration, or change of condition, after a thing done: As the Commonalty of a Town make a Composition with an Abbot, and after obtain Bayliffs by Grant from the King. In this Case, if the Abbot commence any Suit for breach of the Composition, he must vary from the word (Commonalty) fet down in the Composition, and use Bayliffs and Commonalty, Bro. tit. Variance, fol. 292. It is also used for an alteration of something formerly laid in a Plea. See Variance in the New Book of Entries.

Marlets, By a repealed Statute of 20 Rich. 2. cap. 2. were used for Yeomen or Yeomen Servants. Varletts, and the Stat. 3 Car. 1. cap. 4. Will. Hunt Varlets del Chambre nostre Seigneur le Roy. Claus. 12 Rich. 2. M. 43. in Dorso. I suppose it miswritten

pears by a Par. I H. 3. in Dorso M. 13. Concordia inter Regem & Radulphum de Normanvil, viz. quod Radulphum de Rocadum & Radulphum de R Malue, Valentia, Valor, Is a known word, yet tes silios suos, quamdiu guerra sua duraverit, per sic West in his Symbol, part 2. tit. Indistments, sect. 70 quod Rex ei remittat 200. Marca qua debebant Regi Johanni

Johanni de fine pro redemptione dieti Geroldi & per sic deteretur; Thomas filius di la Radulphi Valettus in custodia Regis, qui similiter morabatur in servitio Regis cum pradicis Geroldo Radulpho fratribus suis.

Massal, Vassallus, Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe Fidelity and Service, and are called Vassalli Jurati. Shene de verbor. Signif. verb. Ligeantia, saith, That Vassallis is divided into Homologum of non Homologum. Homologus is he that sweareth Service with exception of a higher Lord, and non Himologus is he that Iweareth without exception, all one with Ligem. And the same Author, verb. Vassallus, saith, That it is Vassalus quasi Bassalus, i. inferior socius, because the Vassal is inferior to his Master, and must serve and reverence him; and yet he is in a manner his Companion, because each of them is obliged to the other.

Masseria, Vassalage, or tenure of Vassals.

Thato, is a Writ that lies for the Heir against the Tenant tor term of Life, or of Years, for making Waste, or for him in the Reversion or Remainder, F. N. B. fol. 55. Reg. Orig. fol. 72. by 76. and Reg. Judic. fol. 17. 21. 23. by 69. Vide 6 E. 1. cap. 5.

the Carrle of all Tenants who have a right of Commoning. — Thomas de Fekenbam debet Regi quinque marcas ly unum palefridum, sic quod inquisitio siat utrum mem-brum illud de manerio de Buhal quod idem Thomas tenet debeat participare de vasto manerii de Brubul ratione communis ejusdem manerii in qua commune nihil habent ut dicunt. Paroch. Antiquit. p. 171.

Cataltum foresta bel bolci, That part of a Forest or Wood, wherein the Trees and Underwood were so destroy'd, that it lay in a manner waste and barren. Sciatis quod de vastis nostris in foresta nostra de Bernewode in Com. Buck. dedimus, Gc. Paroch. Antiquit. p. 351. Si boscus Domini de Pidinton abeat in vastum, tum acquietabunt Dominum pro dictis bousbote de heybote, ib. p. 497.

Mabaso2 alias Malbaso2, Is one that in Dignities is next to a Baron. Camb. Brit. pag. 109. Bration, lib. 1. cap. 8. says thus of them, — Sunt & alii potentes 1. cap. 8. says thus of them, — Sunt G alii potentes
Rege, qui dicuntur Barones, boc est, robur Belli: Sunt
G alii qui dicuntur Vavasores, viri magna dignitatis.
Vavasor enim, nibil melius diei poterit quam vas sortitum ad valetudinem. And Cambd. pag. 188. says, Primis etiam Normannorum temporibus dy Thani proximi a Comitibus in dignitate censebantur, dy Valvasores majores (si illis qui de feudis scribunt, credimus) iidem fuerunt Barones. See more largely of these in Spelman's Glossary.

Wabasozy, Vavasoria, The Lands that a Vavasor held · Quod dicitur de Baronia non est observandum in Vavasoria vel aliis minoribus feodis quam Baronia, quia caput non habent sicut Baronia, Bract. lib. 2. cap. 39.

Meale money or Meale noble money, The Tenants of one of the Tythings within the Mannor of Bradford in Wiltshire, pay a yearly Rent by this Name to their Lord, the Marquels of Winchester, which is in lieu of veal paid formerly in kind.

Mejours, Vifires, May be derived from the French Veoir, videre, intueri, are such as are sent by the Court to take view of any place in quettion, for the better decision of the Right, Old Nat. Brev. fol. 112. So likewise Bratton uses it, lib. 5. tratt. 3. cap. 8. It fignifies also such as are sent to view those that Esfoin themselves de malo lesti, whether they be in truth fo fick as they cannot appear, or whether they counterfeit, Brad. lib. 5. trad. 2. cap. 10 & 14. Lastly, It is used for those that are appointed to view an Offence, as a Man murthered, or a Virgin ravished, See

which Dogs in Germany are call'd Welters, in Italy Veltro's, in France Viautres, Vautres .-Criol tenuit manerium de Setene in Com. Cant. per servitium inveniendi unum Veltrarium qui tres canes duccret in vasconiam quoties Rex transfretaret. -Tenures, p. 9. The corrupted word Feuterer is still in some parts of England used for a Dog-keeper.

E

Meltratia, Ministerium de Veltraria, The Office of Dog-Leader or Courier. -- Henricus de la Mura reddit compotum de 28 l. 6 s. 8 d. pro ministerio Patris

Sui de Veltraria. Rot. Pip. 5. Sreph. the Exercise of Hunting, but more often for the prey taken, or Venison. If any hunt without License within the Liberties of the King's Forests, a severe penalty was impos'd at the next Swain-more; which Fines and Amercements were not allow'd to the Forester, but commonly referv'd to the King. So when William Fitz-Nigel enjoy'd feveral Privileges as Forester of Bernwode, it was -– Exceptis indi&amentis de viridi G venatione, que Domino Regi omnino reservabantur .-Paroch. Antiquit. p. 73.

ar Melum quadageffmale, A Veil or piece of Hanging drawn before the Altar in Lent, as a token of mourning and forrow. -– Item ad quodlibet altare cum contigerit missam inibi celebrari, fint super pellicea duo, & unum rochetum; velum quadragesimale, velum nuptiale, palla mortuorum, &c. Synod. Exon. anno

1217. cap. 12.

Menditioni erponas, Is a Writ Judicial, directed to the Under-Sheriff, commanding him to fell Goods which he hath formerly by Commandment taken into his hands, for the satisfying a Judgment given in the King's Court, Reg. Judic. fol. 33. and anno 14 Car. 2.

Many the Person who exposed to Sale those Goods and Chattels which were seized or distrain'd to answer - Philippus de Lardiner any Debt due to the King. clamat effe Venditorem Domini Regis de feodo in Com. Ebor. de omnibus rebus que vendi debent pro debito Domini Regis, vel etiam pro Auro Regine: ita videlicet quod ipje vel certus suus Attornatus ibit ad mandatum Vicecomitis de loco in locum infra Com, sumptibus suis ad pradictas venditiones faciendas; de capiat de unaquaque venditione pro feodo suo axxii. den. Quo Warrant. Ebor. temp. Ed. 1.

Memire factas, Is a Writ Judicial directed to the Under-Sheriff, and goeth out of the Record, and lies where two Parties plead, and come to Issue; for then the Party, Plaintiff or Defendant shall have this Writ directed to the Sheriff, to cause twelve Men of the fame County to say the truth upon the Ishe taken. And if this Enquest come not at the day of the Writ returned, then shall go a Habeas Corpora, and after a Diftress, until they come. Old Nat. Brev. fol. 157. See how diverfly this Writ is used in the Table of the Register Judicial. There is also a Writ of this Name, that is Original, as appears in Reg. Orig. fol 200. Which Lamb. in his Processes annex'd to his Eirenarcha, says, is the common Process upon any Presentment, being Felony, nor specially appointed for the Fault presented by Statute, whereof he sets down an exam-ple in the same place. See also the New Book of En-

tries, verb. Enquest, fol. 253. and 35. H. 8. cap. 5.

Cleutre factas tot matronas. See Ventre inspiciendo, and Lamb. Eiren. lib. 4. cap. 14. pag. 532.

Cleuttartum, The Hymn Book or Plaker,

wherein the Pfalm Venite exultemus Domino was wrote with mufical Notes, as it was to be fung at the beginning of Matins. In the Statutes of the Cathedral Church of St. Paul's in London, it was Ordained, Ut

L 1 1 Vicarii Vicarii de novo recepti & in posterum recipiendi singulis diebus infra annum probationis sue unum Nocturnum Psalterii ita dicant do attente do ympnarium ac commu-n:m Sanctorum historiam, Invitatoria, do Venivarium, adeo diligenter interea repetant quod ea corde tenus otius haheant. Liber Stat. Eccl. Paul. MS.

Gentozium, AWind-Fan for winnowing Corn. -Idem computat in panno ad saccos do ad vencorium empto iij. sol, vi. den--Consuetud. domus de Fa-

rendon, MS. f. 16.

Mentre inspiciento, Is a Writ for the search of a Woman that saith she is with Child, and thereby with-holdeth Land from him that is next Heir at Law,

Reg. Orig. fol. 227.

De bentre inspiciendo, Form and Process of Thomas de Aldham of Surry, Brother of Adam de Aldham, claim'd his said Brother's Estate, but Joan Widow of the said Adam pleaded she was with Child; whereupon the said Thomas obtain'd this Writ of the King to the Sheriff.--Quod assumptis tecum discretu G legalibus militibus G discretis G legalibus mulieribus de comitatu tuo in propria persona accedas ad ipsum Johannem, dy ipsam à prædictis mulieribus coram prefatu militibus videri facias do diligenter trastari per ubera dy per ventrem, dy inquisitionem fa&am certificari facias sub sigillo tuo dy sigillo duorum Militum Iustitia-riu nostris apud Wellm. T. M. de Pateshal apud Westm.

xv. Feb. Claus. 4 H. 3.

Usenue or Usenew, Vicinetam alias Visnetam, Is taken for a Neighbouring place, Locus quem vicini ba-bitant. For example, Twelve of the Affile ought to be of the same venew where the demand is made, Old Nat. Brev. fol. 115. and Anno 4 H. 4. cap. 26. and 25 Hen. 8. cap. 6. 3nd also that return in every fuch Panel upon the Venire Facias fix fufficient Bundzebers at the leaft, if there be fo many within the Hundgred where the Venue lies. Sec Vine.

Merd, See Vert.

Merberoz, Viridarius, From the French Verdeur, i. Custos nemoris, Is a judicial Officer of the King's Forest, chosen by the King's Writ in the full County of the same Shire, within the Forest where he dwells, and is sworn to maintain and keep the Assises of the Forest, and to view, receive and enrol the Attachments and Presentments of all manner of Trespasses of Vert and Venison in the Forest, Manwood, part 1. p. 332. His Office is properly to look to the Vert, and fee it well maintained, Cromp. Jur. fol. 165. His Oath, Fee and Authority, you may see in Mammood, part 1. p. 51. He is to fit in the Court of Attachment, to fee the Attachments of the Forest, to receive the same of the Foresters and Woodwards that present them, and then to enter them into their Rolls.

Macroid, Veredillum quasi dillum veritatis, Is the Answer of a Jury made upon any Cause civil or cri-Anniwer of a jury made upon any Caule Civil of Criminal committed by the Court to their Examination: And this is twofold, General or Special; A General Verdist is that (Stamf. Pl. Cor. lib. 3. cap. 9.) Which is given or brought into the Court in like general terms to the general Issue, as in an Action of Disseiss, then the Issue is general, whether the Fact be a wrong or not, which being committed to the lury, they made Conwhich being committed to the lury, they made Conwhich being committed to the Jury, they upon Consideration of their Evidence come in and say, either for the Plaintiff, that it is a Wrong and Disseisin; or for the Defendant, that it is no Wrong, no Disseifin. A special Verdist is, when they say at large, that fuch a thing and fuch a thing they find to be done by the Defendant or Tenant so declaring the course of the Fact, as in their Opinion it is proved; and as to the Law upon the Fact, they pray the Judgment of the Court: And this special Verdill, if it contain any ample Declaration of the Cause from beginning to

the end, is also called a Verdill at large, whereof read Examples in Stamf. ubi surra, New Book of Entries, verb. Verdia, and Co. on Lit. fol. 228.

E

Merebot, A Packer-Boat, or Transport-Vessel. H. Prior Ecclefia Christi Cant. & Conventus con-

cedunt serenissime Domina A. Regina Anglia Conserti Domini Regis totam custumam o redditum - in villa o portu de Sandwic--Salvo nobis og nastru, item Abbati & Conventui S. Augustini Cant. & corum familia libero passagio in portu pradicto in catello qua dicitur Verebot, salva insuper nobis, eyc. Dat. anno 18 Ed. 1. Ex Registr. Eccles. Christi Cant. MS.

Meredum, According to Doumsday-Book, fignifies

Fallow-ground.

Merecundium, Injury, Trespals, Damage. Ea conventione, ut ipse Calvellus & baredes sui singulus annis dent cellerario 32. sol. pro omni re, præier tres forisfacturos, id est, murdrum do furtum, si ipse Cal-vellus vel baredes sui fecerint, do prater si verecundi-um ipse vel baredes sui fecerint Monachis Ecclesa vel servientibus eorum.• Somner of Gavelkind, page

Merge, Virgata, May feem to come from the French Verger, viridarium, and is used here in England for the compass of the King's Court, which bounds the Jurisdiction of the Lord Steward of the King's Houfhold, and of the Coroner of the King's House, and that seems to have been twelve Miles compass, Anno 13 Rich. 2. flat. 1. cap. 3. F. N. B. fol. 24. Briton, fol. 68, 69. Co. Rop. lib. 4. fol. 47. See also 33 H. 8.

12. Fleta, lib. 2. cap. 4. felt. 1. says, This compass about the Court is called Virgata, à virga quam Marishalus portat ut signum sua potestatis. Verge hath also another signification, and is for a Stick or Rod, whereby one is admitted Tenant, and holding it in his Hand, swears Fealty to the Lord of a Mannor, who for that cause is called Tenant by the Verge. Old who for that cause is called Tenant by the Verge, Old Nat. Brev. fol. 17. and Lit. lib. 1. cap. 10.

Alerge of Land, Virgata terra, 28 Ed. 1. Statute of Wards. See Tard-land.

Mergers, Vingatores, Are such as carry white Wands before the Justices of either Bench, Fleta, lib. 2. cap. 38. Otherwise called Portatores Virge.

Grandz, Some distemper incident to Sheep.

Cui apparuit Dominus Dicens, Filiole, quid fucis bic? dy respondit Domine custodio Oves meas de verolis & claufike---- salventur Oves ista de verolis & clausike dy omnibus aliis instrmitatibus in honore Domini nostri Jesu Christi, Amen. Fragment of a Legend in Con-

fuetud. Domu de Farendon, MS. f. 48. Hery Lozd and Mery Tenant, Veru Dominus de verus Tenens, Are they that be immediate Lord and Tenant one to another, Bro. tit. Hariot. fol. 23. In the Old Nat. Brev. and in the Writ Replegiari de averiis, you may read these words. And know ye, That in taking of Leases, fix things are necessary, that is to say, very Lord and very Tenant, Service behind, the Day of the taking Seisin of the Services, and with his Fee. And that a Man is not very Tenant, until he have atturned to the Lord by some Service. See 19 H. 7. cap. 15. And see Tenant.

Hert, Viride, Is made of the French Verd, viridis,

Otherwise called Green-bue, fignifies in the Forest-Laws every thing that grows and bears green leaf within the Forest that may cover a Deer, Mampood, 2 par. fol. 6. er 33. And it is divided into over-vers and overtiers. Over-vert is that which our Law-Books call which they call Hault Bois, and Nether-vert is that which they call South Bois. And of this you may read Manwood's 2 par. cap. 6. per totum. There is also a Vert called Special vert, and that is all Trees that grow in the King's Woods within the Forest, and all the Trees that grow there in other Mens Woods, if they be such

Trees as bear Fruit to feed Deer; which are called Special vert, because the destroying of such vert is more grievously punished than the destruction of o-ther vert is. See Manwood, cap. 6. num. 2. fol. 35.

Mervife, Otherwise called Plonkets, Anno 1 R. 3.

cap. 8. a kind of Cloth.

Meses, Anno-1 R. 3. cap. 8. and 14 G-15 H. 8.
cap. 11. otherwise called Set-Clothes, most commonly made in Suffolk.

de zij, quarterns fabarum & vesciarum vendit arum. Consuetud. domus de Farendon, MS. f. 16.

Gonnerud. domus de Parendon, 1915. 3-16.

Gonnerud. domus de Parendon, 1915. 3-16.

ground.—Prata depasta sunt, de asportaverunt vestam de alias violentias fecerunt. Hist. Croyland.

Oction. p. 454.

Teet, Vestire, Plenam, possessionem terra vel pradii

tradere, seisinam dare, insendare, saith Spelman.

**Tiestry=men, Anno 15 Car. 2 cap. 5. Are a select number of the chief Parishioners in every Parish within the City of London and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its Concernments; so called, because they usually meet in the Vestry of the Church.

Mesture, Vestura, Signifies a Garment; but in the Law, metaphorically turned to betoken a Possession, or an admittance to a Possession or Seisin; so it is taken in Westm. 2. cap. 25. And in this signification 'tis borrow'd of the Feudists, with whom Investitura signifies a delivery of Possession by a Spear or Staff, and Vestura Possession it self, Hotoman in verb. Feudal.

verb. Investicura.

Garculary of the Abby of S. Edmundbury, MS. f. 182. -Prior recipit annuatim de Cellera io ---- de feono equorum prima veftura (i.e. of the first Crop or Mowing) dues carelles quatuor equorum — de de secunda vestura (i. e. of the second Crop or after-math) dues carellas, dec. The word was often used for a Vest, Vesture, Livery, Delivery, i.e. an Allowance of some fet portion of the Products of the Earth, as Corn, Grafs, Wood, &c. for part of the Salary or Wages to fome Officer, Servant, or Labourer, for their Livery or Vest. So Foresters had a certain allowance of Timber and Underwood yearly out of the Forest for their own use.—Annuatim percipiendum tantum de roberibus & brueriis quantum pro vestura indiguerint.

Paroch. Antiquit. p. 626.

Clefture of an Acre of Land, Anno 14 E. 3. stat. 1.

Is the profit of it. So in extenta Manerii, 4 Ed. 1. it is inquirable, Bow much the Vesture of an Bere is worth, and how much the Land is worth when

the wood is felled.

Metitum Mamium, Namium, Significs a taking or distress, and Vetitum forbidden; as when the Bailiff of a Lord distrains Beasts or Goods, and the Lord forbids his Bailiff to deliver them when the Sheriff comes to Replevy them, and to that end drives them to places unknown; or when without any words they are so eloined, as they cannot be replevied, divers Lords of Hundreds and Courts Baron, have power to hold Plea De vetito namio, in old Books called De vet. 2. Inst. fol. 140. Spelman says it is, Antiqua juris nostri locutio & brevis Regis nomen. See Naam.

Micario deliberando occasione cujuldam Becognitionis, ec. Is a Writthat lies for a Spiritual Per-

fon imprisoned, upon forfeiture of a Recognisance, without the King's Writ, Register of Writs, fol. 147.

The bi Laica amobenda, When the Bishop of a Diocese has certified into the Court of Chancery, that the Rector or Vicar of any Church within his Jurisdiction is kept out of his Manse, or Glebe, or Church, by any Lay-torce or intruding Power; then

may a Writ be granted to the Sheriff, to remove all fuch Violence and Usurpation, which Writ is therefore so called, De vi Laica amovenda .-–Edwardus Rex Vicecom. Oxon. Salutem. Tibi pracipimus quod omnem vim Laicam que se tenet in Ecclesia de Bukenhull, quo minus idem Episcopus officium suum spirituale ibidem exercere possit sine mora amoveas ab eadem. Antiquit. p. 335. See Vi Laica removenda.

Ι

It & armis, The Expression in a Charge or Indictment, to shew the forcible and violent Com-

mission of any Crime.

Tia Regia, The High-way, or Common-road, call'd the King's Way, because authoriz'd by him, and under his protection.—Via Regia tanta vero debet esse ut inibi duo carri sibi possint obviari, & bu-bulci de longo stumbli sui possint assimulare. Leg. Hcn. 1. cap. 80.

Micis & venellis mundandis, Is a Writ that lies against a Mayor or Bayliss of a Town, &c. for the

clear keeping their Streets, Reg. of Writs, fol. 267.

**Titat, Vicarius, The Priest of every Parish is called Restor, unless the Pradial Tithes be impropriated and the called the state of the state o ted, and then he is call d Vicar, quasi vice sungens rectoris. Sciant-quod ego Johannes Webbe perpetuus Vicarius Ecclesia Parochialis de Bromyard, dedi-Dimino David Hay perpetuo Vicario Ecclesia Parochialis de Anenebury duas acros terra, &c. Dat. 8 H. 5. They stiled themselves Perpetui vicarii, because every Vicaridge hath a constant succession, as a Corporation, and never dies. Quidam sunt Perpetui ad Parochiales Ecclesias constituti; Quidam non perpetui, sed ad aliquos allus constituti, ut temporales; & isti dicuntur mercenarii: Quidam sunt speciales, non ad curam sed ad certum locum, articulum vel a&um constituti: Quidam nec perpetui, nec ad curam, nec ad certum altum, sed generaliter dantur ad omnia. See Vocab. utriusq, juris, verb. Vicarius, and Kennett's Glosfary.

Mice-Chamberlain, Called Under-Chamberlain, 13 R. 2. stat. 2. cap. 1. Is a great Officer in Court, next under the Lord-Chamberlain, and in his absence hath the control and command of all Officers whatfoever appertaining to that part of His Majesty's Houshold, which is called The Chamber, or above

Stairs.

Micegerent, Locum-tenens, A Deputy or Lieute-nant, Anno 31. H. 8. cap. 10.
Blice-Treasurer of the Exchequer, 1 Jac. 26.

See Under-Treasurer of England, and see also Treasurer of the Exchequer.

Micenetum. Se Venen.

ditenerum. Se venes.

Alice-dominus, Viscount or Sheriff. See Selden's Titles of Honour, P. 2. cap. 5.

Alice-dominus Episcopi, The Official, Committary, or Vicar-General of a Bishop.

Alice-dominus Abbatiz seu Ecclesz, The

Law-Advocate or Protector of an Abby or Church. Michage, Vieinetum, French Voisinage, Neigh-

bourhood, near Dwelling, Mag. Charta, cap. 14. See

Alcount alias Alicount, Vicecomes, Signifies as much as Sheriff: Between which two words there is no other difference, but the one comes from our Conquerors the Normans, the other from our Ancestors the Saxons, of which see more in Sheriff. Viscount also signifies a degree of Nobility next unto an Earl, which Camden Brit. p. 170. fays, Is an old Name of Office, but a new one of Dignity, never heard of among us till the Reign of Henry the Sixth, who in his Eightenst Vers. in Parliance of Henry the Sixth, who in his Eightenst Vers. mont, Viscount Beaumont: But it is far more ancient in other Countries, Caffan, in gloria mundi, part 5. confid. 55. See Selden's Titles of Honour, fol. 751.

attroutiel, Is an Adjective made of Vicount, and

fignifies

signifies as much as belonging to the Sheriff; as lirits be intended all one, Cro. Rep. 2. par. fol. 263. Wraye's vicontiel, are such Writs as are triable in the County, Case, yet there may be two Vills in one Parish, Id. vicontiel, are such Writs as are triable in the County or Sherist's Court, Old Nat. Brev. fol. 109. Of this kind you may see divers Writs of Nusance set down by Fitzherbert in his Nat. Brev. fol. 184. Vicontiels, Vice-comitilia, are certain Farms for which the Sherist pays a Rent to the King, and makes what profit he can of

them. See the Stat. 33 & 34 H.8. cap. 16. 2 & 3 E. 6. cap. 4. 4 H.5. cap. 2. 6 R. 2. cap. 3. Ulicontiel Bents, Mentioned 22 Car. 2. cap. 6. See Vicontiel. The Vicontiel Rents usually came under the Title of Firma Comitatus, which were written generally sub nomine Vicecom. without expression of the particulars. The Sheriff had a particular Roll of the Vicontiel Rents given in to him, which Roll he delivered back with his Accompts. Vid. Hale of She-

riffs Accompts, p. 40. Clibumus. See Innotescimus, Anno 15 H. 6. cap. 3. Miem, Vijus, Signifies the Act of Viewers; when an Action real or personal is brought, and the Tenant knows not well what Land it is that the Demandant asks, then may he pray the view; which is, that he may fee the Land which is claimed; of this Britton writes, cap. 45. This course of proceeding we have received from the Normans, as appears by the Grand Custumary, cap. 96. 80. 67 96. This view is used as in other cases, so in an Assiste of Rent-service, Rent-charge, or Rent-seck, F. N. B. fol. 178. and in a Writ De Curia claudenda, Ibid. fol. 128. In a Writ of Nusance, Ib. fcl. 183. In a Writ Quo jure, Ib. fol. 128. In the Writ De rationabilibus divisis, b. fol. 129. And in the Writ De secta ad Molendinum, lb. 123. See the New Book of Entries, verb. View, and how this view is made in Fleta, lib. 4. cap. 5. See l'ejours. and Westim. 2. cap. 48.

Alien of Frank-plenge, Visus Franci plegii, Is the

Office which the Sheriff in his County-Court, or the Bayliff in his Hundred, performs in looking to the King's Peace, and feeing that every Man be in some Pledge. This is called by Bratton, lib. 2. cap. 5. num. 7. in fine, Res quasi sacra, quia solam personam Regis, respicit & quod introductus sit pro pace & communi utilitate, lbid. cap. 16. num. 8. See Frank-pledge, Leet and Decennier. Also see the New Book of Entries on

Ut laica remobenda, Is a Writ that lies where debate is between two Parlons or Provisors for a Church, and one of them enters into it with a great number of Laymen, and holds the other out vi dy armis: He that is holden out shall have this Writ directed to the Sheriff, that he remove the force. And this Writ is returnable, and shall not be granted until the Bishop of the Diocese, where such Church is, hath certified into the Chancery such resisting and force. For the feveral Forms of this Writ, fee F. N. B.

fol. 54. and Reg. Orig. fol. 59.

33 Miduitatis protessio, The making a folemn
Protession to live a sole and chast Widow; of which custom in England, the practice and ceremonies at-tending it are well delivered by Mr. Dugdale in his

Antiquities of Warwick shire, p. 319. 6 654.

Tigill, Vigilia, Is used for the Eve or Day next before any Solemn Feast, because then Christians of old were wont to watch, fast and pray in their

Churches. See Anno 2 do 3 E. 6. cap. 19.
Will, Villa, Is sometimes taken for a Mannor, and sometimes for a Parish, or part of it. Villa apud Saxones nostros antiquos Romano sensu accipi videtur pro prædio unius alicujus in rure, cum idoneis ædibus ad reponendos ejusdem frutius honestato. Non autem primitus pro multarum mansionum connexione, qued in oppidis potius expectandum esset & successivis temporibus villis postea introductum est, Spelman. Vill and Parish shall nage could make no Freeman Villain, unless it were

Storke's Case. fol. 120.

Willa Begia, A Title given to those Country Villages, where the Kings of England had a Royal Seat or Palace, and held the Mannor in their own Demesin, and had there commonly a free Chapel, not subjected to Ecclesiastical Ordinary Jurisdiction. So Brill, Com. Buck. was a Villa Regia. So was Hedingdon, Com. Oxon. Grc. Paroch. Ancipute. p. 53.

Willame, Villanus, Signifies as much as Servus among the Civilians. A Man of servile or base de-

gree, from the French Vilain, vilis, or from the Latin Villa, a Country Farm, whereto they were deputed to do Service: Of these Bond-men or Villains, from the French Vilain, vilis, or from the Lathere were two forts in England, one termed a Villein in gross, who was immediately bound to the Person of his Lord and his Heirs. The other a Villain regardant to a Mannor whom the Civilians term Gleba ascriptitium, being bound to his Lord as Member belonging and annexed to a Mannor, whereof the Lord was Owner, Smith de Rep. Anglor. lib. 2. cap. 8. Old Nat. Brev. fil. 8. and Bratton, lib. 1. cap. 6. num. 4. He was properly a pure Villain, of whom the Lord took Redemption to marry his Daughter, and to make him free; and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his Will, and Beat and Chaffife, but not Maim him. There are not truly any Villains now, though the Law concerning them stands unrepealed. We have hardly heard of any Case in Villenage since Crouche's Case in Dyer. And Spelman says, Servorum & Nativorum a-pud nos sublata est condisio, & quas ideo possidebant terras vel pradia, bodie libere tenent sub'antiqua servitutis consuetudinibus. See Kenett's Glossary.

Millanis Begis fubtradis reducendis, IsaWrit that lay for the bringing back of the King's Bondmen, that had been carried away by others out of his Man-

nors, whereto they belonged, Reg. Orig. fil. 87.

Millein fleeses, Are Fleeces of Wool, that are thorn from scabbed Sheep, 31 E. 3. cap. 8.

Milleinus Judgment, Villanum judicium, Is that which casts the Reproach of Villany and Shame upon which calls the reproduct of vising Conspirator, &c. him against whom it is given as a Conspirator, &c. Stamf. Pl. Cor. lib. 3. cap. 2. cap. 12. fol. 175. This Lamb. in his Eirenarch. lib. 1. cap. 13. pag. 63. calls Villainous Punishment, and says, It may be well call'd Villainous, because the Judgment in such case shall be like the ancient Judgment in Attaint, as is said, Anno 4 H. 5. Fitzh. Judgment 220. And in 27 Lib. Ass. Pl. 59. set down to be, That they shall not be of any Credit afterward, nor lawful for them in Person to approach the King's Court, and that their Lands and Goods be seized into the King's hands, their Trees rooted up, and their Bodies imprisoned, &c. And at this day the Punishment appointed for Perjury (having somewhat more in it than Corporal or Pecuniary pain, stretching to the discrediting the Testimony of the Offender for ever) may be partaker of this Name. This, and such like, is elsewhere termed Vile of odibile judicium. Vide Pillory.

33:1110.0000, Villenagium, Cometh of Villain, and

fignifies a servile kind of Tenure belonging to Lands or Tenements, whereby the Tenant was bound to do all fuch Services as the Lord commanded, or were fit for a Villain to do: For every one that held in Villenage, was not a Villain or Bondman: Villenagium vel servitium nihil detrabit libertatis, habita tamen distinctione, utrum tales sunt Villani & tenuerint in Villano soccagio de Dominico Domini Regis, Bract. lib. 1. cap. 6. num. 1. The division of Villenage was into villenage by Blood, and villenage by Tenure. Tenure in villecontinued

Villain free. Brallon, lib. 2. cap. 8. num. 3. divides it into Purum villenagium, à que prastatur servitium incertum of indeterminatum ubi scire non poterit vespere, quale servitium fieri debet mane, viz. Ubi quis facere te netur quicquid ei praceptum fuerit; The other he calls Villanum joccagium, and was ried to the performance of certain Services agreed upon between the Lord and Tenant, and was to carry the Lord's Dung into his Fields, to Plough his Grounds at certain days, to reap his Corn, plash his Hedges, &c. As the Inhab. tants of Bickton were bound to do for those of Clun Castle in Shropshire, which was asterwards turned into a Rent, now called Brickton-Silver, and the Service excused. Will. Maynard qui tenuit terros in Hevist cogniscit se esse Villanum Abbatis de Abbendon sy tenere de eo in Villepagio, de per Villanas consuetudines, viz. per servitium 18 d. per annum de dandi Marita-gium de Marchetum pro silia de sorore sua, ad voluntatem ipsius Abhatis der faciendo omnes Villanas consuetudi-nes. Copy-holders is but a new Name, for anciently they were called Tenants in villenage, or, of base Tenure, F. N. B. fol. 28. But the slavery of this Cufrom hath received its Deaths wound, in favorem li-bertaits: For Sir Edward Coke out of Fortescue hath this Note, Impius & crudelis judicandus qui libertati non facet; And gives this as the reason of it, Anglia jura in omni casu dant favorem libertati; The sense of Liberty was of so great force and power, and the favour due unto it according to Law and Right of so great respect, that those and the like Pressures have received change and alteration.

Minnet, A kind of Flower or Border, which Printers use, to beautifie printed Leaves in the beginning

of Books. See Anno 14 Car. 2. cap. 33. Bayliffs, &c. carry as a Badge or Enfign of their Office.—Rauf ap Howel ap Philip Prapositus de Llan-tissin amerciatus pro eo quod habuit in manu sua coram Justitiariis hic virgam nigram & inbonestam, ubi habere debuisset virgam albam & bonestam de certa longitudine prout decet. Sess. Itin. de Cardiff. 7 Mart. 7 Hen. 6.

Mirgata terræ, Otherwise Virga terræ, A Yard-land, Reg. Orig. fol. 167. Decem Acra terræ faciunt secundum antiquam consuetudinem, unam ferdellam, do quatuor ferdella faciunt virgatam, MS. Codex. See Tard-land. See Kennett's Glossary.

Miribario eligendo, Is a Writ that lies for the choice of a Verderer in the Forest, Reg. Orig. fol. 177.

CROICE Of a veraerer in the Poreit, Reg. Orig. 701. 177. Clivilia, The privy parts of a Man, the cutting off which was Felony by the Common Law, whether the Party confented or not, Brail. lib. 3. fol. 44. Henricus Hall for A. uxor ejus capti for detenti in Prifona de Evilchelter, eo anod restati fuerint, quod ipfi abfeiderunt virilia Johannis Monachi, quem idem Henricus deprebendit cum predista A. uxore ejus, Rot. Claus. 12 H. 2. m. o.

13 H, 3. m. 9. Mirga ferrea, dus viri dedi. Gr. Nich. silio Edde pro 8 s. sterlingis quos mihi dedit pra manibus, unam placetam terra mea in vico versus Dusteles, qua jacet inter tetram meam de terram Philippi silii Heylin, cujus latitudo in fronte continet in se 16. Virgas serreas prater unum quarterium de totidem à retro, dec. Ex libr. Cart. Prior. Leominstr. This was so many yards according to the minitr. This was so many yards according to the King's Standard in the Exchequer, which anciently it

feems was of Iron, but now of Brass.

Hirns almaria, A Yard measured according to the legal Ell or true Standard.—Terra mea continet de latitudine in fronte septem vergas alnarias & di midiam cum pollice interposito. Cartular Radinges. MS. f. 120.

Mis, Force; So we say, Vi & armis, By force of

continued time out of Mind, nor free Land make a | Arms, and this force is five-fold, vis impulfiva, ablativa, expulsiva, turbativa do inquietativa: vis ablativa is the taking away of moveable things: And hence accrues an Action, quare vi dy armis, dyc. Vis compulsiva, by which a Man is compelled to do that which otherwise he would not do of his own free will. And from this also accrues an Action; Vis expulsiva is, when any one is cast out of his Possession by Force and Arms. Vis turbativa is, when any one is disturbed in his Possession, as when two strive to possess the same thing. Vis inquietativa is, when one Man will not suffer another quietly to enjoy his Right, or to do a thing in his own Bounds or Li-mits. And from all these, some fort of Action

Militation, Visitatio, Is that Office or Action that is performed by a Bistop in every Diocess once every three years, or by the Archdeacon once a year, by visiting the Churches and their Rectors, &c.

Milleation of Manners, Vifitatio morum, Was wont to be the Name of the Regarders Office in ancient

to be the Name of the Regarders Unice in ancient time, Manwood, part 1. pag. 195. See Regarder.

Existe, Vicinetum, Signifies a Neighbour-place, or a place near at hand, Anno 16 R. 2. cap. 6. Dictur Vicinetum, in jure nostro locus quem vicini habitant, qui olim intelligebantur de eadem villa five adjacentibus atq, alias de eodem Hundredo vel proximis, modo vero de endem paga. Sur Comitatu hoc est contingentes. de eodem pago, sive Comitatu, boc est compagenses. Spelman, see Venew.

Socies suis quod necesse iis fuerit sine wasto de hoc per vi-sum forestarii sui dy viridariorum suorum. Rog. Hove-

coming to the view of Frank-pledge, who is not refi-dent within the Hundred; for Men are bound to this view, by reason of their Habitation, and not of Lands held where they dwell not, Reg. Orig. fol. 175. Mitteler or Mictualer, Villualarius or Vitellarius, he that sells Victuals; for whom there is a Writ in F. N. B. fol. 172. If they exercise their Trade, bearing a Magistracy in any Town Corporate. all Common Alehouse Keepers generally by the name of Vi&uallers.

in the Exchequer for the Rule of Measure.—To-tam terram illam qua continet in fronte secus vicum Regium occidentalem in latitudine 44 ulnos de ulnis ferreis Johannis Regis Anglia, és in capite orientali versus cam-pum.——127 ulnos de eisdem ulnis. Mon. Angl. Tom. 2. 1. 383.

dit ba pecunta, Anciently used for live Cattel. See

Miva boce. See Deposition.

Minary, Vivarium, Signifies a place of Land or Water, where living Creatures are kept. In Law it fig-

nifies most commonly a Park, Warren, Fish-pond or Piscary, Co. 2 Inst. fol. 100.

3 Altagium, Violence, Outrage, Justianius sex milites de Northampton ad videndum & plenise. cognoscendum illud incomparabile ultagium transmisit.

Hist. Croyland. Contin. p. 454. falcare unum pratum Domini uncatum Overcanmedwe à mane usq; ad nonam pro uno opere, de dein levare de unare didium pratum quod falcaverit — Cartular. S. Edmundi, MS. b. 388. where Unare or Unare can mean pophing more than the latest and the control of the contr mean nothing more than to Inn, or get in or make up the Hay fit for Carriage.

Hincia terra, Mincia agri. Thefe Phrafesoften occur in the Charters of the British Kings, and figniiendum est fy fome measure or quantity of Land. quod Gurcant Rex filius Cinvin dedit Junipeio fir should

Mmm

be Lunapeio) Episcopo & Sandis Dubricio & Teliavo & Ecclesia Landavix—podum Louden cum tribus unciis agri & cum sua tota libertate. Mon Angl. Tom 3, p. 198. It was the quantity of 12 modii, and each modius pos-–Intuendum est nobis quod fibly 100 foot fquare.--agrum trium modiorum id est quartam partem uncia agri immolavit Dee, dec. Ib. p. 205.

Minage. See Alnage. Mincore poilt, is a Plea for the Defendant, being fued for a Debt due at a day past, to fave the forfeture of his Bond, saying, That he tendred the Debt at the time and place, and that there was none to receive, and that he is fill ready to pay the same, 7 E. 6. 6. 82. Dyer. See Unques Prist. See also Perkins, sect.

783,784. and Co. lib. 9. fol. 79. Peytor's Case.
Winsuth, Is a Saxon Word signifying as much as Incognitus, unknown, and is used in the old Saxon Laws for him that cometh to an Into Guest-wise, and lies but one Night. In fuch case his Hast was not bound to answer for any Offence that he committed, whereof he was guildels himself; but if he lay there a fecond Night, then he was called Gueft, Hofpes, and then must the Host answer for him, as for one of his own Family. And if he tarried any longer, then he was called against me, that is, Familiaris, whom if he offend against the King's Peace, his Host was to see him forth-coming; or if he could not bring him out within a Month and a Day, he must satisfie for his Offences, Lamb. Archaion, fol. 132. num. 7. And Brasson, lib. 3. cap. 10. num. 2. writes thus of the same, Item secundum antiquam consustencimem dici poterit de familia alicuius out Holses surrie cum alio ter rit de familia alicujus qui Hospes suerit cum alio per tres nocles; quia prima nocle poterit dici Uneuth; se-unda vero, Gust, tertia nocle Pogenehime. Sec Third-night-awne-bine.

Unde nihil habet, Is a Writ, concerning which,

lee Date unde nihil babet.

Ander-Chamberlain of the Exchequer, is an Officer there that cleaves the Tallies, written by the Clerk of the Tallies, and reads the fame, that the Clerk of the Pell, and the Comptrollers thereof, may fee their Entries be true. He also makes Searches for all Records in the Treasury, and hath the Custody of Doomsday-Book. There be two Officers there of this

Inder-Elebenter, Subefcheater, Anno 5 E.g. cap.4.

See Escheator.

Minden-Striff, Sub-vicecomes. See Sheriff. Underflater, Is an Inmare. See Inmate. Undertakers, Were fuch as the King's Purveyors

employed as their Deputies, Anno 2 by 3 Ph. by Mar. cap. 6. And such as undertake any great Work, as draining of Fens, byc. Anno 43 Eliz. cap. 11. See 12 Car. 2. cap. 24. 13 Car. 2. cap. 8. 14 Car. 2.

Elmber-Treasurer of England, Vice-thesawarius Anglia, Anno 39 Eliz. 7. This Officer, as some think, was first created in the time of Henry the Seventh, to Chest up the King's Treasure at the end of every Term, and to note the content of Money in each Cheft, and to fee it earried into the King's Treasury in the Tower, for the case of the Lord Treasurer, as being a thing too mean for him to be troubled with, and yet fit to be performed by a Man of great Secrecy and Trust. He, in the vacancy of the Lord Treasurer's Office, don't all things in the Receipt, Great Company of the Lord Company of But this Officer, in the Opinion of others, is far more ancient. Yet named Treasurer of the Exchaquer in the ancient. Yet named Treasurer of the Euchoguer in the Statute till Queen Elizabeth's time, where he is sermed fons, or more, shall be Under Treasurer of England. Yet Anno 3.5 Eliz. he is also written Treasurer of the Euchoquer: Read the Statutes & E. 3. stat. 2. cap. 17. 27 E. 3. stat. 2. cap. 18. colour of any exercit nurs. & E. 3. stat. 2. cap. 18. statute is expressed. 27 H. 8. cap. 11.

Anten 21 anneum robusti vel babiles ad arma suscipi enda pro patria defensione non reputantur, do ideo Undres dicuntur. & sub tutela Dominorum interim remanebant.

Fleta, hib. 1. cap. 9.

23 Ashgata, A Person so far but of the protestion of the Law, that if he were murthered no Gets or Fine should be paid, or Composition made by him that kill'd him. As in the League between K. Athelred and Anelun, cap. 2. Si frithman, i.e. homo pach frigiat vel repugnet, of se nolit judicari, si occidatur jaceat ungeld, i.e. insultus.

Almiteuntty, Uniformitas, One Form of Publick

Prayers and Administration of Sacraments, and other Rites and Ceremonies of the Church of England, to

which all must submit; prescribed by the Statutes, a Eliz. cap. 2. & 14 Cas. 2. cap 4.

Ention, Unio, Is a combining or confolidating of two Churches into one, which is some by the consent of the Bishop, the Pauron, and the Incumbent: But there are two other forts of it, as when one Church is made fubject to the other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the Chapter Licet de locato de conducto, in Linwood's Provincials, sest. de quia. In the first fignification by the Scattre 37 H. 8. cap. 21. it was made lawful to make an Union, or Confolidation of two Churches in one, whereof the one is not above fix Pounds in the King's Book of the First-Fruits, and not above one Mile distant from the other. And by another Statute made 17 Car. 2. cap. 3. it shall be lawful for the Bishop of the Diocete, Mayor, Bayliff, eye. of any City or Corporate-Town, and the Patron or Patrons to white two Churches of Chapels in any such City, Town, or the Liberties thereof: Provided such Union stall not be good, if the Churches so united exceed the sum of one hundred Pounds per Annum, unless the Parishioners desire otherwise, &c.

Unity of Moleculen, Unitar possessions, is called Consolidatio fructus by proprietatis in the Civil Law, and significs Joynt Possession of two Righes by several Titles. As for example, if I take a Lease of Land from one upon a certain Rose, and afterwards I buy the Fee-simple; this is an Unity of Possession, by which the Leafe is extinguished, by reason that I, which before had the Occupation only for my Rent, am become Lord of the same, and am so pay my Rent to none but my felf.

Minibersite, Universitin, Is most usually taken for those two Bodies which are the Nurses of Learning and Liberal Sciences in this Kingdom, viz. Oxford and Cambridge, endowed with great Privileges, as appears not only by Anno 2 for 3 P. of M. cap. 15. 13 Eliz. cap. 21. 18 Eliz. 6, but much more by their leveral Charters granted by divers Pions and Munificent Rings

of this Land. See 14 Car. 2. cap. 4.

Classage, A Saxon word denoting a wicked of unjust Law, is which sense the word is read in Leg.

Hen. 1. cap. 34. 84.

Uniamine Affirmity, Illicite Congregativ, is the meeting of three or more Perfons together, by force, to commit some unlawful Act, and abiding together, though not endeavouring the Execution of it, as to affault or beat any Person, to enser into his House or Land, Gre. West Symbol. part 2. the Indiament, sell. 65. Lamb. Eiren. cap. 19. And by the Signer of 16 Car. 2. cap. 4. and 22 Car. 2. cap. 1. if five Person. 16 Car. 2. cap. 4. and 22 Car. 5. cap. 1. if five Perfens, or more, shall be affembled together, above those of the Family, at any Conventicle or Meeting, under the Palitiment to it understart, and colour of any exercise of Religion, it is unlawful, and punishable by Fines, and otherwise, as in the said

upon a Trial at Law, that a Witness may be sworn upon a Voir dire; the meaning is, he shall upon his Outh speak or declare the truth, whether he shall get or lose by the matter in controverse; and if he be unconcern'd, his restimony is allowed, otherwise not.

Takentum, A Vault. — Lanfrancus Archiepis**

unconcern'd, fils territory —— Lanfrancus Archiepyscopus reparavis Ecclesiam, in qua Sanctorum Episcoporum corpora in aquilonuti parte super voltum magnum & pulimons ir reverenter. —— Osbernus de vita

cherrimum imposait reverenter.

Bregwini apud Angl. Sacr. P. 2. p. 77

Attiques prift, Almays ready, Is a Plea whereby a Man profesieth himself always ready to do or perform that which the Demandant requires. For example, A Woman fues the Tenant for her Dower, and he coming in at the Day offers to aver, That he was always ready, and still is to perform it. In this case, except the Demandant will aver the contrary, he shall recover no Damages: When this Plea will serve to avoid Charges, and when not, see Kithin, fol. 243. See Uncore prift.

Micybante, Vacatio, Is a want of an Incumbent upon a Benefice, and this is double, either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually

deprived, Bro. tit. Quare impedit, num. 51.

Blokustis, Is the first word of a Clause in the King's Writs of Protection and Letters Patent, Anno I Rich. 2. cap. 8. and 13 Rich. 2. cap. 16. Of Proveltions, some are Cum claufula volumus, and of these there are four kinds, wit. 1. Quia Profellurus, 2. Quia Motaturus, 3. Quia indébitatus nobis existit. 4. When any one sent inno the King's Service beyond Sea in War, is implissed, Co. on Lit. sest. 199.

War, is imprilemed; Co. on Liv. lett. 199.

Thoums, Voluntas, Is, when the Tenant holds at the Will of the Leffor, or Lord, and that is in two mainters; one is, when I make a Leafe to a Man of Lands, to hold at my Will, then I may put him out at my Pleafure, but if he fow the Ground, and I put him out, then he shall have his Corn with egress and the state of the stat regreß till it be ripe to cut, and carry it out of the Ground. And inch Tenant at Will is not bound to Ground. And sach Tenant at Will is not bound to sustain and repair the House as Tenant for Years is. But if he make wilful walte, the Lesfor shall have against him an Action of Trespass. The other Tenant at will of the Lord is, by Copy of Court-Roll, according to the Custom of the Mannor; and such a Trinant may surrender the Land into the hands of the Lord, according to the Custom;, to the use of another for life, in see, or in rail; and then he shall make the Land of the Lord, or his Steward, by Copy, and shall make Fine to the Lord. and shall make Fine to the Lord.

Mouchet, Vocans, Is vocabulum artis, and fignifica when the Tenant calls another into the Court, that is bound to him to warranty, New Book of Entries, verb. Voucher; Voucher de Garranty, Brit. cap. 75. And verb. Voucher; Voucher de Varranty, Brit. cap. 75. And that is either to defend the Right against the Demardant, or to yield him other Lands, drc. in value, and extend to Lands or Tenements of Freehold or Inhenitance: He that voucheth is called Vouchet, (wocans) and he that is called Vouchee, (Warrantus.) Brallon writes of this at large. lib. 5. traft. 4. per totum. And Littletow in his Tenures, eap. ult. also F. N. B. fol. 134. And this feems in forme measure to agree to the contract in the Civil Law, whereby the vendee bindeth the Vendor, sometimes in the simple value of the things bought, sometimes in the double, to warrant the scene enjoying the third bought, yet there is this difference between the Civil and the Common Law, that the Civil Law binds every Man to warrant Laib, that the Gibil Last blinds every Man to warrant

furem pleziatum dimiferit, qui ei obriaverit, de gratis fine vociferatione dimiferit, dere. Leg. Hen. 1. cap. 12.

Torr Dive, Veritatem dicere, When it is pray'd is a Summen and warrantisandum. And if the Sheriff Commin Law doth nor, except it be specially covenanted. The Process whereby the Vouchee is called, is a Summine and warrantisandum. And if the Sheriff return upon that Wrir, that the Party hath nothing whereby he may be summoned, then goes out another Writ called Sequatur sub suo periculo. See Lamb. Explic. of Saxon words, verb. Advocare. A Recovery with a single Voucher, is, when there is but one Voucher: and with a double Voucher, is, when the Voucher voucheth over, and so a treble Voucher. There is also a Foreign Voucher, when the Tenant being impleaded in a patticular sursidiction as in London, or the like a in a particular Jurisdiction, as in London, or the like a voucheth one to warranty, and prays, that he may be fummoned in some other County, out of the Jurisdiction of that Court, which might more aptly be called a Voucher of a Foreigner. De forinfects vocatis ad warrantizandum, Co. on Liu fol. 101. also Co. Rep. 2. fol. 50. Sir Hugh Cholmley's Case. Voucher is also used in the Statute 19 Car. 2. cap. 1. for a Leiger-Book, or Book of Account, wherein are entred the Acquittances or Warrants for the Accountants Dif-

> Wipland, Uplanda, High Ground, or as some call it Terra firma, contrary to Moorish, Marsh or Low Ground, — Daramq, terram novem Miliariu per aquam, de uplanda, id est de superiori terra, scapbis deferri G paludibus commiseri justi, Ingulph. Hist. Croyland. atlage. See Prescription.

attage. See Prescription.

atte, Use, In the original fignification is evident enough, but it hath also a proper Application in Law, and that is the profit or benefit of Lands or Tenements, West. Symbol. lib. 1. self. 48, 49, 50, 51, 52. Every Deed consists of two principal parts, namely, the Premisses, and the Consequents; the Premisses, the former part thereof, being all that which precedeth the Habendum or Limitation of the Estate, which are the persons contracting, and the things contracted. The Consequent is that which follows the Premisses, and that is the Habendum, in which are two Limita-tions: The one of the Estate or Property, which the Party passive shall receive by the Deed: The other of the Use, which is to express in the said Habendum to or for what use and benefit he shall have the same Estate, and of the Limitation of such tiles, many Precedents are fet down: In the fame West Symbol. part.

1. lib. 2. sett. 308. fg 327. These uses were invented upon the Statute of Westm. 3. Quia emptores terrarum, before which Secure of Gallet Company. before which Statute no fuch uses were known, Perkins's Devifes, 528. And because in time many De-ceits were invented, by settling the Possession in one Man, and the *Uje* in another; to avoid which, and divers other Mischiefs and Inconveniences, was the Statute 27 H. 8. cap. 10. provided, which unites the Use and Possession rogether. See Co. lib. 3. Chudley's

Case, fol. 121.
Wier De Bation, is the pursuing or bringing an

Adion, which in what Place and County it ought to be, see Bro. tit. Lieu & County, fol. 64.

33 flor, Osiarius, From the French Huister, a Doorkeeper of a Court; Is an Officer in the Exchequer, of which for there are four that attend the chief Officers and Barons at the Court at Westminster, and Juries, Sheriffs, and all other Accountants, at the pleafure of the Court. There are also Ushers in the Ring's House, as of the Privy-Chamber, &c. See Black-Rod.

Mant, In Privilegio de Semplingbamtam ipsi quam homines eorum, Gr. de omnibus miseri-cordin & amerciaments & forisfaturis, Gr. & de murdro, & latrocinio, & conceiles, & Mant, & Ham-soka, Grithbrock, &c. In Kelwaje's Reports it is writren Butlatch.

Mucapt on, Usucaptio, The enjoying a thing by

use, and reaps the profit of any thing.

Miluty, Usura, Is the gain of any thing above the Principal, or that which was lent, exacted only in confideration of the Loan, be it as well Corn, Apparel, Wares, or such like, as Money. And it is derived ab usu to are, quasi usu ara, id est usus aru, to Usura est commodum certum quod propter usum rei mutuata accipitur, Co. 5. Rep. Payton's Case. The Statute 13 Eliz. cap. 8. alloweth not Usury, but punisheth the excess of it. And that of 21 Jac. cap. 17. expresly Ordains, That no word in that Law shall be construed and expounded to allow the practice of Ulury in point of Religion or Confcience. And by the Statute 12 Car. 2. cap. 13. No Man must take above six pound for the forbearance of one hundred pounds for a year, under the penalties therein contained. See Co. 3. Inst. fol. 151. By the Stat. 3 & 11 H. 7. It is called Dry Exchange.

Term or Feast, as the eighth day following any Term or Feast, as the Utas of St. Michael, the Utas of St. Hillary, the Utas of St. John Baptist, &c. As you may read 51 Hen. 3. concerning general days in the Bench; and any day between the Feast and the Offave, is faid to be within the Utas. Theuse of this is in the return of Writs, as appears by that Statute. It the Utas of the Holy Trinity, Preamble to the

Statute 43. E. 3.

Statute 44. E. 3.

Statute 43. E. 3.

Statute 44. E. 3.

Statute 43. E

of qui captus fuit in terra ipfius qui tales habet liber-tates. See Outfangthef.

Mitthannum, There is a Charter of Maud de Pomerey, granting to the Church of Plimpton in Com-Devon, three ferlings in the Mannor of Wodeford for four Sinlings per ann. on this condition. — Quod fi murarum vel Danegeldis vel quodlibet aliud Utibannum super marerio de Wodesord evenerit de issis quatuor solidis quicquist de ntibannis super predictos iv. serlingos evenerit acquietabitur. Ex Registro de Plimpton, MS. penes Rev. Patrem D. D. Joh. Episc. Norwic.

Attanth, Uthlagus, An Ourlaw, fignifies Bannitum extra legein, Fleta, lib. 1. cap. 47. And in Mon. Ang. 2. par. fol. 618. we read, Fuit quidam Uthlagus famolifimus partes istas frequentans propter iter commeantium inter Nottingham of Derby per forestam. See Outland

Sicatis quod Interdistum quod vulgariter Utlagario nuncupatur, quod proponi fecimus contra personas Ecclesiassicas publice revocavimus, protestantes id ad Nos de personis Ecclesiasticis minime pertinere. - Pat. 15. Joh. p. z. m. 8. inrus.

Attagato capiendo quando utlagatur in uno comitatu e postea fugit in altum, Isa Writ, the na-ture whereof is sufficiently express by the name. See

Reg. Orig. fol. 133. Utland, Terra extra dicebatut terra servilis seutenementalis, quod de procinctu tertarum Dominicalium qua Inland nuncupata sunt, in exteriorem agrum reji-

punishment for such as being called into Law, and continuance of time, or receiving the Profits, long lawfully fought, do contemptuously refuse to appear, Possession or Prescription.

Mustuatery, Usufrustuarius, One that hath the Non est inventus, and an Exigent with a Proclamation thereupon awarded. And Bratton fays, He must be called at five Counties, a Month between every County, lib. 3. trall. 2. cap. 11. And if he appear not within that time pro exlege tenebitur, cum Principi non obe-diat nec legi & extunc utlagabitur; that is he shall be pronounced out of the King's Protection, and deprived of the benefit of the Law. The effect of this is divers; for if he be Outlawed at the Suit of another in a Civil Cause, he shall forfeit all his Goods and Chattels to the King; If upon Felony, then he shall forfeit all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels; Et tunc gerit caput lupinum, ita quod sine judiciali inquisitione rite pereat of secum suum judicim portet, of merito sine lege pereat, qui secundum legem vivere recusaverit, of c. Bract. lib. 3. tract. 2. cap. 11. And the same lib. 2. cap. 24. And Fleta lib. 3. cap. fame lib. 3. tradt. 2. cap. 14. And Fleta, lib. 1. cap. 27, 28. fay, A Minor or Woman cannot be Ontlawed: For where a Manis faid to be Outlawed, a Woman cannot be outlawed. man is termed waived, F. N. B. fol. 161. How an Outlaw is inlawed again, and restored to the King's Peace and Protection. See Brasson and Fleta, ubi

> Attlepe, Significat escapium, boc est, evasionem latronum, Fleta, lib. 1. cap. 47. and 18 Hen. 6. Pat. 2. m. 22.

Mtrum.

Aiter: Barrifters, Juris confulti, Are such, who for their long study, and great industry bestowed upon the Knowledge of the Common Law, be called from their Contemplation to Practice, and in the face of the World, to take upon them the Protection and Defence of Clients. These in other Countries are called Licentiati in jure. The time before any one ought to be called to the Bar by the ancient Orders, was heretofore eight years, now reduced to seven, and the Exercises done by him (if he were not called Ex gratia) was twelve Grand Moats performed in the Inns of Chancery in the time of the Grand Readings, and twenty four petty Moats at the Imps of Chancer in the Term-times, before the Readers of the respective Inns of Chancery. A Barrifter newly called is to attend the fix next long Vacations the Exercise of the House, viz. in Lent and Summer, and is therefore for those three years called a Vacation Barrifter. And they are called Uties Barrifters, i. Pleaders without the Bar, to diffinguish them from Benchers, or those who have been Readers, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

Demole, now call'd Woddmell, and in Oxfordshire Woddenell, a coarse fort of stuff used for the covering of the Collars of Cart-Horses. Mr. Ray in his Collection of East and South-Country words, describes it to be a hairy course stuff, made of Island Wool, and brought thence by our Scamen to Norfolk, Suffolk, &c.— Et in quing, virgatis de Waddemole emptis pro coleris equinis hoc anno 11 sol. 1 den.—Paroch. Antiquit. p. 574.

thantur. Vide Inland.

Chafters, Wafteres, Edward the Fourth ConflicuChaftery or Utlanger, Utlagaria vel utlagatio, Is a ted a Triumvirate of Officers with Naval Power, whom

the Patent, 22 E. 4. membr. 2. stiles Cuftodes, Condu-Hores and Wastores; and these were chiefly to guard our Fisher-men on the Coast of Norfolk and Suffolk. We still retain the word to wast over, that is, to conduct or convey over Sea.

Maga alias Maga, A weigh, which is a measure of Cheese, Wool, &c. containing two hundred fifty fix pound of Averdapon: For by the Statute 9 H. 6. cap. 8. a weight of Cheese ought to contain thirty two Cloves, and each Clove eight pound, though some say but seven; Unam Wagam salis de salinis suis de Terineton.

Mon. Ang. 1. par. tol. \$15. See Weigh.

Clange, Vadiare, From the French Gager, dare pignone.

nus; Signifies the viving Security for the performance of any thing; as to mage Deliverance, which fee in Gage, to mage Law. See in Law. None mages Law against the King. Bro. tit. Chose in Astion, num. 9. See Co. on Lit. 101. 294. tit. Ley-gager.

Wager of Law. See Law.

Maite or Meyte, Walvium, Goods waived are such as a Third having seloniously stollen, and being newly followed with Hue-and-Cry, or else over-charged with the burden or trouble of the Goods, for his own Ease, and more speedy Flight, flies away, and leaves the Goods behind him; then the King's Officer, or the Bayliff of the Lord of the Mannor (within whose Jurisdiction they be left) who by Prescription, or Grant from the King, hath the Franchise of waife, may seize the Goods so waived to his Lord's use, except the Owner come with a fresh Suit after the Felon, and fue an Appeal within a year and a day, give Evidence against him at his Arraignment, and he e Attainted, &c. In which Cases the first Owner shall have restitution of his Goods so stollen, and waived. And though waife is properly spoken of Goods stollen, yet it may be also of Goods not hollen: As if a Man be purfued with Hue-and-Cry as a Felon, and he flies, and leaves his own Goods; these shall be forfeit as Goods stollen, and are properly called Fugitives Goods, which are not forfeited, till it be found before the Coroner, or otherwise of Record, that he fled for Felony. A thing pro derelisto babita, waived and forsaken is nullius in bonis. See 29 E. 3. Waifes, things lost and Estrays, must by the Lord of the Franchise where they are found, be caused to be cried and pub-lished in Narkets and Churches near about, else the year and day does not run to the prejudice of the Lofer, Britton, cap. 17. And further, Inter Plac. coram Joh. de Berewell & focis Justic. Itin. apud Salop. in Octab. Sancti Michaelis, 20 B. 1. Rot. 29. in Dorso. Richardus filius Alani comes Arundel summonitus fuit ad respondend. Domino Regi de placito quo war-ranto clamat habere placita Corona & babere Winte de Manerio suo de Upton subtus Hawman, Gr. in Com Salop de comes dicit quod ipse clamat babere Intangenethet & Mayte, de eadem placita de libertates babnerunt ipse de omnes antecessores sui de eisdem usi sunt à tempore, quo non extat memoria de eo warranto clamat, dere. Et Hugo de Lowther qui sequitur pro Domino Rege dicit, quod mayte est quoddam grossum de Corona, ita Corona Domini Regis annexum quod nullus eo gandere possit, nisi inde habeat speciale warrantum à Domino Re-

ge vel antecessiribus suis concessum.

Estainable, That may be ploughed or manured, tillable,—Dedimus, dyc. in loco qui vocatur Shiplade la Mueis dy la terre wainable dy la Bruere, dyc. Carta

Rogeri de Icales sine dat.

OSIainage, Wainagium, May be derived from the Saxon Wan, id est Plaustrum. But any others Attain than ours shall be americal fabring his Wainge, if he fall into our Mercy, Mag. Chart. Cap. 14. Sir intus by extra.-Edward Coke, 2 par. Inft. fol. 28. fays, It fignifies the countenance of a Villain; but why not rather the trang, Proj

furniture of his Cart or Waine. See Gainage and Wannage.

Maitefee, Tho. Spelman filius Johannes ogc. dicitur tenuisse Manerium de Narborough, cum tertia parte avocationis Ecclesie, Gc. de Domina Regina ut de Manerio suo de Wingrave per servitium militare so per redditum 14 s. pro mattetee, so Castlegarde so valet clàrè per annum 34 li. 17 s. 10 d. quadrant. Patent in Schedula liberationis Joh. Spelman tratris sui, 7 Aug. 5 Eliz. This might probably be a Fee to excuse his

waiting at the Castle.

Maiviare, Is to forsake, Reg. Orig. 277. The Civilians term it Habere proderelisto, and so Waiviare feudum suum signisses. To waive the Company of Thieves, Stamf. Pl. Cor. fol. 26. But this word properly belongs to a Woman, who is said to be maived, as a Man to be Outlawed, Reg. Orig. fol. 132. 933= ny of the King's Leige People Ourlawed, and many Waived by erroneous Docels, Anno 7 H. 4.

cap. 13. See Utlary.

© Tuake, Vigil, Eve-Feast of the Dedication of Churches. See the Original and continued Observation of them historically delivered, in Kennett's Pa-

roch. Antiquit. p. 609.

3 Malba, A Wood, or wild woody Ground— Sexaginta acros terra videlicet, quinquaginta acros to unam perticam in manerio nostro de Suthbrente, cum Walda qua jacet juxta eandem terram.-- Charcular.

Abbat. Glaston, MS. f. 67. a.

Characteris A Servant or any Ministerial Officer; from Sax. wealh a Foreigner or Stranger— Si homo Waliscus habeat terra hidam, wera sua est 120 fol.——Leg. Ina Regis, cap. 34.——Regis equi Waliscus, qui nuntiare possit ad eum, weregildum ejus est 200 sol. cap. 35.

Chabeman, The chief Magistrate of the Town of

Rippon in Torkshire, so called, quasi Watchman, Camd.

octain, Walda. See Weald.

ottales, Wallia, Is part of England on the West-side, inhabited by the Oss-spring of the ancient Britains, chased thither by the Saxons, called in to asfalt them against the Pists and Scots: But now they are incorporated to England. See Lamb. Explication of

Saxon words, verb. Wallus.
Mallus.
Mallus otherwise call'd Foresters Croup. Jur. fol. 145. There are Foresters assigned by the King, who are Walkers within a certain space of Ground assigned to their Care.

Malbiaria mulieris, Is as much as Utlagatio vii, Reg. Orig. fol. 132.

Mallor Dea- mall. See Water-gate. Mallelheria or Malecheria,— Quod quatuor vil-lata propinguiores leci ubi casus Homicidii vel infortunium contigerit, veniant ad proximum Comitatum una cum in-ventore & Wallesheria, i. Parentela hominis interfesti by bidem prasentent fall um selonia by casum infortunii, byc. I find (laith Spelman) in a tertain Note, A Wallosheria, i. Parentela intersetti, scil. unus exparte patris by alius ex parte matris, and concludes that signification and concludes that significations. ficat wallica pars ut videtur.

Gratia, Wallia, Sax. Wal. Las. Vallum.
Bank of Earth cast up for a Mound or Boundary.— -justitietis meos homines Mando vobis quatenus—justitietis meos homines— ut faciant Wallas do Watergangos do clausuros Walla-rum, sicut debent facere.—— Mon. Angl. Tom. 2. p. 920. Sea-Walls in Romney-Marsh, &c. Wallare, to repair or keep up the said Walls.—— Reddende -pro omni servitio nisi inde nobis 2 marcas argenti——pro omni servitio nisi quod debet Wallare secundum quantitatem illius terra Somner of Gavelkind.

catang, Properly fignifies in the Saxon Tongue

Field, but we use it also for the Cheek or Jaw-teeth, blioth. Cotton. sub tit. Virellius. which Chaucer calls Wangs and Wang-teeth, according to these Verses,

And in witnels that this is loth, I bite the war with my wang toth.

from Sax. wang, the Jaws. Idem computat in - Idem computat in curtilagio fodiendo xiij den. in bechu, tribulu, & wangis cmptu de reparandu iii fol, ii den. Consuetud.
Domus de Farendon, MS. f. 18.

I Manlassus, In the Mannor of Sutton-Colfield,

Com. Warwic — qui tenuerunt in bondagii tenura sole-bant vocari Custumarii, do quotiescung, Dominus ad ve-nandum venerit, illi Custumarii solebant sugare Wan-lassum ad stabulum in sugatione ferarum bestiarum, i. e. To drive the Deer to a stand, that the Lord may have a shoot. Rlour of Tenures, p. 140.

a shoot. Blount of Tenures, p. 140. calangenetheof, Sit quietum de Belth & Scoth, de wreccho, & de Mangenethof & Denegcide, Pat.

22 H. 4. par. 1. m. 33

Mannage, Wannagium, Eodem anno (viz. 1198. Rex Anglia accepit de unaquaq; carucata terra sive Hyda totius Anglia 5 sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Anglia, unum Cleticum & etiam unum Militem, &c. Qui fecerunt venire coram se Senescallos Baronum illius Comitatus, qui juraverunt quot carucarum wannagia fuerint in singulis Villis, Gc. Ipsi vero qui electi fuerant, G constituti ad hoc negotium Regus faciendum, statuerant per assima-tionem legalium hominum ad uniuscujusq, Caruca wannagium centum acras terra, Hoveden's Annal. part. poster. fol. 443. num. 30. See Wainage. Wannagium sometimes feems to fignifie Wain-bouses, or necessary Out-

houses for Husbandry.

Mapentake, Wapentachium, Is all one with that we call a Hundred, as appears by Bration, lib. 3. trail. 2. cap. 1. num. 1. Convocentur (faith he) servientes dy Ballivi Hundredorum, dy per ordinem irrotulen-tur Hundredarii sive wapenvachia dy nomina servientium, dyc. And Lambert in his Explication of Saxon words, verb. Centuria, is of the same mind; adding that this word is specially used in the North-Countries beyond the River Trent. And in the Laws of King. Edward the Confessor, are these words, Et quod Angli Edward the Confessor, are these words, Et quod Angli vocant Hundredum, supradisti comitatus vocant wapenrachium. The original of the Name Hoveden derives à tastu armorum, because cum quis accipiebat prafesturam wapenrachii, die Statuto in loco ubi consueverant congregari, omnes Majores contra eum conveniebant des descendente de equo suo, omnes assurgebant ei. Ipse vero, eresta lancea sua, abomnibus secundum morem sadus accipiebat: Omnes enim quotquot venissent come sancem sun insissi hastam tangebant, de ita consistemabant per contastum armorum pace palam concessa, ege. But we take it from hence, Quod quoties novus esset Hundredi Dominus ei in subjectionis signum arma redderent Vassali, Ranulph. Cestr. lib. 1. cap. 5. See Fleta, lib. 2. cap. Ranulph. Cestr. lib. 1. cap. 5. See Fleta, lib. 2. cap. 61. sect. universimode. Sir Thomas Smith de Rep. Anglor. lib. 2. cap. 16. says, That anciently Musters were taken of the Armor and Weapons of the several Juhabitants of every several Wapentake, and from those that could not find sufficient Pledges for their good abearing, their weapons were taken away, and given to others. The Statutes 3 H. 5. cap. 2. 9 H. 6. cap. 10. and 15 H. 6. cap. 7. make mention of Stain diffe wapentake and Friendless wapentake in Craven, in the County of Tork. See Camd. Brit. fol. 159. and Co. 2.

See Kennett's Glos

Cara, A certain quantity or measure of -Praterea concedimus in elemosynam eidem Ecclesia eadem libertate totam terram quam tenuerat Brifardus in Stanes, scilicet waram de dimidiam cum cotelandis of insuper medietatem totim nemorisad opus Ecclesia vendiderunt scilicet unam waram & du*a*s cotelandas cum dominio 👉 prato-Mon. Angl.

Tom. 2. p. 128.

**Common Tom. 2. p. 128.

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fions of a City; as in London there be 25 Wards, according to the number of the Mayor and Aldermen, of which each has a particular Ward for his proper Guard and Jurisdiction.

Ward with a Horn to blow, upon any occasion of fur-prize.— Et fint quieti de thesauro ducendo de Wardpenny, Ward-corn, Aver-penny, Hundred-penny, Gc.

Mon. Angl. Tom. 1. p. 976.

Clarb, Custodia, Hath divers fignifications, as a
Ward in London, in Latin Warda, which is a portion of the City, committed to the special charge of one of the Aldermen of the City. See Stow's Survey of London: Also a Forest is divided into Wards, Manwood, part 1. pag. 97. Thirdly, A Prison is also called a Ward. Lastly, The Heir of the King's Tenant, that held by Knight's-service or in Capite, was called a Ward during his Nonage, 32 H. 8. 46. But this last is taken away by the Stat. 12 Car. 2. cap. 24.

Mards and Liberies, Wardi & Liberatura, Was a Court first exected by King Henry the Eighth, and afterwards augmented by him with the Office of Liveries, and therefore stiled The Court of Wards and Liveries; But it is absolutely taken away and abolished by the Statute made Anno 12 Car. 2. cap. 24.

colarben, Gardianus, Is the same with the French Gardein, and fignifies him that hath the keeping or charge of any Person, or thing by Office; as Wardens of the Societies in London, 14 H. 8. cap. 2. Warden Courts, 31 H. 6. cap. 3. Warden of the Marshes, 4 H. 7. cap. 8. Wardens and Commonalty of the Lands contributary to Rochester Bridge, 18 Eliz. 7. Warden of Peace, 2 E. 3. 3. Stat. Northampton. Warden of the West Marshes, Camd. Brit. pag. 606. Warden of the Welt Marines, Cama. Brit. pag. 606. Warden of the Forest, Mamwood, part 1. pag. 42.8 111. Warden of the Alnage, 18 H. 6. 16. Warden of the King's Ward-robe, 51 H. 3. stat. 5. Wardens of the Tables of the King's Exchange, 9 E. 3. stat. 2. cap. 7. dry 9 H. 5. stat. 2. cap. 4. Wardens of the Rolls in the Chancery, 1 E. 4. cap. 1. 5. Warden of the King's Writs and Records of his Common Bench. Ibid. Warden of the King's Armour in the Tower. 1 E. 4. Length of the King's Armour in the Tower. den of the King's Armour in the Tower, I E. 4. 1. Warden of the House of the Converts, 12 Car. 2. cap. 30. And Warden of the Stannaries, 14 Car. 2. cap. 3. e Gardian.

Mardmote, Wardmotus, Is a Court kept in every Ward in London, 32 H.8. 17. ordinarily called among them, The Wardmote-Court or Inquest. See 4 Infl.

Maropenny alias Marpen, and Marthpenny, Is Money contributed to Watch and Ward; Denarii vicecomiti vel. alis castellanis perfoluti ob castrorum prasi dium vel excubiou agendon. And in a Charter of Wil-liam the Conqueror to the Church of St. Martine in Battell, we find these words, Concedo etiam eidem par. Inst. sol. 99. Wapentake boc est quietancia de sestis | Ecclesia lengam circumquaq, adjacentem liberam do quie-G Hundredis quod dicitur wapentake, M. S. in Bi-tam ab omni Geldo, do Sesto, do Hydagio, do Danegel-

colaronge, Wargium, It seems to be the same with the Ward-penny, which see.

& Catard-filber, Custumarius in Berton magna red-dit obolum ad Ward-filver ad terminum.—— Cartular. Abbariæ S. Edmundi, MS. f. 26. Willielmus le Kyng tenet 8 acras- jolvit 1 den. ad Ward-filver die Sancti Petri ad vincula. 1b:

Caro-staff, The Constable's or Watchman's Staff. Lambourn Mannor in Essex is held by Service of the Ward-staff, viz. To carry a Load of Straw in a Care with fix Horses, two Ropes, two Men in Harness, to watch the said Ward-staff when it is brought to the Town of Aibridge. Camden in Essex.

Martfeoh or Martfegh, Signified the value of a Ward, or the Money paid to the Lord for his Redemp-

tion from Wardship.

Mardwitte, Significat quietantium misericordia in casu quo non invenerit, quis hominem ad wardam faciendam in castro vel alibi, Fleta, lib. 1. cap. 7. And Spelman says it is, Immunitas à prasidiis faciendis vel

ab eorum contributione. clesia Christi Cantuar, consirmant cartam Ricardi Archiepiscopi Cant. concedentis. Willelmo de Actone de haredibus suis ut duodecim acras de Warlaunde cum pertin. apud Hakintone quas tenebant in Gavelkind in futurum teneant pro redditu 11 fol. 11 den. Registr. Eccl. Chri-

thi Cant. MS.

Marranty, Warrantia est securitacià venditore pra fiita emptori, quo tranquille alliquid p fideat. Eaq, a fignificatione warrancizare dicitur warrantus, five venditor quando se empto obligat per alla Curia, aut char-tam, aut contrallus instrumentum, Vossius de vitiis Sermonis, lib. 2. cap. 20. It is a Promife or Covenant by Deed made by the Bargainer, for himself and his Heirs, to warrant or secure the Bargainee and his Heirs against all Men, for the enjoying any thing agreed on between them. And he that makes this warranty is called warrantus, by Bracton, lib. 2. cap. 19. and 37. And this warranty passeth from the Seller to the Buyer, from the Feoffor to the Feof And this warranty passeth from the tee, from him that releaseth, to him that is released from an Action real, and such like: And the Form of it is in this manner, Et ego prafatus J. & baredes mei pradicion decem acras terra cum pertinentiis suis, prafato H. haredibus de assignatis suis contra omnes gentes warrantizabimus in perpetuum per prasentes, West Symbol. part 1. lib. 3. tit. Feofiments, sect. 287, 288. See Glanvile, lib. 3. per totum. Bratton, lib. 5. tratt. 4. Britton; cap. 105. and Co. 4. Rep. fol. 81. Noke's Case. Warranty is either real or personal; Real, when it is annexed to Lands or Tenements granted for Life, dyc. And this is either in Deed, as by the word marrantizo expressy; or in Law, as by the word Dedi, or some other amplification: Personal, which either respects the property of the thing fold, or the quality of it. Real warranty in respect of the Estate, is either Lineal, Collateral, or commencing by Disseisin, for which see Littleton in the last Chapter of his Tenures, and Co. lib. 3. Fermor's Case, fol. 78. So then under the word Haredes are comprehended all fuch as the first warranters Lands afterwards come unto either by descent, or otherwise, Brallon, lib. 5. trall. 4. cap. 1. num. 2. saith, Imprimis videndum est quid sit warrantizatio; Et sciendum quod warrantizare, nibil aliud est quam defendere & acquietare tenentem, qui warrantum vocabit in seisina sua. With whom agrees Fleta, lib. 5. cap. 15. sect. 1. & lib. 6. cap. 23. per totum. By what words

do, do opere Pontium, do Castellorum, do Parcorum, do in a Feossement a Feossement be bound to warrinty omnibus auxiliis, placitis do querelis, doc. cum Saca do See the Statute of Bigamy, 4 E. I. cap. 6. and see the Statute of Bigamy, 4 E. I. cap. 6. and 8 E. cap. 6. a something in his Name, and warranteth his Action which feems to differ from a Letter of Attorney, which passeth usually under the Hand and Seal of him that makes it, before any credible Witnesses; whereas a Warrant of Attorney in personal, mixt, and some real Actions, is put in of course by the Attorneys for the Plaintiffs or Demandants, Tenants or Defendants. But a Warrant of Attorney to suffer a common Recovery by the Tenant or Vouchee, is acknowledged before such Persons as a Commission for the doing thereof directs, West Symb. 2. par. tit. Recoveries, sect. 1. See Attorney.

> Marrantia Chartæ, Is a Writ that lies properly for him, who being infeoffed in Lands or Tenements with a Clause of warranty, and is impleaded in an As sije or Writ of Entry, wherein he cannot vouch or call to warranty: For in this Case his Remedy is to take out this Writ against the Feosfer, or his Heirs, Reg. Orig. fol. 157. F. N. B. fol. 134. Fleta, lib. 6. cap. 35. and West Symbol. part 2. tit. Fines, sect. 156.

> Marrantia dici, Is a Writ lying in case where a Man having a day affigned personally to appear in Court to any Action wherein he is sued, is in the mean time, by Commandment, employ'd in the King's Service, so that he cannot come at the day as-figured. The Writ is directed to the Justices to this end, that they neither take nor Record him in default for that day, Reg. Orig. fol. 18. Of this read more, F. N. B. fol. 17. and Glanvile, lib. 1. cap. 8. Chartantia cultotia, Is a Writ Judicial, and lay

> for him who was challenged to be a Ward to another, in respect of Land said to be holden in Knight's-service, which when it was bought by the Ancestors of the Ward, was warranted to be free from such thraldom, and it lay against the Warranter and his Heirs, Reg. Judic. fol. 36. But now by the Statute made 12 Car. 2. cap. 24. It is become altogether out of

Marrant of Attorney, See Letter of Attorney and

Marectum e terra warecta, Land that has been neglected, and long untilled, fallow Ground: Tempus warelli, in ancient Records fignifies the time wherein Land lies fallow.——In warectis, in Brueriis, in Boscis, in Mariscis, in Defensis, of in omnibus terris, orc.
Mon. Ang. 2 par. fol. 253. And in the same, par. 1. fol. 525. We read, 25 Acres uno quoq; anno ad seminandum of totidem ad warectandum. See also Tvernanagium.

Carectare, To fallow Ground, or plough up Land (defign'd for Wheat) in the Spring, in order to let it lie fallow for the better Improvement; which in Kent is call'd Summer-land.——Mense Aprili warellandi erit tempus idoneum & amanam cum terra fregerit post carrucam. Fleta, lib. 2. cap. 33. Hence warellabilis campus, a fallow Field; Campus ad wa-rellam, Terra warellata, Gc. See Mr. Kennett's Gloftary in wareHare.

a Suit of arniamentum, A Garment, Pro hac donatione concesserunt Abbas & Mo-Cloaths.nachi Radinges mihi & Cacilia uxori mea corredia & warniamenta secundum quod in carta eorum continetur.

Chartular. Radinges, MS. f. 63.

castrorum emptis.— Pat. 9 H. 3. Brady Hist. Engl. Append. p. 169.

Carrobs, Edmundus Busche tenet terres in

mulum ferreum pro uno Warroks super quoddam Cloth-sak quandocunque D. Rex equitaverit in exercitu versus partes Wallia tempore guerra. 22 R. 2. Blount of Tenures, p. 32.

Marren, Warrenna alias Varrenna, Cometh of the French Garenne, i. Vivarium, vel locus in quo vel aves, vel pices, vel fera continentur, qua ad victum duntaxat pertinent, Calepine out of Aulus Gellius, lib. 2. No. Attic. cap. 20. But a Warren, as we use it, is a Franchise or Place privileged, either by Prescription or Grant from the King, to keep Beasts and Fowl of Warren, which are Hares and Conies, Partridges and Pheasants: And if any Person be found an Offender in any such Fee-warren, he is punishable for the same at the Common Law, and by the Statute 21 E.3. called the Statute De malefastoribus in parcis & chaceis, dyc. A Fee-warren may lie open, for there is no necessity of inclosing the same as there is of a Park; which ought to be seized into the King's Hands, if it be not inclosed.

totarnoth, Is an ancient Custom, whereby if any Tenant holding of the Castle of Dover, fail'd in paying his Rent at the day, he should forfeit double, and the same facilities are be seened do for the second failure treble, &c. Inter Record. de Recept. Scac. Trin. 33 E. I. Linc. 46. coram Rege. And in Mon. Ang. 2. par. fol. 589. Terris cultis &c

terris de Carnoth.

Market, Was in the Contribution wont to be made towards Armourin the Saxons time. Sint omnes tam primarii quam mediocres & minuti, immunes, liberi & quieti ab omnibus Provincialibus, summonitionibus & po pularibus placitus que Hundzed-laghe, Angli dicunt of ab omnibus armorum oneribus quod tolar (cot Angli dicunt de forinsecis querelis, Leg. Forest. Canuti Reg.

Warmite. See Wardwite.

Marth, It seems to be the same with Ward and Ward-penny; a customary payment for some Ca-file-Guard, or for keeping Watch and Ward— Tota villa de Lightborn in Com. Warwic. est geldabilis for dat Scutagium by Warth, by venit ad duos magnos turnos Vicecomitis. 7 E. 1. Blount's Tenures, p. 60. This customary Acknowledgment by the very name of Warth, is still paid within the Mannor of Sutton-Colfield, Com. Warmic. with forme particular Ceremonies that are indeed fingular and surprizing. —— Adam de Okes was found by Inquisition, 18 Ed. 2. to die seized of certain Tenements in Dinley, Com. Warwic. held of the King, by the payment of a Half-penny per Annum, called Warth. Rot. Fin. 18 Ed. 2. n. 26.

2 Cutasthum, A shallow or fordable part of a River or Arm of the Sea, as the Washes in Lincolnshire, we fit transcent the part of the Sea, as the Washes in Lincolnshire,

&c.— Et sic transierunt per unum Washum maris ad longitudinem unius leuca in vigilia S. Bartholemai, & ex altera parte Washii inimici fuerant parati ad prali-

um. Henr. Knighton sub anno 1346.
tttaste, Vastum, Hath divers fignifications: First, It is a spoil made either in Houses, Woods, Lands, Gr. by the Tenant for Life or Years, to the prejudice of the Heir, or of him in the Reversion or Remainder, Kitchin, fol. 168. Whereupon the Writ of waste is brought, for the recovery of the thing wasted, and treble Damages. See Vasto. Waste of the Forest is most properly where a Man cuts down his own Woods within the Forest, without License of the King, or Lord Chief Justice in Eyre. See Manwood, part 2. cap. 8. num. 4 to 5. Secondly, Waste is taken for those Lands which are not in any Man's Occupation, but lie Common; which seem to be so called, because the Lord cannot make such profit of them as of his other Lands, by reason of that use which others have of it in passing to and fro; upon

Morton Com. Essex, per servitium inveniendi unum sti- this none may Build, cut down Trees, Dig, &c. with-mulum ferreum pro uno Warroks super quoddam Cloth- out the Lord's License. Thirdly, Tear, Day and Waste, (Annus, dies (5 vastum) Is a Punishment or Forseiture belonging to Petit Treason or Felony, whereof you may read, Stamf. Pl. Cor. lib. 3. cap. 30. And see Year, Day and Waste.

Matte ground, Vaftus fundus, Is so called, because it lies as waste, with little or no profit to the Lord of the Mannor, and to distinguish it from the Demesnes in the Lord's Hands, 2 par. Inst. fol. 656.

Waste.

aueritur, quod disseisivit eos de quingentis acris terra, bosci, mora wastini, & prati. Chartular. Abbat. Glaston, MS. f. 89. a.

Mattors, Were a kind of Thieves so called, Anno 5 E. 3. cap. 14. There have been tivers Manslaugh-ters, Felonies and Robberies, done by People called Roberdsmen, Wastors, and Deam-latches,

4H. 4. cap. 27.

Mattel-Bread, Anno 51 H. 3. Statute of Bread, feems to be the finest Bread: But whence the word Wastel is drived, Non liquet, says the Glosse in to Scrip-

tores. See Cocket.

3 Catastel Botol, A large Cup or Bowl of Silver or of Wood, wherein the Saxons at their publick Entertainments drank a health to one another, in the Phrase of Was-beal, i.e. Health be to You. This is the meaning of the word Vastellum in the Lives of the Abbats of St. Albans, by Mat. Par. p. 141. Abbas solus prandebit supremus in Refectorio habens Vastellum, of which the Learned Dr. Wats was ignorant. non sit Umbraculum aut Baldokinum (a Canopy) nescio quid significet: neq; tamen conjecture possum quare Um-braculum Vastellum diceretur. Quare. But by the word Vastellus no doubt is meant the Wastel or Wassheal Bowl, which was fet at the upper end of the Table for the use of the Abbat, who was served in this Plate, and began the Health or Poculum Charitatis to Strangers, or to his Fraternity. From hence Cakes and fine white Bread, which were commonly sopped in the Wastel-Bowl, were called Wastel-Bread. It is an unlucky conjecture of Mr. Sommer—Forte & atino Pastillus alias Pastellus, P. in U.& W. ut sape tranfeunte.

Water-Bayliffs, Seem to be Officers in Port-Towns, for the fearching of Ships, 28 H.6. cap. 5. Also an Officer belonging to the City of London, who hath the supervising and search of Fish brought this ther, and the gathering of the Toll rifing from the Thames. He also attends on the Lord-Mayor for the time being, and hath the principal care of marshalling the Guests at the Table; and doth Arrest Men for Debt, or other personal or criminal Matters, upon the River of *Thames*, by Warrant of his Superiors,

and the like.

Mater-gage, Watergagium of Aquagagium, A Sea-wall or Bank to distrain the Current or Overslow of the Water. Also an Instrument to gage or measure

the quantity or deepness of any Waters.

Mater-gang, Watergangium, A Trench or Course to carry a Stream of water, such as are usually made in Sea-walls to loose and drain water out of the Marfless. Some confound this with Watergage, but they seem to disser in fignification; Cart. H. 3. De ordi-natione Marifei de Romeney, &c. Ad reparandum wal-lies & Watergangias ejustem Marifei contra Maris pe-riculum omnibus Ballivis de Besinstone, Robertus de Curci, salutem, Mando vobis atq; pracipio, quatenus justicietis meos homines de Margate, ut faciant wallat & watergangas, & clausuras wallarum sient debent facere, Mon. Ang. 2 pare fol. 920.

estater-ganel, Was a Rent paid for fifthing in, or

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other benefit receivad from some River or Water, Henricus—Rex salutem; Sciatis nos dedisse, Gr. diletto de fideli nostro Huberto de Burgo comiti Cantia de Margeria uxori sua redditum 325. de 4d. quem homines eorundem Huberti de Margeria de Manerio suo de Elmour nobis reddere solebant singulis annis per manum Ballivi nostri de Menstreworth nomine Water-gavel Habend. Dat. 15 H. 3.

Figure : measure, It is mentioned in the Sur 22 Car. 2. and is greater than Winchester-Measure by about three Gallons in the Eushel, and is now used for selling Coals in the Pool, &c.

Ancestors had a customary way of Purgation, which they call'd Judicium Dei, believing it to be the interposition of Divine Providence, or as it were the immediate Judgment and Decision of God himself. This was commonly by Fire-Ordeal, or by Water-Ordeal, and this latter was either thou water, or by cold water. The purgation by hot water was for the Party accus'd to thrust his hands or feet into scalding water, on presumption that his Innocence would receive no harm. That by cold water, was for the Desendant to be cast into a Pond or River, (as they now pretend to try Witches) whether he would sink or swim. The Fire-Ordeal was for Free-men, and Persons of better condition: The Water-Ordeal for Churls, Bond-men, and other Rusticks. As Glanville reports—In tali casu tenetur se purgare is qui accusatur per Dei judicium scilicet per calidum vel per aquam pro diversitate conditionis Hominum, scilicet per serrum calidum si sit Homo liber, per aquam si fuerit rusticus.

the Romans are said to have made here, and called them Consulares, Pratorias, Militares by Publicas. This Street is otherwise called Werlam-street. See Hoveden. part. prior. Annal. fol. 248. This Street leads from Dover to London, Saint Albans, Dunstable, Towcester, Atherston, and the Severn, near the Wrekin in Shropsbire, extending it self to Anglese in Wales, Anno 39 Eliz. cap. 2. The second is called Ikemild-street, so called ab Icenis, stretching from Southampton over the River Isis, at New-bridge; thence by Cambden and Litchfield, then it passeth the River Derwent by Derby, so to Bolseover Casse, and ends at Tinmouth. The third was called The Fosse, because in some places it was never perfected, but lies as a large Ditch, leading from Cornwall through Devonshire, by Tetbury, near Stow in the wolds, and besides Coventry to Leicester, Newark, and so to Lincoln. The fourth was called Ermine or Erminage-street, beginning at St. David's in West-Wales, and going to Southampton. See the Laws of Edward the Confessor, whereby these four Publick ways had the Privilege of Pax Regis. See Hollinshed's Chron. vol. 1. cap. 19. and Henry of Huntington, lib. 1. in principio.

ottabeton, Such Goods as after Shipwreck do appear swimming on the waves.——In tantum quod omnes Gunitiones, correliones, deodanda, Waveson, Flotteson, Lazason, & Wrecks & Regalia videl. Magnas pises captas, &c. Carta Arthuri Plantaginet magni Admiralli Anglia Majori & Civibus Rossen. Dat. 4. Decemb. 18 H. 8.

Estapliot or estaplicot, Ceragium, This was anciently paid thrice a year towards the charge of Candles in Churches. Tribusum quod in Ecclesiis pendebatur ad subministrationem care of Luminarium. Hac autem solutione multi se contendunt immunes esse à minoribus quibussam decimus persolvendis ejusdemq, generis sunt qua

alies Cock, & Mar, alies Matnport appellanter Spelman.

g Guapt-see, Ward-penny, or see paid for waiting, i. e. for keeping Watch and Ward.——Thomas Spelman tenuit manerium de Narborough in com. Norf. per servitium militare by per redditum 14.50l. pro wayt-fee by Casile-guard.——Blount of Tenures, p. 7.

ettap. See Chemin.

Elleald or Elleld, A Saxon word fignifying Sylva, is the woody part of a Country, as the weald of Kent, Camd. Brit. pag. 247. Anno 26 H. 8. cap. 7. In the Collection of Statutes, 14 Car. 2. cap. 6. It is misprinted wildes of Suffex, Surry or Kent, for Wealds.

Esteare or littere, Wera of Wara, A Stank, or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the Stream to a Mill. Unam warram of duas Cotlandes cum Domino of Prato, Mon. Angl. 2. par. fol. 128. See Kiddell.

g Mienbertin, The Custumary service which inferior Tenants paid to their Lord in cutting down their Corn, or doing other Harvest Duties. From Sax. peo, a Covenant or Agreement, (whence to wedd, wedding, a wedded Husband, a wedded Bondslave foc.) and biodan to prayor desire, and pippan to reap or mow. As if a Covenant of the Tenant to reap for the Lord at the time of his bidding or commanding.—A.D. 1325. Robertus Filius Nicholai Germayn tenet unum messuagium of dimidiam virgatam in bondagio ad voluntasem Domini, of debet unam aruram in Teme, of unam sarculaturum, of debet Wedbedrip pro voluntate Domini. Paroch. Antiquis. p. 401. Alicia qua suit uxor Ricardi le Grey—faciet unam sarculaturum of unam Wedbedripam Secutionem seconi. 1b. p. 402.

utteif. See Waife.

atteigh, Waga, Is a weight of Cheese or Wooll containing two hundred fifty fix pounds of Aver-dupois. See Waga. Co. 12 Rep. fol. 17. mentions eighty weigh of Bay-Salt.

the tights, Pondera, There are two forts of them in use with us; The one called Troy-weight, having twelve ounces in the Pound, by which Pearl, Precious Stones, Electuaries, and medicinal things, Gold, Silver and Brede be weighed. The other is termed Averdupois, and contains fixteen ounces in the pound, by which all other things be weighed that pass by weight. Geo. Agricola in his learned Tractate De Ponderibus of mensuris, pag. 339. terms the pound of twelve ounces Libram medicam, and the other of fixteen ounces Libram civilem, saying thus of them both, Medica & civilis libra numero non gravitate unciarum different. The second seems so to be termed, by reason of the more full weight. But by these words Aver du pois, are sometimes signified fuch Merchandife as are bought and fold by this kind of weights. The first Starute of Tork, made 9 E. 3. in Proam. 27 E. 3. stat. 2. cap. 10. and 24 H. 8. cap. 13. See Skew de verbor. Signif. verb. Serplathe. All our Weights and Measures have their first Compofition from the Penny-Seerling, which ought to weigh thirty two wheat Corns of a middle fort; twenty of which Pence make an Ounce, and twelve such Ounces a Pound; but affreen Ounces, and twelve fuch Ounces a Pound; but affreen Ounces make the Metchants Pound, Fleta, lib. 2. cap. 12. which though an Ounce less should probably be all one in fignification with Aver-du-pois, and the other Pound called by Fleta Trone-weight plainly appears to be the same O o o with with that we now call Troy-weight. See Tronage. From hencesouth there thall be one Weight, one Measure, and one Pard, according to the Standard of the Exchequer, through all the Bealm, ec. Anno 17 Car. 1. cap. 19. See Pondus Regis.

Etteights of Buncel, Anno 14 E. 3. Stat. 1. cap. 12. See Auncel weight.

Collegethe,—Et omnia animalia advenientia fugitiva, Gallice Collegeth in toto Hundredo de Halton, Mon. Ang. 2. par. fol. 187. See Waif.

Ettend, Wendus, i. perambulatio, From the Saxon Wendam, ire, to go. Procinctus terra amplior pluvima juga in se continens, Rentale Regalis Manerii de Wye, pag. 31.—Tres sunt wendi, viz. Doun-woend, Chiltones-woend, & Bronstoid-woend, of in quolibet wendo sunt decem juga of sic in tribus wendis sunt 30. juga, quorum 26. juga of dimid, sunt in mye & infra. Quilibet wendus faciet 10. avoragia semper de tribus septimanis in tres, &c.

Explication of Saxon words signifies aftimatio capitic aut pretium hominus. That is, so much as one paid in ancient time for killing a Man, when such Crimes were punish'd with pecuniary Mulchs, not Death. In Leg. Ed. Conf. cap. 11. we read Were suum,—id est, pretium sua redemptionis, his Ransome.—Siquis ante Comitem in placito pugnaverit, emendat secundum pretium sui ipsius, co forisfathuram quod Angli dicunt were G wite, Leg. Canut. MS. pag. 150. In which words the Saxon W. is often mistaken for P. and written Pere and Pite. See Also Gavelet.

Cleregelt-thef, Signifies a Thief that may be redeemed, Fleta, lib. 1. cap. 47.

esseregito, essergeto, Wergildus, Pretium seu valor hominis occisi, homicidii pretium, which was paid partly to the King, for the loss of his Subject, partly to the Lord whose Vassal he was, and partly to the next of Kin. De unoquoq; fure per totam Scotiam est wergest 30. Vacca of una juvenca, sive fuerit liber homo, sive servus, Reg. Majest. lib. 4. cap. 19. The meregito, of an Archbishop and of an Earl was 15000 Thrimsa's. Selden's Titles of Honour, fol. 604.

g Ellevelada, Purgation upon Oath of other Perfons, according to the value or estimate of the Perfon accus'd.——Homicidium wera solvatur, vel werelada negetur—Leg. Henr. 1. cap. 12. Siquu de homicidio accusatur, go idem se purgare velit secundum natale suum, perneget qua est werelada. Ib.

cap. 75.

G. Coleretoff, Et fint quieti de War-penny, do Aver-penny, de Hundred-penny, do Thengd-penny, de Wetctoff, dy de omnibus qua contingent facienda per Angliam. Mon. Angl. Toin. 1. p. 669.

Wharfe for lading or unlading Goods.—Cum saka & barfe for lading or unlading Goods.—Cum saka & soka, tol & theam, & infangenthes, & cum omnibus aliu conjuctudinibus legibus & libertatibus suis, & wervagio suo biland v. bistrende, & sint quieti de placitus & querelus. Mon. Angl. Tom. 1. p. 550.

Electetoste, — Et sint quieti de communi misericordia Comitatus, de Ward-penny, de Aver-penny, de Hundred-penny de Thirding-penny, de Weretosse, de de Foreseng, Carta Hen. 1. See Were.

deferbagium,—Cum omnibus alis consuetudinibus, legibus do libertatibus suis do wervagio suo bi land & bi strand, Carta Hen. 3. Leveshamensi conob. concess.

totelt-Saxondage, Was the Law of the West-Saxons. See Merchenlage.

Scat of our kings, and is now the well-known place, where the High Court of Parliament, and Courts of Judicature fit. It had great Privileges granted by Pope Nicholas, among others; Ut amplius in perpetuum Regia constitutionus locus sit atq, Repositorium Regalium Insignium. Ep. ejus ad div. Edovard. Tom. 3. B. fol. 1228. See City, and 4 Inst. fol. 255.

Estetecroft, Habebit mensuram unam, sc. metecroft cum orto ubi possit manere, Grc. Mon. Angl. 2. par. fol. 40.

Continued to or from the Water, to lay Wares on, that are brought to or from the Water, New Book of Entries, fol. 3. Anno 12 Car. 2. cap. 4.

Cathartage, Wharfagium, Is Money paid for landing Wares at a Wharf, or for Shipping or taking Goods into a Boat or Burge from thence. It is mentioned 27 H. 8. cap. 26. And 22 Car. 2. cap. 11, Grc.

Cathardinger, Is he that owns or keeps a Wharf, or hath the over-fight or management of it, Anno 7 E. 6, 7. 12 Car. 2. cap. 4. and 22 Car. 2. cap. 11.

CClheelage, Rosagium; Tribusum est quod Rosarum nomine penditur; hoc est pro plausitis de carris transeuntibus. Spelm.

scrattle of the second of Quality before the Invention of Coaches. See Stom's Survey of London, p. 70.

Conv. concedunt Johanni Palfrayman de Sutton unam placeam terra— & unam whitam jacentem in vasto nostro de Sutton—inter whitam Thoma Attechirche ex parte occidentali & whitam Johannis Pyper Nativi nostri ex parte orientali.—Ex Cartular. Eccl. Elien. MS. penes Joh. Episc. Norwic.

confitebart silver, Candidi cervi argentum, Is a mulci paid into the Exchequer out of certain Lands in or near the Forest of Whitehart, which hath continued from Henry the Third's time, who imposed it upon Thomas de la Linde, for killing a most beautiful White Hart, which that King before had purposely spared in Hunting, Cambd. Brit. pag. 150.

and any composition of them, which in times of Superstition were forbid in Lent, as well as Flesh, till King Henry 8. published a Proclamation to allow the eating of White-Meats in Lent, Anno Reg. 34. 1542.

CIIhite-Bent, Redditus albus. See Quit-Rent.

CIIhite-Spurs, A fort of Esquires so called. See
Esquires.

Ethite-Straits, A kind of course Cloth made in Devenshire, about a yard and half a quarter broad, raw, mentioned 5 H. 8. cap. 2.

Cathition-farthings. See Pentecostals, mentioned in Letters Patent of Henry the Eighth to the Dean of Worcester.

Mitoom of the King, Vidua Regis, Was she, that after her Husband's death, being the King's Tenant in Capite, was forced to recover her Dower by the Writ

De Dote affignanda, and could not marry again without the King's consent, Stamf. Prarog. cap. 4. See the Statute of the Prarog. Anno 17 E.2. Mag. Chart. cap. 7. and 32 Hen. 8. cap. 46. See F. N. B. fol. 263.

Mica, A Country House or Farm, of which many a one is now call'd the Wike, and the Wick.—
Nos W. Abbas Glaston, or Conventus—— concessions
Andrez de wik, pro homagio of servitio suo wicam de manerio nostro de Essedi cum omnibus pertinentius suis in eadem villa.—— Chartular. Abbat. Glaston. M. S. f. 29.

gartichencret, Witchcraft. The word occurs in the Laws of King Canute, cap. 27.

Widow. Viduitas, the flate or condition of a Widow.

Wife, Uxor, After Marriage, all the will of the Wife, in Judgment of the Law, is subject to the will of the Husband, and it is commonly said, A feme covert hath no will, sed fulget radius mariti, Co. 4. Rep. Forse and Hembling's Case. See Perkin's sol. 2, 3, 4. Plowd. Comment: 344. Bret and Rigdon's Case, Dostor and Student, fol. 13. and 4 H. 6. 31.

Estill, or last Estill, Testamentum, ultima voluntus, Is of two forts, A Will in writing, called also a Testament; and a Will by word of Mouth, only called a Nuncupative Will, which being proved per Testes, may be of as good force as that in writing, except only for Lands, which are not devisable, but by a Testament in writing made in the Life of the Testator. See Touchstone of Wills, pag. 2. See Testament.

attigrebe, A Saxon word, derived from titig, or titie, which fignifies Sylvam, and Greve prapofitm, and denotes the Overseer of a Wood, according to Spelman: But Wia in Saxon more truly fignifies Vir, and so it may more properly intend an Overseer of the High-ways.

tatinches, A kind of Engine to draw Barges up the water against the stream, Anno 21 Jac. cap. 32.

catinter-beyning, Is that Season comprehended between the Eleventh day of November, and the Three and twentieth of April, which time by the Act made 20 Car. 2. cap. 3. is excepted from the liberty of commoning in the Forest of Dean.

entifegelthef, Vale Royal, pag. 113. Perhaps miflaken for Weregelthef, which fee.

Windlow, A Herald. See Herald.

Offo virgata unam hidam faciunt, wista vero quatuor virgatu constat. Mon. Angl. Tom. 1. p. 313.——in Perlea est una wista in dominio, ista enim 48 acrus constat. Chron. Monaster. de Bello, M. S.

edite, A Saxon word fignifying Punishment, Pain, Penalty, Fine, or Musel: Hence mitte or ditteree, one of the Terms of Privilege granted to our Portsmen, denoting a Freedom or Immunity from Fines or Amerciaments, and not (as they vulgarly accept) from being liable to be begg'd for Fools, for lack of wit or understanding, Saxon Diet. See Wyte & Gloss. in 10. Script.

Ancestors for their chief Lords or Thanes, their wise and their noble Men. And the Wittena Gemotes were the Councils or Assemblies of the great Men to advise and affish the King.

conterben alias conterered, and contered n., Was a kind of Taxarion among the West-Saxons, imposed by the Publick Council of the Kingdom: For Wite and Witan fignisse Majores Regni and Radan Concilium. See Charca Ethelvulphi Regis Catholica apud Malmide Gest. R. lib. 1. pag. 41. Mansio (sc. quævis Ecclesiæ assignata) sit tuta de libera ab omnibus secularibus servitius, Necnon regalibus tributus majoribus de minoribus sive taxationibus, que nos dicimus contereden.

edithernam, Vetitum Namium, may be compounded of the Saxon Wyther, altera, of Nam, captio, and is a forbidding taking, as the taking or driving a Diftress to a Hold, or out of the County, so that the Sheriff cannot upon the Replevin make deliverance thereof to the Party distrained. In which Case the Writ of Withernam, or de Vetito Namio, is directed to the Sheriff, for the taking as many of his Beasts that did thus unlawfully distrain, or as much Goods of his into his keeping, till he hath made deliverance of the first Distress: Also if the Beasts be in a Fortlet or Casile, the Sheriff may take with him the Posse Comitatus, and beat down the Casile, as appears by the Statute of Westm. 1. cap. 20. and Britton, cap. 27. Withernam according to Braston, lib. 3. trast. 2. cap. 37. And in Westm. 2. cap. 2. seems to signify an unlawful Distress made by him that has no right to distrain, Anno 13 E. 1. cap. 2. See the New Book of Entries, however, and see F. N. B. fol. 72. Reg. Orig. sol. 82, 83. Reg. Judic. fol. 29. and Smith de Republ. Anglor. cap. 10. This Withernam, (saith he) is in Dutch, and likewise in Saxon Withernempt, that is, alternum accipere, and signifies all one with Reprisalia, Reprisals. See Skene de verbor. Signif. verb. Averia.

f Mitherlake, Mytherlake, An Apostate, a persidious Renegado. Leg. Canuti Reg. cap. 27.

dominos pradictarum villarum der petent ad supradictos dominos pradictarum villarum der petent ab eu Witnesman, der ipsi Domini facient Forestarios Witnesman, sic der omnes Forestarii mei jurabant invicem, qui facti sucrint Forestarii, quod neminem nocebant occasione illius testimonii, dec. Carta Joh. de Vipont in cailello de Appelby, Dat. 6. Joh. Reg.

cations, Glastum, Is an Herb like Plaintane, growing in many places of England, formerly brought from Tholouse in France, and from Spain, much used, and very necessary for the dying of a blue colour, Anno 7 H. 8. cap. 2. We call it Woad, from the Italian Guedo.

tatolo, Walda, A Down, or Champagne-Ground, hilly, and void of wood; as Stow in the wolds, and Cotfwold in Gloucester-shire.

colong, A Saxon word, written otherwise Wange, and fignitying a Field; Tres acras terra jacentes inlex mongs, i. in campis opinor seminalibus, magis quam pascus, saith Spelman. So in an ancient Charter of Garradon Abbey in Leicestersbire, Dat. 14. E. 3. There is mention of the toteketmong, which is a large piece of inclosed Ground lying before the Abby-Gate. See Wang.

to the total of Cain, Some quanity of Oats or other Grain, paid by Customary Tenants to the Lord, for liberty to pick up dead or broken Wood.——In villa de Thorp ha sunt consuetudines——qualibet integra virgata terra——Dat ad Natale unam panem, dy unam summam de avena, scil. Woodecorn do operatur 3 diebus.——Swasham, sive Cartular. Burgi S. Petri, MS. f. 142.——— Ivesye est una hida terra do dimidia——qualibet virgata—Dat ad Natale ij galinas do

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panem & vi escheppas avena ad Woodecorn pro mortuo bosco. Ib. f. 143.

animogelb, Woodgeldum. Seems to be the gathering or cutting of Wood within the Forest, or Money paid for the same to the Foresters; and the immuni-ty from this by the King's Grant is by Crompton called Woodgeld, fol. 157. Co. on Lit. fol. 233. says, It sig-nifies to be free from payment of Money, for taking Wood in any Forest.

cat mother, - **De qu**olibet bosci summagio super Isia pontem (i.e. Exbridge) deportato unus truncus solvitur ad pontus reparationem qua consuetudo vocatur Woodhey .- Antiquities of Exeter, p. 45.

especially to look to the King's Wood, Cromp. Jurifd. fol. 146.

of all appropries. – Rogerus Prior dy Capitulum Ecclesia Christi Cantuar. quietos clamant Magistrum & Fratres Hospital S. Maria de Ospreng & corum Successores de consuetudinibus subscriptis, videlicet, de arura, Hatewite, Ripsilver, Wodelode, Heylcde, Aversilver, Gc. qua consuetudines fieri solent in curia de Adesham. Dat. Mens. Febr. 1242.-- Registr. Eccles. Christi

adimomote, Is the old Name of that Court of the Forest, which is now since the Statute of Charta de Foresta called the Court of Attachments, and by that Statute is held every forty days, but was wont to be held at the will of the chief Officers of the Forest, without any certain time. See Manwood's Forest Law, cap. 22. fol. 207.

Mimoplea-Court, Is a Court held twice in the year in the Forest of Clun in Com. Salop, for determining all matters of Wood and Agistment there, and perhaps was anciently the same with Woodmote

Minomard, Woodwardus, Is an Officer of the Foreft, whose Function you may understand by his Oath set down in Cromp. Jur. fol. 201.

YOU shall truly execute the Office of a Woodward of B. Woods within the Forest of W. so long as you shall be Woodward there; you shall not conceal any Offence either in Vert or Venison, that shall be committed or done within your Charge, but you shall truly present the same, without any Favour, Affection or Reward. And if you see or know any Malefactors, or find any worth in so many of or Deer killed or burt, you shall furth-with do the Verderor to understand Westm. sub anno 870. thereof, and you shall present the same at the next Court of the Forest, be it Swainmote, or Court of Attachments. So belp you God.

Catcoll orivers, Anno 2 by 3 P. by M. cap. 13. Are fuch as buy Wooll abroad in the Country of the Sheep-Masters, and carry it on Horseback to the Clothiers, or to Market-Towns to fell again.

of such as were Out-lawed in the Saxons time, for not submitting themselves to Justice: For if they could be taken alive, they should have been brought to the King, and if, upon fear of Apprehension, they defended themselves; they might be killed, and their Heads brought to the King; for they carried a Wolves Head, that is to fay, their Head was no more to be accounted of than a Wolves Head, being a Beast so hurtful to Man. So the Laws of King Edward, by Lambert, fol. 127. num. 7. and Brast. lib. 3. trast. 2. cap. 11. This is mis-written Wulvesheved, by Roger Hoveden, part. poster. suor. Annal. fol. 343.

tamistaple, Anno 51 H. 3. stat. 5. That City or Town where Wooll was fold. See Staple.

condition north, Are such as wind up every Fleece of wooll, that is to be packed and sold by weight, into a kind of bundle, after it is cleansed in such manner as it ought to be by Statute, and to avoid such deceit as the Owners were wont to use by thrusting in locks of refuse wood, and other dross, to gain weight. They are sworn to perform that Office truly between the Owner and the Merchant. See the Stat. 8 Hen. 6. cap. 22. 23 Hen. 8. cap. 17. and 18 Eliz. 25.

AF Color Derinde, — Item pro cibo Prioris querendo, dy pro servitio, quod dicitur Worderinde dy pro pomis frangendis 12 den. dyc. Sommer of Gavelkind, p. 120.

catormieed. Semen Santonicum, Is a medicinal seed, produced by that Plant which we call Holywormwood, whereof you may read in Gerard's Herbal, lib. 2. cap-435. This is a Drug to be garbled, Anno 1 Jac. cap. 19.

. Item est ibid**em** (scil. apud of Mozmtak,-Orleton) de Wormerak vi. Sol. viij. den. solvend. an-nuatim ad Festum S. Martini. Inquis. apud Heref. 22 Ric. 2.

Manglands, Seem to be misgrown Trees, that will never prove Timber, Kitchin, fol. 169.

& Morthinus, A Worthine of Land, a certain quantity or dimension of Ground so call'd in the Mannor of Kingsland, Com. Hereford. It is from hence possibly, that in some Mannors certain Tenants are call'd Worthies, 18 Ed. 3, inter consuetud. Manerii de Haddenham Com. Buck. from the Sax. Weorth, a Country House or Fatm; whence the termination of worth in somany of our Country Villages.— In villa Regia qua lingua Anglorum vocatur Beodnibesworth, Latine veto Berodici curtis seve babitatio naminatur. March tinè vero Berodici curtis sive babitatio nominatur. Matth.

Ectreche, Wreccum maris, Is, where a Ship is perished on the Sea, and no Man escapes alive out of it: The Civilians call it Naufragium. This wrecke being made, the Goods that were in the Ship being brought Woodwards may not walk with Bow and Shafts, but with Forest Bills, Manwood, part 1. pag. 189. Arcum Cat escape alive, so that the Party to whom the dr calamos gestare in Forest a non licet, sed (ut rescripti utar verbo) Hachettum tantummodo. Sic. Term. Hill. Anno 13 E. 3. Ebor. Rot. 106.

made, the Goods that were in the Ship being brought to Land by the waves, belong to the King by his Prerogative, or such other Persons to whom the King hath granted wrecke. But if a Man or a Dog, or a Cat escape alive, so that the Party to whom the Goods belong, come within a year and a day, and prove the Goods to be his, he shall have them again by the Provision of the Statute of Westm. 1.

ea. 4. and 17 E.2. cap. 11. Co. vol. 6. fol. 106. Bracton, lib. 2. cap. 5. num. 7. This in the Grand Cultumary Normandy, cap. 17. is called Varech, and latined verifcum, and in some ancient Charters it is written Deup= werpe, quasi Dea up-werpe, that is, ejectus maris, from Up-merpen, ejicere. By which, and other Antiquities, it appears, that wreck did not only comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast up upon the Land, were it precious Stones, Fishes, or the like, as by the Statute made 17 E. 2. cap. 11. called Statutum Prarogativa Regis, appears in these words, Item Rex babebit wreccum maris, per totum Regn. Balenas, do Sturgiones captas in mari vel alibi infra regnum, exceptis quibujdam locis privilegiatis per Regem. In the Stat. 27 H. 8. cap. 26. it is called wreck See 2. Inft. fol. 167. de mer.

Threckfry, Wreckfree, or exempt from the forfeiture of Shipwrack'd Goods and Vessel to the King. King Edw. I. by Charter granted this Immunity to the Barons of the Cinque Ports—Quod fint Wreckfry by Wyttefry by Leftagefry by Lonetopfry by quod habeant den by Strond apud Gernemuth.—Placit. temp. Ed. 1. by Edw. 2. MS. 4°. penes Dom. Fountains ex Æde Cristi Oxon.

Careledius, — Berges reddit in gabulo assi-fo — & sunt ibi tres Wresedly quorum quilibet debet flagellare unam summam frumenti de semen in bieme. Chartular. Abbat. Glaston. MS. f. 39. b.—Sunt ibi duo Wresedli qui debent idem servitium facere quod Co-

tarii. ib.

tartt, Brew, Is the King's Precept, whereby any thing is commanded to be done touching a Suit or Action, as the Defendant or Tenant to be summoned, a Distress to be taken, a Disseisin to be redressed, &c. And these Writs are diversly divided in divers respects, some in respect of their Order, or manner of granting are termed Original, and some Judicial. Original Writs are these, that are sent out for the summoning of the Defendant in a personal, or the Tenant in a real Action, before the Suit begins, or rather to begin the Suit: Those are Judicial, which are sent out by Order of the Court where the Cauche depends, up on occasion after the Suit begun, Old Nat. Brev. fol. 51. 67 147. And the Judicial are known from the Original thus, because the Teste of that bears the Name. of the chief Justice of that Court whence it Issues, whereas the Original in the Teste has the Name of the Prince: And according to the Nature of the Action, they are either personal or real: Real are either touching the possession called Writs of Entry, or the property called Writs of Right. Some Writs are at the Suit of the Party, some of Office, some Ordinary, some of Privilege: A Writ of Privilege, is that which a privileged Person brings to the Court for his exemption, by reafon of some Privilege. See Procedendo, and the New Book of Entries, verb. Privilege. See Brief. Mirit of Rebellion. See Commission of Rebellion.

Mrit of Multance, Iffues out of the Exchequer, to authorize any person to take a Constable, or other publick Officer, to seize Goods or Merchandize prohibited and uncustomed, Stat. 14. Car. 2. cap. 11. There is also a Writ of Affistance out of the Chancery

to give a Possession.

Miriter of the Tailies, Scriptor Talliarum, Is an Officer in the Exchequer, being Clerk to the Auditor of the Receit, who writes upon the Tallies the whole Letters of Tellers Bills.

Mybhepet. See Pudbepec.

Ellyke, Wyka, A Farm, or little Village, Es to-tam wykam cum bominibus, Gc. Mar. Ang. 2. par.

stilyte or stitte, Wyta vel wita, In Latin Multa

Saxones duo mulctarum generastatuere weram & wytam, Wera mortis reos & gravissime peccantes libera-bat. Wyta medin & levioribus delistis statuta suit, non certa sed pro qualitate commissi, alias gravior, alias levior; salvo tamen semper contenemento delinquentis (ut lex loquitur in Mag. Chart. cap. 14.) hoc est, astimatione ejus Anglice hts Countenance. Ex his placitis quadam emendantur centum solidis, quadam wera quadam wyta, quadam emendari non possunt, Leg. H. I. cap. 13. Emendet juxta ordinis dignitatem, sive per redemptionem, i. weze; per forisfasturam, i. wyte: per legis transgressionem, i. Lashlite. M. S. de Leg. Canuti in Biblioth. Corton. Sub tit. Vitellius, C. 9.

no 1332.

13 Ellyttefry, King Edw. I. grants this Immunity by Charter to the Barons of the Cinque Ports— gnod sint wrecfry, & wyttefry, & Lestagefry, & Lonetopfry, & quod babeat den & Strond apud Gernemuth. — Placit. temp. Ed. 1. & Ed. 2. MS. penes Dom. Fountains ex Æde Christi Oxon.

tailis ex Acide Chiffitt Oxon.

12 Milyberte, — Cum autem in boscis nostris aliqua succiderimus, licebit eie sine aliquo ferramento vel aliquo ustilio succibili intrare dy ramalia qua de wyvede remanserint qua Anglice Spren dicuntur colligere. — Conventio inter Priorem by Monachos Ecclesia Christi Cant. By bomines suos de Chartham fasta anno 1166. Regist. Eccl. Christi Cant.

extrong, Injuria, Is in French apply called Tort, because wrong is wrested or crooked, being contrary to that which is right and strait, Co. on Lit. lib. 2.

X.

Enia, Dicuntur Munuscula qua à Provincialibus restoribus Provinciarum offerebantur. Vox est in Privilegiorum Chartis non insueta, ubi quietus esse à Xeniis immunes notat ab bujusmodi muneribus aliisq, donis Regi vel Regina prastandis quando ipsi per pradia Privilegiatorum transierint, ut in Chart. domus Semplingham. Principibus enim olim fuit in more, d sub-ditis vel invitis munera extorquere. Itaq; ad boc jugo liberos fecit Ecclesiasticos, Æthelbaldus Rex Merciorum Anno 747. ut ab exemplari Chartæ suæ tum apud Ingulphum Sax. tum Will. Malmesb. lib. de Gest. Reg. Angl. p. 29. l. 4. his verbis habetur. Concedo ut om-nia Monasteria de Ecclesia Regni mei à Publicis velli-galibus, operibus dy oneribus absolvantur.—Nec manuscula prabeant Regivel principibus nisi voluntaria, Spelm. So in Memorand. Scacc. de anno 20 E. 3. Trin. Rot. 3. Nulla autem persona parva, vel magna ab bominibus or terra Radingensis Monasterii exigat non equitationem sive expeditionem, non summagia, non velligalia, non navi-

gia, non opera, non tributa, non Xenia, dyc. Zenodochium, Interpretatur bospitium, An Inn by Publick Licence allowed, for the entertainment of Strangers, and other Guelts. It may also be inter-preted an Hospital, In qua valetudinarii & senes, id est, infirmi recipiuntur & aluntur. See Vocab. utri-

n/q; juris, verb. eodem.

Y. 22 Pppp

Y

The Ray, Quod homines sui (Ripponienses)

I sut credends per suum Ya do per suum Nay in omhibm Querelu do Cwiu, licet tangen. Freedmastell, &c.,
Charta Athelliani Regis. Mon. Ang. Tom. 1. pag.
1172. 6-

Party, Virga, is a well known Measure, three Foot in length, which (Sir Richard Baker in his Chronicle slays) Henry the First Ordained by the length of his own Arm. See Virga ferrea.

Paroland, Virgata Forre, Is a quantity of Land various, according to the place; as at Wimbleton in Surrey it is but fifteen Acres, in other Counties twenty; in some twenty; in some twenty; in some twenty four, in some thirty, and in others forcy Acres: Virgata terrat continet 24. Acres by 4. Virgata constituent unam Hydam, by quing; Hyda constituent foodum militare, MS. Abbana Malmesb. This Tardhand, Brallon, lib. 2. cap. 10. & 27. calls. Virgatam terra, but expectles no certainty what it contains. It is called a Verge of Land, Anno 28 R. 1. Statute of Wards. See Schlon Titles of Manour, follows.

Gr Promonius, Occonomus; an Advocate, Defender, or Patron. —— In Ecclefia Ma Rex ista vice agens Tronomi & Custodio specialus. Vit. Abbat. S. Albani.

Pear and Day, Annus & Dies, Is a time that determines a right in many Cases; and in some Works an Usuapition, in others a Prescription; as in case of an Estray, if the Owner (Proclamations being made) challenge it not within that time, it is forfeit: So is the Tear and Day given in case of Appeal, sin case of Descent after Entry or Claim; of no Claim upon a Fine or Writ of Right at the Common Law, so of a Villain remaining in ancient Demesse: Of a Man so bruised or wounded: Of Protections, Essions in respect of the Ring's Service; of a Wregk, and divers other cases, Co. vol. 6. fol. 107. And that accepting the death of a Man, seemeth an imitation of the Civil Law, Nam si mortisfere fuerit vulnerature of possess possess and interesting in secundum Jahanum 1. ait lex and legem Apull.

Pear, Dan and Malte, Annue, Dies of Valum, Is a part of the King's Prerogative, whereby he challengeth the Profits of their Lands and Tenements for a Year and a Day that are Attained of Petty Treason or Felony, whoever is Lord of the Mannor whereto the Lands or Tenements belong; and not only so, but in the end may waste the Tenements, delivoy the Houses, root up the Woods, Gardens, Pashure, and Plough up the Meadowa, except the Lord of the tee pages with him for Redemption of such Waste, afterwards response is to the Lord of the Fee; whereof you may read at large in Stams. Pracog. cap. 16. Ital. 44.

Picking and Paring, Reddendo de lokundo, is a corruption from the Saxon yelfan and yy Kan, folvere, pressure. And in Doomsday-Book, Gildare is a seed for folvere.

Peine, Is an old Corruption from Hieme, and that from Hiems Winter; So some old Deeds have it, Reddendo—ad festum S. Martini in peine, &c. And in another of 4.E. 2. shus, — Reddend. quando. Ital. 4. acra terra seminantur semine peinii duodecim

Bushell. boni & legalis frumenti ad festum Puristra-

Beten or Peoben, So some old Indentures say, Teoren the Day and Tear first above-written: It is the same with Given, and perhaps corrupted from the Sakon Geopian, i. Dare. So Distumde Kenelworth, concludes.—Teoren, and proclaimed in the Castle of Renelworth, the day before the Calendo of Novemb. Anno 1256.

Peman, or proman, or poman, A derivative of the Sakon Zeman, i. Communic. These Camdon in his Brit. pag. 105. placeth next in order to Gentlemen, calling them Ingenious, whose opinion the Statuce affirms, Anno 6 Rich. 2. cap. 4. and 20 R. 2. cap. 2. Sir Thomas Smith in his Republ. Anglorum, lib. 1. cap. 23. calls him a Teoman, who our Law calls Legalem hominem, which (says he) is in the English a Freeborn Man, that may dispend of his own Free Land in Yearly Revenue to the Sum of Forty Shillings sterling. Verstegan in his Restitution of decayed Intelligence, cap. 10. writes, That Gemen among the ancient Teutonicks, and Gemein among the modern, signifies as much as Common, and the letter G. being turned into T. is written Temen, which therefore signifies a Commoner. Teoman also signifies an Officer in the King's House, in the middle-place between the Sergeant and the Groom, as Teoman of the Chandry, Teoman of the Scullery, 33 H. 8. cap. 12. Teoman of the Teomen, in the Scatute 33 H. 8. cap. 10. See Jemen.

Pingman, Leg. H. 1. cap. 15. Danagildum quod alimanda mingrossa delatur i. 12 d. de unaquae bidda

Pingman, Leg. H. 1. cap. 15. Danagildum quod aliquando pingeman dabatur, i. 12 d. de unaquaq; bida per annum; fi ad terminum non reddatur, wita emendetur. Spelman thinks this may be mistaken for Inglishman, or as we say now Englishman, tho' he finds it written pingeman both in Sir Robert Cotton's Codex and his own.

Res Plitius, Anketel, in the Reign of King Ethefred, gave to the Abbot and Monks of Ramsey the Land of Hicheling, to receive from it this annual Sum. or Rent in Provisions—ad festum S. Benedicti quad est in astate 10. mitton de braseo for 5 de gruto, for 5 mitton farina triticea, for 8 pernos, for 16 ciseos, for 2 vaccos pingues—in capite autem quadrigesima 8 fratribu ysicios annuation.— Histor. Rames. Sell. 144. By ssicios understand, what in Old English they call Minges, a sort of pickled Salmon.

tribus pinges—tepne unem qualingesma a fratribus pincios annuation.— Histor. Rames. Sell. 144. By spicios understand, what in Old English they call Tilinges, a fort of pickled Salmon.

Phernagium, (From the French Historine, that is, the Winter-Season) was anciently used for the Winter seedness, or season for sowing of Corn; Distusvero Willielmus & haredes sui arabunt unum sellonem ad yvernagium, or unum seilonem ad semen Quadragestmale, or unum seilonem ad warestum, &c. Charca Richards de Harecourt penes Tho. Wallascot Arm. sine

Ente, Deep in the North parts of England, the Country People call the Feast of the Nativity of Our Lord, usually termed Christmus, pute, and the Sports used at Christmus, here called Christmas Gamboles, they still Pute-Bames.

2. Zealot

Ż

Tom. 3..p. 173.

Elphegus cum Zetam veluti pransurus intraret, tam va-cuis fere à mensa surrexit, quam vacuus ad mensam ac-cessit. Osborn. vita S. Elphegi apud Whartoni Angl.

Ceffit. Osborn. vita S. Elphegi apud Whartoni Angl. Sacr. P. 2. p. 127.

Suche, Zelova, Is for the mast parawken in paramite, from the Church of England, a Zealan, or a Fanatick; which are well known terms of Separation.

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FINIS.

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APPENDIX

CONTAINING

The ancient Names of Places here in England, very Necessary for the Use of all young Students, who intend to Converse with Old Records, Deeds, or Charters. Amended and Enlarg'd.

Blato-Bulgio,

Aballaba, Applebeia, Abum, Abbandunum,

Abbendoma, Abendonia, Abone, Abonis, Abrevicum, Abbus æftuarium, Achelanda.

Adelingia, Ad-Lapidem,

Ad-murum, Ad-pontem, Adros, vel Andros, vel Andium, Adurni portus, Æbudæ,

Aliani-Porta,

Ætona, Afena, Agelocum, Ager Maridunenfis, Alannius,

Alaunicus portus, Alaunicus Pons, Alaunodunum, Alaunus, flu. vel Alanus, Album Monafterium, Ulnesse or Bolnesse in Cumberland.

Appleby in Westmer-land.

The River Humber.

The River Humber.

Abington, in Berkshire, formely called SEWSHAM.

Avington or Aventon in Glocestershire. Berwick on Tweed. Humber in York shire. Bishops Aukland in the Bi-

shoprick of Durham.
Athelney in Somersetshire.
Stoneham in Hampshire, near
Redbridge.

Waltown, Pawnton in Lincolnsbire.

Randfant Cand have in Male

BardseyIsland hetwixtWales and Ireland.

Ederington in Suffolk.
The Isles of Hebrides to the
West of Scotland.
An old Town near Hadrian'sWall in the N. of England.
Eaton in Berksbire.

See Segelocum.

Carmarthenshire.

The River Avon in Wiltshire.

Milford-Haven.

Maidenhead in Berkshire.
The River Alne in Northumberland.
Whitchurch in Shropshire.

Alenus, flu.

Alion, Alione, Alone, Alone flu.

Amboglanna,

Ambrofii burgus, Amænissima montana Balsham,

Ancalites, Anderida,

Andevera,
Anglefega,
Mona,
Anguillaria infula,

Antivestaum,
Autona, vel
Ausona,
Apiacum,
Aquæ calidæ,
Aquæ folis,
Akeman-cester

Akeman-cefter, Aquædon, Aquædunenfis faltus, Aquævadenfis pous, Aquædunum,

Arbeia,
Ariconium,
Arundelia,
Arundellum,
Aruntina vallis,
Arundinis vadum,

Aquilædunum,

The River Alen in Dorsetshire, another in Denbighshire, also the River Alne in Warwickshire.

Lancaster, also Whithy Castle in Cumberland.

The River Alon in Northumberland. Ambleside in Westmor-

Amplesiae in Westmorland. Amesbury in Wilts.

de Gogmagog-Hills near Cambridge. The Hundred of Denby in

Oxford shire.

Newenden in Kent.

Andover in Hantsbire.

Anglesey.
The Isle of Ely.

Anguillarianum Monaste-

The Lands-End.
Aufon or Nen in Northamptonshire.

Pap-Castle in Cumberland.

Bath City in Somersetshire.

Eidure vulgo Eatoun. Waterdon. Eiford.

Aieton. Hoxton instead of Eagles-Town. Ireby in Cumberland.

Kenchester near Hereford.

Arundel in Sussex.

Redbridge in Hantshire.

Arunus fl.

В	E	F	3 R
Arunus, fl.	The River Arun in Suffer.	Belerium prom.	See Antivestzum.
Arvonica.		Bellinus finus,	Bellings-Gate.
rus, flu.		Belifama,	Rhibelmouth in Lancashive.
Saphensis espicopatus,		Bellelanda, •	Biland in Yorkshire.
thanaton,	The Isle of Thanet in Kent.	Belloclivum,	> 1
Athefis flu	The River Tees in the Bi-	Bello defertum,	Belde sert in Warwick shire.
	shoprick of Durham.	Bellus locus,)
Attrebatii,	Berkshire Men.	Berceia,	& Berkshire.
Aulona,		Bercheria,	3
•	amptonshire.	Berechingum,	Barking in Essex.
Avalonia,	Glastonbury in Somersetshire.	Berclea,	Berkley in Gloucestershire.
Augusta Trinobantum,	London.	Bermundi infula,	Bermondsey in Surrey.
Avena flu.	Aven in Wiltshire.	Bernardi Castellum,	Bernard-Castle in the Bi- shoprick of Durham.
	The River Avon, that runs	Bernicia,	Was a Province reaching
	by Malmesbury, Brad-	,	from the River Tees to
	ford, Bathe, Briftol.	•	Edenborough Frith in
·	The River Nen, that runs	•	Scotland.
-		Berwicus,	Berwick upon Tweed.
••	thire by Oundle, Peter-	Beverlea,	Beverley in Yorfbire.
	borough, and into the	Beverlacensis,	Of or belonging to Beverley.
•	Sea near Lin.	Bibrocassi,	2 The Hundred of Bray in
	The Avon that flows by	Bibroci,	S Yorkshire.
•	Amesbury, Salesbury,	Bimonium vinocium,	5
Avona, flu.	and so into Dorsetshire.	Brinonium vinovia,	Binchester in the Bisho-
Charles state	The Waveney that divides	:Binovia	prick of Durham,
	Norfolk and Suffolk runs		prick of Durbank
•		Binovium, Bishamum,	Bisham in Berkshire.
	by Bongay, corruptly so		Part of the North Riding of
	called for Avoney.	Blacamora,	Yorkshire.
	The Avon rifing not far	Diseasefonda	Blandford in Dorsetshire.
	from Naseby in Nor-	Blancoforda,	Plane Calle in Manual
••	thamptonshire, runs by	Blancum castrum,	Blane-Caftle in Monmonth.
***	Warwick, Stratford, Eve-	Diames Dulaines	Shire.
.**	sham, and into the Severn	Blanım Bulgium,	Bulnesse or Balnesse in Cum-
•	at Tewkesbury.	71.6i	berland.
•) p	Bleftium,	Old-Town in Herefordshire.
Avona,	Bungey in Norfolk.	Boccinum,	Buckingham and Bucken- bam.
	5 Hampton-Court according		
Avondunum,	to Leland.	Bodiamum,	Bodiam in Sussex.
Avonæ vallis,	Avondale or Oundle in Nor-		Edenborough Frith.
•	thamptonshire.	Bolerium Prom.	See Antivestaum.
Axclodunum,	Hexam in the Bishoprick	Bonium seu Bovium,	Boverton or Combridge in
	of Durham.	1	Glamorganshire, also Ban-
	~	•	gor or Banchor in Flint- shire.
	В.	D D	
		Borzum Prom-	St. Ellen's Cape.
RAchelaganz fylvz,	Ragley.	Borcovicum,	Berwick upon Tweed.
D Badiza,	Bath in Somersetsbire.		.
Badonicus mons,	Bannes-down, a Hill over a		Bouley near Oxford.
	little Village near Bath		Boverton in Brecknockshire. Brougham in Westmerland.
	called Bathitone.	Braboniacum,	
Bainardi caftellum,	Baynard's-Castle in London.		Burgh in Yorkshire.
Bainus pons,	Bainbridge in Torksbire.	Brachilega,	Brackly in Northamton-
Balnea,	Z Rath City	Prammeania	shire. Reambton was Elections
Batha,	Bath City.	Bramptonia,	Brampton near Hunting
Bathonia,	7 Abushamatan	Danne Januari	ton. Remediate the March
Bannavenna,	Northampton, or rather		Branchester in Norfolk.
Bannaventa,	Weedon on the Street.	Branovium,	, , , , , , , , , , , , , , , , , , ,
Banus, flu.	The River Ban in Lincoln	1	The City Carry of
[· · · · ·	fhire.	Bravinum,	The City of Worcester.
Bardunus,	A River near Norwich is	1	. \
1	Norfolk.	Brannovium,	Prostonist.
Bana-Infula,	An Island about three mile		Brecknock.
	from the River Tafi i	n Bremenium,	Rochester in Northumber
la a service	Glamorganshire.		land.
Basenga,	Basing in Hantshire.	Brementonacum,	Overborow in Lancashire
Basingum,		Brementuracum,	Brampton in Cumberland.
Baterlega,	Battersey.	Brentæ Vadus,	Brentford in Middlesex,
Bearrocfcira,	Berkshire.	Brigantes,	Inhabitants of Yorkshire.
Bedeforda,	3 Bedford.	`*	Lancashire, Bishoprick
Bedfordia,	3		Durham, Westmerlan
Belgæ,	The Inhabitants of Somes		and Cumberland.
	fer, Wilts and Hantshire	Brigantium,	Tork City.
			Qqqq Bridg

D Α Ribblechefter in Lancasbire. Coccium, The River Cocar in Lanca-Cokarus, shire, & Coke in Yorksh. Cocarus, Colonia, Coldingbam in Scotland. Coludi, Coldania Z Colchester in Essex. Colcestria. Colonia, Maldon in Esfex. Colonia victricensis, Colebrook in Middlesex. Colunum, Comberetonium, Brettenbam in Suffolk. Combretovium. The Barony of Kendale. Concangium, Congleton in Cheswire. Condate, Chester upon the Street in Condercum, the Bishoprick of Dur bam. Chelmesford in Essex. Canonium, Caerbean upon Conway in Canovium, Carnarvonsbire. The River Convray, that di-Conovius, vides Carnarvon shire from Denbighshire. Convey-Island at the Thames Convennon, Convennos infula, mouth. Coventry City in Warwick. Conventria, fbire. Coventria, The Isle of Coquet. Coqueda infula, Corebridge in Northumberl. Coria & Curia, Cornwall. Corinia. Cirencester in Gloucester shire; Corinium, as Camden thinks. The River Churne that runs Corinus flu. by Cirencester. eople of Northampton, Lei Coritani vel cester, Rutland, Derby and Nortinghamshire. Coritavi. Inhabitants of Warwick, Cornavii vel Worcester, Stafford, Shropshire and Gheshire Cornabii, Cornwall. Cornubia, Monaste-Cornubium Horn-Church in Esex. rium. Corbridge upon Tyne, says Talbot, Morpit in Northumberland, as Camden, Curebridge by H. Hun-Corftopilum, Corstopicum, tington, and Corebridge by Hoveden. Curia, Cotswold in Gloucestersbire. Cotteswoldia, Coverley in Gloucestersbire. Covi Burchelega. Cranborn in Dorfetsbire, or Cranburna, Conenburgh in Cleve-Craneburgum, land. Burginatium, The County of Craven in Yorkshire. Craven,

Creeklade in Wiltskire.

Ancaster in Lincolnshire.

Cornwall.

vonshire.

Cumberland.

Crecolada vel

Græcolada,

Crococalana,

Crocolana,

Croylandia,

Cumberlandia,

Danica Sylva,

) Anmonii vel Damnonii,

Cumbria,

Cunetio,

Cridea,

Danmoniorum Promon- & The Lizzard in Cornwall. torium, The Forest of Dein in Glou-Danubiæ. cestershire. Dancaster in Torkshire. Danum; The Dane in Lincolnshire. The Dan or Daven in Cheshire. The Don or Danus flu: Dun in Yorkshire! Darbia vel The Town of Darby. Derbia, Darbiensis comitatus, Darbysbire. Darventia, The River Derwent in Derbyshire. Darvernerum, Rochester in Kent. De alto Pecco, The Castle in the Peake in Derbyshire. Godsto in Oxfordshire. Deilocum, The part of the Kingdom of the Northumbers that Deira. lay on this side Tyne. Deirburst in Gloucestersbire. Deira fylva, Dele in Kent. Dela. Delgovitia, Godmanham in Torkshire. Demeræ, People of West-Wales. West Wales. Demetia. Denbigh in Denbighshire. Denbighia, Derentivadum, Dertford in Kent. Derwentio, Auldby upon Derwent in Tork (bire. Deva flu. The River Dee in Cheshire. Deva seu Devana urbs, Chester or West-Chester. Devonía, Devonsbire. Digammey in Carnatvon-Dictum, fbire. Divilæ, The Vies or Devizes in Divifio, Wiltshire. Castrum de Vies, People of Gloucester and Oxford Shires. Dotuni, An old Town called Dor-Durobrevis, manchester on the River Nyne in Northamptonshire.
The City of Canterbury in Durovernum. Kent. Dorfris vel Dubris, Dover in Kent. Doris, Dorceffria, Dorchefter either in Ox-Dorkestra. ford or Dorsetsbire. Dorcinni civitas, Dorpendunum, Orpington in Kent. Durobrevum, Rochester in Kent. Dorobernia. ₹ Canterbury. Dorovernum, Dorventania, Darbysbire. Dorus flu. Crediton or Kirton in De-The Dor in Hartfordshire. Dovus flu. The Dove in Derbyshire. Dunelmensis comita-The County of the Bishoprick tus. of Durham. Dunelmia, Crowland in Lincolnshire. Dunelmum. Durham City. Dunelmus, Dunholmum, Dunum vel Dunus fi-Marleborow in Wiltsbire. The Creek at Dunsbey near Whitby in Torkshire.
Dunmock alias Flixton in nus. Dunvicus aliàs felicis, DEople of Devonshire and oppidum, Suffolk. Duria provincia, Dorfet fbire. Andredsmald Forest in Sus-Durvonovaria, Dorchester in Dorsetshire. fex: Also the Forest of Dean in Gloucestershire. Dorcinia

FA

GR

Dorcinia civitas, Duracastrum, Hydropolis, Durobrevum, Durobrivæ,

Durocobrivæ, Durolenum, Durolipons,

Durolitum, Durotriges, Dorchester in Oxfordshire.

Dornford near Walmeford in Huntingtonsbire. Redburn in Hertfordsbire. Leneham in Kent. Gormanchester in Huntingtonshire. Layton in Effex.

E.

Esteria, Ebodia, Eboracum, Eburacum,

Edmundi Burgus, Eilecuriani vallis,

Eimotus flu.

Elgorii,

Elienfis infula, Ellandunum.

Eltefhamum, Eminention, Eovelum. Evellamum. Epciacum vel Epiacum,

Eisimenon Gabranconi-Z

corum, Epidium,

Etocerum.

Eubonia! Evenlodus flu.

Excambium Regium, Peristilium sive Burfa, Exa. flu.

Exonia. Exploratorum Castra.

FAla flu. Falenfis portus. Fanum Albani, Fanum Iltuti,

Fanum Ivonis Persa, Fanum Leonis, Fanum Neoti,

Fanum Reguli, Fanum Stephani,

Rochester in Kent. People of Dorfetshire.

₹ E∬ex.

The Isle of Alderney. S Tork City.

St. Edmondsbury in Suffolk The Vale of Alisbury in Buckinghamshire. The River Eimot in Cum-

berland. Inhabitants of Lidderdale, Eusdale, Eskdale, and Annandale in Scotland.

The Isle of Ely.

The old name of Wilton in Wiltshire. Eltham in Kent.

Eaton nesse in Suffolk. 2 Evesham or Evesholme in Worcestershire.

Pap-Castle in Cumberland. Uttoxeter in Staffordshire,

according to Camden.

Everby in Torkshire.

Cantyre in Scotland. Island that is near Canis likewise called tvre. Épidium. The Isle of Man. The River Evenlode in Ox-

fordsbire.

The Royal Exchange in London.

The River Exe in Devon shire. Excester City in Devenshire. Burgh upon Sands in Cum.

berland.

HE River Vale in Cornwall. Falmouth in Cornwall. St. Lantwit in Glamorgan-shire. Sc. Albans in Hertfordsbire,

St. Ives in Huntingtonsbire, Leominster.

St. Neets in Huntington fhire.

St. Andrews in Scotland. Kirkby Stephen in Westmerland.

Fanftini villa, Fawenics,

Fibrilega, Fibrolega, Flintia, Fons Brigidz, Fons clarus, Fontanenis Ecclesia, Fretum Britannicum, Fretum Gallicum, Fretum Morinorum, Fromus flu.

St. Edmundsbury in Suffolk. Inhabitants of Foy in Corn-

Beverley in Torkshire.

Flint-Town. Bridewell in London. Shireburn in Dorsetshire. Wells in Somersetsbire.

The Streight of Calais.

The River Frome in Gloucestershire that runs to Bristol; also another in Dorsetshire.

G.

Abranconicorum J Salucaris portus, Gabrantovicorum, Portuofus finus, Gabrocentum vel Gabrosentum,

Gadenii,

Galva vel Gallava. Gallucum vel Gallagum, Gallena,

Ganganorum Prom. Gariononam,

Garrienis vel Gargenus flu. Gaulennæ,

Geldeforda. Genumia. Gessoriacum,

Gevini,

Geviffi,

Girvii, Glamorgania vel Glamorgantia, Glasconia, Glastonia, Glavorna, Glevum, Glocestria. Glenus flu.

Glotta,

Gloveceastria, Glovernia, Gobanium,

Goderici castrum,

Grance.

Suerby in Torkshire.

Gatshead in the Bishoprick of Durham, bard by New-Castle.

Inbabitants of Teifdale. Twedale, Merch and Lothian in Scotland.

Wallwick in Northumber

Land

Whealp or Whealop Castle in Cumberland.

Wallingford in Berkshire, on the Borders of Ox-Ford (hire.

Lheyne in Carnarvonsbire. Tarmouth in Norf, or rather Burgh-Castle in Suffolk.

Zare River im Norfolk.

Brig-casterton in Lincolnshire. Guilford in Surrey. North-Wales. The Streight between Britain and the isle of Wight.

A River in Wales, that runs into the River Usk. People over-against the Islo

of Wight. Inhabitants of the Pens.

Glamorgansbire.

Glastonbury in Somerset shire.

Gloucester.

The Glen in Northumber land. . The River Cluyd in Scoe-

land; also an Island now called Arran, lying in the Bay of Clayd.

Gloucester City.

Abergavenny in Monmouth-Shire.

Goodrich Caftle in Hereford fbire.

Cambridge as some think. Gravelenda

HY

K I

Gravefenda, Greva, Grenovicus, Grenovicum, Greenwicum, Gualæ, Guerfa flu.

Guldonicus clivus, Guinethia, Guldforda, Gumicastum, Gumicaster,

H^{Abitancum},

Hadriani murus,

Hagulstadia,

Haga,

Hagulstadunum,

Halenus, Hamptunia, Hanfus flu.

Hantonia, Harefordia, Hastingæ, Hebrides,

Helenum prom. Heliense cænobium, Henlega, Herculis prom. Herefordia,

Hertfordia,
Hertfordiæ comitatus,
Hesperides,
Hibernia,
Hinchesega,
Hithinus portus,
Hodneius flu.

Hollandia vel Hoilandia, Homelea flu.

Hrofi civitas, Humbra flu.

Hundeldena, Hunsdona, Hungreforda, Huntingdonia; Huntingdonensis ager, Hurstelega, Hwiccii,

Hydropolis, Hymbronenses, Z Gravesend in Kent.

Greenwich in Kent.

Wales.
The River Wharf in Yorkfhire.
Guy-cliff near Warwick.
Wales.
Guildford in Surrey.
Goodmanchester near Huntington.

H.

Rifingham in Northumberland.
The Picts Wall.
The Hay, or Hafely in Brecknock thire.
Auften upon Tyne in Nor-

thumberland.

Hexam in the Bishoprick of Durham.

River Avon in Hampshire.

Southampton in Hantshire.
The River Hans in Staffordshire.
Hantshire.
Hereford City.
Hastings in Sussex

Hastings in Sussex.

A Cluster of Isles that lie on the West-side of Scotland.

The Lands end.

Ely City in Cambridgeshire, Henley upon Thames. Herley Point in Devonshire. Hereford City in Herefordshire. Hertford.

Herefordshire,
The Sorlings or Scilly Isles.
Ireland.
Hinktsey near Oxford.
Hith in Kent.
The Hodney in Brecknock-

fhire.

Holland, a part of Lincolnfhire.

The River Humble overagainst the Isle of Wight, in Hantshire. Rochester in Kent.

Rochester in Kent.
The River Humber in Yorkshire.

Hunsdon in Herefordshire.

Hungerford in Berk shire.

Huntington Town.

Huntingtonshire.

Hurstley.

People of Worcestershire,

and about Severn.

Dorchester in Oxfordshire.

People of Northumberland.

Jamefa, Iamiffa, Iccius portus, Iceni,

Iciani vel
Ifianos,
Icta,
Idumanja,
Idumania,
Idumanum æftuarium,
Idumanus flu.
Ingiruum,

Infula,

Infula ficurum,

Infula vecta, Vectis vectefis, Interamna,

Ifaca vel
Ifca,
Ifannavanria,
Ifannavaria,
Ifannavatia,
Ifca Danmoniorum,
Ifca, legio Augusta,
Ifca legua Augusti,
Ifchalis,

Ifidis Infula, Ifidis vadum, Ifis flu.

Ifuria, Ifurium, Itium Galliæ, Ituma flu.

Itunna, Julia ftrata,

Kanus flu. Keneta flu.

Keresburga,

Kestevena,

Kinebantum castrum,

I.

The Thames according to
Ptolomy.
Callis Whitfand.
People of Suffolk, Norfolk,
Cambridge and Huntington Shires.

Ichborow in Norfolk.

The Isle of Wight.

The River Stone.

The River Blackwater in Effex.

Jarrow in the Bifhoprick of Durham, where Beda flourifhed.

Hourished.

Egnesham or Enisham in Oxfordshire.

The little 100 of Sill or Sil

The little Isle of Silley in Severn.

7 The Isle of Wight.

Twinamburne in Dorset-

Christ-Church in Hantshire.

The River Exe in Devonshire.

Northampton, orrather Wedon on the Street in Northamptonshire.

Exeter City.
Caerleon City in GlamorganShire.
Inelchester, commonly called Ilchester in Somerset-

fhire.
Outney by Oxford.
Outleford on Oxford.
The River Itis by Oxford.

The River Isis by Oxford.
The Ouse that runs by Buckingham.
Another Ouse that runs ha

Another Ouse that runs by York. Torkshire. Aldburgh or Olburrow in

Yorkshire.
Vitsan or Whitsan near Cal-

The River Eden in Westmerland and Cumberland. The River Eden, or Solway

Frith in Scotland.

A Highway not far from Carleon in Wales.

The Kin in Westmerland.
The River Kennet in Wistshire.
Carisbrook-Castle in the
Isle of Wight.
Kesteven, a part of Lincolnshire.
Kimbolton-Castle in Huntingtonshire.

Rrrr

L. Lacto-

Loghor,

Logii,

A River

ganshire.

which is the

Mauditi castrum,

Camalodunum,

Mealdunum &

Meandari,

Western Limit of Glamor-

People who inhabited

from Mount Grampius to

the German Ocean, hy

the Mertæ in Scotland.

Meat2

(bire.

wall.

Maldon in Essex.

St. Mawe's Castle in Corn-

People of part of Hantshire.

1	N A	O	T
Meatæ,	People of Nurthumberland	Neomagus vel	2 According to
Meanuari,	about the Wall. Meanborow, also Estmean and Westmean Hundreds	Noviomagus,	S LLhuid is Guil- ford, according to Talbat, Croydon, Sur-
Madeguaia flu.	in Hantshire. The River Medway in Kent.	·	Somner, Wood- cot about Croy-
Medena,	New-Port in the Isle of Wight.	Neoportus,	ford. Newport.
Mediolanium, Mediolanum,	Middleham in Torksbire. An old Town in Montgome-	Neoportus Paganellicus,	Newport Paganel in Buck- inghamshire.
	ryshire.	Nidum,	Neath in Glamorganshire.
Mediterranci, Angli,	} Staffordshire-men.	Nidus, Nigera,	Blackney in Norfolk.
Medvaga,	The River Medway in Kent. People of Silley.	Nivicollini,	Snowdon Hills in Carnar- vonshire.
Meldunum,	Malmesbury in Wiltshire.	Nordhumbra,	Northumberland.
Menavia,	The Ifle of Man.	Nordovolca,	& Norfolk.
Menevia, Mercia,	St. Davids in Wales. Middle England.	Norfolcia, Northanimbria,	Northumberland:
Mercii,	Middle Englishmen.	Northantonia.	Northampton.
Merionichia,	_	Northantonienfis ager,	Northamptonshire.
Mervinia,	Merionethsbire.	Northimbria,	Northumberland.
Merfia,	The River Mersey in Chesh. Marleborough,	Northumbria, Nortobricum,	-•
Merlebrigia, Metaris æftuarium,	The Washes in Norfolk.	Nordoricum,	& Norton-Hall in Torkshire.
Mevania,	The Isle of Man.	Nottinghamia,	Nottingham,
Michelnia,	Michelney in Somersetshire.	Nottinghamiensis ager,	Nottinghamshire,
Middleſexia, Mitfordia,	Middlesex. Milford in Northumber-	Novantum prom. Novantii,	Cockermouth. The Inhabitants of Galloway
Molis flu.	land. The Mole in Surrey.	Noviodunum,	in Scotland. Nen enden in Kent upon
Mona,	The Isle of Anglesey.		the Rother.
Monabia, 1	The Isle of Man, according to Pliny.	Novius, Novus Burgus,	Conwey. Newport in the Isle of
Monasterium de Bello,	Battell Abbey.	N 0 11	Wight.
Monasterium de Melsa,		Novum castellum,	New-Castle in Northumber-
Monmuthia, Monochapolis.	Monmouth. New-Castle in Northumber- land.	Novum forum, Novum mercatum,	land. New-Market in Suffolk.
Monoeda,	The Isle of Man, according to Ptolomy.	Novus portus, Nubiria,	New-Port. Newberry in Berk shire.
Mons acutus,	Montacute in Somerset-	Nulla ejulmodi. Nulli par,	Nonsuch in Surrey.
Mons dives,	Richmond in Surrey.	Nulli secunda,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Mons Gomericus, Montgomeria,			о.
Mons Michaelis.	St. Michaels-Mount in Corn- wall.	Ceanus virgivus,	The Virgivian or Western
Mons rofarum,	Montrose in Scotland.	U	Ocean.
Monumetha, Monumethia,	3 Monmouth.	Occidentales Britones,	Western Britains, or Inhabi- tants of Cornwall.
Morbium, Moricamba,	Morsby in Cumberland. The Bay of Cardronack in	Occidua wallia, Occellum prom.	Cornwall. Holdernesse, also Kelnesy in
Moricambe æstuarium,	S Cumberland.	Ockhamptonia,	York Shire.
Moridunum, vel: Ridunum,	Seaton in Devonsbire.	Ocrinum, prom.	Ockhampton in Dewonshire. The Lizard Point in Corn-
Mortuus Lacus, Muridunum, /ee	Mortlake in Surrey. Earmarthen.	Octopitarum prom.	wall. St. David's Head in Pem-
Maridunum, Munus,	· · · · · · · · · · · · · · · · · · ·	Olenacum,	brokeshire in Wales. Edenborow in Cumberland.
, , , , , , , , , , , , , , , , , , ,	The River Munow that parts Herefordshire from Monmouthshire.	Olicana,	Ilkely, also Hallifax, both in Forkshire.
Murimintum, pro Murivindum,	Silcester in Hantshire.		People of North-Wales.
-	N.	Oreftii,	Inhabitants of Argile and Perth in Scotland.
TAuesbia.		Orrea,	A Town on the North of the River Tay in Scotland.
	shire.	Orus flu.	The River Ore in Suffolk.
Nauricus finus,	Reather or Rotherhith, vul- garly called Redriff.	Ofca flu. Othona,	The River Uske in Wales. Ithancester in Essex.
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R U

Ottadeni. Ottadini, Ottalini, Ottatini Ottaford4 Ovinia infula, Oxenforda. Oxonia, Oxonium, Oxinaga. Oza,

Otford in Kent. The Isle of Sheppey in Kent.

Oxford City.

Oxney Isle in Kent. The River Oule.

P.

PAlus falfa, Parathalassia, Pegelandia,

Penbrochia, Pendinas,

Penguernum, Penlinnia,

Pennocrucium, Pennorinum, Pente flu-Perscora, Perfora, Peterillus, Peterus flu. Petriburgus, Petropolis, Peruaria vel Petuaria Parisiorum, Pevensca, Pictavia, Picti,

Placentia,

Plinlimonia,

Pontes.

Pons Burgensis, Ad Pontem, Pons Ælii,

Pontus flu-

Portesmutha, Portlandia, Portunia infula, Portus magnus, Portus oftium, Portus salutis, Powifia, Præsidium, Prætorium, Procolitia, Protolitia, Profundum vadum, Putenega,

People of Northumberland.

Pulcheleyin Carnarvonshire. Walfingham in Norfolk. People of Holdernesse.

Peckirke not far from

Crowland. Pembroke in Wales. Pedennys-Castle in Corn-

wall. Sbrewsbury-Town.

place in Merioneth-A shire, where is the Lake Tagit, whence rises the River Dec.

Penkridge in Staffordshire. Penrin in Cormwall. The River Pant in Essex.

Persbore in Worcestershire.

The Peterill in Cumberland Peterborow City in Nor-

thamptonshire.

Beverly in Yorkshire.

·Pevensey in Suffex. The Country of the Picts. The Picts, a People of Bri-

The Royal Palace at Greenwich.

A high Mountain in Wales whence Severn, Wye, and Rydol, take their rise. Reading in Berkshire, also Colebrook in Buckingbam-

shire. Burrowbridge in Tork shire. Panton in Lincolnshire.

Pont-Eland in Northumber land. The Pont in Northumber

land. Portesmouth in Hantshire.

≸ Portland Isle.

Portsmouth or Portchester. Cromarty. Powys, a part of Wales. Warwick Town.

Patrington in Yorksbire. Prudhow, or Prodhow Caftle in Northumberland. Deptford.

Putney in Surrey.

R.

R Adnoria,

Raga, Ragæ, Raganeia, Ramesburia,

Ratæ. Ratæ stabius flu.

Readingum. Regiodunum, Hullinum, Regiodunum Thamesi-

num, Regis Burgus, Regni,

Regni Sylva, Regulbium, Repandunum, Rhedus flu.

Rhemnius,

Rhibellus flu. Ritubi portus, Rhutubi portus, Rhutupiæ statio, Rhitupis portus, Rutupius portus, Rhobogdium prom-Rebodunum, Richmundia, Richmondia, Ripadium, Ripodum, Robertinus pons, Rodecotanus pons,

Roibis Roffa. Roifiæ oppidum, Roffia,

Rugnitunia Ruitonia, Rutunia, Ruber clivus,

Rupis aurea,

Ruthunia, Rutlandia. Rucunium, Rutupiæ,

Rutupirum littus.

Radnor in Radnorshire.

Ratiford or Ratford.

Ralegh in Effex. Ramesbury in Wiltskire. Leicester Town. The Taffe in Glamorgan

thire. Reading in Berk (bire.

Z Kingston upon Hull in Torkshire.

Kingston upon Thames.

Queenborow in Kent. People of Surrey, Suffex, and the Sea Coasts of Hantshire. Ringwood in Hampfbire. Reculver in Kent. Repton in Derbyfbire. The Read in Northumberland.

The River Remny in Glamorganshire. The Ribell in Lancaster.

Reptacester, Ruptimuth Richberg, now Richboron Ruptimusb near Sandwich in Kent.

Fair foreland, Riblechester in Lancasbire. Richmund in Tarkshire, also the same in Surrey. Reppon in Derbysbire. Rippon in York sbire. Rother-Bridge in Suffex. Radcot-Bridge on the River Isis in Oxfordsbire.

Exchester City in Kent.

Royston in Cambridgesbire. Rosse-land in Cornwall, and Rose in Pembrokesbire.

Riton upon Dunsmore in Warwick shire.

Redcliffe near London, vulgarly Ratcliffe. Goldcliffe in Monmouthfire. Ruthin in Denbighshire. Rutlandshire. Rowton in Shrepshire. Richborow near Sandwich in Kent The Foreland in Kent.

S. Sabaudia,

\$	L		ΤΑ
	_	Snawdonia,	Snowdown Forest in Car- narvonsbire.
		Somericunum, Somericunis comita-	Somerton in Lincolnshire.
SAbaudia,	The Savoy in London:	Somertunenfis comita-	Somersetsbire.
Sabriana vel	2 - i	Sorbiodunum,	5
Sabrina,	₹ The River Severn.	Sorviodunum,	Cold Salubury.
Sabulovocum;	Sandwich in Kent.	Sorurodunum,)
Sacra infula,	Holy Isle by Northumber- land.	Southamptonia, Southeria,	Southampton.
Sacra fylva,	Halifax in Yorksbire.	Surria,	§ The County of Surrey.
Salenæ,	Saludy in Bedfordshire.	Southerlandia,	Southerland in Scotlandi
Salinæ,	3	Southria,	& Surrey.
Salisburria; Sarisburia,	Saliebury City in Wiltshire.	Southriana, Southregienles,	People of Surrey.
Salopesbiria,	ž	Southfexena,	
Salopia,	§ Shrewsbury.	Southfexia,	Z The County of Sussex.
Salopiz comitatus,	Shropshire.	Southwella,	Southwell in Nottingham-
Saltria,	Sawtry in Huntingtonshire.		spire.
Sandicum,	7	Spinarum infula,	Thorney Isle the old Name
Sandovicus,	Sandwich in Keht.	يديد الم	of Westminster.
Sanwicum,	Garnsey Island:	Spinæ,	Newberry in Berkshire, and
Sarnia, Saverna,	The Severn.	Staffordia,	Spiney near Newbury.
Sceptonia,	· Shaftsbury in Dorfetshire.	Stanfordia,	Stafford Town. Stanford in Lincolnshire.
Schelfega,	Chelsey by London.	Stenum,	Stene in Northamptonshire.
Schirburnia;	Shirburn in Dorsetshire.	Stourns,	The River Stour in Kent,
Scona,	Scone in Scotland.		in Dorsetshire, in Suf-
Scoti,	Scots.	l	folk.
Scotia,	Scotland.	Stringulia,	Chepstow in Monnouth-
Scorberia,	Shrewsbury Town.	Strivillina.	sbire.
Scorbesberia, Sebafta, altera,		Strivillina, Stuccia vel	Sterling in Scotand.
Legio,	} Liskard in Cornwall.	Stuccia vei Stucia flu.	§ Islwith in Cardiganshire.
Secandumum,	Seckington in Warwick- fbire.		Stourton and Stourminfter. in Dorfetsbire.
Segedunum,	Segbill in Northumberland.	Scurus flu.	The Stoure in Derbyshire.
Segelocum,	Aulers in Shirwood in Not-	Sulcaiva flu:	The Swale in Yorkshire.
Segelogum,	finghamshire.	Sudoverca,	Southwark.
	Agle in Lincolnshire.	Suffolcia,	Z Suffolk.
•	Littleborow in Nottingham-		Brockley-Hill near Ellestre
<u> </u>	shire.	Sullomacæ,	in Hartfordshire, also Bar-
Segontium,	Cuer-sejont near Carnarvon-		net or Edgworth Shelney. Sunning by Reading.
Seguntium,	Silchefter in Hantshire	Sunningum,	Sumung by Reading. Salmey Isle not far from
Selburgi tumulus,	Selbury Hill in Wiltshire.	Salimnos infula,	Milford Haven.
Scolefia.	Seolfey or Selfey in Suffex whence the best Cockles.	• •	**************************************
Setantiorum Palus,	Winander Meere in Lanca- shire.	1	Ť.
Seteia æstuar.	Dee-mouth.	•	1.
Severia,	Saliebury City.	_	•
Sharpernoria,	Sharpnore in the Isle of Wight.	Affus flu.	The Taffe in Glamorgan- shire.
Shenum,	Shene or Richmond in Sur rey.	Taizalos & Vernicones	
Sigdeles, Sillinæ infulæ,	The Isles of Scilly.	Tama flu.	The River Tame in Oxford-
Silefia,	Seolsey or Selsey in Sussex		fire, another in Scafford- fire.
,	sometime a Bishop's See	Tama oppid.	Tame, a Town in Oxford-
Silura,	The little Isle of Silley i Severn, as Cambde	in	fbire. The River Tamas in Corn-
	thinks.	I anula iiu,	wall.
Silures,	People of South-Wales.	Tamawordina,	Tamporth in Stafford-
Si n nodunum,	Sinnodun-Hill near Walling	3-	shire.
<u> </u>	ford in Berksbire.	Tamara oppid.	Tamarton in Cornwall.
Sittomagus, Simomagus,	Thesend in No. falls	Tamifis,	The Thames.
Sinomagus,	Thetford in Norfolk.	Tanfelda,	Tanfield in Torksbire.
Slepa,	The old Name of St. Ives	Tava,	The River Tay in Scot- land.
1 ''	Huntingtonshire.	Tavistokia,	Tavestock in Devonshire.

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V	<u>A</u> ·		U N
Tedfordia,	Thetford in Norfolk,	Vallum,	The Pi&s Wall.
Teefis &	The River Tees in the Bi-	Vandalis flu-	The River Wandle in Sur-
Teefa,	5 Shoprick of Durham. The Lake Tagic or Pemble	Vandelbiria,	Wandlesbury, a Fort on the
Tegæus Lacus,	Meere in Merionethshire	Valletcion ia,	Hills near Cambridge.
	in Wales.	Vanatinga,	Wantage in Berkshire.
Terentus flu.	The River Trent.	Varia flu.	The Frome at Dorchester
Tetocuria, Thamifis,	Tedbury in Gloucestershire. The River of Thames.	Varis,	in Dorsetshire. Boduary in Flintsbire.
Thanaton Sinfula,	a	Vecta,	7
,	\$ The Isle of Tanet in Kent.	Vectefis,	The Isle of Wight.
Theobaldenies ædes,	Theobalds House in Hertford- shire.	Victefis, Fenantodunia,	J Huntingtonshire.
Theodorumum,	Wells in Somersetshire.	Venantodunum,	
Theoci curia,	Wells in Somersetshire. Tewskbury in Gloucester- Shire.	Venatorum mons,	Huntington Town.
Theokesberia,	5 Shire.	Venedotia,	North Wales.
Thermæ, Theta,	The Bath City. The River on which Thet-	Venta Belgarum, Venta Icenorum,	Winchester in Hantshire. Caster near Norwich.
Tricus,	ford stands.	Venta filurum,	Caste-went in Monmouth-
Thongum,	Thong-Castle in Lincoln-	,	sbire.
Thomadness	fhire. Taunton in Somerfetshire.	Verlucio,	Warmister in Wiltsbire.
Thonodunum, Thornega,	Thornege, the old Name of	Vernemetum, Vernometum,	Burrow-Hill in Leicester-
1	Westminster.	Verometum,	} shire.
Thorneia,	Thorney in Cambridgeshire.	Verolamium,	Werulam City near Sc. Al-
Tichfelda, Tina &	Tichfield in Hantshire.	Virolamium, Verulamium,	Sans in Hertfordshire.
Tinna,	3 The River Tine in Nor- thumberland.	Verovicum,	Warwick Town.
Tindolana,	Winchester in the Wall.	Veteleganus pons,	Wheatly-Bridge near Ox-
Tinemutha,	Tinmouth in Northumber-	1	ford.
Tintagium,	-land. Tintagell in Cormwall.	Verteræ,	Burgh upon Stanemore in Westmerland.
Tiliapis,	•	Vertilingiana via,	Watling-street way.
Toliaris,	The Isle of Shepey in Kent.	Vexala,	Juellmouth in Somerset-
Torcestria,	Towcester in Northampton- (hire.	Vicus Malbanus,	Shire.
Totonefium,	Totnesse in Devonshire.	Vicus faxeus,	Namptwich in Chefhire. Standrop in the Bishoprick
Trehenta,	The River Trent.	1	of Durham.
Trenovancum,	London.	Vigornia,	Worcester City.
Treaca, Trimontium,	The River Trent. Atterith, a Town in Scot-	Villa Faustini,	St. Edmundsbury in Suf- folk.
Tranoucian,	land.	Vilugiana provincia,	Wiltsbire.
Trinoantes,	2 People of Middlesex and	Vinchelsega,	Winchelsey in Sussex.
Trinobantes,	S Effex.	vinuagora,	→
Trinovantes, Tripontium.	Towcester in Northampton-	Vindelis, Vindelifora,	Old Winchelsey. Windsor in Borksbire.
1	shire.	Vindobala,	Windsor in Borksbire. Walls-end in Northumber- Land.
Trisantona,	The River Tese that runs into Southampton-Bay.		
	mre Southampton-Day.	Vindogladia, Vindugladia,	Wimburne in Dorsetsbire.
Trifanton,	3 Southampton.	Vindolana,	Old Winchester in Northum
Trisantonis portus,)	j '	berland.
Tuesis, Tuhnocellum,	Berwick upon Tweed. Tinmonth in Northumber.	Vindonum, Vindonus,	3 Silceastre in Hantshire.
Tunocellum,	3 land.	Vinduglessus,	Vandeles in the Bishoprick
Turobius,	The River Teivi in Wales.		of Durham
		Virecium,	Wroxcester in Shropshire.
		Virecium, Viridis finus,	Greenwich.
1,	v.	Virosidum,	Werewic upon Eden near Car
	**		liste in Cumberland.
		Vitrea infula,	Glastonbury in Somerset
7 7 Adum pulcheum,	Fairford in Gloucester	Vituli infula,	Selsey.
1 V	(hire.	Ulmetum,	Elmesty in York shire.
Vagu flu.	The River Wye in Here fordshire.	Umber flu.	The River Humber in York
Vagniacæ,	Wrotham in Kent.	Valdia,	Cotswold in Gloucestershire.
Vagniacum,	Maidstone in Kent.	Voliba,	Bodman.
Vallis aurea,	Golden Vale in Hereford	- Voluba, Volucrum domus,	Falmouth in Cornwall. Pulham in Middlesex.
Vallis crucis,	fhire. The Vale of the Cross in Den		Old Perith in Cumberland.
1	bighshire.	Univallis,	Jornal in Yorkshire.
1		1	Ufoconna

WE G A The Isle of Wight, according to W. Malmesbury. Wickham in Buckingham-Wetha, Okenyate in Sbropsbire. Uloconna, Uxela, Crekehorne-well. Lestythiell in Cornwall. Wichcombia, Uzella, Uzela æstuarium, shire. Wich in Worcestershire. Juel-mouth in Somerset-Wichum, fbire. Worcestershire. Worcester City. Wiltshire. Wiccia, Wigornia, Wiltonia, Wimundhamia, w. Wimundham in Norfolk. Winburne in Dorsetshire. Winchcombe in Gloucester-Winburna, Wincelcumba, Waldena, Wakefield in Yorkshire. Winchelcumba. shire. Saffron-Walden in Effex. Wallia, Windefora, Wales. Windsor in Berkshire. Windlesora, The Town of Ware in Hert-Wara, Windesoria, fordshire. Wittlesey in Huntingtonshire. Witlesia, Warwicana pro-🗲 Warwick shire. vincia, Warwici Comitat, Y. Webly Town in Hertford-Wiableia, shire. Wells City in Somersetshire. Winchester City. Y Arum, Garienis, Tare in Torkshire. Wellæ, Wentana civitas, Tare River in Norfolk. Westbury near Bristol. Garienus, Westberia, Yarmuthia, Westmaria, Westmerland. Jernmuthia, Garanonum, Westmoria, Westmorlandia, Tarmouth in Norfolk. Garienis oftium, Westminster City. Westmonasterium,

FINIS.



